



Rulemaking Archives

Compostable Materials, Transfer/Processing

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

- [Final Compostable Materials, Transfer/Processing Regulations](#), November 10, 2015. Final regulations approved by the Office of Administrative Law.
- [Addendum to the Final Statement of Reasons](#), November 10, 2015. Revisions to the Final Statement of Reasons submitted to the Office of Administrative Law.
- [Final Statement of Reasons](#), September 2015. Final Statement of Reasons submitted to the Office of Administrative Law.
- [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)
- [Revised Proposed Regulation, Additional 15-Day Comment Period](#), June 2015: Proposed regulatory text that incorporates changes in response to comments received.
- [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

[presentation](#) for more information.

- 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. See the [presentation](#) for more information.
- Informal Workshop on November 16, 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.
- 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.

• 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. No text changes. Red font color indicating differences between second and third drafts removed.
 - [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.

 - [Consolidated Draft Regulation Text--Second Draft](#), September 16, 2013. Revisions to February 28, 2013 draft text based on comments received.
 - [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)



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

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

State of California

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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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 *et seq.*, and the State CEQA Guidelines, Title 14, California Code of Regulations (CCR) §15000 *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 | 10. Land Use and Planning |
| 2. Agricultural Resources | 11. Mineral Resources |
| 3. Air Quality | 12. Noise |
| 4. Biological Resources | 13. Population and Housing |
| 5. Cultural Resources | 14. Public Services |
| 6. Geology and Soils | 15. Recreation |
| 7. Greenhouse Gas Emissions | 16. Transportation/Traffic |
| 8. Hazards and Hazardous Materials | 17. Utilities and Service Systems |
| 9. Hydrology and Water Quality | 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.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> 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:

Issues:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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 or facilities or in-vessel digestion operations or 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 particular design or operational parameters that would cause aesthetic impacts.</p> <p>Explanation: In response to a): The proposed project would have no impact on scenic vistas.</p> <p>In response to b): The proposed project would have no impact on scenic resources.</p> <p>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.</p> <p>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.</p>				

II. AGRICULTURE AND FORESTRY RESOURCES				
<p>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:</p>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

e) Create objectionable odors affecting a substantial number of people?

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 air quality impacts other than those indirect effects described below.

Explanation:

In response to a):

The proposed project would have no impact on the implementation of the applicable air quality plan.

In response to b):

This project will have a less-than-significant impact on air quality. For example, 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 air emissions. As a result, any determination of the level of these indirect effects would be entirely speculative. Nevertheless, according to the information available to CalRecycle, equipment operation time is not expected to be lengthy or frequent enough to cause significant air quality impacts. Particular equipment choices for individual compostable material handling operations and facilities in in-vessel digestion operations and facilities 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 c):

The proposed project would have no impact that would 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.

In response to d):

The proposed project would have no impact that will expose sensitive receptors to substantial pollutant concentrations. The in-vessel digestion portion of the regulations require operators to take adequate measures to prevent the uncontrolled release of biogas.

In response to e):

The proposed project would have no impact that will create objectionable odors affecting a substantial number of people. The regulation's odor best management practices feasibility report will lead to the reduction of odor issues at compostable material handling operations and facilities and in-vessel operations and facilities. The odor best management practices feasibility report requires an owner/operator of a composting operation or facility or an in-vessel digestion operation and facility to identify odor sources contributing to odor impacts and best management practices for minimizing odors.

IV. BIOLOGICAL RESOURCES

Would the project:

a) 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?

b) 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 US Fish and Wildlife Service?

c) 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?

d) 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?

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?

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 cultural impacts.

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: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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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 landfilling 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

purpose of reducing the emissions of greenhouse gases.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 hydrology and water quality impacts.

Explanation:

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 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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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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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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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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
General Comments							
	115A01	Self	Kathleen	Housel	Add definition for Odor and it should read: "Odor" A Smell, Scent, or Aroma detectable by any number of persons.		
	115A02	Self	Kathleen	Housel	Amend proposed definition for "Nuisance": 12) "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 at the same time 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.		
	115C01	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.		
	115C02	Los Angeles County Solid Waste Management Committee	Margaret	Clark	...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).		
	115K02	INIKA	Jessica	Toth	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.		
	1151A02		Tyla	Montgomery			
	115K05	INIKA	Jessica	Toth	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.		
	1151A05		Tyla	Montgomery			
	115L01	Synagro	Layne	Baroldi	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).		
	115S03	Almond Hullers & Processors Association	Kelly	Covello	For clarity purposes on a go forward basis, Almond Hullers & Processors Association would appreciate the Department addressing the non-regulation of rocks and soil in the rulemaking's final statement of reasons.		

CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
	115Y01	Burke, Williams, & Sorensen, LLP	Timothy	Colvig	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.		
	115Y02	Burke, Williams, & Sorensen, LLP	Timothy	Colvig	Remove the word "public" before "nuisance" in Sections 17863.4 and 17896.31		
	1151B05	Wester Agricultural Processors Association	Chris	McGlothlin	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.		
	115T02	County of Solano	Jagjinder	Sahota	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.		
§17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.							
(d)(2)	115O01	County of San Diego Department of Environmental Health	Karilyn	Merlos	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.		
§17852. Definitions.							
	115G05	Santa Barbara County Environmental Health Services	Lisa	Sloan	Is there a public health and safety or permitting reason behind the fact that green materials does not include animal manure in the definition?		
	115I03	Waste Less Living	Christine	Lenches-Hinkel	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."		
	115I05	Waste Less Living	Christine	Lenches-Hinkel	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.		
	115I08	Waste Less Living	Christine	Lenches-Hinkel	Please consider the inclusion of the following terms and suggested definitions: "organic" – any material of, relating to, or derived from living matter.		
	115L02	Synagro	Layne	Baroldi	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		

CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
					digesters that digestate is being considered “compost”. There is a definition for “digestate” that should be used throughout the digester section of this proposed rule instead of “compost”. These products are not interchangeable nor the same. Synagro proposed that CalRecycle include in Section 17852 the following definition of “Stabilized Compost”: “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.”		
	115M01	Self	Jim	Mortensen	I believe the definition (Agricultural By-Product Material) should be amended to include material generated or separated in the field.		
	115X04	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	...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.		
	1151N07	Waste Management	Chuck	White			
	1151C07	County of Ventura Resource Management Agency	Charles	Genkel	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.		
	1151H01	Humboldt State University	Galen	O’Toole	Recommend adding in: “ <u>Black Soldier Fly Composting</u> ” means an activity producing stabilized compost or stabilized compost leachates using the activity of black soldier fly (<i>hermetia illucens</i>) 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.”		
	1151K01	Local Worm Guy Worm Farm	Lloyd L.	Barker, IV			
	1151M03	Recology	Erin	Merrill	...the proposed regulations do not include a definition of “chipped and ground material.”		
(a)(4.5)	115S01	Almond Hullers & Processors Association	Kelly	Covello	We are supportive of the Department’s proposed definition.		
(a)(4.5) (a)(24.5)(B)(4)	115U01	Stanislaus County Food Processing By-Products Re-Use Committee	Martin	Reyes	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.		

CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
(a)(4.5)	1151B01	Wester Agricultural Processors Association	Chris	McGlothlin	Wester Agricultural Processors Association appreciates the inclusion of sticks, leaves, hulls and shells in the "Agricultural By-Product Material" section of the revised draft.		
(a)(4.5)	1151B03	Wester Agricultural Processors Association	Chris	McGlothlin	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.		
(a)(4.5)	1151C01	County of Ventura Resource Management Agency	Charles	Genkel	The term "Agricultural By-Product Material" conflicts with the definition of "agricultural material" and "food material" 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.		
(a)(4.5)	115V01	ROLL global	Melissa	Poole	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 the these 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.		
(a)(5)	115S02	Almond Hullers & Processors Association	Kelly	Covello	<p><u>"Agricultural Material" 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 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 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 "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.</u></p>		
(a)(10)	1151C02	County of Ventura Resource Management Agency	Charles	Genkel	Change the definition to read as follows: "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not produce <u>active</u> compost, that mechanically reduces the size ... "		
(a)(11)	115I06	Waste Less Living	Christine	Lenches-Hinkel	Please consider the inclusion of the following terms and suggested definitions:		

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					“compostable material” – any organic material and/or bio-product meeting the ASTM D6400 standard for compostability and capable of biodegrading and ultimately disintegrating into carbon dioxide, water, inorganic compounds and biomass (aka soil) at a rate similar to paper and which contains no toxic residue. The original organic material being processed is indistinguishable after composting and is an input to making compost.		
(a)(11)	115V02	ROLL global	Melissa	Poole	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 "compostable materials" under section 17852(a)(11).		
(a)(12)	115C03	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed expansion of “compostable materials handling operation or facility” definition to include “vegetative food material composting facilities” 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 “compostable materials handling operation or facility” definition and does not incorporate any future addition and/or deletion. This issue needs to be addressed prior to promulgation of the proposed regulations.		
(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.		
(a)(13.5) Also: §17868.2	115P01 1151I01	CR&R Environmental Services	Clarke Paul	Pauley Relis	Recommend changing definition of digestate to say means the solid and/or liquid <u>product</u> remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a).		
(a)(18)	1151L01	Rancho Los Encinitos 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.		

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(a)(19)	115H01	City of San Diego Local Enforcement Agency	William E.	Prinz	Please consider including digestate in the definition of "Feedstock": §17852. Definitions. (a) For the purposes of this Chapter: (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 , mixed solid waste material and digestate . Feedstocks shall not be considered as either additives or amendments.		
(a)(20)	115I01	Waste Less Living	Christine	Lenches-Hinkel	Remove any reference of "waste" to "food" 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.		
(a)(20)	1151C03	County of Ventura Resource Management Agency	Charles	Genkel	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 of percent physical contaminants by dry weight, and meets the requirements of section 17868.5."		
(a)(21)	1151S01	California Cotton Ginners and Growers Association	Chris	McGlothlin	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.		
(a)(21)	1151M01	Recology	Erin	Merrill	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.		
(a)(24)	115L04	Synagro	Layne	Baroldi	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, <u>chipped wood</u> , and stabilized compost.		
(a)(24.5)	115L05	Synagro	Layne	Baroldi	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 "Compostable Material" as "any organic material that when accumulated will become active compost as defined in section 17852(a)(1)." 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		

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					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".		
(a)(24.5)	115L06	Synagro	Layne	Baroldi	...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.		
(a)(24.5)	1151F01	California Compost Coalition	Neil	Edgar	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.		
(a)(24.5)(A) Also: §17868.2 §17868.3(b)(1)	115B02	California League of Food Processors	Rob	Neenan	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.		
(a)(24.5)(A)	115E01	County of Sacramento Environmental Management Department	Lea	Gibson	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.		
(a)(24.5)(A)	115E02	County of Sacramento Environmental Management Department	Lea	Gibson	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.		
(a)(24.5)(A)	115W03	Integrated Waste Management Consulting	Matthew	Cotton	I think you mean "than" not "that".		
(a)(24.5)(A)	115W04	Integrated Waste Management Consulting	Matthew	Cotton	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		

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					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?		
(a)(24.5)(A)	115W05	Integrated Waste Management Consulting	Matthew	Cotton	Page 10, line 29 (I): I must reiterate that the point of compliance should be at the point of production (as it is for any permitted compost facility), not "at the time of land application". 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 "at the time of application" 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.		
(a)(24.5)(A)	1151C04	County of Ventura Resource Management Agency	Charles	Genkel	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.		
(a)(24.5)(A)	1151M02	Recology	Erin	Merrill	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.		
(a)(24.5)(A)(1) Also: §17868.1	115P02 1151I02	CR&R Environmental Services	Clarke Paul	Pauley Relis	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.		
(a)(24.5)(A)	1151D01	Californians Against Waste	Nick	Lapis	Regarding direct land ap/chip& 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.		
	1151D03				Chip-and-grind facilities should report where they receive material from and where they take it to.		
	1151D04				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		

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					that contaminants account for a significantly greater percentage of fully degraded material than they do of the incoming material, and that the concentrations of contaminants will increase after material is directly land-applied. We recommend a standard for uncomposted material that is no more than half of the standard for finished compost.		
(a)(24.5)(A)4	115E03	County of Sacramento Environmental Management Department	Lea	Gibson	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.		
(a)(24.5)(A)4	1151C05	County of Ventura Resource Management Agency	Charles	Genkel	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.		
(a)(24.5)(A)4	1151F05	California Compost Coalition	Neil	Edgar	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.		
(a)(24.5)(A)4.a.	1151B02	Wester Agricultural Processors Association	Chris	McGlothlin	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.		
(a)(24.5)(A)4.a.	115X03	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	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.		
	1151N09	Waste Management	Chuck	White			
(a)(24.5)(A)4.b.	1151C06	County of Ventura Resource Management Agency	Charles	Genkel	Land application should be limited to once per year. Modify the following sentence to read, "The EA, in consultation <u>may consult</u> 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 <u>to</u> determine that the alternative will not adversely affect public health and safety or the environment. <u>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.</u> "		

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(a)(24.5)(A)(5)	1151F02	California Compost Coalition	Neil	Edgar	...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.		
(a)(24.5)(B)	115B04	California League of Food Processors	Rob	Neenan	...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.		
(a)(24.5)(B)4	115B01	California League of Food Processors	Rob	Neenan	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.		
(a)(24.5)(B)4	1151B04	Wester Agricultural Processors Association	Chris	McGlothlin	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.		
(a)(26)	115C04	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The existing definition refers to “non-organics” and “plastics” (emphasis added). As previously indicated, 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.” (Title 14 of the CCR, Division 7).		
(a)(26)	115N01	OWS, Inc.	Norma	McDonald	We strongly urge this definition be modified to state "(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 separated or contains <u>15.0%</u> or more physical contaminants by weight is mixed solid waste."		
(a)(27.5)(A) (a)(2.75)(B)	115C05	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Based on the proposed definition, “nuisance” may be anything that is injurious to human health and affects at the same time an “entire community” (emphasis added). Please expand the definition to specifically define the term “entire community” and factors considered to define the term. For cases such as surface and ground water contamination or “odor” what criteria are to be used to establish the boundaries of the entire affected community?		
(a)(27.5)(A) (a)(2.75)(B)	115C06	Los Angeles County Solid Waste Management Committee	Margaret	Clark	It is strongly recommended the proposed definition be revised by deleting Subparagraph “B” and deleting the word “and” at the end of the Subparagraph “A.”		
(a)(38.5)	115W01	Integrated Waste Management Consulting	Matthew	Cotton	I am not aware of any food-containing material that doesn't meet the new "Agricultural by-Product Material", 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		

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					facilities to accept food scraps. This definition, which I believe is trying to accomplish this, is so restrictive that it does not serve this purpose (or any purpose I can conceive of). Can the Department provide a practical example of a feedstock routinely generated in CA that meets this definition?		
(a)(38.5)	115W02	Integrated Waste Management Consulting	Matthew	Cotton	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 "food material" (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.		
§17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.							
	115C07	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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."		
	1151L02	Rancho Los Encinitos Consulting	Gene	Ybarra	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.		
§17855. Excluded Activities.							
	115I02	Waste Less Living	Christine	Lenches-Hinkel	Include small to medium in-vessel composting systems as an Excluded Activity that can process between <1 cy to 20 cy of organic material a day , an amount that is significantly below the notification threshold of 5,000 cy.		
	115V03	ROLL global	Melissa	Poole	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.		
	1151S02	California Cotton Ginners and Growers Association	Chris	McGlothlin	The California Cotton Ginners and Growers Association respectfully seek a full exemption from being included in future composting regulation.		
(a)	1151H02	Humboldt State University	Galen	O'Toole	Proposed additions:		

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	1151K02	Local Worm Guy Worm Farm	Lloyd L.	Barker, IV	<p><u>“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:</u></p> <p><u>(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;</u></p> <p><u>(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.”</u></p>		
(a)(1)	115F01	Dairy Cares	J.P.	Cativiela	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 <u>unlimited amount</u> of compost product derived from such agricultural materials may be given away or sold annually.”		
(a)(1)	115V04	ROLL global	Melissa	Poole	Section 17855(a)(1)- An activity is excluded if it handles agricultural material <u>or agricultural by-product material</u> , derived from an agricultural or <u>agricultural processing</u> site, and returns a similar amount of the material produced to that same agricultural <u>or agricultural processing</u> site, or an agricultural or agricultural processing site owned or leased by the owner, parent, or subsidiary of the com posting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.		
(a)(1)	1151J01	Agriculture Council of California	Emily	Rooney	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.”		
(a)(5)	115D01	Del Monte Foods, Inc.	Timothy P.	Ruby	<p>...expand to list the following activities as excluded activities for compostable materials handling permitting if:</p> <p><u>(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</u></p> <p><u>(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.</u></p>		
(a)(5)(E)	115V05	ROLL global	Melissa	Poole	Section 17855(a)(5)(E) - The activity is part of an agricultural <u>or agricultural processing</u> operation and is used to temporarily store or process agricultural material <u>or agricultural by-product material</u> not used in the production of compost or mulch.		
(a)(5)(G)	115V06	ROLL global	Melissa	Poole	Section 17855(a)(5)(G)-The activity is part of an agricultural or <u>agricultural processing</u> operation used to chip and grind agricultural material <u>or agricultural by-product</u> material produced on lands owned or leased by the		

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					owner, parent, or subsidiary of the agricultural <u>or agricultural by-product</u> operation, for use in biomass conversion.		
(a)(5)(K)	115F02	Dairy Cares	J.P.	Cativiela	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).		
(a)(5)(K)	1151J02	Agriculture Council of California	Emily	Rooney	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 manuure as defined in Section17852(a)(25).”		
(a)(4)	115K01	INIKA	Jessica	Toth	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.		
	1151A01	INIKA	Tyla	Montgomery			
	115K03	INIKA	Jessica	Toth	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: <ul style="list-style-type: none"> • 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. 		
	1151A03	INIKA	Tyla	Montgomery			
	115K04	INIKA	Jessica	Toth	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.		
1151A04	INIKA	Tyla	Montgomery				
§17855.2. Prohibitions.							
(a)	115C08	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.		
(a)	1151G01	Baker Commodities Inc.	Doug	Smith	(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received, <u>unless regulated by the California Department of Food and Agriculture:</u>		

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					(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		
§17856. Agricultural Material Composting Operations.							
(a) Also: §17854	115P03 1151I03	CR&R Environmental Services	Clarke Paul	Pauley Relis	... <i>Recommend change to:</i> "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."		
(c)	115C09	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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).		
(d)(2)(B)	1151C08	County of Ventura Resource Management Agency	Charles	Genkel	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 <u>composting operation.</u> "		
(e)	115C10	Los Angeles County Solid Waste Management Committee	Margaret	Clark	...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."		
§17857.1. Green Material Composting Operations and Facilities.							
(b)(3)	115P04 1151I04	CR&R Environmental Services	Clarke Paul	Pauley Relis	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."		
(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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	115C12	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.		
	115T03	County of Solano	Jagjinder	Sahota	...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.		
§17862.1. Chipping and Grinding Operations and Facilities.							
	115G01	Santa Barbara County Environmental Health Services	Lisa	Sloan	Contaminant sampling requirements in §17862.1 for a chipping and grinding operation or facility should be left to the discretion of the LEA.		
	1151D02	Californians Against Waste	Nick	Lapis	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.		
	1151F03	California Compost Coalition	Neil	Edgar	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.		
(d)	1151F04	California Compost Coalition	Neil	Edgar	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.		
(a)	115V07	ROLL global	Melissa	Poole	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.		
(a) & (d)	1151C09	County of Ventura	Charles	Genkel	Reduce the volume to require a composite sample for every 1,000 cubic yards of chipped and ground material		

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	1151C10	Resource Management Agency			Strike the word "dry" in all subsections that refer to contamination by weight. Maintain the current contamination level at 0.1% by weight.		
(d)	115E04	County of Sacramento Environmental Management Department	Lea	Gibson	Require the Operator to provide the contamination sample results to the land owner(s) for any material intended for land application.		
(d) & (e)	115P05	CR&R Environmental Services	Clarke	Pauley	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.		
	1151I05		Paul	Relis			
(e)	115E05	County of Sacramento Environmental Management Department	Lea	Gibson	We recommend requiring the Chip & 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].		
(d)	1151E12	Association of Compost Producers	Dan	Noble	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.		
	1151N06	Waste Management	Chuck	White			
§17863.4. Odor Impact Minimization Plan							
(f)	115C13	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.		

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(f)	115Q01	Western Placer Waste Management Authority	Eric	Oddo	The Western Placer Waste Management Authority previously requested that this section be amended to say " ...the EA shall shall may direct the operator to prepare an Odor Best Management Feasibility Report ... ". 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.		
(f)	115X02	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	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.		
	1151N08	Waste Management	Chuck	White			
(f)(3)	115Q02	Western Placer Waste Management Authority	Eric	Oddo	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 <u>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.</u> 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.		
	115Q03	Western Placer Waste Management Authority	Eric	Oddo	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 <u>implementation of voluntary reports is not mandatory</u> 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.		
§ 17863.4.1. Odor Best Management Practice Feasibility Report							
	1151F06	California Compost Coalition	Neil	Edgar	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		

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					the case – we see no good reason why allowing 60 days for proper development and submittal of this report should be a problem.		
(d)	115Q03	Western Placer Waste Management Authority	Eric	Oddo	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.		
(c) (d)	115T04	County of Solano	Jagjinder	Sahota	This section needs clarification. Please explain what "consultation with CalRecycle" consists of.		
§ 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) Also: §17862 §17863	115P06 1151I06	CR&R Envrinmental Services	Clarke Paul	Pauley Relis	<p>We recommend the section be modified as follows, and then referenced back to throughout the document:</p> <p>(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 <u>be achieved by</u> taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:</p> <p>(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.</p> <p>(2) (as is)</p> <p>(3) (as is)</p> <p>(4) <u>The above verification sampling and testing shall occur prior to the point where compost is removed from the site, or beneficially used on-site. Sample Test results of verification samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.</u></p> <p>(c) (alternative methods- as is)</p> <p>(d) (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</p>		

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					and grind, and digestate materials. This guidance document could be updated from time to time as science and industry innovation informs us of new and efficient ways to sample and test these materials for desired results, both in the field and in the laboratory.]		
	115L08	Synagro	Layne	Baroldi	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.		
Also: §17868.2 §17868.3	115R01	California Association of Sanitation Agencies	Greg	Kester	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.”		
	1151E01	Association of Compost Producers	Dan	Noble	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&2).		
	1151N01	Waste Management	Chuck	White			
	1151E02	Association of Compost Producers	Dan	Noble	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)].		
	1151E06	Association of Compost Producers	Dan	Noble	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)		

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					Or 2) include "Chipping and Grinding Operations" in Article 7. Environmental Health Standards, § 17868.1. Sampling Requirements:		
	1151E07	Association of Compost Producers	Dan	Noble	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.		
	1151E10	Association of Compost Producers	Dan	Noble	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.		
	1151N04	Waste Management	Chuck	White			
	1151V01	Waste Management	Chuck	White	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.		
§17868.2. Maximum Metal Concentrations							
(a)	115P07	CR&R Environmental Services	Clarke	Pauley	...we recommend changing the language to: "...Test results of <u>verification</u> samples <u>collected at the minimum frequency described in § 17868.1</u> must be received by the operator prior to removing compost from the composting operation or facility where it was produced."		
	1151I07		Paul	Relis			
(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.		
	115R02	California Association of Sanitation Agencies	Greg	Kester			
(a)	115L09	Synagro	Layne	Baroldi	Synagro recommends changing the language to: "Sample results <u>collected at the frequency prescribed in section 17867.1(a)(1)</u> and must be available for review by EA at the composting site."		
§17868.3.1. Physical Contamination Limits.							

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	115B03	California League of Food Processors	Rob	Neenan	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.		
	115G02	Santa Barbara County Environmental Health Services	Lisa	Sloan	Contaminant sampling requirements in 17868.3.1 for a compostable material handling operation or facility should be left to the discretion of the LEA.		
	115P08	CR&R Environmental Services	Clarke	Pauley	...we recommend changing the operative date to January 1, 2020 .		
	1151I08		Paul	Relis			
	115Z01	County Sanitation Districts of Los Angeles County	Paul	Prestia	We appreciate Ca!Recycle'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.		
	115Z03	County Sanitation Districts of Los Angeles County	Paul	Prestia	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.		
	115Q04	Western Placer Waste Management Authority	Eric	Oddo	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 CaiRecycle 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.		
	1151C14	County of Ventura Resource Management Agency	Charles	Genkel	Strike the word "dry" in all subsections that refer to contamination by weight.		
	115T01	County of Solano	Jagjinder	Sahota	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.		

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	115X01	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	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.		
	1151N07	Waste Management	Chuck	White			
	1151E03	Association of Compost Producers	Dan	Noble	The section should read: "Any sampling conducted to comply with this section shall require a compost sample, as per §17868.1 (b)."		
	1151E08	Association of Compost Producers	Dan	Noble	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).		
	1151N02	Waste Management	Chuck	White			
	1151E09	Association of Compost Producers	Dan	Noble	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.		
	1151N03	Waste Management	Chuck	White			
(a)(b)(c)	115R03	California Association of Sanitation Agencies	Greg	Kester	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.		
(b)	115P09		Clarke	Pauley			

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	1151I09	CR&R Environmental Services	Paul	Relis	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.		
(b)	115L10	Synagro	Layne	Baroldi	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.		
(b)	115R04	California Association of Sanitation Agencies	Greg	Kester	We request that the monitoring frequency for this requirement be the same as for metals and pathogens as specified in sub 17868.1(a)(1 & 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.		
(b)	115Z02	County Sanitation Districts of Los Angeles County	Paul	Prestia	(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 <u>field</u> method that provides accurate results and has been approved by the EA. <u>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.</u>		
§17869. General Record Keeping Requirements.							
	115X06	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	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.		
	1151N12	Waste Management	Chuck	White			
§17896.1. Authority and Scope.							
(d)	115C15	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.”		
§17896.2. Definitions							

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Also: 17852(a)(41)	115107	Waste Less Living	Christine	Lenches-Hinkel	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		
(a)	115C16	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand this Subsection to provide definition for the processed mammalian tissue, flesh, organs, hide, blood, bones, and marrow.		
(a)	115P11	CR&R Environmental Services	Clarke	Pauley	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 yd ³ or 15 tpd)" Distribution center in-vessel digestion operations larger than this should be regulated under "Medium Volume" and "Large Volume" requirements.		
(a)(6), (a)(13)	115P10	CR&R Environmental Services	Clarke	Pauley	Recommend change the definition to: "Digestate means the solid and/or liquid residual <u>product</u> remaining after organic material has been processed in an in-vessel digester."		
	1151110		Paul	Relis			
(a)(9)	1151D05	Californians Against Waste	Nick	Lapis	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.		
(a)(12)	1151G02	Baker Commodities Inc.	Doug	Smith	Remove grocery stores in the definition.		
(a)(12)(A)	1151C15	County of Ventura Resource Management Agency	Charles	Genkel	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 of percent physical contaminants by dry weight, and meets the requirements of section 17868.5."		
(a)(15)	1151U03	San Luis Obispo County Integrated Waste Management Authority	William	Worrell	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.		
(a)(16)	1151U01	San Luis Obispo County Integrated	William	Worrell	The Integrated Waste Management Authority respectfully requests that the proposed definitions...		

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		Waste Management Authority			(16) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than 105 tons (or 420 cubicyards) 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).		
(a)(19)	1151U02	San Luis Obispo County Integrated Waste Management Authority	William	Worrell	The Integrated Waste Management Authority respectfully requests that the proposed definitions... (19) "Medium Volume In-vessel Digestion Facility" 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).		
(a)(20)	115C17	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please refer to the Specific Comment #2 for concerns and recommendations.		
(a)	115I04	Waste Less Living	Christine	Lenches-Hinkel	Please consider the inclusion of the following terms and suggested definitions: "putrescible waste" – "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.		
§17896.3. Pre-Existing Permits and Notifications.							
(a)	115L11	Synagro	Layne	Baroldi	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.		
§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.							
		FEED Resource Recovery	Ryan	Begin	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.		
	1151C11	County of Ventura Resource Management Agency	Charles	Genkel	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.		
§ 17896.6. Excluded Activities.							
(a)(1)	115J01	IEUA	Sylvie	Lee	We were pleased with the exclusion tier of anaerobic co-digestion material with POTW wastewater.		

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(a)(3)(B)	1151F07	California Compost Coalition	Neil	Edgar	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.		
(a)(3) Also: (a)(3)(B)	115P12 1151I12	CR&R Environmental Services	Clarke Paul	Pauley Relis	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?		
(a)(3)(A)	115X05 1151N11	California Refuse Recycling Council Waste Management	Kathryn Ralph Chuck	Lynch & Chandler White	...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.		
(a)(3)(B)	1151J03	Agriculture Council of California	Emily	Rooney	Delete Section §17896.6 (a)(3)(B) so as not to restrict the amount of material that could be given away or sold annually.		
(a)(3)(B)(5)	1151E11 1151N05	Assoc. of Compost Producers Waste Management	Dan Chuck	Noble White	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?		
	115P13		Clarke	Pauley			

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	1151I13	CR&R Environmental Services	Paul	Relis	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.		
(a)(6)	115R05	California Association of Sanitation Agencies	Greg	Kester	We request a change in this section to read as follows: "Other discrete handling activities that are already subject to <u>equally</u> stringent handling requirements under Federal or State law, as determined by <u>the Department in consultation with the EA and other state agencies as appropriate</u> , are excluded. <u>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).</u>		
(a)(6)	1151O02	East Bay Municipal Utility District	Donald	Gray	Other discrete handling activities that are already subject to more <u>equally</u> stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded. <u>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).</u>		
(a)(6)	115J02	IEUA	Sylvie	Lee	17896.6(aX6) "Other discrete handling activities that are already subject to <u>equally</u> stringent handling requirements under Federal or State law, as <u>determined</u> by the Department in consultation with the EA, are excluded. <u>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."</u>		
§ 17896.7. Prohibitions.							
(a)(3)	1151O01	East Bay Municipal Utility District	Donald	Gray	(3) from a source <u>and processed by a facility</u> approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, <u>on a case-by-case basis ."</u>		
§ 17896.8. Research In-Vessel Digestion Operations.							
	1151F08	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.		
§ 17896.19. Biogas Control.							
	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.							

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	115C18	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed requirements need to be expanded to prohibit any off-site drainage without a NPDES Permit.		
§17896.30. Odor Best Management Practice Feasibility Report.							
	115C19	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.		
§17896.31. Odor Minimization Plan.							
(f)	115P14	CR&R	Clarke	Pauley	Recommend change "shall direct" to "may direct."		
	1151114	Environmental Services	Paul	Relis			
§17896.45. Record Keeping Requirements.							
	115C20	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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."		
§17896.57. Digestate Handling.							
*Cited wrong section (§17896.56) (a)(2)(A)	1151Q01	JPB Consulting	Juliette	Bohn	Why limit on-site composting of digestate to large facilities only?		
(a)(3)(A) Also: (a)(2)(B) *Cited wrong section § 17896.45.	115P15 1151115	CR&R Environmental Services	Clarke Paul	Pauley Relis	Digestate is not solid waste, it is a waste derived soil product. Suggest: remove "solid waste" Suggest: "(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..." 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.		
§17896.58. Sampling Requirements.							
	115P16 1151116	CR&R Environmental Services	Clarke Paul	Pauley Relis	Recommend change to: "The sampling of compost <u>and digestate</u> 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		

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					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.”		
	1151E04	Association of Compost Producers	Dan	Noble	The section should read: “Any sampling conducted to comply with this section shall require a compost sample, as per §17868.1 (b).”		
§17896.59. Maximum Metal Concentrations.							
(a)	115P17	CR&R	Clarke	Pauley	Line 33, 43, and 44. Recommend, “Compost and Digestate”.		
Also:	1151I17	Environmental Services	Paul	Relis			
(a)(1)							
§17896.60. Pathogen Reduction.							
	115P18	CR&R Environmental Services	Clarke	Pauley	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. Line 8-51: Recommend, “Compost and Digestate” Line 13-15: Recommend: “ <u>Sample results collected at the frequency prescribed in section 17896.58(b)(1)</u> 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).” Line 17: Recommend: Recommend: “ <u>Sample results collected at the frequency prescribed in section 17896.58(b)(1)</u> 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).” Line 22: Recommend: “(2) at in-vessel digestion facilities using an enclosed or within-vessel digestion process, active Substrate shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days, or 120 degrees Fahrenheit or higher for a pathogen reduction period of 15 days. Delete (b) 2(A). Line 28: Recommend 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.” Line 32: Recommend Delete (b)(4), as this is redundant with the composting regulations.		
	1151I18		Paul	Relis			
§17896.61. Physical Contamination Limits.							
	115P19	CR&R Environmental Services	Clarke	Pauley	Suggested Revision: <u>This section shall become operative January 1, 2020.</u> Compost <u>and digestate</u> 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 <u>and Digestate</u> that contains physical contaminants in excess of		
	1151I19		Paul	Relis			

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					<p>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 at the point where compost <u>or digestate</u> 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, <u>collected at the minimum frequency prescribed in section 17868.3.1(c)</u>, must be received by the operator prior to removing compost <u>and digestate</u> from the in-vessel digestion facility <u>or associated composting operation facility</u> where it was produced.</p> <p>(b) All in-vessel digestion facilities with an on-site <u>compost process or fully permitted solid waste facilities where final curing, blending, processing or composting occurs (reference codes)</u>, 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.</p> <p>(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.</p>		
	115G03	Santa Barbara County Environmental Health Services	Lisa	Sloan	This testing requirement in 17896.61. Physical Contamination Limits may not be necessary, especially for digestate intended as alternative daily cover or disposal.		
	1151C12	County of Ventura Resource Management Agency	Charles	Genkel	Strike the word "dry" in all subsections that refer to contamination by weight.		
	1151E05	Association of Compost Producers	Dan	Noble	The section should read: "Any sampling conducted to comply with this section shall require a compost sample, as per §17868.1 (b)."		
§ 18103.1. Filing Requirements.							
	1151C13	County of Ventura Resource Management Agency	Charles	Genkel	Add section (h) that reads as follows: " <u>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.</u> "		
§18302 Written Complaints of Alleged Violations							
	115Y03	Burke, Williams, & Sorensen, LLP	Timothy	Colvig	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		

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					regulatory agencies, including investigations by the applicable Regional Air Quality Management District and Regional Water Quality Control Board.		
(c)	115C21	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please revise this Subsection to require the EA investigate any odor complaint by the next business day instead of the stated 15 days		
(d)	115C22	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand Line #1 to insert the phrase "but not later than one business day" after "...as soon as practical,"		
(d)	115Q04	Western Placer Waste Management Authority	Eric	Oddo	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.		
(d)	115Z04	County Sanitation Districts of Los Angeles County	Paul	Prestia	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 <u>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 odors.</u> The odor complaint investigation shall include the following: as soon as practical prior to issuing a violation for failing to minimize odors.		
(d)(2)	115C23	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand the paragraph to require the EA to also collect weather related data for the time that the odor complaint was received.		
(d)(3)(B)	115T07	County of Solano	Jagjinder	Sahota	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.		
Solid Waste Facility Permit Application Form							
Part 1. A,B,C. 1-6	115G04	Santa Barbara County Environmental Health Services	Lisa	Sloan	Page 64 Application instructions numbering of Part 1. A, B, C.1 through 6 do not coordinate with numbering in the application form itself, which includes Part 1. A, B, C.1 through 5.		

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Part 2. E.12	115C24	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand to define the term “commercial sources” to be consistent with the definition provided by AB 341 (2011), as amended.		
Part 3. (A)(1)(a)	1151M04	Recology	Erin	Merrill	...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.		
Part 3 A.1.a.2.	115C25	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand line 8 to also include “compost.”		
Part 3 A.4.	115C26	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
§17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.							
(d)(2)	453L02	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	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.		
	453L03				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 CDI/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.		
§17403.1. Excluded Operations							
(a)(8)	45D02	Sacramento County LEA	Lea	Gibson	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.		
	45S01	Hydros Agritech	Patrick	McLafferty	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. Rigorous permitting, sampling, inspection, record keeping and reporting, are inherent in the NPDES process and offer necessary and appropriate levels of control and oversight to protect the public.		
	453D05	SF Environmental	Jack	Macy	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.		
§17852. Definitions							
Also: §17850(c); §17852(a) (13.5); §17852(a) (26)	45B01	Los Angeles County Solid Waste Management Committee	Margaret	Clark	There is a clear need for CalRecycle to define the terms “organic”, “organic material,” “nonorganics” and “non-compostable organic”.		
Also: §17862.4.1; §17896.30	45D05	Sacramento County LEA	Lea	Gibson	14 CCR 17862.4.1 and 17896.30 establish the requirements for an Odor Best Management Practice Feasibility Report. The Sacramento County LEA supports the addition of the proposed regulatory sections, which will provide Operators and LEAs with guidance to address chronic odor violations.		

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	451R08	California League of Food Processors	Rob	Neenan	If CalRecycle chooses to define food processing byproducts for the purpose of CLFP's proposed exemption, we recommend the following definition: <i>Food processing byproducts include solid or semi-solid materials from fruit, nut, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and shells, peels, and off-grade or over-ripe or under-ripe produce that could not be used in the finished products. The byproducts may have incidental amounts of residual soil but do not include packaging material, trash, metal, glass, or toxic materials other than in de minimis amounts. Food processing solid byproducts do not include wastewater.</i>		
	452P17	Association of Compost Producers	Jeff	Ziegenbein	Add to section 17853 (17852?) Definitions: New Definition (and perhaps new sub-section elsewhere in the code): "California Compost Standards Working Group" is a working committee formed by CalRecycle that is comprised of 5-9 representatives from the composting and waste management industry, experts in the academic and scientific community, and members of the regulatory community. The function of the working group is to advise CalRecycle on the industry perspective of the phasing and implementation of Title 14 and 27 standards that are both scientifically based and economically feasible. The working group will advise CalRecycle on topics including but not limited to expanded industry economic impact analysis, development of effective, standardized testing methods, and recommendations on revisions to Title 14 and 27.		
	453C16	CR&R	Clarke	Pauley			
	452Z04	Western Agricultural Processors Association	Chris	McGlothlin	After reviewing the language, we also seek clarification as to which category the tree nut processing falls into. We hope that the practice falls into the Agricultural Material definition...However, we believe that Food Material may be used as a definition for the practice of tree nut processing, specifically the blanching of almonds and walnuts.		
	PHH02	Del Monte Foods	Tim	Ruby	We are particularly concerned with the definitions of agricultural materials and land application and imposed role in that these definitions reclassify our plant food processing byproduct as solid waste now subject to your department's jurisdiction.		
	PHJ02	California League of Food Processors	Rob	Neenan	If a peach grower sends a truck of peaches to a cannery and some of those peaches are bruised, they're too green, there may be leaves mixed in with them, rather than send that material to a landfill, a food processor -- whether it's peaches or tomatoes or whatever. We're mostly talking about fruit, vegetable, and nut products here -- will take that material to a farm. It could be their own farm. It could be one of their growers. It's spread thin and mixed in and used as a replacement for conventional fertilizer. It is an activity that is already regulated, as was mentioned by Stanislaus County at least in passing. If you're land applying significant quantities of agricultural material or food processing fruit and vegetable byproducts or nut byproducts, you may be required by the appropriate Regional Water Board to get, what they call, a Waste Discharge Requirement, a permit, to do that.		

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
	PHM01	LA County Task Force	Mike	Mohajer	LA County has been very specific asking CalRecycle and also the former Californian Waste Management Board to define as far as the terminology of what it means by organic waste, compostable waste, non-compostable waste, plastic materials.		
(a)	45A01	Self	Kathleen	Housel	Add to Definitions (Title 14, Division 7, 1, Article 6, Section 17402) a quantification for "Minimize" with respect to "Odor Minimization."		
(a)	452D01	Almond Hullers & Processors Association	Kelly	Covello	Define almond hulling, shelling and processing, for purposes of an exclusion, as an activity where an on-farm or off-site facility receives almonds from the field, removes and separates the hulls, shells, and kernels from one another and stores and distributes them for beneficial uses that include but are not limited to animal feed, animal bedding, biomass feedstock, and biofuel feedstock		
(a)	452W05	Dairy Cares	JP	Cativiela	Agency staff indicated it generally should not include trimmings from vegetables, though the definition is not clearly worded in this regard.		
(a)	453I04	West Marin Compost	Jeffrey A.	Creque	This series of definitions (Ag, Food, and Vegetative Food materials) places the same items in several different regulatory categories...Please rewrite these definitions to include, within the Agricultural Materials definition, unprocessed and minimally processed, fruit and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.		
(a)(1)	452Q06	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...Paramount is concerned that CalRecycle will now interpret this to mean any organic material that has the potential to turn into compost regardless of the intended purpose of the material. We agree with AHPA and other industry groups, that this interpretation would unnecessarily lump the storing and holding of some types of agricultural and food processing by-product material (such as stockpiles waiting to be used as animal feed, animal bedding or biofuel feedstocks) as "compostable material" causing them to be subject to the regulation regardless of risk. We seek clarification on this aspect of the proposed Compostable Materials Regulation and ask that CalRecycle consider narrowing the definition of "compostable material" as to exclude agricultural and food-processing material intended for beneficial uses from "active compost."		
(a)(1)	452W04	Dairy Cares	JP	Cativiela	Based on this language [under section 17852(a)(1)], material that is (1) not accumulated; or (2) or that does not begin to compost and reach temperatures of 122 (or release CO2 at a high rate) degrees should not be considered a "compostable material." On the other hand manure due to its character would likely fall into the active compost category without regard to its eventual use. If it is not "compostable material," it is not subject to the regulations. This suggests that clarifying the definition could help exclude any materials that do not need to be regulated.		
(a)(5)	451S01	City of San Diego, Local Enforcement Agency	William E.	Prinz	The insertion of the word "waste" in this definition seems to be in conflict with viewing composting feedstock as materials or resources. A waste is something deemed to have no further value or use. CalRecycle should consider removing the term "waste" to be consistent with policy objectives and with the Initial Statement of Reasons (ISOR).		

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(a)(5)	452D03	Almond Hullers & Processors Association	Kelly	Covello	AHPA recommends that the Department, for the purposes of uniform application of the agricultural material definition, define almond processing by-product specifically as an “agricultural material” when the almond processing by-products are not being handled or stored as an excluded material (e.g. animal feed, animal bedding, biomass feedstock or biofuel feedstock).		
(a)(5)	452I02	Horizon Nut Company	Andrew	Howe	Horizon supports retaining the existing language in the definition of Agricultural Material [Section 17855 (a)(5)] that includes agricultural production and processing material and expanding the definition to explicitly include material generated during the post-harvest preparation of crops for market or further processing. Further, Horizon supports striking the proposed addition of the term “waste.” Agricultural Material is defined as waste material, yet the term “waste” is not defined. Including salable feed, bedding and biomass commodities under the definition of “waste” is an overreach of this regulation.		
(a)(5)	452Q02	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	We are concerned that the proposed amendments to section 17852(a)(5), "agricultural material," will be interpreted to exclude primary harvesting and food processing activities that are essential agricultural activities which do not pose a risk of becoming compostable material. By removing the inclusion of "processing" from the agricultural materials definition, raw agricultural by-products, such as almond and pistachio hulls and shells removed prior to further processing, would no longer be considered an agricultural material. The act of hulling and shelling for example, does not alter the inherent nature of the product and therefore should still be considered an agricultural material for the sake of these regulations.		
(a)(5)	452Q03	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...we suggest that CalRecycle reconsider referring to raw agricultural by-products as "waste" material, as most of the separated material is further used for beneficial purposes such as animal feed and bedding, land applied, biomass feedstock, or another approved method and is not considered unusable trash.		
(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,		

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					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, horse and other animal manures, orchard and vineyard prunings, grape pomace, and crop residues.		
(a)(5)	452X03	Agricultural Council of California	Emily	Rooney	We support the comments made by the Almond Hullers & Processors Association (AHPA) and Paramount Farming Company that the byproducts of tree nut harvesting are not in their nature "odorous," 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.		
(a)(5)	453I03	West Marin Compost	Jeffrey A.	Creque	5) Why is grape pomace singled out here? What about other fruit pomaces, such as olive or apple? <i>A broader exception for minimally processed agricultural material should be included here.</i>		
(a)(6)	452I03	Horizon Nut Company	Andrew	Howe	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.		
(a)(9)	451Y01	County Sanitation Districts of Los Angeles County	Paul	Prestia	We request the following change to the biosolid definition in Section 17852: <i>"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 anaerobically digestible material in the same digester, which may undergo thickening, dewatering or drying, transfer and temporary storage at a POTW."</i>		
(a)(10)	452I04	Horizon Nut Company	Andrew	Howe	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.		
(a)(10)(C)	452Q07	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...Paramount also asks that CalRecycle expound upon section 17852(a)(10)(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		

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					to accepting a certain amount of material a day, which can lead to some piles remaining on-site for longer than the allotted 48 hour time limit. Since these materials are destined for a beneficial reuse purpose, remaining on site for a few extra hours should not classify the stockpiles as "compostable material."		
(a)(11)	452I05	Horizon Nut Company	Andrew	Howe	It is our understanding that CalRecycle intends for "Compostable Material" 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.		
(a)(12)	45B03	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed expansion of "compostable materials handling operation or facility" definition to include "vegetative food material composting facilities" may not be allowable since it expands the requirements of AB 1826.		
(a)(13.5)	45W01	Synagro	Layne	Baroldi	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).		
(a)(13.5)	452P02	Association of Compost Producers	Jeff	Ziegenbein	Recommend: "Digestate" means the solid and/or liquid <i>product</i> remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)...		
	453C02	CR&R	Clarke	Pauley			
(a)(13.5)	453B02	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	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.		
(a)(15) Also: 17855(a)(9)	452Q04	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...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.		
(a)(15)	452W06	Dairy Cares	JP	Cativiela	These are fairly low numbers [referring to subsection (2) and (3)], implying that many dairies would not be excluded from regulation by this section.		
(a)(15)	452X04	Agricultural Council of California	Emily	Rooney	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."		

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(a)(15)	452X05	Agricultural Council of California	Emily	Rooney	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.		
(a)(15)(A)	451S02	City of San Diego, Local Enforcement Agency	William E.	Prinz	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?		
(a)(15)(D)	453H03	Sonoma County Dept. of Health Services	Jennifer	Lyle	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" ...or other sites as approved by land use planning."		
(a)(20)	452E06	Integrated Waste Management Consulting, LLC	Matthew	Cotton	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.		
(a)(20)	452I06	Horizon Nut Company	Andrew	Howe	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.		
(a)(20)	452Z01	Western Agricultural Processors Association	Chris	McGlothlin	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.		
(a)(20)	453A02	California Cotton Ginners and Growers Association	Chris	McGlothlin	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.		
(a)(20)(A)	451S08	City of San Diego, Local Enforcement Agency	William E.	Prinz	For example does this preclude spoiled green salad with dressing (fats or oils) added from being a Vegetative Food Material?		

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(a)(20)(A)	453G11	Californians Against Waste	Nick	Lapis	The definition of vegetative food material is unnecessarily restrictive.		
(a)(20)(A)	453G12	Californians Against Waste	Nick	Lapis	These regulations should at least address de minimus quantities of other materials that might inadvertently end up with the vegetative food material.		
(a)(20)(A)	453G13	Californians Against Waste	Nick	Lapis	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.		
(a)(20)(A)	453H04	Sonoma County Dept. of Health Services	Jennifer	Lyle	This definition states: "...no salts, preservatives, fats, or oils or adulterants shall be added." Additional testing methodology is needed for the EA to assess levels of salts, preservatives, fats in incoming vegetative food material feedstock.		
(a)(21)	451M04	Sonoma Compost	Will	Bakx	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).		
	451N04	Napa Recycling & Waste Services	Tim	Dewey-Mattia			
	451W04	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle			
	452A04	Sonoma County Waste Management Agency	Henry J.	Mikus			
	451K04	CT Bioenergy	Chris	Trott			
(a)(21)	451Z03	Recology	Erin	Merrill	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.		
(a)(21)	453B03	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	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.		
(a)(24.5) Also: (a)(10)(A)(2)	45D03	Sacramento County LEA	Lea	Gibson	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.		

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(a)(24.5)	45W02	Synagro	Layne	Baroldi	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”.		
(a)(24.5)	45W05	Synagro	Layne	Baroldi	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 CDFR 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.		
(a)(24.5)	45W06	Synagro	Layne	Baroldi	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: <i>“application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year.”</i> Section 17582(a) 24.5 should only apply to “Compostable Materials” as defined in the proposed text.		
(a)(24.5)	451A01	IEDA	Kelly	Astor	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.		
(a)(24.5)	451A02	IEDA	Kelly	Astor	We respectfully urge that the draft regulation be amended to incorporate a 1% contamination limit for land application.		
(a)(24.5)	451C01	California Farm Bureau Federation	Cynthia	Cory	Add a subdivision C: <u>(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</u>		

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					application filed Schedule F within the current tax period and the compostable material met the requirements in (A) 1-3.		
(a)(24.5)	451C02	California Farm Bureau Federation	Cynthia	Cory	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.		
(a)(24.5)	451C03	California Farm Bureau Federation	Cynthia	Cory	A standardized 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.		
(a)(24.5)	451H05	CRRC	Ralph	Chandler	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.		
	PHN04	Association of Compost Producers	Kathy	Lynch			
(a)(24.5)	451M01	Sonoma Compost	Will	Bakx	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---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 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.		
	451N01	Napa Recycling & Waste Services	Tim	Dewey-Mattia			
	451W01	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle			
	452A01	Sonoma County Waste Management Agency	Henry J.	Mikus			
	451K01	CT Bioenergy	Chris	Trott			
(a)(24.5)	451M02	Sonoma Compost	Will	Bakx	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.		
	451N02	Napa Recycling & Waste Services	Tim	Dewey-Mattia			
	451W02	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle			
	452A02	Sonoma County Waste Management Agency	Henry J.	Mikus			
	451K02	CT Bioenergy	Chris	Trott			
(a)(24.5)	451M03	Sonoma Compost	Will	Bakx	We support the structure that is proposed by the California Compost Coalition whereby in 2020 clean green facilities will meet the .01% and mixed		

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	451N03	Napa Recycling & Waste Services	Tim	Dewey-Mattia	materials .5% contaminant limits. Note that Caltrans just adopted a 0.5% contaminant spec for their materials, which would create uniformity amongst agencies.		
	451W03	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle			
	452A03	Sonoma County Waste Management Agency	Henry J.	Mikus			
	451K03	CT Bioenergy	Chris	Trott			
	453K03	Marin Sanitary Services	Kimberly	Scheibly			
	453I02	West Marin Compost	Jeffrey A.	Creque			
(a)(24.5)	451Q03	California Association of Sanitation Agencies	Greg	Kester	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.		
(a)(24.5)	451R07	California League of Food Processors	Rob	Neenan	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 <i>“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”</i> with the understanding that <i>“food material”</i> applies to restaurant or institutional prepared food waste, not commercial food processing byproducts.		
(a)(24.5)	451S03	City of San Diego, Local Enforcement Agency	William E.	Prinz	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 "clean" 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 "Disposal of Compostable Materials"). 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.		

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(a)(24.5)	451Y06	County Sanitation Districts of Los Angeles County	Paul	Prestia	<p>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:</p> <ol style="list-style-type: none"> 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. <p>We believe that these regulatory notes should be actual exclusions. Notes do not carry the same regulatory weight as exclusions.</p>		
(a)(24.5)	451Y07	County Sanitation Districts of Los Angeles County	Paul	Prestia	<p>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:</p> <ol style="list-style-type: none"> 1. The compostable material does not contain more than 0.1% <u>0.5%</u> by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1. 		
(a)(24.5)	452107	Horizon Nut Company	Andrew	Howe	<p>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.</p>		

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(a)(24.5)	452K03	Waste Management	Chuck	White	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.		
(a)(24.5)	452Q05	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...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.		
(a)(24.5)	452X06	Agricultural Council of California	Emily	Rooney	We agree with and support the comments and purposed 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."		
(a)(24.5)	453G04	Californians Against Waste	Nick	Lapis	The standard (physical contamination limit) must be at least twice as strict for land application of uncomposted materials.		
(a)(24.5)	PHI03	Agricultural Council of California	Rachel	O'Brien	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.		
(a)(24.5)(A)	452E01	Integrated Waste Management Consulting, LLC	Matthew	Cotton	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.		

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(a)(24.5)(A)	452Z02	Western Agricultural Processors Association	Chris	McGlothlin	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.		
(a)(24.5)(A)	453A03	California Cotton Ginners and Growers Association	Chris	McGlothlin	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.		
(a)(24.5)(A)	453B04	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	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.		
(a)(24.5)(A)	453B05	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	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?		
(a)(24.5)(A) Also: (a)(24.5)(B)	451F03	Zanker	Greg	Ryan	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.		
(a)(24.5)(A)1	451E01	Athens Services	Brian	Johsz	The proposed amendment, defining the composition of compostable material that is suitable for "land application," is onerous in that its required level of physical contaminants is unachievable.		
(a)(24.5)(A)1	451J06	USCC	Al	Rattie	We support your efforts to regulate the heretofore-unregulated land application of uncomposted materials.		
(a)(24.5)(A)1	451U04	Stop Waste	Gary	Wolff	We are supportive of the proposed language related to increasing regulatory oversight of the direct land application of uncomposted green material.		
(a)(24.5)(A)1	452P03	Association of Compost Producers	Jeff	Ziegenbein	Land Application. Physical contamination limit (A) of 0.1% is too onerous. Recommend change to 1% with a phase in to 0.5% or lower, as recommended in general comments.		
	453C03	CR&R	Clarke	Pauley			
(a)(24.5)(A)1	452P04	Association of Compost Producers	Jeff	Ziegenbein	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.		
(a)(24.5)(A)1	453D04	SF Environmental	Jack	Macy	We generally support the other proposed changes to the regulations, especially increasing standards for direct land application to reduce potential		

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					negative impacts and its unfair regulatory advantage over more beneficial composting.		
(a)(24.5)(A)4	45D04	Sacramento County LEA	Lea	Gibson	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.		
(a)(24.5)(A)4	451E02	Athens Services	Brian	Johsz	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.		
(a)(24.5)(A)4	451H04	CRRC	Ralph	Chandler	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.		
(a)(24.5)(A)4	451P03	Waste Connections, Inc.	Jody L.	Snyder	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.		
(a)(24.5)(A)4	452P05	Association of Compost Producers	Jeff	Ziegenbein	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.		
	453C04	CR&R	Clarke	Pauley			
(a)(24.5)(A)4	PHS02	Republic Services	Chuck	Helget	I do think there has to be some flexibility to allow for locally appropriate, agronomically approved regs.		
(a)(24.5)(A)5 Also: §17869	452O10	California Compost Coalition	Neil	Edgar	§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.		
(a)(24.5)(A)5	453G08	Californians Against Waste	Nick	Lapis	CalRecycle should prohibit material from being spread on agricultural land prior to getting the lab results back.		
(a)(24.5)(B)	451R03	California League of Food Processors	Rob	Neenan	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-		

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					specific determination. CalRecycle is arbitrarily proposing that sites be limited to only one application, which may conflict with some Regional Water Board WDR's that would allow multiple applications.		
(a)(24.5)(B)1	452P07	Association of Compost Producers	Jeff	Ziegenbein	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.		
	453C06	CR&R	Clarke	Pauley			
(a)(24.5)(B)3	452P06	Association of Compost Producers	Jeff	Ziegenbein	Verification of Compliance: This is unclear as to the form of verification of compliance- please specify the form of verification.		
	453C05	CR&R	Clarke	Pauley			
(a)(26)	45B04	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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."		
(a)(26)	452K04	Waste Management	Chuck	White	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.		
(a)(27.5)	45F03	California Air Pollution Control Offices Association (CAPCOA)	Alan W.	Abbs	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".		
(a)(27.5)(A)	451E03	Athens Services	Brian	Johsz	The proposed amendment, defining a "nuisance," is arbitrary and should be defined.		
(a)(27.5)A & (B)	45B05	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand the definition of "Nuisance" to specifically define the term "Entire Community" and factors considered to define the term.		
(a)(27.5)A & (B)	45B06	Los Angeles County Solid Waste	Margaret	Clark	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).		

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		Management Committee					
(a)(27.5)(B)	453B06	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	Please define the term "entire community."		
(a)(27.5)(B)	453F01	County of Orange Department of Environmental Health, Solid Waste Local Enforcement Agency	Kathryn	Cross	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).		
(a)(38.5)	452C03	Napa County, Environmental Health Division	Greg	Pirie	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)		
(a)(38.5)	453B07	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend paper products be removed as a feedstock.		
(a)(41)	451S04	City of San Diego, Local Enforcement Agency	William E.	Prinz	Is it a correct understanding that this definition does not include processes that create biofuels or products other than compost?		
(a)(41) 17855 (a)(4) (CM 100 yd exclusion)	451S05	City of San Diego, Local Enforcement Agency	William E.	Prinz	Will <i>Within- Vessel Composting</i> 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)?		

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17896.6 (a)(3) (in-vessel digestion exclusion) Also: §17896.2(a) (7)(A);							
General Comments							
General Comment	45A02	Self	Kathleen	Housel	Add a Joint Co-operation Enforcement provision that empowers LEA to notify RWQCB when LEA issues a Notice of Violation for Leachate.		
	45B02	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed “Joint Permit Application Form” should be modified to indicate if the LEA, CalRecycle, and/or Water Board are the “Responsible Agency”.		
	45D01	Sacramento County LEA	Lea	Gibson	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.		
	45E10	Solana	Jessica	Toth	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.		
	45G06 PHL06	INIKA	Tyla	Montgomery			
	45H10	Pro Trees Arborist	Theron	Winsby			
	45I10	Self	Margaret	Stockton			
	45J10	Jimbo’s ... Naturally	Kelly	Hartford			
	45K10	Self	MC	Hagerty			
	45L10	Self	Barbara	Patterson			
	45N10	Self	Whitney	Dueñez			
	45O10	Solana	Diane	Hazard			
	45P10	Self	James	Murdick			
	45R10	Self	Roberta	Walker			
	45U10	Self	Walt	Sanford			
	45Z10	Self	Barbara	Kennedy			
	451B10	Self	Silka	Kurth			
	451G10	Self	Meaghan	Jones			
	452T10	Self	Evi	Haux			
	451L06	Sustainable Solutions	Jeff	Bishop			
	45M06	OB GreenGold	Anne	Barron			

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	45Q10	SDUSD Recycling Program	Janet	Whited			
	45F01	CAPCOA	Alan W.	Abbs	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		
	45F02	CAPCOA	Alan W.	Abbs	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.		
	45F12	CAPCOA	Alan W.	Abbs	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.		
	45T01	Self	KA	Monty	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.		
	45V01	Mape's Ranch and Lyons Investments	Bill	Lyons Jr.	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-for-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.		
	45V02	Mape's Ranch and Lyons Investments	Bill	Lyons Jr.	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?		
	45V03	Mape's Ranch and Lyons Investments	Bill	Lyons Jr.	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.		
	45W03	Synagro	Layne	Baroldi	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		

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					the language is included as a note but we recommend it be included directly in the rule language.		
	45W04	Synagro	Layne	Baroldi	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.		
	45X01	CSS	Dan	Morash	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.		
	45X02	CSS	Dan	Morash	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.		
	451F04	Zanker	Greg	Ryan	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.		
	451R01	California League of Food Processors	Rob	Neenan	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.		
	451R02	California League of Food Processors	Rob	Neenan	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 <i>no legitimate commercial farming operation would allow toxics or trash to be applied to their land by a processor or a contract hauler</i> 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.		
	451R04	California League of Food Processors	Rob	Neenan	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.		

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	451R05	California League of Food Processors	Rob	Neenan	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.		
	451R09	California League of Food Processors	Rob	Neenan	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.		
	451U01	Stop Waste	Gary	Wolff	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.		
	451V01	California Grain and Feed Association	Chris	Zanobini	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 rationale 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.		
	451V02	California Grain and Feed Association	Chris	Zanobini	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.		
	451Z01	Recology	Erin	Merrill	First, Recology is in support of the comprehensive approach to compost odor standards and complaints CalRecycle staff has developed.		
	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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					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.		
	452E03	Integrated Waste Management Consulting, LLC	Matthew	Cotton	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.		
	452E04	Integrated Waste Management Consulting, LLC	Matthew	Cotton	The proposed 0.1 percent standard was developed as an extremely low standard for land application to help LEAs make <i>field</i> determinations about contaminants in uncomposted green material applied to agricultural land. It is not a practical or useful standard for finished compost.		
	452E05	Integrated Waste Management Consulting, LLC	Matthew	Cotton	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.		
	452F03	Stanislaus County Food Processing By Products Re Use Committee	Martin X.	Reyes	Does the Department intend to develop a state fee structure for those activities?		
	452H01	Stanislaus County Department of Environmental Resources	Bryan	Kumimoto	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		

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					local ordinance and oversight program such that additional oversight by CalRecycle would only impose unnecessary and redundant requirements .		
	452I01	Horizon Nut Company	Andrew	Howe	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.		
	452M04	Harvest Power	Linda	Novick	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.		
	452O01	California Compost Coalition	Neil	Edgar	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.		
	452O02	California Compost Coalition	Neil	Edgar	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.		
	452O03	California Compost Coalition	Neil	Edgar	We would question whether it is reasonable that the “Department expects the proposed regulations to create positive, net job growth”. In our estimation, the likely industry downsizing that would occur from the adoption of current draft regulatory language will cause negative, net job loss.		
	452O07	California Compost Coalition	Neil	Edgar	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		

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					.015% for green material compost and 1.5% to 5% for mixed material compost. While new technology entering the market may be capable of removing contaminants from finished mixed material compost to below 1% levels, the current cost of this equipment appears to make it economically unsuitable for all but the largest volume facilities. Additionally, using conventional screening equipment to remove physical contaminants – likely the best option for most composters and requiring the use of smaller screen sizes (frequently down to 1/4” to 1/8”) – creates product that is too fine for a majority of markets, while also creating significantly more “overs”(meaning lower landfill diversion) and increased production costs. Mechanized sortlines – as proposed in the ISOR, will require significant capitalization and lead in time for composters to install such systems; again, this type of investment will not be suitable for most small and mid-size facilities and will likely be affordable only for large, regional operators.		
	452P01	Association of Compost Producers	Jeff	Ziegenbein	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.		
	453C01	CR&R	Clarke	Pauley			
	452Q01	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...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. Furthermore, we believe that the unintended consequences of the current amendments to the Compostable Materials Regulation may have grave impacts on the beneficial uses of agricultural by-products if the rules go forward as proposed.		
	452R01	Santa Barbara County Environmental Health Services	Lisa	Sloan	The title of the code should indicate the current name of the CalRecycle agency: “California Code of Regulations Title 14. Natural Resources Division 7. California Integrated Waste Management Board Chapter 1. General Provisions”		
	452S01	CCDEH	Rebecca	Ng	CDEH is generally supportive of the draft regulations.		
	452S02	CCDEH	Rebecca	Ng	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.		
	452U01	Pine Creek Nutrition Service, Inc.	Jason	Brixey	The proposed rules on such materials that are mentioned above indicate that a better home for these vegetable and fruit products would be either in a land-fill or through a digester to produce energy.		
	452V01	Central Valley Ag Group			Amend 17852 to provide a definition of a compostable material called “Food Processing By- Products” defined as: solid or semisolid substances derived from agricultural plant material delivered to a food processor for processing that are not utilized in the final product. Food processing by-products include but are not limited to culls, peelings, seeds, under or over ripe food, skins, cores, pomace, puree, hulls, shells, pits, stems, and leaves.		
	452F01	Stanislaus County Food Processing By Products Re Use Committee	Martin X.	Reyes			

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	452L01	Manufacturers Council of the Central Valley	Jennifer	Carlson			
	452V02	Central Valley Ag Group			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.		
	452W01	Dairy Cares	JP	Cativiela	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.		
	452W02	Dairy Cares	JP	Cativiela	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.		
	452W03	Dairy Cares	JP	Cativiela	California dairy farms are already regulated with respect to storage and re-use of organic materials, cradle to grave; the proposed regulations would result in added restrictions that would constitute an unnecessary burden.		
	452W07	Dairy Cares	JP	Cativiela	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.		
	452X01	Agricultural Council of California	Emily	Rooney	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.		
	452X02	Agricultural Council of California	Emily	Rooney	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.		
	452X10	Agricultural Council of California	Emily	Rooney	Based on the existing regulations at CDFA and the Water Board of manure digesters all such material is accounted for and should be excluded.		
	452X11	Agricultural Council of California	Emily	Rooney	...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.		

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	452Y01	Self	Gordon L.	Shackelford	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.		
	452Y02	Self	Gordon L.	Shackelford	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, they 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 composing facility at the EverGreen Nursery of Flynn Springs Road in El Cajon (part of the Lakeside planning Area).		
	453A01	California Cotton Ginners and Growers Association	Chris	McGlothlin	...legitimate land application operations conducted by cotton ginners and farmers; activities that are already regulated by other agencies to prevent any harm to the environment or human health should not be subject to these rules. As noted in Governor's Browns signing SB 617 into law in 2011, establishing the streamlining of regulatory activities is an important goal of for California Economic and Environmental sustainability. A related process of that legislation was efforts at the California Economic summit to make necessary regulation and regulatory process improvements by streamlining and/or eliminating mutually contradictory, duplicative, outdated regulations without undermining important environmental and worker protections. This proposed action by CalRecycle conflicts with the streamlining goals in many respects when addressing agricultural biomass materials, such as cotton ginning waste products		
	453B10	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend Enforcement Agency Notification Form (CIWMB 169) be revised as well.		
	453D01	SF Environmental	Jack	Macy	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.		
	453J01	Self	Barbara	Larson	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.		
	453K01	Marin Sanitary Services	Kimberly	Scheibly	...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.		
	453K02	Marin Sanitary Services	Kimberly	Scheibly	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		

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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.		
Also: 17377.2; 17383.3; 17383.4; 17383.7; 17388.3; 17403.2; 17403.3; 17856; 17857.1; 17859.1; 17862; 17896.8; 17896.9; 17896.10; 17896.11; 18083.	453L01	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	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.		
	PHA01	City of Bakersfield Solid Water Division	Kevin	Barnes	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.		
	PHA04	City of Bakersfield Solid Water Division	Kevin	Barnes	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 <i>successful</i> composting will be inhibited by the proposed regulation, as will the industry's progress toward the new organic waste diversion goals.		
	PHB03	Engel & Gray, Inc.	Robert	Engel	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.		

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	PHC01	SF Environment	Kevin	Drew	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.		
	PHD01	California Resource Recovery Association	John	Dane	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.		
	PHD02	California Resource Recovery Association	John	Dane	CRRA endorses the comments submitted on December 5, 2014 by the California Organic Recycling Council (CORC, a technical council of CRRA).		
	PHH01	Del Monte Foods	Tim	Ruby	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.		
	PHH03	Del Monte Foods	Tim	Ruby	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.		
	PHH04	Del Monte Foods	Tim	Ruby	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.		
	PHI01	Agricultural Council of California	Rachel	O'Brien	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.		
	PHI02	Agricultural Council of California	Rachel	O'Brien	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.		

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	PHI04	Agricultural Council of California	Rachel	O'Brien	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.		
	PHJ01	California League of Food Processors	Rob	Neenan	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.		
	PHM02	LA County Task Force	Mike	Mohajer	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		
	PHM04	LA County Task Force	Mike	Mohajer	Have the operator of a facility identify the origin of that materials and the quantity by the jurisdiction of origin.		
	PHM05	LA County Task Force	Mike	Mohajer	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.		
	PHN01	Association of Compost Producers	Kathy	Lynch	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.		
	PHN02	Association of Compost Producers	Kathy	Lynch	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.		
	PHO01	California Resource Recovery Association	John	Dane	We are supportive of your efforts to revise the regulations in this area.		
	PHP01	Milk Producers Council	Kevin	Abernathy	At minimum, another 45 days to really take a look at the science to make sure that we're able to get out any of those potential unintended consequences.		
	PHP02	Milk Producers Council	Kevin	Abernathy	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.		
	PHQ01	California Refuse Recycling Council	Veronica	Pardo	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.		
	PHR01	Californians Against Waste	Nick	Lapis	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		

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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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					-OR- 3b. Amend the proposed Section 17852(a)(24.5) by adding a new Subdivision that provides a third meaning of “Land Application” as the final deposition of Food Processing By-Products spread on any land, including land zoned only for agricultural uses under the condition that 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.		
	452108	Horizon Nut Company	Andrew	Howe	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.”		
	452109	Horizon Nut Company	Andrew	Howe	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.).		
	452110	Horizon Nut Company	Andrew	Howe	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.		
	452L02	Manufacturers Council of the Central Valley	Jennifer	Carlson	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.		
	452L03	Manufacturers Council of the Central Valley	Jennifer	Carlson	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.		
	452X07	Agricultural Council of California	Emily	Rooney	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.		
	452Z03	Western Agricultural	Chris	McGlothlin	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		

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		Processors Association			being composted. We would propose the following addition to the section on Excluded Activities: <u>Food Material Handling Operations.</u> 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.		
	453A04	California Cotton Ginners and Growers Association	Chris	McGlothlin	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: <u>Food Material Handling Operations.</u> 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.		
	45E04	Solana	Jessica	Toth	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.		
	45G03 PHL01	INIKA	Tyla	Montgomery			
	45H04	Pro Trees Arborist	Theron	Winsby			
	45I04	Self	Margaret	Stockton			
	45J04	Jimbo's ... Naturally	Kelly	Hartford			
	45K04	Self	MC	Hagerty			
	45L04	Self	Barbara	Patterson			
	45N04	Self	Whitney	Dueñez			
	45O04	Solana	Diane	Hazard			
	45P04	Self	James	Murdick			
	45R04	Self	Roberta	Walker			
	45U04	Self	Walt	Sanford			
	45Z04	Self	Barbara	Kennedy			
	451B04	Self	Silka	Kurth			
	451G04	Self	Meaghan	Jones			
	452T04	Self	Evi	Haux			
	451L03	Sustainable Solutions	Jeff	Bishop			
	45M03	OB GreenGold	Anne	Barron			
	45Q04	SDUSD Recycling Program	Janet	Whited			
	PHE01	Stanislaus County Solid Waste Dept.	Brian	Kumimoto	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.		

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	PHF01	Stanislaus County Solid Waste Dept.	Tom	Wolfe	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.		
	PHP03	Milk Producers Council	Kevin	Abernathy	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.		
(a)(1)	45E03 45G02 PHL03 451X01 45H03 45I03 45J03 45K03 45L03 45N03 45O03 45P03 45R03 45U03 45Z03 451B03 451G03 452T03 451L02 45M02 45Q03	Solana INIKA The San Diego Food System Alliance Pro Trees Arborist Self Jimbo's ... Naturally Self Self Self Solana Self Self Self Self Self Self Self Sustainable Solutions OB GreenGold SDUSD Recycling Program	Jessica Tyla Richard Theron Margaret Kelly MC Barbara Whitney Diane James Roberta Walt Barbara Silka Meaghan Evi Jeff Anne Janet	Toth Montgomery Winkler Winsby Stockton Hartford Hagerty Patterson Dueñez Hazard Murdick Walker Sanford Kennedy Kurth Jones Haux Bishop Barron Whited	<p>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:</p> <p>Alternative A, Offsite feedstock allowance is based on the farm's size and ability to handle the material: SS17855 Excluded Activities <i>(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. 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. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.</i></p> <p>Or Alternative B, Offsite feedstock allowances capped at 500 cubic yards: SS17855 Excluded Activities <i>(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. Up to 500 cubic yards of green material, food material, and vegetative food material feedstock received from offsite may be onsite at any one time. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.</i></p>		
(a)(1)	452Q09	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	Paramount also seeks further clarification on the intent of the exclusion under section 17855(a)(l). 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		

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					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.		
(a)(1)	452Q10	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...this exclusion specified that agricultural material derived from an agricultural site and returned to a similar site, "...owned or leased by the owner, parent, or subsidiary of the composting activity" 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.		
(a)(4)	45E01	Solana	Jessica	Toth	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: <i>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.</i>		
	45G01 PHL02	INIKA	Tyla	Montgomery			
	45H01	Pro Trees Arborist	Theron	Winsby			
	45I01	Self	Margaret	Stockton			
	45J01	Jimbo's ... Naturally	Kelly	Hartford			
	45K01	Self	MC	Hagerty			
	45L01	Self	Barbara	Patterson			
	45N01	Self	Whitney	Dueñez			
	45O01	Solana	Diane	Hazard			
	45P01	Self	James	Murdick			
	45R01	Self	Roberta	Walker			
	45U01	Self	Walt	Sanford			
	45Z01	Self	Barbara	Kennedy			
	451B01	Self	Silka	Kurth			
	451G01	Self	Meaghan	Jones			
	452T01	Self	Evi	Haux			
	451L01	Sustainable Solutions	Jeff	Bishop			
	45M01	OB GreenGold	Anne	Barron			
45Q012	SDUSD Recycling Program	Janet	Whited				
(a)(4)	45E02	Solana	Jessica	Toth	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.		
	45G07	INIKA	Tyla	Montgomery			
	45H02	Pro Trees Arborist	Theron	Winsby			
	45I02	Self	Margaret	Stockton			
	45J02	Jimbo's ... Naturally	Kelly	Hartford			
	45K02	Self	MC	Hagerty			
	45L02	Self	Barbara	Patterson			

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	45N02	Self	Whitney	Dueñez			
	45O02	Solana	Diane	Hazard			
	45P02	Self	James	Murdick			
	45R02	Self	Roberta	Walker			
	45U02	Self	Walt	Sanford			
	45Z02	Self	Barbara	Kennedy			
	451B02	Self	Silka	Kurth			
	451G02	Self	Meaghan	Jones			
	452T02	Self	Evi	Haux			
	451L07	Sustainable Solutions	Jeff	Bishop			
	45M07	OB GreenGold	Anne	Barron			
	45Q02	SDUSD Recycling Program	Janet	Whited			
(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	<i>Please increase excluded volume from 100 to 200 cubic yards and area to 1000 sq. ft.</i>		
(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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					certain facilities is to store materials under conditions that will NOT allow composting to occur and that are primary end use of those materials is animal feed, animal bedding, biomass feedstock or biofuel feedstock – not compost or storage on its way to land application. We believe that CalRecycle should follow the recommended changes proposed by AHPA.		
(a)(9)	452D02	Almond Hullers & Processors Association	Kelly	Covello	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.		
(a)(9)	452D04	Almond Hullers & Processors Association	Kelly	Covello	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.		
(a)(9)	452D05	Almond Hullers & Processors Association	Kelly	Covello	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.		
§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 uses 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		

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		Management Committee			need for more frequent and inspection by the LEA (i.e. at least on a quarterly basis).		
(c)	45E05	Solana	Jessica	Toth	<p>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:</p> <p>Alternative A, Offsite feedstock allowance is based on the farm's size and ability to handle the material: SS17856 Agricultural Material Composting Operations: <i>(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. <u>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.</u> 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.</i></p> <p>Or Alternative B, Offsite feedstock allowances capped at 500 cubic yards: SS17856 Agricultural Material Composting Operations: <i>(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. <u>Up to 500 cubic yards of green material, food material, and vegetative food material feedstock received from offsite may be onsite at any one time.</u> 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</i></p>		
	45G04 PHL04	INIKA	Tyla	Montgomery			
	451X02	The San Diego Food System Alliance	Richard	Winkler			
	45H05	Pro Trees Arborist	Theron	Winsby			
	45I05	Self	Margaret	Stockton			
	45J05	Jimbo's ... Naturally	Kelly	Hartford			
	45K05	Self	MC	Hagerty			
	45L05	Self	Barbara	Patterson			
	45N05	Self	Whitney	Dueñez			
	45O05	Solana	Diane	Hazard			
	45P05	Self	James	Murdick			
	45R05	Self	Roberta	Walker			
	45U05	Self	Walt	Sanford			
	45Z05	Self	Barbara	Kennedy			
	451B05	Self	Silka	Kurth			
	451G05	Self	Meaghan	Jones			
	452T05	Self	Evi	Haux			
451L04	Sustainable Solutions	Jeff	Bishop				
45M04	OB GreenGold	Anne	Barron				
45Q05	SDUSD Recycling Program	Janet	Whited				
(c)	452P08	Association of Compost Producers	Jeff	Ziegenbein	<p>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. <u>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</u>"</p>		
	453C07	CR&R	Clarke	Pauley			
(d)	45E06	Solana	Jessica	Toth	<p>Similar amendments (taken from 45E05) to SS (d) should be implemented for agricultural operations accepting high volumes of green material.</p>		
	45G08	INIKA	Tyla	Montgomery			
	45H06	Pro Trees Arborist	Theron	Winsby			
	45I06	Self	Margaret	Stockton			

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	45J06	Jimbo's ... Naturally	Kelly	Hartford			
	45K06	Self	MC	Hagerty			
	45L06	Self	Barbara	Patterson			
	45N06	Self	Whitney	Dueñez			
	45O06	Solana	Diane	Hazard			
	45P06	Self	James	Murdick			
	45R06	Self	Roberta	Walker			
	45U06	Self	Walt	Sanford			
	45Z06	Self	Barbara	Kennedy			
	451B06	Self	Silka	Kurth			
	451G06	Self	Meaghan	Jones			
	452T06	Self	Evi	Haux			
	451L08	Sustainable Solutions	Jeff	Bishop			
	45M08	OB GreenGold	Anne	Barron			
	45Q06	SDUSD Recycling Program	Janet	Whited			
§17857.1 Green Material Composting Operations and Facilities							
	45B07	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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."		
	45B11	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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."		
	45E07	Solana	Jessica	Toth	SS17857.1 should be amended to allow the specified volumes of vegetative/ food material feedstock. (from 45E05)		
	45G09	INIKA	Tyla	Montgomery			
	45H07	Pro Trees Arborist	Theron	Winsby			
	45I07	Self	Margaret	Stockton			
	45J07	Jimbo's ... Naturally	Kelly	Hartford			
	45K07	Self	MC	Hagerty			
	45L07	Self	Barbara	Patterson			
	45N07	Self	Whitney	Dueñez			
	45O07	Solana	Diane	Hazard			
	45P07	Self	James	Murdick			

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	45R07	Self	Roberta	Walker			
	45U07	Self	Walt	Sanford			
	45Z07	Self	Barbara	Kennedy			
	451B07	Self	Silka	Kurth			
	451G07	Self	Meaghan	Jones			
	452T07	Self	Evi	Haux			
	451L09	Sustainable Solutions	Jeff	Bishop			
	45M09	OB GreenGold	Anne	Barron			
	45Q07	SDUSD Recycling Program	Janet	Whited			
	45F05	CAPCOA	Alan W.	Abbs	Provide criteria for such determinations, such as photographs, enforcement/compliance histories, conditions or parameters of the pile, etc.		
(a)(2)	451S06	City of San Diego, Local Enforcement Agency	William E.	Prinz	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.		
(a)(2)	452P09	Association of Compost Producers	Jeff	Ziegenbein	We agree that seasonal storage adjustments are warranted for operator flexibility. Recommend extending to 120 days, "The EA may grant one more additional 30-day seasonal storage adjustment not exceeding a total of 120 days per calendar year."		
	453C08	CR&R	Clarke	Pauley			
(b)	451S07	City of San Diego, Local Enforcement Agency	William E.	Prinz	The word "facility" should be changed to "operation".		
(b)	453L04	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	While the LEA is generally supportive of this "three strikes" approach, it is suggested that if adopted for the EA Notification tier operations, these same conditions should likewise be included for the "Vegetative Food Material Composting Facilities" operating under a Registration Tier.		
(b)(3)	452P10	Association of Compost Producers	Jeff	Ziegenbein	Green Material Composting maximum volumes: mandatory cease and desist too onerous. Recommend change to: "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		
	453C09	CR&R	Clarke	Pauley			

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					the EA that it has corrected the violation and eliminated the cause of the violation.”		
§17857.2 Vegetative Food Material Composting Facilities							
	45E08	Solana	Jessica	Toth	SS 17857.2 should be amended to allow the specified volumes of vegetative/ food material feedstock. (from 45E05)		
	45G10	INIKA	Tyla	Montgomery			
	45H08	Pro Trees Arborist	Theron	Winsby			
	45I08	Self	Margaret	Stockton			
	45J08	Jimbo’s ... Naturally	Kelly	Hartford			
	45K08	Self	MC	Hagerty			
	45L08	Self	Barbara	Patterson			
	45N08	Self	Whitney	Dueñez			
	45O08	Solana	Diane	Hazard			
	45P08	Self	James	Murdick			
	45R08	Self	Roberta	Walker			
	45U08	Self	Walt	Sanford			
	45Z08	Self	Barbara	Kennedy			
	451B08	Self	Silka	Kurth			
	451G08	Self	Meaghan	Jones			
	452T08	Self	Evi	Haux			
	451L10	Sustainable Solutions	Jeff	Bishop			
	45M10	OB GreenGold	Anne	Barron			
	45Q08	SDUSD Recycling Program	Janet	Whited			
	453L06	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	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 "compost" 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.		
§17862. Research Composting Operations							
	45B12	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.		

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	452O13	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.		
(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							
	452J03	Santa Clara County Department of Environmental Health	Chris	Rummel	Finally, I see a big problem with the tier sizes for the things like wood chipping and grinding. The notification tier for chip & grind should be <20 tons notification, 20 to 100 tons registration, and 100+ full permit. Not <200 TPD as a notification.		
	452O11	California Compost Coalition	Neil	Edgar	...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.		
§17863.4. Odor Impact Minimization Plan							
	45F06	CAPCOA	Alan W.	Abbs	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.		
(b)(1)	452P12	Association of Compost Producers	Jeff	Ziegenbein	Odor Impact Minimization Plan: Recommend: Remove "and data collection." This may imply more advanced testing methods than may be necessary. We believe it is reasonable to start with qualitative and then move to quantitative (i.e. lab testing).		
	453C11	CR&R	Clarke	Pauley			
(f)	45B13	Los Angeles County Solid Waste Management Committee	Margaret	Clark	We 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.		
(f)	45B14	Los Angeles County Solid	Margaret	Clark	We 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		

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		Waste Management Committee			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.		
(f)	451001	Western Placer Waste Management Authority	Mary	Dietrich	We request section (f) be amended to say "...the EA shall <u>may</u> 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.		
(f)	452P13	Association of Compost Producers	Jeff	Ziegenbein	Recommend change back to "May direct." We believe that EA should be given latitude to escalate based on individual site, material and receptor circumstances.		
	453C12	CR&R	Clarke	Pauley			
(f)(3)	451002	Western Placer Waste Management Authority	Mary	Dietrich	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 <u>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.</u>		
§17863.4.1. Odor Best Management Practice Feasibility Report							
	452012	California Compost Coalition	Neil	Edgar	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.		
	453L05	County of San Diego Department of Environmental Health, Solid Waste	Karilyn	Merlos	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.		

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		Enforcement Agency					
(a)	451H03	CRRRC	Ralph	Chandler	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.		
(a)	451P02	Waste Connections, Inc.	Jody L.	Snyder	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.		
(d)	45F09	CAPCOA	Alan W.	Abbs	"Upon submittal of the Plan by the operator, <u>the EA</u> , within a specified time, <u>shall approve or not approve the Plan</u> . 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 <u>required</u> to be contained in the Plan and <u>be implemented</u> upon approval of the Plan." (As opposed its being "guidance" and the operator having the option to explain why certain procedures are not necessary.)		
(d)	451O03	Western Placer Waste Management Authority	Mary	Dietrich	Section (d) be amended to clarify that, in the absence of any compliance issues, <u>implementation of voluntarily reports is not mandatory</u> , and that the operator shall have the discretion of implementing specific measures according to site specific conditions and operational considerations.		
§17868.1 Sampling Requirements							
Also: §17868.2; §17868.3; §17868.3.1	45E09	Solana	Jessica	Toth	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 SS17868.1, 17868.2, 17868.3 and 17868.3.1.		
	45G05	INIKA	Tyla	Montgomery			
	45H09	Pro Trees Arborist	Theron	Winsby			
	45I09	Self	Margaret	Stockton			
	45J09	Jimbo's ... Naturally	Kelly	Hartford			
	45K09	Self	MC	Hagerty			
	45L09	Self	Barbara	Patterson			
	45N09	Self	Whitney	Dueñez			
	45O09	Solana	Diane	Hazard			
	45P09	Self	James	Murdick			
	45R09	Self	Roberta	Walker			
	45U09	Self	Walt	Sanford			
	45Z09	Self	Barbara	Kennedy			
	451B09	Self	Silka	Kurth			
	451G09	Self	Meaghan	Jones			
452T09	Self	Evi	Haux				

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	451L05	Sustainable Solutions	Jeff	Bishop			
	45M06	OB GreenGold	Anne	Barron			
	45Q09	SDUSD Recycling Program	Janet	Whited			
Also: §17868.2(a); §17868.3(a)	451Q04	California Association of Sanitation Agencies	Greg	Kester	CASA recommends modifying the language as follows: <i>"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."</i>		
	45W07	Synagro	Layne	Baroldi	Proposed language in Sections 17868.1, 17868.2(a), and section 17868.3(a) all require sample results for metals and pathogens be received prior to any compost leaving the site. Some compost and many chip and grind facility permits limit storage of post screened compost and products to seven (7) days thus making it very difficult, if not impossible to obtain analytical results prior to the need to market the compost. Flexibility is provided for this requirement in the proposed rule for all other compost feedstocks except biosolids.		
	45W08	Synagro	Layne	Baroldi	Synagro suggest modifying the language in this Section to be as follows: <i>"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."</i>		
(a) Also: §17868.2(a); §17868.3(a); §17868.3.1 (a)	451Y09	County Sanitation Districts of Los Angeles County	Paul	Prestia	We request that the requirement for test results in the aforementioned sections be modified as follows: <u>"...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..."</u>		
Also: §17868.3.1	452O04	California Compost Coalition	Neil	Edgar	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 adequate assess physical contamination across the broad range of particle sizes, particularly for the larger size products (i.e. 3" minus and above).		
	452O05	California Compost Coalition	Neil	Edgar	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.		
(a)(1)	453L08	County of San Diego Department of	Karilyn	Merlos	The LEA suggests that CalRecycle consider modifying the language to potentially include a specified sampling frequency adequate to ensure material		

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		Environmental Health, Solid Waste Enforcement Agency			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.		
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 USCC - TMECC 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."		
	453C13	CR&R	Clarke	Pauley			
(a)	453G07	Californians Against Waste	Nick	Lapis	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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(b)(1)	453G09	Californians Against Waste	Nick	Lapis	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.		
§17868.3.1. Physical Contamination Limits							
	451O04	Western Placer Waste Management Authority	Mary	Dietrich	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.		
	451P01	Waste Connections, Inc.	Jody L.	Snyder	WCI would like to ask for the rationale 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 foodwaste a larger percentage of contamination will ensue. If feedstocks are controlled contamination will be controlled.		
	451T03	East Bay Municipal Utility District	Donald	Gray	We recommend that this limit receive more study to select an appropriate contamination limit, before this part of the proposed regulations take effect.		
	451X04	The San Diego Food System Alliance	Richard	Winkler	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?		
	451X05	The San Diego Food System Alliance	Richard	Winkler	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.		
	451X06	The San Diego Food System Alliance	Richard	Winkler	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 SDFSFA requests clarification that permit-excluded and farms using compost onsite are excluded.		
	451X07	The San Diego Food System Alliance	Richard	Winkler	The sampling protocol does not specify a sample volume.		
	451Y08	County Sanitation	Paul	Prestia	To unify these provisions, we suggest cross-referencing the earlier section: 17868.3.1 Physical Contamination Limits		

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		Districts of Los Angeles County			(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic yards of compost <u>conduct sampling according to the frequency schedule specified in Section 17868.1(a)</u> and send to a laboratory...		
Also: 17896.61	451Z02	Recology	Erin	Merrill	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.		
	452C01	Napa County, Environmental Health Division	Greg	Pirie	Recommendation: Verification of physical contamination limits at point where compost is <u>sold or removed</u> 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)		
	452C02	Napa County, Environmental Health Division	Greg	Pirie	Recommendation: Verification of physical contamination limits at point of <u>land application</u> at 0.5% by 2017 with agreed upon analytical test methods.		
	452J02	Santa Clara County Department of Environmental Health	Chris	Rummel	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.		
	452K01	Waste Management	Chuck	White	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		

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					technical and economic justification can be made to set limits based upon California-specific scientific data and a public review process.		
	452K02	Waste Management	Chuck	White	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 (TMECC)" for physical contaminants, as referred to and defined as <i>total inerts</i> (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.		
	452M03	Harvest Power	Linda	Novick	Harvest recommends the development of specific protocols for sample collection and testing associated with the physical contamination testing requirement.		
	452N01	City of San Jose Environmental Services Department	Kristina	McCaffrey	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.		
	452O06	California Compost Coalition	Neil	Edgar	<p><u>Phased Implementation Schedule – Green Material Compost and Chip and Grind Mulch</u> Adoption of sampling/testing methodologies – December 31, 2017 --- 1% January 1, 2018 – December 31, 2019 --- 0.5% January 1, 2020 --- 0.1%</p> <p><u>Phased Implementation Schedule – Mixed Material</u> Adoption of sampling/testing methodologies – December 31, 2017 --- 2% January 1, 2018 –December 31, 2019 ---1% January 1, 2020 --- 0.5%</p>		
	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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	452P19	Association of Compost Producers	Jeff	Ziegenbein	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.		
	453C18	CR&R	Clarke	Pauley			
	453I01	West Marin Compost	Jeffrey A.	Creque	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.		
	PHA02	City of Bakersfield Solid Waste Division	Kevin	Barnes	Please do not proceed with the regulation until a test method has been established and some real situational results have been obtained and shared.		
	PHA03	City of Bakersfield Solid Waste Division	Kevin	Barnes	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.		
	PHB01	Engel & Gray, Inc.	Robert	Engel	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 “Initial Statement of Reasons” 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.		
	PHB04	Engel & Gray, Inc.	Robert	Engel	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 manufactures would be something that we would support moving forward.		
	PHQ03	California Refuse Recycling Council	Veronica	Pardo	We are in support of an industry achievable contamination level as well as a standardized and repeatable lab protocol included in your regulations.		

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	PHQ04	California Refuse Recycling Council	Veronica	Pardo	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.		
	PHQ05	California Refuse Recycling Council	Veronica	Pardo	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.		
	PHR02	Californians Against Waste	Nick	Lapis	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.		
	PHS01	Republic Services	Chuck	Helget	The 0.1 percent is simply unenforceable and economically unfeasible, and we would suggest at least a 0.5 percent threshold.		
	PHT01	California Compost Coalition	Neil	Edgar	The physical contaminate 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.		
	PHT02	California Compost Coalition	Neil	Edgar	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 contaminate 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 contaminate levels or they're present at composting facility.		
	PHT03	California Compost Coalition	Neil	Edgar	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.		
(a)	45B15	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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."		
(a)	45W09	Synagro	Layne	Baroldi	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.		
(a)	45W10	Synagro	Layne	Baroldi	A 1.0% physical contaminant level is far more pragmatic and achievable and is therefore recommended as an alternative.		

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(a)	451E04	Athens Services	Brian	Johsz	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.		
(a)	451H01	CRRC	Ralph	Chandler	The current proposed level of 0.1% by weight of physical contaminants greater than 4 millimeters is impracticable.		
(a)	451H02	CRRC	Ralph	Chandler	CRRC proposes a realistic 1% target physical contamination level.		
(a)	451Q05	California Association of Sanitation Agencies	Greg	Kester	A 0.5% physical contaminant level is far more pragmatic and appears achievable and is therefore recommended as an alternative.		
(a) Also: §17852(a) (24.5)	452B01	California Organic Recycling Council	Matthew	Cotton	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 *may* 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.		
(a)	452P14	Association of Compost Producers	Jeff	Ziegenbein	We believe that the Physical Contamination Limits (PCLs), as proposed, have not been adequately studied to be adopted.		
(a)	452P15	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.		
	453C14	CR&R	Clarke	Pauley			
(a)	452P18	Association of Compost Producers	Jeff	Ziegenbein	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.		
	453C17	CR&R	Clarke	Pauley			
(a)	452S03	CCDEH	Rebecca	Ng	Phased Implementation Schedule-		

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					<p>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%</p> <p>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%</p>		
(a)	452S04	CCDEH	Rebecca	Ng	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.		
(a)	453D02	SF Environmental	Jack	Macy	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.		
(a)	453D03	SF Environmental	Jack	Macy	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.		
(a)	453E01	Sector Strategies	Chuck	Helget	We believe that samples should be analyzed on a "dry weight" basis.		
(a)	453E02	Sector Strategies	Chuck	Helget	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!		
(a)	453E03	Sector Strategies	Chuck	Helget	Therefore, we urge CalRecycle to consider raising the threshold at a minimum to .5% and that there be a phase-in period to allow the industry time to adapt.		
(a)	453G01	Californians Against Waste	Nick	Lapis	The proposed 0.1% contamination standard is unworkable, unsubstantiated, and a barrier to expanding composting and meeting the state's 75% goal.		
(a)	453G02	Californians Against Waste	Nick	Lapis	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.		
(a)	453G03	Californians Against Waste	Nick	Lapis	The threshold (physical contamination limit) should be in the 0.5% - 0.75% range.		

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(a)	453G05	Californians Against Waste	Nick	Lapis	The standard (physical contamination limit) should be phased in over a reasonable period of time to minimize the impact on the industry.		
(a)	453G06	Californians Against Waste	Nick	Lapis	CalRecycle should consider having a different standard (physical contamination limit) for heavy, but inert contaminants (such as glass).		
(a)	453H02	Sonoma County Dept. of Health Services	Jennifer	Lyle	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.		
(a)	451U02	Stop Waste	Gary	Wolff	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.		
(a)	451U03	Stop Waste	Gary	Wolff	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).		
(a)	PHN03	Association of Compost Producers	Kathy	Lynch	We believe that number (0.1%) is an impossible number to reach at this time.		
(a)	PHO02	California Resource Recovery Association	John	Dane	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.		
(a)	PHQ02	California Refuse Recycling Council	Veronica	Pardo	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.		
(b)	452M01	Harvest Power	Linda	Novick	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: <i>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.</i>		
(d)	452B02	California Organic Recycling Council	Matthew	Cotton	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.		
§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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					weight, and ramping down to 0.5% in 2020 for all handling operations and facilities.		
(a)	453H01	Sonoma County Dept. of Health Services	Jennifer	Lyle	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.		
(a)(1)	45B16	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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).		
	452G02	Los Angeles Bureau of Sanitation	Enrique C.	Zaldivar	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 percents by weight of the entire load, it then must be taken to a full solid waste permit facility for processing.		
	453L07	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	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.		
§17869. General Record Keeping Requirements							
	452M05	Harvest Power	Linda	Novick	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.		

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§17896.1. Authority and Scope							
(a)	451Y05	County Sanitation Districts of Los Angeles County	Paul	Prestia	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).		
(c)	45B17	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.		
(d)	45B18	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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."		
§17896.2. Definitions							
(a)	45B19	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand this Subsection to provide definition for the processed mammalian tissue, flesh, organs, hide, blood, bones and marrow.		
(a)	45X03	CSS	Dan	Morash	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.		
(a)	45Y04	CleanWorld	Tracy	Saville	CleanWorld proposes that the wording (from In-Vessel definitions) be changed from "receives" to "feeds".		
(a)(6)	452P20	Association of Compost Producers	Jeff	Ziegenbein	Recommend change the definition to: "Digestate means the solid and/or liquid residual material product remaining after organic material has been processed in an in-vessel digester."		
	453C19	CR&R	Clarke	Pauley			

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(a)(7)(A) (a)(7)(B)	PHL05	INIKA	Tyla	Montgomery	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		
(a)(8)	451J04	USCC	Al	Rattie	We are opposed to allowing dairies to take off-farm food scraps for digestion under a simple "notification" tier.		
(a)(8)	451J05	USCC	Al	Rattie	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.		
(a)(8)		Agricultural Council of California	Rachel	O'Brien	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.		
(a)(9)	453B08	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend the same tonnage limits applied to the Distribution Center In-Vessel Digestion Operation as used for In- Vessel Digestion Operations and Facilities.		
(a)(9)	453B09	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	For consistency, "putrescible material" mentioned in this section should be changed to "putrescible waste".		
(a)(14)	45Y01	CleanWorld	Tracy	Saville	CleanWorld proposes that the definition's language (Limited Volume In-Vessel Digestions Operation) be changed to reflect a 30-day average requirement.		
(a)(14) (a)(17)	45Y03	CleanWorld	Tracy	Saville	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.		
(a)(14) (a)(17)	PHK01	CleanWorld	Cory	Bullis	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.		
(a)(14) (a)(17)	PHK02	CleanWorld	Cory	Bullis	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.		
(a)(14) (a)(17)	PHR03	Californians Against Waste	Nick	Lapis	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.		
(a)(17)	45Y02	CleanWorld	Tracy	Saville	This same flexibility (see 45Y01) should be given to medium volume in-vessel digesters.		

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(a)(18)	45B20	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Nuisance. Please refer to the Specific Comment #2 (45B04) for concerns and recommendations.		
(a)(18)	PHM03	LA County Task Force	Mike	Mohajer	So you have got to define the "entire community."		
(a)(27)	452P21	Association of Compost Producers	Jeff	Ziegenbein	Salvaging Definition. This is the same as material recovery. Recommend: Add "(e.g. Material Recovery Facility)."		
	453C20	CR&R	Clarke	Pauley			
§17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities							
	451Y04	County Sanitation Districts of Los Angeles County	Paul	Prestia	We suggest that just tons per day (tpd) be used in Section 17896.5, as shown below. <u>Notification Tier</u> Limited Volume In-Vessel Digestion Operations (<15 tpd), Section 17896.11 <u>Registration Tier</u> Medium Volume In-Vessel Digestion Operations (≥15 tpd & ≤100 tpd), Section 17896.12 <u>Full Solid Waste Facility Permit</u> Large Volume In-Vessel Digestion Operations (> 100 tpd), Section 17896.13		
	452P22	Association of Compost Producers	Jeff	Ziegenbein	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 "Distribution Center" food waste AD 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.		
	453C21	CR&R	Clarke	Pauley			
§17896.6. Excluded Facilities							
(a)	45X04	CSS	Dan	Morash	And then in Section 17896.6, CSS recommends a Renderer exclusion to this Excluded Activities section as follows: 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.		
(a)(1)(A)	45C01	Anaergia	David	Schneider	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		

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					onsite solid waste permitted facility, but there should be some sort of specification such as not to exceed 5% contaminants greater than 4 mm.		
(a)(1)(A)	45C02	Anaergia	David	Schneider	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.		
(a)(1)(A)	451Q01	California Association of Sanitation Agencies	Greg	Kester	Replace with: <i>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.</i>		
(a)(1)(D)	451T01	East Bay Municipal Utility District	Donald	Gray	This prohibition unnecessarily removes a best option for recycling this material. Please consider adding: " <i>unless approved by CDFG and the State Water Resources Control Board CSWRCB) or the Regional Water Quality Control Board CRWQCB) as appropriate.</i> "		
(a)(3)	451Y03	County Sanitation Districts of Los Angeles County	Paul	Prestia	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).		
(a)(4)	451T02	East Bay Municipal Utility District	Donald	Gray	EBMUD also recommends 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): (4) <u>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).</u>		
(a)(4)	451Q02	California Association of	Greg	Kester	Replace with: <i>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</i>		

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		Sanitation Agencies			<i>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).</i>		
(a)(4)	451Y02	County Sanitation Districts of Los Angeles County	Paul	Prestia	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: <u>(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.</u>		
§17896.8. Research In-Vessel Digestion Operations							
(c)	45W11	Synagro	Layne	Baroldi	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.		
(c)	451Q06	California Association of Sanitation Agencies	Greg	Kester	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.		
§17896.9. Dairy In-Vessel Digestion Operations							
	452O08	California Compost Coalition	Neil	Edgar	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.		
	453E04	Sector Strategies	Chuck	Helget	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.		
	453G14	Californians Against Waste	Nick	Lapis	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.		
§17896.12. Medium Volume In-Vessel Digestion Facilities							
(1)	45Y07	CleanWorld	Tracy	Saville	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.		
§17896.13. Large Volume In-Vessel Digestion Facilities							

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(1)	45Y08	CleanWorld	Tracy	Saville	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.		
§17896.19. Biogas Control							
	45F07	CAPCOA	Alan W.	Abbs	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 <u>adequate measures</u> precaution to <u>prevent</u> minimize the uncontrolled release of biogas that may have harmful effects on site users and the general public."		
§17896.21. Drainage and Spill Control							
	45B21	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed requirements need to be expanded to prohibit any off-site drainage without a NPDES Permit.		
§17896.30. Odor Best Management Practice Feasibility Report							
	45B22	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.		
§17896.31. Odor Minimization Plan.							
(f)	452P23	Association of Compost Producers	Jeff	Ziegenbein	Odor Minimization Plan: Recommend change “shall direct” to “may direct”.		
	453C22	CR&R	Clarke	Pauley			
§17896.39. Scavenging and Salvaging.							
(b)	452P24	Association of Compost Producers	Jeff	Ziegenbein	Recommend: “salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation (<u>e.g. Material Recovery Facility</u>).”		
	453C23	CR&R	Clarke	Pauley			
§17896.40. Signs.							
(a)	452P25	Association of Compost Producers	Jeff	Ziegenbein	Recommend: delete and replace: "(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."		

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	453C24	CR&R	Clarke	Pauley			
§17896.43. Training.							
	452P26	Association of Compost Producers	Jeff	Ziegenbein	Training: recommend, "Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to <u>their job description including solid waste operations...</u> "		
	453C25	CR&R	Clarke	Pauley			
§17896.45. Record Keeping Requirements							
	45B23	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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."		
(e)	451S09	City of San Diego, Local Enforcement Agency	William E.	Prinz	The word "written" 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.		
§17896.57. Digestate Handling							
(a)(2)(A)	45F08	CAPCOA	Alan W.	Abbs	CAPCOA has concerns this requirement will tend to discourage the development of in- vessel digestion. In particular, Yolo-Solano AQMD 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.		
(a)(2)(A)	453I07	West Marin Compost	Jeffrey A.	Creque	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.		
(a)(2)(A)	452O09	California Compost Coalition	Neil	Edgar	...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.		
(a)(3)(A)	452P27	Association of Compost Producers	Jeff	Ziegenbein	Suggest: remove "solid waste" Suggest: "(A) transported to another solid waste facility or operation, or facility <u>that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854</u> for disposal, composting, or additional processing; or".		
	453C26	CR&R	Clarke	Pauley			
(a)(3)(B)	451I01	Environmental Programs Division- LA County	Coby	Skye	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.		

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(b)	452P28	Association of Compost Producers	Jeff	Ziegenbein	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		
	453C27	CR&R	Clarke	Pauley			
§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."		
	453C28	CR&R	Clarke	Pauley			
(c)(2)(A) (c)(2)(B)	452P30	Association of Compost Producers	Jeff	Ziegenbein	Comment: As with compost sampling protocol, if sampling from a conical pile, it seems like you would be getting too many samples from the top half and none from bottom half. Propose Change: (A) 6 samples from the bottom half of the pile, each at a different cross section and height. (B) 6 samples from the top half of the pile, each at a different cross section and height.		
	453C29	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			

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(a)	452P36	Association of Compost Producers	Jeff	Ziegenbein	Pathogen Reduction: Recommend, "Compost and Digestate"		
	453C35	CR&R	Clarke	Pauley			
(a)	452P37	Association of Compost Producers	Jeff	Ziegenbein	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).		
	453C36	CR&R	Clarke	Pauley			
(b)(2)	452P35	Association of Compost Producers	Jeff	Ziegenbein	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)."		
	453C34	CR&R	Clarke	Pauley			
(b)(2)(A)	452P38	Association of Compost Producers	Jeff	Ziegenbein	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.”		
	453C37	CR&R	Clarke	Pauley			
(b)(4)	452P39	Association of Compost Producers	Jeff	Ziegenbein	Recommend delete (b)(4), as this is redundant with the composting regulations.		
	453C38	CR&R	Clarke	Pauley			
(b)(2), (3) and (4)	451I02	Environmental Programs Division- LA County	Coby	Skye	We recommend the requirements be revised to focus on the performance or outcome being sought rather than impeding operational design.		
§17896.61. Physical Contamination Limits							
(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.		
(a)	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.		

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(a)	451F02	Zanker	Greg	Ryan	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.		
(a)	451I03	Environmental Programs Division- LA County	Coby	Skye	The requirement for compost products to meet a 0.1 percent physical contamination limit will be very challenging for any operation to meet.		
(a)	451I03	Environmental Programs Division- LA County	Coby	Skye	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.		
(a)	451J01	USCC	Al	Rattie	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.		
(a)	451J02	USCC	Al	Rattie	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.		
(a)	451J03	USCC	Al	Rattie	Rather than pulling a number "out of thin air", 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.		
(a)	452P40	Association of Compost Producers	Jeff	Ziegenbein	Recommend change to, "compost and digestate"		
	453C39	CR&R	Clarke	Pauley			
(a)	452P41	Association of Compost Producers	Jeff	Ziegenbein	0.1% contamination limit is too onerous and arbitrary. See comment from Pg. 25, Line 10.		
	453C40	CR&R	Clarke	Pauley			
(b)	452P42	Association of Compost Producers	Jeff	Ziegenbein	Recommend: change to, ". . . compost process <u>or fully permitted solid waste facilities where final curing, blending, processing or composting occurs (reference codes)</u> , shall take one representative sample..."		
	453C41	CR&R	Clarke	Pauley			
§18103.1 Filing Requirements.							
(a)(3)	453F02	County of Orange Department of Environmental Health, Solid Waste Local	Kathryn	Cross	The OC LEA respectful request that written notice <u>to</u> the local planning department in the last sentence of the regulation above, be changed to require written notice <u>from</u> 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		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
		Enforcement Agency			notice from the local planning department, EAs can be assured that notification has occurred.		
§18302. Written Complaints of Alleged Violations							
(c)	45B24	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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.		
(d)	45B25	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand Line # 1 to insert the phrase “but not later than one business day” after “...as soon as practical.”		
(d)	45D06	Sacramento County LEA	Gibson	Lea	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.		
(d)	45F10	CAPCOA	Alan W.	Abbs	In subsection (d), add a requirement that the <u>"EA shall contact and interview the complainant."</u>		
(d)	451O05	Western Placer Waste Management Authority	Mary	Dietrich	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 <u>to determine whether the operator has failed</u> to minimize odor and that, after investigation, the EA <u>may</u> issue violation <u>at their discretion</u> . Again, this will give the EA the discretion they are afforded throughout the regulation.		
(d)	451Y10	County Sanitation Districts of Los Angeles County	Paul	Prestia	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...		
(d)(2)	45B26	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand the Paragraph to require the EA to also collect weather related data for the time that the odor complaint was received.		
(d)(3)(B)	45F11	CAPCOA	Alan W.	Abbs	Add a phrase to the requirement: "Verify the odor event at the complainant's location and ascertain <u>by various means, including by interviewing the complainant</u> , if the odor is interfering with the complainant's use and enjoyment of the property."		
Solid Waste Facility Permit Application Form							
Part 2.D	453L09	County of San Diego Department of Environmental	Karilyn	Merlos	The LEA does not support the removal of the second checkbox indicating that the "Facility is not required to be identified in the Siting Element or Non-disposal Facility Element." Pursuant to Public Resources Code (PRC), Section 50001(b), some facility types are not required to comply with PRC 50001.		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
		Health, Solid Waste Enforcement Agency					
Part 2 E.12	45B27	Los Angeles County Solid Waste Management Committee	Margaret	Clark	MSW- Please expand to define the term “commercial sources” to be consistent with the definition provided by AB 341 (2011), as amended.		
Part 3 A.1.a.	45B28	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand Line 49 by inserting “compost” after “recycle.”		
Part 3 A.2	45B29	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please see comments on Item A.1.a. (45B27) and expand the requirement to also include “compost.”		
Part 3 A.4. “I” and “J”	45B30	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand to describe the disposal footprint by latitude and longitude and expressed in degrees.		
Part 3 c.	451Y11	County Sanitation Districts of Los Angeles County	Paul	Prestia	Facility Size: the area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur. This includes...		
Part 3 d.	451Y12	County Sanitation Districts of Los Angeles County	Paul	Prestia	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...		
Part 3 e.	451Y13	County Sanitation Districts of Los Angeles County	Paul	Prestia	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...		
Part 4	451D1	Self	Joyce	Dillard	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.		
Appendix 1	453F03	County of Orange Department of	Kathryn	Cross	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.		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
		Environmental Health, Solid Waste Local Enforcement Agency					



Final Regulation Text

Changes are denoted by the following:

~~Strikethrough~~ = deletions of existing text

Underline = additions to existing text

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. Department of Resources Recycling and Recovery

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23
24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

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

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 43020 and 43021, Public Resources Code.

45
46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

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

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

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code.

17 18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 21 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 22 **Regulatory Requirements.**

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

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

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

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

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

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

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

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

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

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

51 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site
52 for more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore
53 subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

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

56 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
57 to the time specified in a land use entitlement for the site that has an express time limit for the
58 storage of materials.
59

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

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

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

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

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

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

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

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

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

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

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

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

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

52 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.

54
55
56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

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

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

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

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

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

25 ...

26
27 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
28 40053, 43020, 43021, Public Resources Code.

29 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

30 All small volume CDI debris processing operations shall comply with the EA Notification requirements
31 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
32 operations shall be inspected quarterly by the EA at least once every three (3) months to verify
33 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
34 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
35 additional risk to public health and safety or the environment but in no case shall the frequency be
36 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
37 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
38 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
39 irregular intervals. The operator shall specify the operation's boundary area in the operating record.
40
41 ...

42
43 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020, 43021, Public Resources Code.

45 **§ 17383.7. Inert Debris Type A Processing Operations.**

46 ...

47
48 (f) These operations shall be inspected by the EA at least once every three (3) months to verify
49 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
50 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
51 additional risk to public health and safety or the environment but in no case shall the frequency be
52 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
53 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
54 Inspections shall be conducted quarterly. To the greatest extent possible, all inspections shall be
55 unannounced and shall be conducted at irregular intervals.
56
57 ...

58 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020, 43021, Public Resources Code.

1
2
3 **Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory**
4 **Requirements**

5
6 **§ 17388.3. Inert Debris Engineered Fill Operations.**
7

8 ...
9 (b) Inert debris engineered fill operations shall be inspected ~~as necessary~~ by the EA at least once
10 every three (3) months to verify compliance with State Minimum Standards unless the EA approves,
11 with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
12 inspection frequency only if it will not pose an additional risk to public health and safety or the
13 environment but in no case shall the frequency be less than once per calendar year. [Note: See
14 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
15 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly, unless~~
16 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
17 ~~than annual.~~
18 ...

19 Note: Authority cited: Sections 40502, 43020, and 43021, and 48007.5, Public Resources Code.
20 Reference: Sections 40053, 43020, and 43021, and 48007.5, Public Resource Code.
21
22

23 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**
24

25 **§ 17403.1. Excluded Operations.**

26 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
27 Articles and are not required to meet the requirements set forth herein:
28 ...

29 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
30 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
31 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
32 Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).
33 ...

34
35 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
36 40053, 43020, and 43021, Public Resource Code.
37

38 **§ 17403.2. Sealed Containers Transfer Operations.**

39 All sealed container transfer operations subject to this Article shall comply with the Enforcement
40 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
41 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
42 ~~as necessary~~ at least once every three (3) months to verify compliance with minimum standards
43 unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may
44 approve a reduced inspection frequency only if it will not pose an additional risk to public health and
45 safety or the environment but in no case shall the frequency be less than once per calendar year.
46 [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the
47 approval or denial of requests for reducing the frequency of inspections.] ~~Inspections shall be~~
48 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~
49 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the
50 operating record.
51

52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.
54

55 **§ 17403.3. Limited Volume Transfer Operations.**

56 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
57 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
58 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
59 ~~necessary~~ at least once every three (3) months to verify compliance with minimum standards unless

1 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
2 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
3 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
4 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
5 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly,~~
6 ~~unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less~~
7 ~~than annual.~~ The operator shall specify the operation's boundary area in the operating record.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11 12 13 **Article 6.2. Operating Standards**

14 **§ 17409.2. Sanitary Facilities.**

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

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 40053, 43020 and 43021, Public Resources Code.

20 21 22 23 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory** 24 **Requirements**

25 26 27 **Article 1. General**

28 **§ 17852. Definitions.**

29 (a) For the purposes of this Chapter:

30 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
31 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
32 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
33 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

34 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
35 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
36 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
37 feedstock.

38 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
39 blow or draw air through the pile. Little or no pile agitation or turning is performed.

40 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
41 presence of oxygen.

42 (4.5) "Agricultural By-Product Material" means post-harvest agricultural by-products separated at a
43 processing facility.

44 (A) Agricultural By-product Material includes, but is not limited to, solid or semi-solid materials
45 from fruit, nut, cotton, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and
46 shells, peels, and off-grade, over-ripe, or under-ripe produce.

47 (B) Agricultural By-product Material does not contain packaging material, physical contaminants,
48 or hazardous materials, and does not include wastewater, sludges, or additives.

49 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
50 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
51 viticulture and similar activities undertaken for the production of food or fiber for human or animal
52 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
53 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
54 generation, and which contains no other solid waste. With the exception of grape pomace or material
55 generated during nut or grain hulling, shelling, and processing, agricultural material has not been
56 processed except at its point of generation and has not been processed in a way that alters its
57 essential character as a waste resulting from the production of food or fiber for human or animal
58 consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative
59

1 food material” is not agricultural material. Agricultural material includes, including but is not limited
2 to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

3 (6) “Agricultural Material Composting Operation” means an operation that produces compost from
4 green or agricultural material, additives, and/or amendments.

5 (7) “Amendments” means materials added to stabilized or cured compost to provide attributes for
6 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
7 Amendments do not include septage, biosolids, or compost feedstock.

8 (8) “Anaerobic Decomposition” means the biological decomposition of organic substances in the
9 absence of oxygen.

10 (9) “Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic
11 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
12 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.

13 Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material
14 with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a
15 sewage sludge incinerator or grit and screenings generated during the preliminary treatment of
16 domestic sewage in a treatment works.

17 (10) “Chipping and Grinding Operations and Facilities” means an operation or facility, that does not
18 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
19 compostable material and:

20 (A) The site does the following:

21 1. The site handles only material, excluding manure, allowed at a green material composting
22 operation or facility as set forth in section 17852(a)(22); and,

23 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
24 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
25 time does not increase the potential for violations of this Chapter.

26 (B) If the site fails to meet the definition of green material because it exceeds the contamination
27 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
28 Regulatory requirements (commencing at section 17400).

29 (C) If the site fails to meet the definition of this section because the green material remains on-
30 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
31 material handling operation or facility, as set forth in this Chapter.

32 (11) “Compostable Material” means any organic material that when accumulated will become active
33 compost as defined in section 17852(a)(1).

34 (12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that
35 processes, transfers, or stores compostable material. Handling of compostable materials results in
36 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
37 and storage activities related to the production of compost, compost feedstocks, and chipped and
38 ground materials. “Compostable Materials Handling Operation or Facility” does not include activities
39 excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also
40 includes:

41 (A) agricultural material composting operations;

42 (B) green material composting operations and facilities;

43 (C) vegetative food material composting facilities;

44 (D) research composting operations; ~~and,~~

45 (~~E~~) chipping and grinding operations and facilities; and,

46 (F) biosolids composting operations at POTWs.

47 (13) “Curing” means the final stage of the composting process that occurs after compost has
48 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
49 metabolized material has been decomposed and stabilized.

50 (13.5) “Digestate” means the solid and/or liquid residual material remaining after organic material
51 has been processed in an in-vessel digester, as defined in section 17896.2(a)(14). Digestate intended
52 to be composted pursuant to this Chapter may only be handled at a facility that has obtained a
53 Compostable Materials Handling Facility Permit pursuant to section 17854.

54 (14) “Domestic Sewage” means waste and wastewater from humans or household operations that is
55 discharged to or otherwise enters a treatment works.

56 (15) “Disposal of compostable material and/or digestate” means:

57 (A) 1. the final deposition of compostable material and/or digestate on land, unless excluded from
58 this Chapter 3.1 pursuant to section 17855;

1 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
2 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration
3 requirements of section 17868.2, onto on land for a combined period of time greater more than six
4 months 30 days, except as provided in subdivision (A) 3.; or

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

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

13 1. alternative daily cover material for beneficial reuse at a solid waste landfill pursuant to Title
14 27, California Code of Regulations, section 20686; or

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

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

25 4. as specified in section 17852(a)(24.5)(B).

26 ~~(D C)~~ Should the EA have information reason to believe that a person compostable material
27 handler is engaging in other activities that meet the definition of disposal of compostable material or
28 authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall
29 be on each person engaging in or authorizing such activities the land owner or operator to
30 demonstrate otherwise.

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

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

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

41 (18) "EA" means enforcement agency.

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

46 (19.5) "Film plastic" means sheet plastic 10 mil or less in thickness.

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

56 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
57 material and is separated from other food material and the municipal solid waste stream. Vegetative
58 food material may be processed or cooked but must otherwise retain its essential natural character
59 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food

1 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
2 spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 percent of
3 physical contaminants by dry weight, and meets the requirements of section 17868.5.

4 (21) "Green Material" means any plant material except food material and vegetative food material
5 that is separated at the point of generation, contains no greater than 1.0 of percent physical
6 contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes,
7 but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood
8 waste from silviculture and manufacturing, and construction and demolition wood waste. Green
9 material does not include food material, vegetative food material, biosolids, mixed solid waste
10 material, material processed separated from commingled solid waste collection or processing, wood
11 containing lead-based paint or wood preservative, or mixed construction or mixed and demolition
12 debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of
13 "green material" may be handled as either agricultural material or green material.

14 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
15 green material, additives, and/or amendments. A green material composting operation or facility may
16 also handle manure and paper products. An operation or facility that handles a feedstock that is not
17 green material, manure, or paper products, shall not be considered a green material composting
18 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
19 excluded from regulation in section 17855.

20 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
21 compostable materials results in controlled biological decomposition. Handling includes composting,
22 screening, chipping and grinding, and storage activities related to the production of compost, compost
23 feedstocks, and chipped and ground materials.

24 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
25 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
26 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

27 (24.5) "Land Application" means:

28 (A) The final deposition of compostable material and/or digestate spread on any land, including
29 land zoned only for agricultural uses, under the following conditions:

30 1. On and after January 1, 2018, the compostable material and/or digestate does not contain
31 more than 0.5% by dry weight of physical contaminants greater than 4 millimeters (no more than
32 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters), as specified in section
33 17868.3.1, at the time of land application;

34 2. The compostable material and/or digestate meets the maximum metal concentrations, as
35 specified in section 17868.2, at the time of land application;

36 3. The compostable material and/or digestate meets the pathogen density limits, as specified in
37 section 17868.3(b)(1), at the time of land application; and

38 4.

39 a. On land not zoned only for agricultural uses, the compostable material and/or digestate is
40 not applied more frequently than once during a 12 month period, and, at the time of the land
41 application, the compostable material and/or digestate shall not exceed 12 inches in total,
42 accumulated depth on the land surface. The EA, in consultation with the Regional Water Quality
43 Control Board, may approve alternative application frequencies and depths, if the EA after such
44 consultation determines that the alternatives will not adversely affect public health and safety or the
45 environment.

46 b. On land zoned only for agricultural uses, the compostable material and/or digestate is not
47 applied more frequently than three times during a 12 month period, and, at the time of the land
48 application, the compostable material and/or digestate shall not exceed 12 inches in total,
49 accumulated depth on the land surface. The EA, in consultation with the California Department of Food
50 and Agriculture to determine if the land application is agronomically beneficial and with the Regional
51 Water Quality Control Board regarding water quality, may approve alternative frequencies and depths,
52 if the EA after such consultation determines that the alternative will not adversely affect public health
53 and safety or the environment. The Department shall coordinate all EA requests for consultation with
54 the California Department of Food and Agriculture.

55 5. Verification of compliance with this subdivision must be provided to the EA upon request.

56 (B) This subdivision (a)(24.5) does not apply to:

57 1. the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division,

58 2. the use of compostable material and/or digestate for gardening or landscaping on a parcel of
59 land 5 acres or less in size.

1 3. the final deposition of compostable material and/or digestate spread on land by a Federal,
2 State, or local government entity, provided the material is applied in accordance with applicable law,

3 4. the final deposition of agricultural by-products material spread on land as authorized by the
4 State Water Resources Control Board or a Regional Water Quality Control Board pursuant to Waste
5 Discharge Requirements, a Waiver of Waste Discharge Requirements, a Resolution, or other issued
6 requirements from the State Water Resources Control Board or a Regional Water Quality Control
7 Board having jurisdiction, provided this final deposition does not adversely affect public health and
8 safety or the environment.

9 5. the beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of
10 Regulations, section 20686, or

11 6. the beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal
12 Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-
13 specific Waste Discharge Requirements or other issued requirements from the State Water Resources
14 Control Board or a Regional Water Quality Control Board having jurisdiction.

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

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

23 (26) "~~Mixed Solid Waste Material~~" means any compostable material that is part of the municipal
24 solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
25 demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
26 contains 1.0% or more of physical contaminants by dry weight is mixed solid waste material.
27 ~~Compostable material that contains mixed demolition or mixed construction debris shall be considered~~
28 ~~mixed solid waste.~~

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

32 (27.5) "Nuisance" includes anything which:

33 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
34 comfortable enjoyment of life or property, and

35 (B) affects at the same time an entire community, neighborhood or any considerable number of
36 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

37 (28) "Operations Area" means the following areas within the boundary of a compostable material
38 handling operation or facility:

39 (A) equipment cleaning, maintenance, and storage areas;

40 (B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

41 (C) process water and stormwater drainage control systems.

42 (29) "Operator" means the owner, or other person who through a lease, franchise agreement or
43 other arrangement with the owner, becomes legally responsible for the following:

44 (A) complying with regulatory requirements set forth in this Chapter;

45 (B) complying with all applicable federal, state and local requirements;

46 (C) the design, construction, and physical operation of the site; and

47 (D) site restoration.

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

50 (31) "Pathogenic Organism" means disease-causing organisms.

51 (32) "Physical Contamination" or "Contaminants" means human-made inert ~~products material~~
52 contained within feedstocks-compostable material, digestate, or compost, including, but not limited to,
53 glass, metal, and plastic.

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

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

58 (35) "Separated At The Point of Generation" includes material separated from the solid waste
59 stream by the generator of that material. It may also include material from a centralized facility as

1 long as that material was kept separate from the waste stream prior to receipt by that facility and the
2 material was not commingled with other materials during handling.

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

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

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

11 (38.5) "Vegetative Food Material Composting Facility" is a facility that composts agricultural
12 material, green material, vegetative food material, additives, and/or amendments. A vegetative food
13 material composting facility may also handle manure and paper products. An operation or facility that
14 handles a feedstock that is not agricultural material, green material, vegetative food material,
15 manure, or paper products, shall not be considered a vegetative food material composting facility.
16 "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in
17 section 17855.

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

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

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

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

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

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

37 38 39 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 40 **Facilities**

41 42 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

43 Except as specified in this Article, all compostable materials handling activities shall obtain a
44 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
45 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles
46 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
49 43020 and 43021, Public Resources Code.

50 51 **§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations** 52 **and Facilities.**

53 Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7,
54 Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
55 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
56 Regulations) for compostable material handling operations and facilities. These requirements are
57 summarized in Table 1.

58
59 Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers

1

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
<u>Refer to Section 17855</u>	<u>Agricultural Material Composting Operations (all) Section 17856.</u>		<u>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</u>
	<u>Green Material Composting Operations ($\leq 12,500 \text{ yd}^3$) Section 17857.1(a)</u>	<u>Vegetative Food Material Composting Facilities ($\leq 12,500 \text{ yd}^3$) Section 17857.2</u>	<u>Green Material Composting Facilities ($> 12,500 \text{ yd}^3$) Section 17857.1 (c)</u>
	<u>Biosolids Composting Operations at POTWs (all) Section 17859.1</u>		<u>Vegetative Food Material Composting Facilities ($> 12,500 \text{ yd}^3$) Section 17857.2</u>
	<u>Research Composting Operations ($\leq 5,000 \text{ yd}^3$) (Within-vessel $> 5,000 \text{ yd}^3$ with EA determination) Section 17862.</u>		
	<u>Chipping and Grinding Operations ($\leq 200 \text{ tpd}$) Section 17862.1(a)</u>	<u>Chipping and Grinding Facilities ($> 200 \text{ tpd}$ and $\leq 500 \text{ tpd}$) Section 17862.1(b)</u>	<u>Chipping and Grinding Facilities ($> 500 \text{ tpd}$) Section 17862.1(c)</u>

2

3

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

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§ 17855. Excluded Activities.

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(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.

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(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:

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23

(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;

24

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

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

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

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

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

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

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

27 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
28 or full permit as defined in section 18101,

29 1. has a Report of Facility Information which is completed and submitted to the EA that
30 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

31 2. will only use the material on the facility site; ~~z~~ or

32 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated
33 Owned Treatment Works (POTW); ~~z~~ or

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

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

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

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

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

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

46 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
47 lot clearing necessary for fire protection provided that the public agency designating the site has
48 notified the fire protection agency; or

49 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
50 122 degrees Fahrenheit as determined by the EA; ~~z~~ or

51 ~~(6) Non-commercial composting with less than one cubic yard of food material is excluded provided~~
52 ~~that all compostable material is generated and used on-site.~~

53 ~~(7) Storage of bagged products from compostable material is an excluded activity provided that~~
54 ~~such bags are no greater than 5 cubic yards.~~

55 ~~(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

56 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not~~
57 ~~limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as~~
58 ~~determined by the EA; land application in accordance with California Department of Food and~~
59 ~~Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section~~

1 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine
2 Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770
3 et seq.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 43020 and 43021, Public Resources Code.

7
8 **§ 17855.2. Prohibitions.**

9 The following activities are prohibited at all compostable materials handling operations and facilities
10 and at all sites where compostable materials handling activities that are excluded from regulation
11 under this Chapter occur:

12 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
13 hide, blood, bone and marrow ~~is prohibited~~, except when received:

14 (1) from the a food service industry facility as defined in Health and Safety Code section 113789,
15 grocery stores, or residential food scrap collection; or

16 (2) as part of a research composting operation for the purpose of obtaining data on pathogen
17 reduction or other public health, animal health, safety, or environmental concern, in accordance with
18 section 17862; or

19 (3) from a source approved by the Department in consultation with the State Water Resources
20 Control Board and the California Department of Food and Agriculture.

21 (b) The composting of treated or untreated medical waste is prohibited.

22 (c) The composting of hazardous waste ~~is prohibited.~~

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
25 43020 and 43021, Public Resources Code.

26
27 **§ 17855.3. Permit Name.**

28 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
29 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
32 43020 and 43021, Public Resources Code.

33
34 ~~**§ 17855.4. Pre-Existing Permits and Notifications.**~~

35 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
36 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
37 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
38 ~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is~~
39 ~~required. If the EA makes such a determination, the operator shall comply with the Compostable~~
40 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
41 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
42 ~~(commencing with section 21450) within two years of that determination.~~

43 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~
44 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~
45 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~
46 ~~Materials Handling Facility Permit is required. The EA shall make this determination no sooner than~~
47 ~~120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable~~
48 ~~Materials Handling Facility Permit is required, the operator shall comply with the Compostable~~
49 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
50 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
51 ~~(commencing with section 21450) within two years of that determination.~~

52 ~~(c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,~~
53 ~~that activity may continue to operate in accordance with its regulatory exclusion until the EA~~
54 ~~determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this~~
55 ~~determination no sooner than 120 days and no later than two years from April 4, 2003. If EA~~
56 ~~determines that a Compostable Materials Handling Facility Permit is required, the operator shall~~
57 ~~comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,~~
58 ~~California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,~~
59 ~~Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.~~

1 ~~(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently~~
2 ~~operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate~~
3 ~~in accordance with its regulatory authorization until the EA determines that a different authorization is~~
4 ~~required. The EA shall make this determination within 120 days from April 4, 2003.~~

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

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

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

18
19 ~~—Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:~~
20 ~~Sections 43020 and 43021, Public Resources Code.~~

21 22 **§ 17856. Agricultural Material Composting Operations.**

23 ~~(a) All Agricultural material composting operations and chipping and grinding operations shall comply~~
24 ~~with the Enforcement Agency Notification requirements set forth in Title 14, California Code of~~
25 ~~Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as~~
26 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
27 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
28 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
29 ~~this Chapter.~~

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

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

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

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

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

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

57 ~~(1) Producers located on Agricultural Land:~~

58 ~~(A) Operations located on land that is zoned for agricultural uses that sell or give away less than~~
59 ~~1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and~~

1 green material on the site; provided, however, the EA may limit the amount of green material
2 feedstock on-site to 12,500 cubic yards upon making a written finding that handling the excess
3 material may pose a risk to public health and safety or the environment.

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

6 (2) Other Producers:

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

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

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 43020 and 43021, Public Resources Code.

20
21 **§ 17857.1. Green Material Composting Operations and Facilities.**

22 (a) A green material composting operation that has up to may have no more than 12,500 cubic yards
23 of feedstock, ~~compost,~~ or chipped and ground material, amendments, additives, active compost, and
24 stabilized compost on-site at any one time. Green material composting operations shall comply with
25 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
26 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
27 specified in this Chapter.

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

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

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

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

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

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

55 4. A description of any additional fire prevention, protection and control measures needed to
56 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
57 such fires, which measures shall be approved by the local fire authority.

1 5. Where applicable, any revisions to the odor impact minimization plan necessary to address
2 the storage of the additional material or a statement, with supporting information, that no revisions
3 are necessary.

4 (b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,
5 or chipped and ground material on-site at any one time shall be inspected by the EA at least once
6 every three (3) months, unless an operator request for a reduced inspection frequency of no less than
7 annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA
8 finds that it will not pose an additional risk to public health and safety and the environment. The EA
9 shall forward a copy of the request and approval to the Board.

10 (b) If a green material composting operation or facility exceeds any combination of the following
11 requirements three (3) or more times within any two (2) year period, which the EA determines
12 constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this
13 section:

14 (1) Receipt of material that contains greater than 1.0% physical contaminants by dry weight as
15 specified in section 17852(a)(21);

16 (2) Failure to comply with the processing requirements set forth in section 17868.5;

17 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
18 subdivision (a) above.

19 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
20 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
21 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
22 and desist order pursuant to section 18304 directing, among other things, that the operator
23 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
24 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
25 any time take any additional enforcement action the EA deems appropriate.

26 (c) A site that handles green material composting facility that has more than 12,500 cubic yards of
27 feedstock, ~~compost,~~ or chipped and ground material, amendments, additives, active compost, and
28 stabilized compost on-site at any one time is a green material composting facility, excepting green
29 material composting operations which the EA has authorized a seasonal storage adjustment pursuant
30 to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials
31 Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,
32 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
33 (commencing with section 21450) prior to commencing operations. Green material composting
34 facilities shall comply with the applicable requirements specified in this Chapter 3.1.

35
36 *[Note: See section 17868.5 for green material processing requirements.]*

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 43020 and 43021, Public Resources Code.

41 **§ 17857.2. Vegetative Food Material Composting Facilities.**

42 (a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
43 chipped and ground material, amendments, additives, active compost, and stabilized compost on-site
44 at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14,
45 California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations
46 and shall comply with the applicable requirements of this Chapter.

47 (b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
48 chipped and ground material, amendments, additives, active compost, and stabilized compost on-site
49 at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the
50 requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4,
51 Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to
52 commencing operations and shall comply with the applicable requirements of this Chapter.

53 *[Note: See section 17868.5 for green material and vegetative food material processing requirements.]*

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 43020 and 43021, Public Resources Code.

57 **§ 17859.1. Biosolids Composting at POTWs.**

1 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
2 ~~Operated-Owned~~ Treatment Works (POTW) shall comply with the EA Notification requirements set
3 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
4 section 18100).

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

11 (b) All other composting of biosolids shall comply with section 17854.
12

13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503, Code of
15 Federal Regulations.
16

17 **§ 17862. Research Composting Operations.**

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

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

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

33 ~~The EA Notification for a research composting operation shall be reviewed a~~ After each each no
34 more than a two year period of operation. Review criteria the operator of a research composting
35 operation shall submit to the EA a report that includes the results and conclusions drawn from the
36 research. If the EA determines based on the report that there are further research objectives to be
37 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
38 two years. If the EA determines based on the report that there are no further research objectives to
39 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
40 section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to
41 continuing operations.

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

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

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

52 (3) ~~After no more than a six-month period of operation~~ the EA Notification for the operator of a
53 research composting operation using unprocessed mammalian tissue as feedstock shall submit to the
54 EA a report that includes the results and conclusions drawn from the research and documentation of
55 additional requirements of this section shall be reviewed after each six month period of operation. If
56 the EA determines based on the report that there are further research objectives to be met or data to
57 be gathered, the EA may extend the research for a specified time period not to exceed two years. If
58 the EA determines based on the report that there are no further research objectives to be met or data
59 to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or

1 obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing
2 operations.

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

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

13
14 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
15 43020 and 43021, Public Resources Code.

16 17 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

18 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
19 handled by a green material composting operation shall comply with the EA Notification requirements
20 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
21 with section 18100), ~~except as otherwise provided by~~ and the applicable requirements specified in this
22 Chapter.

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

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

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

40 (d) **On and after January 1, 2018,** a chipping and grinding operation or facility shall sample every
41 5,000 cubic-yards of chipped and ground material produced and determine the percentage of physical
42 contaminants greater than 4 millimeters in the sample using a method that provides accurate results
43 and has been approved by the EA. If the chipping and grinding operation or facility produces less than
44 5,000 cubic-yards of chipped and ground material in a 12 month period, the operator shall analyze at
45 least one composite sample of chipped and ground material produced every 12 month period. The
46 determination of the percentage of physical contaminants shall occur prior to the point where material
47 is removed from the site. A chipping and grinding operation or facility shall not be subject to the
48 provisions of section 17868.3.1 of this Chapter, however any chipped and ground material that will be
49 land applied must meet the physical contamination requirements of section 17852(a)(24.5)(A)(1).
50 ~~(de)~~ A chipping and grinding operation or facility shall not be subject to the provisions of sections
51 17868.1 through 17868.3 of this Chapter, however, any chipped and ground material that will be land
52 applied must meet the maximum metal concentration and pathogen reduction requirements of section
53 17852(a)(24.5)(A)(2) and (3).

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

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

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
3 43020 and 43021, Public Resources Code.
4
5

6 **Article 3. Report of Facility Information** 7

8 **§ 17863. Report of Composting Site Information.**

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

15 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~
16

17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 43020 and 43021, Public Resources Code.
19

20 **§ 17863.4. Odor Impact Minimization Plan.**

21 (a) All compostable material handling operations and facilities shall prepare, implement and maintain
22 a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
23 EA Notification or permit application.

24 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
25 describing, at a minimum, the following items. If the operator will not be implementing any of these
26 procedures, the plan shall explain why it is not necessary.

27 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
28 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
29 possible odor receptors; and,

30 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
31 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
32 described; and,

33 (3) a complaint response and recordkeeping protocol; and,

34 (4) a description of design considerations and/or projected ranges of optimal operation to be
35 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
36 feedstock characteristics, airborne emission production, process water distribution, pad and site
37 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
38 service interruptions, and site specific concerns as applicable; and,

39 (5) a description of operating procedures for minimizing odor, including aeration, moisture
40 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
41 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
42 power, and personnel), biofiltration, and tarping as applicable.

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

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

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

52 (f) If the odor impact minimization plan is being followed, ~~but~~ and the EA determines, in a manner
53 consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct
54 the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)
55 as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a
56 Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and
57 feasible measures to minimize odors, unless:

58 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

59 (2) there is an imminent threat to public health and safety and the environment; or

1 (3) a nuisance has occurred.

2
3 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
4 Sections 43020, 43021 and 43209.1, Public Resources Code.

5
6 **§ 17863.4.1. Odor Best Management Practice Feasibility Report.**

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

10 (b) The Report shall:

11 (1) Present representative and correlating odor data for each potential onsite odor source including
12 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
13 collected, description of operations associated with the source, and any odor impacts or complaints
14 received;

15 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
16 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
17 order of impact;

18 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

19 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
20 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
21 has used to minimize odor and analyze each BMP for the following:

22 1. The effectiveness of the BMP in reducing odor impacts;

23 2. The potential for more extensive use of the BMP to minimize odor impacts described by
24 complainants;

25 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
26 operationally practical;

27 4. The approximate cost to implement a more extensive use of the BMP;

28 5. Any permits or permit changes necessary to use the BMP more extensively;

29 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
30 the BMP is recommended; and

31 7. If the BMP has been found to be ineffective (include supporting data).

32 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
33 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
34 operator has not used and analyze each potential BMP to determine:

35 1. The potential for the BMP to reduce odor impacts described by complainants;

36 2. If the BMP is operationally practical;

37 3. The approximate cost to implement the BMP;

38 4. Any permits or permit changes necessary to use the BMP; and

39 5. Overall recommendation and ranking of implementing the BMP.

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

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

46 (d) The EA, in consultation with the Department, shall within 30 days:

47 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
48 in whole or in part; and/or

49 (2) direct the operator in writing to submit specific changes or additional information within a
50 timeframe specified by the EA.

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

53
54 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
55 Sections 43020, 43021 and 43209.1, Public Resources Code.

56
57
58 **Article 6. Composting Operating Standards**
59

1 **§ 17867. General Operating Standards.**

2 (a) All compostable materials handling operations and facilities shall meet the following requirements:
3 (1) All handling activities are prohibited from composting any material specified in section 17855.2
4 of this Chapter.

5 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
6 cause a nuisance.

7 ~~(23)~~ All handling activities shall be conducted in a manner that minimizes vectors, ~~odor impacts,~~
8 litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
9 ingestion, and transportation of dust, particulates, and pathogenic organisms.

10 ~~(34)~~ Random load checks of feedstocks, additives, and amendments for contaminants shall be
11 conducted.

12 ~~(45)~~ Contamination of compostable material that has undergone pathogen reduction, pursuant to
13 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
14 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

15 ~~(56)~~ Unauthorized human or animal access to the facility shall be prevented.

16 ~~(67)~~ Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
17 manner.

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

20 (A) name of the operation or facility,

21 (B) name of the operator,

22 (C) facility hours of operation,

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

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

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

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

30 ~~(910)~~ The operator shall provide telephone or radio communication capability for emergency
31 purposes.

32 ~~(1011)~~ Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
33 material shall be removed from the site within 7 days and transported to an appropriate facility.

34 ~~(1112)~~ Enclosed operations and facilities shall provide ventilation to prevent adverse public health
35 effects from decomposition gases.

36 ~~(1213)~~ The operator shall ensure that leachate is controlled to prevent contact with the public.

37 ~~(1314)~~ The operator shall prevent or remove physical contaminants in compost and chipped and
38 ground materials that may cause injury to humans.

39 ~~(1415)~~ An attendant shall be on duty during business hours if the operation or facility is open to the
40 public.

41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 43020 and 43021, Public Resources Code.
43
44

45
46 **Article 7. Environmental Health Standards**
47

48 **§ 17868.1. Sampling Requirements.**

49 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
50 and all composting facilities shall meet the following requirements:

51 (a) Operators shall verify that compost meets the maximum acceptable metal concentration limits
52 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.

53 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
54 occur at prior to the point where compost is sold and removed from the site, bagged for sale, given
55 away for beneficial use and removed from the site or otherwise beneficially used on-site. Test results
56 of samples must be received by the operator prior to removing compost from the composting
57 operation or facility where it was produced. This verification shall be performed by taking and
58 analyzing at least one composite sample of compost, following the requirements of this section as
59 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 ±2 below.

Table ±2- Frequencies of Compost Sampling for Biosolids Composting Facilities

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

(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.

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

§ 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 ±3. 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 and 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 ±3 -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg) on dry weight basis</i>
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	±200 -(see subdivision (a)(1) below)

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.~~

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

§ 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)~~ (c) 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;

1 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
2 inches from the point where the insulation cover meets the active compost.

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

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 43020 and 43021, Public Resources Code.

9
10 **§ 17868.3.1. Physical Contamination Limits.**

11 **This section shall become operative January 1, 2018.**

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

20 (b) The operator of a compostable material handling operation or facility shall sample every 5,000
21 cubic-yards of compost produced and determine the percentage of physical contaminants greater than
22 4 millimeters in the sample using a method that provides accurate results and has been approved by
23 the EA. If the compostable material handling operation or facility produces less than 5,000 cubic-yards
24 of compost in a 12 month period, the operator shall analyze at least one composite sample of compost
25 produced every 12 month period.

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

32 (1) Determine the total dry weight of the composite sample as obtained in section 17868.3.1(d);

33 (2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
34 determine the dry weight of the physical contaminants;

35 (3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
36 contaminants by the total dry weight of the composite sample.

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

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

41 (2) The twelve samples shall be extracted from within the compost pile as follows:

42 (A) Four samples from one-half the width of the pile, each at a different cross-section;

43 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

44 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

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

48
49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
50 43020 and 43021, Public Resources Code.

51
52 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

53 In order for a feedstock to be considered ~~g~~Green material, as defined in section 17852(a)(21), and
54 vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
55 requirements ~~shall be met~~:

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

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

3 (1) A minimum of ~~one~~ ten percent of daily incoming feedstock volume or at least one truck per day,
4 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
5 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
6 contaminants shall be collected and weighed, and the percentage of physical contaminants
7 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
8 weight or if the load contains materials that do not meet the definitions of green material in section
9 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

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

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

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

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

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 43020 and 43021, Public Resources Code.

21 22 23 **Article 8. Composting Operation and Facility Records**

24 25 **§ 17869. General Record Keeping Requirements.**

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

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

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

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

35 (1) the nature of the complaint,

36 (2) the date the complaint was received,

37 (3) if available, the name, address, and telephone number of the person or persons making the
38 complaint, and

39 (4) any actions taken to respond to the complaint.

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

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

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

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

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

55 (h) The operator shall retain a record of training and instruction completed in accordance with section
56 17867.5.

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 43020 and 43021, Public Resources Code.

1
2
3 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**
4
5

6 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**
7

8 **§ 17896.1. Authority and Scope.**

9 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
10 digestion operations and facilities that receive and process by means of in-vessel digestion solid
11 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
12 sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to
13 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
14 this Division, may still be subject to the regulatory requirements specified in this Chapter.

15 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
16 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
17 as amended. These regulations should be read together with the Act.

18 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
19 Chapter establishes standards and regulatory requirements for the intentional processing of organic
20 material by means of in-vessel digestion.

21 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
22 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
23 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to
24 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
25 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
26 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
27 which otherwise conflict with the provisions of this Chapter.

28 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
29 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
30 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
31 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
32 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
33 Health, air quality management districts or air pollution control districts, local land use authorities, and
34 fire authorities.

35
36 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
37 40053, 43020 and 43021, Public Resources Code.
38

39 **§ 17896.2. Definitions.**

40 (a) For the purposes of this Chapter:

41 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
42 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
43 similar activities undertaken for the production of food or fiber for human or animal consumption or
44 use, which is separated at the point of generation, and which contains no other solid waste. With the
45 exception of grape pomace, agricultural material has not been processed except at its point of
46 generation and has not been processed in a way that alters its essential character as a waste resulting
47 from the production of food or fiber for human or animal consumption or use. Material that is defined
48 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
49 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
50 pomace, and crop residues.

51 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

52 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
53 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

54 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
55 solid wastes that are source separated from the municipal solid waste stream, or which are separated
56 at a centralized facility.

57 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

58 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
59 been processed in an in-vessel digester.

1 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
2 solid wastes. Digestion includes:

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

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

8 (C) Other controlled biological decomposition processes.

9 (8) "Dairy In-vessel Digestion Operation" means, except as otherwise specified in section
10 17896.6(a)(3), a dairy that receives imported solid waste feedstock for purposes of co-digestion, with
11 manure in an in-vessel digester, in accordance with Waste Discharge Requirements issued by a
12 Regional Water Quality Control Board. The Dairy In-vessel Digestion Operation may also co-digest
13 agricultural material.

14 (9)"Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of
15 digestion in an in-vessel digester, unsold products from retail stores to which the products were
16 originally sent. All unsold products shall be collected and processed in covered, leak-proof containers,
17 and remain in the custody of the owner at all times. All unsold products that are putrescible shall be
18 refrigerated at the retail store and shall be maintained at a core temperature of 13 degrees Celsius
19 (55 degrees Fahrenheit) or less during transport to the operation.

20 (10) "EA" means enforcement agency as defined in PRC section 40130.

21 (11) "Film plastic" means sheet plastic 10 mil or less in thickness.

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

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

37 (13) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section
38 66261.3, et seq.

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

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

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

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

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

57 (19) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of
58 between 15 tons (or 60 cubic yards) and 100 tons of solid waste per operating day but shall not
59 exceed 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester.

1 Additionally, the facility shall not exceed solid waste storage capacity limitations of the general design
2 of the facility.

3 (20) "Nuisance" includes anything which:

4 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
5 comfortable enjoyment of life or property, and

6 (B) affects at the same time an entire community, neighborhood or any considerable number of
7 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

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

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

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

20 (24) "Operations Area" means:

21 (A) the following areas within the boundary of an operation or facility as described in the permit
22 application or Enforcement Agency Notification:

23 1. equipment management area, including cleaning, maintenance, and storage areas; and
24 2. material and/or solid waste management area, including unloading, handling, transfer,
25 processing, and storage areas.

26 (B) the boundary of the operations area is the same as the permitted boundary of the operation or
27 facility but may or may not be the same as the property boundary on which the operation or facility is
28 located.

29 (25) "Operator" means the owner, or other person who through a lease, franchise agreement or
30 other arrangement with the owner, that is listed in the permit application or Enforcement Agency
31 Notification and is legally responsible for all of the following:

32 (A) complying with regulatory requirements set forth in these Articles;

33 (B) complying with all applicable federal, state and local requirements;

34 (C) the design, construction, and physical operation of the operations area;

35 (D) controlling the activities at an operation or facility as listed on the permit application or
36 Enforcement Agency Notification.

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

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

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

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

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

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

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

57 (33) "Sealed Structure" means a fully enclosed building capable of containing liquids and controlling
58 air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance
59 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

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

§ 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."

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

§ 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

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
	<u>Research In-Vessel Digestion Operations Section 17896.8</u>	<u>Medium Volume In-Vessel Digestion Facilities [average between 15 tpd (60 yd³ and</u>	<u>Large Volume In-Vessel Digestion Facilities</u>

Refer to Section <u>17896.6</u>	<u>Dairy In-Vessel Digestion Operations Section 17896.9</u>	<u>100 tpd, not to exceed 700 tpw (2,800 yd³) Section 17896.12</u>	<u>[average > 100 tpd, average > 700 tpw (2,800 yd³) Section 17896.13</u>
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Distribution Center In-
Vessel Digestion
Operations
Section 17896.10

Limited Volume In-
Vessel Digestion
Operations
[average < 15 tpd (60
yd³ not to exceed 105
tpw (420 yd³)]
Section 17896.11

1 *[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]*
2

3 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
4 40053, 43020 and 43021, Public Resources Code.
5

6 **§ 17896.6. Excluded Activities.**

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

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

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

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

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

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

30 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
31 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
32 14, CCR, section 17896.2(a)(12) and vegetative food material as defined in Title 14, CCR, section
33 17896.2(a)(12)(A).

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

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

- 1 a. The written request must contain the following information:
2 i. The purpose of the request.
3 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
4 organic waste material with the POTW wastewater.
5 iii. Types of organic material requested for classification as an anaerobically digestible
6 material.
7 iv. The source(s) of the waste material.
8 v. A description of how the waste material will be handled, processed, stored and
9 transported (before and after receipt at the POTW Treatment Plant).
10 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
11 to accommodate the new waste materials.
12 vii. Available laboratory test results, engineering reports, research or study to support the
13 request.
14 viii. Data and/or reports if this waste material has been used without incident at a different
15 POTW Treatment Plant.
16 ix. The name, addresses and phone numbers for the General Manager and designee of the
17 POTW Treatment Plant.
18 b. Upon receipt of the written request, the Department will communicate and coordinate the
19 request with and between the State Water Resources Control Board and the California Department of
20 Food and Agriculture and will complete the following actions:
21 i. Within 10 days of receipt, send written confirmation to the General Manager and designee
22 of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate
23 Department staff, as well as to the State Water Resources Control Board and California Department of
24 Food and Agriculture staff contacts for review;
25 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board
26 and California Department of Food and Agriculture staff contacts;
27 iii. Prior to the meeting, Department staff will review the letter and identify questions
28 and/or issues with the request and make a list of recommendations;
29 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
30 representative does not attend the meeting, comments will be accepted by the Department up to
31 close of business on the 45th day after receipt;
32 v. Within 60 days of receipt, the Department will provide a written decision to the General
33 Manager and designee of the POTW Treatment Plant stating one of the following:
34 I. The waste type has or has not been determined to be an anaerobically digestible
35 material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory
36 Requirements (pursuant to section 17896.6(a)(1)(C) and the Transfer/Processing Operations and
37 Facility Regulatory Requirements (pursuant to section 17403.1(a)(8));
38 II. The agencies, based on the information provided, were unable to reach a
39 determination and additional information is required before a determination can be made; or
40 III. The agencies have determined that additional research or study will need to be
41 conducted and the results analyzed prior to a determination made by the agencies.
42 IV. If additional information, research or study is necessary, the Department will consult
43 with the General Manager or designee of the POTW, the State Water Resources Control Board and
44 California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
45 either reviewing the additional information or for reviewing a proposed scope of work and timeline for
46 additional research or study.
47 2. For the purpose of this exclusion, if an organic waste material is determined by the
48 Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
49 wastewater, the POTW Treatment Plant must comply with section 17896.6(a)(1)(A) prior to receipt of
50 the material at the POTW Treatment Plant.
51 (2) In-vessel digestion of agricultural material derived from an agricultural site and the digestate or
52 compost produced from digestate is returned to that same agricultural site, or an agricultural site
53 owned or leased by the owner, parent, or subsidiary of the agricultural site on which the in-vessel
54 digester is located. No more than an incidental amount of up to 1,000 cubic yards of compost
55 produced from digestate may be given away or sold annually. Digestate that is not composted may
56 not be given away or sold.
57 (3) In-vessel digestion at a dairy involving the co-digestion of manure with agricultural material
58 derived on-site, imported agricultural material, and/or imported vegetative food material in
59 accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

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

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

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

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

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

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

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 40053, 43020 and 43021, Public Resources Code.

24 **§ 17896.7. Prohibitions.**

25
26 The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
27 where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

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

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

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

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

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

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

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
41 40053, 43020 and 43021, Public Resources Code.

42 **§ 17896.8. Research In-Vessel Digestion Operations.**

43
44 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
45 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
46 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

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

52 (c) After no more than a two year period of operation, the operator of a research in-vessel digestion
53 operation shall submit to the EA a report that includes the results and conclusions drawn from the
54 research. If the EA determines, based on the report, that there are further research objectives to be
55 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
56 two years. If the EA determines based on the report that there are no further research objectives to
57 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
58 section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior
59 to continuing operations.

1 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
2 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
3 health, safety, or environmental protection concern, shall satisfy the following additional
4 requirements:

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

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

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

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

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

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
33 43020 and 43021, Public Resources Code.

34 35 **§ 17896.9. Dairy In-Vessel Digestion Operations.**

36 (a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth
37 in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
38 section 18100).

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

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

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 43020 and 43021, Public Resources Code.

56 57 **§ 17896.10. Distribution Center In-Vessel Digestion Operations.**

1 (a) All distribution center in-vessel digestion operations shall comply with the EA Notification
2 requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
3 (commencing with section 18100).

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

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 43020 and 43021, Public Resources Code.

14
15 **§ 17896.11. Limited Volume In-Vessel Digestion Operations.**

16 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
17 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
18 Code of Regulations (commencing with section 18100).

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

26
27 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
28 40053, 43020 and 43021, Public Resources Code.

29
30 **§ 17896.12. Medium Volume In-Vessel Digestion Facilities.**

31 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
32 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
33 (commencing with section 18104).

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

35
36 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
37 40053, 43020 and 43021, Public Resources Code.

38
39 **§ 17896.13. Large Volume In-Vessel Digestion Facilities.**

40 All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in
41 accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter
42 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The
43 In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility
44 Information required by section 21570(f)(2) of Title 27.

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

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
48 40053, 43020 and 43021, Public Resources Code.

49
50 **§ 17896.14. In-Vessel Digestion Facility Plan.**

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

55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
57 40053, 43020 and 43021, Public Resources Code.

1 **§ 17896.15. In-Vessel Digestion Report.**

2 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(15)
3 shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator
4 of an existing facility who submits an application package to the EA, pursuant to Title 27, section
5 21570, which proposes to change the facility's operations, or to change the solid waste facility permit
6 shall do one of the following:

- 7 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
8 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
11 40053, 43020 and 43021, Public Resources Code.

12
13 **§ 17896.16. Applicability of State Minimum Standards.**

14 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
15 vessel digestion operations and facilities, except as noted in section 17896.1.(a).

16 (b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
17 digestion facilities.

18 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
19 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
20 shall place a copy of each approval, determination and other requirement in the operating record
21 together with those records identified in sections 17896.45 and 17896.46.

22 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
23 method of compliance with the standard. These provisions are not intended to allow the EA to change
24 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
25 alternative method of meeting the existing standard which provides equivalent protection of the public
26 health and safety and the environment as the existing standard. For facilities that require a full solid
27 waste facility permit, the EA may choose to include the approved alternative method of compliance as
28 a term and condition of the solid waste facility permit, rather than in the manner authorized by
29 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
30 the method may require a revision to the solid waste facility permit in accordance with the procedures
31 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
32 (commencing with section 21570).

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
35 40053, 43020 and 43021, Public Resources Code.

36
37
38 **Article 2. Siting and Design**

39
40 **§ 17896.17. Siting On Landfills.**

41 (a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
42 closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
43 California Code of Regulations, section 21190.

44 (b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
45 solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by
46 natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or
47 failure of pads or structural foundations.

48 (c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
49 solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or
50 with the closure or postclosure maintenance of the landfill.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.

54
55 **§ 17896.18. General Design Requirements.**

56 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
57 appropriate, from persons competent in engineering, architecture, landscape design, traffic
58 engineering, air quality control, water quality protection and design of structures.

1 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
2 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
3 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
4 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
5 other pertinent information. If the operation or facility is to be used by the general public, the design
6 shall take account of safety features that may be needed to accommodate such public use.

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

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

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

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 40053, 43020 and 43021, Public Resources Code.

24 25 26 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

27 28 **§ 17896.19. Biogas Control.**

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

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
34 40053, 43020 and 43021, Public Resources Code.

35 36 **§ 17896.20. Cleaning.**

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

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

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

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 40053, 43020 and 43021, Public Resources Code.

48 49 **§ 17896.21. Drainage and Spill Control.**

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

51 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;

52 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
53 site migration of contact water;

54 (3) protect the integrity of roads and structures;

55 (4) protect the public health; and

56 (5) prevent safety hazards and interference with operations.

57 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
58 that occur.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.22. Dust Control.**

5 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
6 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
7 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
8 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
9 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
10 following may be an indication that dust is excessive:

- 11 (1) safety hazards due to obscured visibility; or
12 (2) irritation of the eyes; or
13 (3) hampered breathing;
14 (4) migration of dust off-site.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 40053, 43020 and 43021, Public Resources Code.

18
19 **§ 17896.23. Hazardous, Liquid, and Special Wastes.**

20 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
21 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
22 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

23 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
24 discovered, control measures as are necessary to protect public health, safety and the environment,
25 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
26 or removal from the operation or facility.

27 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
28 sludge wastes in a manner to protect public health, safety, and the environment.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.24. Litter Control.**

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

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40
41 **§ 17896.25. Load Checking.**

42 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
43 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
44 program must include at a minimum:

- 45 (1) the number of random load checks to be performed;
46 (2) a location for the storage of prohibited wastes removed during the load checking process that is
47 separately secured or isolated;
48 (3) records of load checks and the training of personnel in the recognition, proper handling, and
49 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
50 records for the last year shall be maintained in the operating record and be available for review by the
51 appropriate regulatory agencies.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17896.26. Maintenance Program.**

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

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
3 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.27. Medical Wastes.**

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

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11
12 **§ 17896.28. Noise Control.**

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

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
21 40053, 43020 and 43021, Public Resources Code.

22
23 **§ 17896.29. Non-Salvageable Items.**

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

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
30 40053, 43020 and 43021, Public Resources Code.

31
32 **§ 17896.30. Odor Best Management Practice Feasibility Report.**

33 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
34 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
35 violations as determined pursuant to section 17896.31(f).

36 (b) The Report shall:

37 (1) Present representative and correlating odor data for each potential onsite odor source including
38 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
39 collected, description of operations associated with the source, and any odor impacts or complaints
40 received;

41 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
42 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
43 order of impact;

44 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

45 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
46 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
47 has used to minimize odor and analyze each BMP for the following:

- 48 1. The effectiveness of the BMP in reducing odor impacts;
- 49 2. The potential for more extensive use of the BMP to minimize odor impacts described by
50 complainants;
- 51 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
52 operationally practical;
- 53 4. The approximate cost to implement a more extensive use of the BMP;
- 54 5. Any permits or permit changes necessary to use the BMP more extensively;
- 55 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
56 the BMP is recommended; and
- 57 7. If the BMP has been found to be ineffective (include supporting data).

1 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
2 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
3 operator has not used and analyze each potential BMP to determine:

- 4 1. The potential for the BMP to reduce odor impacts described by complainants;
- 5 2. If the BMP is operationally practical;
- 6 3. The approximate cost to implement the BMP;
- 7 4. Any permits or permit changes necessary to use the BMP; and
- 8 5. Overall recommendation and ranking of implementing the BMP.

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

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

15 (d) The EA, in consultation with the Department, shall within 30 days:

16 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
17 in whole or in part; and/or

18 (2) direct the operator in writing to submit specific changes or additional information within a
19 timeframe specified by the EA.

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

22
23 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
24 Sections 43020, 43021 and 43209.1, Public Resources Code.

26 **§ 17896.31. Odor Minimization Plan.**

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

30 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
31 describing, at a minimum, the following items. If the operator will not be implementing any of these
32 procedures, the plan shall explain why it is not necessary.

33 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
34 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
35 possible odor receptors; and,

36 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
37 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
38 described; and,

39 (3) a complaint response and recordkeeping protocol; and,

40 (4) a description of design considerations and/or projected ranges of optimal operation to be
41 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
42 feedstock characteristics, airborne emission production, process water distribution, pad and site
43 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
44 service interruptions, and site specific concerns as applicable; and,

45 (5) a description of operating procedures for minimizing odor, including aeration, moisture
46 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
47 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
48 power, and personnel), bio filtration, and tarping as applicable.

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

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

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

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

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

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

8
9 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
10 Sections 43020, 43021 and 43209.1, Public Resources Code.

11
12 **§ 17896.32. Odor and Nuisance Control.**

13 Each in-vessel digestion operation and facility shall be conducted and maintained:

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

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 40053, 43020 and 43021, Public Resources Code.

19
20 **§ 17896.33. Parking.**

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

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.34. Personnel Health and Safety.**

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

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
35 40053, 43020 and 43021, Public Resources Code.

36
37 **§ 17896.35. Pre-Digestion Solid Waste Handling.**

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

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.36. Protection of Users.**

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

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.

54
55 **§ 17896.37. Roads.**

56 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
57 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
58 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
59 all-weather access to the site.

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
3 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.38. Sanitary Facilities.**

6 The operator shall maintain all sanitary and hand-washing facilities in a reasonably clean and
7 adequately supplied condition.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11
12 **§ 17896.39. Scavenging and Salvaging.**

13 Each in-vessel digestion operation or facility shall meet the following requirements:

14 (a) scavenging shall be prohibited;

15 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
16 of the operation, subject to conditions established by the EA, the local land use authority, or other
17 approving agencies.

18 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
19 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
20 entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging
21 activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly
22 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
23 or nuisance problems;

24 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
25 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
26 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
27 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
28 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a
29 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
30 Digestion Facility Plan, or In-vessel Digestion Facility Report.

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
33 40053, 43020 and 43021, Public Resources Code.

34
35 **§ 17896.40. Signs.**

36 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
37 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
38 facility name and location of nearest public operation or facility.

39 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
40 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
41 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
42 or (2) WILL NOT be accepted.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.41. Site Restoration.**

48 All in-vessel digestion operations and facilities shall meet the following requirements:

49 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
50 days prior to beginning site restoration.

51 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
52 safety, and the environment.

53 (c) The operator shall ensure that the following site restoration procedures are performed upon
54 completion of operations and termination of service:

55 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
56 including, but not limited to, digestate, compost materials, construction scraps, and other materials
57 related to the operations, and these residues legally recycled, reused, or disposed.

58 (2) All machinery shall be cleaned and removed or stored securely.

1 (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or
2 other residues related to the site restoration operations.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 43020 and 43021, Public Resources Code.

6
7 **§ 17896.42. Supervision and Personnel.**

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

13
14 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
15 40053, 43020 and 43021, Public Resources Code.

16
17 **§ 17896.43. Training.**

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

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.44. Vector, Bird and Animal Control.**

27 The operator shall take adequate steps to control or prevent the propagation, harborage and
28 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33
34 **Article 4. Record Keeping Requirements**

35
36 **§ 17896.45. Record Keeping Requirements.**

37 Each operator shall meet the following requirements:

38 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
39 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
40 submitted to the EA or the Department upon request; be adequate for overall planning and control
41 purposes; and, be as current and accurate as practicable;

42 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
43 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
44 agencies during normal working hours.

45 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
46 approved by the EA;

47 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
48 operations and methods used to resolve problems arising from these events, including details of all
49 incidents that required implementing emergency procedures. Special occurrences shall include but are
50 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
51 prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
52 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
53 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
54 unless the EA determines that a less immediate form of notification will be sufficient to protect public
55 health and safety and the environment;

56 (e) The operator shall record any written public complaints received by the operator, including:

57 (1) the nature of the complaint,

58 (2) the date the complaint was received,

1 (3) if available, the name, address, and telephone number of the person or persons making the
2 complaint, and

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

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

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

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

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

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

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and**
19 **Requirements.**

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

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 40053, 43020 and 43021, Public Resources Code.

25
26
27 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**

28
29 **§ 17896.47. Communications Equipment.**

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

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
34 40053, 43020 and 43021, Public Resources Code.

35
36 **§ 17896.48. Equipment.**

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

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
41 40053, 43020 and 43021, Public Resources Code.

42
43 **§ 17896.49. Fire Fighting Equipment.**

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

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
48 40053, 43020 and 43021, Public Resources Code.

49
50 **§ 17896.50. Housekeeping.**

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

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 40053, 43020 and 43021, Public Resources Code.

57
58 **§ 17896.51. Lighting.**

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

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 40053, 43020 and 43021, Public Resources Code.

7
8 **§ 17896.52. Site Attendant.**

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

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 40053, 43020 and 43021, Public Resources Code.

15
16 **§ 17896.53. Site Security.**

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

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
21 40053, 43020 and 43021, Public Resources Code.

22
23 **§ 17896.54. Traffic Control.**

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

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
30 40053, 43020 and 43021, Public Resources Code.

31
32 **§ 17896.55. Visual Screening.**

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

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.56. Water Supply.**

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

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 40053, 43020 and 43021, Public Resources Code.

48
49
50 **Article 6. Digestate Handling Standards**

51
52 **§ 17896.57. Digestate Handling.**

53 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
54 (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
55 alternative handling method after determining the alternative method will not pose an additional risk
56 to public health and safety or the environment; or
57 (2) incorporated in an on-site aerobic compost process.
58 (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
59 facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.13.

1 (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
2 requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
3 the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
4 physical contamination limits of section 17896.61; or

5 (3) removed from the site and either:

6 (A) transported only to another solid waste facility or operation for additional processing,
7 composting, or disposal; or

8 (B) used in a manner approved by local, state, and federal agencies having appropriate
9 jurisdiction. Any digestate that will be land applied must meet the requirements of section
10 17852(a)(24.5).

11 (C) disposed in a manner as set forth in the Consolidated Regulations for Treatment, Storage,
12 Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section
13 20005).

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

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 40053, 43020 and 43021, Public Resources Code.

25 26 **§ 17896.58. Sampling Requirements.**

27 (a) Operators shall verify that compost produced at an in-vessel digestion facility (pursuant to section
28 17896.57(a)(2)) meets the maximum metal concentrations limits specified in section 17896.59, and
29 the pathogen reduction requirements specified in section 17896.60. This verification shall be
30 performed by taking and analyzing a composite sample. The sampling of compost produced at an in-
31 essel digestion facility shall occur prior to the point where the compost is removed from the site or
32 beneficially used on site. Test results of samples must be received by the operator prior to removing
33 compost from the in-vessel digestion facility where it was produced.

34 (b) Sampling shall be performed by taking and analyzing at least one composite sample, following the
35 requirements of this section as follows:

36 (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
37 compost produced. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
38 in a 12 month period, the operator shall analyze at least one composite sample every 12 month
39 period.

40 (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
41 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
42 pursuant to the Health and Safety Code.

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

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

46 (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
47 follows:

48 (A) Four samples from one-half the width of the pile, each at a different cross-section;

49 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

50 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

51 (d) The EA may approve alternative methods of sampling that ensures the maximum metal
52 concentration requirements of section 17896.59, and the pathogen reduction requirements of section
53 17896.60, as applicable, are met.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 43020 and 43021, Public Resources Code.

57 58 **§ 17896.59. Maximum Metal Concentrations.**

1 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
2 exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any
3 metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall
4 be designated for additional processing, disposal, or other use as approved by local, state and federal
5 agencies having appropriate jurisdiction. Test results of samples must be received by the operator
6 prior to removing compost from the in-vessel digestion facility where it was produced.
7

8 Table 2 - Maximum Acceptable Metal Concentrations
9

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

10
11 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
12 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
13 produce to be determined in connection with the analysis of other metals. Operators shall maintain
14 records of all chromium concentrations together with their records of other metal concentrations.
15 (b) Alternative methods of compliance to meet the requirements of this section may be approved by
16 the EA if the EA determines that the alternative method will ensure that the maximum acceptable
17 metal concentrations shown in Table 2 are not exceeded.
18

19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 43020 and 43021, Public Resources Code.
21

22 **§ 17896.60. Pathogen Reduction.**

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

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

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

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

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

42 (3) If the facility uses a windrow composting process, active compost shall be maintained under
43 aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
44 pathogen reduction period of 15 days or longer. During the period when the compost is maintained at
45 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

46 (4) If the facility uses an aerated static pile composting process, all active compost shall be covered
47 with 6 to 12 inches of insulating material, and the active compost shall be maintained at a

1 temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period
2 of 3 days.

3 (c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an
4 aerated static pile composting process shall be monitored as follows to ensure that the standards in
5 subdivision (b) of this section are met:

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

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

10 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
11 four (24) inches below the pile surface;

12 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
13 inches from the point where the insulation cover meets the active compost.

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

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 43020 and 43021, Public Resources Code.

19
20 **§ 17896.61. Physical Contamination Limits.**

21 **This section shall become operative January 1, 2018.**

22 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
23 contain more than 0.5% by dry weight of physical contaminants greater than 4 millimeters; no more
24 than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost that
25 contains physical contaminants in excess of either one or both of these limits shall be designated for
26 additional processing, disposal, or other use as approved by local, state and federal agencies having
27 appropriate jurisdiction. Verification of physical contamination limits shall occur prior to the point
28 where compost is removed from the site or beneficially used on-site. Test results of samples must be
29 received by the operator prior to removing compost from the in-vessel digestion facility where it was
30 produced.

31 (b) The operator of an in-vessel digestion facility with an on-site aerobic compost process shall sample
32 every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants
33 greater than 4 millimeters in the sample using a method that provides accurate results and has been
34 approved by the EA. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
35 in a 12 month period, the operator shall analyze at least one composite sample of compost produced
36 every 12 month period.

37 (c) If the EA has reason to believe, based on the EA's visual observation or otherwise, that a
38 determination of percent physical contaminants made pursuant to section 17896.61(b) is not
39 accurate, the EA may require an operator of an in-vessel digestion facility to take a composite sample
40 of compost in the presence of the EA and send the sample to a laboratory at which physical
41 contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage
42 of physical contaminants by dry weight using the following protocol:

43 (1) Determine the total dry weight of the composite sample as obtained in section 17896.61(d);

44 (2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
45 determine the dry weight of the physical contaminants;

46 (3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
47 contaminants by the total dry weight of the composite sample.

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

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

52 (2) The twelve samples shall be extracted from within the compost pile as follows:

53 (A) Four samples from one-half the width of the pile, each at a different cross-section;

54 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

55 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

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

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 43020 and 43021, Public Resources Code.

3
4
5 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility**
6 **Permits; Loan Guarantees.**
7

8
9 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

10
11 **§ 18083. LEA Duties and Responsibilities for Inspections.**

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

20 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

21 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
22 abatement by enforcement action(s);

23 (3) at the frequency required by the state minimum standards for each type of operation specified in
24 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
25 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
26 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
27 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
28 the environment, and in no case shall the inspection frequency be less than once per calendar year.
29 The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
30 concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
31 an additional risk to public health and safety or the environment in light of the specific circumstances
32 at the operation in question. The Department shall concur or deny the EA-proposed approval within
33 thirty (30) days from receipt.

34 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
35 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
36 safety or the environment. This determination shall be subject to ~~board-Department~~ approval. For the
37 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
38 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
39 closure requirements;

40 (A) the ~~board-Department~~ may approve an alternate inspection frequency for these sites where
41 such an action will not result in adverse impact on public health and safety and the environment.

42 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
43 with the ~~board-Department~~ through a grant program to inspect waste tire facilities, major waste tire
44 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
45 every two and a half years pursuant to 14 CCR Section 18443;

46 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

47 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
48 revision, review, RFI amendment, or closure/postclosure plan; and

49 (8) pursuant to the EPP, for solid waste handling and collection equipment.

50 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
51 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
52 days, during normal business hours or the site's operating hours.

53
54 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
55 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

56
57
58 **Article 3.0. Regulatory Tier Requirements**
59

1 **§ 18100. Scope.**

2 (a) This Article sets forth the method of application for a tiered solid waste facilities permit,
3 procedures for review and action on an application package, and other requirements associated with
4 regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
5 and other requirements associated with solid waste handling operations. Similar provisions regarding a
6 full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
7 Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

8 (b) The provisions of this Article shall apply only to those operations and facilities as specified in the
9 minimum standards set forth in Chapters 3.0, ~~or 3.1,~~ or 3.2 of Division 7 of this Title.

10 (c) The submittal of an enforcement agency notification (in accordance with section 18103) or
11 issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
12 issued tiered permit.

13 (d) Specific provisions relating to the different types of regulatory tiers may be found below as
14 follows:

- | | |
|---|-------------------------------|
| 15 (1) Excluded | section 18102 |
| 16 (2) Notification of Enforcement Agency | sections 18103 – 18103.3 |
| 17 (3) Registration Permit | sections 18104 – 18104.9; and |
| 18 (4) Standardized Permit | sections 18105 – 18105.11. |

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
21 40053, 43020, 43021 and 43000-45802, Public Resources Code.

22
23 **§ 18102. Excluded Solid Waste Handling.**

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

29
30 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
31 44100(a), 44101(a) and 45200, Public Resources Code.

32
33 **§ 18103. Enforcement Agency Notification.**

34 (a) The enforcement agency notification provisions of this Article shall apply only to operations as
35 specified in the minimum standards set forth in Chapters 3, ~~or 3.1,~~ or 3.2 of Division 7 of this Title.

36 (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement
37 agency notification as follows:

- 38 (1) Filing Requirements section 18103.1;
- 39 (2) Record Keeping Requirements section 18103.2; and
- 40 (3) Termination of Operation section 18103.3.

41 (c) Operations authorized to use the enforcement agency notification tier are required to operate in
42 accordance with the minimum standards set forth in Chapters 3, ~~or 3.1,~~ or 3.2 of Division 7 applicable
43 to that operation.

44 (d) Nothing in this section precludes the enforcement agency or the ~~board~~ Department from the
45 following: inspecting an operation to verify that the operation is being conducted in a manner that
46 qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in
47 compliance with the minimum standards; or, taking any appropriate enforcement action, including the
48 use of a 'notice and order.'

49
50 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
51 44100(a), 44101(a) and 45200, Public Resources Code

52
53 **§ 18103.1. Filing Requirements.**

54 (a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency
55 notification shall notify the enforcement agency of its intent to operate in writing prior to commencing
56 operations. This written notification shall be legible and include the following information:

- 57 (1) The name, address, and phone number of the proposed operation; the name, address, and
58 phone number where the operator can be contacted if these differ from the operation site; and, the
59 name, address, and phone number of the owner if these differ from the operator.

1 (2) The section in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of this Title authorizing eligibility for this
2 tier and a description of the facility's operations, including but not limited to, volume and hours of
3 wastes/material handled, peak and annual loading, and hours of operation.

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

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

11 (b) The notification shall be mailed to the enforcement agency "return receipt requested."
12

13 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
14 Public Resources Code.

15
16 **§ 18103.2. Record Keeping Requirements.**

17 The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall
18 be publicly available during normal business hours. The enforcement agency shall forward a copy of
19 the notification to the ~~board~~ Department within five days of receipt. The enforcement agency shall
20 retain a copy of the notification for a minimum of one year after the facility is known to have ceased
21 operations.
22

23 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
24 Public Resources Code.

25
26 **§ 18104. Registration Permit.**

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

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

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

- 32 (1) Filing Requirements section 18104.1;
- 33 (2) Enforcement Agency Processing Requirements section 18104.2;
- 34 (3) Record Keeping Requirements section 18104.3;
- 35 (4) Completeness Appeal section 18104.4;
- 36 (5) Change in Operation section 18104.5;
- 37 (6) Change in Owner section 18104.6;
- 38 (7) Permit Review & Reissuance section 18104.7;
- 39 (8) Suspend/Revoke section 18104.8, and
- 40 (9) Voiding of a Registration Permit section 18104.9.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.
44

45 **§ 18104.1. Filing Requirements.**

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

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

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

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

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

1 (e) Conformance finding information as follows:

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

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

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

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

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

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

21
22 **§ 18104.2. Enforcement Agency Processing Requirements.**

23 ...
24 (g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~ Department
25 and to any person who has so requested in writing.

26 ...

27
28 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021,
29 and 43000-45802, Public Resource Code.

30
31 **§ 18104.3. Record Keeping Requirements.**

32 ...
33 (c) The enforcement agency shall forward copies of any written public comments received on an
34 application to the ~~board~~ Department with the registration permit submitted pursuant to section
35 18104.2(f).

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

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

44
45 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
46 43020, 43021, and 43000-45802, Public Resource Code.

47
48 **§ 18104.6. Change in Owner.**

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

56 ...

57
58 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
59 6255, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

1
2 **§ 18104.9. Voiding of a Registration Permit.**

3 Every registration permit shall be void 30 days after cessation of operations. Any operator who intends
4 to cease operations shall notify the enforcement agency of his/her last proposed date of operation at
5 least 15 days in advance. The enforcement agency shall forward a copy of this notification to the
6 ~~board-Department~~ within 7 days. "Cessation of operations" does not include temporary operational
7 shutdowns which are seasonal or intermittent in nature.
8

9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 43020, 43021 and 43000-45802, Public Resources Code.
11

12 **§ 18105. Standardized Permit.**

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

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

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

- 20 (1) Filing Requirements section 18105.1;
- 21 (2) Enforcement Agency Processing Requirements section 18105.2;
- 22 (3) Record keeping Requirements section 18105.3;
- 23 (4) Completeness Appeal section 18105.4;
- 24 (5) ~~Board-Department~~ Processing Requirements section 18105.5;
- 25 (6) Appeal of Decision section 18105.6;
- 26 (7) Change in Operation section 18105.7;
- 27 (8) Change in Owner section 18105.8;
- 28 (9) Permit Review section 18105.9;
- 29 (10) Suspend/Revoke section 18105.10; and
- 30 (11) Voiding of a Standardized Permit section 18105.11.
31

32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
33 43020, 43021 and 43000-45802, Public Resources Code.
34

35 **§ 18105.1. Filing Requirements.**

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

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

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

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

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

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

51 (f) One of the following:

52 (1) Evidence that there has been compliance with the California Environmental Quality Act, Division
53 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

54 (2) Information on the status of the application's compliance with the California Environmental
55 Quality Act regarding the facility. Once there has been compliance with the California Environmental
56 Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement
57 agency.

58 (g) Conformance finding information as follows:

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

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

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

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

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

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

20 21 **§ 18105.2. Enforcement Agency Processing Requirements.**

22 ...
23 (g) Within fifteen days of acceptance of an application for filing:

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

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

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

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

37 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
38 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
39 the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
40 requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
41 Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
42 been submitted within 120 days of the application's acceptance for filing, the enforcement agency
43 shall reject the application and not issue the standardized permit.

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

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

49 ...
50
51 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
52 43021, and 43000-45802, Public Resource Code.

53 54 **§ 18105.3. Record Keeping Requirements.**

55 ...
56 (c) The enforcement agency shall forward copies of any written public comments received on a
57 pending application to the ~~board~~ Department with the proposed standardized permit submitted
58 pursuant to section 18105.2(g).

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

5 ...

6
7 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
8 43021, and 43000-45802, Public Resource Code.

9
10 **§ 18105.5. ~~Board-Department~~ Processing Requirements.**

11 (a) The ~~board-Department~~ shall mark the proposed standardized permit with the date of receipt.

12 (b) The ~~board-Department~~ shall evaluate the application package and the proposed standardized
13 permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

14 (c) Within 30 days of receipt of a proposed standardized permit, the ~~board-Department~~ shall either
15 concur in or object to the issuance of the proposed standardized permit.

16 (d) If the proposed standardized permit contains terms and conditions not authorized by the minimum
17 standards and the permit is otherwise in conformance with these regulations, any additional
18 unauthorized terms and conditions shall be stricken. The ~~board-Department~~ shall concur in the edited
19 standardized permit.

20 (e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the ~~board~~
21 Department shall notify the enforcement agency of its determination in writing. If the ~~board~~
22 Department objects, the reasons for the objection shall be provided to the enforcement agency.

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
25 43020, 43021 and 43000-45802, Public Resources Code

26
27 **§ 18105.6. Appeal of Decision.**

28 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
29 18105.2(g)(3) or of the ~~Board-Department~~ taken pursuant to section 18105.5 to the enforcement
30 agency within 15 days of the date that the decision was received. Such an appeal must be in writing
31 and specify the grounds for the appeal. A final written determination on the appeal shall be made by
32 the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
33 Code, no later than 60 days after receipt of the applicant's appeal.

34
35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
36 43020, 43021 and 43000-45802, Public Resources Code

37
38 **§ 18105.8. Change in Owner.**

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

46 ...

47
48 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
49 6225, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

50
51 **§ 18105.9. Permit Review and Reissuance.**

52 ...

53 (d) If an operator files a certification as specified in subsection (c) above or a new application
54 pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
55 18105.2 and 18105.3 and the ~~board-Department~~ shall follow the procedures set forth in Section
56 18105.5.

57
58 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
59 43021, and 44015, Public Resource Code.

1
2 **§ 18105.11. Voiding of a Standardized Permit.**

3 Every standardized permit shall be void 30 days after cessation of operations. Any operator who
4 intends to cease operations shall notify the enforcement agency of his/her last proposed date of
5 operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
6 to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary
7 operational shutdowns which are seasonal or intermittent in nature.
8

9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 43020, 43021 and 43000-45802, Public Resources Code.
11
12

13 **Article 3.2. Reports of Facility Information**

14
15 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

16 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
17 Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
18 (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
19 Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
20 the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
21 amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
22 permit. The Plan shall contain the following:

23 (a) name(s) of the operator, owner, and the company they represent, if applicable;

24 (b) schematic drawing of the building and other structures showing layout and general dimensions of
25 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

26 (c) descriptive statement of the manner in which activities are to be conducted at the facility;

27 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
28 material processing, each set of hours may be stated. For facilities with continuous operations,
29 indicate the start of the operating day for purpose of calculating amount of waste received per
30 operating day. The operator may also indicate whether or not, and when, other activities, such as
31 routine maintenance will take place, if those activities will occur at times other than those indicated
32 above;

33 (e) total acreage contained within the operating area;

34 (f) facility design capacity including the assumptions, methods, and calculations performed to
35 determine the total capacity;

36 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
37 was figured from records of cubic yards, include the conversion factor used;

38 (h) description of the methods used by the facility to comply with each state minimum standard
39 contained in sections 17896.17 through 17896.61;

40 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
41 of any wastewater;

42 (j) description of provisions to handle unusual peak loading;

43 (k) description of transfer, recovery and processing equipment, including classification, capacity and
44 the number of units;

45 (l) planned method for final disposal of the solid waste;

46 (m) planned method for the storage and removal of salvaged material;

47 (n) resume of management organization which will operate the facility;

48 (o) An Odor Impact Minimization Plan pursuant to section 17896.31 and, if applicable, an Odor Best
49 Management Practice Feasibility Report and associated plan pursuant to section 17896.30.

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
52 40053, 43020 and 43021, Public Resources Code.
53

54 **§ 18221.6.1. In-Vessel Digestion Report.**

55 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
56 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
57 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
58 Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to
59 maintain an existing permit, the operator must file amendments as required in section 17896.15 of

1 this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack
2 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
3 shall contain the following:
4 (a) name(s) of the operator, owner, and the company they represent, if applicable;
5 (b) facility specifications or plans, to include: a site location map, a site map, and identification of
6 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
7 of the facility property line;
8 (c) schematic drawing of the building and other structures showing layout and general dimensions of
9 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
10 (d) descriptive statement of the manner in which activities are to be conducted at the facility;
11 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
12 material processing, each set of hours may be stated. For facilities with continuous operations,
13 indicate the start of the operating day for purpose of calculating amount of waste received per
14 operating day. The operator may also indicate whether or not, and when, other activities, such as
15 routine maintenance will take place, if those activities will occur at times other than those indicated
16 above;
17 (f) total acreage contained within the operating area;
18 (g) facility design capacity including the assumptions, methods, and calculations performed to
19 determine the total capacity;
20 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage
21 was figured from records of cubic yards, include the conversion factor used;
22 (i) description of the methods used by the facility to comply with each state minimum standard
23 contained in sections 17896.17 through 17896.61;
24 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
25 of any wastewater;
26 (k) description of provisions to handle unusual peak loading;
27 (l) description of transfer, recovery and processing equipment, including classification, capacity and
28 the number of units;
29 (m) planned method for final disposal of the solid waste;
30 (n) planned method for the storage and removal of salvaged material;
31 (o) resume of management organization which will operate the facility;
32 (p) list of permits already obtained, and the date obtained or last revised;
33 (q) An Odor Impact Minimization Plan pursuant to section 17896.31 and, if applicable, an Odor Best
34 Management Practice Feasibility Report and associated plan pursuant to section 17896.30.

35
36 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
37 40053, 43020 and 43021, Public Resources Code
38

39 **§ 18227. Report of Composting Site Information.**

40 Each operator of a compostable material handling facility that is required to obtain a Compostable
41 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
42 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
43 section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
44 specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
45 with section 18104) shall, at the time of application, file a Report of Composting Site Information with
46 the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
47 contain the following:

- 48 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
49 and amendments.
50 (b) A descriptive statement of the operations conducted at the facility.
51 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
52 in the production of compost including, but not limited to, unloading, storage, processing, parking,
53 and loading areas.
54 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
55 insects, for example, how the operator will store, process and incorporate food material and
56 vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
57 and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
58 control measures.
59 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.

- 1 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
2 length of time compostable materials will be stored at the facility.
3 (g) A description of compostable materials handling equipment used at the facility including type,
4 capacity, and number of units.
5 (h) Anticipated annual operation capacity for the facility in cubic-yards.
6 (i) A description of provisions to handle unusual peak loadings.
7 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
8 nonmarketable residues.
9 (k) A description of the water supplies for process water required.
10 (l) Identification of person(s) responsible for oversight of facility operations.
11 (m) A description of the proposed site restoration activities, in accordance with section 17870.
12 (n) An Odor Impact Minimization Plan pursuant to section 17863.4 and, if applicable, an Odor Best
13 Management Practice Feasibility Report and associated plan pursuant to section 17863.4.1. The EA
14 may require the operator to revise the Odor Impact Minimization Plan and, if applicable, the Odor Best
15 Management Practice Feasibility Report and associated plan if the operator proposes to accept new
16 feedstock, such as food material or vegetative food material.

17
18 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
19 Sections 43020, 43021 and 43209.1, Public Resources Code.
20
21

22 **Article 4. Enforcement by EA and Review by ~~Board~~ Department**

23 **§ 18302. Written Complaints of Alleged Violations.**

24 (a) Any person having information alleging a facility or operation is being operated without a required
25 permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
26 state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
27 permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
28 file a complaint regarding such allegation in writing to the EA. ~~The compliant-complaint~~ shall include
29 the following:
30

31 (1) The name, address and telephone number of the person making the complaint, however nothing
32 in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
33 identity of the reporting party from the complaint;

34 (2) The identity and location, if known, of the facility or operation and the names and addresses, if
35 known, of the persons responsible for the violation;

36 (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

37 (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
38 investigating the complaint, including but not limited to information relating to witnesses and physical
39 evidence.

40 (b) The person making the complaint may forward a copy to the ~~board~~ Department.

41 (c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
42 whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
43 or condition or any related state solid waste law or regulation. The EA shall make its determination on
44 the basis of the substance of the allegations rather than on the basis of the complaint's technical
45 compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
46 facts constituting a violation of a state minimum standard, permit term or condition or related state
47 solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
48 the complaint if an address is given and place a copy in its files.

49 (d) Upon receipt of an odor complaint related to a compostable material handling operation or facility,
50 the EA shall investigate the complaint as soon as practical to determine whether or not to issue a
51 violation for failing to minimize odor. The odor complaint investigation shall include the following:

52 (1) The date and time the EA arrived and departed within the complaint area.

53 (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
54 high wind speed, humidity, and temperature.

55 (3) If odor is detected, the EA shall:

56 (A) Record the location where odor was observed, such as the street address, latitude/longitude,
57 tax parcel number, etc.

1 (B) Verify the odor event at the complainant's location and document the complainant's claim, if
2 any, that the odor is interfering with the complainant's use and comfortable enjoyment of life or
3 property.

4 (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid
5 waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

6 (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
7 The EA should consult with the operator to determine if there were unusual operational changes or
8 atypical feedstocks accepted during the time of the complaint(s).

9 (4) Any known facts relevant to the alleged violation provided by local, state, and federal agencies
10 having appropriate jurisdiction.

11 (de) The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
12 because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
13 that ground, it shall so advise the complaining party in writing at the address given in the complaint if
14 an address is given and place a copy in its files.

15 (ef) Except as provided in subsection (c) or subsection (de) of this section, the EA shall commence an
16 investigation of the facts alleged in the complaint.

17 (fg) If an LEA has a complaint review and investigation initiation procedure that contains substantially
18 the same basic requirements as this section, and accomplishes the intended purposes of this section
19 within its ~~board~~-Department-approved EPP, it may follow that equivalent process in lieu of subsections
20 (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
21 complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
22 her complaint will receive appropriate attention.

23 (gh) If the ~~board~~-Department receives a complaint in a jurisdiction where it is not the EA, the
24 complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
25 already received a copy from the complaining party.

26
27 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43209,
28 44012, 44015 and 45000-45024, Public Resources Code.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste

California Code of Regulations

Title 27. Environmental Protection
Division 2. Solid Waste

Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans

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); or (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.

(1) Minor Changes

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.

...

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 ~~a~~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.] ~~a~~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:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

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 ~~a~~ 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 aApplication by CIWMB-CalRecycle/LEA/RWQCB staff.~~

Date Received: ~~The date the EA or RWQCB receives the aApplication package is received from the applicant (Title 27, section 21650(a)).~~

Date Accepted: ~~The date the EA accepts the aApplication 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 aApplication 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 aApplication 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 aApplication 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 foot print, 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 ~~a~~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, or Engineered municipal solid waste conversion facility.

2. **Composting/Compostable Material Handling:** ~~a~~ 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 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 ~~a~~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~~ spadable, 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 rResidential 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~~ 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 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~~

1 should be documented in the accompanying RFI. Applicants for new SWFP and/or WDRs enter zeros
2 (0) in all items of this section. Note: The two amounts in (1) and (2) below must equal the maximum
3 daily tonnage.

4 1. **Disposal/Transfer:** The amount of material solid waste that comes through the gate and is
5 disposed of on-site or transferred off-site as waste; and

6 2. **Other:** That amount of all other material received at the site, including, but not limited to,
7 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
8 other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or
9 cubic yards.

10 b. **As-Designed Daily Design Tonnage (TPD) or Cubic Yards:** For landfills, the maximum
11 daily tonnage amount of solid waste and other material that the facility is designed to receive and
12 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
13 month) based on appropriate factors including, but not limited to, size of working face-the operating
14 areas, vehicle traffic-considerations, hours of operation, personnel, equipment operational limits, etc.
15 For other facilities, ~~it is~~ the maximum amount of solid waste and other material the facility is designed
16 to ~~handle receive and process at any one time on an ongoing bases over an extended period of time~~
17 (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited
18 to, vehicle traffic-consideration, facility size, hours of operations, length of material storage, type of
19 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
20 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
21 factor. The as-Designed tonnage-value may be equal to or greater than the peak-maximum daily
22 tonnage value.

23 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
24 activities are authorized by the EA to occur and are permitted. This includes ~~the~~ the area of the facility in
25 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
26 managing equipment management area, or any area that is required to maintain compliance with the
27 design and operating parameters of the facility. The facility size is the same as "operating area" for
28 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
29 boundaries" for transfer/processing facilities and landfills.

30 d. **Peak-Maximum Traffic Volume Per Day (vpd):** The ~~estimated maximum number of~~
31 vehicles that will authorized by the EA to enter the facility on a daily basis. This number should
32 include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including
33 vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or
34 material intended for beneficial reuse. This number must be consistent with the approved RFI and any
35 CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
36 any, that was being conducted at the time the application was submitted.

37 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
38 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
39 of operation. This information must be consistent with the approved RFI and any CEQA existing
40 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
41 being conducted at the time the application was submitted. Any activities that are limited to
42 prescribed days and/or hours should be fully described in the RFI.

43 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
44 of the Application must be filled out by every applicant requesting a change to any item(s) listed
45 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
46 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
47 submitted as part of the Application. The EA will review the requests and establish the terms and
48 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
49 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
50 WDRs for those requests that are supported by documents submitted by the applicant. Use the
51 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

52 23. **Additional Information Required For Compostingable Materials Handling Facilities**
53 **Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
54 out by the applicant if ~~composting handling compostable materials~~ is part of this Application.

55 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
56 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
57 any one time.

58 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, in
59 addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of

1 ~~this the a~~Application. All [*Note to OAL and publisher: No proposed change. Existing text underlined for*
2 *emphasis.*] sections of the ~~a~~Application must be filled out completely [*Note to OAL and publisher: No*
3 *proposed change. Existing text underlined for emphasis.*].

4 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
5 ~~received~~ placed in a waste management unit for each operating day on a yearly basis (calendar year)
6 for the next five years. Do not use non-operating days in ~~estimated~~ calculating the average daily
7 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~ maximum daily
8 tonnage. Report as tons per day (TPD).

9 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
10 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
11 the top of the final cover) taking into consideration design slopes, benches, and other design features,
12 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
13 Capacity.

14 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
15 or potentially resulting from this permit ~~a~~Application.

16 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
17 used to date. See Date of Capacity Information below.

18 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
19 remaining, not including any proposed site capacity. If the remaining capacity information provided is
20 based on estimates of capacity used since the last physical site survey, please explain the
21 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
22 etc. See Date of Capacity ~~i~~nformation below.

23 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
24 capacities in Part 3 were determined. This date may predate the ~~a~~Application date by no more than
25 three months. Amendments of the ~~a~~Application including more current capacities may be required.

26 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
27 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
28 Part 6, Section B for more details).

29 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
30 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
31 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
32 (e.g., conditional use permit date, etc.)

33 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
34 will be referred to as "permitted disposal area_":

35 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
36 based upon any planned expansions not currently proposed, whether within or outside the current
37 permitted boundary.

38 k. Provide one of the following:

39 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
40 density is the estimated or measured density of in-place waste material achieved by mechanical or
41 other means in the development of the current lift of the current operating waste cell, and

42 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
43 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
44 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
45 should include only soil or approved daily or intermediate alternative cover that is not considered a
46 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
47 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
48 ~~CIWMB-CalRecycle~~ is reported, or

49 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
50 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
51 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
52 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
53 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.
54

55
56 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

57
58 **A. Municipal or Utility Service:** Give name and address of the water purveyor.

59 **B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

1 **C. Surface Supply:**

- 2 1. Provide the name of any stream, lake, spring, etc, if identified.
3 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
4 3. If a state permit or license has been granted, give identification number.

5 **D. Other:** Enter any water source(s) not identified above.
6

7
8 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**
9

10 **A.** Check the appropriate box(es) if an environmental document was, or ~~is going to~~ will be, prepared
11 and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

12 1. If an environmental document was prepared:

- 13 • If an environmental document has already been prepared and circulated through the SCH and
14 there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box
15 that is checked.
16 • If an environmental document has not yet been circulated through the SCH and no SCH
17 number has been assigned to the environmental document yet, please check the box for the
18 type of environmental document that is anticipated to be ~~prepared and~~ circulated through the
19 SCH and write N/A in the appropriate blank for "SCH#."
20 • If the "ADDENDUM TO (Identify environmental document)" box is checked, please provide the
21 type of environmental document that the addendum was prepared for along with the SCH
22 number.

23 2. If an environmental document will be prepared, enter the name of the lead agency for preparing
24 the document, if known.

25 EXAMPLE ONLY:

26 If the environmental document is an environmental impact report (EIR), write "EIR" and include the
27 dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH
28 number for the EIR.

29 **B.** If an environmental document was not, and is not planned to be, prepared because it is not
30 required to comply with the requirements of CEQA, please provide the requested information by
31 checking the ~~appropriate~~ box to indicate why an environmental document is not required ~~for~~ under
32 CEQA.

- 33 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA
34 Guidelines Section number and citation for the exemption.

35 EXAMPLE ONLY:

36 A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor
37 repair to an existing facility. Therefore, check the box that says "CATEGORICAL/STATUTORY
38 EXEMPTION (CE/SE)" and write the following in the blank after the box: "CEQA Guidelines, Section
39 15301, Class I Categorical Exemption."
40

41
42 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

43
44 All attachments are necessary parts of the Application and are incorporated herein.
45

46 **A.** Section A ~~of Part 6~~ must be completed by all applicants regardless of the type of facility.

47 **B.** Section B ~~of Part 6 is additional documents required~~ must be completed only by ~~landfill~~ applicants
48 only for disposal facilities.

- 49 • Operating Liability Financial Mechanism: The date the demonstration was last modified or
50 renewed. That date must be within the preceding twelve-month (annual renewal) period. For
51 example, a Certificate of Insurance (CalRecycle CIWMB-107) has an "effective date" identified on
52 the certificate. ~~This date should and must~~ be within the preceding twelve-month (annual renewal)
53 period.
54 • Financial Responsibility Documentation: The financial mechanism ~~will be~~ is a document, (i.e.,
55 letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance)
56 statement, etc.) identifying the current dollar value of the demonstration and the date of the
57 stated value. The date of the stated value should ~~must~~ be within the preceding twelve-month
58 (annual renewal) period.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
4 corrective action cost estimate and a copy of the non-water release corrective action cost
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal sites-facilities permitted for to receive more than 20
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
8 frequently as determined by the enforcement agency-EA. For disposal sites-facilities permitted for
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
10 ten years. If not previously submitted, survey results must be included with this aApplication.
11 Survey results must be submitted as a CADD or vector graphics data file including at least two
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
15 be included. For each stratum the following information shall be included: site name, stratum
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
19 surface is uncertain, the operator is allowed to provide the best available information as a
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
21 provide an explanation of the basis for using the substitute base ground surface.
22

23 For the purposes of this section the following definitions apply:

- 24 A1. "base ground surface" - the best available excavation plan surface that existed prior to the
25 placement of any waste;
- 26 B2. "CADD" -computer aided design and drafting;
- 27 C3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
29 provided for the basis of the volumetric correction;
- 30 D4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
31 upper surface;
- 32 E5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 F6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
35 provided for the basis of the volumetric correction;
- 36 G7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 H8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
38 the disposal site;
- 39 I9. "net volume" - the fill volume less the cut volume;
- 40 J10. "site name" - the name of the disposal site for which the survey information is being
41 submitted;
- 42 K11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
43 upper and lower surfaces;
- 44 L12. "stratum name" - a descriptive name for the stratum for which volumetric information is being
45 submitted, e.g., total volume including proposed expansion;
- 46 M13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
47 ground surface and proposed finished ground surface;
- 48 N14. "survey" -a comprehensive examination of the disposal site under the direction of a registered
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 O15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
52 direction, thickness, color and other attributes;
- 53 P16. "volume calculation method" - grid, composite, section or other method approved by the
54 enforcement agency-EA;
- 55 C. Section C of Part 6 specifies is additional documents required only if applicable for the type of
56 facility to be covered under this aApplication as required by the EA or RWQCB. Under "Other," identify
57 and list any other necessary documents not included-specified above but that are required by the EA
58 or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or
59 franchise-other agreement documenting the operator's interest in and right to use the site as a solid

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business~~ owner of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government~~ public agency.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part,~~ the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility ~~where legal notice may be served.~~

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business~~ operator filing this Application is a sole proprietorship,
22 partnership, corporation, or ~~government~~ public agency.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an~~ a facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility ~~where legal notice may be served.~~

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.

45
46 **Part 10. OTHER:**

47
48 Attach additional sheets to explain any responses that need clarification.

APPLICATION FOR SOLID WASTE FACILITY PERMIT AND WASTE DISCHARGE REQUIREMENTS

CIWMB-CALRECYCLE E-1-77 (Rev. 8-04-X-XX)

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
 - REVISION
 - MODIFICATION
 - OTHER (As authorized by law)
- 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
 - a. TYPE: _____
- 2. COMPOSTING/ABLE MATERIALS HANDLING
 - a. TYPE: _____
- 3. TRANSFORMATION
- 4. TRANSFER/PROCESSING FACILITY
 - CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.
- 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)):

- 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 _____

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): _____

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:

<input type="checkbox"/> RFI/JTD _____	<input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S):
<input type="checkbox"/> LOCAL USE/PLANNING PERMITS _____	<input type="checkbox"/> EIR _____
<input type="checkbox"/> LOCATION MAP _____	<input type="checkbox"/> MND/ND _____
<input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG _____	<input type="checkbox"/> EXEMPTION _____
<input type="checkbox"/> LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____	<input type="checkbox"/> ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS DISPOSAL FACILITIES ONLY:

<input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____	<input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____
<input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN	<input type="checkbox"/> KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____
<input type="checkbox"/> PRELIMINARY _____	<input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____
<input type="checkbox"/> FINAL _____	

C. IF APPLICABLE:

<input type="checkbox"/> REPORT OF WASTE DISCHARGE _____	<input type="checkbox"/> DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____
<input type="checkbox"/> CONTRACT AGREEMENTS _____	<input type="checkbox"/> SWAT (Air and water) _____
<input type="checkbox"/> STORMWATER PERMIT APPLICATION _____	<input type="checkbox"/> WETLANDS PERMITS _____
<input type="checkbox"/> NPDES PERMIT APPLICATION _____	<input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____
<input type="checkbox"/> 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

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).

ADDENDUM 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~~ 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 than 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~~17867(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.



FINAL STATEMENT OF REASONS

Compostable Materials and Transfer/Processing Regulations
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

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~~INITIAL~~FINAL STATEMENT OF REASONS

September ~~2014~~2015

Title 14: Natural Resources

Division 7: ~~California Integrated Waste Management Board~~Department of Resources
Recycling and Recovery

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)
<http://www.ventura.org/rma/envhealth/technical-services/solid-waste/pdf/Ord.4423.pdf>
3. Program Environmental Impact Report for Anaerobic Digestion Facilities
<http://www.calrecycle.ca.gov/SWFacilities/Compostables/AnaerobicDig/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
<http://www.calrecycle.ca.gov/LEA/regs/Review/CompLandApp/CompLandApp.pdf>
 - c. Compostable Materials Storage Volume Limitations

<http://www.calrecycle.ca.gov/LEA/regs/Review/CompstStorag/CompStorag2.pdf>

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:

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/DraftText3.pdf>

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/SWFPAApp2.pdf>

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 with 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, and 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, and 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 0.45% 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 permit application/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~~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. 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 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 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)(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~~does not include activities that may appear 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 0.4~~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.

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 application requirements do not apply to compost produced in compliance with Article 3.1% by weight of physical contaminants greater than 4 millimeters, and/or 3.2 of this Division. This is necessary to ensure the compostable material compost 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 the land application requirements do not apply to application, the California Department of Food Compostable 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 accordance with all applicable requirements established by CDFA under law.

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 composts 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 500750 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.

§ 17857.1. Green Material Composting Operations and Facilities.

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 ~~or~~ 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.

§ 17862.1. Chipping and Grinding Operations and Facilities.

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~~for 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~~ Odor Best Management Practice Feasibility Report (Report) required by subdivisions (a) and (b), 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 (Report)~~, the operator must then 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.

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 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 from the samples 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 sampletest 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 sampletest 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 than 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 ~~sold~~selling compost and ~~removed~~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, this 5,000 cubic yards of compost in a 12 month period, 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 0.4~~ the 0.5% 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 ~~federal~~local, state, or ~~state, or local~~federal 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 to clarify that the operator, owner, or designee is obligated to comply with all ~~federal~~local, state, or ~~local~~federal 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 dairy in-vessel digestion operation. The operation may also co-digest agricultural material. This definition distinguishes this of 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 of 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.

Subdivision (a)(~~42~~14)

“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)(~~43~~15)

“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 of type 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)(~~44~~16)

“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 ~~quantity~~storage 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.

Subdivision (a)(~~45~~17)

“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)(~~46~~18)

“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)(~~47~~19)

“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 than~~and 100 tons of solid waste per operating day ~~and less than~~but shall not exceed 700 tons (or 2,800 cubic yards) per week or the solid waste ~~quantity~~storage 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.

Subdivision (a)(~~48~~20)

“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)(~~49~~21)

“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~~22)

“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~~23)

“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~~24)

“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~~25)

“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~~25)(A) is necessary to make specific that the operator is legally responsible for complying with the proposed regulations.

Subdivision (a)(~~23~~25) (B) is necessary to make specific that the operator is legally responsible for complying with all other agencies' applicable requirements.

Subdivision (a)(~~23~~25)(C) is necessary to make specific that the operator is legally responsible for development and physical operation of the operations area.

Subdivision (a)(~~23~~25)(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~~26)

“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~~27)

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)(~~26~~29)

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)(~~27~~31)

"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~~32)

“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~~33)

“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~~34)

“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~~35)

“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)(~~32~~36)

“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 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~~17896.2(a)(2012) and vegetative food material as defined in Title 14, CCR, § ~~17582~~(2017896.2(a)(12)(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 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 two 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 two 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.

§ 17896.14. In-Vessel Digestion Facility Plan.

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. Biogas Control.

§ 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.

§ 17896.23. Hazardous, Liquid, and Special Wastes.

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. Maintenance Program.

§ 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.

§ 17896.30. Odor Best Management Practice Feasibility Report.

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 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, 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 proposed 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 sampletest 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 sampletest results from the 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 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 sending 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~~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.

Page 3

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, 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.

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

Page 7

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.

**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 is 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.

Page 3

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 if 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.

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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.

Standardized Regulatory Impact Assessment

CalRecycle – Compostable Materials and Transfer/Processing Regulations

POSTSCRIPT

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

	Estimated Cost (based on existing operations and facilities)
Private Operations and Facilities	\$770,345 - \$45,092,544/yr.
Public Operations and Facilities, and Government Agencies	\$220,834 - \$3,323,547/yr.
Total	\$991,179 - \$48,416,091/yr.

Summary of costs to government agencies, and private and public operations and facilities associated with the In-vessel Digestion regulations

	Estimated Cost (based on projections)
Private Operations and Facilities	\$309,625 - \$2,915,075/yr.
Public Operations and Facilities, and Government Agencies	\$320,166 - \$3,215,188/yr.
Total	\$629,791 - \$6,130,263/yr.

Total Costs

	Estimated Total Costs
Private Costs (Compostable Materials and In-vessel Digestion)	\$1,079,970 - \$48,007,619/yr.
Public Costs (Compostable Materials and In-vessel Digestion)	\$541,000 - \$6,538,735/yr.
Total	\$1,620,970 - \$54,454,354/yr.

Standardized Regulatory Impact Assessment

CalRecycle – Compostable Materials and Transfer/Processing Regulations

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.

Standardized Regulatory Impact Assessment

CalRecycle – Compostable Materials and Transfer/Processing Regulations

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:

Sector	NAICS	List
Agriculture, Forestry, Fishing and Hunting	11	111; 112; 113; 114; 115
Utilities	22	22132
Construction	23	23661; 23621; 23731
Manufacturing	31-33	311; 3121; 32111; 32121; 32211; 32212; 32213; 32221; 32222; 32223; 325314
Professional, Scientific, and Technical Services	54	54162
Administrative and Support and Waste Management and Remediation Services	56	562; 562111; 562920

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.

Standardized Regulatory Impact Assessment

CalRecycle – Compostable Materials and Transfer/Processing 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

Standardized Regulatory Impact Assessment

CalRecycle – Compostable Materials and Transfer/Processing Regulations

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.

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CalRecycle – Compostable Materials and Transfer/Processing Regulations

Table 1: Estimated Direct Cost of Compostable Materials and In-vessel Digestion Regulations, Four Scenarios: Low and High Cost Range

LOW COST SCENARIO		Direct Costs (per year) – Compostable Materials (Public & Private)	
Year		2015	2018
General Cost		\$707,505	\$716,121
Machinery/Equipment Cost		\$0	\$0
Laboratory Cost		\$90,082	\$95,738
Regulatory Agency Cost		\$0	\$34,548
Total Cost		\$797,587	\$846,407

LOW COST SCENARIO		Direct Costs (per year) – In-Vessel Digestion (Public & Private)	
Year		2015	2018
General Cost		\$4,637	\$172,209
Machinery/Equipment Cost		\$2,743	\$557,235
Laboratory Cost		\$0	\$1,967
Regulatory Agency Cost		\$0	\$43,152
Total Cost		\$7,380	\$774,563

HIGH COST SCENARIO		Direct Costs (per year) – Compostable Materials (Public & Private)	
Year		2015	2018
General Cost		\$33,480,169	\$35,494,875
Machinery/Equipment Cost		\$16,193,010	\$17,184,152
Laboratory Cost		\$1,089,174	\$1,155,840
Regulatory Agency Cost		\$0	\$34,548
Total Cost		\$50,762,353	\$53,869,415

HIGH COST SCENARIO		Direct Costs (per year) – In-Vessel Digestion (Public & Private)	
Year		2015	2018
General Cost		\$5,253	\$5,829,747
Machinery/Equipment Cost		\$3,393	\$3,802,468
Laboratory Cost		\$0	\$3,980
Regulatory Agency Cost		\$0	\$43,152
Total Cost		\$8,646	\$9,679,347

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

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CalRecycle – Compostable Materials and Transfer/Processing Regulations

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

	HIGH SCENARIOS		AS TRANS/PROC/OP		
2005 \$m	B 1-4, AS TRANS/PROC/OP	Production Cost	Waste management & remediation services	COSPOL2	x7930
2005 \$m	MACHINERY/EQPT.	Exogenous Final Demand	Waste management & remediation services	DEMPOL	X6530
2005 \$m	MANUFACTURING PURCHASE	Capital Cost	Waste management remediation services	COSCAP2	x10130
2005 \$m	LAB COSTS	Exogenous Final Demand	Management, scientific, & technical consulting svcs.	DEMPOL	x6520
2005 \$m	REGULATORY COST	State Govt. Spending	Total	FDPVST	63

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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

LOW COST SCENARIO		Costs (per year) – Compostable Materials		
Year	Measure	2015	2018	
Total Employment	Jobs	0	-2	
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	1	1	
Waste Mgmt. & Remediation Svcs.	Jobs	0	2	
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0	
Output	\$ Mill.	\$0.0	\$0.0	
Value Added	\$ Mill.	\$0.0	\$0.0	
Relative Composite Input Costs	Proportion	0.0%	0.0%	
Relative Delivered Price	Proportion	0.0%	0.0%	
Relative Cost of Production	Proportion	0.0%	0.0%	

LOW COST SCENARIO		Costs (per year) – In-Vessel Digestion		
Year	Measure	2015	2018	
Total Employment	Jobs	0	-2	
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	1	1	
Waste Mgmt. & Remediation Svcs.	Jobs	0	2	
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0	
Output	\$ Mill.	\$0.0	-\$1.0	
Value Added	\$ Mill.	\$0.0	\$0.0	
Relative Composite Input Costs	Proportion	0.0%	0.0%	
Relative Delivered Price	Proportion	0.0%	0.0%	
Relative Cost of Production	Proportion	0.0%	0.0%	

HIGH COST SCENARIO		Costs (per year) – Compostable Materials		
Year	Measure	2015	2018	
Total Employment	Jobs	1	-4	
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	8	7	
Waste Mgmt. & Remediation Svcs.	Jobs	56	43	
Gross Domestic Product	\$ Mill.	\$4.0	-\$15.0	
Output	\$ Mill.	\$2.0	-\$5.0	
Value Added	\$ Mill.	\$0.0	\$0.0	
Relative Composite Input Costs	Proportion	0.1%	0.1%	
Relative Delivered Price	Proportion	0.3%	0.3%	
Relative Cost of Production	Proportion	0.3%	0.3%	

HIGH COST SCENARIO		Costs (per year) – In-Vessel Digestion		
Year	Measure	2015	2018	
Total Employment	Jobs	4	4	
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	0	0	
Waste Mgmt. & Remediation Svcs.	Jobs	0	14	
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0	
Output	\$ Mill.	\$0.0	\$1.0	
Value Added	\$ Mill.	\$0.0	\$0.0	
Relative Composite Input Costs	Proportion	0.0%	0.0%	
Relative Delivered Price	Proportion	0.0%	0.1%	
Relative Cost of Production	Proportion	0.0%	0.1%	

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Table 4: Estimated Total Cost of Compostable Materials and In-vessel Digestion Regulations: Low and High Cost Range

LOW COST SCENARIO		Costs (per year)	
Year	Measure	2015	2018
Total Employment	Jobs	0	-4
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	2	2
Waste Mgmt. & Remediation Svcs.	Jobs	0	4
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0
Output	\$ Mill.	\$0.0	-\$1.0
Value Added	\$ Mill.	\$0.0	\$0.0

HIGH COST SCENARIO		Costs (per year)	
Year	Measure	2015	2018
Total Employment	Jobs	5	0
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	8	7
Waste Mgmt. & Remediation Svcs.	Jobs	56	57
Gross Domestic Product	\$ Mill.	\$4.0	-\$15.0
Output	\$ Mill.	\$2.0	-\$4.0
Value Added	\$ Mill.	\$0.0	\$0.0

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.

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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.

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CalRecycle – Compostable Materials and Transfer/Processing Regulations

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.

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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

LOW COST SCENARIO			
Year		2015	2018
Compostable Materials		\$797,587	\$846,407
In-Vessel Digestion		\$7,380	\$774,563
Total		\$804,967	\$1,620,970

HIGH COST SCENARIO			
Year		2015	2018
Compostable Materials		\$50,762,353	\$53,869,415
In-Vessel Digestion		\$8,646	\$9,679,347
Total		\$50,770,999	\$63,548,762

Benefits

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CalRecycle – Compostable Materials and Transfer/Processing 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.

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

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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

LOW COST SCENARIO		Costs (per year)	
Year	Measure	2015	2018
Total Employment	Jobs	0	-4
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	2	2
Waste Mgmt. & Remediation Svcs.	Jobs	0	4
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0
Output	\$ Mill.	\$0.0	-\$1.0
Value Added	\$ Mill.	\$0.0	\$0.0

HIGH COST SCENARIO		Costs (per year)	
Year	Measure	2015	2018
Total Employment	Jobs	-4	-9
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	6	5
Waste Mgmt. & Remediation Svcs.	Jobs	-5	17
Gross Domestic Product	\$ Mill.	-\$27.0	-\$52.0
Output	\$ Mill.	-\$10.0	-\$20.0
Value Added	\$ Mill.	\$0.0	\$1.0

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.

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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. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>
	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 operation \$2,492 - \$4,984/yr. per operation x 0 active operations = \$0/yr. <i>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</i>
1.0% Physical Contaminants: (incoming)	Visual observation of loads: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x (1/3 to 1/2 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. <i>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.</i>
0.1% Physical Contaminants: (outgoing)	Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x 1/2 hr. = \$10.37 \$10.37 + \$48.00 lab cost = \$58.37/sample \$58.37/sample x 0 samples/yr. = \$0/yr. <i>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</i>
	Removing contaminants: (\$0 - \$11)/ton x 0 tons/yr. x 0 active operations = \$0/yr. <i>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.</i>
Subtotal Cost \$107,879 - \$161,980/yr.	
Biosolids Composting Operations at POTWs (1 active)	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>
	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 operation \$2,492 - \$4,984/yr. per operation x 0 operations = \$0/yr. <i>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</i>
1.0% Physical Contaminants: (incoming)	Visual observation of loads: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x (1/3 to 1/2 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. <i>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.</i>
0.1% Physical Contaminants: (outgoing)	Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x 1/2 hr. = \$10.37 \$10.37 + \$48.00 lab cost = \$58.37/sample \$58.37/sample x 1 sample/yr. x = \$58.37/yr. <i>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</i>
	Removing contaminants: (\$0 - \$11)/ton x 82,210 tons of avg. operation/yr. x 1 operation = \$0 to \$904,310/yr. <i>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 throughput.</i>
Subtotal Cost \$2,755 - \$908,418/yr.	
Research Composting Operations (18 active)	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>
	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 operation \$2,492 - \$4,984/yr. per operation x 0 operations = \$0/yr. <i>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</i>
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. <i>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.</i>

Subtotal Cost		\$3,725.28/yr.
Green Material Composting Operations (59 active)		
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. <i>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 submittal; staff estimates 10% of operations will submit SSA request.</i>	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>	
	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 operation \$2,492 - \$4,984/yr. per operation x 0 operations = \$0/yr. <i>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.</i>	
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 59 operations = \$159,121 - \$238,920.50/yr. <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; all green material composting operations must visually sample loads.</i>	
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 lab cost = \$58.37/sample \$58.37/sample x 6 samples/yr. = \$350.22/yr. <i>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).</i>	
	Removing contaminants: (\$0 - \$11)/ton x (529,188 tons/35 operations = 15,120 tons of avg. operation/yr.) x 6 operations = \$0 to \$997,920/yr. <i>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.</i>	
Subtotal Cost		\$159,781.66 - \$1,237,812/yr.
Green Material Composting Facilities (26 active)		
Odor:	Prepare BMP Report: \$5,000 - \$10,450/facility x 0 facilities/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>	
	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 facilities = \$0/yr. <i>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.</i>	
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 facility \$2,696.97 - \$4,049.50/yr. per facility x 26 facilities = \$70,121 - \$105,287/yr. <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; all green material composting facilities must visually sample loads.</i>	
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 lab cost = \$58.37/sample \$58.37/sample x 351 samples/yr. = \$20,487.87/yr. <i>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.</i>	
	Removing contaminants: (\$0 - \$11)/ton x 877,200 tons /yr. x = \$0 to \$9,649,200/yr. <i>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.</i>	
Subtotal Cost		\$90,609 - \$9,774,975/yr.
Vegetative Food Material Composting Facilities (≤ 12,500 cubic yards) (0 active)		
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 active operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>	
	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 \$2,696.97 - \$4,049.50/yr. per facility x 0 active facilities = \$0/yr. <i>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.</i>	
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 facility \$2,696.97 - \$4,049.50/yr. per facility x 0 active facilities = \$0/yr. <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; zero existing vegetative food material composting facilities.</i>	
0.1% Physical Contaminants:	Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.	

(outgoing)	<p>\$31.15/hr. x 1/2 hr. = \$10.37 \$10.37+ \$48.00 lab cost = \$58.37/sample \$58.37/sample x 0 samples/yr. = \$0/yr. <i>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.</i></p> <p>Removing contaminants: (\$0- \$11)/ton x tons/yr. x 0 active facilities = \$0/yr. <i>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 vegetative food material composting facilities.</i></p>	
Subtotal Cost		\$0/yr.
Vegetative Food Material Composting Facilities (> 12,500 cubic yards) (0 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 active facilities/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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 \$2,696.97 - \$4,049.50/yr. per facility x 0 active facilities = \$0/yr. <i>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.</i></p>	
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x (1/2 to 1/2 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 0 active facilities = \$0/yr. <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; zero existing vegetative food material composting facilities.</i></p>	
0.1% Physical Contaminants: (outgoing)	<p>Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x 1/2 hr. = \$10.37 \$10.37 + \$48.00 lab cost = \$58.37/sample \$58.37/sample x 0 samples/yr. = \$0/yr. <i>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.</i></p> <p>Removing contaminants: (\$0 - \$11)/ton x tons/yr. x 0 active facilities = \$0/yr. <i>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 vegetative food material composting facilities.</i></p>	
Subtotal Cost		\$0/yr.
Composting Facilities (all) (e.g., biosolids, digestate, food material, mixed) (30 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450 x 1 facility/yr. = \$5,000 - \$10,450/yr. <i>Based on estimates obtained from industry consultants; staff estimates one composting facility per year will prepare a BMP report based on current odor violations.</i></p> <p>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 1 facility = \$2,492 - \$4,984/yr. <i>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; staff estimates one composting facility per year will implement a BMP report.</i></p>	
0.1% Physical Contaminants: (outgoing)	<p>Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x 1/2 hr. = \$10.37 \$10.37 + \$48.00 lab cost = \$58.37/sample \$58.37/sample x 1186 samples/yr. x = \$69,226.82/yr. <i>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.</i></p> <p>Removing contaminants: \$0-11/ton x 2,968,288 tons/yr. = \$0 - \$32,651,168/yr. <i>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.</i></p>	
Subtotal Cost		\$76,719 - \$32,735,829/yr.
Chipping and Grinding Operations (≤ 200 tons/day) (55 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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 operation \$2,492 - \$4,984/yr. per operation x 0 operations = \$0/yr. <i>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.</i></p>	
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x (1/2 to 1/2 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 55 operations = \$148,333.35 - \$222,722.50/yr. <i>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 operations must visually sample loads.</i></p>	
Subtotal Cost		\$148,333.35 - \$222,722.50/yr.
Chipping and Grinding Facilities (> 200 and ≤ 500 tons/day) (9 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/facility x 0 facilities/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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</p>	

	<p>\$2,492 - \$4,984/yr. per facility x 0 facilities = \$0/yr.</p> <p><i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.</p> <p>\$31.15/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = \$2,696.97 - \$4,049.50/yr. per facility</p> <p>\$2,696.97 - \$4,049.50/yr. per facility x 9 facilities/yr. = \$24,272.73 - \$36,445.50/yr.</p> <p><i>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.</i></p>
Subtotal Cost	
\$24,272.73 - \$36,445.50/yr.	
Chipping and Grinding Facilities (> 500 tons/day) (11 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/facility x 0 facilities/yr. = \$0/yr.</p> <p><i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i></p> <p>Implement BMP Report: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.</p> <p>\$31.15/hr. x (80 - 160 hrs.)/yr. = \$2,492 - \$4,984/yr. per facility</p> <p>\$2,492 - \$4,984/yr. per facility x 0 facilities = \$0/yr.</p> <p><i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.</p> <p>\$31.15/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = \$2,696.97 - \$4,049.50/yr. per facility</p> <p>\$2,696.97 - \$4,049.50/yr. per facility x 11 facilities/yr. = \$29,666.67 - \$44,544.40/yr.</p> <p><i>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.</i></p>
Subtotal Cost	
\$29,666.67 - \$44,544.50/yr.	
Land Application	
Sampling and Analysis:	<p>Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.</p> <p>\$31.15/hr. x 1/3 hr. = \$10.37</p> <p>\$10.37 + \$300.00 lab cost = \$310.37/sample</p> <p>1,000,000 tons ÷ (30 - 600 tons)/acre ÷ (10 - 622 acres)/site = 3 - 3,333 sites</p> <p>3 - 3,333 sites x \$310.37/sample = \$931.11 - \$1,034,463/yr.</p> <p><i>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. The proposed regulations do not specify a sample frequency, therefore, the number of samples is 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.</i></p>
0.1% Physical Contaminants: (outgoing)	<p>Removing contaminants:</p> <p>1,000,000 tons x 10% needs to be cleaned = 100,000 tons</p> <p>(\$0 - \$11/ton) x 100,000 tons = \$0 - \$1,100,000/yr.</p> <p><i>Tonnage available for land application and amount of material that will need to be cleaned annually based on staff estimates; contaminant removal costs 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.</i></p>
CDFA Determination:	<p>Determination of "agronomically beneficial": \$54.75/hr. + \$30.25/hr. = \$85/hr.</p> <p>\$85/hr. x 8 hrs./site x 3 sites/yr. = \$2,040/yr.</p> <p><i>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 "agronomically beneficial" determination; staff estimate on the number of sites that will request an "agronomically beneficial" determination.</i></p>
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 <i>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.</i>
Odor:	Prepare BMP Report: (\$5,000 - \$10,450)/operation (\$5,000 - \$10,450)/operation x 0 operations = \$0/yr. <i>Based on estimates obtained from industry consultants; staff estimates that no Research In-vessel Digestion Operations will prepare a BMP report.</i>
	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. <i>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.</i>
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 <i>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.</i>
Drainage and Spill Control:	Spill response = \$100/yr. per operation <i>Staff estimate of equipment and supplies costs.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i>
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. (1/30 yr.) x = \$81.53 - \$91.53/yr. per operation <i>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.</i>
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 1/8 hr./yr. = \$3.89/yr. per operation <i>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.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.</i>
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 1/2 hrs./yr. = \$25.87/yr. per operation <i>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.</i>
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. <i>Based on estimates obtained from industry consultants; staff estimates that no Dairy In-vessel Digestion Operations will prepare a BMP report.</i>
	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. <i>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.</i>
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 <i>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.</i>

Drainage and Spill Control:	Spill response = \$100/yr. per operation <i>Staff estimate of equipment and supplies costs.</i>	
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i>	
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 <i>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.</i>	
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 1/8 hr./yr. = \$3.89/yr. per operation <i>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.</i>	
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.</i>	
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 1/2 hrs./yr. = \$25.87/yr. per operation <i>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.</i>	
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. <i>Based on estimates obtained from industry consultants; staff estimates that no Distribution Center In-vessel Digestion Operations will prepare a BMP report.</i>	
	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. <i>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.</i>	
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 <i>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.</i>	
Drainage and Spill Control:	Spill response = \$100/yr. per operation <i>Staff estimate of equipment and supplies costs.</i>	
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i>	
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 <i>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.</i>	
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 1/8 hr./yr. = \$3.89/yr. per operation <i>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.</i>	
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/hr. + \$15.86/hr. = \$51.74/hr. \$51.74/hr. x ½ 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 (\$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 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:	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 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 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.)		\$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 ¼ 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 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 ½ 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.	

	<p>$\\$31.15/\text{hr.}/\text{hr.} \times 50 \text{ hrs./yr.} = \\$1,557.50/\text{yr.}$ per facility <i>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.</i></p>	
Drainage and Spill Control:	<p>Spill response = \$100/yr. per facility <i>Staff estimate of equipment and supplies costs.</i></p>	
Subtotal Cost (to any new In-vessel Digestion facility)		\$1,657.50/yr.
Odor:	<p>Prepare OIMP: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. $\\$31.15/\text{hr.} \times (4 \text{ hrs.} - 24 \text{ hrs.})/\text{yr.} = \\$124.60 - \\$747.60/\text{yr.}$ per facility <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i></p>	
Site Restoration:	<p>Provide notice; cleaning, and removal: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. $\\$31.15/\text{hr.} \times 40 \text{ hrs./yr.} = \\$1,246/\text{yr.}$ per facility Equipment use = (\$1,200 - \$1,500)/yr. per facility $(\\$1,200 - \\$1,500) + \\$1,246 \times \text{one every } 30 \text{ yrs. } (1/30 \text{ yr.}) \times = \\$81.53 - \\$91.53/\text{yr.}$ per facility <i>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.</i></p>	
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:	<p>Make available IIPP: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. $\\$31.15/\text{hr.} \times \frac{1}{8} \text{ hr./yr.} = \\$3.89/\text{yr.}$ per facility <i>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.</i></p>	
Roads:	<p>Design and maintain roads: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. $\\$31.15/\text{hr.} \times 200 \text{ hrs./yr.} = \\$6,230/\text{yr.}$ per facility \$3,000/facility [\$476/yr. (10 year amortization)] $\\$6,230/\text{yr.} + \\$476 = \\$6,706/\text{yr.}$ per facility <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.</i></p>	
Supervision and Personnel:	<p>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/\text{hr.} \times \frac{1}{2} \text{ hrs./yr.} = \\$25.87/\text{yr.}$ per facility <i>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.</i></p>	
Equipment:	<p>Provide equipment adequate in type, capacity, and number: \$500,000 [\$79,290/yr. (10 year amortization)] = \$79,290/yr. per facility <i>Staff estimate based on stakeholder input.</i></p> <p>Sufficiently maintain equipment adequate in type, capacity, and number: $\\$21.54/\text{hr.} + \\$9.61/\text{hr.} = \\$31.15/\text{hr.}$ $\\$31.15/\text{hr.} \times 300 \text{ hrs./yr.} = \\$9,345/\text{yr.}$ per facility <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to maintain equipment.</i></p>	
Housekeeping:	<p>Provide adequate housekeeping: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. $\\$31.15/\text{hr.} \times 25 \text{ hrs./yr.} = \\$778.75/\text{yr.}$ per facility <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to provide housekeeping.</i></p>	
Lighting:	<p>Provide adequate lighting: \$5,000/facility [\$793/yr. (10 year amortization)] x 0.5 facilities (needing artificial light) = \$400/yr. per facility <i>Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Medium Volume In-vessel Digestion Facilities will need artificial lighting.</i></p>	
Visual Screening:	<p>Consult with EA: \$44.96/hr. + \$24.84/hr. = \$69.80/hr. $\\$69.80/\text{hr.} \times 2 \text{ hrs./yr.} = \\$139.60/\text{yr.}$ per facility $\\$139.60/\text{yr.}$ per facility x 0.1 facilities (for which no local land use authority exists) = \$13.96/yr. per facility <i>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.</i></p> <p>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 <i>Staff estimate of cost to provide aesthetics; staff estimates 10% of Medium Volume In-vessel Digestion Facilities will have no local land use authority.</i></p> <p>Maintain aesthetics: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. $\\$31.15/\text{hr.} \times 50 \text{ hrs./yr.} = \\$1,557.50/\text{yr.}$ per facility $\\$1,557.50/\text{yr.}$ per facility x 0.1 facilities (for which no local land use authority exists) = \$155.75/yr. <i>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.</i></p>	
Water Supply:	<p>Provide a safe and adequate water supply for drinking = \$500/yr. per facility <i>Staff estimate of cost to provide adequate drinking water.</i></p> <p>Provide a safe and adequate water supply emergency use: \$1,000/facility [\$159/yr. (10 year amortization)] = \$159/yr. per facility <i>Staff estimate of cost to provide adequate emergency water.</i></p>	
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.

Large Volume In-vessel Digestion Facilities (0 active)	
Odor:	Prepare BMP Report: (\$5,000 - \$10,450)/facility <i>Based on estimates obtained from industry consultants; staff estimates that one Large Volume In-vessel Digestion Facility will prepare a BMP report.</i>
	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 <i>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.</i>
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 <i>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.</i>
Drainage and Spill Control:	Spill response = \$100/yr. per facility <i>Staff estimate of equipment and supplies costs.</i>
0.1% Physical Contaminants:	Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x ½ hr. = \$10.38 \$10.38 + \$48.00 lab cost = \$58.38/sample 26,000 – 130,000 tons x 0.5 facilities x 2 yd ³ /ton x 0.6 (volume reduction) x 1 sample/5,000 yd ³ = (2 - 10) samples \$58.38/sample x (3 – 16) samples/yr. = \$160.14 - \$854.08/yr. per facility <i>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%.</i>
	Removing contaminants: (\$0 - \$11)/ton x 26,000 – 130,000 tons/yr. = \$0 - \$1,430,000/yr. per facility <i>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.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i>
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 <i>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.</i>
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 ¼ hr./yr. = \$3.89/yr. per facility <i>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.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.</i>
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 hrs./yr. = \$25.87/yr. per facility <i>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.</i>
Equipment:	Provide equipment adequate in type, capacity, and number: \$500,000 [\$79,290/yr. (10 year amortization)] = \$79,290/yr. per facility <i>Staff estimate based on stakeholder input.</i>
	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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to maintain equipment.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to provide housekeeping.</i>
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 <i>Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Large Volume In-vessel Digestion Facilities will need artificial lighting.</i>
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

	<p>\$139.60/yr. per facility x 0.1 facilities (for which no local land use authority exists) = \$13.96/yr. per facility <i>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.</i></p> <p>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 <i>Staff estimate of cost to provide aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.</i></p> <p>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. <i>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.</i></p>	
Water Supply:	<p>Provide a safe and adequate water supply for drinking: = \$500/yr. per facility <i>Staff estimate of cost to provide adequate drinking water.</i></p> <p>Provide a safe and adequate water supply emergency use: \$1,000/facility [\$159/yr. (10 year amortization)] = \$159/yr. per facility <i>Staff estimate of cost to provide adequate emergency water.</i></p>	
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.

	Yr. 1 - 2	Yr. 3	Total #	Total Cost
Research In-vessel Digestion Operations	4	2	6	3 x [\$2,070.59 - \$2,703.59]/yr. = [\$6,211.77 - \$8,110.77]/yr. 3 x \$3,610.36/yr. = \$10,831.08/yr. [\$6,211.77 - \$8,110.77]/yr. + \$10,831.08/yr. = \$17,042.85 - \$18,941.85/yr.
Dairy In-vessel Digestion Operations	1	2	3	1 x [\$1,863.63 - \$2,496.63]/yr. = [\$1,863.63 - \$2,496.63]/yr. 2 x \$4,961.00/yr. = \$9,922.00/yr. [\$1,863.63 - \$2,496.63]/yr. + \$9,922.00/yr. = \$11,785.63 - \$12,418.63/yr.
Distribution Center In-vessel Digestion Operations				
Limited Volume In-vessel Digestion Operations		2	2	1 x [\$1,863.63 - \$2,496.63]/yr. = [\$1,863.63 - \$2,496.63]/yr. 1 x \$6,676.76/yr. = \$6,676.76/yr. [\$1,863.63 - \$2,496.63]/yr. + \$6,676.76/yr. = \$8,540.39 - \$9,173.39/yr.
Medium Volume In-vessel Digestion Facilities		2	2	1 x [\$1,863.63 - \$2,496.63]/yr. = [\$1,863.63 - \$2,496.63]/yr. 1 x \$99,195.72/yr. = \$99,195.72/yr. [\$1,863.63 - \$2,496.63] + \$99,195.72/yr. = \$101,059.35 - \$101,692.35/yr.
Large Volume In-vessel Digestion Facilities		2	2	1 x [\$9,515.19 - \$1,448,784.71]/yr. = [\$9,515.19 - \$1,448,784.71]/yr. 1 x [\$111,989.28 - \$1,550,625.80]/yr. = [\$111,989.28 - \$1,550,625.80]/yr. [\$9,515.19 - \$1,448,784.71]/yr. + [\$111,989.28 - \$1,550,625.80]/yr. = \$121,504.47 - \$2,999,410.51/yr.
				\$259,932.69 - \$3,141,636.73/yr.

Public Compostable Material Handling Operations and Facilities
Preliminary Estimates

Agricultural Material Composting Operations (0 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 active operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 active operations = \$0/yr. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x (1/2 to 1/2 hr.) x 260 operating days/yr. = \$3,684.20 - \$5,526.30/yr. per operation \$3,684.20 - \$5,526.30/yr. per operation x 0 active operations = \$0/yr. <i>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.</i></p>
0.1% Physical Contaminants: (outgoing)	<p>Sampling and analysis: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 1/2 hr. = \$14.17 \$14.17 + \$48.00 lab cost = \$62.17/sample \$62.17/sample x 0 samples/yr. = \$0/yr. <i>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.</i></p> <p>Removing contaminants: (\$0 - \$11)/ton x 0 tons/yr. x 0 active operations = \$0/yr. <i>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.</i></p>
Subtotal Cost	
\$0/yr.	
Biosolids Composting Operations at POTWs (8 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 operations = \$0/yr. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x (1/2 to 1/2 hr.) x 260 operating days/yr. = \$3,684.20 - \$5,526.30/yr. per operation \$3,684.20 - \$5,526.30/yr. per operation x 1 operation = \$3,684.20 - \$5,526.30/yr. <i>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.</i></p>
0.1% Physical Contaminants: (outgoing)	<p>Sampling and analysis: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 1/2 hr. = \$14.17 \$14.17 + \$48.00 lab cost = \$62.17/sample \$62.17/sample x 1 sample/yr. x = \$62.17/yr. <i>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.</i></p> <p>Removing contaminants: (\$0 - \$11)/ton x 5,363 tons of avg. operation/yr. x 1 operation = \$0 to \$58,993 <i>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.</i></p>
Subtotal Cost	
\$3,746 - \$64,581/yr.	
Research Composting Operations (4 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 operations = \$0/yr. <i>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.</i></p>
2-Year Report:	<p>Prepare 2-yr. Report: \$34.71/hr. + 17.05/hr. = \$51.76/hr. \$51.76/hr. x 8 hrs./yr. = \$414.08/yr. per operation \$414.08/yr. per operation x 2 operation/yr. = \$828.16/yr. <i>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.</i></p>
Subtotal Cost	
\$828.16/yr.	

Green Material Composting Operations (10 active)	
12,500 Cubic Yard Storage:	Cost for submitting request in writing for SSA: $\$34.71 + 17.05 = \$51.76/\text{hr.}$ $\$51.76/\text{hr.} \times (1 - 2 \text{ hrs.})/\text{yr. per operation} \times 1 \text{ operation} = \$51.76 - \$103.52/\text{yr.}$ <i>Average total hourly compensation (wages and benefits) of management, professional, and related - US Bureau of Labor Statistics; staff estimate on time to complete request submittal; staff estimates 10% of operations will submit SSA request.</i>
Odor:	Prepare BMP Report: $\$5,000 - \$10,450/\text{operation} \times 0 \text{ operations}/\text{yr.} = \$0/\text{yr.}$ <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i>
	Implement BMP Report: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times (80 - 160 \text{ hrs.})/\text{yr.} = \$3,400.80 - \$6,801.60/\text{yr. per operation}$ $\$3,400.80 - \$6,801.60/\text{yr. per operation} \times 0 \text{ operations} = \$0/\text{yr.}$ <i>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.</i>
1.0% Physical Contaminants: (incoming)	Visual observation of loads: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times (\frac{1}{2} \text{ to } \frac{1}{2} \text{ hr.}) \times 260 \text{ operating days}/\text{yr.} = \$3,684.20 - \$5,526.30/\text{yr. per operation}$ $\$3,684.20 - \$5,526.30/\text{yr. per operation} \times 10 \text{ operations} = \$36,842 - \$55,263/\text{yr.}$ <i>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistic; staff estimate of time to visually observe loads; all green material composting operations must visually sample loads.</i>
0.1% Physical Contaminants: (outgoing)	Sampling and analysis: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times \frac{1}{2} \text{ hr.} = \14.17 $\$14.17 + \$48.00 \text{ lab cost} = \$62.17/\text{sample}$ $\$62.17/\text{sample} \times 1 \text{ sample}/\text{yr.} = \$62.17/\text{yr.}$ <i>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 request a sample from 10% of operators(1).</i>
	Removing contaminants: $(\$0 - \$11)/\text{ton} \times 3,654 \text{ tons of avg. operation}/\text{yr.} \times 1 \text{ operation} = \$0 \text{ to } \$40,194$ <i>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.</i>
Subtotal Cost	
\$36,955.93 - \$95,622.69/yr.	
Green Material Composting Facilities (8 active)	
Odor:	Prepare BMP Report: $\$5,000 - \$10,450/\text{facility} \times 0 \text{ facilities}/\text{yr.} = \$0/\text{yr.}$ <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i>
	Implement BMP Report: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times (80 - 160 \text{ hrs.})/\text{yr.} = \$3,400.80 - \$6,801.60/\text{yr. per facility}$ $\$3,400.80 - \$6,801.60/\text{yr. per facility} \times 0 \text{ facilities} = \$0/\text{yr.}$ <i>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.</i>
1.0% Physical Contaminants: (incoming)	Visual observation of loads: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times (\frac{1}{2} \text{ to } \frac{1}{2} \text{ hr.}) \times 260 \text{ operating days}/\text{yr.} = \$3,684.20 - \$5,526.30/\text{yr. per facility}$ $\$3,684.20 - \$5,526.30/\text{yr. per facility} \times 8 \text{ facilities} = \$29,474 - \$44,210/\text{yr.}$ <i>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistic; staff estimate of time to visually observe loads; all green material composting operations must visually sample loads; all green material composting facilities operations must visually sample loads.</i>
0.1% Physical Contaminants: (outgoing)	Sampling and analysis: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times \frac{1}{2} \text{ hr.} = \14.17 $\$14.17 + \$48.00 \text{ lab cost} = \$62.17/\text{sample}$ $\$62.17/\text{sample} \times 135 \text{ of samples}/\text{yr.} = \$8,393/\text{yr.}$ <i>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.</i>
	Removing contaminants: $(\$0 - \$11)/\text{ton} \times 48,215 \text{ tons of avg. facility}/\text{yr.} \times 1 \text{ facility} = \$0 \text{ to } \$530,365$ <i>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.</i>
Subtotal Cost	
\$37,867 - \$582,968/yr.	
Vegetative Food Material Composting Operations ($\leq 12,500$ cubic yards) (0 active)	
Odor:	Prepare BMP Report: $\$5,000 - \$10,450/\text{operation} \times 0 \text{ active operations}/\text{yr.} = \$0/\text{yr.}$ <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i>
	Implement BMP Report: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times (80 - 160 \text{ hrs.})/\text{yr.} = \$3,400.80 - \$6,801.60/\text{yr. per operation}$ $\$3,400.80 - \$6,801.60/\text{yr. per operation} \times 0 \text{ active operations} = \$0/\text{yr.}$ <i>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.</i>
1.0% Physical Contaminants: (incoming)	Visual observation of loads: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times (\frac{1}{2} \text{ to } \frac{1}{2} \text{ hr.}) \times 260 \text{ operating days}/\text{yr.} = \$3,684.20 - \$5,526.30/\text{yr. per operation}$ $\$3,684.20 - \$5,526.30/\text{yr. per operation} \times 0 \text{ active operations} = \$0/\text{yr.}$ <i>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.</i>

0.1% Physical Contaminants: (outgoing)	<p>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 \$62.17/sample x 0 samples/yr. = \$0/yr. <i>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.</i></p> <p>Removing contaminants: (\$0 - \$11)/ton x tons/yr. x 0 active operations = \$0/yr. <i>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.</i></p>
Subtotal Cost	
\$0/yr.	
Vegetative Food Material Composting Facilities (> 12,500 cubic yards) (0 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 active facilities/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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 active facilities = \$0/yr. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>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 \$3,684.20 - \$5,526.30/yr. per facility x 0 active facilities = \$0/yr. <i>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.</i></p>
0.1% Physical Contaminants: (outgoing)	<p>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 \$62.17/sample x 0 samples/yr. = \$0/yr. <i>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.</i></p> <p>Removing contaminants: (\$0 - \$11)/ton x tons/yr. x 0 active facilities = \$0/yr. <i>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.</i></p>
Subtotal Cost	
\$0/yr.	
Composting Facilities (all) (e.g., biosolids, digestate, food material, mixed) (5 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450 x 1 facility/yr. = \$5,000 - \$10,450/yr. <i>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.</i></p> <p>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 1 facility = \$3,400.80 - \$6,801.60/yr. <i>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.</i></p>
0.1% Physical Contaminants: (outgoing)	<p>Sampling and analysis: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51 x ½ hr. = \$14.17 \$14.17 + \$48.00 lab cost = \$62.17/sample \$62.17/sample x 98 samples/yr. x = \$6,092.66/yr. <i>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.</i></p> <p>Removing contaminants: \$0-\$11/ton x 246,124 tons/yr. = \$0 - \$2,707,364/yr. <i>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.</i></p>
Subtotal Cost	
\$14,493 - \$2,730,708/yr.	
Chipping and Grinding Operations (≤ 200 tons/day) (5 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i></p> <p>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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 operations = \$0/yr. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>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 operation \$3,684.20 - \$5,526.30/yr. per operation x 5 operations = \$18,421 - \$27,631.50/yr. <i>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 operations must visually sample loads.</i></p>
Subtotal Cost	
\$18,421 - \$27,631.50/yr.	
Chipping and Grinding Facilities (> 200 and ≤ 500 tons/day) (1 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 facilities/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p>

	<p>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. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>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 \$3,684.20 - \$5,526.30/yr. per facility x 1 facility/yr. = \$3,684.20 - \$5,526.30/yr. <i>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.</i></p>
Subtotal Cost	
\$3,684.20 - \$5,526.30/yr.	
Chipping and Grinding Facilities (> 500 tons/day) (10 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/facility x 0 facilities/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>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 \$3,684.20 - \$5,526.30/yr. per facility x 10 facilities/yr. = \$36,842 - \$55,263/yr. <i>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.</i></p>
Subtotal Cost	
\$36,842 - \$55,263/yr.	
Enforcement Agencies	
Land Application:	<p>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. <i>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.</i></p> <p>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. <i>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 depths and frequencies.</i></p>
12,500 Cubic Yard Storage:	<p>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. <i>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.</i></p>
Odor:	<p>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. <i>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.</i></p> <p>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. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>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. <i>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.</i></p> <p>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. <i>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.</i></p> <p>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. <i>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.</i></p>
0.1% Physical Contaminants: (outgoing)	<p>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. <i>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.</i></p> <p>Review lab results: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ¼ hr./review x 1,288 reviews (98 public mixed + 1186 private mixed + 4 green material operations + (10% of application sites))/yr. = \$13,685/yr. <i>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.</i></p>

Research:	<p>Review 2-yr. report: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 2 hrs./report x 4 reports/yr. = \$680/yr. <i>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.</i></p> <p>Approve extension: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 2 hrs./extension x 2 extensions/yr. = \$340/yr. <i>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 extensions received and the amount of time spent reviewing each extension.</i></p>	
Alt. Sampling and Analysis:	<p>Review and approve/deny request for alternative sampling or analysis: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 4 hrs./request x 20 requests/yr. = \$6,800/yr. <i>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.</i></p>	
Subtotal Cost		\$26,860/yr.
California Department of Food and Agriculture		
Prohibition Exceptions:	<p>Consultation with SWRCB and CalRecycle: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consult x 2 consults/yr. = \$85/yr. <i>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.</i></p>	
Agronomically Beneficial:	<p>Determination of "agronomically beneficial": \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./determination x 10 determinations/yr. = \$425/yr. <i>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.</i></p>	
Subtotal Cost		\$510/yr.
State Water Resources Control Board		
Prohibition Exceptions:	<p>Consultation with CDFA and CalRecycle: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consultations x 2 consults/yr. = \$85/yr. <i>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.</i></p>	
Subtotal Cost		\$85/yr.
Regional Water Quality Control Board		
Alt. Land Application Alternatives:	<p>Consultation with Enforcement Agencies: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consult x 20 consultations (10% of application sites)= \$/yr. <i>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.</i></p>	
Subtotal Cost		\$850/yr.
CalRecycle		
Prohibition Exceptions:	<p>Approve exceptions to mammalian tissue prohibition: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 16 hrs./yr. = \$1,360/yr. <i>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 and the amount of time spent on each approval.</i></p>	
Odor:	<p>Consultation with Enforcement Agencies: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 24 hrs./yr. = \$2,040/yr. <i>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.</i></p>	
EA Notification Inspection Frequency:	<p>Concur on reduced frequency: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./concurrence x 20 requests/yr. = \$850/yr. <i>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.</i></p>	
Subtotal Cost		\$4,250/yr.
Total Cost		\$185,392 - \$3,595,684/yr.

Public In-vessel Digestion Operations and Facilities
Preliminary Estimates

Research In-vessel Digestion Operations (0 active)	
2-Year Report:	Prepare 2-yr. Report: $\$34.71/\text{hr.} + 17.05/\text{hr.} = \$51.76/\text{hr.}$ $\$51.76/\text{hr.} \times 8 \text{ hrs.} \div 2 \text{ years} = \$207.04/\text{yr. per operation}$ <i>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.</i>
Odor:	Prepare BMP Report: $(\$5,000 - \$10,450)/\text{operation}$ $(\$5,000 - \$10,450)/\text{operation} \times 0 \text{ operations} = \$0/\text{yr.}$ <i>Based on estimates obtained from industry consultants; staff estimates that no Research In-vessel Digestion Operations will prepare a BMP report.</i>
	Implement BMP Report: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times (80 \text{ hrs.} - 160 \text{ hrs.})/\text{yr.} = (\$3,400.80 - \$6,801.60)/\text{yr. per operation}$ $(\$3,400.80 - \$6,801.60)/\text{yr. per operation} \times 0 \text{ operations} = \$0/\text{yr.}$ <i>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</i>
Biogas Control:	Take precautions to minimize uncontrolled release: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times 50 \text{ hrs.}/\text{yr.} = \$2,125.50/\text{yr. per operation}$ <i>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.</i>
Drainage and Spill Control:	Spill response = $\$100/\text{yr. per operation}$ Staff estimate of equipment and supplies costs.
Subtotal Cost (to any new In-vessel Digestion operation)	
	\$2,432.54/yr.
Odor:	Prepare OIMP: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times (4 \text{ hrs.} - 24 \text{ hrs.})/\text{yr.} = \$170.04 - \$1,020.24/\text{yr. per operation}$ <i>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.</i>
Site Restoration:	Provide notice; cleaning, and removal: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times 40 \text{ hrs.}/\text{yr.} = \$1,700/\text{yr. per operation}$ Equipment use = $(\$1,200 - \$1,500)/\text{yr. per operation}$ $(\$1,200 - \$1,500) + \$1,700 \times \text{one every 30 yrs. } (1/30 \text{ yr.}) \times = \$96.67 - \$106.67/\text{yr. per operation}$ <i>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.</i>
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: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times \frac{1}{8} \text{ hr.}/\text{yr.} = \$5.31/\text{yr. per operation}$ <i>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.</i>
Roads:	Design and maintain roads: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times 50 \text{ hrs.}/\text{yr.} = \$2,125.50/\text{yr. per operation}$ Equipment: $\$1,000/\text{yr. per operation } \$159/\text{yr. (10 year amortization)}$ $\$2,125.50/\text{yr.} + \$159/\text{yr.} = \$2,284.50/\text{yr. per operation}$ <i>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.</i>
Supervision and Personnel:	Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $\$34.71/\text{hr.} + \$17.05/\text{hr.} = \$51.76/\text{hr.}$ $\$51.76/\text{hr.} \times \frac{1}{2} \text{ hrs.}/\text{yr.} = \$25.88/\text{yr. per operation}$ <i>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.</i>
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: $(\$5,000 - \$10,450)/\text{operation}$ $(\$5,000 - \$10,450)/\text{operation} \times 0 \text{ operations} = \$0/\text{yr.}$ <i>Based on estimates obtained from industry consultants; staff estimates that no Dairy In-vessel Digestion Operations will prepare a BMP report.</i>
	Implement BMP Report: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times (80 \text{ hrs.} - 160 \text{ hrs.})/\text{yr.} = (\$3,400.80 - \$6,801.60)/\text{yr. per operation}$ $(\$3,400.80 - \$6,801.60)/\text{yr. per operation} \times 0 \text{ operations} = \$0/\text{yr.}$ <i>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.</i>
Biogas Control:	Take precautions to minimize uncontrolled release: $\$27.38/\text{hr.} + \$15.13/\text{hr.} = \$42.51/\text{hr.}$ $\$42.51/\text{hr.} \times 50 \text{ hrs.}/\text{yr.} = \$2,125.50/\text{yr. per operation}$

	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. = \$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. = \$1700/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 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 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 1/2 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.)		\$4,441.19/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.
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. = (\$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. = \$170.04 - \$1,020.24/yr. 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. = \$1700/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 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 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	

	<p>\$1,000/yr. per operation [(\$159/yr. (10 year amortization)) \$4,251/yr. + \$159/yr. = = \$4,410/yr. per operation <i>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.</i></p>	
Supervision and Personnel:	<p>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 <i>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.</i></p>	
Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)		\$4,441.19/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:	<p>Prepare BMP Report: (\$5,000 - \$10,450)/operation (\$5,000 - \$10,450)/operation x 0 operations = \$0/yr. <i>Based on estimates obtained from industry consultants; staff estimates that no Limited Volume In-vessel Digestion Operations will prepare a BMP report.</i></p>	
	<p>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. <i>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.</i></p>	
Biogas Control:	<p>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 <i>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.</i></p>	
Drainage and Spill Control:	<p>Spill response = \$100/yr. per operation Staff estimate of equipment and supplies costs.</p>	
Subtotal Cost (to any new In-vessel Digestion operation)		\$2,225.50/yr.
Odor:	<p>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 operation <i>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.</i></p>	
Site Restoration:	<p>Provide notice; cleaning, and removal: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 40 hrs. = \$1700/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 <i>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.</i></p>	
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:	<p>Make available IIPP: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x ¼ hr./yr. = \$5.31/yr. per operation <i>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.</i></p>	
Roads:	<p>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 [(\$317/yr. (10 year amortization)) \$6,376.50/yr. + \$317 = \$6,693.50/yr. per operation <i>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.</i></p>	
Supervision and Personnel:	<p>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 <i>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.</i></p>	
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:	<p>Prepare BMP Report: (\$5,000 - \$10,450)/facility (\$5,000 - \$10,450)/facilities x 0 facilities = \$0/yr. <i>Based on estimates obtained from industry consultants; staff estimates that no Medium Volume In-vessel Digestion Facilities will prepare a BMP report.</i></p>	
	<p>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 (\$3,400.80 - \$6,801.60)/yr. per facility x 0 facilities = \$0/yr.</p>	

	<i>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 Medium Volume In-vessel Digestion Facilities will implement a BMP report.</i>
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 <i>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.</i>
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) \$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. = \$170.04 - \$1,020.24/yr. per facility <i>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.</i>
Site Restoration:	Provide notice; cleaning, and removal: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 40 hrs./yr. = \$1700/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 <i>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.</i>
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 IIPP: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x ¼ hr./yr. = \$5.31/yr. per facility <i>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.</i>
Roads:	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 <i>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.</i>
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 <i>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.</i>
Equipment:	Provide equipment adequate in type, capacity, and number: \$500,000 [\$79,290/yr. (10 year amortization) per facility <i>Staff estimate based on stakeholder input.</i> 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 <i>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.</i>
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 <i>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.</i>
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 <i>Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Medium Volume In-vessel Digestion Facilities will need artificial lighting.</i>
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 <i>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</i> 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 <i>Staff estimate of cost to provide aesthetics; staff estimates 10% of Medium Volume In-vessel Digestion Facilities will have no local land use authority.</i> 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. <i>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 Medium Volume In-vessel Digestion Facilities will have no local land use authority</i>
Water Supply:	Provide a safe and adequate water supply for drinking: = \$500/yr. per facility <i>Staff estimate of cost to provide adequate drinking water.</i>

	Provide a safe and adequate water supply emergency use: \$1,000/facility [\$159/yr. (10 year amortization)] = \$159/yr. per facility <i>Staff estimate of cost to provide adequate emergency water.</i>
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 <i>Based on estimates obtained from industry consultants; staff estimates that one Large Volume In-vessel Digestion Facility will prepare a BMP report.</i> 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 <i>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.</i>
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 <i>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.</i>
Drainage and Spill Control:	Spill response = \$100/yr. per facility <i>Staff estimate of equipment and supplies costs.</i>
0.1% Physical Contaminants:	Sampling and analysis: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x ¼ hr. = \$14.17 \$14.17 + \$48.00 lab cost = \$62.17/sample 26,000 – 130,000 tons x 0.5 facilities x 2 yd ³ /ton x 0.6 (40% volume reduction) x 1 sample/5,000 yd ³ = (3 -16) samples \$62.17/sample x (3 – 16) samples/yr. = \$186.51 - \$994.72/yr. per facility <i>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%.</i> Removing contaminants: (\$0 - \$11)/ton x 26,000 – 130,000 tons/yr. = \$0 - \$1,430,000/yr. per facility <i>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.</i>
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 <i>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.</i>
Site Restoration:	Provide notice; cleaning, and removal: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 40 hrs./yr. = \$1700/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 <i>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.</i>
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 IIPP: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x ¼ hr./yr. = \$5.31/yr. per facility <i>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.</i>
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 <i>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.</i>
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 <i>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.</i>
Equipment:	Provide equipment adequate in type, capacity, and number: \$500,000 [\$79,290/yr. (10 year amortization)] per facility <i>Staff estimate based on stakeholder input.</i> 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 <i>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.</i>
Housekeeping:	Provide adequate housekeeping: \$27.38/hr. + \$15.13/hr. = \$42.51/hr.

	<p>\$42.51/hr. x 25 hrs./yr. = \$1,062.75/yr. per facility <i>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.</i></p>
Lighting:	<p>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 <i>Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Large Volume In-vessel Digestion Facilities will need artificial lighting.</i></p>
Visual Screening:	<p>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 <i>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</i></p> <p>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 <i>Staff estimate of cost to provide aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.</i></p> <p>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. <i>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</i></p>
Water Supply:	<p>Provide a safe and adequate water supply for drinking: = \$500/yr. per facility <i>Staff estimate of cost to provide adequate drinking water.</i></p> <p>Provide a safe and adequate water supply emergency use: \$1,000/facility [\$159/yr. (10 year amortization)] = \$159/yr. per facility <i>Staff estimate of cost to provide adequate emergency water.</i></p>
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:	<p>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. <i>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; staff estimates one request every 4 years.</i></p>
Total Cost	
\$21.26/yr.	
California Department of Food and Agriculture	
Prohibition Exceptions:	<p>Consultation with SWRCB and CalRecycle: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consult x 2 consults/yr. = \$85/yr. <i>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.</i></p>
Anaerobically Digestible Material:	<p>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 consults/yr. = \$170/yr. <i>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.</i></p>
Total Cost	
\$255/yr.	
State Water Resources Control Board	
Prohibition Exceptions:	<p>Consultation with CDFA and CalRecycle: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consultations x 2 consults/yr. = \$85/yr. <i>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.</i></p>
Anaerobically Digestible Material:	<p>Consult with CDFA 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 consults/yr. = \$170/yr. <i>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.</i></p>
Total Cost	
\$255/yr.	
CalRecycle	
Prohibition Exceptions:	<p>Consultation with CDFA and SWRCB: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consultations x 2 consults/yr. = \$85/yr. <i>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.</i></p>
Anaerobically Digestible Material:	<p>Consult with CDFA and SWRCB on additional types of material: \$54.75/hr. + \$30.25/hr. = \$85.00/hr.</p>

	$\$85.00/\text{hr.} \times 1 \text{ hr./consult} \times 2 \text{ consults/yr.} = \$170/\text{yr.}$ <i>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.</i>
Total Cost	
\$255/yr.	
Enforcement Agencies	
Research:	$\text{Review 2-yr. report: } \$54.75/\text{hr.} + \$30.25/\text{hr.} = \$85.00/\text{hr.}$ $\$85.00/\text{hr.} \times 2 \text{ hrs./report} \times 4 \text{ reports/yr.} = \$680/\text{yr.}$ <i>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 Research reports.</i>
	$\text{Approve extension: } \$54.75/\text{hr.} + \$30.25/\text{hr.} = \$85.00/\text{hr.}$ $\$85.00/\text{hr.} \times 2 \text{ hrs./extension} \times 2 \text{ extensions/yr.} = \$340/\text{yr.}$ <i>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 extensions received and the amount of time spent reviewing each extension.</i>
Alt. Sampling and Analysis:	$\text{Review and approve/deny request for alternative sampling or analysis: } \$54.75/\text{hr.} + \$30.25/\text{hr.} = \$85.00/\text{hr.}$ $\$85.00/\text{hr.} \times 4 \text{ hrs./request} \times 20 \text{ requests/yr.} = \$6,800/\text{yr.}$ <i>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.</i>
Total Cost	
\$7,820/yr.	

	Yr. 1 - 2	Yr. 3	Total #	Total Cost
Research In-vessel Digestion Operations		2	2	$1 \times \$2,699.25 - \$3,559.45/\text{yr.} = [\$2,699.25 - \$3,559.45]/\text{yr.}$ $1 \times \$4,748.23/\text{yr.} = \$4,748.23/\text{yr.}$ $[\$2,699.25 - \$3,559.45]/\text{yr.} + \$4,748.23 = \$7,447.48 - \$8,307.68/\text{yr.}$
Dairy In-vessel Digestion Operations				
Distribution Center In-vessel Digestion Operations				
Limited Volume In-vessel Digestion Operations		2	2	$1 \times [\$2,492.21 - \$3,352.41]/\text{yr.} = [\$2,492.21 - \$3,352.41]/\text{yr.}$ $1 \times \$8,950.19/\text{yr.} = \$8,950.19/\text{yr.}$ $[\$2,492.21 - \$3,352.41]/\text{yr.} + \$8,950.19/\text{yr.} = \$11,442.40 - \$12,302.60/\text{yr.}$
Medium Volume In-vessel Digestion Facilities		2	2	$1 \times [\$2,492.21 - \$3,352.41]/\text{yr.} = [\$2,492.21 - \$3,352.41]/\text{yr.}$ $1 \times \$105,786/\text{yr.} = \$105,786.00/\text{yr.}$ $[\$2,492.21 - \$3,352.41]/\text{yr.} + \$105,786.00/\text{yr.} = \$108,278.21 - \$109,138.41/\text{yr.}$
Large Volume In-vessel Digestion Facilities		2	2	$1 \times [\$11,079.52 - 1,451,598.73]/\text{yr.} = [\$11,079.52 - \$1,451,598.73]/\text{yr.}$ $1 \times [\$121,332.91 - \$1,560,991.92]/\text{yr.} = [\$121,332.91/\text{yr.} - \$1,560,991.92]/\text{yr.}$ $[\$11,079.52 - \$1,451,598.73]/\text{yr.} + [\$121,332.91/\text{yr.} - \$1,560,991.92]/\text{yr.} =$ $\$132,412.43 - \$3,012,590.65/\text{yr.}$
POTW Exclusions	26	3	29	$29 \times \$21.26/\text{yr.} = \$616.54/\text{yr.}$ $\$260,197.06 - \$3,142,955.88/\text{yr.}$
				\$268,782.06 - \$3,151,540.88/yr.
California Department of Food and Agriculture				\$255.00/yr.
State Water Resources Control Board				\$255.00/yr.
CalRecycle				\$255.00/yr.
Enforcement Agencies				\$7,820.00/yr.
				\$8,585/yr.
				\$268,782.06 - \$3,151,540.88/yr.



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 Italics~~ = deletions of the text

Double Underline Italics = additions to the text

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. Department of Resources Recycling and Recovery

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23
24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

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

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 43020 and 43021, Public Resources Code.

45
46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

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

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

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code.

17 18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 21 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 22 **Regulatory Requirements.**

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

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

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

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

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

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

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

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

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

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

51 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site
52 for more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore
53 subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

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

56 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
57 to the time specified in a land use entitlement for the site that has an express time limit for the
58 storage of materials.
59

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

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

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

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

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

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

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

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

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

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

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

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

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

52
53 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

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

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

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

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

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

25 ...

26
27 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
28 40053, 43020, 43021, Public Resources Code.

29 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

30 All small volume CDI debris processing operations shall comply with the EA Notification requirements
31 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
32 operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify
33 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
34 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
35 additional risk to public health and safety or the environment but in no case shall the frequency be
36 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
37 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

38 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
39 irregular intervals. The operator shall specify the operation's boundary area in the operating record.

40 ...

41
42
43 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020, 43021, Public Resources Code.

45 **§ 17383.7. Inert Debris Type A Processing Operations.**

46 ...

47
48 (f) These operations shall be inspected by the EA at least once every three (3) months to verify
49 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
50 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
51 additional risk to public health and safety or the environment but in no case shall the frequency be
52 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
53 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

54 ~~Inspections shall be conducted quarterly.~~ To the greatest extent possible, all inspections shall be
55 unannounced and shall be conducted at irregular intervals.

56 ...

57
58 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020, 43021, Public Resources Code.

1
2
3 **Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory**
4 **Requirements**

5
6 **§ 17388.3. Inert Debris Engineered Fill Operations.**
7

8 ...
9 (b) Inert debris engineered fill operations shall be inspected ~~as necessary~~ by the EA at least once
10 every three (3) months to verify compliance with State Minimum Standards unless the EA approves,
11 with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
12 inspection frequency only if it will not pose an additional risk to public health and safety or the
13 environment but in no case shall the frequency be less than once per calendar year. [Note: See
14 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
15 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly, unless~~
16 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
17 ~~than annual.~~
18 ...

19 Note: Authority cited: Sections 40502, 43020, and 43021, and 48007.5, Public Resources Code.
20 Reference: Sections 40053, 43020, and 43021, and 48007.5, Public Resource Code.
21
22

23 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**

24
25 **§ 17403.1. Excluded Operations.**

26 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
27 Articles and are not required to meet the requirements set forth herein:
28 ...

29 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
30 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
31 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
32 Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).
33 ...

34
35 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
36 40053, 43020, and 43021, Public Resource Code.
37

38 **§ 17403.2. Sealed Containers Transfer Operations.**

39 All sealed container transfer operations subject to this Article shall comply with the Enforcement
40 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
41 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
42 ~~as necessary~~ at least once every three (3) months to verify compliance with minimum standards
43 unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may
44 approve a reduced inspection frequency only if it will not pose an additional risk to public health and
45 safety or the environment but in no case shall the frequency be less than once per calendar year.
46 [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the
47 approval or denial of requests for reducing the frequency of inspections.] ~~Inspections shall be~~
48 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~
49 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the
50 operating record.
51

52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.
54

55 **§ 17403.3. Limited Volume Transfer Operations.**

56 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
57 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
58 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
59 ~~necessary~~ at least once every three (3) months to verify compliance with minimum standards unless

1 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
2 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
3 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
4 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
5 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly,~~
6 ~~unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less~~
7 ~~than annual.~~ The operator shall specify the operation's boundary area in the operating record.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11 12 13 **Article 6.2. Operating Standards**

14 **§ 17409.2. Sanitary Facilities.**

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

17
18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 40053, 43020 and 43021, Public Resources Code.

21 22 23 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory** 24 **Requirements**

25 26 27 **Article 1. General**

28 **§ 17852. Definitions.**

29 (a) For the purposes of this Chapter:

30 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
31 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
32 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
33 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

34 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
35 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
36 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
37 feedstock.

38 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
39 blow or draw air through the pile. Little or no pile agitation or turning is performed.

40 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
41 presence of oxygen.

42 (4.5) "Agricultural By-Product Material" means post-harvest agricultural by-products separated at a
43 processing facility.

44 (A) Agricultural By-product Material includes, but is not limited to, solid or semi-solid materials
45 from fruit, nut, cotton, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and
46 shells, peels, and off-grade, over-ripe, or under-ripe produce.

47 (B) Agricultural By-product Material does not contain packaging material, physical contaminants,
48 or hazardous materials, and does not include wastewater, sludges, or additives.

49 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
50 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
51 viticulture and similar activities undertaken for the production of food or fiber for human or animal
52 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
53 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
54 generation, and which contains no other solid waste. With the exception of grape pomace, *or material*
55 *generated during nut or grain hulling, shelling, and processing,* agricultural material has not been
56 processed except at its point of generation and has not been processed in a way that alters its
57 essential character as a waste resulting from the production of food or fiber for human or animal
58 consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative
59

1 food material” is not agricultural material. Agricultural material includes, including but is not limited
2 to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

3 (6) “Agricultural Material Composting Operation” means an operation that produces compost from
4 green or agricultural material, additives, and/or amendments.

5 (7) “Amendments” means materials added to stabilized or cured compost to provide attributes for
6 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
7 Amendments do not include septage, biosolids, or compost feedstock.

8 (8) “Anaerobic Decomposition” means the biological decomposition of organic substances in the
9 absence of oxygen.

10 (9) “Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic
11 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
12 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.

13 Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material
14 with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a
15 sewage sludge incinerator or grit and screenings generated during the preliminary treatment of
16 domestic sewage in a treatment works.

17 (10) “Chipping and Grinding Operations and Facilities” means an operation or facility, that does not
18 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
19 compostable material and:

20 (A) The site does the following:

21 1. The site handles only material, excluding manure, allowed at a green material composting
22 operation or facility as set forth in section 17852(a)(22); and,

23 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
24 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
25 time does not increase the potential for violations of this Chapter.

26 (B) If the site fails to meet the definition of green material because it exceeds the contamination
27 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
28 Regulatory requirements (commencing at section 17400).

29 (C) If the site fails to meet the definition of this section because the green material remains on-
30 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
31 material handling operation or facility, as set forth in this Chapter.

32 (11) “Compostable Material” means any organic material that when accumulated will become active
33 compost as defined in section 17852(a)(1).

34 (12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that
35 processes, transfers, or stores compostable material. Handling of compostable materials results in
36 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
37 and storage activities related to the production of compost, compost feedstocks, and chipped and
38 ground materials. “Compostable Materials Handling Operation or Facility” does not include activities
39 excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also
40 includes:

41 (A) agricultural material composting operations;

42 (B) green material composting operations and facilities;

43 (C) vegetative food material composting facilities;

44 (D) research composting operations; ~~and,~~

45 (E) chipping and grinding operations and facilities. ~~;~~ and,

46 (F) biosolids composting operations at POTWs.

47 (13) “Curing” means the final stage of the composting process that occurs after compost has
48 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
49 metabolized material has been decomposed and stabilized.

50 (13.5) “Digestate” means the solid and/or liquid residual material remaining after organic material
51 has been processed in an in-vessel digester, as defined in section 17896.2(a) (~~14~~). Digestate
52 intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained
53 a Compostable Materials Handling Facility Permit pursuant to section 17854.

54 (14) “Domestic Sewage” means waste and wastewater from humans or household operations that is
55 discharged to or otherwise enters a treatment works.

56 (15) “Disposal of compostable material and/or digestate” means:

57 (A) 1. the final deposition of compostable material and/or digestate on land, unless excluded from
58 this Chapter 3.1 pursuant to ~~S~~section 17855;

1 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
2 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration
3 requirements of section 17868.2, onto on land for a combined period of time greater more than six
4 months 30 days, except as provided in subdivision (A) 3.; or

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

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

13 1. alternative daily cover material for beneficial reuse at a solid waste landfill pursuant to Title
14 27, California Code of Regulations, section 20686; or

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

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

25 ~~(4.) as specified in section 17852(a)(24.5)(B).~~

26 ~~(D-C)~~ Should the EA have information reason to believe that a person compostable material
27 handler is engaging in other activities that meet the definition of disposal of compostable material or
28 authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall
29 be on each person engaging in or authorizing such activities the land owner or operator to
30 demonstrate otherwise.

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

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

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

41 (18) "EA" means enforcement agency.

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

46 (19.5) "Film plastic" means sheet plastic 10 mil or less in thickness.

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

56 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
57 material and is separated from other food material and the municipal solid waste stream. Vegetative
58 food material may be processed or cooked but must otherwise retain its essential natural character
59 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food

1 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
2 spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 ~~of~~ percent
3 ~~of~~ physical contaminants by dry weight, and meets the requirements of section 17868.5.

4 (21) "Green Material" means any plant material ~~except food material and vegetative food material~~
5 that is separated at the point of generation, ~~contains no greater than 1.0 of percent physical~~
6 contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes,
7 but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood
8 waste from silviculture and manufacturing, and construction and demolition wood waste. Green
9 material does not include food material, vegetative food material, biosolids, mixed solid waste
10 material, material processed separated from commingled solid waste collection or processing, wood
11 containing lead-based paint or wood preservative, or mixed construction or mixed and demolition
12 debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of
13 "green material" may be handled as either agricultural material or green material.

14 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
15 green material, additives, and/or amendments. A green material composting operation or facility may
16 also handle manure and paper products. An operation or facility that handles a feedstock that is not
17 green material, manure, or paper products, shall not be considered a green material composting
18 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
19 excluded from regulation in section 17855.

20 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
21 compostable materials results in controlled biological decomposition. Handling includes composting,
22 screening, chipping and grinding, and storage activities related to the production of compost, compost
23 feedstocks, and chipped and ground materials.

24 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
25 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
26 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

27 ~~(24.5) "Land Application" means either subdivision (A) or (B):~~

28 ~~(A) The final deposition of compostable material and/or digestate spread on any land, including~~
29 ~~land zoned only for agricultural uses, under the following conditions:~~

30 ~~1. On and after January 1, 2018, ~~the~~ compostable material and/or digestate does not contain~~
31 ~~more than ~~0-10.5%~~ by dry weight of physical contaminants greater than 4 millimeters (no more than ~~en~~~~
32 ~~20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters), as specified in section~~
33 ~~17868.3.1, at the time of land application;~~

34 ~~2. The compostable material and/or digestate meets the maximum metal concentrations, as~~
35 ~~specified in section 17868.2, at the time of land application;~~

36 ~~3. The compostable material and/or digestate meets the pathogen density limits, as specified in~~
37 ~~section 17868.3(b)(1), at the time of land application; and~~

38 ~~4.~~

39 ~~a. On land not zoned **only** for agricultural uses, ~~the~~ compostable material and/or digestate is~~
40 ~~not applied more frequently than once during a 12 month period, and, at the time of the land~~
41 ~~application, the compostable material **and/or digestate** shall not exceed ~~an average of~~ 12 inches in~~
42 ~~total, accumulated depth on the land surface. The EA, in consultation with the Regional Water Quality~~
43 ~~Control Board, may approve alternative application frequencies and depths, if the EA after such~~
44 ~~consultation determines that the alternatives will not adversely affect public health and safety or the~~
45 ~~environment.~~

46 ~~b. On land zoned only for agricultural uses, the compostable material and/or digestate is not~~
47 ~~applied more frequently than three times during a 12 month period, and, at the time of the land~~
48 ~~application, the compostable material **and/or digestate** shall not exceed 12 inches in total,~~
49 ~~accumulated depth on the land surface. The EA, in consultation with the California Department of Food~~
50 ~~and Agriculture to determine if the land application is agronomically beneficial and with the Regional~~
51 ~~Water Quality Control Board regarding water quality, may approve alternative frequencies and depths,~~
52 ~~if the EA after such consultation determines that the alternative will not adversely affect public health~~
53 ~~and safety or the environment. The Department shall coordinate all EA requests for consultation with~~
54 ~~the California Department of Food and Agriculture.~~

55 ~~5. Verification of compliance with this subdivision must be provided to the EA upon request.~~

56 ~~(B) The final deposition of compostable material spread on land zoned only for agricultural uses~~
57 ~~under the following conditions:~~

58 ~~1. The compostable material does not contain more than 0.1% by weight of physical~~
59 ~~contaminants greater than 4 millimeters; and~~

1 ~~2. Prior to land application, the California Department of Food and Agriculture (CDFA) has~~
2 ~~determined that the land application is in compliance with all applicable requirements established by~~
3 ~~CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land~~
4 ~~application is agronomically beneficial, and~~

5 ~~3. Prior to land application, the EA has received confirmation that CDFA has made the~~
6 ~~determination specified in (B)2. above.~~

7 ~~[Note: (B) This subdivision (a)(24.5) does not apply to:~~

8 ~~1) the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division,~~
9 ~~2) the use of compostable material *and/or digestate* for gardening or landscaping on a parcel of~~
10 ~~land 5 acres or less in size,~~

11 ~~3) the final deposition of compostable material *and/or digestate* spread on land by a Federal,~~
12 ~~State, or local government entity, provided the material is applied in accordance with applicable law,~~

13 ~~4. the final deposition of agricultural by-products material spread on land as authorized by the~~
14 ~~State Water Resources Control Board or a Regional Water Quality Control Board pursuant to Waste~~
15 ~~Discharge Requirements, a Waiver of Waste Discharge Requirements, ~~or~~ a Resolution, *or other issued*~~
16 ~~*requirements from the State Water Resources Control Board or a Regional Water Quality Control*~~
17 ~~*Board having jurisdiction*, provided this final deposition does not adversely affect public health and~~
18 ~~safety or the environment.~~

19 ~~4) 5. the beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of~~
20 ~~Regulations, section 20686, or~~

21 ~~5) 6. the beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal~~
22 ~~Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-~~
23 ~~specific Waste Discharge Requirements or other issued requirements from the State Water Resources~~
24 ~~Control Board or a Regional Water Quality Control Board having jurisdiction.~~

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

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

33 (26) "~~Mixed Solid Waste Material~~" means any compostable material that is part of the municipal
34 solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
35 demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
36 contains 1.0% or more of physical contaminants by dry weight is mixed solid waste material.
37 ~~Compostable material that contains mixed demolition or mixed construction debris shall be considered~~
38 ~~mixed solid waste.~~

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

42 (27.5) "Nuisance" includes anything which:

43 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
44 comfortable enjoyment of life or property, and

45 (B) affects at the same time an entire community, neighborhood or any considerable number of
46 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

47 (28) "Operations Area" means the following areas within the boundary of a compostable material
48 handling operation or facility:

49 (A) equipment cleaning, maintenance, and storage areas;

50 (B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

51 (C) process water and stormwater drainage control systems.

52 (29) "Operator" means the owner, or other person who through a lease, franchise agreement or
53 other arrangement with the owner, becomes legally responsible for the following:

54 (A) complying with regulatory requirements set forth in this Chapter;

55 (B) complying with all applicable federal, state and local requirements;

56 (C) the design, construction, and physical operation of the site; and

57 (D) site restoration.

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

1 (31) "Pathogenic Organism" means disease-causing organisms.

2 (32) "Physical Contamination" or "Contaminants" means human-made inert ~~products-material~~
3 contained within ~~feedstocks-compostable material, digestate, or compost~~, including, but not limited to,
4 glass, metal, and plastic.

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

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

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

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

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

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

21 (38.5) "Vegetative Food Material Composting Facility" is a facility that composts agricultural
22 material, green material, vegetative food material, additives, and/or amendments. A vegetative food
23 material composting facility may also handle manure and paper products. An operation or facility that
24 handles a feedstock that is not agricultural material, green material, vegetative food material,
25 manure, or paper products, shall not be considered a vegetative food material composting facility.
26 "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in
27 section 17855.

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

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

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

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

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

44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
46 43020 and 43021, Public Resources Code.

47 48 49 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 50 **Facilities**

51 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

52 Except as specified in this Article, all compostable materials handling activities shall obtain a
53 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
54 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles
55 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

56
57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 43020 and 43021, Public Resources Code.

1
2 **§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations**
3 **and Facilities.**

4 Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7,
5 Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
6 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
7 Regulations) for compostable material handling operations and facilities. These requirements are
8 summarized in Table 1.
9

10 Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers
11

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Refer to Section 17855	<u>Agricultural Material Composting Operations (all) Section 17856.</u>		<u>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</u>
	<u>Green Material Composting Operations ($\leq 12,500 \text{ yd}^3$) Section 17857.1(a)</u>	<u>Vegetative Food Material Composting Facilities ($\leq 12,500 \text{ yd}^3$) Section 17857.2</u>	<u>Green Material Composting Facilities ($> 12,500 \text{ yd}^3$) Section 17857.1 (c)</u>
	<u>Biosolids Composting Operations at POTWs (all) Section 17859.1</u>		<u>Vegetative Food Material Composting Facilities ($> 12,500 \text{ yd}^3$) Section 17857.2</u>
	<u>Research Composting Operations ($\leq 5,000 \text{ yd}^3$) (Within-vessel $> 5,000 \text{ yd}^3$ with EA determination) Section 17862.</u>		
	<u>Chipping and Grinding Operations ($\leq 200 \text{ tpd}$) Section 17862.1(a)</u>	<u>Chipping and Grinding Facilities ($> 200 \text{ tpd}$ and $\leq 500 \text{ tpd}$) Section 17862.1(b)</u>	<u>Chipping and Grinding Facilities ($> 500 \text{ tpd}$) Section 17862.1(c)</u>

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020 and 43021, Public Resources Code.

15
16 **§ 17855. Excluded Activities.**

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

22 (1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and
23 returns a similar amount of the material produced to that same agricultural site, or an agricultural site

1 owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
2 incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

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

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

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

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

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

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

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

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

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

38 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
39 or full permit as defined in section 18101,

40 1. has a Report of Facility Information which is completed and submitted to the EA that
41 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

42 2. will only use the material on the facility site; ~~or~~

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

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

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

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

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

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

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

57 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
58 lot clearing necessary for fire protection provided that the public agency designating the site has
59 notified the fire protection agency; or

1 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
2 122 degrees Fahrenheit as determined by the EA; or

3 ~~(6) Non-commercial composting with less than one cubic yard of food material is excluded provided~~
4 ~~that all compostable material is generated and used on-site.~~

5 ~~(7) Storage of bagged products from compostable material is an excluded activity provided that~~
6 ~~such bags are no greater than 5 cubic yards.~~

7 ~~(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

8 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not~~
9 ~~limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as~~
10 ~~determined by the EA; land application in accordance with California Department of Food and~~
11 ~~Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section~~
12 ~~14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine~~
13 ~~Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770~~
14 ~~et seq.~~

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 43020 and 43021, Public Resources Code.

18 **§ 17855.2. Prohibitions.**

19 The following activities are prohibited at all compostable materials handling operations and facilities
20 and at all sites where compostable materials handling activities that are excluded from regulation
21 under this Chapter occur:

22 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
23 hide, blood, bone and marrow ~~is prohibited~~, except when received:

24 ~~(1) from the a food service industry facility as defined in Health and Safety Code section 113789,~~
25 ~~grocery stores, or residential food scrap collection; or~~

26 ~~(2) as part of a research composting operation for the purpose of obtaining data on pathogen~~
27 ~~reduction or other public health, animal health, safety, or environmental concern, in accordance with~~
28 ~~section 17862; or~~

29 ~~(3) from a source approved by the Department in consultation with the State Water Resources~~
30 ~~Control Board and the California Department of Food and Agriculture.~~

31 (b) The composting of treated or untreated medical waste ~~is prohibited~~.

32 (c) The composting of hazardous waste ~~is prohibited~~.

33
34
35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
36 43020 and 43021, Public Resources Code.

37 **§ 17855.3. Permit Name.**

38 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
39 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

40
41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43 43020 and 43021, Public Resources Code.

44 ~~**§ 17855.4. Pre-Existing Permits and Notifications.**~~

45 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
46 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
47 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
48 ~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is~~
49 ~~required. If the EA makes such a determination, the operator shall comply with the Compostable~~
50 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
51 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
52 ~~(commencing with section 21450) within two years of that determination.~~

53 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~
54 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~
55 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~
56 ~~Materials Handling Facility Permit is required. The EA shall make this determination no sooner than~~
57 ~~120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable~~
58 ~~Materials Handling Facility Permit is required, the operator shall comply with the Compostable~~
59

1 Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
2 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
3 (commencing with section 21450) within two years of that determination.

4 (c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
5 that activity may continue to operate in accordance with its regulatory exclusion until the EA
6 determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
7 determination no sooner than 120 days and no later than two years from April 4, 2003. If EA
8 determines that a Compostable Materials Handling Facility Permit is required, the operator shall
9 comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
10 California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
11 Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

12 (d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently
13 operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate
14 in accordance with its regulatory authorization until the EA determines that a different authorization is
15 required. The EA shall make this determination within 120 days from April 4, 2003.

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

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

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

29
30 —Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
31 Sections 43020 and 43021, Public Resources Code.

32 33 **§ 17856. Agricultural Material Composting Operations.**

34 (a) All ~~Agricultural material composting operations and chipping and grinding operations~~ shall comply
35 with the Enforcement Agency Notification requirements set forth in Title 14, California Code of
36 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), ~~except as~~
37 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
38 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
39 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
40 ~~this Chapter.~~

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

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

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

1 an additional risk to public health and safety and the environment. The EA shall forward a copy of the
2 request and approval to the Board.

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

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

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

10 (1) Producers located on Agricultural Land:

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

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

18 (2) Other Producers:

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

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

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 43020 and 43021, Public Resources Code.

32 33 **§ 17857.1. Green Material Composting Operations and Facilities.**

34 (a) A green material composting operation that has up to ~~may have no more than~~ 12,500 cubic yards
35 of feedstock, ~~compost, or~~ chipped and ground material, ~~amendments, additives, active compost, and~~
36 ~~stabilized compost~~ on-site at any one time. Green material composting operations shall comply with
37 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
38 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
39 specified in this Chapter.

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

46 (2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
47 users and other consumers, the operator may request in writing that the ~~EA authorize it to temporarily~~
48 ~~exclude~~ stabilized compost ~~be temporarily excluded~~ from the calculation of the 12,500 cubic yard
49 maximum material allowed on-site ("seasonal storage adjustment"). ~~At the EA's discretion, the~~
50 ~~seasonal storage adjustment for stabilized compost may be extended to the storage time and storage~~
51 ~~volume specified in the land use entitlement for the site if the EA finds, on the basis of substantial~~
52 ~~evidence, that the adjustment does not increase the potential harm to public health and safety, and~~
53 ~~the environment.~~ The EA shall respond in writing to the operator's request within 30 days of receipt.
54 ~~The EA may authorize such a seasonal storage adjustment if the EA determines it will not adversely~~
55 ~~affect public health and safety or the environment.~~ The EA may impose any reasonable conditions on
56 ~~its approval of a~~ the seasonal storage adjustment. The initial term seasonal storage adjustment may
57 not exceed ~~the storage time specified in the land use entitlement or~~ 30 days, ~~whichever is less.~~ ~~The EA~~
58 ~~may grant seasonal storage adjustment may be extended by~~ one or more additional 30-day ~~seasonal~~

1 ~~storage adjustments periods~~ not exceeding the storage time specified in the land use entitlement or a
2 total of 90 days per calendar year, whichever is less.

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

5 1. A description of the storage ~~capacity at the operation including the assumptions, methods,~~
6 and calculations used to determine total storage capacity.

7 ~~2. and 3.~~ The maximum and average lengths of time the compostable material will be stored.

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

11 ~~34.~~ A description of any additional fire prevention, protection and control measures needed to
12 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
13 such fires, which measures shall be approved by the local fire authority.

14 ~~45.~~ Where applicable, any revisions to the odor impact minimization plan necessary to address
15 the storage of the additional material or a statement, with supporting information, that no revisions
16 are necessary.

17 (b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,
18 or chipped and ground material on-site at any one time shall be inspected by the EA at least once
19 every three (3) months, unless an operator request for a reduced inspection frequency of no less than
20 annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA
21 finds that it will not pose an additional risk to public health and safety and the environment. The EA
22 shall forward a copy of the request and approval to the Board.

23 (b) If a green material composting operation or facility exceeds any combination of the following
24 requirements three (3) or more times within any two (2) year period, which the EA determines
25 constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this
26 section:

27 (1) Receipt of material that contains greater than 1.0% physical contaminants by dry weight as
28 specified in section 17852(a)(21);

29 (2) Failure to comply with the processing requirements set forth in section 17868.5;

30 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
31 subdivision (a) above.

32 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
33 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
34 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
35 and desist order pursuant to section 18304 directing, among other things, that the operator
36 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
37 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
38 any time take any additional enforcement action the EA deems appropriate.

39 (c) A site that handles green material composting facility that has more than 12,500 cubic yards of
40 feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
41 stabilized compost on-site at any one time is a green material composting facility, excepting green
42 material composting operations which the EA has authorized a seasonal storage adjustment pursuant
43 to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials
44 Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,
45 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
46 (commencing with section 21450) prior to commencing operations. Green material composting
47 facilities shall comply with the applicable requirements specified in this Chapter 3.1.

48
49 *[Note: See section 17868.5 for green material processing requirements.]*

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
52 43020 and 43021, Public Resources Code.

53 54 **§ 17857.2. Vegetative Food Material Composting Facilities.**

55 (a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
56 ~~compost, and~~ chipped and ground material, amendments, additives, active compost, and stabilized
57 compost on-site at any one time and shall obtain a Registration Permit pursuant to the requirements
58 of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing
59 operations and shall comply with the applicable requirements of this Chapter.

1 (b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
2 ~~compost, and~~ chipped and ground material, ~~amendments, additives, active compost, and stabilized~~
3 ~~compost~~ on-site at any one time shall obtain a Compostable Materials Handling Facility Permit
4 pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1,
5 Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450)
6 prior to commencing operations and shall comply with the applicable requirements of this Chapter.
7 [Note: See section 17868.5 for green material and vegetative food material processing requirements.]
8

9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 43020 and 43021, Public Resources Code.

11 **§ 17859.1. Biosolids Composting at POTWs.**

12 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
13 ~~Operated~~ Owned Treatment Works (POTW) shall comply with the EA Notification requirements set
14 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
15 section 18100).

16 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
17 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
18 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
19 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
20 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
21 of requests for reducing the frequency of inspections.]
22

23 (b) All other composting of biosolids shall comply with section 17854.
24

25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
26 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503, Code of
27 Federal Regulations.
28

29 **§ 17862. Research Composting Operations.**

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

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

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

45 ~~The EA Notification for a research composting operation shall be reviewed a~~ After each each no
46 more than a two year period of operation. Review criteria the operator of a research composting
47 operation shall submit to the EA a report that includes the results and conclusions drawn from the
48 research. If the EA determines based on the report that there are further research objectives to be
49 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
50 two years. If the EA determines based on the report that there are no further research objectives to
51 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
52 section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to
53 continuing operations.

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

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

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

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

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

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

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 43020 and 43021, Public Resources Code.

28 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

29 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
30 handled by a green material composting operation shall comply with the EA Notification requirements
31 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
32 with section 18100), ~~except as otherwise provided by and the applicable requirements specified in this~~
33 ~~Chapter.~~

34
35 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
36 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
37 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
38 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
39 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
40 of requests for reducing the frequency of inspections.]

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

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

52 (d) On and after January 1, 2018, a chipping and grinding operation or facility shall sample every
53 5,000 cubic-yards of chipped and ground material produced and determine the percentage of physical
54 contaminants greater than 4 millimeters in the sample using a method that provides accurate results
55 and has been approved by the EA. If the chipping and grinding operation or facility produces less than
56 5,000 cubic-yards of chipped and ground material in a 12 month period, the operator shall analyze at
57 least one composite sample of ~~compost~~ chipped and ground material produced every 12 month period.
58 The determination of the percentage of physical contaminants shall occur prior to the point where
59 material is removed from the site. *A chipping and grinding operation or facility shall not be subject to*

1 the provisions of section 17868.3.1 of this Chapter, however any chipped and ground material that
2 will be land applied must meet the physical contamination requirements of section
3 17852(a)(24.5)(A)(1).

4 ~~(#e)~~ A chipping and grinding operation or facility shall not be subject to the provisions of sections
5 17868.1 through 17868.3± of this Chapter, however, any chipped and ground material that will be
6 land applied must meet the maximum metal concentration and pathogen reduction requirements of
7 section 17852(a)(24.5)(A)(2) and (3).

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

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

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code.
17
18

19 **Article 3. Report of Facility Information**

20 **§ 17863. Report of Composting Site Information.**

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

27 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~
28
29

30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 43020 and 43021, Public Resources Code.
32

33 **§ 17863.4. Odor Impact Minimization Plan.**

34 (a) All compostable material handling operations and facilities shall prepare, implement and maintain
35 a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
36 EA Notification or permit application.

37 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
38 describing, at a minimum, the following items. If the operator will not be implementing any of these
39 procedures, the plan shall explain why it is not necessary.

40 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
41 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
42 possible odor receptors; and,

43 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
44 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
45 described; and,

46 (3) a complaint response and recordkeeping protocol; and,

47 (4) a description of design considerations and/or projected ranges of optimal operation to be
48 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
49 feedstock characteristics, airborne emission production, process water distribution, pad and site
50 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
51 service interruptions, and site specific concerns as applicable; and,

52 (5) a description of operating procedures for minimizing odor, including aeration, moisture
53 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
54 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
55 power, and personnel), biofiltration, and tarping as applicable.

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

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

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

6 (f) If the odor impact minimization plan is being followed, ~~but~~ and the EA determines, in a manner
7 consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct
8 the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)
9 as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a
10 Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and
11 feasible measures to minimize odors, unless:

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

15
16 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
17 Sections 43020, 43021 and 43209.1, Public Resources Code.

18 **§ 17863.4.1. Odor Best Management Practice Feasibility Report.**

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

22 (b) The Report shall:

23 (1) Present representative and correlating odor data for each potential onsite odor source including
24 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
25 collected, description of operations associated with the source, and any odor impacts or complaints
26 received;

27 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
28 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
29 order of impact;

30 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

31 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
32 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
33 has used to minimize odor and analyze each BMP for the following:

- 34 1. The effectiveness of the BMP in reducing odor impacts;
- 35 2. The potential for more extensive use of the BMP to minimize odor impacts described by
36 complainants;
- 37 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
38 operationally practical;
- 39 4. The approximate cost to implement a more extensive use of the BMP;
- 40 5. Any permits or permit changes necessary to use the BMP more extensively;
- 41 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
42 the BMP is recommended; and

43 7. If the BMP has been found to be ineffective (include supporting data).

44 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
45 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
46 operator has not used and analyze each potential BMP to determine:

- 47 1. The potential for the BMP to reduce odor impacts described by complainants;
- 48 2. If the BMP is operationally practical;
- 49 3. The approximate cost to implement the BMP;
- 50 4. Any permits or permit changes necessary to use the BMP; and
- 51 5. Overall recommendation and ranking of implementing the BMP.

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

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

58 (d) The EA, in consultation with the Department, shall within 30 days:

- 1 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
2 in whole or in part; and/or
3 (2) direct the operator in writing to submit specific changes or additional information within a
4 timeframe specified by the EA.
5 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
6 (d)(1) or (d)(2).

7
8 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
9 Sections 43020, 43021 and 43209.1, Public Resources Code.

10 11 12 **Article 6. Composting Operating Standards**

13 14 **§ 17867. General Operating Standards.**

15 (a) All compostable materials handling operations and facilities shall meet the following requirements:
16 (1) All handling activities are prohibited from composting any material specified in section 17855.2
17 of this Chapter.

18 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
19 cause a nuisance.

20 ~~(23)~~ All handling activities shall be conducted in a manner that minimizes vectors, ~~odor impacts,~~
21 litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
22 ingestion, and transportation of dust, particulates, and pathogenic organisms.

23 ~~(34)~~ Random load checks of feedstocks, additives, and amendments for contaminants shall be
24 conducted.

25 ~~(45)~~ Contamination of compostable material that has undergone pathogen reduction, pursuant to
26 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
27 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

28 ~~(56)~~ Unauthorized human or animal access to the facility shall be prevented.

29 ~~(67)~~ Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
30 manner.

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

33 (A) name of the operation or facility,

34 (B) name of the operator,

35 (C) facility hours of operation,

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

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

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

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

43 ~~(910)~~ The operator shall provide telephone or radio communication capability for emergency
44 purposes.

45 ~~(1011)~~ Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
46 material shall be removed from the site within 7 days and transported to an appropriate facility.

47 ~~(1112)~~ Enclosed operations and facilities shall provide ventilation to prevent adverse public health
48 effects from decomposition gases.

49 ~~(1213)~~ The operator shall ensure that leachate is controlled to prevent contact with the public.

50 ~~(1314)~~ The operator shall prevent or remove physical contaminants in compost and chipped and
51 ground materials that may cause injury to humans.

52 ~~(1415)~~ An attendant shall be on duty during business hours if the operation or facility is open to the
53 public.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 43020 and 43021, Public Resources Code.

57 58 59 **Article 7. Environmental Health Standards**

1
2 **§ 17868.1. Sampling Requirements.**

3 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
4 and all composting facilities shall meet the following requirements:

5 (a) Operators shall verify that compost meets the maximum acceptable metal concentration limits
6 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.
7 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
8 occur ~~at prior to~~ the point where compost is ~~sold and removed from the site, bagged for sale, given~~
9 ~~away for beneficial use and removed from the site or otherwise beneficially used on-site. Sample Test~~
10 results of samples must be received by the operator prior to removing compost from the composting
11 operation or facility where it was produced. This verification shall be performed by taking and
12 analyzing at least one composite sample of compost, following the requirements of this section as
13 follows:

14 (1) An operator who composts agricultural material, green material, food material, vegetative food
15 material, or mixed solid waste material shall take and analyze one composite sample for every 5,000
16 cubic yards of compost produced. ~~If the compostable material handling composting operation or~~
17 ~~facility produces less than 5,000 cubic yards of compost in a 12 month period, the operator shall~~
18 analyze at least one composite sample of compost produced every 12 month period.

19 (2) An operator who composts biosolids shall meet the sampling schedule described in Table ±2
20 below.

21
22 Table ±2- Frequencies of Compost Sampling for Biosolids Composting Facilities
23

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

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

25 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section
26 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health
27 Services, pursuant to the Health and Safety Code.

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

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

31 (2) The twelve samples shall be extracted from within the compost pile as follows:

32 (A) Four samples from one-half the width of the pile, each at a different cross-section;

33 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

34 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

35 (c) The EA may approve alternative methods of sampling ~~for a green material composting operation or~~
36 ~~facility~~ that ensures the maximum metal concentration requirements of section 17868.2 and the
37 pathogen reduction requirements of section 17868.3 are met.
38

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
41 43020 and 43021, Public Resources Code.
42

43 **§ 17868.2. Maximum Metal Concentrations.**

44 (a) Compost ~~products derived from compostable materials that contain any metal in amounts that~~
45 shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in

1 Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be
2 designated for disposal, additional processing, disposal, or other use as approved by local, state or
3 and federal agencies having appropriate jurisdiction. Sample Test results of samples must be received
4 by the operator prior to removing compost from the composting operation or facility where it was
5 produced.
6

Table 23 -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg) on dry weight basis</i>
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 -100
Zinc (Zn)	2800

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

11 (b) Alternative methods of compliance to meet the requirements of ~~Subdivision (a)~~ of this section,
12 including but not limited to ~~sampling frequencies~~, may be approved by the EA for green and food
13 materials composting operations and facilities if the EA determines that the alternative method will
14 ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.
15

16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 43020 and 43021, Public Resources Code.
18

19 **§ 17868.3. Pathogen Reduction.**

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

27 (b) Operators that produce compost shall ensure that:

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

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

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

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

43 (4) If the operation or facility uses an aerated static pile composting process, all active compost
44 shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained

1 at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
2 period of 3 days.

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

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

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

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

13 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
14 four (24) inches below the pile surface;

15 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
16 inches from the point where the insulation cover meets the active compost.

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

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 43020 and 43021, Public Resources Code.

23 24 **§ 17868.3.1. Physical Contamination Limits.**

25 **This section shall become operative January 1, 2018.**

26 ~~(a) Compost shall not contain more than 0.5% by dry weight of physical contaminants greater than
27 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4
28 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4
29 millimeters in excess of either one or both of these limits shall be designated for disposal, additional
30 processing, disposal or other use as approved by local, state or federal agencies having appropriate
31 jurisdiction. Verification of physical contamination limits shall occur at prior to the point where
32 compost is sold and removed from the site, bagged for sale, given away for beneficial use and
33 removed from the site or otherwise or beneficially used on-site. Sample Test results of samples must
34 be received by the operator prior to removing compost from the composting operation or facility
35 where it was produced.~~

36 ~~(b) Upon request of the EA, a compostable material handling operation shall take a sample of compost
37 and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected
38 and weighed, and the percentage of physical contaminants determined.~~

39 ~~(c) All compostable material handling facilities shall take one representative sample for every 5,000
40 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4
41 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.~~

42 ~~(b) The operator of a compostable material handling operation or facility shall sample every 5,000
43 cubic-yards of compost produced and determine the percentage of physical contaminants greater than
44 4 millimeters in the sample using a method that provides accurate results and has been approved by
45 the EA. If the compostable material handling operation or facility produces less than 5,000 cubic-yards
46 of compost in a 12 month period, the operator shall analyze at least one composite sample of compost
47 produced every 12 month period.~~

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

54 ~~(1) Determine the total dry weight of the composite sample as obtained in section 17868.3.1(d);~~

55 ~~(2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
56 determine the dry weight of the physical contaminants;~~

57 ~~(3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
58 contaminants by the total dry weight of the composite sample.~~

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

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

5 (2) The twelve samples shall be extracted from within the compost pile as follows:

6 (A) Four samples from one-half the width of the pile, each at a different cross-section;

7 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

8 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

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

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020 and 43021, Public Resources Code.

15 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

16 ~~In order for a feedstock to be considered a~~ Green material, as defined in section 17852(a)(21), and
17 vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
18 requirements shall be met:

19
20 (a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
21 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
22 loads and load sorting to quantify the percentage of contaminating materials physical contaminants
23 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
24 material or vegetative food material).

25 (1) A minimum of ~~one-ten~~ ten percent of daily incoming feedstock volume or at least one truck per day,
26 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
27 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
28 contaminants shall be collected and weighed, and the percentage of physical contaminants
29 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
30 weight or if the load contains materials that do not meet the definitions of green material in section
31 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

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

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

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

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

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 43020 and 43021, Public Resources Code.

43 44 45 **Article 8. Composting Operation and Facility Records**

46 **§ 17869. General Record Keeping Requirements.**

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

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

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

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

56 (1) the nature of the complaint,

57 (2) the date the complaint was received,

- 1 (3) if available, the name, address, and telephone number of the person or persons making the
2 complaint, and
3 (4) any actions taken to respond to the complaint.
4 (d) The operator shall record the quantity and type of feedstock received and quantity of compost and
5 chipped and ground material produced. Agricultural compostable materials handling operations shall
6 maintain records only for compostable material accepted from off-site.
7 (e) The operator shall record the number of load checks performed and loads rejected.
8 (f) The operator shall record all test results generated by compliance with Article 7 of this Chapter,
9 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
10 Salmonella sp. densities, temperature measurements, and dates of windrow turnings; chipping and
11 grinding operations and facilities must record the determinations of the percentage of physical
12 contaminants required by 17862.1(d).
13 (1) The operator shall retain records detailing pathogen reduction methods.
14 (g) The operator shall record and retain records of any serious injury to the public occurring on-site
15 and any complaint of adverse health effects to the public attributed to operations. Serious injury
16 means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which
17 a member of the public suffers a loss of any member of the body or suffers any degree of permanent
18 disfigurement.
19 (h) The operator shall retain a record of training and instruction completed in accordance with section
20 17867.5.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 43020 and 43021, Public Resources Code.
24
25

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

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

28 **§ 17896.1. Authority and Scope.**

29 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
30 digestion operations and facilities that receive and process by means of in-vessel digestion solid
31 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
32 sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to
33 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
34 this Division, may still be subject to the regulatory requirements specified in this Chapter.

35 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
36 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
37 as amended. These regulations should be read together with the Act.

38 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
39 Chapter establishes standards and regulatory requirements for the intentional processing of organic
40 material by means of in-vessel digestion.

41 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
42 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
43 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to
44 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
45 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
46 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
47 which otherwise conflict with the provisions of this Chapter.

48 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
49 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
50 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
51 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
52 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
53 Health, air quality management districts or air pollution control districts, local land use authorities, and
54 fire authorities.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.2. Definitions.**

5 (a) For the purposes of this Chapter:

6 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
7 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
8 similar activities undertaken for the production of food or fiber for human or animal consumption or
9 use, which is separated at the point of generation, and which contains no other solid waste. With the
10 exception of grape pomace, agricultural material has not been processed except at its point of
11 generation and has not been processed in a way that alters its essential character as a waste resulting
12 from the production of food or fiber for human or animal consumption or use. Material that is defined
13 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
14 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
15 pomace, and crop residues.

16 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

17 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
18 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

19 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
20 solid wastes that are source separated from the municipal solid waste stream, or which are separated
21 at a centralized facility.

22 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

23 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
24 been processed in an in-vessel digester.

25 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
26 solid wastes. Digestion includes:

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

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

32 (C) Other controlled biological decomposition processes.

33 (8) "Dairy In-vessel Digestion Operation" means, except as otherwise specified in section
34 17896.6(a)(3), a dairy that receives imported solid waste feedstock~~7~~ for purposes of co-digestion, with
35 manure in an in-vessel digester, ~~imported solid waste feedstock with manure and other agricultural~~
36 ~~materials~~ in accordance with Waste Discharge Requirements issued by a Regional Water Quality
37 Control Board. The Dairy In-vessel Digestion Operation may also co-digest agricultural material.

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

44 (10) "EA" means enforcement agency as defined in PRC section 40130.

45 (11) "Film plastic" means sheet plastic 10 mil or less in thickness.

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

54 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
55 material and is separated from other food material and the municipal solid waste stream. Vegetative
56 food material may be processed or cooked but must otherwise retain its essential natural character
57 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
58 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and

1 spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent
2 physical contaminants by dry weight, and meets the requirements of section 17896.61.

3 (~~11~~13) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22,
4 section 66261.3, et seq.

5 (~~12~~14) "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire
6 digestion process occurs.

7 (~~13~~15) "Large Volume In-vessel Digestion Facility" means a facility that receives an average greater
8 than 100 tons ~~or more~~ of solid waste per operating day or greater than 700 tons (2,800 cubic yards)
9 per week of solid waste for digestion in an in-vessel digester.

10 (~~14~~16) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than
11 an average of 15 tons (or 60 cubic yards) of solid waste per operating day ~~for digestion in an in-vessel~~
12 ~~digester. The amount of solid waste the operation receives but shall not exceed 105 tons (or 420 cubic~~
13 ~~yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the operation shall~~
14 ~~not exceed or the solid waste quantity storage capacity limitations of the general design of the~~
15 ~~operation (whichever is less).~~

16 (~~15~~17) "Litter" means all solid waste which has been improperly discarded or which has migrated by
17 wind or equipment away from the operations area. Litter includes, but is not limited to, convenience
18 food, beverage, and other product packages or containers constructed of steel, aluminum, glass,
19 paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters
20 of the state.

21 (~~16~~18) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
22 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
23 mixed with feces or urine.

24 (~~17~~19) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of
25 between 15 tons (or 60 cubic yards) and ~~or more but less than~~ 100 tons of solid waste per operating
26 day ~~for digestion in an in-vessel digester. The amount of solid waste the operation receives but shall~~
27 ~~not exceed be less than~~ 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-
28 ~~vessel digester. Additionally, the facility shall not exceed or the solid waste quantity storage capacity~~
29 ~~limitations of the general design of the operation facility (whichever is less).~~

30 (~~18~~20) "Nuisance" includes anything which:

31 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
32 comfortable enjoyment of life or property, and

33 (B) affects at the same time an entire community, neighborhood or any considerable number of
34 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

35 (~~19~~21) "On-site" means located within the boundary of the operation or facility.

36 (~~20~~22) "Operating Day" means the daily hours of operation for a facility or operation as set forth in
37 the application, Enforcement Agency Notification or solid waste facilities permit.

38 (~~21~~23) "Operating Record" means an easily accessible collection of records of an operation's or
39 facility's activities and compliance with required state minimum standards under Title 14. The Record
40 may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall
41 contain but is not limited to containing: agency approvals, tonnage and load checking records, facility
42 contacts and training history. The record may be reviewed by state and local authorities and shall be
43 available during normal business hours. If records are too voluminous to place in the main operating
44 record or if the integrity of the records could be compromised by on-site storage, such as exposure to
45 weather, they may be maintained at an alternative site, as long as that site is easily accessible to the
46 EA.

47 (~~22~~24) "Operations Area" means:

48 (A) the following areas within the boundary of an operation or facility as described in the permit
49 application or Enforcement Agency Notification:

50 1. equipment management area, including cleaning, maintenance, and storage areas; and

51 2. material and/or solid waste management area, including unloading, handling, transfer,
52 processing, and storage areas.

53 (B) the boundary of the operations area is the same as the permitted boundary of the operation or
54 facility but may or may not be the same as the property boundary on which the operation or facility is
55 located.

56 (~~23~~25) "Operator" means the owner, or other person who through a lease, franchise agreement or
57 other arrangement with the owner, that is listed in the permit application or Enforcement Agency
58 Notification and is legally responsible for all of the following:

59 (A) complying with regulatory requirements set forth in these Articles;

1 (B) complying with all applicable federal, state and local requirements;
2 (C) the design, construction, and physical operation of the operations area;
3 (D) controlling the activities at an operation or facility as listed on the permit application or
4 Enforcement Agency Notification.

5 ~~(2426)~~ "Owner" means the person or persons who own, in whole or in part, an operation or facility
6 and the land on which it is located. If the ownership of the operation or facility is not the same as the
7 ownership of the land on which it is located, the owner of the land shall be identified as the "Land
8 Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

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

12 ~~(2528)~~ "Putrescible Wastes" include wastes that are capable of being decomposed by micro-
13 organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other
14 offensive conditions, and include materials such as, but not limited to food wastes, offal and dead
15 animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible
16 wastes.

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

21 ~~(2630)~~ "Salvaging" means the controlled separation of solid waste material which do not require
22 further processing, for reuse or recycling prior to in-vessel digestion activities.

23 ~~(2731)~~ "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

24 ~~(2832)~~ "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids
25 and air-borne emissions during the entire digestion process to control odors or other nuisance
26 conditions.

27 ~~(2933)~~ "Sealed Structure" means a fully enclosed building capable of containing liquids and
28 controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other
29 nuisance conditions.

30 ~~(3034)~~ "Special Waste" includes but is not limited to:

31 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as
32 defined in Title 22, section 66260.10.

33 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

34 ~~(3135)~~ "Spotter" means an employee who conducts activities that include, but are not limited to,
35 traffic control, hazardous waste recognition and removal for proper handling, storage and transport or
36 disposal, and protection of the public from health and/or safety hazards.

37 ~~(3236)~~ "Store" means to stockpile or accumulate for later use.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41 **§ 17896.3. Pre-Existing Permits and Notifications.**

42 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to
43 [operative date of these regulations], that facility may continue to operate in accordance with its
44 permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
45 sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA
46 makes such a determination, the operator shall comply with this Chapter within two years of that
47 determination.

48 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
49 regulations in effect prior to [operative date of these regulations], that operation may continue to
50 operate in accordance with its EA Notification or regulatory authorization until the EA determines that
51 regulation under this Chapter is required. The EA shall make this determination no sooner than 120
52 days and no later than two years from [operative date of these regulations]. If the EA determines that
53 regulation under this Chapter is required, the operator shall comply with this Chapter within two years
54 of that determination.

55 (c) If an activity had previously been excluded from regulations in effect prior to [operative date of
56 these regulations], that activity may continue to operate in accordance with its regulatory exclusion
57 until the EA determines that regulation under this Chapter is required. The EA shall make this
58 determination no sooner than 120 days and no later than two years from [operative date of these
59

1 regulations]. If the EA determines that regulation under this Chapter is required, the operator shall
2 comply with this Chapter within two years of that determination.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 43020 and 43021, Public Resources Code.

6
7 **§ 17896.4. Permit Name.**

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

10
11 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
12 43020 and 43021, Public Resources Code.

13
14 **§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and
15 Facilities.**

16 Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7,
17 Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
18 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
19 Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These
20 requirements are summarized in Table 1.

21
22 Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Anaerobically digestible materials at POTWs Section 17896.6(a)(1)	Research In-Vessel Digestion Operations Section 17896.8	Medium Volume In-Vessel Digestion Facilities ↔ [average between 15 tpd (60 yd³) or 15 tpd and ↔ 100 tpd, not to exceed 700 tpd (2,800 yd³)]	Large Volume In-Vessel Digestion Facilities ↔ [average > 100 tpd, average > 700 tpw (2,800 yd³)] Section 17896.13
Ag material derived from ag site & returned to same site Section 17896.6(a)(2)	Dairy In-Vessel Digestion Operations Section 17896.9	Distribution Center In- Vessel Digestion Operations Section 17896.10	
In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)	Limited Volume In- Vessel Digestion Operations ↔ [average < 15 tpd (60 yd³) or 15 tpd not to exceed 105 tpd (420 yd³)]		
Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)	Section 17896.11		

Refer to Section
17896.6

1 [Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]
2

3 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
4 40053, 43020 and 43021, Public Resources Code.
5

6 **§ 17896.6. Excluded Activities.**

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

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

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

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

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

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

30 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
31 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
32 14, CCR, ~~Section 17852(a)(20)~~ 17896.2(a)(12) and vegetative food material as defined in Title 14,
33 CCR, ~~Section 17852(a)(20)(A)~~ 17896.2(a)(12)(A).

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

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

41 a. The written request must contain the following information:

42 i. The purpose of the request.

43 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
44 organic waste material with the POTW wastewater.

45 iii. Types of organic material requested for classification as an anaerobically digestible
46 material.

47 iv. The source(s) of the waste material.

48 v. A description of how the waste material will be handled, processed, stored and
49 transported (before and after receipt at the POTW Treatment Plant).

50 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
51 to accommodate the new waste materials.

52 vii. Available laboratory test results, engineering reports, research or study to support the
53 request.

54 viii. Data and/or reports if this waste material has been used without incident at a different
55 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.

~~(34) 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.]

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

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

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
9 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.7. Prohibitions.**

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

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

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

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

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

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

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

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.8. Research In-Vessel Digestion Operations.**

30 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
31 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
32 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

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

38 (c) After no more than a two year period of operation, the operator of a research in-vessel digestion
39 operation shall submit to the EA a report that includes the results and conclusions drawn from the
40 research. If the EA determines, based on the report, that there are further research objectives to be
41 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
42 two years. If the EA determines based on the report that there are no further research objectives to
43 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
44 section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior
45 to continuing operations.

46 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
47 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
48 health, safety, or environmental protection concern, shall satisfy the following additional
49 requirements:

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

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

57 (3) After no more than a six-month period of operation the operator of a research in-vessel
58 digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report
59 that includes the results and conclusions drawn from the research and documentation of additional

1 requirements of this section. If the EA determines based on the report that there are further research
2 objectives to be met or data to be gathered, the EA may extend the research for a specified time
3 period not to exceed two years. If the EA determines based on the report that there are no further
4 research objectives to be met or data to be gathered, the operator shall conduct site restoration at the
5 facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of
6 this Chapter prior to continuing operations.

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

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

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 43020 and 43021, Public Resources Code.

20 21 **§ 17896.9. Dairy In-Vessel Digestion Operations.**

22 (a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth
23 in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
24 section 18100).

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

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

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
41 43020 and 43021, Public Resources Code.

42 43 **§ 17896.10. Distribution Center In-Vessel Digestion Operations.**

44 (a) All distribution center in-vessel digestion operations shall comply with the EA Notification
45 requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
46 (commencing with section 18100).

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

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 43020 and 43021, Public Resources Code.

57 58 **§ 17896.11. Limited Volume In-Vessel Digestion Operations.**

1 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
2 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
3 Code of Regulations (commencing with section 18100).

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

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 40053, 43020 and 43021, Public Resources Code.

14 15 **§ 17896.12. Medium Volume In-Vessel Digestion Facilities.**

16 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
17 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
18 (commencing with section 18104).

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

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 40053, 43020 and 43021, Public Resources Code.

23 24 **§ 17896.13. Large Volume In-Vessel Digestion Facilities.**

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

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

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
33 40053, 43020 and 43021, Public Resources Code.

34 35 **§ 17896.14. In-Vessel Digestion Facility Plan.**

36 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section
37 17896.2(a)(~~17~~19) shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section
38 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it
39 is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 40053, 43020 and 43021, Public Resources Code.

43 44 **§ 17896.15. In-Vessel Digestion Report.**

45 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section
46 17896.2(a)(~~13~~15) shall file with the EA an "In-Vessel Digestion Report" (as specified in section
47 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant
48 to Title 27, section 21570, which proposes to change the facility's operations, or to change the solid
49 waste facility permit shall do one of the following:

50 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or

51 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55 56 **§ 17896.16. Applicability of State Minimum Standards.**

57 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
58 vessel digestion operations and facilities, except as noted in ~~S~~section 17896.1.(a).

1 (b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
2 digestion facilities.

3 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
4 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
5 shall place a copy of each approval, determination and other requirement in the operating record
6 together with those records identified in sections 17896.45 and 17896.46.

7 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
8 method of compliance with the standard. These provisions are not intended to allow the EA to change
9 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
10 alternative method of meeting the existing standard which provides equivalent protection of the public
11 health and safety and the environment as the existing standard. For facilities that require a full solid
12 waste facility permit, the EA may choose to include the approved alternative method of compliance as
13 a term and condition of the solid waste facility permit, rather than in the manner authorized by
14 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
15 the method may require a revision to the solid waste facility permit in accordance with the procedures
16 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
17 (commencing with section 21570).

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 40053, 43020 and 43021, Public Resources Code.
21
22

23 **Article 2. Siting and Design**

24 25 **§ 17896.17. Siting On Landfills.**

26 (a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
27 closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
28 California Code of Regulations, section 21190.

29 (b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
30 solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by
31 natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or
32 failure of pads or structural foundations.

33 (c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
34 solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or
35 with the closure or postclosure maintenance of the landfill.

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
38 40053, 43020 and 43021, Public Resources Code.
39

40 **§ 17896.18. General Design Requirements.**

41 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
42 appropriate, from persons competent in engineering, architecture, landscape design, traffic
43 engineering, air quality control, water quality protection and design of structures.

44 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
45 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
46 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
47 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
48 other pertinent information. If the operation or facility is to be used by the general public, the design
49 shall take account of safety features that may be needed to accommodate such public use.

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

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

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

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 40053, 43020 and 43021, Public Resources Code.

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

11 **§ 17896.19. Biogas Control.**

12
13 The operator of an in-vessel digestion operation or facility must take ~~precautions~~ adequate measures
14 to minimize prevent the uncontrolled release of biogas that may have harmful effects to on-site users
15 and the general public.

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 40053, 43020 and 43021, Public Resources Code.

19 **§ 17896.20. Cleaning.**

20
21 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
22 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
23 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

24 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;

25 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
26 least once every 24 hours.

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

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32 **§ 17896.21. Drainage and Spill Control.**

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

34 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;

35 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
36 site migration of contact water;

37 (3) protect the integrity of roads and structures;

38 (4) protect the public health; and

39 (5) prevent safety hazards and interference with operations.

40 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
41 that occur.

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020 and 43021, Public Resources Code.

45 **§ 17896.22. Dust Control.**

46 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
47 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
48 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
49 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
50 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
51 following may be an indication that dust is excessive:

52 (1) safety hazards due to obscured visibility; or

53 (2) irritation of the eyes; or

54 (3) hampered breathing;

55 (4) migration of dust off-site.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.23. Hazardous, Liquid, and Special Wastes.**

5 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
6 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
7 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

8 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
9 discovered, control measures as are necessary to protect public health, safety and the environment,
10 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
11 or removal from the operation or facility.

12 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
13 sludge wastes in a manner to protect public health, safety, and the environment.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.24. Litter Control.**

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

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.25. Load Checking.**

27 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
28 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
29 program must include at a minimum:

30 (1) the number of random load checks to be performed;

31 (2) a location for the storage of prohibited wastes removed during the load checking process that is
32 separately secured or isolated;

33 (3) records of load checks and the training of personnel in the recognition, proper handling, and
34 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
35 records for the last year shall be maintained in the operating record and be available for review by the
36 appropriate regulatory agencies.

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40
41 **§ 17896.26. Maintenance Program.**

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

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 40053, 43020 and 43021, Public Resources Code.

48
49 **§ 17896.27. Medical Wastes.**

50 Medical waste, ~~unless treated and deemed to be solid waste, which is regulated pursuant to the~~
51 ~~Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code)~~
52 whether treated or untreated, shall not be accepted at an in-vessel digestion operation or facility,
53 unless approved by the appropriate regulatory agencies.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 40053, 43020 and 43021, Public Resources Code.

57
58 **§ 17896.28. Noise Control.**

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

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
9 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.29. Non-Salvageable Items.**

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

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 40053, 43020 and 43021, Public Resources Code.

19
20 **§ 17896.30. Odor Best Management Practice Feasibility Report.**

21 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
22 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
23 violations as determined pursuant to section 17896.31(f).

24 (b) The Report shall:

25 (1) Present representative and correlating odor data for each potential onsite odor source including
26 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
27 collected, description of operations associated with the source, and any odor impacts or complaints
28 received;

29 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
30 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
31 order of impact;

32 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

33 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
34 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
35 has used to minimize odor and analyze each BMP for the following:

- 36 1. The effectiveness of the BMP in reducing odor impacts;
- 37 2. The potential for more extensive use of the BMP to minimize odor impacts described by
38 complainants;
- 39 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
40 operationally practical;
- 41 4. The approximate cost to implement a more extensive use of the BMP;
- 42 5. Any permits or permit changes necessary to use the BMP more extensively;
- 43 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
44 the BMP is recommended; and
- 45 7. If the BMP has been found to be ineffective (include supporting data).

46 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
47 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
48 operator has not used and analyze each potential BMP to determine:

- 49 1. The potential for the BMP to reduce odor impacts described by complainants;
- 50 2. If the BMP is operationally practical;
- 51 3. The approximate cost to implement the BMP;
- 52 4. Any permits or permit changes necessary to use the BMP; and
- 53 5. Overall recommendation and ranking of implementing the BMP.

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

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

1 (d) The EA, in consultation with the Department, shall within 30 days:

2 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
3 in whole or in part; and/or

4 (2) direct the operator in writing to submit specific changes or additional information within a
5 timeframe specified by the EA.

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

8
9 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
10 Sections 43020, 43021 and 43209.1, Public Resources Code.

11
12 **§ 17896.31. Odor Minimization Plan.**

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

16 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
17 describing, at a minimum, the following items. If the operator will not be implementing any of these
18 procedures, the plan shall explain why it is not necessary.

19 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
20 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
21 possible odor receptors; and,

22 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
23 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
24 described; and,

25 (3) a complaint response and recordkeeping protocol; and,

26 (4) a description of design considerations and/or projected ranges of optimal operation to be
27 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
28 feedstock characteristics, airborne emission production, process water distribution, pad and site
29 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
30 service interruptions, and site specific concerns as applicable; and,

31 (5) a description of operating procedures for minimizing odor, including aeration, moisture
32 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
33 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
34 power, and personnel), bio filtration, and tarping as applicable.

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

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

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

44 (f) If the odor impact minimization plan is being followed and the EA determines, in a manner
45 consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
46 to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
47 in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
48 (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
49 measures to minimize odors unless:

50 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

51 (2) there is an imminent threat to public health and safety and the environment; or

52 (3) a ~~public~~ nuisance has occurred.

53
54 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
55 Sections 43020, 43021 and 43209.1, Public Resources Code.

56
57 **§ 17896.32. Odor and Nuisance Control.**

58 Each in-vessel digestion operation and facility shall be conducted and maintained:

59 (a) in a manner that minimizes odor impacts so as to not cause a nuisance, and

1 (b) to otherwise prevent the creation of a nuisance.

2
3 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
4 40053, 43020 and 43021, Public Resources Code.

5
6 **§ 17896.33. Parking.**

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

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 40053, 43020 and 43021, Public Resources Code.

14
15 **§ 17896.34. Personnel Health and Safety.**

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

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
21 40053, 43020 and 43021, Public Resources Code.

22
23 **§ 17896.35. Pre-Digestion Solid Waste Handling.**

24 (a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
25 sealed structure or removed from the site within 48 hours from the time of receipt. This requirement
26 does not apply to putrescible waste stored in a sealed bag, bottle, or can.

27 (b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
28 of receipt or at an alternate frequency approved by the EA.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.36. Protection of Users.**

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

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40
41 **§ 17896.37. Roads.**

42 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
43 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
44 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
45 all-weather access to the site.

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
48 40053, 43020 and 43021, Public Resources Code.

49
50 **§ 17896.38. Sanitary Facilities.**

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

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 40053, 43020 and 43021, Public Resources Code.

56
57 **§ 17896.39. Scavenging and Salvaging.**

58 Each in-vessel digestion operation or facility shall meet the following requirements:

59 (a) scavenging shall be prohibited;

1 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
2 of the operation, subject to conditions established by the EA, the local land use authority, or other
3 approving agencies.

4 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
5 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
6 entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging
7 activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly
8 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
9 or nuisance problems;

10 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
11 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
12 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
13 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
14 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a
15 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
16 Digestion Facility Plan, or In-vessel Digestion Facility Report.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 40053, 43020 and 43021, Public Resources Code.

20
21 **§ 17896.40. Signs.**

22 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
23 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
24 facility name and location of nearest public operation or facility.

25 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
26 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
27 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
28 or (2) WILL NOT be accepted.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.41. Site Restoration.**

34 All in-vessel digestion operations and facilities shall meet the following requirements:

35 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
36 days prior to beginning site restoration.

37 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
38 safety, and the environment.

39 (c) The operator shall ensure that the following site restoration procedures are performed upon
40 completion of operations and termination of service:

41 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
42 including, but not limited to, digestate, compost materials, construction scraps, and other materials
43 related to the operations, and these residues legally recycled, reused, or disposed.

44 (2) All machinery shall be cleaned and removed or stored securely.

45 (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or
46 other residues related to the site restoration operations.

47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
49 43020 and 43021, Public Resources Code.

50
51 **§ 17896.42. Supervision and Personnel.**

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

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020 and 43021, Public Resources Code.

1
2 **§ 17896.43. Training.**

3 Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site
4 solid waste operations and maintenance, hazardous materials recognition and screening, use of
5 mechanized equipment, environmental controls, emergency procedures and the requirements of this
6 Article. A record of such training history shall be maintained and made available for inspection.
7

8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
9 40053, 43020 and 43021, Public Resources Code.
10

11 **§ 17896.44. Vector, Bird and Animal Control.**

12 The operator shall take adequate steps to control or prevent the propagation, harborage and
13 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.
14

15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020 and 43021, Public Resources Code.
17

18 **Article 4. Record Keeping Requirements**

19
20
21 **§ 17896.45. Record Keeping Requirements.**

22 Each operator shall meet the following requirements:

23 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
24 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
25 submitted to the EA or the Department upon request; be adequate for overall planning and control
26 purposes; and, be as current and accurate as practicable;

27 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
28 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
29 agencies during normal working hours.

30 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
31 approved by the EA;

32 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
33 operations and methods used to resolve problems arising from these events, including details of all
34 incidents that required implementing emergency procedures. Special occurrences shall include but are
35 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
36 prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
37 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
38 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
39 unless the EA determines that a less immediate form of notification will be sufficient to protect public
40 health and safety and the environment;

41 (e) The operator shall record any written public complaints received by the operator, including:

42 (1) the nature of the complaint,

43 (2) the date the complaint was received,

44 (3) if available, the name, address, and telephone number of the person or persons making the
45 complaint, and

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

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

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

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

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

56 (1) The operator shall retain records detailing pathogen reduction methods.
57

58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020 and 43021, Public Resources Code.

1
2 **§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and**
3 **Requirements.**

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

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 40053, 43020 and 43021, Public Resources Code.

9
10
11 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**

12
13 **§ 17896.47. Communications Equipment.**

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

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 40053, 43020 and 43021, Public Resources Code.

19
20 **§ 17896.48. Equipment.**

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

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
25 40053, 43020 and 43021, Public Resources Code.

26
27 **§ 17896.49. Fire Fighting Equipment.**

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

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
32 40053, 43020 and 43021, Public Resources Code.

33
34 **§ 17896.50. Housekeeping.**

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

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.51. Lighting.**

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

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
48 40053, 43020 and 43021, Public Resources Code.

49
50 **§ 17896.52. Site Attendant.**

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

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 40053, 43020 and 43021, Public Resources Code.

57
58 **§ 17896.53. Site Security.**

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

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.54. Traffic Control.**

8 (a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:

- 9 (1) interference with or creation of a safety hazard on adjacent public streets or roads,
10 (2) on-site safety hazards, and
11 (3) interference with operations.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 40053, 43020 and 43021, Public Resources Code.

15
16 **§ 17896.55. Visual Screening.**

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

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.56. Water Supply.**

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

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33
34 **Article 6. Digestate Handling Standards**

35
36 **§ 17896.57. Digestate Handling.**

37 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

- 38 (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
39 alternative handling method after determining the alternative method will not pose an additional risk
40 to public health and safety or the environment; or
41 (2) incorporated in an on-site aerobic compost process.

42 (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
43 facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section
44 ~~17896.4~~17896.13.

45 (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
46 requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
47 the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
48 physical contamination limits of section 17896.61; or

49 (3) removed from the site and either:

50 (A) transported ~~as solid waste only~~ to another solid waste facility or operation for ~~disposal,~~
51 ~~additional processing,~~ composting, or ~~additional processing disposal;~~ or

52 (B) used ~~or disposed~~ in a manner approved by local, state, and federal agencies having
53 appropriate jurisdiction. Any digestate that will be land applied must meet the requirements of section
54 17852(a)(24.5).

55 (C) disposed in a manner ~~approved by local, state, and federal agencies having appropriate~~
56 ~~jurisdiction as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal~~
57 ~~of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).~~

58 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
59 pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to

1 section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal
2 concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
3 pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
4 the maximum physical contamination limits described in section 17896.61 shall be designated for
5 disposal, additional processing, or other use as approved by local, state agencies having appropriate
6 jurisdiction.

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
9 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.58. Sampling Requirements.**

12 (a) Operators shall verify that compost produced at an in-vessel digestion facility (pursuant to section
13 17896.57(a)(2)) meets the maximum metal concentrations limits specified in section 17896.59, and
14 the pathogen reduction requirements specified in section 17896.60. This verification shall be
15 performed by taking and analyzing a composite sample. The sampling of compost produced at an in-
16 vessel digestion facility (~~pursuant to section 17896.57(a)(2)) shall occur at prior to the point where~~
17 the compost is removed from the site, ~~bagged for sale, given away for beneficial use and removed~~
18 from the site or otherwise beneficially used on site. Analytical results indicating compliance with
19 sections 17896.59, 17896.60, and 17896.61 shall be received by the operator prior to the sampled
20 compost leaving the site. ~~Sample Test results of samples must be received by the operator prior to~~
21 removing compost from the in-vessel digestion facility where it was produced.

22 (b) ~~This~~ Sampling shall be performed by taking and analyzing at least one composite sample,
23 following the requirements of this section as follows:

24 (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
25 compost produced. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
26 in a 12 month period, the operator shall analyze at least one composite sample every 12 month
27 period.

28 (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
29 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
30 pursuant to the Health and Safety Code.

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

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

34 (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
35 follows:

36 (A) Four samples from one-half the width of the pile, each at a different cross-section;

37 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

38 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

39 (d) The EA may approve alternative methods of sampling that ensures the maximum metal
40 concentration requirements of section 17896.59, and the pathogen reduction requirements of section
41 17896.60, ~~and the physical contamination limits requirements of section 17896.61,~~ as applicable, are
42 met.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 43020 and 43021, Public Resources Code.

46
47 **§ 17896.59. Maximum Metal Concentrations.**

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

54
55 Table 2 - Maximum Acceptable Metal Concentrations

56

<u>Constituent</u>	<u>Concentration (mg/kg)</u> <u>on dry weight basis</u>
--------------------	--

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.

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

§ 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;

1 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
2 inches from the point where the insulation cover meets the active compost.
3 (d) Alternative methods of compliance to meet the requirements of this section may be approved by
4 the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

5
6 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
7 43020 and 43021, Public Resources Code.

8
9 **§ 17896.61. Physical Contamination Limits.**

10 **This section shall become operative January 1, 2018.**

11 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
12 contain more than 0.10.5% by dry weight of physical contaminants greater than 4 millimeters; no
13 more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost
14 that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters in excess
15 of either one or both of these limits shall be designated for disposal, additional processing, disposal, or
16 other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification
17 of physical contamination limits shall occur at prior to the point where compost is sold and removed
18 from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise
19 or beneficially used on-site. Sample Test results of samples must be received by the operator prior to
20 removing compost from the in-vessel digestion facility where it was produced.

21 (b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one
22 representative sample for every 5,000 cubic yards of compost produced and send to a laboratory at
23 which physical contaminants greater than 4 millimeters shall be collected and weighed, and the
24 percentage of physical contaminants determined.

25 (b) The operator of an in-vessel digestion facility with an on-site aerobic compost process shall sample
26 every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants
27 greater than 4 millimeters in the sample using a method that provides accurate results and has been
28 approved by the EA. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
29 in a 12 month period, the operator shall analyze at least one composite sample of compost produced
30 every 12 month period.

31 (c) If the EA has reason to believe, based on the EA's visual observation or otherwise, that a
32 determination of percent physical contaminants made pursuant to section 17896.61(b) is not
33 accurate, the EA may require an operator of an in-vessel digestion facility to take a composite sample
34 of compost in the presence of the EA and send the sample to a laboratory at which physical
35 contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage
36 of physical contaminants by dry weight using the following protocol:

37 (1) Determine the total dry weight of the composite sample as obtained in section 17896.61(d);

38 (2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
39 determine the dry weight of the physical contaminants;

40 (3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
41 contaminants by the total dry weight of the composite sample.

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

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

46 (2) The twelve samples shall be extracted from within the compost pile as follows:

47 (A) Four samples from one-half the width of the pile, each at a different cross-section;

48 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

49 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

50 (ee) Alternative methods of compliance to meet the requirements of this section may be approved by
51 the EA if the EA determines that the alternative method will ensure the physical contaminant
52 requirements of this section are met.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 43020 and 43021, Public Resources Code.

56
57
58 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility**
59 **Permits; Loan Guarantees.**

1
2
3 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**
4

5 **§ 18083. LEA Duties and Responsibilities for Inspections.**

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

14 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

15 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
16 abatement by enforcement action(s);

17 (3) at the frequency required by the state minimum standards for each type of operation specified in
18 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
19 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
20 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
21 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
22 the environment, and in no case shall the inspection frequency be less than once per calendar year.
23 The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
24 concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
25 an additional risk to public health and safety or the environment in light of the specific circumstances
26 at the operation in question. The Department shall concur or deny the EA-proposed approval within
27 thirty (30) days from receipt.

28 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
29 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
30 safety or the environment. This determination shall be subject to ~~board-Department~~ approval. For the
31 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
32 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
33 closure requirements;

34 (A) the ~~board-Department~~ may approve an alternate inspection frequency for these sites where
35 such an action will not result in adverse impact on public health and safety and the environment.

36 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
37 with the ~~board-Department~~ through a grant program to inspect waste tire facilities, major waste tire
38 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
39 every two and a half years pursuant to 14 CCR Section 18443;

40 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

41 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
42 revision, review, RFI amendment, or closure/postclosure plan; and

43 (8) pursuant to the EPP, for solid waste handling and collection equipment.

44 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
45 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
46 days, during normal business hours or the site's operating hours.
47

48 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
49 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.
50

51
52 **Article 3.0. Regulatory Tier Requirements**
53

54 **§ 18100. Scope.**

55 (a) This Article sets forth the method of application for a tiered solid waste facilities permit,
56 procedures for review and action on an application package, and other requirements associated with
57 regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
58 and other requirements associated with solid waste handling operations. Similar provisions regarding a

1 full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
2 Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

3 (b) The provisions of this Article shall apply only to those operations and facilities as specified in the
4 minimum standards set forth in Chapters 3.0, ~~or 3.1,~~ or 3.2 of Division 7 of this Title.

5 (c) The submittal of an enforcement agency notification (in accordance with section 18103) or
6 issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
7 issued tiered permit.

8 (d) Specific provisions relating to the different types of regulatory tiers may be found below as
9 follows:

- | | | |
|----|--|-------------------------------|
| 10 | (1) Excluded | section 18102 |
| 11 | (2) Notification of Enforcement Agency | sections 18103 – 18103.3 |
| 12 | (3) Registration Permit | sections 18104 – 18104.9; and |
| 13 | (4) Standardized Permit | sections 18105 – 18105.11. |

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020, 43021 and 43000-45802, Public Resources Code.

17
18 **§ 18102. Excluded Solid Waste Handling.**

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

24
25 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
26 44100(a), 44101(a) and 45200, Public Resources Code.

27
28 **§ 18103. Enforcement Agency Notification.**

29 (a) The enforcement agency notification provisions of this Article shall apply only to operations as
30 specified in the minimum standards set forth in Chapters 3, ~~or 3.1,~~ or 3.2 of Division 7 of this Title.

31 (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement
32 agency notification as follows:

- 33 (1) Filing Requirements section 18103.1;
34 (2) Record Keeping Requirements section 18103.2; and
35 (3) Termination of Operation section 18103.3.

36 (c) Operations authorized to use the enforcement agency notification tier are required to operate in
37 accordance with the minimum standards set forth in Chapters 3, ~~or 3.1,~~ or 3.2 of Division 7 applicable
38 to that operation.

39 (d) Nothing in this section precludes the enforcement agency or the ~~board~~ Department from the
40 following: inspecting an operation to verify that the operation is being conducted in a manner that
41 qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in
42 compliance with the minimum standards; or, taking any appropriate enforcement action, including the
43 use of a 'notice and order.'

44
45 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
46 44100(a), 44101(a) and 45200, Public Resources Code

47
48 **§ 18103.1. Filing Requirements.**

49 (a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency
50 notification shall notify the enforcement agency of its intent to operate in writing prior to commencing
51 operations. This written notification shall be legible and include the following information:

52 (1) The name, address, and phone number of the proposed operation; the name, address, and
53 phone number where the operator can be contacted if these differ from the operation site; and, the
54 name, address, and phone number of the owner if these differ from the operator.

55 (2) The section in Chapters 3, ~~or 3.1,~~ or 3.2 of Division 7 of this Title authorizing eligibility for this
56 tier and a description of the facility's operations, including but not limited to, volume and hours of
57 wastes/material handled, peak and annual loading, and hours of operation.

58 (3) Documentation that the operator has notified the local planning department with jurisdiction
59 over the site of its intent to commence operations. Documentation may include, proof of compliance

1 with CEQA, correspondence from the local planning department that compliance with the California
2 Environmental Quality Act is not required for the operation to obtain local land use approval or written
3 notice to the local planning department of the operator's intent to commence operations.

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

6 (b) The notification shall be mailed to the enforcement agency "return receipt requested."
7

8 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
9 Public Resources Code.

10 **§ 18103.2. Record Keeping Requirements.**

11 The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall
12 be publicly available during normal business hours. The enforcement agency shall forward a copy of
13 the notification to the ~~board~~ Department within five days of receipt. The enforcement agency shall
14 retain a copy of the notification for a minimum of one year after the facility is known to have ceased
15 operations.
16

17 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
18 Public Resources Code.
19

20 **§ 18104. Registration Permit.**

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

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

25 (c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:
26

- 27 (1) Filing Requirements section 18104.1;
- 28 (2) Enforcement Agency Processing Requirements section 18104.2;
- 29 (3) Record Keeping Requirements section 18104.3;
- 30 (4) Completeness Appeal section 18104.4;
- 31 (5) Change in Operation section 18104.5;
- 32 (6) Change in Owner section 18104.6;
- 33 (7) Permit Review & Reissuance section 18104.7;
- 34 (8) Suspend/Revoke section 18104.8, and
- 35 (9) Voiding of a Registration Permit section 18104.9.
36

37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
38 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.
39

40 **§ 18104.1. Filing Requirements.**

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

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

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

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

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

55 (e) Conformance finding information as follows:

56 (1) Until a countywide or regional agency integrated waste management plan has been approved by
57 the ~~board~~ Department, the application shall include statements that: the facility is identified and
58 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with

1 Public Resources Code Section 50000; and that the facility is consistent with the city or county
2 General Plan.

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

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

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

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

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

17
18 **§ 18104.2. Enforcement Agency Processing Requirements.**

19 ...
20 (g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~ Department
21 and to any person who has so requested in writing.

22 ...
23
24 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021,
25 and 43000-45802, Public Resource Code.

26
27 **§ 18104.3. Record Keeping Requirements.**

28 ...
29 (c) The enforcement agency shall forward copies of any written public comments received on an
30 application to the ~~board~~ Department with the registration permit submitted pursuant to section
31 18104.2(f).

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

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

40
41 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
42 43020, 43021, and 43000-45802, Public Resource Code.

43
44 **§ 18104.6. Change in Owner.**

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

52 ...
53
54 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
55 6255, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

56
57 **§ 18104.9. Voiding of a Registration Permit.**

58 Every registration permit shall be void 30 days after cessation of operations. Any operator who intends
59 to cease operations shall notify the enforcement agency of his/her last proposed date of operation at

1 least 15 days in advance. The enforcement agency shall forward a copy of this notification to the
2 ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary operational
3 shutdowns which are seasonal or intermittent in nature.
4

5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 43020, 43021 and 43000-45802, Public Resources Code.
7

8 **§ 18105. Standardized Permit.**

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

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

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

- 16 (1) Filing Requirements section 18105.1;
- 17 (2) Enforcement Agency Processing Requirements section 18105.2;
- 18 (3) Record keeping Requirements section 18105.3;
- 19 (4) Completeness Appeal section 18105.4;
- 20 (5) ~~Board~~ Department Processing Requirements section 18105.5;
- 21 (6) Appeal of Decision section 18105.6;
- 22 (7) Change in Operation section 18105.7;
- 23 (8) Change in Owner section 18105.8;
- 24 (9) Permit Review section 18105.9;
- 25 (10) Suspend/Revoke section 18105.10; and
- 26 (11) Voiding of a Standardized Permit section 18105.11.
27

28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
29 43020, 43021 and 43000-45802, Public Resources Code.
30

31 **§ 18105.1. Filing Requirements.**

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

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

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

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

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

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

47 (f) One of the following:

48 (1) Evidence that there has been compliance with the California Environmental Quality Act, Division
49 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

50 (2) Information on the status of the application's compliance with the California Environmental
51 Quality Act regarding the facility. Once there has been compliance with the California Environmental
52 Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement
53 agency.

54 (g) Conformance finding information as follows:

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

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

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

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

10 (j) List of all public hearings and other meetings open to the public that have been held or copies of
11 notices distributed that are applicable to the proposed solid waste facilities permit action.
12

13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.
15

16 **§ 18105.2. Enforcement Agency Processing Requirements.**

17 ...
18 (g) Within fifteen days of acceptance of an application for filing:

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

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

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

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

32 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
33 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
34 the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
35 requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
36 Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
37 been submitted within 120 days of the application's acceptance for filing, the enforcement agency
38 shall reject the application and not issue the standardized permit.

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

41 (j) If the ~~board~~ Department objects to the proposed standardized permit, the enforcement agency
42 shall notify the applicant in writing of the ~~board~~ Department's decision, and the reasons for that
43 decision, within five days of receipt of that decision.
44 ...

45
46 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
47 43021, and 43000-45802, Public Resource Code.
48

49 **§ 18105.3. Record Keeping Requirements.**

50 ...
51 (c) The enforcement agency shall forward copies of any written public comments received on a
52 pending application to the ~~board~~ Department with the proposed standardized permit submitted
53 pursuant to section 18105.2(g).

54 (d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall
55 within five days of receipt provide a copy of any additional written public comments to the ~~board~~
56 Department, unless the comment clearly states that a copy has already been provided to the ~~board~~
57 Department.
58 ...
59

1 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
2 43021, and 43000-45802, Public Resource Code.

3
4 **§ 18105.5. ~~Board~~ Department Processing Requirements.**

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

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 43020, 43021 and 43000-45802, Public Resources Code

20
21 **§ 18105.6. Appeal of Decision.**

- 22 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
23 18105.2(g)(3) or of the ~~Board~~ Department taken pursuant to section 18105.5 to the enforcement
24 agency within 15 days of the date that the decision was received. Such an appeal must be in writing
25 and specify the grounds for the appeal. A final written determination on the appeal shall be made by
26 the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
27 Code, no later than 60 days after receipt of the applicant's appeal.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
30 43020, 43021 and 43000-45802, Public Resources Code

31
32 **§ 18105.8. Change in Owner.**

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

40 ...

41
42 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
43 6225, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

44
45 **§ 18105.9. Permit Review and Reissuance.**

46 ...

- 47 (d) If an operator files a certification as specified in subsection (c) above or a new application
48 pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
49 18105.2 and 18105.3 and the ~~board~~ Department shall follow the procedures set forth in Section
50 18105.5.

51
52 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
53 43021, and 44015, Public Resource Code.

54
55 **§ 18105.11. Voiding of a Standardized Permit.**

56 Every standardized permit shall be void 30 days after cessation of operations. Any operator who
57 intends to cease operations shall notify the enforcement agency of his/her last proposed date of
58 operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification

1 to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary
2 operational shutdowns which are seasonal or intermittent in nature.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 43020, 43021 and 43000-45802, Public Resources Code.
6

7 **Article 3.2. Reports of Facility Information**

8 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

9
10 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
11 Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
12 (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
13 Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
14 the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
15 amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
16 permit. The Plan shall contain the following:

17 (a) name(s) of the operator, owner, and the company they represent, if applicable;

18 (b) schematic drawing of the building and other structures showing layout and general dimensions of
19 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

20 (c) descriptive statement of the manner in which activities are to be conducted at the facility;

21 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
22 material processing, each set of hours may be stated. For facilities with continuous operations,
23 indicate the start of the operating day for purpose of calculating amount of waste received per
24 operating day. The operator may also indicate whether or not, and when, other activities, such as
25 routine maintenance will take place, if those activities will occur at times other than those indicated
26 above;

27 (e) total acreage contained within the operating area;

28 (f) facility design capacity including the assumptions, methods, and calculations performed to
29 determine the total capacity;

30 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
31 was figured from records of cubic yards, include the conversion factor used;

32 (h) description of the methods used by the facility to comply with each state minimum standard
33 contained in sections 17896.17 through 17896.61;

34 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
35 of any wastewater;

36 (j) description of provisions to handle unusual peak loading;

37 (k) description of transfer, recovery and processing equipment, including classification, capacity and
38 the number of units;

39 (l) planned method for final disposal of the solid waste;

40 (m) planned method for the storage and removal of salvaged material;

41 (n) resume of management organization which will operate the facility;

42 (o) An Odor Impact Minimization Plan pursuant to section 17896.31 *and, if applicable, an Odor Best*
43 *Management Practice Feasibility Report and associated plan pursuant to section 17896.30.*

44
45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 40053, 43020 and 43021, Public Resources Code.
48

49 **§ 18221.6.1. In-Vessel Digestion Report.**

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

58 (a) name(s) of the operator, owner, and the company they represent, if applicable;

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

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
33 40053, 43020 and 43021, Public Resources Code

34 35 **§ 18227. Report of Composting Site Information.**

36 Each operator of a compostable material handling facility that is required to obtain a Compostable
37 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
38 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
39 section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
40 specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
41 with section 18104) shall, at the time of application, file a Report of Composting Site Information with
42 the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
43 contain the following:

- 44 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
45 and amendments.
46 (b) A descriptive statement of the operations conducted at the facility.
47 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
48 in the production of compost including, but not limited to, unloading, storage, processing, parking,
49 and loading areas.
50 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
51 insects, for example, how the operator will store, process and incorporate food material and
52 vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
53 and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
54 control measures.
55 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
56 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
57 length of time compostable materials will be stored at the facility.
58 (g) A description of compostable materials handling equipment used at the facility including type,
59 capacity, and number of units.

- 1 (h) Anticipated annual operation capacity for the facility in cubic-yards.
- 2 (i) A description of provisions to handle unusual peak loadings.
- 3 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
- 4 nonmarketable residues.
- 5 (k) A description of the water supplies for process water required.
- 6 (l) Identification of person(s) responsible for oversight of facility operations.
- 7 (m) A description of the proposed site restoration activities, in accordance with section 17870.
- 8 (n) An Odor Impact Minimization Plan pursuant to section 17863.4 and, if applicable, an Odor Best
- 9 Management Practice Feasibility Report and associated plan pursuant to section 17863.4.1. The EA
- 10 may require the operator to revise the Odor Impact Minimization Plan and, if applicable, the Odor Best
- 11 Management Practice Feasibility Report and associated plan if the operator proposes to accept new
- 12 feedstock, such as food material or vegetative food material.

13
14 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
15 Sections 43020, 43021 and 43209.1, Public Resources Code.
16
17

18 **Article 4. Enforcement by EA and Review by ~~Board~~Department**

19 **§ 18302. Written Complaints of Alleged Violations.**

20 (a) Any person having information alleging a facility or operation is being operated without a required
21 permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
22 state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
23 permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
24 file a complaint regarding such allegation in writing to the EA. The ~~compliant~~ complaint shall include
25 the following:
26

27 (1) The name, address and telephone number of the person making the complaint, however nothing
28 in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
29 identity of the reporting party from the complaint;

30 (2) The identity and location, if known, of the facility or operation and the names and addresses, if
31 known, of the persons responsible for the violation;

32 (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

33 (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
34 investigating the complaint, including but not limited to information relating to witnesses and physical
35 evidence.

36 (b) The person making the complaint may forward a copy to the ~~board~~Department.

37 (c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
38 whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
39 or condition or any related state solid waste law or regulation. The EA shall make its determination on
40 the basis of the substance of the allegations rather than on the basis of the complaint's technical
41 compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
42 facts constituting a violation of a state minimum standard, permit term or condition or related state
43 solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
44 the complaint if an address is given and place a copy in its files.

45 (d) Upon receipt of an odor complaint related to a compostable material handling operation or facility,
46 the EA shall investigate the complaint as soon as practical ~~prior to issuing~~ determine whether or not to
47 issue a violation for failing to minimize odor. The odor complaint investigation shall include the
48 following:

49 (1) The date and time the EA arrived and departed within the complaint area.

50 (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
51 high wind speed, humidity, and temperature.

52 (3) If odor is detected, the EA shall:

53 (A) Record the location where odor was observed, such as the street address, latitude/longitude,
54 tax parcel number, etc.

55 (B) Verify the odor event at the complainant's location and ~~ascertain if~~ document the
56 complainant's claim, if any, that the odor is interfering with the complainant's use and comfortable
57 enjoyment of life ~~the~~ or property.

58 (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid
59 waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

1 (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
2 The EA should consult with the operator to determine if there were unusual operational changes or
3 atypical feedstocks accepted during the time of the complaint(s).

4 *(4) Any known facts relevant to the alleged violation provided by local, state, and federal agencies*
5 *having appropriate jurisdiction.*

6 ~~(de)~~ The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
7 because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
8 that ground, it shall so advise the complaining party in writing at the address given in the complaint if
9 an address is given and place a copy in its files.

10 ~~(ef)~~ Except as provided in subsection (c) or subsection ~~(de)~~ of this section, the EA shall commence an
11 investigation of the facts alleged in the complaint.

12 ~~(fg)~~ If an LEA has a complaint review and investigation initiation procedure that contains substantially
13 the same basic requirements as this section, and accomplishes the intended purposes of this section
14 within its ~~board-Department~~-approved EPP, it may follow that equivalent process in lieu of subsections
15 (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
16 complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
17 her complaint will receive appropriate attention.

18 ~~(gh)~~ If the ~~board-Department~~ receives a complaint in a jurisdiction where it is not the EA, the
19 complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
20 already received a copy from the complaining party.

21
22 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43209,
23 44012, 44015 and 45000-45024, Public Resources Code.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste

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 ~~a~~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.] ~~a~~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:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

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 ~~a~~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 ~~a~~Application by ~~CIWMB-CalRecycle/LEA/RWQCB~~ staff.

Date Received: The date the ~~EA or RWQCB receives the a~~Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts ~~the a~~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 ~~a~~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 ~~a~~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 ~~a~~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 foot print, 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, ~~or Engineered municipal solid waste conversion facility.~~

2. **Composting/Compostable Material Handling:** ~~a~~ 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 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~~ spadable, 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 rResidential 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 ~~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~~

1 the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP
2 and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
3 must equal the maximum daily tonnage.

4 1. **Disposal/Transfer:** The amount of material solid waste that comes through the gate and is
5 disposed of on-site or transferred off-site as waste; and

6 2. **Other:** That amount of all other material received at the site, including, but not limited to,
7 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
8 other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or
9 cubic yards.

10 b. **As-Designed Daily Design Tonnage (TPD) or Cubic Yards:** For landfills, the maximum
11 daily tonnage amount of solid waste and other material that the facility is designed to receive and
12 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
13 month) based on appropriate factors including, but not limited to, size of working face the operating
14 areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc.
15 For other facilities, it is the maximum amount of solid waste and other material the facility is designed
16 to handle receive and process at any one time on an ongoing bases over an extended period of time
17 (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited
18 to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of
19 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
20 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
21 factor. The as-Designed tonnage value may be equal to or greater than the peak maximum daily
22 tonnage value.

23 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
24 activities are authorized by the EA to occur and are permitted. This includes ~~the~~ the area of the facility in
25 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
26 managing equipment management area, or any area that is required to maintain compliance with the
27 design and operating parameters of the facility. The facility size is the same as "operating area" for
28 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
29 boundaries" for transfer/processing facilities and landfills.

30 d. **Peak-Maximum Traffic Volume Per Day (vpd):** The estimated maximum number of
31 vehicles that will authorized by the EA to enter the facility on a daily basis. This number should
32 include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including
33 vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or
34 material intended for beneficial reuse. This number must be consistent with the approved RFI and any
35 CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
36 any, that was being conducted at the time the application was submitted.

37 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
38 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
39 of operation. This information must be consistent with the approved RFI and any CEQA existing
40 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
41 being conducted at the time the application was submitted. Any activities that are limited to
42 prescribed days and/or hours should be fully described in the RFI.

43 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
44 of the Application must be filled out by every applicant requesting a change to any item(s) listed
45 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
46 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
47 submitted as part of the Application. The EA will review the requests and establish the terms and
48 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
49 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
50 WDRs for those requests that are supported by documents submitted by the applicant. Use the
51 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

52 23. **Additional Information Required For Compostingable Materials Handling Facilities**
53 **Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
54 out by the applicant if composting handling compostable materials is part of this Application.

55 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
56 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
57 any one time.

58 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, in
59 addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of

1 this the aApplication. All [Note to OAL and publisher: No proposed change. Existing text underlined for
2] sections of the aApplication must be filled out completely [Note to OAL and publisher: No
3 proposed change. Existing text underlined for emphasis.].

4 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
5 received placed in a waste management unit for each operating day on a yearly basis (calendar year)
6 for the next five years. Do not use non-operating days in ~~estimated~~/calculating the average daily
7 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~-maximum daily
8 tonnage. Report as tons per day (TPD).

9 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
10 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
11 the top of the final cover) taking into consideration design slopes, benches, and other design features,
12 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
13 Capacity.

14 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
15 or potentially resulting from this permit aApplication.

16 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
17 used to date. See Date of Capacity Information below.

18 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
19 remaining, not including any proposed site capacity. If the remaining capacity information provided is
20 based on estimates of capacity used since the last physical site survey, please explain the
21 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
22 etc. See Date of Capacity Information below.

23 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
24 capacities in Part 3 were determined. This date may predate the aApplication date by no more than
25 three months. Amendments of the aApplication including more current capacities may be required.

26 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
27 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
28 Part 6, Section B for more details).

29 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
30 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
31 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
32 (e.g., conditional use permit date, etc.)

33 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
34 will be referred to as "permitted disposal area."

35 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
36 based upon any planned expansions not currently proposed, whether within or outside the current
37 permitted boundary.

38 k. Provide one of the following:

39 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
40 density is the estimated or measured density of in-place waste material achieved by mechanical or
41 other means in the development of the current lift of the current operating waste cell, and

42 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
43 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
44 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
45 should include only soil or approved daily or intermediate alternative cover that is not considered a
46 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
47 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
48 ~~CIWMB-CalRecycle~~ is reported, or

49 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
50 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
51 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
52 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
53 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.
54

55
56 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

57
58 **A. Municipal or Utility Service:** Give name and address of the water purveyor.

59 **B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

1 **C. Surface Supply:**

- 2 1. Provide the name of any stream, lake, spring, etc, if identified.
3 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
4 3. If a state permit or license has been granted, give identification number.

5 **D. Other:** Enter any water source(s) not identified above.
6

7
8 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**
9

10 **A.** Check the appropriate box(es) if an environmental document was, or ~~is going to will~~ be, prepared
11 and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

12 1. If an environmental document was prepared:

- 13 • If an environmental document has already been prepared and circulated through the SCH and
14 there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box
15 that is checked.
16 • If an environmental document has not yet been circulated through the SCH and no SCH
17 number has been assigned to the environmental document yet, please check the box for the
18 type of environmental document that is anticipated to be ~~prepared and~~ circulated through the
19 SCH and write N/A in the appropriate blank for "SCH#."
20 • If the "ADDENDUM TO (Identify environmental document)" box is checked, please provide the
21 type of environmental document that the addendum was prepared for along with the SCH
22 number.

23 2. If an environmental document will be prepared, enter the name of the lead agency for preparing
24 the document, if known.

25 EXAMPLE ONLY:

26 If the environmental document is an environmental impact report (EIR), write "EIR" and include the
27 dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH
28 number for the EIR.

29 **B.** If an environmental document was not, and is not planned to be, prepared because it is not
30 required to comply with the requirements of CEQA, please provide the requested information by
31 checking the ~~appropriate~~ box to indicate why an environmental document is not required ~~for~~ under
32 CEQA.

- 33 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA
34 Guidelines Section number and citation for the exemption.

35 EXAMPLE ONLY:

36 A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor
37 repair to an existing facility. Therefore, check the box that says "CATEGORICAL/STATUTORY
38 EXEMPTION (CE/SE)" and write the following in the blank after the box: "CEQA Guidelines, Section
39 15301, Class I Categorical Exemption."
40

41
42 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

43
44 All attachments are necessary parts of the Application and are incorporated herein.
45

46 **A.** Section A of Part 6 must be completed by all applicants regardless of the type of facility.

47 **B.** Section B of Part 6 ~~is additional documents required~~ must be completed only by landfill applicants
48 only for disposal facilities.

- 49 • Operating Liability Financial Mechanism: The date the demonstration was last modified or
50 renewed. That date must be within the preceding twelve-month (annual renewal) period. For
51 example, a Certificate of Insurance (CalRecycle CIWMB-107) has an "effective date" identified on
52 the certificate. ~~This date should and must~~ be within the preceding twelve-month (annual renewal)
53 period.
54 • Financial Responsibility Documentation: The financial mechanism ~~will be is~~ a document, (i.e.,
55 letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance)
56 statement, etc.) identifying the current dollar value of the demonstration and the date of the
57 stated value. The date of the stated value should must be within the preceding twelve-month
58 (annual renewal) period.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
4 corrective action cost estimate and a copy of the non-water release corrective action cost
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal sites-facilities permitted for to receive more than 20
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
8 frequently as determined by the enforcement agency-EA. For disposal sites-facilities permitted for
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
10 ten years. If not previously submitted, survey results must be included with this aApplication.
11 Survey results must be submitted as a CADD or vector graphics data file including at least two
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
15 be included. For each stratum the following information shall be included: site name, stratum
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
19 surface is uncertain, the operator is allowed to provide the best available information as a
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
21 provide an explanation of the basis for using the substitute base ground surface.
22

23 For the purposes of this section the following definitions apply:

- 24 A~~1~~. "base ground surface" - the best available excavation plan surface that existed prior to the
25 placement of any waste;
- 26 B~~2~~. "CADD" -computer aided design and drafting;
- 27 C~~3~~. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
29 provided for the basis of the volumetric correction;
- 30 D~~4~~. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
31 upper surface;
- 32 E~~5~~. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 F~~6~~. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
35 provided for the basis of the volumetric correction;
- 36 G~~7~~. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 H~~8~~. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
38 the disposal site;
- 39 I~~9~~. "net volume" - the fill volume less the cut volume;
- 40 J~~10~~. "site name" - the name of the disposal site for which the survey information is being
41 submitted;
- 42 K~~11~~. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
43 upper and lower surfaces;
- 44 L~~12~~. "stratum name" - a descriptive name for the stratum for which volumetric information is being
45 submitted, e.g., total volume including proposed expansion;
- 46 M~~13~~. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
47 ground surface and proposed finished ground surface;
- 48 N~~14~~. "survey" -a comprehensive examination of the disposal site under the direction of a registered
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 O~~15~~. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
52 direction, thickness, color and other attributes;
- 53 P~~16~~. "volume calculation method" - grid, composite, section or other method approved by the
54 enforcement agency-EA;
- 55 C. Section C of Part 6 specifies is additional documents required only if applicable for the type of
56 facility to be covered under this aApplication as required by the EA or RWQCB. Under "Other," identify
57 and list any other necessary documents not included-specified above but that are required by the EA
58 or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or
59 franchise-other agreement documenting the operator's interest in and right to use the site as a solid

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business owner~~ of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government~~ public agency.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part,~~ the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility ~~where legal notice may be served.~~

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business operator filing this Application~~ is a sole proprietorship,
22 partnership, corporation, or ~~government~~ public agency.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an~~ a facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility ~~where legal notice may be served.~~

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** The ~~A~~ person(s) ~~or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** The ~~A~~ person(s) ~~or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.

45
46 **Part 10. OTHER:**

47
48 Attach additional sheets to explain any responses that need clarification.

APPLICATION FOR SOLID WASTE FACILITY PERMIT ~~/~~ AND WASTE DISCHARGE REQUIREMENTS

CIWMB-CALRECYCLE E-1-77 (Rev. 8-04-X-XX)

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
- 4-3.4. PERMIT REVIEW
- 2. REVISION OF CHANGE TO SWFP and/or WDRS
 - REVISION
 - MODIFICATION
 - OTHER (As authorized by k: _____)
- 5-4.5. AMENDMENT OF APPLICATIO
- 6-5.6. RFI/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. C&D/INERT DEBRIS PROCESSING
- a. TYPE : _____
- 2. COMPOSTING/ABLE MATERIALS HANDLING
- 4. TRANSFER/PROCESSING-FACILITY
- 6. IN-VESSEL DIGESTION
- a. TYPE: _____
- CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.
- 5-7. 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 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): _____

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 _____

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): _____

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:

<input type="checkbox"/> RFI/JTD _____	<input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S):
<input type="checkbox"/> LOCAL USE/PLANNING PERMITS _____	<input type="checkbox"/> EIR _____
<input type="checkbox"/> LOCATION MAP _____	<input type="checkbox"/> MND/ND _____
<input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG _____	<input type="checkbox"/> EXEMPTION _____
<input type="checkbox"/> LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____	<input type="checkbox"/> ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS DISPOSAL FACILITIES ONLY:

<input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____	<input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____
<input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN	<input type="checkbox"/> KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____
<input type="checkbox"/> PRELIMINARY _____	<input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____
<input type="checkbox"/> FINAL _____	

C. IF APPLICABLE:

<input type="checkbox"/> REPORT OF WASTE DISCHARGE _____	<input type="checkbox"/> DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____
<input type="checkbox"/> CONTRACT AGREEMENTS _____	<input type="checkbox"/> SWAT (Air and water) _____
<input type="checkbox"/> STORMWATER PERMIT APPLICATION _____	<input type="checkbox"/> WETLANDS PERMITS _____
<input type="checkbox"/> NPDES PERMIT APPLICATION _____	<input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____
<input type="checkbox"/> 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

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).



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 Italics~~ = deletions of the text

Double Underline Italics = additions to the text

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. Department of Resources Recycling and Recovery

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23
24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

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

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 43020 and 43021, Public Resources Code.

45
46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

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

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

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code.

17 18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 21 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 22 **Regulatory Requirements.**

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

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

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

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

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

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

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

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

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

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

51 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site
52 for more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore
53 subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

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

56 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
57 to the time specified in a land use entitlement for the site that has an express time limit for the
58 storage of materials.
59

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

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

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

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

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

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

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

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

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

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

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

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

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

52 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.

54
55
56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

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

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

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

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

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

25 ...

26
27 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
28 40053, 43020, 43021, Public Resources Code.

29
30 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

31 All small volume CDI debris processing operations shall comply with the EA Notification requirements
32 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
33 operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify
34 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
35 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
36 additional risk to public health and safety or the environment but in no case shall the frequency be
37 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
38 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

39 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
40 irregular intervals. The operator shall specify the operation's boundary area in the operating record.

41 ...

42
43 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020, 43021, Public Resources Code.

45
46 **§ 17383.7. Inert Debris Type A Processing Operations.**

47 ...

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

54 ~~Inspections shall be conducted quarterly.~~ To the greatest extent possible, all inspections shall be
55 unannounced and shall be conducted at irregular intervals.

56 ...

57
58 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020, 43021, Public Resources Code.

1
2
3 **Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory**
4 **Requirements**

5
6 **§ 17388.3. Inert Debris Engineered Fill Operations.**
7

8 ...
9 (b) Inert debris engineered fill operations shall be inspected ~~as necessary~~ by the EA at least once
10 every three (3) months to verify compliance with State Minimum Standards unless the EA approves,
11 with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
12 inspection frequency only if it will not pose an additional risk to public health and safety or the
13 environment but in no case shall the frequency be less than once per calendar year. [Note: See
14 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
15 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly, unless~~
16 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
17 ~~than annual.~~
18 ...

19 Note: Authority cited: Sections 40502, 43020, and 43021, and 48007.5, Public Resources Code.
20 Reference: Sections 40053, 43020, and 43021, and 48007.5, Public Resource Code.
21

22
23 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**
24

25 **§ 17403.1. Excluded Operations.**

26 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
27 Articles and are not required to meet the requirements set forth herein:
28 ...

29 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
30 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
31 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
32 Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).
33 ...

34
35 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
36 40053, 43020, and 43021, Public Resource Code.
37

38 **§ 17403.2. Sealed Containers Transfer Operations.**

39 All sealed container transfer operations subject to this Article shall comply with the Enforcement
40 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
41 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
42 ~~as necessary~~ at least once every three (3) months to verify compliance with minimum standards
43 unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may
44 approve a reduced inspection frequency only if it will not pose an additional risk to public health and
45 safety or the environment but in no case shall the frequency be less than once per calendar year.
46 [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the
47 approval or denial of requests for reducing the frequency of inspections.] ~~Inspections shall be~~
48 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~
49 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the
50 operating record.
51

52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.
54

55 **§ 17403.3. Limited Volume Transfer Operations.**

56 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
57 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
58 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
59 ~~necessary~~ at least once every three (3) months to verify compliance with minimum standards unless

1 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
2 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
3 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
4 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
5 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly,~~
6 ~~unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less~~
7 ~~than annual.~~ The operator shall specify the operation's boundary area in the operating record.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11 12 13 **Article 6.2. Operating Standards**

14 **§ 17409.2. Sanitary Facilities.**

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

17
18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 40053, 43020 and 43021, Public Resources Code.

21 22 23 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory** 24 **Requirements**

25 26 27 **Article 1. General**

28 **§ 17852. Definitions.**

29 (a) For the purposes of this Chapter:

30 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
31 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
32 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
33 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

34 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
35 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
36 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
37 feedstock.

38 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
39 blow or draw air through the pile. Little or no pile agitation or turning is performed.

40 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
41 presence of oxygen.

42 (4.5) "Agricultural By-Product Material" means post-harvest agricultural by-products separated at a
43 processing facility.

44 (A) Agricultural By-product Material includes, but is not limited to, solid or semi-solid materials
45 from fruit, nut, cotton, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and
46 shells, peels, and off-grade, over-ripe, or under-ripe produce.

47 (B) Agricultural By-product Material does not contain packaging material, physical contaminants,
48 or hazardous materials, and does not include wastewater, sludges, or additives.

49 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
50 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
51 viticulture and similar activities undertaken for the production of food or fiber for human or animal
52 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
53 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
54 generation, and which contains no other solid waste. With the exception of grape pomace, *or material*
55 *generated during nut or grain hulling, shelling, and processing,* agricultural material has not been
56 processed except at its point of generation and has not been processed in a way that alters its
57 essential character as a waste resulting from the production of food or fiber for human or animal
58 consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative
59

1 food material” is not agricultural material. Agricultural material includes, including but is not limited
2 to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

3 (6) “Agricultural Material Composting Operation” means an operation that produces compost from
4 green or agricultural material, additives, and/or amendments.

5 (7) “Amendments” means materials added to stabilized or cured compost to provide attributes for
6 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
7 Amendments do not include septage, biosolids, or compost feedstock.

8 (8) “Anaerobic Decomposition” means the biological decomposition of organic substances in the
9 absence of oxygen.

10 (9) “Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic
11 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
12 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.

13 Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material
14 with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a
15 sewage sludge incinerator or grit and screenings generated during the preliminary treatment of
16 domestic sewage in a treatment works.

17 (10) “Chipping and Grinding Operations and Facilities” means an operation or facility, that does not
18 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
19 compostable material and:

20 (A) The site does the following:

21 1. The site handles only material, excluding manure, allowed at a green material composting
22 operation or facility as set forth in section 17852(a)(22); and,

23 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
24 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
25 time does not increase the potential for violations of this Chapter.

26 (B) If the site fails to meet the definition of green material because it exceeds the contamination
27 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
28 Regulatory requirements (commencing at section 17400).

29 (C) If the site fails to meet the definition of this section because the green material remains on-
30 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
31 material handling operation or facility, as set forth in this Chapter.

32 (11) “Compostable Material” means any organic material that when accumulated will become active
33 compost as defined in section 17852(a)(1).

34 (12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that
35 processes, transfers, or stores compostable material. Handling of compostable materials results in
36 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
37 and storage activities related to the production of compost, compost feedstocks, and chipped and
38 ground materials. “Compostable Materials Handling Operation or Facility” does not include activities
39 excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also
40 includes:

41 (A) agricultural material composting operations;

42 (B) green material composting operations and facilities;

43 (C) vegetative food material composting facilities;

44 (D) research composting operations; ~~and,~~

45 (E) chipping and grinding operations and facilities. ~~; and,~~

46 (F) biosolids composting operations at POTWs.

47 (13) “Curing” means the final stage of the composting process that occurs after compost has
48 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
49 metabolized material has been decomposed and stabilized.

50 (13.5) “Digestate” means the solid and/or liquid residual material remaining after organic material
51 has been processed in an in-vessel digester, as defined in section 17896.2(a) (~~1214~~). Digestate
52 intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained
53 a Compostable Materials Handling Facility Permit pursuant to section 17854.

54 (14) “Domestic Sewage” means waste and wastewater from humans or household operations that is
55 discharged to or otherwise enters a treatment works.

56 (15) “Disposal of compostable material and/or digestate” means:

57 (A) 1. the final deposition of compostable material and/or digestate on land, unless excluded from
58 this Chapter 3.1 pursuant to ~~Section~~ 17855;

1 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
2 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration
3 requirements of section 17868.2, onto on land for a combined period of time greater more than six
4 months 30 days, except as provided in subdivision (A) 3.; or

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

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

13 1. alternative daily cover material for beneficial reuse at a solid waste landfill pursuant to Title
14 27, California Code of Regulations, section 20686; or

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

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

25 ~~4.3~~ as specified in section 17852(a)(24.5)(B).

26 ~~(D C)~~ Should the EA have information reason to believe that a person compostable material
27 handler is engaging in other activities that meet the definition of disposal of compostable material or
28 authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall
29 be on each person engaging in or authorizing such activities the land owner or operator to
30 demonstrate otherwise.

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

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

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

41 (18) "EA" means enforcement agency.

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

46 (19.5) "Film plastic" means sheet plastic 10 mil or less in thickness.

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

56 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
57 material and is separated from other food material and the municipal solid waste stream. Vegetative
58 food material may be processed or cooked but must otherwise retain its essential natural character
59 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food

1 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
2 spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 ~~of~~ percent
3 ~~of~~ physical contaminants by dry weight, and meets the requirements of section 17868.5.

4 (21) "Green Material" means any plant material ~~except food material and vegetative food material~~
5 that is separated at the point of generation, ~~contains no greater than 1.0 of percent physical~~
6 contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes,
7 but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood
8 waste from silviculture and manufacturing, and construction and demolition wood waste. Green
9 material does not include food material, vegetative food material, biosolids, mixed solid waste
10 material, material processed separated from commingled solid waste collection or processing, wood
11 containing lead-based paint or wood preservative, or mixed construction or mixed and demolition
12 debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of
13 "green material" may be handled as either agricultural material or green material.

14 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
15 green material, additives, and/or amendments. A green material composting operation or facility may
16 also handle manure and paper products. An operation or facility that handles a feedstock that is not
17 green material, manure, or paper products, shall not be considered a green material composting
18 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
19 excluded from regulation in section 17855.

20 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
21 compostable materials results in controlled biological decomposition. Handling includes composting,
22 screening, chipping and grinding, and storage activities related to the production of compost, compost
23 feedstocks, and chipped and ground materials.

24 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
25 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
26 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

27 ~~(24.5) "Land Application" means either subdivision (A) or (B):~~

28 ~~(A) The final deposition of compostable material and/or digestate spread on any land, including~~
29 ~~land zoned only for agricultural uses, under the following conditions:~~

30 ~~1. On and after January 1, 2018, ~~the~~ compostable material and/or digestate does not contain~~
31 ~~more than ~~0-10.5%~~ by dry weight of physical contaminants greater than 4 millimeters (no more than ~~en~~~~
32 ~~20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters), as specified in section~~
33 ~~17868.3.1, at the time of land application;~~

34 ~~2. The compostable material and/or digestate meets the maximum metal concentrations, as~~
35 ~~specified in section 17868.2, at the time of land application;~~

36 ~~3. The compostable material and/or digestate meets the pathogen density limits, as specified in~~
37 ~~section 17868.3(b)(1), at the time of land application; and~~

38 ~~4.~~

39 ~~a. On land not zoned **only** for agricultural uses, ~~the~~ compostable material and/or digestate is~~
40 ~~not applied more frequently than once during a 12 month period, and, at the time of the land~~
41 ~~application, the compostable material **and/or digestate** shall not exceed ~~an average of~~ 12 inches in~~
42 ~~total, accumulated depth on the land surface. The EA, in consultation with the Regional Water Quality~~
43 ~~Control Board, may approve alternative application frequencies and depths, if the EA after such~~
44 ~~consultation determines that the alternatives will not adversely affect public health and safety or the~~
45 ~~environment.~~

46 ~~b. On land zoned only for agricultural uses, the compostable material and/or digestate is not~~
47 ~~applied more frequently than three times during a 12 month period, and, at the time of the land~~
48 ~~application, the compostable material **and/or digestate** shall not exceed 12 inches in total,~~
49 ~~accumulated depth on the land surface. The EA, in consultation with the California Department of Food~~
50 ~~and Agriculture to determine if the land application is agronomically beneficial and with the Regional~~
51 ~~Water Quality Control Board regarding water quality, may approve alternative frequencies and depths,~~
52 ~~if the EA after such consultation determines that the alternative will not adversely affect public health~~
53 ~~and safety or the environment. The Department shall coordinate all EA requests for consultation with~~
54 ~~the California Department of Food and Agriculture.~~

55 ~~5. Verification of compliance with this subdivision must be provided to the EA upon request.~~

56 ~~(B) The final deposition of compostable material spread on land zoned only for agricultural uses~~
57 ~~under the following conditions:~~

58 ~~1. The compostable material does not contain more than 0.1% by weight of physical~~
59 ~~contaminants greater than 4 millimeters; and~~

1 ~~2. Prior to land application, the California Department of Food and Agriculture (CDFA) has~~
2 ~~determined that the land application is in compliance with all applicable requirements established by~~
3 ~~CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land~~
4 ~~application is agronomically beneficial; and~~

5 ~~3. Prior to land application, the EA has received confirmation that CDFA has made the~~
6 ~~determination specified in (B)2. above.~~

7 ~~[Note: (B) This subdivision (a)(24.5) does not apply to:~~

8 ~~1) the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division,~~
9 ~~2) the use of compostable material *and/or digestate* for gardening or landscaping on a parcel of~~
10 ~~land 5 acres or less in size,~~

11 ~~3) the final deposition of compostable material *and/or digestate* spread on land by a Federal,~~
12 ~~State, or local government entity, provided the material is applied in accordance with applicable law,~~

13 ~~4. the final deposition of agricultural by-products material spread on land as authorized by the~~
14 ~~State Water Resources Control Board or a Regional Water Quality Control Board pursuant to Waste~~
15 ~~Discharge Requirements, a Waiver of Waste Discharge Requirements, ~~or~~ a Resolution, *or other issued*~~
16 ~~*requirements from the State Water Resources Control Board or a Regional Water Quality Control*~~
17 ~~*Board having jurisdiction*, provided this final deposition does not adversely affect public health and~~
18 ~~safety or the environment.~~

19 ~~4) 5. the beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of~~
20 ~~Regulations, section 20686, or~~

21 ~~5) 6. the beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal~~
22 ~~Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-~~
23 ~~specific Waste Discharge Requirements or other issued requirements from the State Water Resources~~
24 ~~Control Board or a Regional Water Quality Control Board having jurisdiction.~~

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

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

33 (26) "~~Mixed Solid Waste Material~~" means any compostable material that is part of the municipal
34 solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
35 demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
36 contains 1.0% or more of physical contaminants by dry weight is mixed solid waste material.
37 ~~Compostable material that contains mixed demolition or mixed construction debris shall be considered~~
38 ~~mixed solid waste.~~

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

42 (27.5) "Nuisance" includes anything which:

43 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
44 comfortable enjoyment of life or property, and

45 (B) affects at the same time an entire community, neighborhood or any considerable number of
46 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

47 (28) "Operations Area" means the following areas within the boundary of a compostable material
48 handling operation or facility:

49 (A) equipment cleaning, maintenance, and storage areas;

50 (B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

51 (C) process water and stormwater drainage control systems.

52 (29) "Operator" means the owner, or other person who through a lease, franchise agreement or
53 other arrangement with the owner, becomes legally responsible for the following:

54 (A) complying with regulatory requirements set forth in this Chapter;

55 (B) complying with all applicable federal, state and local requirements;

56 (C) the design, construction, and physical operation of the site; and

57 (D) site restoration.

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

1 (31) "Pathogenic Organism" means disease-causing organisms.

2 (32) "Physical Contamination" or "Contaminants" means human-made inert ~~products-material~~
3 contained within ~~feedstocks-compostable material, digestate, or compost~~, including, but not limited to,
4 glass, metal, and plastic.

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

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

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

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

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

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

21 (38.5) "Vegetative Food Material Composting Facility" is a facility that composts agricultural
22 material, green material, vegetative food material, additives, and/or amendments. A vegetative food
23 material composting facility may also handle manure and paper products. An operation or facility that
24 handles a feedstock that is not agricultural material, green material, vegetative food material,
25 manure, or paper products, shall not be considered a vegetative food material composting facility.
26 "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in
27 section 17855.

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

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

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

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

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

44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
46 43020 and 43021, Public Resources Code.

47 48 49 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 50 **Facilities**

51 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

52 Except as specified in this Article, all compostable materials handling activities shall obtain a
53 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
54 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles
55 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

56
57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 43020 and 43021, Public Resources Code.

1
2 **§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations**
3 **and Facilities.**

4 Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7,
5 Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
6 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
7 Regulations) for compostable material handling operations and facilities. These requirements are
8 summarized in Table 1.
9

10 Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers
11

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Refer to Section 17855	<u>Agricultural Material Composting Operations (all) Section 17856.</u>		<u>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</u>
	<u>Green Material Composting Operations ($\leq 12,500 \text{ yd}^3$) Section 17857.1(a)</u>	<u>Vegetative Food Material Composting Facilities ($\leq 12,500 \text{ yd}^3$) Section 17857.2</u>	<u>Green Material Composting Facilities ($> 12,500 \text{ yd}^3$) Section 17857.1 (c)</u>
	<u>Biosolids Composting Operations at POTWs (all) Section 17859.1</u>		<u>Vegetative Food Material Composting Facilities ($> 12,500 \text{ yd}^3$) Section 17857.2</u>
	<u>Research Composting Operations ($\leq 5,000 \text{ yd}^3$) (Within-vessel $> 5,000 \text{ yd}^3$ with EA determination) Section 17862.</u>		
	<u>Chipping and Grinding Operations ($\leq 200 \text{ tpd}$) Section 17862.1(a)</u>	<u>Chipping and Grinding Facilities ($> 200 \text{ tpd}$ and $\leq 500 \text{ tpd}$) Section 17862.1(b)</u>	<u>Chipping and Grinding Facilities ($> 500 \text{ tpd}$) Section 17862.1(c)</u>

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020 and 43021, Public Resources Code.

15
16 **§ 17855. Excluded Activities.**

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

22 (1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and
23 returns a similar amount of the material produced to that same agricultural site, or an agricultural site

1 owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
2 incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

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

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

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

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

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

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

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

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

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

38 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
39 or full permit as defined in section 18101,

40 1. has a Report of Facility Information which is completed and submitted to the EA that
41 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

42 2. will only use the material on the facility site; ~~or~~

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

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

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

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

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

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

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

57 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
58 lot clearing necessary for fire protection provided that the public agency designating the site has
59 notified the fire protection agency; or

1 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
2 122 degrees Fahrenheit as determined by the EA; or

3 ~~(6) Non-commercial composting with less than one cubic yard of food material is excluded provided~~
4 ~~that all compostable material is generated and used on-site.~~

5 ~~(7) Storage of bagged products from compostable material is an excluded activity provided that~~
6 ~~such bags are no greater than 5 cubic yards.~~

7 ~~(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

8 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not~~
9 ~~limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as~~
10 ~~determined by the EA; land application in accordance with California Department of Food and~~
11 ~~Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section~~
12 ~~14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine~~
13 ~~Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770~~
14 ~~et seq.~~

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 43020 and 43021, Public Resources Code.

18 **§ 17855.2. Prohibitions.**

19 The following activities are prohibited at all compostable materials handling operations and facilities
20 and at all sites where compostable materials handling activities that are excluded from regulation
21 under this Chapter occur:

22 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
23 hide, blood, bone and marrow ~~is prohibited~~, except when received:

24 (1) from the a food service industry facility as defined in Health and Safety Code section 113789,
25 grocery stores, or residential food scrap collection; or

26 (2) as part of a research composting operation for the purpose of obtaining data on pathogen
27 reduction or other public health, animal health, safety, or environmental concern, in accordance with
28 section 17862; or

29 (3) from a source approved by the Department in consultation with the State Water Resources
30 Control Board and the California Department of Food and Agriculture.

31 (b) The composting of treated or untreated medical waste ~~is prohibited~~.

32 (c) The composting of hazardous waste ~~is prohibited~~.

33
34
35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
36 43020 and 43021, Public Resources Code.

37 **§ 17855.3. Permit Name.**

38 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
39 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

40
41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43 43020 and 43021, Public Resources Code.

44 ~~**§ 17855.4. Pre-Existing Permits and Notifications.**~~

45 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
46 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
47 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
48 ~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is~~
49 ~~required. If the EA makes such a determination, the operator shall comply with the Compostable~~
50 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
51 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
52 ~~(commencing with section 21450) within two years of that determination.~~

53 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~
54 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~
55 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~
56 ~~Materials Handling Facility Permit is required. The EA shall make this determination no sooner than~~
57 ~~120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable~~
58 ~~Materials Handling Facility Permit is required, the operator shall comply with the Compostable~~
59

1 Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
2 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
3 (commencing with section 21450) within two years of that determination.

4 (c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
5 that activity may continue to operate in accordance with its regulatory exclusion until the EA
6 determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
7 determination no sooner than 120 days and no later than two years from April 4, 2003. If EA
8 determines that a Compostable Materials Handling Facility Permit is required, the operator shall
9 comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
10 California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
11 Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

12 (d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently
13 operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate
14 in accordance with its regulatory authorization until the EA determines that a different authorization is
15 required. The EA shall make this determination within 120 days from April 4, 2003.

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

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

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

29
30 —Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
31 Sections 43020 and 43021, Public Resources Code.

32 33 **§ 17856. Agricultural Material Composting Operations.**

34 (a) All ~~Agricultural material composting operations and chipping and grinding operations~~ shall comply
35 with the Enforcement Agency Notification requirements set forth in Title 14, California Code of
36 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), ~~except as~~
37 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
38 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
39 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
40 ~~this Chapter.~~

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

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

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

1 an additional risk to public health and safety and the environment. The EA shall forward a copy of the
2 request and approval to the Board.

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

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

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

10 (1) Producers located on Agricultural Land:

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

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

18 (2) Other Producers:

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

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

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 43020 and 43021, Public Resources Code.

32 33 **§ 17857.1. Green Material Composting Operations and Facilities.**

34 (a) A green material composting operation ~~that has up to~~ may have no more than 12,500 cubic yards
35 of feedstock, ~~compost, or~~ chipped and ground material, ~~amendments, additives, active compost, and~~
36 ~~stabilized compost~~ on-site at any one time. Green material composting operations shall comply with
37 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
38 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
39 specified in this Chapter.

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

46 (2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
47 users and other consumers, the operator may request in writing that the ~~EA authorize it to temporarily~~
48 ~~exclude~~ stabilized compost ~~be temporarily excluded~~ from the calculation of the 12,500 cubic yard
49 maximum material allowed on-site ("seasonal storage adjustment"). ~~At the EA's discretion, the~~
50 ~~seasonal storage adjustment for stabilized compost may be extended to the storage time and storage~~
51 ~~volume specified in the land use entitlement for the site if the EA finds, on the basis of substantial~~
52 ~~evidence, that the adjustment does not increase the potential harm to public health and safety, and~~
53 ~~the environment.~~ The EA shall respond in writing to the operator's request within 30 days of receipt.
54 ~~The EA may authorize such a seasonal storage adjustment if the EA determines it will not adversely~~
55 ~~affect public health and safety or the environment.~~ The EA may impose any reasonable conditions on
56 ~~its approval of a~~ the seasonal storage adjustment. The initial term seasonal storage adjustment may
57 not exceed ~~the storage time specified in the land use entitlement or 30 days, whichever is less.~~ The EA
58 ~~may grant seasonal storage adjustment may be extended by~~ one or more additional 30-day ~~seasonal~~

1 ~~storage adjustments periods~~ not exceeding the storage time specified in the land use entitlement or a
2 total of 90 days per calendar year, whichever is less.

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

5 1. A description of the storage ~~capacity at the operation including the assumptions, methods,~~
6 and calculations used to determine total storage capacity.

7 ~~2. and 3.~~ The maximum and average lengths of time the compostable material will be stored.

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

11 ~~34.~~ A description of any additional fire prevention, protection and control measures needed to
12 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
13 such fires, which measures shall be approved by the local fire authority.

14 ~~45.~~ Where applicable, any revisions to the odor impact minimization plan necessary to address
15 the storage of the additional material or a statement, with supporting information, that no revisions
16 are necessary.

17 (b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,
18 or chipped and ground material on-site at any one time shall be inspected by the EA at least once
19 every three (3) months, unless an operator request for a reduced inspection frequency of no less than
20 annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA
21 finds that it will not pose an additional risk to public health and safety and the environment. The EA
22 shall forward a copy of the request and approval to the Board.

23 (b) If a green material composting operation or facility exceeds any combination of the following
24 requirements three (3) or more times within any two (2) year period, which the EA determines
25 constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this
26 section:

27 (1) Receipt of material that contains greater than 1.0% physical contaminants by dry weight as
28 specified in section 17852(a)(21);

29 (2) Failure to comply with the processing requirements set forth in section 17868.5;

30 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
31 subdivision (a) above.

32 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
33 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
34 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
35 and desist order pursuant to section 18304 directing, among other things, that the operator
36 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
37 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
38 any time take any additional enforcement action the EA deems appropriate.

39 (c) A site that handles green material composting facility that has more than 12,500 cubic yards of
40 feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
41 stabilized compost on-site at any one time is a green material composting facility, excepting green
42 material composting operations which the EA has authorized a seasonal storage adjustment pursuant
43 to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials
44 Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,
45 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
46 (commencing with section 21450) prior to commencing operations. Green material composting
47 facilities shall comply with the applicable requirements specified in this Chapter 3.1.

48
49 *[Note: See section 17868.5 for green material processing requirements.]*

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
52 43020 and 43021, Public Resources Code.

53 **§ 17857.2. Vegetative Food Material Composting Facilities.**

54 (a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
55 ~~compost, and~~ chipped and ground material, amendments, additives, active compost, and stabilized
56 compost on-site at any one time and shall obtain a Registration Permit pursuant to the requirements
57 of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing
58 operations and shall comply with the applicable requirements of this Chapter.
59

1 (b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
2 ~~compost, and~~ chipped and ground material, ~~amendments, additives, active compost, and stabilized~~
3 ~~compost~~ on-site at any one time shall obtain a Compostable Materials Handling Facility Permit
4 pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1,
5 Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450)
6 prior to commencing operations and shall comply with the applicable requirements of this Chapter.
7 [Note: See section 17868.5 for green material and vegetative food material processing requirements.]
8

9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 43020 and 43021, Public Resources Code.

11 **§ 17859.1. Biosolids Composting at POTWs.**

12 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
13 ~~Operated~~ Owned Treatment Works (POTW) shall comply with the EA Notification requirements set
14 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
15 section 18100).

16 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
17 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
18 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
19 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
20 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
21 of requests for reducing the frequency of inspections.]
22

23 (b) All other composting of biosolids shall comply with section 17854.
24

25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
26 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503, Code of
27 Federal Regulations.
28

29 **§ 17862. Research Composting Operations.**

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

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

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

45 ~~The EA Notification for a research composting operation shall be reviewed a~~ After each each no
46 more than a two year period of operation. Review criteria the operator of a research composting
47 operation shall submit to the EA a report that includes the results and conclusions drawn from the
48 research. If the EA determines based on the report that there are further research objectives to be
49 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
50 two years. If the EA determines based on the report that there are no further research objectives to
51 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
52 section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to
53 continuing operations.

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

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

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

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

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

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

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 43020 and 43021, Public Resources Code.

28 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

29 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
30 handled by a green material composting operation shall comply with the EA Notification requirements
31 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
32 with section 18100), ~~except as otherwise provided by and the applicable requirements specified in this~~
33 ~~Chapter.~~

34
35 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
36 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
37 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
38 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
39 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
40 of requests for reducing the frequency of inspections.]

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

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

52 (d) On and after January 1, 2018, a chipping and grinding operation or facility shall sample every
53 5,000 cubic-yards of chipped and ground material produced and determine the percentage of physical
54 contaminants greater than 4 millimeters in the sample using a method that provides accurate results
55 and has been approved by the EA. If the chipping and grinding operation or facility produces less than
56 5,000 cubic-yards of chipped and ground material in a 12 month period, the operator shall analyze at
57 least one composite sample of ~~compost~~ chipped and ground material produced every 12 month period.
58 The determination of the percentage of physical contaminants shall occur prior to the point where
59 material is removed from the site. *A chipping and grinding operation or facility shall not be subject to*

1 the provisions of section 17868.3.1 of this Chapter, however any chipped and ground material that
2 will be land applied must meet the physical contamination requirements of section
3 17852(a)(24.5)(A)(1).

4 ~~(de)~~ A chipping and grinding operation or facility shall not be subject to the provisions of sections
5 17868.1 through 17868.3~~±~~ of this Chapter, however, any chipped and ground material that will be
6 land applied must meet the maximum metal concentration and pathogen reduction requirements of
7 section 17852(a)(24.5)(A)(2) and (3).

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

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

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code.
17
18

19 **Article 3. Report of Facility Information**

20 **§ 17863. Report of Composting Site Information.**

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

27 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~
28
29

30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 43020 and 43021, Public Resources Code.
32

33 **§ 17863.4. Odor Impact Minimization Plan.**

34 (a) All compostable material handling operations and facilities shall prepare, implement and maintain
35 a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
36 EA Notification or permit application.

37 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
38 describing, at a minimum, the following items. If the operator will not be implementing any of these
39 procedures, the plan shall explain why it is not necessary.

40 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
41 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
42 possible odor receptors; and,

43 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
44 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
45 described; and,

46 (3) a complaint response and recordkeeping protocol; and,

47 (4) a description of design considerations and/or projected ranges of optimal operation to be
48 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
49 feedstock characteristics, airborne emission production, process water distribution, pad and site
50 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
51 service interruptions, and site specific concerns as applicable; and,

52 (5) a description of operating procedures for minimizing odor, including aeration, moisture
53 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
54 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
55 power, and personnel), biofiltration, and tarping as applicable.

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

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

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

6 (f) If the odor impact minimization plan is being followed, ~~but~~ and the EA determines, in a manner
7 consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct
8 the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)
9 as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a
10 Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and
11 feasible measures to minimize odors, unless:

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

15
16 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
17 Sections 43020, 43021 and 43209.1, Public Resources Code.

18
19 **§ 17863.4.1. Odor Best Management Practice Feasibility Report.**

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

23 (b) The Report shall:

24 (1) Present representative and correlating odor data for each potential onsite odor source including
25 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
26 collected, description of operations associated with the source, and any odor impacts or complaints
27 received;

28 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
29 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
30 order of impact;

31 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

32 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
33 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
34 has used to minimize odor and analyze each BMP for the following:

- 35 1. The effectiveness of the BMP in reducing odor impacts;
36 2. The potential for more extensive use of the BMP to minimize odor impacts described by
37 complainants;
38 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
39 operationally practical;
40 4. The approximate cost to implement a more extensive use of the BMP;
41 5. Any permits or permit changes necessary to use the BMP more extensively;
42 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
43 the BMP is recommended; and

44 7. If the BMP has been found to be ineffective (include supporting data).

45 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
46 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
47 operator has not used and analyze each potential BMP to determine:

- 48 1. The potential for the BMP to reduce odor impacts described by complainants;
49 2. If the BMP is operationally practical;
50 3. The approximate cost to implement the BMP;
51 4. Any permits or permit changes necessary to use the BMP; and
52 5. Overall recommendation and ranking of implementing the BMP.

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

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

59 (d) The EA, in consultation with the Department, shall within 30 days:

- 1 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
2 in whole or in part; and/or
3 (2) direct the operator in writing to submit specific changes or additional information within a
4 timeframe specified by the EA.
5 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
6 (d)(1) or (d)(2).

7
8 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
9 Sections 43020, 43021 and 43209.1, Public Resources Code.

10 11 12 **Article 6. Composting Operating Standards**

13 14 **§ 17867. General Operating Standards.**

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

16 (1) All handling activities are prohibited from composting any material specified in section 17855.2
17 of this Chapter.

18 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
19 cause a nuisance.

20 ~~(23)~~ All handling activities shall be conducted in a manner that minimizes vectors, ~~odor impacts,~~
21 litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
22 ingestion, and transportation of dust, particulates, and pathogenic organisms.

23 ~~(34)~~ Random load checks of feedstocks, additives, and amendments for contaminants shall be
24 conducted.

25 ~~(45)~~ Contamination of compostable material that has undergone pathogen reduction, pursuant to
26 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
27 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

28 ~~(56)~~ Unauthorized human or animal access to the facility shall be prevented.

29 ~~(67)~~ Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
30 manner.

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

33 (A) name of the operation or facility,

34 (B) name of the operator,

35 (C) facility hours of operation,

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

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

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

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

43 ~~(910)~~ The operator shall provide telephone or radio communication capability for emergency
44 purposes.

45 ~~(1011)~~ Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
46 material shall be removed from the site within 7 days and transported to an appropriate facility.

47 ~~(1112)~~ Enclosed operations and facilities shall provide ventilation to prevent adverse public health
48 effects from decomposition gases.

49 ~~(1213)~~ The operator shall ensure that leachate is controlled to prevent contact with the public.

50 ~~(1314)~~ The operator shall prevent or remove physical contaminants in compost and chipped and
51 ground materials that may cause injury to humans.

52 ~~(1415)~~ An attendant shall be on duty during business hours if the operation or facility is open to the
53 public.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 43020 and 43021, Public Resources Code.

57 58 59 **Article 7. Environmental Health Standards**

1
2 **§ 17868.1. Sampling Requirements.**

3 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
4 and all composting facilities shall meet the following requirements:

5 (a) Operators shall verify that compost meets the maximum acceptable metal concentration limits
6 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.
7 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
8 occur ~~at prior to~~ the point where compost is ~~sold and removed from the site, bagged for sale, given~~
9 ~~away for beneficial use and removed from the site or otherwise beneficially used on-site. Sample Test~~
10 results of samples must be received by the operator prior to removing compost from the composting
11 operation or facility where it was produced. This verification shall be performed by taking and
12 analyzing at least one composite sample of compost, following the requirements of this section as
13 follows:

14 (1) An operator who composts agricultural material, green material, food material, vegetative food
15 material, or mixed solid waste material shall take and analyze one composite sample for every 5,000
16 cubic yards of compost produced. ~~If the compostable material handling composting operation or~~
17 ~~facility produces less than 5,000 cubic yards of compost in a 12 month period, the operator shall~~
18 analyze at least one composite sample of compost produced every 12 month period.

19 (2) An operator who composts biosolids shall meet the sampling schedule described in Table ±2
20 below.

21
22 Table ±2- Frequencies of Compost Sampling for Biosolids Composting Facilities
23

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

24
25 (A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

26 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section
27 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health
28 Services, pursuant to the Health and Safety Code.

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

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

32 (2) The twelve samples shall be extracted from within the compost pile as follows:

33 (A) Four samples from one-half the width of the pile, each at a different cross-section;

34 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

35 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

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

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
41 43020 and 43021, Public Resources Code.

42
43 **§ 17868.2. Maximum Metal Concentrations.**

44 (a) Compost ~~products derived from compostable materials that contain any metal in amounts that~~
45 shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in

1 Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be
 2 designated for disposal, additional processing, disposal, or other use as approved by local, state or
 3 and federal agencies having appropriate jurisdiction. Sample Test results of samples must be received
 4 by the operator prior to removing compost from the composting operation or facility where it was
 5 produced.
 6

Table 23 -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg) on dry weight basis</i>
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 -100
Zinc (Zn)	2800

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

11 (b) Alternative methods of compliance to meet the requirements of ~~Subdivision (a)~~ of this section,
 12 including but not limited to ~~sampling frequencies~~, may be approved by the EA for green and food
 13 materials composting operations and facilities if the EA determines that the alternative method will
 14 ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.
 15

16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
 17 43020 and 43021, Public Resources Code.
 18

19 **§ 17868.3. Pathogen Reduction.**

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

27 (b) Operators that produce compost shall ensure that:

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

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

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

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

43 (4) If the operation or facility uses an aerated static pile composting process, all active compost
 44 shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained

1 at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
2 period of 3 days.

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

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

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

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

13 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
14 four (24) inches below the pile surface;

15 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
16 inches from the point where the insulation cover meets the active compost.

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

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 43020 and 43021, Public Resources Code.

23 24 **§ 17868.3.1. Physical Contamination Limits.**

25 **This section shall become operative January 1, 2018.**

26 ~~(a) Compost shall not contain more than 0.5% by dry weight of physical contaminants greater than
27 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4
28 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4
29 millimeters in excess of either one or both of these limits shall be designated for disposal, additional
30 processing, disposal or other use as approved by local, state or federal agencies having appropriate
31 jurisdiction. Verification of physical contamination limits shall occur at prior to the point where
32 compost is sold and removed from the site, bagged for sale, given away for beneficial use and
33 removed from the site or otherwise or beneficially used on-site. Sample Test results of samples must
34 be received by the operator prior to removing compost from the composting operation or facility
35 where it was produced.~~

36 ~~(b) Upon request of the EA, a compostable material handling operation shall take a sample of compost
37 and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected
38 and weighed, and the percentage of physical contaminants determined.~~

39 ~~(c) All compostable material handling facilities shall take one representative sample for every 5,000
40 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4
41 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.~~

42 ~~(b) The operator of a compostable material handling operation or facility shall sample every 5,000
43 cubic-yards of compost produced and determine the percentage of physical contaminants greater than
44 4 millimeters in the sample using a method that provides accurate results and has been approved by
45 the EA. If the compostable material handling operation or facility produces less than 5,000 cubic-yards
46 of compost in a 12 month period, the operator shall analyze at least one composite sample of compost
47 produced every 12 month period.~~

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

54 ~~(1) Determine the total dry weight of the composite sample as obtained in section 17868.3.1(d);~~

55 ~~(2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
56 determine the dry weight of the physical contaminants;~~

57 ~~(3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
58 contaminants by the total dry weight of the composite sample.~~

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

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

5 (2) The twelve samples shall be extracted from within the compost pile as follows:

6 (A) Four samples from one-half the width of the pile, each at a different cross-section;

7 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

8 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

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

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020 and 43021, Public Resources Code.

15 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

16 In order for a feedstock to be considered a Green material, as defined in section 17852(a)(21), and
17 vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
18 requirements shall be met:

19 (a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
20 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
21 loads and load sorting to quantify the percentage of contaminating materials physical contaminants
22 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
23 material or vegetative food material).

24 (1) A minimum of ~~one-ten~~ percent of daily incoming feedstock volume or at least one truck per day,
25 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
26 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
27 contaminants shall be collected and weighed, and the percentage of physical contaminants
28 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
29 weight or if the load contains materials that do not meet the definitions of green material in section
30 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

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

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

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

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

39
40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 43020 and 43021, Public Resources Code.

43 44 45 **Article 8. Composting Operation and Facility Records**

46 **§ 17869. General Record Keeping Requirements.**

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

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

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

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

56 (1) the nature of the complaint,

57 (2) the date the complaint was received,
58

- 1 (3) if available, the name, address, and telephone number of the person or persons making the
2 complaint, and
3 (4) any actions taken to respond to the complaint.
4 (d) The operator shall record the quantity and type of feedstock received and quantity of compost and
5 chipped and ground material produced. Agricultural compostable materials handling operations shall
6 maintain records only for compostable material accepted from off-site.
7 (e) The operator shall record the number of load checks performed and loads rejected.
8 (f) The operator shall record all test results generated by compliance with Article 7 of this Chapter,
9 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
10 Salmonella sp. densities, temperature measurements, and dates of windrow turnings; chipping and
11 grinding operations and facilities must record the determinations of the percentage of physical
12 contaminants required by 17862.1(d).
13 (1) The operator shall retain records detailing pathogen reduction methods.
14 (g) The operator shall record and retain records of any serious injury to the public occurring on-site
15 and any complaint of adverse health effects to the public attributed to operations. Serious injury
16 means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which
17 a member of the public suffers a loss of any member of the body or suffers any degree of permanent
18 disfigurement.
19 (h) The operator shall retain a record of training and instruction completed in accordance with section
20 17867.5.
21

22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 43020 and 43021, Public Resources Code.
24
25

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

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

28 **§ 17896.1. Authority and Scope.**

29 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
30 digestion operations and facilities that receive and process by means of in-vessel digestion solid
31 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
32 sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to
33 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
34 this Division, may still be subject to the regulatory requirements specified in this Chapter.

35 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
36 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
37 as amended. These regulations should be read together with the Act.

38 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
39 Chapter establishes standards and regulatory requirements for the intentional processing of organic
40 material by means of in-vessel digestion.

41 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
42 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
43 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to
44 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
45 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
46 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
47 which otherwise conflict with the provisions of this Chapter.

48 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
49 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
50 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
51 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
52 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
53 Health, air quality management districts or air pollution control districts, local land use authorities, and
54 fire authorities.
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1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.2. Definitions.**

5 (a) For the purposes of this Chapter:

6 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
7 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
8 similar activities undertaken for the production of food or fiber for human or animal consumption or
9 use, which is separated at the point of generation, and which contains no other solid waste. With the
10 exception of grape pomace, agricultural material has not been processed except at its point of
11 generation and has not been processed in a way that alters its essential character as a waste resulting
12 from the production of food or fiber for human or animal consumption or use. Material that is defined
13 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
14 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
15 pomace, and crop residues.

16 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

17 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
18 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

19 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
20 solid wastes that are source separated from the municipal solid waste stream, or which are separated
21 at a centralized facility.

22 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

23 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
24 been processed in an in-vessel digester.

25 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
26 solid wastes. Digestion includes:

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

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

32 (C) Other controlled biological decomposition processes.

33 (8) "Dairy In-vessel Digestion Operation" means, except as otherwise specified in section
34 17896.6(a)(3), a dairy that receives imported solid waste feedstock~~7~~ for purposes of co-digestion, with
35 manure in an in-vessel digester, ~~imported solid waste feedstock with manure and other agricultural~~
36 ~~materials~~ in accordance with Waste Discharge Requirements issued by a Regional Water Quality
37 Control Board. The Dairy In-vessel Digestion Operation may also co-digest agricultural material.

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

44 (10) "EA" means enforcement agency as defined in PRC section 40130.

45 (11) "Film plastic" means sheet plastic 10 mil or less in thickness.

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

54 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
55 material and is separated from other food material and the municipal solid waste stream. Vegetative
56 food material may be processed or cooked but must otherwise retain its essential natural character
57 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
58 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and

1 spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent
2 physical contaminants by dry weight, and meets the requirements of section 17896.61.

3 (~~11~~13) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22,
4 section 66261.3, et seq.

5 (~~12~~14) "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire
6 digestion process occurs.

7 (~~13~~15) "Large Volume In-vessel Digestion Facility" means a facility that receives an average greater
8 than 100 tons ~~or more~~ of solid waste per operating day or greater than 700 tons (2,800 cubic yards)
9 per week of solid waste for digestion in an in-vessel digester.

10 (~~14~~16) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than
11 an average of 15 tons (or 60 cubic yards) of solid waste per operating day ~~for digestion in an in-vessel~~
12 ~~digester. The amount of solid waste the operation receives but shall not exceed 105 tons (or 420 cubic~~
13 yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the operation shall
14 not exceed ~~or the solid waste quantity~~ storage capacity limitations of the general design of the
15 operation ~~(whichever is less).~~

16 (~~15~~17) "Litter" means all solid waste which has been improperly discarded or which has migrated by
17 wind or equipment away from the operations area. Litter includes, but is not limited to, convenience
18 food, beverage, and other product packages or containers constructed of steel, aluminum, glass,
19 paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters
20 of the state.

21 (~~16~~18) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
22 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
23 mixed with feces or urine.

24 (~~17~~19) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of
25 between 15 tons (or 60 cubic yards) and ~~or more but less than~~ 100 tons of solid waste per operating
26 day ~~for digestion in an in-vessel digester. The amount of solid waste the operation receives but shall~~
27 not exceed ~~be less than~~ 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-
28 vessel digester. Additionally, the facility shall not exceed ~~or the solid waste quantity~~ storage capacity
29 limitations of the general design of the operation facility ~~(whichever is less).~~

30 (~~18~~20) "Nuisance" includes anything which:

31 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
32 comfortable enjoyment of life or property, and

33 (B) affects at the same time an entire community, neighborhood or any considerable number of
34 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

35 (~~19~~21) "On-site" means located within the boundary of the operation or facility.

36 (~~20~~22) "Operating Day" means the daily hours of operation for a facility or operation as set forth in
37 the application, Enforcement Agency Notification or solid waste facilities permit.

38 (~~21~~23) "Operating Record" means an easily accessible collection of records of an operation's or
39 facility's activities and compliance with required state minimum standards under Title 14. The Record
40 may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall
41 contain but is not limited to containing: agency approvals, tonnage and load checking records, facility
42 contacts and training history. The record may be reviewed by state and local authorities and shall be
43 available during normal business hours. If records are too voluminous to place in the main operating
44 record or if the integrity of the records could be compromised by on-site storage, such as exposure to
45 weather, they may be maintained at an alternative site, as long as that site is easily accessible to the
46 EA.

47 (~~22~~24) "Operations Area" means:

48 (A) the following areas within the boundary of an operation or facility as described in the permit
49 application or Enforcement Agency Notification:

50 1. equipment management area, including cleaning, maintenance, and storage areas; and

51 2. material and/or solid waste management area, including unloading, handling, transfer,
52 processing, and storage areas.

53 (B) the boundary of the operations area is the same as the permitted boundary of the operation or
54 facility but may or may not be the same as the property boundary on which the operation or facility is
55 located.

56 (~~23~~25) "Operator" means the owner, or other person who through a lease, franchise agreement or
57 other arrangement with the owner, that is listed in the permit application or Enforcement Agency
58 Notification and is legally responsible for all of the following:

59 (A) complying with regulatory requirements set forth in these Articles;

1 (B) complying with all applicable federal, state and local requirements;
2 (C) the design, construction, and physical operation of the operations area;
3 (D) controlling the activities at an operation or facility as listed on the permit application or
4 Enforcement Agency Notification.

5 ~~(2426)~~ "Owner" means the person or persons who own, in whole or in part, an operation or facility
6 and the land on which it is located. If the ownership of the operation or facility is not the same as the
7 ownership of the land on which it is located, the owner of the land shall be identified as the "Land
8 Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

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

12 ~~(2528)~~ "Putrescible Wastes" include wastes that are capable of being decomposed by micro-
13 organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other
14 offensive conditions, and include materials such as, but not limited to food wastes, offal and dead
15 animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible
16 wastes.

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

21 ~~(2630)~~ "Salvaging" means the controlled separation of solid waste material which do not require
22 further processing, for reuse or recycling prior to in-vessel digestion activities.

23 ~~(2731)~~ "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

24 ~~(2832)~~ "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids
25 and air-borne emissions during the entire digestion process to control odors or other nuisance
26 conditions.

27 ~~(2933)~~ "Sealed Structure" means a fully enclosed building capable of containing liquids and
28 controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other
29 nuisance conditions.

30 ~~(3034)~~ "Special Waste" includes but is not limited to:

31 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as
32 defined in Title 22, section 66260.10.

33 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

34 ~~(3135)~~ "Spotter" means an employee who conducts activities that include, but are not limited to,
35 traffic control, hazardous waste recognition and removal for proper handling, storage and transport or
36 disposal, and protection of the public from health and/or safety hazards.

37 ~~(3236)~~ "Store" means to stockpile or accumulate for later use.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41 **§ 17896.3. Pre-Existing Permits and Notifications.**

42 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to
43 [operative date of these regulations], that facility may continue to operate in accordance with its
44 permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
45 sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA
46 makes such a determination, the operator shall comply with this Chapter within two years of that
47 determination.

48 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
49 regulations in effect prior to [operative date of these regulations], that operation may continue to
50 operate in accordance with its EA Notification or regulatory authorization until the EA determines that
51 regulation under this Chapter is required. The EA shall make this determination no sooner than 120
52 days and no later than two years from [operative date of these regulations]. If the EA determines that
53 regulation under this Chapter is required, the operator shall comply with this Chapter within two years
54 of that determination.

55 (c) If an activity had previously been excluded from regulations in effect prior to [operative date of
56 these regulations], that activity may continue to operate in accordance with its regulatory exclusion
57 until the EA determines that regulation under this Chapter is required. The EA shall make this
58 determination no sooner than 120 days and no later than two years from [operative date of these
59

1 regulations]. If the EA determines that regulation under this Chapter is required, the operator shall
2 comply with this Chapter within two years of that determination.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 43020 and 43021, Public Resources Code.

6
7 **§ 17896.4. Permit Name.**

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

10
11 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
12 43020 and 43021, Public Resources Code.

13
14 **§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and
15 Facilities.**

16 Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7,
17 Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
18 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
19 Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These
20 requirements are summarized in Table 1.

21
22 Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Anaerobically digestible materials at POTWs Section 17896.6(a)(1)	Research In-Vessel Digestion Operations Section 17896.8	Medium Volume In-Vessel Digestion Facilities ↔ [average between 15 tpd (60 yd³) or 15 tpd and	Large Volume In-Vessel Digestion Facilities ↔ [average > 100 tpd, average > 700 tpw (2,800 yd³)]
Ag material derived from ag site & returned to same site Section 17896.6(a)(2)	Dairy In-Vessel Digestion Operations Section 17896.9	↔ 100 tpd, not to exceed 700 tpd (2,800 yd³)] Section 17896.12	Section 17896.13
In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)	Distribution Center In- Vessel Digestion Operations Section 17896.10	Limited Volume In- Vessel Digestion Operations ↔ [average < 15 tpd (60 yd³) or 15 tpd not to exceed 105 tpd (420 yd³)]	
Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)	Section 17896.11		

Refer to Section
17896.6

1 [Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]
2

3 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
4 40053, 43020 and 43021, Public Resources Code.
5

6 **§ 17896.6. Excluded Activities.**

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

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

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

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

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

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

30 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
31 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
32 14, CCR, ~~Section 17852(a)(20)~~ 17896.2(a)(12) and vegetative food material as defined in Title 14,
33 CCR, ~~Section 17852(a)(20)(A)~~ 17896.2(a)(12)(A).

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

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

41 a. The written request must contain the following information:

42 i. The purpose of the request.

43 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
44 organic waste material with the POTW wastewater.

45 iii. Types of organic material requested for classification as an anaerobically digestible
46 material.

47 iv. The source(s) of the waste material.

48 v. A description of how the waste material will be handled, processed, stored and
49 transported (before and after receipt at the POTW Treatment Plant).

50 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
51 to accommodate the new waste materials.

52 vii. Available laboratory test results, engineering reports, research or study to support the
53 request.

54 viii. Data and/or reports if this waste material has been used without incident at a different
55 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.

~~(34) 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.]

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

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

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
9 40053, 43020 and 43021, Public Resources Code.

10 **§ 17896.7. Prohibitions.**

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

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

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

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

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

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

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

24
25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 40053, 43020 and 43021, Public Resources Code.

28 **§ 17896.8. Research In-Vessel Digestion Operations.**

29 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
30 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
31 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

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

37 (c) After no more than a two year period of operation, the operator of a research in-vessel digestion
38 operation shall submit to the EA a report that includes the results and conclusions drawn from the
39 research. If the EA determines, based on the report, that there are further research objectives to be
40 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
41 two years. If the EA determines based on the report that there are no further research objectives to
42 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
43 section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior
44 to continuing operations.

45 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
46 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
47 health, safety, or environmental protection concern, shall satisfy the following additional
48 requirements:

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

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

56 (3) After no more than a six-month period of operation the operator of a research in-vessel
57 digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report
58 that includes the results and conclusions drawn from the research and documentation of additional
59

1 requirements of this section. If the EA determines based on the report that there are further research
2 objectives to be met or data to be gathered, the EA may extend the research for a specified time
3 period not to exceed two years. If the EA determines based on the report that there are no further
4 research objectives to be met or data to be gathered, the operator shall conduct site restoration at the
5 facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of
6 this Chapter prior to continuing operations.

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

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

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 43020 and 43021, Public Resources Code.

20 21 **§ 17896.9. Dairy In-Vessel Digestion Operations.**

22 (a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth
23 in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
24 section 18100).

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

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

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
41 43020 and 43021, Public Resources Code.

42 43 **§ 17896.10. Distribution Center In-Vessel Digestion Operations.**

44 (a) All distribution center in-vessel digestion operations shall comply with the EA Notification
45 requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
46 (commencing with section 18100).

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

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 43020 and 43021, Public Resources Code.

57 58 **§ 17896.11. Limited Volume In-Vessel Digestion Operations.**

1 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
2 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
3 Code of Regulations (commencing with section 18100).

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

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 40053, 43020 and 43021, Public Resources Code.

14
15 **§ 17896.12. Medium Volume In-Vessel Digestion Facilities.**

16 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
17 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
18 (commencing with section 18104).

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

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 40053, 43020 and 43021, Public Resources Code.

23
24 **§ 17896.13. Large Volume In-Vessel Digestion Facilities.**

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

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

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
33 40053, 43020 and 43021, Public Resources Code.

34
35 **§ 17896.14. In-Vessel Digestion Facility Plan.**

36 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section
37 17896.2(a)(~~17~~19) shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section
38 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it
39 is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 40053, 43020 and 43021, Public Resources Code.

43
44 **§ 17896.15. In-Vessel Digestion Report.**

45 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section
46 17896.2(a)(~~13~~15) shall file with the EA an "In-Vessel Digestion Report" (as specified in section
47 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant
48 to Title 27, section 21570, which proposes to change the facility's operations, or to change the solid
49 waste facility permit shall do one of the following:

50 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or

51 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17896.16. Applicability of State Minimum Standards.**

57 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
58 vessel digestion operations and facilities, except as noted in ~~S~~section 17896.1.(a).

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

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 40053, 43020 and 43021, Public Resources Code.
21
22

23 **Article 2. Siting and Design**

24 25 **§ 17896.17. Siting On Landfills.**

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

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
38 40053, 43020 and 43021, Public Resources Code.
39

40 **§ 17896.18. General Design Requirements.**

41 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
42 appropriate, from persons competent in engineering, architecture, landscape design, traffic
43 engineering, air quality control, water quality protection and design of structures.
44 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
45 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
46 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
47 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
48 other pertinent information. If the operation or facility is to be used by the general public, the design
49 shall take account of safety features that may be needed to accommodate such public use.
50 (c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the
51 unloading area to as small an area as practicable, provide adequate control of windblown material,
52 minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances
53 by reason of solid wastes being handled at the operation. Other factors which shall be taken into
54 consideration are: dust control, noise control, public safety, and other pertinent matters related to the
55 protection of public health at the operation or facility.
56 (d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA
57 may require the applicant to describe how he or she has complied with applicable local and state
58 requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

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

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 40053, 43020 and 43021, Public Resources Code.

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

11 **§ 17896.19. Biogas Control.**

12
13 The operator of an in-vessel digestion operation or facility must take ~~precautions~~ adequate measures
14 to minimize prevent the uncontrolled release of biogas that may have harmful effects to on-site users
15 and the general public.

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 40053, 43020 and 43021, Public Resources Code.

19 **§ 17896.20. Cleaning.**

20
21 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
22 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
23 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

24 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;

25 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
26 least once every 24 hours.

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

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32 **§ 17896.21. Drainage and Spill Control.**

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

34 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;

35 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
36 site migration of contact water;

37 (3) protect the integrity of roads and structures;

38 (4) protect the public health; and

39 (5) prevent safety hazards and interference with operations.

40 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
41 that occur.

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020 and 43021, Public Resources Code.

45 **§ 17896.22. Dust Control.**

46 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
47 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
48 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
49 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
50 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
51 following may be an indication that dust is excessive:

52 (1) safety hazards due to obscured visibility; or

53 (2) irritation of the eyes; or

54 (3) hampered breathing;

55 (4) migration of dust off-site.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.23. Hazardous, Liquid, and Special Wastes.**

5 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
6 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
7 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

8 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
9 discovered, control measures as are necessary to protect public health, safety and the environment,
10 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
11 or removal from the operation or facility.

12 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
13 sludge wastes in a manner to protect public health, safety, and the environment.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.24. Litter Control.**

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

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.25. Load Checking.**

27 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
28 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
29 program must include at a minimum:

30 (1) the number of random load checks to be performed;

31 (2) a location for the storage of prohibited wastes removed during the load checking process that is
32 separately secured or isolated;

33 (3) records of load checks and the training of personnel in the recognition, proper handling, and
34 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
35 records for the last year shall be maintained in the operating record and be available for review by the
36 appropriate regulatory agencies.

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40
41 **§ 17896.26. Maintenance Program.**

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

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 40053, 43020 and 43021, Public Resources Code.

48
49 **§ 17896.27. Medical Wastes.**

50 Medical waste, ~~unless treated and deemed to be solid waste, which is regulated pursuant to the~~
51 ~~Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code)~~
52 whether treated or untreated, shall not be accepted at an in-vessel digestion operation or facility,
53 unless approved by the appropriate regulatory agencies.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 40053, 43020 and 43021, Public Resources Code.

57
58 **§ 17896.28. Noise Control.**

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

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
9 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.29. Non-Salvageable Items.**

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

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 40053, 43020 and 43021, Public Resources Code.

19
20 **§ 17896.30. Odor Best Management Practice Feasibility Report.**

21 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
22 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
23 violations as determined pursuant to section 17896.31(f).

24 (b) The Report shall:

25 (1) Present representative and correlating odor data for each potential onsite odor source including
26 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
27 collected, description of operations associated with the source, and any odor impacts or complaints
28 received;

29 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
30 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
31 order of impact;

32 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

33 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
34 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
35 has used to minimize odor and analyze each BMP for the following:

- 36 1. The effectiveness of the BMP in reducing odor impacts;
- 37 2. The potential for more extensive use of the BMP to minimize odor impacts described by
38 complainants;
- 39 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
40 operationally practical;
- 41 4. The approximate cost to implement a more extensive use of the BMP;
- 42 5. Any permits or permit changes necessary to use the BMP more extensively;
- 43 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
44 the BMP is recommended; and
- 45 7. If the BMP has been found to be ineffective (include supporting data).

46 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
47 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
48 operator has not used and analyze each potential BMP to determine:

- 49 1. The potential for the BMP to reduce odor impacts described by complainants;
- 50 2. If the BMP is operationally practical;
- 51 3. The approximate cost to implement the BMP;
- 52 4. Any permits or permit changes necessary to use the BMP; and
- 53 5. Overall recommendation and ranking of implementing the BMP.

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

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

1 (d) The EA, in consultation with the Department, shall within 30 days:

2 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
3 in whole or in part; and/or

4 (2) direct the operator in writing to submit specific changes or additional information within a
5 timeframe specified by the EA.

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

8
9 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
10 Sections 43020, 43021 and 43209.1, Public Resources Code.

11
12 **§ 17896.31. Odor Minimization Plan.**

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

16 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
17 describing, at a minimum, the following items. If the operator will not be implementing any of these
18 procedures, the plan shall explain why it is not necessary.

19 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
20 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
21 possible odor receptors; and,

22 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
23 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
24 described; and,

25 (3) a complaint response and recordkeeping protocol; and,

26 (4) a description of design considerations and/or projected ranges of optimal operation to be
27 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
28 feedstock characteristics, airborne emission production, process water distribution, pad and site
29 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
30 service interruptions, and site specific concerns as applicable; and,

31 (5) a description of operating procedures for minimizing odor, including aeration, moisture
32 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
33 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
34 power, and personnel), bio filtration, and tarping as applicable.

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

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

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

44 (f) If the odor impact minimization plan is being followed and the EA determines, in a manner
45 consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
46 to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
47 in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
48 (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
49 measures to minimize odors unless:

50 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

51 (2) there is an imminent threat to public health and safety and the environment; or

52 (3) a ~~public~~ nuisance has occurred.

53
54 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
55 Sections 43020, 43021 and 43209.1, Public Resources Code.

56
57 **§ 17896.32. Odor and Nuisance Control.**

58 Each in-vessel digestion operation and facility shall be conducted and maintained:

59 (a) in a manner that minimizes odor impacts so as to not cause a nuisance, and

1 (b) to otherwise prevent the creation of a nuisance.

2
3 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
4 40053, 43020 and 43021, Public Resources Code.

5
6 **§ 17896.33. Parking.**

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

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 40053, 43020 and 43021, Public Resources Code.

14
15 **§ 17896.34. Personnel Health and Safety.**

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

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
21 40053, 43020 and 43021, Public Resources Code.

22
23 **§ 17896.35. Pre-Digestion Solid Waste Handling.**

24 (a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
25 sealed structure or removed from the site within 48 hours from the time of receipt. This requirement
26 does not apply to putrescible waste stored in a sealed bag, bottle, or can.

27 (b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
28 of receipt or at an alternate frequency approved by the EA.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.36. Protection of Users.**

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

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40
41 **§ 17896.37. Roads.**

42 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
43 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
44 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
45 all-weather access to the site.

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
48 40053, 43020 and 43021, Public Resources Code.

49
50 **§ 17896.38. Sanitary Facilities.**

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

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 40053, 43020 and 43021, Public Resources Code.

56
57 **§ 17896.39. Scavenging and Salvaging.**

58 Each in-vessel digestion operation or facility shall meet the following requirements:

59 (a) scavenging shall be prohibited;

1 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
2 of the operation, subject to conditions established by the EA, the local land use authority, or other
3 approving agencies.

4 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
5 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
6 entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging
7 activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly
8 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
9 or nuisance problems;

10 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
11 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
12 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
13 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
14 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a
15 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
16 Digestion Facility Plan, or In-vessel Digestion Facility Report.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 40053, 43020 and 43021, Public Resources Code.

20
21 **§ 17896.40. Signs.**

22 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
23 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
24 facility name and location of nearest public operation or facility.

25 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
26 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
27 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
28 or (2) WILL NOT be accepted.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.41. Site Restoration.**

34 All in-vessel digestion operations and facilities shall meet the following requirements:

35 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
36 days prior to beginning site restoration.

37 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
38 safety, and the environment.

39 (c) The operator shall ensure that the following site restoration procedures are performed upon
40 completion of operations and termination of service:

41 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
42 including, but not limited to, digestate, compost materials, construction scraps, and other materials
43 related to the operations, and these residues legally recycled, reused, or disposed.

44 (2) All machinery shall be cleaned and removed or stored securely.

45 (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or
46 other residues related to the site restoration operations.

47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
49 43020 and 43021, Public Resources Code.

50
51 **§ 17896.42. Supervision and Personnel.**

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

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020 and 43021, Public Resources Code.

1
2 **§ 17896.43. Training.**

3 Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site
4 solid waste operations and maintenance, hazardous materials recognition and screening, use of
5 mechanized equipment, environmental controls, emergency procedures and the requirements of this
6 Article. A record of such training history shall be maintained and made available for inspection.
7

8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
9 40053, 43020 and 43021, Public Resources Code.
10

11 **§ 17896.44. Vector, Bird and Animal Control.**

12 The operator shall take adequate steps to control or prevent the propagation, harborage and
13 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.
14

15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020 and 43021, Public Resources Code.
17

18 **Article 4. Record Keeping Requirements**

19
20
21 **§ 17896.45. Record Keeping Requirements.**

22 Each operator shall meet the following requirements:

23 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
24 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
25 submitted to the EA or the Department upon request; be adequate for overall planning and control
26 purposes; and, be as current and accurate as practicable;

27 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
28 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
29 agencies during normal working hours.

30 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
31 approved by the EA;

32 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
33 operations and methods used to resolve problems arising from these events, including details of all
34 incidents that required implementing emergency procedures. Special occurrences shall include but are
35 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
36 prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
37 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
38 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
39 unless the EA determines that a less immediate form of notification will be sufficient to protect public
40 health and safety and the environment;

41 (e) The operator shall record any written public complaints received by the operator, including:

42 (1) the nature of the complaint,

43 (2) the date the complaint was received,

44 (3) if available, the name, address, and telephone number of the person or persons making the
45 complaint, and

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

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

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

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

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

56 (1) The operator shall retain records detailing pathogen reduction methods.
57

58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020 and 43021, Public Resources Code.

1
2 **§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and**
3 **Requirements.**

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

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 40053, 43020 and 43021, Public Resources Code.

9
10
11 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**

12
13 **§ 17896.47. Communications Equipment.**

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

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 40053, 43020 and 43021, Public Resources Code.

19
20 **§ 17896.48. Equipment.**

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

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
25 40053, 43020 and 43021, Public Resources Code.

26
27 **§ 17896.49. Fire Fighting Equipment.**

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

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
32 40053, 43020 and 43021, Public Resources Code.

33
34 **§ 17896.50. Housekeeping.**

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

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.51. Lighting.**

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

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
48 40053, 43020 and 43021, Public Resources Code.

49
50 **§ 17896.52. Site Attendant.**

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

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 40053, 43020 and 43021, Public Resources Code.

57
58 **§ 17896.53. Site Security.**

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

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.54. Traffic Control.**

8 (a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:

- 9 (1) interference with or creation of a safety hazard on adjacent public streets or roads,
10 (2) on-site safety hazards, and
11 (3) interference with operations.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 40053, 43020 and 43021, Public Resources Code.

15
16 **§ 17896.55. Visual Screening.**

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

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.56. Water Supply.**

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

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33
34 **Article 6. Digestate Handling Standards**

35
36 **§ 17896.57. Digestate Handling.**

37 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

- 38 (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
39 alternative handling method after determining the alternative method will not pose an additional risk
40 to public health and safety or the environment; or
41 (2) incorporated in an on-site aerobic compost process.

42 (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
43 facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section
44 ~~17896.4~~17896.13.

45 (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
46 requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
47 the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
48 physical contamination limits of section 17896.61; or

49 (3) removed from the site and either:

50 (A) transported ~~as solid waste only~~ to another solid waste facility or operation for ~~disposal,~~
51 ~~additional processing,~~ composting, or ~~additional processing disposal;~~ or

52 (B) used ~~or disposed~~ in a manner approved by local, state, and federal agencies having
53 appropriate jurisdiction. Any digestate that will be land applied must meet the requirements of section
54 17852(a)(24.5).

55 (C) disposed in a manner ~~approved by local, state, and federal agencies having appropriate~~
56 ~~jurisdiction as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal~~
57 ~~of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).~~

58 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
59 pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to

1 section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal
2 concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
3 pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
4 the maximum physical contamination limits described in section 17896.61 shall be designated for
5 disposal, additional processing, or other use as approved by local, state agencies having appropriate
6 jurisdiction.

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
9 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.58. Sampling Requirements.**

12 (a) Operators shall verify that compost produced at an in-vessel digestion facility (pursuant to section
13 17896.57(a)(2)) meets the maximum metal concentrations limits specified in section 17896.59, and
14 the pathogen reduction requirements specified in section 17896.60. This verification shall be
15 performed by taking and analyzing a composite sample. The sampling of compost produced at an in-
16 vessel digestion facility (~~pursuant to section 17896.57(a)(2)) shall occur at prior to the point where~~
17 the compost is removed from the site, ~~bagged for sale, given away for beneficial use and removed~~
18 from the site or otherwise beneficially used on site. Analytical results indicating compliance with
19 sections 17896.59, 17896.60, and 17896.61 shall be received by the operator prior to the sampled
20 compost leaving the site. ~~Sample Test results of samples must be received by the operator prior to~~
21 removing compost from the in-vessel digestion facility where it was produced.

22 (b) ~~This~~ Sampling shall be performed by taking and analyzing at least one composite sample,
23 following the requirements of this section as follows:

24 (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
25 compost produced. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
26 in a 12 month period, the operator shall analyze at least one composite sample every 12 month
27 period.

28 (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
29 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
30 pursuant to the Health and Safety Code.

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

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

34 (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
35 follows:

36 (A) Four samples from one-half the width of the pile, each at a different cross-section;

37 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

38 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

39 (d) The EA may approve alternative methods of sampling that ensures the maximum metal
40 concentration requirements of section 17896.59, and the pathogen reduction requirements of section
41 17896.60, ~~and the physical contamination limits requirements of section 17896.61,~~ as applicable, are
42 met.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 43020 and 43021, Public Resources Code.

46
47 **§ 17896.59. Maximum Metal Concentrations.**

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

54
55 Table 2 - Maximum Acceptable Metal Concentrations

56

<u>Constituent</u>	<u>Concentration (mg/kg)</u> <u>on dry weight basis</u>
--------------------	--

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.

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

§ 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;

1 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
2 inches from the point where the insulation cover meets the active compost.
3 (d) Alternative methods of compliance to meet the requirements of this section may be approved by
4 the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

5
6 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
7 43020 and 43021, Public Resources Code.

8
9 **§ 17896.61. Physical Contamination Limits.**

10 **This section shall become operative January 1, 2018.**

11 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
12 contain more than 0.10.5% by dry weight of physical contaminants greater than 4 millimeters; no
13 more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost
14 that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters in excess
15 of either one or both of these limits shall be designated for disposal, additional processing, disposal, or
16 other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification
17 of physical contamination limits shall occur at prior to the point where compost is sold and removed
18 from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise
19 or beneficially used on-site. Sample Test results of samples must be received by the operator prior to
20 removing compost from the in-vessel digestion facility where it was produced.

21 (b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one
22 representative sample for every 5,000 cubic yards of compost produced and send to a laboratory at
23 which physical contaminants greater than 4 millimeters shall be collected and weighed, and the
24 percentage of physical contaminants determined.

25 (b) The operator of an in-vessel digestion facility with an on-site aerobic compost process shall sample
26 every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants
27 greater than 4 millimeters in the sample using a method that provides accurate results and has been
28 approved by the EA. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
29 in a 12 month period, the operator shall analyze at least one composite sample of compost produced
30 every 12 month period.

31 (c) If the EA has reason to believe, based on the EA's visual observation or otherwise, that a
32 determination of percent physical contaminants made pursuant to section 17896.61(b) is not
33 accurate, the EA may require an operator of an in-vessel digestion facility to take a composite sample
34 of compost in the presence of the EA and send the sample to a laboratory at which physical
35 contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage
36 of physical contaminants by dry weight using the following protocol:

37 (1) Determine the total dry weight of the composite sample as obtained in section 17896.61(d);

38 (2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
39 determine the dry weight of the physical contaminants;

40 (3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
41 contaminants by the total dry weight of the composite sample.

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

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

46 (2) The twelve samples shall be extracted from within the compost pile as follows:

47 (A) Four samples from one-half the width of the pile, each at a different cross-section;

48 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

49 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

50 (ee) Alternative methods of compliance to meet the requirements of this section may be approved by
51 the EA if the EA determines that the alternative method will ensure the physical contaminant
52 requirements of this section are met.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 43020 and 43021, Public Resources Code.

56
57
58 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility**
59 **Permits; Loan Guarantees.**

1
2
3 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**
4

5 **§ 18083. LEA Duties and Responsibilities for Inspections.**

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

14 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

15 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
16 abatement by enforcement action(s);

17 (3) at the frequency required by the state minimum standards for each type of operation specified in
18 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
19 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
20 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
21 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
22 the environment, and in no case shall the inspection frequency be less than once per calendar year.
23 The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
24 concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
25 an additional risk to public health and safety or the environment in light of the specific circumstances
26 at the operation in question. The Department shall concur or deny the EA-proposed approval within
27 thirty (30) days from receipt.

28 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
29 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
30 safety or the environment. This determination shall be subject to ~~board-Department~~ approval. For the
31 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
32 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
33 closure requirements;

34 (A) the ~~board-Department~~ may approve an alternate inspection frequency for these sites where
35 such an action will not result in adverse impact on public health and safety and the environment.

36 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
37 with the ~~board-Department~~ through a grant program to inspect waste tire facilities, major waste tire
38 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
39 every two and a half years pursuant to 14 CCR Section 18443;

40 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

41 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
42 revision, review, RFI amendment, or closure/postclosure plan; and

43 (8) pursuant to the EPP, for solid waste handling and collection equipment.

44 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
45 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
46 days, during normal business hours or the site's operating hours.
47

48 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
49 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.
50

51
52 **Article 3.0. Regulatory Tier Requirements**
53

54 **§ 18100. Scope.**

55 (a) This Article sets forth the method of application for a tiered solid waste facilities permit,
56 procedures for review and action on an application package, and other requirements associated with
57 regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
58 and other requirements associated with solid waste handling operations. Similar provisions regarding a

1 full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
2 Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

3 (b) The provisions of this Article shall apply only to those operations and facilities as specified in the
4 minimum standards set forth in Chapters 3.0, ~~or 3.1~~, or 3.2 of Division 7 of this Title.

5 (c) The submittal of an enforcement agency notification (in accordance with section 18103) or
6 issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
7 issued tiered permit.

8 (d) Specific provisions relating to the different types of regulatory tiers may be found below as
9 follows:

- | | | |
|----|--|-------------------------------|
| 10 | (1) Excluded | section 18102 |
| 11 | (2) Notification of Enforcement Agency | sections 18103 – 18103.3 |
| 12 | (3) Registration Permit | sections 18104 – 18104.9; and |
| 13 | (4) Standardized Permit | sections 18105 – 18105.11. |

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020, 43021 and 43000-45802, Public Resources Code.

17
18 **§ 18102. Excluded Solid Waste Handling.**

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

24
25 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
26 44100(a), 44101(a) and 45200, Public Resources Code.

27
28 **§ 18103. Enforcement Agency Notification.**

29 (a) The enforcement agency notification provisions of this Article shall apply only to operations as
30 specified in the minimum standards set forth in Chapters 3, ~~or 3.1~~, or 3.2 of Division 7 of this Title.

31 (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement
32 agency notification as follows:

- 33 (1) Filing Requirements section 18103.1;
34 (2) Record Keeping Requirements section 18103.2; and
35 (3) Termination of Operation section 18103.3.

36 (c) Operations authorized to use the enforcement agency notification tier are required to operate in
37 accordance with the minimum standards set forth in Chapters 3, ~~or 3.1~~, or 3.2 of Division 7 applicable
38 to that operation.

39 (d) Nothing in this section precludes the enforcement agency or the ~~board~~ Department from the
40 following: inspecting an operation to verify that the operation is being conducted in a manner that
41 qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in
42 compliance with the minimum standards; or, taking any appropriate enforcement action, including the
43 use of a 'notice and order.'

44
45 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
46 44100(a), 44101(a) and 45200, Public Resources Code

47
48 **§ 18103.1. Filing Requirements.**

49 (a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency
50 notification shall notify the enforcement agency of its intent to operate in writing prior to commencing
51 operations. This written notification shall be legible and include the following information:

52 (1) The name, address, and phone number of the proposed operation; the name, address, and
53 phone number where the operator can be contacted if these differ from the operation site; and, the
54 name, address, and phone number of the owner if these differ from the operator.

55 (2) The section in Chapters 3, ~~or 3.1~~, or 3.2 of Division 7 of this Title authorizing eligibility for this
56 tier and a description of the facility's operations, including but not limited to, volume and hours of
57 wastes/material handled, peak and annual loading, and hours of operation.

58 (3) Documentation that the operator has notified the local planning department with jurisdiction
59 over the site of its intent to commence operations. Documentation may include, proof of compliance

1 with CEQA, correspondence from the local planning department that compliance with the California
2 Environmental Quality Act is not required for the operation to obtain local land use approval or written
3 notice to the local planning department of the operator's intent to commence operations.

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

6 (b) The notification shall be mailed to the enforcement agency "return receipt requested."
7

8 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
9 Public Resources Code.

10 **§ 18103.2. Record Keeping Requirements.**

11 The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall
12 be publicly available during normal business hours. The enforcement agency shall forward a copy of
13 the notification to the ~~board~~ Department within five days of receipt. The enforcement agency shall
14 retain a copy of the notification for a minimum of one year after the facility is known to have ceased
15 operations.
16

17 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
18 Public Resources Code.
19

20 **§ 18104. Registration Permit.**

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

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

25 (c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:
26

- 27 (1) Filing Requirements section 18104.1;
- 28 (2) Enforcement Agency Processing Requirements section 18104.2;
- 29 (3) Record Keeping Requirements section 18104.3;
- 30 (4) Completeness Appeal section 18104.4;
- 31 (5) Change in Operation section 18104.5;
- 32 (6) Change in Owner section 18104.6;
- 33 (7) Permit Review & Reissuance section 18104.7;
- 34 (8) Suspend/Revoke section 18104.8, and
- 35 (9) Voiding of a Registration Permit section 18104.9.
36

37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
38 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.
39

40 **§ 18104.1. Filing Requirements.**

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

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

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

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

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

55 (e) Conformance finding information as follows:

56 (1) Until a countywide or regional agency integrated waste management plan has been approved by
57 the ~~board~~ Department, the application shall include statements that: the facility is identified and
58 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with

1 Public Resources Code Section 50000; and that the facility is consistent with the city or county
2 General Plan.

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

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

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

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

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

17
18 **§ 18104.2. Enforcement Agency Processing Requirements.**

19 ...
20 (g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~ Department
21 and to any person who has so requested in writing.

22 ...
23
24 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021,
25 and 43000-45802, Public Resource Code.

26
27 **§ 18104.3. Record Keeping Requirements.**

28 ...
29 (c) The enforcement agency shall forward copies of any written public comments received on an
30 application to the ~~board~~ Department with the registration permit submitted pursuant to section
31 18104.2(f).

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

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

40
41 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
42 43020, 43021, and 43000-45802, Public Resource Code.

43
44 **§ 18104.6. Change in Owner.**

45 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
46 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
47 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
48 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
49 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
50 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department
51 within five days of receipt.

52 ...
53
54 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
55 6255, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

56
57 **§ 18104.9. Voiding of a Registration Permit.**

58 Every registration permit shall be void 30 days after cessation of operations. Any operator who intends
59 to cease operations shall notify the enforcement agency of his/her last proposed date of operation at

1 least 15 days in advance. The enforcement agency shall forward a copy of this notification to the
2 ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary operational
3 shutdowns which are seasonal or intermittent in nature.
4

5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 43020, 43021 and 43000-45802, Public Resources Code.
7

8 **§ 18105. Standardized Permit.**

9 (a) The standardized permit provisions of this Article shall apply only to solid waste facilities as
10 specified in the minimum standards set forth in Chapters 3, ~~or 3.1,~~ or 3.2 of Division 7 of the Title.

11 (b) A standardized permit obtained pursuant to this Article shall contain only those terms and
12 conditions applicable to the type of facility receiving it as set out in the minimum standards for that
13 type of facility.

14 (c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as
15 follows:

- 16 (1) Filing Requirements section 18105.1;
- 17 (2) Enforcement Agency Processing Requirements section 18105.2;
- 18 (3) Record keeping Requirements section 18105.3;
- 19 (4) Completeness Appeal section 18105.4;
- 20 (5) ~~Board~~ Department Processing Requirements section 18105.5;
- 21 (6) Appeal of Decision section 18105.6;
- 22 (7) Change in Operation section 18105.7;
- 23 (8) Change in Owner section 18105.8;
- 24 (9) Permit Review section 18105.9;
- 25 (10) Suspend/Revoke section 18105.10; and
- 26 (11) Voiding of a Standardized Permit section 18105.11.
27

28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
29 43020, 43021 and 43000-45802, Public Resources Code.
30

31 **§ 18105.1. Filing Requirements.**

32 Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an
33 application in duplicate with the enforcement agency accompanied by the fee specified by the
34 enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall
35 contain the following information:

36 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or 3.1,~~ or 3.2 of
37 Division 7 of this Title authorizing eligibility for this tier.

38 (b) General description of the facility including, but not limited to name, location, site map, and
39 location map.

40 (c) Facility information, including, but not limited to, volume and types of waste/material handled,
41 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

42 (d) Operator information, including identification of the land owner, his/her address and telephone
43 number; identification of the facility operator, his/her address and telephone number; and the
44 address(es) at which process may be served upon the operator and owner.

45 (e) A Report of Facility Information that contains all of the information required by the applicable
46 section(s) of Article 3.2, Chapter 5, of this Division.

47 (f) One of the following:

48 (1) Evidence that there has been compliance with the California Environmental Quality Act, Division
49 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

50 (2) Information on the status of the application's compliance with the California Environmental
51 Quality Act regarding the facility. Once there has been compliance with the California Environmental
52 Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement
53 agency.

54 (g) Conformance finding information as follows:

55 (1) Until a countywide or regional agency integrated waste management plan has been approved by
56 the ~~board~~ Department, the application shall include statements that: the facility is identified and
57 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
58 Public Resources Code Section 50000; and that the facility is consistent with the city or county
59 General Plan.

1 (2) After a countywide or regional agency integrated waste management plan has been approved by
2 the ~~board~~ Department, the application shall include a statement that: the facility is identified in either
3 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
4 Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be
5 identified in any of these elements pursuant Public Resources Code Section 50001.

6 (h) The owner and operator shall each certify under penalty of perjury that the information provided
7 is true and accurate to the best of their knowledge and belief.

8 (i) Evidence that the application form was provided to the director of the local agency that oversees
9 local use planning for jurisdiction in which the site is located.

10 (j) List of all public hearings and other meetings open to the public that have been held or copies of
11 notices distributed that are applicable to the proposed solid waste facilities permit action.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

15
16 **§ 18105.2. Enforcement Agency Processing Requirements.**

17 ...
18 (g) Within fifteen days of acceptance of an application for filing:

19 (1) The enforcement agency shall evaluate the information provided in the application and the
20 proposed facility to determine whether or not the facility will be able to operate in compliance with the
21 applicable minimum standards and standardized solid waste facilities permit terms and conditions.

22 (2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

23 (3) If the enforcement agency finds that the application and facility meet the requirements set forth
24 in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed
25 standardized permit, application package, and the results of any analysis to the ~~board~~ Department.
26 The enforcement agency shall further provide the applicant with a copy of the proposed standardized
27 permit submitted to the ~~board~~ Department. In addition, the enforcement agency shall provide a copy
28 of the proposed standardized permit to any person who has so requested in writing.

29 (4) If the enforcement agency finds that the application or facility do not meet the requirements set
30 forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy
31 of the rejected application accompanied by an explanation shall be mailed to the applicant.

32 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
33 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
34 the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
35 requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
36 Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
37 been submitted within 120 days of the application's acceptance for filing, the enforcement agency
38 shall reject the application and not issue the standardized permit.

39 (i) Once the ~~board~~ Department has concurred in the issuance of the proposed standardized permit,
40 pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

41 (j) If the ~~board~~ Department objects to the proposed standardized permit, the enforcement agency
42 shall notify the applicant in writing of the ~~board~~ Department's decision, and the reasons for that
43 decision, within five days of receipt of that decision.

44 ...

45
46 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
47 43021, and 43000-45802, Public Resource Code.

48
49 **§ 18105.3. Record Keeping Requirements.**

50 ...
51 (c) The enforcement agency shall forward copies of any written public comments received on a
52 pending application to the ~~board~~ Department with the proposed standardized permit submitted
53 pursuant to section 18105.2(g).

54 (d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall
55 within five days of receipt provide a copy of any additional written public comments to the ~~board~~
56 Department, unless the comment clearly states that a copy has already been provided to the ~~board~~
57 Department.

58 ...

1 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
2 43021, and 43000-45802, Public Resource Code.

3
4 **§ 18105.5. ~~Board~~ Department Processing Requirements.**

- 5 (a) The ~~board~~ Department shall mark the proposed standardized permit with the date of receipt.
6 (b) The ~~board~~ Department shall evaluate the application package and the proposed standardized
7 permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).
8 (c) Within 30 days of receipt of a proposed standardized permit, the ~~board~~ Department shall either
9 concur in or object to the issuance of the proposed standardized permit.
10 (d) If the proposed standardized permit contains terms and conditions not authorized by the minimum
11 standards and the permit is otherwise in conformance with these regulations, any additional
12 unauthorized terms and conditions shall be stricken. The ~~board~~ Department shall concur in the edited
13 standardized permit.
14 (e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the ~~board~~
15 Department shall notify the enforcement agency of its determination in writing. If the ~~board~~
16 Department objects, the reasons for the objection shall be provided to the enforcement agency.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 43020, 43021 and 43000-45802, Public Resources Code

20
21 **§ 18105.6. Appeal of Decision.**

- 22 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
23 18105.2(g)(3) or of the ~~Board~~ Department taken pursuant to section 18105.5 to the enforcement
24 agency within 15 days of the date that the decision was received. Such an appeal must be in writing
25 and specify the grounds for the appeal. A final written determination on the appeal shall be made by
26 the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
27 Code, no later than 60 days after receipt of the applicant's appeal.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
30 43020, 43021 and 43000-45802, Public Resources Code

31
32 **§ 18105.8. Change in Owner.**

- 33 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
34 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
35 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
36 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
37 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
38 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department
39 within five days of receipt.

40 ...

41
42 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
43 6225, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

44
45 **§ 18105.9. Permit Review and Reissuance.**

46 ...

- 47 (d) If an operator files a certification as specified in subsection (c) above or a new application
48 pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
49 18105.2 and 18105.3 and the ~~board~~ Department shall follow the procedures set forth in Section
50 18105.5.

51
52 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
53 43021, and 44015, Public Resource Code.

54
55 **§ 18105.11. Voiding of a Standardized Permit.**

56 Every standardized permit shall be void 30 days after cessation of operations. Any operator who
57 intends to cease operations shall notify the enforcement agency of his/her last proposed date of
58 operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification

1 to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary
2 operational shutdowns which are seasonal or intermittent in nature.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 43020, 43021 and 43000-45802, Public Resources Code.
6
7

8 **Article 3.2. Reports of Facility Information**

9 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

10 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
11 Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
12 (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
13 Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
14 the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
15 amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
16 permit. The Plan shall contain the following:

17 (a) name(s) of the operator, owner, and the company they represent, if applicable;

18 (b) schematic drawing of the building and other structures showing layout and general dimensions of
19 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

20 (c) descriptive statement of the manner in which activities are to be conducted at the facility;

21 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
22 material processing, each set of hours may be stated. For facilities with continuous operations,
23 indicate the start of the operating day for purpose of calculating amount of waste received per
24 operating day. The operator may also indicate whether or not, and when, other activities, such as
25 routine maintenance will take place, if those activities will occur at times other than those indicated
26 above;

27 (e) total acreage contained within the operating area;

28 (f) facility design capacity including the assumptions, methods, and calculations performed to
29 determine the total capacity;

30 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
31 was figured from records of cubic yards, include the conversion factor used;

32 (h) description of the methods used by the facility to comply with each state minimum standard
33 contained in sections 17896.17 through 17896.61;

34 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
35 of any wastewater;

36 (j) description of provisions to handle unusual peak loading;

37 (k) description of transfer, recovery and processing equipment, including classification, capacity and
38 the number of units;

39 (l) planned method for final disposal of the solid waste;

40 (m) planned method for the storage and removal of salvaged material;

41 (n) resume of management organization which will operate the facility;

42 (o) An Odor Impact Minimization Plan pursuant to section 17896.31 *and, if applicable, an Odor Best*
43 *Management Practice Feasibility Report and associated plan pursuant to section 17896.30.*

44
45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 40053, 43020 and 43021, Public Resources Code.
48

49 **§ 18221.6.1. In-Vessel Digestion Report.**

50 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
51 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
52 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
53 Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to
54 maintain an existing permit, the operator must file amendments as required in section 17896.15 of
55 this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack
56 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
57 shall contain the following:

58 (a) name(s) of the operator, owner, and the company they represent, if applicable;

- 1 (b) facility specifications or plans, to include: a site location map, a site map, and identification of
2 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
3 of the facility property line;
4 (c) schematic drawing of the building and other structures showing layout and general dimensions of
5 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
6 (d) descriptive statement of the manner in which activities are to be conducted at the facility;
7 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
8 material processing, each set of hours may be stated. For facilities with continuous operations,
9 indicate the start of the operating day for purpose of calculating amount of waste received per
10 operating day. The operator may also indicate whether or not, and when, other activities, such as
11 routine maintenance will take place, if those activities will occur at times other than those indicated
12 above;
13 (f) total acreage contained within the operating area;
14 (g) facility design capacity including the assumptions, methods, and calculations performed to
15 determine the total capacity;
16 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage
17 was figured from records of cubic yards, include the conversion factor used;
18 (i) description of the methods used by the facility to comply with each state minimum standard
19 contained in sections 17896.17 through 17896.61;
20 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
21 of any wastewater;
22 (k) description of provisions to handle unusual peak loading;
23 (l) description of transfer, recovery and processing equipment, including classification, capacity and
24 the number of units;
25 (m) planned method for final disposal of the solid waste;
26 (n) planned method for the storage and removal of salvaged material;
27 (o) resume of management organization which will operate the facility;
28 (p) list of permits already obtained, and the date obtained or last revised;
29 (q) An Odor Impact Minimization Plan pursuant to section 17896.31 *and, if applicable, an Odor Best*
30 *Management Practice Feasibility Report and associated plan pursuant to section 17896.30.*

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
33 40053, 43020 and 43021, Public Resources Code

34 35 **§ 18227. Report of Composting Site Information.**

36 Each operator of a compostable material handling facility that is required to obtain a Compostable
37 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
38 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
39 section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
40 specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
41 with section 18104) shall, at the time of application, file a Report of Composting Site Information with
42 the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
43 contain the following:

- 44 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
45 and amendments.
46 (b) A descriptive statement of the operations conducted at the facility.
47 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
48 in the production of compost including, but not limited to, unloading, storage, processing, parking,
49 and loading areas.
50 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
51 insects, for example, how the operator will store, process and incorporate food material and
52 vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
53 and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
54 control measures.
55 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
56 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
57 length of time compostable materials will be stored at the facility.
58 (g) A description of compostable materials handling equipment used at the facility including type,
59 capacity, and number of units.

- 1 (h) Anticipated annual operation capacity for the facility in cubic-yards.
- 2 (i) A description of provisions to handle unusual peak loadings.
- 3 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
- 4 nonmarketable residues.
- 5 (k) A description of the water supplies for process water required.
- 6 (l) Identification of person(s) responsible for oversight of facility operations.
- 7 (m) A description of the proposed site restoration activities, in accordance with section 17870.
- 8 (n) An Odor Impact Minimization Plan pursuant to section 17863.4 and, if applicable, an Odor Best
- 9 Management Practice Feasibility Report and associated plan pursuant to section 17863.4.1. The EA
- 10 may require the operator to revise the Odor Impact Minimization Plan and, if applicable, the Odor Best
- 11 Management Practice Feasibility Report and associated plan if the operator proposes to accept new
- 12 feedstock, such as food material or vegetative food material.

13
 14 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
 15 Sections 43020, 43021 and 43209.1, Public Resources Code.

16
 17
 18 **Article 4. Enforcement by EA and Review by ~~Board~~Department**

19
 20 **§ 18302. Written Complaints of Alleged Violations.**

21 (a) Any person having information alleging a facility or operation is being operated without a required
 22 permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
 23 state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
 24 permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
 25 file a complaint regarding such allegation in writing to the EA. The ~~compliant~~ complaint shall include
 26 the following:

- 27 (1) The name, address and telephone number of the person making the complaint, however nothing
- 28 in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
- 29 identity of the reporting party from the complaint;
- 30 (2) The identity and location, if known, of the facility or operation and the names and addresses, if
- 31 known, of the persons responsible for the violation;
- 32 (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and
- 33 (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
- 34 investigating the complaint, including but not limited to information relating to witnesses and physical
- 35 evidence.

36 (b) The person making the complaint may forward a copy to the ~~board~~Department.

37 (c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
 38 whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
 39 or condition or any related state solid waste law or regulation. The EA shall make its determination on
 40 the basis of the substance of the allegations rather than on the basis of the complaint's technical
 41 compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
 42 facts constituting a violation of a state minimum standard, permit term or condition or related state
 43 solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
 44 the complaint if an address is given and place a copy in its files.

45 (d) Upon receipt of an odor complaint related to a compostable material handling operation or facility,
 46 the EA shall investigate the complaint as soon as practical ~~prior to issuing~~ determine whether or not to
 47 issue a violation for failing to minimize odor. The odor complaint investigation shall include the
 48 following:

- 49 (1) The date and time the EA arrived and departed within the complaint area.
- 50 (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
- 51 high wind speed, humidity, and temperature.
- 52 (3) If odor is detected, the EA shall:

53 (A) Record the location where odor was observed, such as the street address, latitude/longitude,
 54 tax parcel number, etc.

55 (B) Verify the odor event at the complainant's location and ~~ascertain if~~ document the
 56 complainant's claim, if any, that the odor is interfering with the complainant's use and comfortable
 57 enjoyment of life ~~the~~ or property.

58 (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid
 59 waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

1 (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
2 The EA should consult with the operator to determine if there were unusual operational changes or
3 atypical feedstocks accepted during the time of the complaint(s).

4 *(4) Any known facts relevant to the alleged violation provided by local, state, and federal agencies*
5 *having appropriate jurisdiction.*

6 ~~(de)~~ The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
7 because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
8 that ground, it shall so advise the complaining party in writing at the address given in the complaint if
9 an address is given and place a copy in its files.

10 ~~(ef)~~ Except as provided in subsection (c) or subsection ~~(de)~~ of this section, the EA shall commence an
11 investigation of the facts alleged in the complaint.

12 ~~(fg)~~ If an LEA has a complaint review and investigation initiation procedure that contains substantially
13 the same basic requirements as this section, and accomplishes the intended purposes of this section
14 within its ~~board-Department~~-approved EPP, it may follow that equivalent process in lieu of subsections
15 (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
16 complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
17 her complaint will receive appropriate attention.

18 ~~(gh)~~ If the ~~board-Department~~ receives a complaint in a jurisdiction where it is not the EA, the
19 complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
20 already received a copy from the complaining party.

21
22 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43209,
23 44012, 44015 and 45000-45024, Public Resources Code.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste

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 ~~a~~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.] ~~a~~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:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

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 ~~a~~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 ~~a~~Application by ~~CIWMB-CalRecycle/LEA/RWQCB staff.~~

Date Received: The date the ~~EA or RWQCB receives the a~~Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts ~~the a~~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 a~~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 ~~a~~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 ~~a~~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 foot print, 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, ~~or Engineered municipal solid waste conversion facility.~~

2. **Composting/Compostable Material Handling:** ~~a~~ 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 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~~ spadable, 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 rResidential 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 ~~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~~

1 the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP
2 and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
3 must equal the maximum daily tonnage.

4 1. **Disposal/Transfer:** The amount of material solid waste that comes through the gate and is
5 disposed of on-site or transferred off-site as waste; and

6 2. **Other:** That amount of all other material received at the site, including, but not limited to,
7 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
8 other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or
9 cubic yards.

10 b. **As-Designed Daily Design Tonnage (TPD) or Cubic Yards:** For landfills, the maximum
11 daily tonnage amount of solid waste and other material that the facility is designed to receive and
12 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
13 month) based on appropriate factors including, but not limited to, size of working face the operating
14 areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc.
15 For other facilities, it is the maximum amount of solid waste and other material the facility is designed
16 to handle receive and process at any one time on an ongoing bases over an extended period of time
17 (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited
18 to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of
19 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
20 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
21 factor. The as-Designed tonnage value may be equal to or greater than the peak maximum daily
22 tonnage value.

23 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
24 activities are authorized by the EA to occur and are permitted. This includes the area of the facility in
25 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
26 managing equipment management area, or any area that is required to maintain compliance with the
27 design and operating parameters of the facility. The facility size is the same as "operating area" for
28 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
29 boundaries" for transfer/processing facilities and landfills.

30 d. **Peak-Maximum Traffic Volume Per Day (vpd):** The estimated maximum number of
31 vehicles that will authorized by the EA to enter the facility on a daily basis. This number should
32 includes not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including
33 vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or
34 material intended for beneficial reuse. This number must be consistent with the approved RFI and any
35 CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
36 any, that was being conducted at the time the application was submitted.

37 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
38 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
39 of operation. This information must be consistent with the approved RFI and any CEQA existing
40 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
41 being conducted at the time the application was submitted. Any activities that are limited to
42 prescribed days and/or hours should be fully described in the RFI.

43 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
44 of the Application must be filled out by every applicant requesting a change to any item(s) listed
45 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
46 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
47 submitted as part of the Application. The EA will review the requests and establish the terms and
48 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
49 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
50 WDRs for those requests that are supported by documents submitted by the applicant. Use the
51 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

52 23. **Additional Information Required For Compostingable Materials Handling Facilities**
53 **Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
54 out by the applicant if composting handling compostable materials is part of this aApplication.

55 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
56 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
57 any one time.

58 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, in
59 addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of

1 this the aApplication. All [Note to OAL and publisher: No proposed change. Existing text underlined for
2 emphasis.] sections of the aApplication must be filled out completely [Note to OAL and publisher: No
3 proposed change. Existing text underlined for emphasis.].

4 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
5 received placed in a waste management unit for each operating day on a yearly basis (calendar year)
6 for the next five years. Do not use non-operating days in ~~estimated~~/calculating the average daily
7 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~-maximum daily
8 tonnage. Report as tons per day (TPD).

9 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
10 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
11 the top of the final cover) taking into consideration design slopes, benches, and other design features,
12 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
13 Capacity.

14 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
15 or potentially resulting from this permit aApplication.

16 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
17 used to date. See Date of Capacity Information below.

18 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
19 remaining, not including any proposed site capacity. If the remaining capacity information provided is
20 based on estimates of capacity used since the last physical site survey, please explain the
21 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
22 etc. See Date of Capacity Information below.

23 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
24 capacities in Part 3 were determined. This date may predate the aApplication date by no more than
25 three months. Amendments of the aApplication including more current capacities may be required.

26 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
27 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
28 Part 6, Section B for more details).

29 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
30 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
31 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
32 (e.g., conditional use permit date, etc.)

33 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
34 will be referred to as "permitted disposal area."

35 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
36 based upon any planned expansions not currently proposed, whether within or outside the current
37 permitted boundary.

38 k. Provide one of the following:

39 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
40 density is the estimated or measured density of in-place waste material achieved by mechanical or
41 other means in the development of the current lift of the current operating waste cell, and

42 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
43 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
44 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
45 should include only soil or approved daily or intermediate alternative cover that is not considered a
46 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
47 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
48 ~~CIWMB-CalRecycle~~ is reported, or

49 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
50 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
51 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
52 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
53 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.
54

55 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

56 **A. Municipal or Utility Service:** Give name and address of the water purveyor.

57 **B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.
58
59

1 **C. Surface Supply:**

- 2 1. Provide the name of any stream, lake, spring, etc, if identified.
3 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
4 3. If a state permit or license has been granted, give identification number.

5 **D. Other:** Enter any water source(s) not identified above.
6

7
8 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**
9

10 **A.** Check the appropriate box(es) if an environmental document was, or ~~is going to will~~ be, prepared
11 and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

12 1. If an environmental document was prepared:

- 13 • If an environmental document has already been prepared and circulated through the SCH and
14 there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box
15 that is checked.
16 • If an environmental document has not yet been circulated through the SCH and no SCH
17 number has been assigned to the environmental document yet, please check the box for the
18 type of environmental document that is anticipated to be ~~prepared and~~ circulated through the
19 SCH and write N/A in the appropriate blank for "SCH#."
20 • If the "ADDENDUM TO (Identify environmental document)" box is checked, please provide the
21 type of environmental document that the addendum was prepared for along with the SCH
22 number.

23 2. If an environmental document will be prepared, enter the name of the lead agency for preparing
24 the document, if known.

25 EXAMPLE ONLY:

26 If the environmental document is an environmental impact report (EIR), write "EIR" and include the
27 dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH
28 number for the EIR.

29 **B.** If an environmental document was not, and is not planned to be, prepared because it is not
30 required to comply with the requirements of CEQA, please provide the requested information by
31 checking the ~~appropriate~~ box to indicate why an environmental document is not required ~~for~~ under
32 CEQA.

- 33 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA
34 Guidelines Section number and citation for the exemption.

35 EXAMPLE ONLY:

36 A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor
37 repair to an existing facility. Therefore, check the box that says "CATEGORICAL/STATUTORY
38 EXEMPTION (CE/SE)" and write the following in the blank after the box: "CEQA Guidelines, Section
39 15301, Class I Categorical Exemption."
40

41
42 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

43
44 All attachments are necessary parts of the Application and are incorporated herein.
45

46 **A.** Section A of Part 6 must be completed by all applicants regardless of the type of facility.

47 **B.** Section B of Part 6 ~~is additional documents required~~ must be completed only by landfill applicants
48 only for disposal facilities.

- 49 • Operating Liability Financial Mechanism: The date the demonstration was last modified or
50 renewed. That date must be within the preceding twelve-month (annual renewal) period. For
51 example, a Certificate of Insurance (CalRecycle CIWMB-107) has an "effective date" identified on
52 the certificate. ~~This date should and must~~ be within the preceding twelve-month (annual renewal)
53 period.
54 • Financial Responsibility Documentation: The financial mechanism ~~will be is~~ a document, (i.e.,
55 letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance)
56 statement, etc.) identifying the current dollar value of the demonstration and the date of the
57 stated value. The date of the stated value should must be within the preceding twelve-month
58 (annual renewal) period.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
4 corrective action cost estimate and a copy of the non-water release corrective action cost
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal sites-facilities permitted for to receive more than 20
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
8 frequently as determined by the enforcement agency-EA. For disposal sites-facilities permitted for
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
10 ten years. If not previously submitted, survey results must be included with this aApplication.
11 Survey results must be submitted as a CADD or vector graphics data file including at least two
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
15 be included. For each stratum the following information shall be included: site name, stratum
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
19 surface is uncertain, the operator is allowed to provide the best available information as a
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
21 provide an explanation of the basis for using the substitute base ground surface.
22

23 For the purposes of this section the following definitions apply:

- 24 A1. "base ground surface" - the best available excavation plan surface that existed prior to the
25 placement of any waste;
- 26 B2. "CADD" -computer aided design and drafting;
- 27 C3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
29 provided for the basis of the volumetric correction;
- 30 D4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
31 upper surface;
- 32 E5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 F6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
35 provided for the basis of the volumetric correction;
- 36 G7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 H8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
38 the disposal site;
- 39 I9. "net volume" - the fill volume less the cut volume;
- 40 J10. "site name" - the name of the disposal site for which the survey information is being
41 submitted;
- 42 K11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
43 upper and lower surfaces;
- 44 L12. "stratum name" - a descriptive name for the stratum for which volumetric information is being
45 submitted, e.g., total volume including proposed expansion;
- 46 M13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
47 ground surface and proposed finished ground surface;
- 48 N14. "survey" -a comprehensive examination of the disposal site under the direction of a registered
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 O15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
52 direction, thickness, color and other attributes;
- 53 P16. "volume calculation method" - grid, composite, section or other method approved by the
54 enforcement agency-EA;
- 55 C. Section C of Part 6 specifies is additional documents required only if applicable for the type of
56 facility to be covered under this aApplication as required by the EA or RWQCB. Under "Other," identify
57 and list any other necessary documents not included-specified above but that are required by the EA
58 or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or
59 franchise-other agreement documenting the operator's interest in and right to use the site as a solid

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business owner~~ of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government public agency~~.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part~~, the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility~~where legal notice may be served~~.

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business operator filing this Application~~ is a sole proprietorship,
22 partnership, corporation, or ~~government public agency~~.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an a~~ facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility~~where legal notice may be served~~.

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** The A person(s) ~~or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** The A person(s) ~~or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.

45
46 **Part 10. OTHER:**

47
48 Attach additional sheets to explain any responses that need clarification.

APPLICATION FOR SOLID WASTE FACILITY PERMIT AND WASTE DISCHARGE REQUIREMENTS

CIWMB-CALRECYCLE E-1-77 (Rev. 8-04-X-XX)

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
- 4-3.4. PERMIT REVIEW
- 2. REVISION OF CHANGE TO SWFP and/or WDRS
 - REVISION
 - MODIFICATION
 - OTHER (As authorized by law)
- 5-4.5. AMENDMENT OF APPLICATION
- 3-3. EXEMPTION and/or WAIVER-WAIVER
- 6-5.6. RFI/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. C&D/INERT DEBRIS PROCESSING
- a. TYPE: _____
- 2. COMPOSTING/ABLE MATERIALS HANDLING
- 4. TRANSFER/PROCESSING FACILITY
- 6. IN-VESSEL DIGESTION
- a. TYPE: _____
- CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.
- 5-7. 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 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): _____

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 _____

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): _____

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:

<input type="checkbox"/> RFI/JTD _____	<input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S):
<input type="checkbox"/> LOCAL USE/PLANNING PERMITS _____	<input type="checkbox"/> EIR _____
<input type="checkbox"/> LOCATION MAP _____	<input type="checkbox"/> MND/ND _____
<input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG _____	<input type="checkbox"/> EXEMPTION _____
<input type="checkbox"/> LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____	<input type="checkbox"/> ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS DISPOSAL FACILITIES ONLY:

<input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____	<input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____
<input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN	<input type="checkbox"/> KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____
<input type="checkbox"/> PRELIMINARY _____	<input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____
<input type="checkbox"/> FINAL _____	

C. IF APPLICABLE:

<input type="checkbox"/> REPORT OF WASTE DISCHARGE _____	<input type="checkbox"/> DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____
<input type="checkbox"/> CONTRACT AGREEMENTS _____	<input type="checkbox"/> SWAT (Air and water) _____
<input type="checkbox"/> STORMWATER PERMIT APPLICATION _____	<input type="checkbox"/> WETLANDS PERMITS _____
<input type="checkbox"/> NPDES PERMIT APPLICATION _____	<input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____
<input type="checkbox"/> 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

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).



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

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

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. Department of Resources Recycling and Recovery

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23
24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

32 All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
33 comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
34 Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
35 operations shall be inspected by the enforcement agency at least once ~~quarterly~~ every three (3)
36 months unless the enforcement agency approves, with Department concurrence, a reduced inspection
37 frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
38 pose an additional risk to public health and safety or the environment but in no case shall the
39 frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
40 enforcement agency and Department requirements regarding the approval or denial of requests for
41 reducing the frequency of inspections.]

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 43020 and 43021, Public Resources Code.

45
46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

4 (c) A new Enforcement Agency Notification is required any time there are changes to information
5 required by this section.

6 (d) These operations ~~may shall~~ be inspected by the enforcement agency ~~as necessary for the~~
7 ~~protection of public health, safety and the environment every three (3) months unless the~~
8 ~~enforcement agency approves, with Department concurrence, a reduced inspection frequency. The~~
9 ~~enforcement agency may approve a reduced inspection frequency only if it will not pose an additional~~
10 ~~risk to public health and safety or the environment but in no case shall the frequency be less than~~
11 ~~once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and~~
12 ~~Department requirements regarding the approval or denial of requests for reducing the frequency of~~
13 ~~inspections.]~~

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code.

17 18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 21 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 22 **Regulatory Requirements.**

23 (a) A site that receives only construction and demolition debris and inert debris (CDI) and which
24 meets the requirements of this section shall be classified as a CDI recycling center. A site that receives
25 only inert debris and which meets the requirements of this section shall be classified as an inert debris
26 recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any
27 other requirements of this Article except as specified in this section.

28 (1) The CDI debris that a CDI recycling center receives shall have been separated at the point of
29 generation.

30 (A) For the purposes of this section, “separated at the point of generation” means that the
31 material has been separated from the solid waste stream by the generator of that material or by a
32 processor prior to receipt at a CDI recycling center and has not been commingled with other solid
33 waste or recyclable materials. For example, each material type must be transferred in separate
34 containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled
35 in a single container.

36 (2) An inert debris recycling center shall receive only Type A inert debris that is source separated or
37 separated for reuse. The inert debris may be commingled in a single container.

38 (b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

39 (1) The residual shall be less than 10% by weight of the amount of debris received at the site,
40 calculated on a monthly basis. Recycling center operators may report their residual percentage to the
41 EA and the ~~board~~ Department on Form CIWMB 607 (see Appendix A).

42 (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by
43 volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible
44 wastes shall not constitute a nuisance, as determined by the EA.

45 (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited
46 at CDI recycling centers.

47 (d) The following storage time limits apply to CDI recycling centers:

48 (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or
49 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
50 including the use of a Notice and Order as provided in section 18304.

51 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site
52 for more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore
53 subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

54 (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism
55 pursuant to section 17384(c) has been approved by the ~~board~~ Department.

56 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
57 to the time specified in a land use entitlement for the site that has an express time limit for the
58 storage of materials.
59

1 (5) CDI recycling center storage time limits may be extended for a specified period, if the operator
2 submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of
3 substantial evidence, that the additional time does not increase the potential harm to public health,
4 safety and the environment. The EA may consult with other public agencies in making this
5 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
6 findings shall be in writing.

7 (e) The following storage limits apply to inert debris recycling centers:

8 (1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or
9 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
10 including the use of a Notice and Order as provided in section 18304.

11 (2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on-site
12 for more than ~~18-12~~ months, shall be deemed to have been unlawfully disposed and therefore subject
13 to enforcement action, including the use of a Notice and Order as provided in section 18304.

14 (3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an
15 inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material
16 production facility.

17 (4) Storage time limits do not apply to Type A inert debris recycling centers where a financial
18 assurance mechanism pursuant to section 17384(c) has been approved by the ~~board~~ Department.

19 (5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the
20 time specified in a land use entitlement for the site that has an express time limit for the storage of
21 materials.

22 (6) Inert debris recycling center storage limits may be extended for a specified period, if the
23 operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the
24 basis of substantial evidence, that the additional time does not increase the potential harm to public
25 health, safety and the environment. The EA may consult with other public agencies in making this
26 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
27 findings shall be in writing.

28 (f) Nothing in this section precludes the EA or the ~~board~~ Department from inspecting a site to verify
29 that it is and has been operating in a manner that meets the requirements of this section, or from
30 taking any appropriate enforcement action, including the use of a Notice and Order as provided in
31 section 18304.

32 (g) In evaluating whether or not a particular site is in compliance with this section, the EA shall,
33 among other things, do the following:

34 (1) If the EA has reason to believe that each load of debris received at a recycling center is not
35 separated at the point of generation, is not source separated or is not separated for reuse, as
36 applicable, or that the residual exceeds 10% of the total debris received per month, or that the
37 amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or
38 material is being stored in excess of the applicable storage limits, or that upon request no evidence is
39 provided by the owner and operator that the stored debris is being accumulated for viable reuse, or
40 that the site is not in compliance with any other requirement in this section, the EA may require the
41 owner or operator to provide evidence that the recycling center is in compliance. The burden of proof
42 shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

43 (2) At the time that the EA requires a recycling center to provide evidence that it is in compliance
44 with this section, the EA shall provide the owner and operator of the recycling center a written
45 description of the information that has caused the EA to believe that the recycling center is not in
46 compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying
47 information regarding any person(s) who has complained about the recycling center.

48 (h) Sites which do not meet the applicable requirements of this section do not qualify as recycling
49 centers and shall comply with this Article and all laws and regulations applicable to them. The burden
50 of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are
51 not subject to the requirements of this Article.

52
53 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

3 (1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA
4 Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing
5 at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless
6 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
7 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
9 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
10 of requests for reducing the frequency of inspections.]

11 (2) A medium volume C&D wood debris chipping and grinding operation shall comply with the
12 Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0,
13 commencing at section 18100 et seq.

14 (3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit
15 tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with
16 section 21563.

17 (4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
18 irregular intervals.

19 (5) Except as otherwise specified in this section, small volume C&D wood debris chipping and
20 grinding activities shall comply with all requirements applicable to small volume CDI debris processing
21 operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all
22 requirements applicable to medium volume CDI processing facilities, and large volume C&D wood
23 debris chipping and grinding facilities shall comply with all requirements applicable to large volume
24 CDI debris processing facilities.

25 ...

26
27 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
28 40053, 43020, 43021, Public Resources Code.

29
30 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

31 All small volume CDI debris processing operations shall comply with the EA Notification requirements
32 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
33 operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify
34 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
35 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
36 additional risk to public health and safety or the environment but in no case shall the frequency be
37 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
38 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

39 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
40 irregular intervals. The operator shall specify the operation's boundary area in the operating record.

41 ...

42
43 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020, 43021, Public Resources Code.

45
46 **§ 17383.7. Inert Debris Type A Processing Operations.**

47 ...

48 (f) These operations shall be inspected by the EA at least once every three (3) months to verify
49 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
50 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
51 additional risk to public health and safety or the environment but in no case shall the frequency be
52 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
53 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

54 ~~Inspections shall be conducted quarterly.~~ To the greatest extent possible, all inspections shall be
55 unannounced and shall be conducted at irregular intervals.

56 ...

57
58 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020, 43021, Public Resources Code.

1
2
3 **Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory**
4 **Requirements**

5
6 **§ 17388.3. Inert Debris Engineered Fill Operations.**
7

8 ...
9 (b) Inert debris engineered fill operations shall be inspected ~~as necessary~~ by the EA at least once
10 every three (3) months to verify compliance with State Minimum Standards unless the EA approves,
11 with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
12 inspection frequency only if it will not pose an additional risk to public health and safety or the
13 environment but in no case shall the frequency be less than once per calendar year. [Note: See
14 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
15 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly, unless~~
16 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
17 ~~than annual.~~
18 ...

19 Note: Authority cited: Sections 40502, 43020, and 43021, and 48007.5, Public Resources Code.
20 Reference: Sections 40053, 43020, and 43021, and 48007.5, Public Resource Code.
21
22

23 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**
24

25 **§ 17403.1. Excluded Operations.**

26 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
27 Articles and are not required to meet the requirements set forth herein:
28 ...

29 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
30 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
31 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
32 Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).
33 ...

34
35 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
36 40053, 43020, and 43021, Public Resource Code.
37

38 **§ 17403.2. Sealed Containers Transfer Operations.**

39 All sealed container transfer operations subject to this Article shall comply with the Enforcement
40 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
41 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
42 ~~as necessary~~ at least once every three (3) months to verify compliance with minimum standards
43 unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may
44 approve a reduced inspection frequency only if it will not pose an additional risk to public health and
45 safety or the environment but in no case shall the frequency be less than once per calendar year.
46 [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the
47 approval or denial of requests for reducing the frequency of inspections.] ~~Inspections shall be~~
48 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~
49 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the
50 operating record.
51

52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.
54

55 **§ 17403.3. Limited Volume Transfer Operations.**

56 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
57 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
58 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
59 ~~necessary~~ at least once every three (3) months to verify compliance with minimum standards unless

1 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
2 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
3 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
4 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
5 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly,~~
6 ~~unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less~~
7 ~~than annual.~~ The operator shall specify the operation's boundary area in the operating record.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11 12 13 **Article 6.2. Operating Standards**

14 **§ 17409.2. Sanitary Facilities.**

15 The operator shall maintain all sanitary and hand-washing facilities ~~which may be required, by~~
16 ~~applicable state or local requirements,~~ in a reasonably clean and adequately supplied condition.

17
18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 40053, 43020 and 43021, Public Resources Code.

21 22 23 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory** 24 **Requirements**

25 26 27 **Article 1. General**

28 **§ 17852. Definitions.**

29 (a) For the purposes of this Chapter:

30 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
31 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
32 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
33 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

34 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
35 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
36 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
37 feedstock.

38 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
39 blow or draw air through the pile. Little or no pile agitation or turning is performed.

40 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
41 presence of oxygen.

42 (4.5) "Agricultural By-Product Material" means post-harvest agricultural by-products separated at a
43 processing facility.

44 (A) Agricultural By-product Material includes, but is not limited to, solid or semi-solid materials
45 from fruit, nut, cotton, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and
46 shells, peels, and off-grade, over-ripe, or under-ripe produce.

47 (B) Agricultural By-product Material does not contain packaging material, physical contaminants,
48 or hazardous materials, and does not include wastewater, sludges, or additives.

49 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
50 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
51 viticulture and similar activities undertaken for the production of food or fiber for human or animal
52 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
53 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
54 generation, and which contains no other solid waste. With the exception of grape pomace, agricultural
55 material has not been processed except at its point of generation and has not been processed in a way
56 that alters its essential character as a waste resulting from the production of food or fiber for human
57 or animal consumption or use. Material that is defined in this section 17852 as "food material" or
58

1 "vegetative food material" is not agricultural material. Agricultural material includes, including but is
2 not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

3 (6) "Agricultural Material Composting Operation" means an operation that produces compost from
4 green or agricultural material, additives, and/or amendments.

5 (7) "Amendments" means materials added to stabilized or cured compost to provide attributes for
6 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
7 Amendments do not include septage, biosolids, or compost feedstock.

8 (8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the
9 absence of oxygen.

10 (9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic
11 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
12 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.

13 Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material
14 with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a
15 sewage sludge incinerator or grit and screenings generated during the preliminary treatment of
16 domestic sewage in a treatment works.

17 (10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not
18 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
19 compostable material and:

20 (A) The site does the following:

21 1. The site handles only material, excluding manure, allowed at a green material composting
22 operation or facility as set forth in section 17852(a)(22); and,

23 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
24 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
25 time does not increase the potential for violations of this Chapter.

26 (B) If the site fails to meet the definition of green material because it exceeds the contamination
27 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
28 Regulatory requirements (commencing at section 17400).

29 (C) If the site fails to meet the definition of this section because the green material remains on-
30 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
31 material handling operation or facility, as set forth in this Chapter.

32 (11) "Compostable Material" means any organic material that when accumulated will become active
33 compost as defined in section 17852(a)(1).

34 (12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that
35 processes, transfers, or stores compostable material. Handling of compostable materials results in
36 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
37 and storage activities related to the production of compost, compost feedstocks, and chipped and
38 ground materials. "Compostable Materials Handling Operation or Facility" does not include activities
39 excluded from regulation in section 17855. "Compostable Materials Handling Operation or Facility" also
40 includes:

41 (A) agricultural material composting operations;

42 (B) green material composting operations and facilities;

43 (C) vegetative food material composting facilities;

44 (D) research composting operations; and,

45 (E) chipping and grinding operations and facilities.

46 (13) "Curing" means the final stage of the composting process that occurs after compost has
47 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
48 metabolized material has been decomposed and stabilized.

49 (13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material
50 has been processed in an in-vessel digester, as defined in section 17896.2(a)(~~12~~14). Digestate
51 intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained
52 a Compostable Materials Handling Facility Permit pursuant to section 17854.

53 (14) "Domestic Sewage" means waste and wastewater from humans or household operations that is
54 discharged to or otherwise enters a treatment works.

55 (15) "Disposal of compostable material and/or digestate" means:

56 (A) 1. the final deposition of compostable material and/or digestate on land, unless excluded from
57 this Chapter 3.1 pursuant to ~~S~~section 17855;

58 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
59 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration

1 requirements of section 17868.2, ~~onto~~ on land for a combined period of time greater ~~more~~ than six
2 months ~~30 days~~, except as provided in subdivision (A) 3.; or

3 3. storing or stockpiling more than 200 cubic yards of agricultural material and, green material,
4 or compost for more than twelve months on prime land that is zoned for agricultural land uses as
5 defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA
6 applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that
7 storing or stockpiling the material more than 12 months will not adversely affect the public health and
8 safety or the environment may remain within the operations area for a period of time greater than
9 specified.

10 (B) ~~d~~Disposal of compostable material does not include the use of compostable material ~~for~~:

11 1. ~~alternative daily cover material for beneficial reuse~~ at a solid waste landfill pursuant to Title
12 27, California Code of Regulations, section 20686; or

13 2. ~~for~~ mine reclamation in accordance with applicable law. ~~Notwithstanding this section, use of~~
14 ~~compostable organic material as a alternative daily cover material shall still require approval for use~~
15 ~~pursuant to Title 27, California Code of Regulations, section 20680 and may require additional~~
16 ~~approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.~~

17 ~~(C 3.) disposal does not include for land application of compostable organic material as defined~~
18 ~~in section 17852(a)(24.5). "Land Application" means the application of compostable material,~~
19 ~~excluding food material or mixed solid waste for the following applications: to forest, agricultural, and~~
20 ~~range land at agronomic rates; in accordance with California Department of Food and Agriculture~~
21 ~~(CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et~~
22 ~~seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.~~

23 (4) as specified in section 17852(a)(24.5)(B).

24 ~~(D C)~~ Should the EA have ~~information~~ reason to believe that a person ~~compostable material~~
25 ~~handler is engaging in other activities that meet the definition of disposal of compostable material or~~
26 ~~authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall~~
27 ~~be on each person engaging in or authorizing such activities the land owner or operator to~~
28 ~~demonstrate otherwise.~~

29 ~~(E D)~~ If the activities at a site meet the definition of disposal of compostable material and/or
30 digestate, the site shall be regulated as set forth in the Consolidated Regulations for Treatment,
31 Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of
32 Regulations, section 20005).

33 (16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a
34 constant mass; that results in essentially 100 percent solids content.

35 (17) "Enclosed Composting Process" means a composting process where the area that is used for
36 the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed
37 sides and rests on a stable surface with environmental controls for moisture and air-borne emissions
38 present.

39 (18) "EA" means enforcement agency.

40 (19) "Feedstock" means any compostable ~~organic~~ material used in the production of compost or
41 chipped and ground material including, but not limited to, agricultural material, green material,
42 vegetative food material, food material, biosolids, and mixed ~~solid waste material~~. Feedstocks shall
43 not be considered as either additives or amendments.

44 (19.5) "Film plastic" means sheet plastic 10 mil or less in thickness.

45 (20) "Food Material" means ~~any a waste material of plant or animal origin that was acquired for~~
46 results from the preparation or processing of food for animal or human consumption, and that is
47 separated from the municipal solid waste stream, and that does not meet the definition of "agricultural
48 material." Food material ~~may~~ includes, but is not limited to, ~~material~~ food waste from food facilities
49 as defined in Health and Safety Code section ~~113785-113789~~ (such as restaurants), food processing
50 establishments as defined in Health and Safety Code section 111955, grocery stores, institutional
51 cafeterias (such as prisons, schools and hospitals), ~~or and~~ residential food scrap collection. Food
52 material does not include any material that is required to be handled only pursuant to the California
53 Food and Agricultural Code and regulations adopted pursuant thereto.

54 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
55 material and is separated from other food material and the municipal solid waste stream. Vegetative
56 food material may be processed or cooked but must otherwise retain its essential natural character
57 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
58 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and

1 spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent
2 physical contaminants by dry weight, and meets the requirements of section 17868.5.

3 (21) "Green Material" means any plant material except food material and vegetative food material
4 that is separated at the point of generation, contains no greater than 1.0 of percent physical
5 contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes,
6 but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood
7 waste from silviculture and manufacturing, and construction and demolition wood waste. Green
8 material does not include food material, vegetative food material, biosolids, mixed solid waste
9 material, material processed separated from commingled solid waste collection or processing, wood
10 containing lead-based paint or wood preservative, or mixed construction or mixed and demolition
11 debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of
12 "green material" may be handled as either agricultural material or green material.

13 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
14 green material, additives, and/or amendments. A green material composting operation or facility may
15 also handle manure and paper products. An operation or facility that handles a feedstock that is not
16 green material, manure, or paper products, shall not be considered a green material composting
17 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
18 excluded from regulation in section 17855.

19 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
20 compostable materials results in controlled biological decomposition. Handling includes composting,
21 screening, chipping and grinding, and storage activities related to the production of compost, compost
22 feedstocks, and chipped and ground materials.

23 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
24 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
25 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

26 (24.5) "Land Application" means ~~either subdivision (A) or (B):~~

27 (A) The final deposition of compostable material and/or digestate spread on any land, including
28 land zoned only for agricultural uses, under the following conditions:

29 1. On and after January 1, 2018, ~~the~~ the compostable material and/or digestate does not contain
30 more than ~~0.1~~ 0.5% by dry weight of physical contaminants greater than 4 millimeters (no more than
31 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters), as specified in section
32 17868.3.1, at the time of land application;

33 2. The compostable material and/or digestate meets the maximum metal concentrations, as
34 specified in section 17868.2, at the time of land application;

35 3. The compostable material and/or digestate meets the pathogen density limits, as specified in
36 section 17868.3(b)(1), at the time of land application; and

37 4.

38 a. On land not zoned for agricultural uses, ~~the~~ the compostable material and/or digestate is not
39 applied more frequently than once during a 12 month period, and, at the time of the land application,
40 the compostable material shall not exceed an average of 12 inches in total, accumulated depth on the
41 land surface. The EA, in consultation with the Regional Water Quality Control Board, may approve
42 alternative application frequencies and depths, if the EA after such consultation determines that the
43 alternatives will not adversely affect public health and safety or the environment.

44 b. On land zoned only for agricultural uses, the compostable material and/or digestate is not
45 applied more frequently than three times during a 12 month period, and, at the time of the land
46 application, the compostable material shall not exceed 12 inches in total, accumulated depth on the
47 land surface. The EA, in consultation with the California Department of Food and Agriculture to
48 determine if the land application is agronomically beneficial and with the Regional Water Quality
49 Control Board regarding water quality, may approve alternative frequencies and depths, if the EA after
50 such consultation determines that the alternative will not adversely affect public health and safety or
51 the environment. The Department shall coordinate all EA requests for consultation with the California
52 Department of Food and Agriculture.

53 5. Verification of compliance with this subdivision must be provided to the EA upon request.

54 (B) ~~The final deposition of compostable material spread on land zoned only for agricultural uses~~
55 ~~under the following conditions:~~

56 1. ~~The compostable material does not contain more than 0.1% by weight of physical~~
57 ~~contaminants greater than 4 millimeters; and~~

58 2. ~~Prior to land application, the California Department of Food and Agriculture (CDFA) has~~
59 ~~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)2. above.~~

~~[Note: (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 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~~

~~5.6. 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-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-material~~ contained within ~~feedstocks-compostable material, digestate, or compost~~, including, but not limited to, glass, metal, and plastic.

1 (33) "Process Water" means liquid that is generated during or used in the production of compost or
2 chipped and ground materials.

3 (34) "Research Composting Operation" means a composting operation, that is operated for the
4 purpose of gathering research information on composting.

5 (35) "Separated At The Point of Generation" includes material separated from the solid waste
6 stream by the generator of that material. It may also include material from a centralized facility as
7 long as that material was kept separate from the waste stream prior to receipt by that facility and the
8 material was not commingled with other materials during handling.

9 (36) "Stabilized Compost" means any organic material that has undergone the Process to Further
10 Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced
11 biological activity as indicated by reduced temperature and rate of respiration below that of active
12 compost.

13 (37) "Static Pile" means a composting process that is similar to the aerated static pile except that
14 the air source may or may not be controlled.

15 (38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting
16 the causative agents of human disease.

17 (38.5) "Vegetative Food Material Composting Facility" is a facility that composts agricultural
18 material, green material, vegetative food material, additives, and/or amendments. A vegetative food
19 material composting facility may also handle manure and paper products. An operation or facility that
20 handles a feedstock that is not agricultural material, green material, vegetative food material,
21 manure, or paper products, shall not be considered a vegetative food material composting facility.
22 "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in
23 section 17855.

24 (39) "Vermicomposting" means an activity that produces worm castings through worm activity. The
25 EA may determine whether an activity is or is not vermicomposting. The handling of compostable
26 material prior to and after use as a growth medium is subject to regulation pursuant to this chapter
27 and is not considered vermicomposting.

28 (40) "Windrow Composting Process" means the process in which compostable material is placed in
29 elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

30 (41) "Within-vessel Composting Process" means an aerobic process in which compostable material is
31 enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost,
32 maintained under uniform conditions of temperature and moisture where air-borne emissions are
33 controlled.

34 (42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated
35 from the manufacturing or production of wood products, harvesting, processing or storage of raw
36 wood materials, or construction and demolition activities.

37 (43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public,
38 commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree
39 trimmings, prunings, brush, and weeds.

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 43020 and 43021, Public Resources Code.

43 44 45 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 46 **Facilities**

47 48 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

49 Except as specified in this Article, all compostable materials handling activities shall obtain a
50 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
51 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles
52 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 43020 and 43021, Public Resources Code.

56 57 **§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations** 58 **and Facilities.**

1 Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7,
 2 Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
 3 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
 4 Regulations) for compostable material handling operations and facilities. These requirements are
 5 summarized in Table 1.
 6

7 Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers
 8

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
<u>Refer to Section 17855</u>	<u>Agricultural Material Composting Operations (all) Section 17856.</u>		<u>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</u>
	<u>Green Material Composting Operations (≤ 12,500 yd³) Section 17857.1(a)</u>	<u>Vegetative Food Material Composting Facilities (≤ 12,500 yd³) Section 17857.2</u>	<u>Green Material Composting Facilities (> 12,500 yd³) Section 17857.1 (c)</u>
	<u>Biosolids Composting Operations at POTWs (all) Section 17859.1</u>		<u>Vegetative Food Material Composting Facilities (> 12,500 yd³) Section 17857.2</u>
	<u>Research Composting Operations (≤ 5,000 yd³) (Within-vessel > 5,000 yd³ with EA determination) Section 17862.</u>		
	<u>Chipping and Grinding Operations (≤ 200 tpd) Section 17862.1(a)</u>	<u>Chipping and Grinding Facilities (> 200 tpd and ≤ 500 tpd) Section 17862.1(b)</u>	<u>Chipping and Grinding Facilities (> 500 tpd) Section 17862.1(c)</u>

9
 10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
 11 43020 and 43021, Public Resources Code.
 12

13 **§ 17855. Excluded Activities.**

14 (a) Except as provided otherwise in this Chapter, tThe activities listed in this section do not constitute
 15 compostable material handling operations or facilities ~~for the purposes of this Chapter~~ and are not
 16 required to meet the requirements set forth herein. Nothing in this section precludes the EA or the
 17 ~~board~~ Department from inspecting an excluded activity to verify that the activity is being conducted in
 18 a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

19 (1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and
 20 returns a similar amount of the material produced to that same agricultural site, or an agricultural site
 21 owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
 22 incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

23 (2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after
 24 its use as a growth medium during the vermicomposting process is not an excluded activity and is

1 subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
2 ~~vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it~~
3 ~~complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
4 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
5 ~~whichever is applicable, as follows:~~

6 (A) when the compostable material is active compost or is likely to become active compost, as
7 determined by the EA, the requirements of this chapter apply;

8 (B) at all other times when it is not being used as a growth medium during vermicomposting, the
9 compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
10 Requirements.

11 (3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
12 after its use as a growth medium during the mushroom farming process is not an excluded activity
13 and is subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
14 ~~mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies~~
15 ~~with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
16 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
17 ~~whichever is applicable, as follows:~~

18 (A) when the compostable material is active compost or is likely to become active compost, as
19 determined by the EA, the requirements of this chapter apply;

20 (B) at all other times when it is not being used as a growth medium during mushroom farming,
21 the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
22 Requirements.

23 ~~(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground~~
24 ~~material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable~~
25 ~~materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or~~
26 ~~given away annually. The compostable material may also include up to 10% food material by volume.~~
27 ~~Composting green material, food material, and vegetative food material is an excluded activity if the~~
28 ~~total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and~~
29 ~~500-750 square feet.~~

30 [Note: Persons handling compostable material under the above exclusion are obligated to obtain all
31 permits, licenses, or other clearances that may be required by other regulatory agencies including, but
32 not limited to local health entities and local land use authorities.]

33 (5) The handling of compostable materials is an excluded activity if:

34 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
35 or full permit as defined in section 18101,

36 1. has a Report of Facility Information which is completed and submitted to the EA that
37 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

38 2. will only use the material on the facility site; ~~or~~

39 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated
40 Owned Treatment Works (POTW); ~~or~~

41 (C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
42 defined in Public Resources Code section 40106; or

43 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product
44 manufacturing operation; or

45 (E) the activity is part of an agricultural operation and is used to temporarily store or process
46 agricultural material not used in the production of compost or mulch; or

47 (F) the activity is part of an operation used to chip and grind materials derived from and applied
48 to lands owned or leased by the owner, parent, or subsidiary of the operation; or

49 (G) the activity is part of an agricultural operation used to chip and grind agricultural material
50 produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
51 for use in biomass conversion; or

52 (H) the activity is part of a ~~an~~ licensed animal food manufacturing or a licensed rendering operation.

53 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
54 lot clearing necessary for fire protection provided that the public agency designating the site has
55 notified the fire protection agency; or

56 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
57 122 degrees Fahrenheit as determined by the EA; ~~or~~

58 ~~(6) Non-commercial composting with less than one cubic yard of food material is excluded provided~~
59 ~~that all compostable material is generated and used on-site.~~

1 (76) Storage of bagged products from compostable material is an excluded activity provided that
2 such bags are no greater than 5 cubic yards.

3 ~~(8) Within vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

4 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not
5 limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as
6 determined by the EA; land application in accordance with California Department of Food and
7 Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section
8 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine
9 Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770
10 et seq.~~

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 43020 and 43021, Public Resources Code.

14 15 **§ 17855.2. Prohibitions.**

16 The following activities are prohibited at all compostable materials handling operations and facilities
17 and at all sites where compostable materials handling activities that are excluded from regulation
18 under this Chapter occur:

19 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
20 hide, blood, bone and marrow ~~is prohibited~~, except when received:

21 (1) from the a food service industry facility as defined in Health and Safety Code section 113789,
22 grocery stores, or residential food scrap collection; or

23 (2) as part of a research composting operation for the purpose of obtaining data on pathogen
24 reduction or other public health, animal health, safety, or environmental concern, in accordance with
25 section 17862-; or

26 (3) from a source approved by the Department in consultation with the State Water Resources
27 Control Board and the California Department of Food and Agriculture.

28 (b) The composting of treated or untreated medical waste ~~is prohibited~~.

29 (c) The composting of hazardous waste ~~is prohibited~~.

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
32 43020 and 43021, Public Resources Code.

33 34 **§ 17855.3. Permit Name.**

35 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
36 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 43020 and 43021, Public Resources Code.

40 41 ~~**§ 17855.4. Pre Existing Permits and Notifications-**~~

42 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
43 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
44 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
45 ~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is~~
46 ~~required. If the EA makes such a determination, the operator shall comply with the Compostable~~
47 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
48 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
49 ~~(commencing with section 21450) within two years of that determination.~~

50 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~
51 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~
52 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~
53 ~~Materials Handling Facility Permit is required. The EA shall make this determination no sooner than~~
54 ~~120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable~~
55 ~~Materials Handling Facility Permit is required, the operator shall comply with the Compostable~~
56 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
57 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
58 ~~(commencing with section 21450) within two years of that determination.~~

1 (c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
2 that activity may continue to operate in accordance with its regulatory exclusion until the EA
3 determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
4 determination no sooner than 120 days and no later than two years from April 4, 2003. If EA
5 determines that a Compostable Materials Handling Facility Permit is required, the operator shall
6 comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
7 California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
8 Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

9 (d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently
10 operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate
11 in accordance with its regulatory authorization until the EA determines that a different authorization is
12 required. The EA shall make this determination within 120 days from April 4, 2003.

13 —(1) If the EA determines that the activity is required to comply with the EA Notification
14 requirements, the operator shall comply with the EA Notification requirements set forth in Title 14,
15 California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100),
16 within 120 days from that determination.

17 —(2) If the EA determines that the activity is required to comply with the Registration requirements,
18 the operator shall comply with the Registration requirements set forth in Title 14, California Code of
19 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days
20 from that determination.

21 —(3) If the EA determines that the activity is required to comply with the Compostable Materials
22 Handling Facility Permit requirements, the operator shall comply with the Compostable Materials
23 Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2,
24 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
25 section 21450) within two years from that determination.

26
27 —Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
28 Sections 43020 and 43021, Public Resources Code.

29 **§ 17856. Agricultural Material Composting Operations.**

30 (a) ~~All~~ Agricultural material composting operations and chipping and grinding operations shall comply
31 with the Enforcement Agency Notification requirements set forth in Title 14, California Code of
32 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), ~~except as~~
33 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
34 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
35 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
36 ~~this Chapter.~~

37 (b) ~~Compost produced by an~~ Agricultural material composting operations are subject to the
38 requirements of sections 17863.4 and 17863.4.1 ~~only if the EA determines that the operation or has~~
39 ~~caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the~~
40 ~~violation~~ a chipping and grinding operation which uses only agricultural material may be sold or given
41 away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.

42 (c) If their feedstock is limited to agricultural material, agricultural material composting operations
43 may handle an unlimited quantity of agricultural material on the site and may sell or give away any or
44 all compost they produce. These operations shall be inspected by the EA at least once each calendar
45 year at a time when compostable material on the site is active compost. Compost produced by an
46 agricultural material composting operation which uses agricultural material and/or green material, as
47 specified in section 17852(a)(21), may be sold or given away in accordance with the following
48 restrictions:

49 (1) Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall
50 be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic
51 yards of green material, including feedstock, compost, or chipped and ground material, is to be
52 handled on site of productive farmland as defined in Government Code section 51201, the operator
53 shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional
54 materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose
55 an additional risk to public health and safety and the environment. The EA shall forward a copy of the
56 request and approval to the Board.

57 (2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall
58 have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped
59

1 and ground material, on site at any one time and shall be inspected by the EA once every three (3)
2 months.

3 (3) These sites shall record the quantity received of green material.

4 (d) Agricultural material composting operations whose feedstock is both green material and
5 agricultural material are subject to the following requirements:

6 (1) Producers located on Agricultural Land:

7 (A) Operations located on land that is zoned for agricultural uses that sell or give away less than
8 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
9 green material on the site; provided, however, the EA may limit the amount of green material
10 feedstock on-site to 12,500 cubic yards upon making a written finding that handling the excess
11 material may pose a risk to public health and safety or the environment.

12 (B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
13 calendar year at a time when compostable material on the site is active compost.

14 (2) Other Producers:

15 (A) Operations located on land that is not zoned for agricultural uses and operations that sell or
16 give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
17 agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
18 on the site at any time.

19 (B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
20 three (3) months unless the EA approves, with Department concurrence, a reduced inspection
21 frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
22 risk to public health and safety or the environment but in no case shall the frequency be less than
23 once per calendar year. At least one of the required inspections each year shall occur at a time when
24 compostable material on the site is active compost.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 43020 and 43021, Public Resources Code.

28 **§ 17857.1. Green Material Composting Operations and Facilities.**

29 (a) A green material composting operation that has up to may have no more than 12,500 cubic yards
30 of feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
31 stabilized compost on-site at any one time. Green material composting operations shall comply with
32 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
33 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
34 specified in this Chapter.

35 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
36 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
37 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
38 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
39 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
40 of requests for reducing the frequency of inspections.]

41 (2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
42 users and other consumers, the operator may request in writing that the EA authorize it to temporarily
43 exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
44 on-site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request
45 within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
46 determines it will not adversely affect public health and safety or the environment. The EA may
47 impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
48 seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
49 day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

50 (A) With its request for a seasonal storage adjustment, the operator shall submit the following to
51 the EA:

52 1. A description of the storage capacity at the operation and the maximum and average lengths
53 of time the compostable material will be stored.

54 2. A schematic drawing showing the general layout of the operation and the location(s) where
55 all materials at the site are stored with specific identification of the proposed location of the excess
56 material.
57

1 3. A description of any additional fire prevention, protection and control measures needed to
2 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
3 such fires, which measures shall be approved by the local fire authority.

4 4. Where applicable, any revisions to the odor impact minimization plan necessary to address
5 the storage of the additional material or a statement, with supporting information, that no revisions
6 are necessary.

7 (b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,
8 or chipped and ground material on site at any one time shall be inspected by the EA at least once
9 every three (3) months, unless an operator request for a reduced inspection frequency of no less than
10 annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA
11 finds that it will not pose an additional risk to public health and safety and the environment. The EA
12 shall forward a copy of the request and approval to the Board.

13 (b) If a green material composting operation or facility exceeds any combination of the following
14 requirements three (3) or more times within any two (2) year period, which the EA determines
15 constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this
16 section:

17 (1) Receipt of material that contains greater than 1.0% physical contaminants by dry weight as
18 specified in section 17852(a)(21);

19 (2) Failure to comply with the processing requirements set forth in section 17868.5;

20 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
21 subdivision (a) above.

22 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
23 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
24 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
25 and desist order pursuant to section 18304 directing, among other things, that the operator
26 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
27 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
28 any time take any additional enforcement action the EA deems appropriate.

29 (c) A site that handles green material composting facility that has more than 12,500 cubic yards of
30 feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
31 stabilized compost on-site at any one time is a green material composting facility, excepting green
32 material composting operations which the EA has authorized a seasonal storage adjustment pursuant
33 to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials
34 Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,
35 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
36 (commencing with section 21450) prior to commencing operations. Green material composting
37 facilities shall comply with the applicable requirements specified in this Chapter 3.1.

38
39 [Note: See section 17868.5 for green material processing requirements.]

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 43020 and 43021, Public Resources Code.

43 44 **§ 17857.2. Vegetative Food Material Composting Facilities.**

45 (a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
46 compost, and chipped and ground material, amendments, additives, active compost, and stabilized
47 compost on-site at any one time and shall obtain a Registration Permit pursuant to the requirements
48 of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing
49 operations and shall comply with the applicable requirements of this Chapter.

50 (b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
51 compost, and chipped and ground material on-site at any one time shall obtain a Compostable
52 Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of
53 Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and
54 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the
55 applicable requirements of this Chapter.

56 [Note: See section 17868.5 for green material and vegetative food material processing requirements.]

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 43020 and 43021, Public Resources Code.

1
2 **§ 17859.1. Biosolids Composting at POTWs.**

3 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
4 ~~Operated-Owned~~ Treatment Works (POTW) shall comply with the EA Notification requirements set
5 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
6 section 18100).

7 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
8 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
9 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
10 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
11 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
12 of requests for reducing the frequency of inspections.]

13 (b) All other composting of biosolids shall comply with section 17854.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503, Code of
17 Federal Regulations.

18
19 **§ 17862. Research Composting Operations.**

20 (a) An operator conducting research composting operations shall not have more than 5,000 cubic
21 yards of feedstock, chipped and ground material, additives, amendments, additives, chipped and
22 ground material, active compost, and stabilized compost on-site at any one time, and shall comply
23 with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
24 Chapter 5.0, Article 3.0 (commencing with section 18100), except as otherwise provided by this
25 Chapter.

26 (b) An operator conducting research composting operations utilizing within-vessel processing, may
27 exceed 5,000 cubic-yards of feedstock, chipped and ground material, additives, amendments, chipped
28 and ground material, active compost, and stabilized compost, if the EA determines that such increased
29 volume will not pose additional risk to the public health, safety and the environment.

30 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
31 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
32 the research to be performed, research objectives, methodology/protocol to be employed, data to be
33 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
34 projected timeframe for completion of the research operation.

35 (d) ~~The EA Notification for a research composting operation shall be reviewed a~~ After each each no
36 more than a two year period of operation. Review criteria the operator of a research composting
37 operation shall submit to the EA a report that includes the results and conclusions drawn from the
38 research. If the EA determines based on the report that there are further research objectives to be
39 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
40 two years. If the EA determines based on the report that there are no further research objectives to
41 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
42 section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to
43 continuing operations.

44 (e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock
45 for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety,
46 or environmental protection concern, shall satisfy the following additional requirements:

47 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
48 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
49 site.

50 (2) The operator shall prepare, implement and maintain a site-specific, research composting
51 operation site security plan. The research composting site security plan shall include a description of
52 the methods and facilities to be employed for the purpose of limiting site access and preventing the
53 movement of unauthorized material on to or off of the site.

54 (3) After no more than a six-month period of operation ~~The EA Notification for the operator of a~~
55 research composting operation using unprocessed mammalian tissue as feedstock shall submit to the
56 EA a report that includes the results and conclusions drawn from the research and documentation of
57 additional requirements of this section shall be reviewed after each six month period of operation. If
58 the EA determines based on the report that there are further research objectives to be met or data to
59 be gathered, the EA may extend the research for a specified time period not to exceed two years. If

1 the EA determines based on the report that there are no further research objectives to be met or data
2 to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or
3 obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing
4 operations.

5 (f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
6 the EA with the Notification and prior to the composting of any feedstock. The EA shall determine that
7 the EA Notification for research composting operations is complete and correct only if the additional
8 documentation requirements of this section have been met.

9 (g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
10 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
11 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
12 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
13 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
14 of requests for reducing the frequency of inspections.]

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 43020 and 43021, Public Resources Code.

18 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

19 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
20 handled by a green material composting operation shall comply with the EA Notification requirements
21 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
22 with section 18100), ~~except as otherwise provided by and the applicable requirements specified in this~~
23 ~~Chapter.~~

24
25 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
26 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
27 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
28 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
29 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
30 of requests for reducing the frequency of inspections.]

31 (b) A chipping and grinding facility that receives more than 200 tons per day ~~but not more than, and~~
32 ~~up to~~ 500 tons per day of material that may be handled by a green material composting operation
33 shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
34 Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
35 with the applicable requirements of this Chapter.

36 (c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
37 handled by a green material composting operation shall obtain a Compostable Materials Handling
38 Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
39 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with
40 section 21450) prior to commencing operations and shall comply with the applicable requirements of
41 this Chapter.

42 (d) On and after January 1, 2018, a chipping and grinding operation or facility shall sample every
43 5,000 cubic-yards of chipped and ground material produced and determine the percentage of physical
44 contaminants greater than 4 millimeters in the sample using a method that provides accurate results
45 and has been approved by the EA. If the chipping and grinding operation or facility produces less than
46 5,000 cubic-yards of chipped and ground material in a 12 month period, the operator shall analyze at
47 least one composite sample of compost produced every 12 month period. The determination of the
48 percentage of physical contaminants shall occur prior to the point where material is removed from the
49 site. Any chipped and ground material that will be land applied must meet the physical contamination
50 requirements of section 17852(a)(24.5).

51 ~~(de)~~ A chipping and grinding operation or facility shall not be subject to the provisions of sections
52 17868.1 through 17868.3~~±~~ of this Chapter, however, any chipped and ground material that will be
53 land applied must meet the maximum metal concentration and pathogen reduction requirements of
54 section 17852(a)(24.5).

55 ~~(ef)~~ If a chipping and grinding operation or facility exceeds the contamination limits specified in
56 section 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory
57 requirements (commencing at section 17400).

1 (~~fg~~) If a chipping and grinding operation or facility stores material for a longer period of time than is
2 allowed by section 17852 (a)(10)(A)(2), ~~then the site it shall be regulated as a green material~~
3 ~~handling-composting~~ operation or facility, as set forth in this Chapter.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 43020 and 43021, Public Resources Code.

7 8 9 **Article 3. Report of Facility Information**

10 11 **§ 17863. Report of Composting Site Information.**

12 Each operator of a compostable material handling facility that is required to obtain a Compostable
13 Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting
14 Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of
15 Composting Site Information with the EA. If the operator intends to alter the permitted feedstock,
16 these changes must be reported to the EA for maintenance of permit status. Such changes may
17 become the basis for revisions to the permit or for revocation of the permit.

18 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
21 43020 and 43021, Public Resources Code.

22 23 **§ 17863.4. Odor Impact Minimization Plan.**

24 (a) All compostable material handling operations and facilities shall prepare, implement and maintain
25 a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
26 EA Notification or permit application.

27 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
28 describing, at a minimum, the following items. If the operator will not be implementing any of these
29 procedures, the plan shall explain why it is not necessary.

30 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
31 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
32 possible odor receptors; and,

33 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
34 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
35 described; and,

36 (3) a complaint response and recordkeeping protocol; and,

37 (4) a description of design considerations and/or projected ranges of optimal operation to be
38 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
39 feedstock characteristics, airborne emission production, process water distribution, pad and site
40 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
41 service interruptions, and site specific concerns as applicable; and,

42 (5) a description of operating procedures for minimizing odor, including aeration, moisture
43 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
44 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
45 power, and personnel), biofiltration, and tarping as applicable.

46 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
47 provided to the EA, within 30 days of those changes.

48 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
49 revisions are necessary.

50 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
51 operation or facility is following the procedures established by the operator. If the EA determines that
52 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
53 (pursuant to section 18304) to require the operator to either comply with the odor impact
54 minimization plan or to revise it.

55 (f) If the odor impact minimization plan is being followed, ~~but~~ and the EA determines, in a manner
56 consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct
57 the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)
58 as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a

1 Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and
2 feasible measures to minimize odors; unless:
3 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
4 (2) there is an imminent threat to public health and safety and the environment; or
5 (3) a public nuisance has occurred.
6

7 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
8 Sections 43020, 43021 and 43209.1, Public Resources Code.
9

10 **§ 17863.4.1. Odor Best Management Practice Feasibility Report**

11 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
12 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
13 violations as determined pursuant to section 17863.4(f).

14 (b) The Report shall:

15 (1) Present representative and correlating odor data for each potential onsite odor source including
16 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
17 collected, description of operations associated with the source, and any odor impacts or complaints
18 received;

19 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
20 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
21 order of impact;

22 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
23 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
24 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
25 has used to minimize odor and analyze each BMP for the following:

- 26 1. The effectiveness of the BMP in reducing odor impacts;
27 2. The potential for more extensive use of the BMP to minimize odor impacts described by
28 complainants;
29 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
30 operationally practical;
31 4. The approximate cost to implement a more extensive use of the BMP;
32 5. Any permits or permit changes necessary to use the BMP more extensively;
33 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
34 the BMP is recommended; and
35 7. If the BMP has been found to be ineffective (include supporting data).

36 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
37 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
38 operator has not used and analyze each potential BMP to determine:

- 39 1. The potential for the BMP to reduce odor impacts described by complainants;
40 2. If the BMP is operationally practical;
41 3. The approximate cost to implement the BMP;
42 4. Any permits or permit changes necessary to use the BMP; and
43 5. Overall recommendation and ranking of implementing the BMP.

44 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
45 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

46 (c) The operator shall submit the Report required by subdivisions (a) and (b), and the plan and
47 schedule required by subdivision (b)(3)(C), to the EA and the Department for review. If the EA has
48 required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the
49 plan and schedule within 14 days or other timeframe approved by the EA.

50 (d) The EA, in consultation with the Department, shall within 30 days:

51 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
52 in whole or in part; and/or

53 (2) direct the operator in writing to submit specific changes or additional information within a
54 timeframe specified by the EA.

55 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
56 (d)(1) or (d)(2).
57

58 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
59 Sections 43020, 43021 and 43209.1, Public Resources Code.

1
2
3 **Article 6. Composting Operating Standards**
4

5 **§ 17867. General Operating Standards.**

6 (a) All compostable materials handling operations and facilities shall meet the following requirements:

7 (1) All handling activities are prohibited from composting any material specified in section 17855.2
8 of this Chapter.

9 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
10 cause a nuisance.

11 ~~(23)~~ All handling activities shall be conducted in a manner that minimizes vectors, ~~odor impacts,~~
12 litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
13 ingestion, and transportation of dust, particulates, and pathogenic organisms.

14 ~~(34)~~ Random load checks of feedstocks, additives, and amendments for contaminants shall be
15 conducted.

16 ~~(45)~~ Contamination of compostable material that has undergone pathogen reduction, pursuant to
17 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
18 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

19 ~~(56)~~ Unauthorized human or animal access to the facility shall be prevented.

20 ~~(67)~~ Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
21 manner.

22 ~~(78)~~ All compostable materials handling operations and facilities, that are open for public business,
23 shall post legible signs at all public entrances. These signs shall include the following information:

24 (A) name of the operation or facility,

25 (B) name of the operator,

26 (C) facility hours of operation,

27 (D) materials that will and will not be accepted, if applicable,

28 (E) schedule of charges, if applicable, and

29 (F) phone number where operator or designee can be reached in case of an emergency.

30 ~~(89)~~ The operator shall provide fire prevention, protection and control measures, including, but not
31 limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
32 and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
33 to allow fire control equipment access to all operation areas.

34 ~~(910)~~ The operator shall provide telephone or radio communication capability for emergency
35 purposes.

36 ~~(1011)~~ Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
37 material shall be removed from the site within 7 days and transported to an appropriate facility.

38 ~~(1112)~~ Enclosed operations and facilities shall provide ventilation to prevent adverse public health
39 effects from decomposition gases.

40 ~~(1213)~~ The operator shall ensure that leachate is controlled to prevent contact with the public.

41 ~~(1314)~~ The operator shall prevent or remove physical contaminants in compost and chipped and
42 ground materials that may cause injury to humans.

43 ~~(1415)~~ An attendant shall be on duty during business hours if the operation or facility is open to the
44 public.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 43020 and 43021, Public Resources Code.
48

49 **Article 7. Environmental Health Standards**

50
51 **§ 17868.1. Sampling Requirements.**

52 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
53 and all composting facilities shall meet the following requirements:

54 (a) Operators shall verify that compost meets s the maximum acceptable metal concentration limits
55 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.

56 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
57 occur at-prior to the point where compost is ~~sold and~~ removed from the site, ~~bagged for sale, given~~
58 ~~away for beneficial use and removed from the site~~ or ~~otherwise~~ beneficially used on-site. Sample-Test
59

1 results of samples must be received by the operator prior to removing compost from the composting
2 operation or facility where it was produced. This verification shall be performed by taking and
3 analyzing at least one composite sample of compost, following the requirements of this section as
4 follows:

5 (1) An operator who composts agricultural material, green material, food material, vegetative food
6 material, or mixed solid waste material shall take and analyze one composite sample for every 5,000
7 cubic-yards of compost produced. If the compostable material handling operation or facility produces
8 less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one
9 composite sample of compost produced every 12 month period.

10 (2) An operator who composts biosolids shall meet the sampling schedule described in Table ±2
11 below.

12
13 Table ±2- Frequencies of Compost Sampling for Biosolids Composting Facilities
14

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

15 (A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

16 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section
17 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health
18 Services, pursuant to the Health and Safety Code.

19 (b) A composite sample shall be representative and random, and may be obtained by taking twelve
20 (12) mixed samples as described below.

21 (1) The twelve samples shall be of equal volume.

22 (2) The twelve samples shall be extracted from within the compost pile as follows:

23 (A) Four samples from one-half the width of the pile, each at a different cross-section;

24 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

25 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

26 (c) The EA may approve alternative methods of sampling ~~for a green material composting operation or~~
27 ~~facility~~ that ensures the maximum metal concentration requirements of section 17868.2 and the
28 pathogen reduction requirements of section 17868.3 are met.
29

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
32 43020 and 43021, Public Resources Code.
33

34 **§ 17868.2. Maximum Metal Concentrations.**

35 (a) ~~Compost products derived from compostable materials that contain any metal in amounts that~~
36 shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in
37 Table ±3. Compost that contains any metal in excess of any maximum metal concentrations shall be
38 designated for ~~disposal~~, additional processing, disposal, or other use as approved by local, state or
39 and federal agencies having appropriate jurisdiction. ~~Sample Test~~ results of samples must be received
40 by the operator prior to removing compost from the composting operation or facility where it was
41 produced.
42

Table ±3 -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg)</i>
--------------------	------------------------------

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)	36 100
Zinc (Zn)	2800

1 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
2 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
3 produce to be determined in connection with the analysis of other metals. Operators shall maintain
4 records of all chromium concentrations together with their records of other metal concentrations.

5 (b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section,
6 including but not limited to sampling frequencies, may be approved by the EA for green and food
7 materials composting operations and facilities if the EA determines that the alternative method will
8 ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
11 43020 and 43021, Public Resources Code.

12 **§ 17868.3. Pathogen Reduction.**

13 (a) ~~Compost products derived from compostable materials, that contains pathogens in amounts that~~
14 ~~shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this~~
15 ~~section. Compost that contains any pathogens in amounts that exceed these pathogen reduction~~
16 ~~requirements shall be designated for disposal, additional processing, disposal, or other use as~~
17 ~~approved by local, state or federal agencies having appropriate jurisdiction. Sample Test results of~~
18 ~~samples must be received by the operator prior to removing compost from the composting operation~~
19 ~~or facility where it was produced.~~

20 (b) Operators that produce compost shall ensure that:

21 (1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be
22 less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
23 Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4)
24 grams of total solids (dry weight basis).

25 (2) At enclosed or within-vessel composting process operations and facilities, active compost shall
26 be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
27 pathogen reduction period of 3 days.

28 (A) Due to variations among enclosed and within-vessel composting system designs, including
29 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
30 application to meet the requirements of Subdivision (b)(2) of this section.

31 (3) If the operation or facility uses a windrow composting process, active compost shall be
32 maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit)
33 or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is
34 maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the
35 windrow.

36 (4) If the operation or facility uses an aerated static pile composting process, all active compost
37 shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained
38 at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
39 period of 3 days.

40 ~~(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may~~
41 ~~be approved by the EA if the EA determines that the alternative method will provide equivalent~~
42 ~~pathogen reduction.~~

43 ~~(d) Compost operations and facilities that utilize a windrow composting process or an aerated static~~
44 ~~pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b)~~
45 ~~of this section are met:~~

1 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
2 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
3 fraction thereof.

4 (2) Temperature measurements for pathogen reduction shall be measured as follows:

5 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
6 four (24) inches below the pile surface;

7 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
8 inches from the point where the insulation cover meets the active compost.

9 (d) Alternative methods of compliance to meet the pathogen reduction requirements of this section
10 may be approved by the EA if the EA determines that the alternative method will provide equivalent
11 pathogen reduction.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020 and 43021, Public Resources Code.

15
16 **§ 17868.3.1. Physical Contamination Limits.**

17 **This section shall become operative January 1, 2018.**

18 (a) Compost shall not contain more than ~~0-10.5%~~ by dry weight of physical contaminants greater than
19 4 millimeters; ~~no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4~~
20 ~~millimeters.~~ Compost that contains ~~more than 0.1% by weight of physical contaminants greater than 4~~
21 ~~millimeters in excess of either one or both of these limits shall be designated for disposal,~~ additional
22 processing, ~~disposal~~ or other use as approved by local, state or federal agencies having appropriate
23 jurisdiction. Verification of physical contamination limits shall occur ~~at-prior to~~ the point where
24 compost is ~~sold and~~ removed from the site, ~~bagged for sale, given away for beneficial use and~~
25 ~~removed from the site or otherwise~~ or beneficially used on-site. ~~Sample-Test results of samples must~~
26 ~~be received by the operator prior to removing compost from the composting operation or facility~~
27 ~~where it was produced.~~

28 ~~(b) Upon request of the EA, a compostable material handling operation shall take a sample of compost~~
29 ~~and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected~~
30 ~~and weighed, and the percentage of physical contaminants determined.~~

31 ~~(c) All compostable material handling facilities shall take one representative sample for every 5,000~~
32 ~~cubic yards of compost and send to a laboratory at which physical contaminants greater than 4~~
33 ~~millimeters shall be collected and weighed, and the percentage of physical contaminants determined.~~

34 ~~(b) The operator of a compostable material handling operation or facility shall sample every 5,000~~
35 ~~cubic-yards of compost produced and determine the percentage of physical contaminants greater than~~
36 ~~4 millimeters in the sample using a method that provides accurate results and has been approved by~~
37 ~~the EA. If the compostable material handling operation or facility produces less than 5,000 cubic-yards~~
38 ~~of compost in a 12 month period, the operator shall analyze at least one composite sample of compost~~
39 ~~produced every 12 month period.~~

40 ~~(c) If the EA has reason to believe, based on the EA's visual observation or otherwise, that a~~
41 ~~determination of percent physical contaminants made pursuant to section 17868.3.1(b) is not~~
42 ~~accurate, the EA may require an operator of a compostable material handling operation or facility to~~
43 ~~take a composite sample of compost in the presence of the EA and send the sample to a laboratory at~~
44 ~~which physical contaminants greater than 4 millimeters shall be collected and weighed to determine~~
45 ~~the percentage of physical contaminants by dry weight using the following protocol:~~

46 ~~(1) Determine the total dry weight of the composite sample as obtained in section 17868.3.1(d);~~

47 ~~(2) Separate the physical contaminants greater than 4 millimeters from the composite sample and~~
48 ~~determine the dry weight of the physical contaminants;~~

49 ~~(3) Determine the percentage of physical contaminants by dividing the dry weight of the physical~~
50 ~~contaminants by the total dry weight of the composite sample.~~

51 ~~(d) Any sampling conducted to comply with this section shall require a composite sample. A~~
52 ~~composite sample shall be representative and random, and may be obtained by taking twelve (12)~~
53 ~~mixed samples as described below.~~

54 ~~(1) The twelve samples shall be of equal volume.~~

55 ~~(2) The twelve samples shall be extracted from within the compost pile as follows:~~

56 ~~(A) Four samples from one-half the width of the pile, each at a different cross-section;~~

57 ~~(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,~~

58 ~~(C) Four samples from one-eighth the width of the pile, each at a different cross-section.~~

1 (e) Alternative methods of compliance to meet the requirements of this section may be approved by
2 the EA if the EA determines that the alternative method will ensure the physical contamination limits
3 requirements of this section are met.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 43020 and 43021, Public Resources Code.

7
8 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

9 In order for a feedstock to be considered ~~g~~Green material, as defined in section 17852(a)(21), and
10 vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
11 requirements shall be met:

12 (a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
13 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
14 loads and load sorting to quantify the percentage of contaminating materials physical contaminants
15 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
16 material or vegetative food material).

17 (1) A minimum of ~~one-ten~~ percent of daily incoming feedstock volume or at least one truck per day,
18 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
19 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
20 contaminants shall be collected and weighed, and the percentage of physical contaminants
21 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
22 weight or if the load contains materials that do not meet the definitions of green material in section
23 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

24 (b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative
25 sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of
26 physical contaminants determined.

27 ~~(c) Any agricultural material handling operation using this material shall ensure the feedstock meets~~
28 ~~the metal concentration limits specified in Table 2 of section 17868.2.~~

29 ~~(d)~~ Facility personnel shall be adequately trained to perform the activities specified in this section.

30 ~~(e)~~(d) Any operation or facility using this feedstock shall maintain records demonstrating compliance
31 with this section.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
34 43020 and 43021, Public Resources Code.

35
36
37 **Article 8. Composting Operation and Facility Records**

38
39 **§ 17869. General Record Keeping Requirements.**

40 Except as provided in subsection (d), all compostable materials handling operations and facilities shall
41 meet the following requirements:

42 (a) All records required by this Chapter shall be kept in one location and accessible for five (5) years
43 and shall be available for inspection by authorized representatives of the ~~board~~ Department, EA local
44 health entity, and other duly authorized regulatory and EAs during normal working hours.

45 (b) The operator shall record any special occurrences encountered during operation and methods used
46 to resolve problems arising from these events, including details of all incidents that required
47 implementing emergency procedures.

48 (c) The operator shall record any public complaints received by the operator, including:

49 (1) the nature of the complaint,

50 (2) the date the complaint was received,

51 (3) if available, the name, address, and telephone number of the person or persons making the
52 complaint, and

53 (4) any actions taken to respond to the complaint.

54 (d) The operator shall record the quantity and type of feedstock received and quantity of compost and
55 chipped and ground material produced. Agricultural compostable materials handling operations shall
56 maintain records only for compostable material accepted from off-site.

57 (e) The operator shall record the number of load checks performed and loads rejected.

1 (f) The operator shall record all test results generated by compliance with Article 7 of this Chapter,
2 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
3 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

4 (1) The operator shall retain records detailing pathogen reduction methods.

5 (g) The operator shall record and retain records of any serious injury to the public occurring on-site
6 and any complaint of adverse health effects to the public attributed to operations. Serious injury
7 means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which
8 a member of the public suffers a loss of any member of the body or suffers any degree of permanent
9 disfigurement.

10 (h) The operator shall retain a record of training and instruction completed in accordance with section
11 17867.5.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020 and 43021, Public Resources Code.

15 16 17 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

18 19 20 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

21 22 **§ 17896.1. Authority and Scope.**

23 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
24 digestion operations and facilities that receive and process by means of in-vessel digestion solid
25 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
26 sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to
27 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
28 this Division, may still be subject to the regulatory requirements specified in this Chapter.

29 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
30 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
31 as amended. These regulations should be read together with the Act.

32 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
33 Chapter establishes standards and regulatory requirements for the intentional processing of organic
34 material by means of in-vessel digestion.

35 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
36 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
37 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to
38 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
39 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
40 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
41 which otherwise conflict with the provisions of this Chapter.

42 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
43 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
44 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
45 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
46 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
47 Health, air quality management districts or air pollution control districts, local land use authorities, and
48 fire authorities.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 40053, 43020 and 43021, Public Resources Code.

52 53 **§ 17896.2. Definitions.**

54 (a) For the purposes of this Chapter:

55 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
56 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
57 similar activities undertaken for the production of food or fiber for human or animal consumption or
58 use, which is separated at the point of generation, and which contains no other solid waste. With the
59 exception of grape pomace, agricultural material has not been processed except at its point of

1 generation and has not been processed in a way that alters its essential character as a waste resulting
2 from the production of food or fiber for human or animal consumption or use. Material that is defined
3 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
4 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
5 pomace, and crop residues.

6 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

7 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
8 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

9 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
10 solid wastes that are source separated from the municipal solid waste stream, or which are separated
11 at a centralized facility.

12 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

13 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
14 been processed in an in-vessel digester.

15 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
16 solid wastes. Digestion includes:

17 (A) Aerobic digestion - the controlled biological decomposition of organic material in the presence
18 of oxygen.

19 (B) Anaerobic digestion - the controlled biological decomposition of organic material in the
20 absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a
21 residual digestate.

22 (C) Other controlled biological decomposition processes.

23 (8) "Dairy In-vessel Digestion Operation" means, ~~except as otherwise specified in section~~
24 ~~17896.6(a)(3), a dairy that receives imported solid waste feedstock, for purposes of co-digestion, with~~
25 ~~manure in an in-vessel digester, imported solid waste feedstock with manure and other agricultural~~
26 ~~materials in accordance with Waste Discharge Requirements issued by a Regional Water Quality~~
27 ~~Control Board. The Dairy In-vessel Digestion Operation may also co-digest agricultural material.~~

28 (9) "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of
29 digestion in an in-vessel digester, unsold products from retail stores to which the products were
30 originally sent. All unsold products shall be collected and processed in covered, leak-proof containers,
31 and remain in the custody of the owner at all times. All ~~unsold products that are putrescible material~~
32 shall be refrigerated at the retail store and during transport to the operation.

33 (10) "EA" means enforcement agency as defined in PRC section 40130.

34 (11) "Film plastic" means sheet plastic 10 mil or less in thickness.

35 (12) "Food Material" means a waste material of plant or animal origin that results from the
36 preparation or processing of food for animal or human consumption and that is separated from the
37 municipal solid waste stream. Food material includes, but is not limited to, food waste from food
38 facilities as defined in Health and Safety Code section 113789 (such as restaurants), food processing
39 establishments as defined in Health and Safety Code section 111955, grocery stores, institutional
40 cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material
41 does not include any material that is required to be handled only pursuant to the California Food and
42 Agricultural Code and regulations adopted pursuant thereto.

43 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
44 material and is separated from other food material and the municipal solid waste stream. Vegetative
45 food material may be processed or cooked but must otherwise retain its essential natural character
46 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
47 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
48 spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent
49 physical contaminants by dry weight, and meets the requirements of section 17896.61.

50 ~~(13)~~ "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22,
51 section 66261.3, et seq.

52 ~~(14)~~ "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire
53 digestion process occurs.

54 ~~(15)~~ "Large Volume In-vessel Digestion Facility" means a facility that receives ~~an average greater~~
55 ~~than 100 tons or more~~ of solid waste per operating day ~~or greater than 700 tons (2,800 cubic yards)~~
56 ~~per week of solid waste~~ for digestion in an in-vessel digester.

57 ~~(16)~~ "Limited Volume In-vessel Digestion Operation" means an operation that receives less than
58 an average of 15 tons (or 60 cubic yards) of solid waste per operating day ~~for digestion in an in-vessel~~
59 ~~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 ~~or the~~ solid waste quantity-storage capacity limitations of the general design of the operation ~~(whichever is less).~~

~~(1517)~~ "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.

~~(1719)~~ "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).~~

~~(1820)~~ "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.

~~(1921)~~ "On-site" means located within the boundary of the operation or facility.

~~(2022)~~ "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.

~~(2123)~~ "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.

~~(2224)~~ "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.

~~(2325)~~ "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.

~~(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.

1 ~~(2528)~~ "Putrescible Wastes" include wastes that are capable of being decomposed by micro-
2 organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other
3 offensive conditions, and include materials such as, but not limited to food wastes, offal and dead
4 animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible
5 wastes.

6 ~~(29)~~ "Rendering" means all recycling, processing, and conversion of animal and fish materials and
7 carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the
8 animal, poultry, and pet food industries and other industries, as defined in Food and Agricultural Code
9 section 19213.

10 ~~(2630)~~ "Salvaging" means the controlled separation of solid waste material which do not require
11 further processing, for reuse or recycling prior to in-vessel digestion activities.

12 ~~(2731)~~ "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

13 ~~(2832)~~ "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids
14 and air-borne emissions during the entire digestion process to control odors or other nuisance
15 conditions.

16 ~~(2933)~~ "Sealed Structure" means a fully enclosed building capable of containing liquids and
17 controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other
18 nuisance conditions.

19 ~~(3034)~~ "Special Waste" includes but is not limited to:

20 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as
21 defined in Title 22, section 66260.10.

22 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

23 ~~(3135)~~ "Spotter" means an employee who conducts activities that include, but are not limited to,
24 traffic control, hazardous waste recognition and removal for proper handling, storage and transport or
25 disposal, and protection of the public from health and/or safety hazards.

26 ~~(3236)~~ "Store" means to stockpile or accumulate for later use.

27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
29 40053, 43020 and 43021, Public Resources Code.

30 **§ 17896.3. Pre-Existing Permits and Notifications.**

31
32 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to
33 [operative date of these regulations], that facility may continue to operate in accordance with its
34 permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
35 sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA
36 makes such a determination, the operator shall comply with this Chapter within two years of that
37 determination.

38 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
39 regulations in effect prior to [operative date of these regulations], that operation may continue to
40 operate in accordance with its EA Notification or regulatory authorization until the EA determines that
41 regulation under this Chapter is required. The EA shall make this determination no sooner than 120
42 days and no later than two years from [operative date of these regulations]. If the EA determines that
43 regulation under this Chapter is required, the operator shall comply with this Chapter within two years
44 of that determination.

45 (c) If an activity had previously been excluded from regulations in effect prior to [operative date of
46 these regulations], that activity may continue to operate in accordance with its regulatory exclusion
47 until the EA determines that regulation under this Chapter is required. The EA shall make this
48 determination no sooner than 120 days and no later than two years from [operative date of these
49 regulations]. If the EA determines that regulation under this Chapter is required, the operator shall
50 comply with this Chapter within two years of that determination.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 43020 and 43021, Public Resources Code.

54 **§ 17896.4. Permit Name.**

55
56 Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall
57 be entitled: "In-vessel Digestion Facility Permit."

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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

Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Anaerobically digestible materials at POTWs Section 17896.6(a)(1)	Research In-Vessel Digestion Operations Section 17896.8	Medium Volume In-Vessel Digestion Facilities ↔ [average between 15 tpd (60 yd ³) or 15 tpd and <100 tpd, not to exceed 700 tpd (2,800 yd ³)] Section 17896.12	Large Volume In-Vessel Digestion Facilities ↔ [average > 100 tpd, average > 700 tpd (2,800 yd ³)] Section 17896.13
Ag material derived from ag site & returned to same site Section 17896.6(a)(2)	Dairy In-Vessel Digestion Operations Section 17896.9		
	Distribution Center In-Vessel Digestion Operations Section 17896.10		
In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)	Limited Volume In-Vessel Digestion Operations ↔ [average < 15 tpd (60 yd ³), or 15 tpd not to exceed 105 tpd (420 yd ³)] Section 17896.11		
Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)			

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
2 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
3 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
4 Treatment Plant wastewater, is excluded under the following conditions:

5 (A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant.
6 Once on-site, the anaerobically digestible material must be pumped or off-loaded directly into a
7 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
8 digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be
9 screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and
10 conveyed in a contained system. Any separated material at the POTW that is not suitable for
11 anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

12 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance
13 of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality
14 Control Board that those Standard Operating Procedures are being implemented, and a Standard
15 Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

16 1. has been incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
17 National Pollutant Discharge Elimination System permit; or

18 2. will be incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
19 National Pollutant Discharge Elimination System permit no later than the next permit renewal.

20 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
21 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
22 14, CCR, ~~Section 17852(a)(20)-17896.2(a)(12)~~ and vegetative food material as defined in Title 14,
23 CCR, ~~Section 17852(a)(20)(A)17896.2(a)(12)(A).~~

24 (D) For the purpose of this exclusion, the Department, in consultation with the State Water
25 Resources Control Board and the California Department of Food and Agriculture, will on a case-by-
26 case basis, review and consider approval of additional types of organic materials as potential
27 "anaerobically digestible material" beyond those specified in section 17896.6(a)(1)(C) in accordance
28 with the following:

29 1. Receipt of a written request to the Department from the General Manager or designee of a
30 POTW Treatment Plant.

31 a. The written request must contain the following information:

- 32 i. The purpose of the request.
33 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
34 organic waste material with the POTW wastewater.
35 iii. Types of organic material requested for classification as an anaerobically digestible
36 material.
37 iv. The source(s) of the waste material.
38 v. A description of how the waste material will be handled, processed, stored and
39 transported (before and after receipt at the POTW Treatment Plant).
40 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
41 to accommodate the new waste materials.
42 vii. Available laboratory test results, engineering reports, research or study to support the
43 request.
44 viii. Data and/or reports if this waste material has been used without incident at a different
45 POTW Treatment Plant.
46 ix. The name, addresses and phone numbers for the General Manager and designee of the
47 POTW Treatment Plant.

48 b. Upon receipt of the written request, the Department will communicate and coordinate the
49 request with and between the State Water Resources Control Board and the California Department of
50 Food and Agriculture and will complete the following actions:

51 i. Within 10 days of receipt, send written confirmation to the General Manager and designee
52 of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate
53 Department staff, as well as to the State Water Resources Control Board and California Department of
54 Food and Agriculture staff contacts for review;

55 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board
56 and California Department of Food and Agriculture staff contacts;

57 iii. Prior to the meeting, Department staff will review the letter and identify questions
58 and/or issues with the request and make a list of recommendations;

1 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
2 representative does not attend the meeting, comments will be accepted by the Department up to
3 close of business on the 45th day after receipt;

4 v. Within 60 days of receipt, the Department will provide a written decision to the General
5 Manager and designee of the POTW Treatment Plant stating one of the following:

6 I. The waste type has or has not been determined to be an anaerobically digestible
7 material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory
8 Requirements (pursuant to ~~S~~section 17896.6(a)(1)(C) and the Transfer/Processing Operations and
9 Facility Regulatory Requirements (pursuant to ~~S~~section 17403.1(a)(8));

10 II. The agencies, based on the information provided, were unable to reach a
11 determination and additional information is required before a determination can be made; or

12 III. The agencies have determined that additional research or study will need to be
13 conducted and the results analyzed prior to a determination made by the agencies.

14 IV. If additional information, research or study is necessary, the Department will consult
15 with the General Manager or designee of the POTW, the State Water Resources Control Board and
16 California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
17 either reviewing the additional information or for reviewing a proposed scope of work and timeline for
18 additional research or study.

19 2. For the purpose of this exclusion, if an organic waste material is determined by the
20 Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
21 wastewater, the POTW Treatment Plant must comply with section 17896.6(a)(1)(A) prior to receipt of
22 the material at the POTW Treatment Plant.

23 (2) In-vessel digestion of agricultural material ~~is an excluded activity if the agricultural material is~~
24 derived from an agricultural site and the digestate or compost produced from digestate is returned to
25 that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary
26 of the agricultural site on which the in-vessel digester is located. No more than an incidental amount
27 of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.
28 Digestate that is not composted may not be given away or sold.

29 (3) In-vessel digestion at a dairy involving the co-digestion of manure with agricultural material
30 derived on-site, imported agricultural material, and/or imported vegetative food material in
31 accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

32 (A) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a
33 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
34 digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise
35 separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained
36 system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no
37 beneficial use shall be further managed as a solid waste.

38 (B) No more than an incidental amount of up to 1,000 cubic yards of compost produced from
39 digestate may be given away or sold annually. Digestate that is not composted may not be given
40 away or sold.

41 (~~34~~) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock,
42 and digestate on-site are excluded.

43 [Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits,
44 licenses, or other clearances that may be required by other regulatory agencies including, but not
45 limited to local health entities and local land use authorities.]

46 (5) Rendering activities, authorized by the California Department of Food and Agriculture pursuant
47 to section 19300 of the Food and Agricultural Code, in which no solid waste feedstock bypasses the
48 rendering process.

49 (~~46~~) Other discrete handling activities that are already subject to more stringent handling
50 requirements under Federal or State law, as determined by the EA in consultation with the
51 Department, are excluded.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

56 **§ 17896.7. Prohibitions.**

57 The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
58 where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

- 1 (a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
2 organs, hide, blood, bone and marrow, except when received:
3 (1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or
4 residential food scrap collection; or
5 (2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other
6 public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or
7 (3) from a source approved by the Department in consultation with the State Water Resources
8 Control Board and the California Department of Food and Agriculture.
9 (b) The in-vessel digestion of **treated or untreated** medical waste.
10 (c) The in-vessel digestion of hazardous waste.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 40053, 43020 and 43021, Public Resources Code.

14
15 **§ 17896.8. Research In-Vessel Digestion Operations.**

- 16 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
17 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
18 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.
19 (b) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
20 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
21 the research to be performed, research objectives, methodology/protocol to be employed, data to be
22 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
23 projected timeframe for completion of the research operation.
24 (c) After no more than a two year period of operation, the operator of a research in-vessel digestion
25 operation shall submit to the EA a report that includes the results and conclusions drawn from the
26 research. If the EA determines, based on the report, that there are further research objectives to be
27 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
28 two years. If the EA determines based on the report that there are no further research objectives to
29 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
30 section 17896.41, **or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior**
31 **to continuing operations.**
32 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
33 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
34 health, safety, or environmental protection concern, shall satisfy the following additional
35 requirements:
36 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
37 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
38 site.
39 (2) The operator shall prepare, implement and maintain a site-specific, research in-vessel digestion
40 operation site security plan. The research in-vessel digestion site security plan shall include a
41 description of the methods and facilities to be employed for the purpose of limiting site access and
42 preventing the movement of unauthorized material on to or off of the site.
43 (3) After no more than a six-month period of operation the operator of a research in-vessel
44 digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report
45 that includes the results and conclusions drawn from the research and documentation of additional
46 requirements of this section. If the EA determines based on the report that there are further research
47 objectives to be met or data to be gathered, the EA may extend the research for a specified time
48 period not to exceed two years. If the EA determines based on the report that there are no further
49 research objectives to be met or data to be gathered, the operator shall conduct site restoration at the
50 facility pursuant to section 17896.41, **or obtain other appropriate authorization pursuant to Article 1 of**
51 **this Chapter prior to continuing operations.**
52 (e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2). to
53 the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that
54 the EA Notification for research in-vessel digestion operations is complete and correct only if the
55 additional documentation requirements of this section have been met.
56 (f) These operations shall be inspected by the EA at least once every three (3) months unless the EA
57 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
58 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
59 the environment but in no case shall the frequency be less than once per calendar year. *[Note: See*

1 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
2 of requests for reducing the frequency of inspections.]
3

4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 43020 and 43021, Public Resources Code.
6

7 **§ 17896.9. Dairy In-Vessel Digestion Operations.**

8 (a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth
9 in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
10 section 18100).

11 (1) These operations shall be inspected by the EA at least once a month for the first 12 months of
12 operation. After the first 12 months of operation the EA may approve, with Department concurrence, a
13 reduced inspection frequency of once every three months. After the first 24 months of operation the
14 EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar
15 year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to
16 public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and
17 Department requirements regarding the approval or denial of requests for reducing the frequency of
18 inspections.]

19 (2) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a
20 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
21 digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise
22 separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained
23 system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no
24 beneficial use shall be further managed as a solid waste.
25

26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 43020 and 43021, Public Resources Code.
28

29 **§ 17896.10. Distribution Center In-Vessel Digestion Operations.**

30 (a) All distribution center in-vessel digestion operations shall comply with the EA Notification
31 requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
32 (commencing with section 18100).

33 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
34 EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a
35 lesser inspection frequency if it will not pose an additional risk to public health and safety and the
36 environment but in no case shall the frequency be less than annual. The EA shall submit, for
37 concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note:
38 See section 18083(a)(3) for additional EA and Department requirements regarding the approval or
39 denial of requests for reducing the frequency of inspections.]
40

41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 43020 and 43021, Public Resources Code.
43

44 **§ 17896.11. Limited Volume In-Vessel Digestion Operations.**

45 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
46 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
47 Code of Regulations (commencing with section 18100).

48 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
49 EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a
50 lesser inspection frequency if it will not pose an additional risk to public health and safety and the
51 environment but in no case shall the frequency be less than annual. The EA shall submit, for
52 concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note:
53 See section 18083(a)(3) for additional EA and Department requirements regarding the approval or
54 denial of requests for reducing the frequency of inspections.]
55

56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
57 40053, 43020 and 43021, Public Resources Code.
58

59 **§ 17896.12. Medium Volume In-Vessel Digestion Facilities.**

1 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
2 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
3 (commencing with section 18104).

4 (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

5
6 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
7 40053, 43020 and 43021, Public Resources Code.

8
9 **§ 17896.13. Large Volume In-Vessel Digestion Facilities.**

10 All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in
11 accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter
12 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The
13 In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility
14 Information required by section 21570(f)(2) of Title 27.

15 (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 40053, 43020 and 43021, Public Resources Code.

19
20 **§ 17896.14. In-Vessel Digestion Facility Plan.**

21 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section
22 17896.2(a)(~~1719~~) shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section
23 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it
24 is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.15. In-Vessel Digestion Report.**

30 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section
31 17896.2(a)(~~1315~~) shall file with the EA an "In-Vessel Digestion Report" (as specified in section
32 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant
33 to Title 27, section 21570, which proposes to change the facility's operations, or to change the solid
34 waste facility permit shall do one of the following:

35 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or

36 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40
41 **§ 17896.16. Applicability of State Minimum Standards.**

42 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
43 vessel digestion operations and facilities, except as noted in ~~S~~section 17896.1.(a).

44 (b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
45 digestion facilities.

46 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
47 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
48 shall place a copy of each approval, determination and other requirement in the operating record
49 together with those records identified in sections 17896.45 and 17896.46.

50 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
51 method of compliance with the standard. These provisions are not intended to allow the EA to change
52 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
53 alternative method of meeting the existing standard which provides equivalent protection of the public
54 health and safety and the environment as the existing standard. For facilities that require a full solid
55 waste facility permit, the EA may choose to include the approved alternative method of compliance as
56 a term and condition of the solid waste facility permit, rather than in the manner authorized by
57 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
58 the method may require a revision to the solid waste facility permit in accordance with the procedures

1 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
2 (commencing with section 21570).

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 40053, 43020 and 43021, Public Resources Code.

6 7 8 **Article 2. Siting and Design**

9 10 **§ 17896.17. Siting On Landfills.**

11 (a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
12 closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
13 California Code of Regulations, section 21190.

14 (b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
15 solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by
16 natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or
17 failure of pads or structural foundations.

18 (c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
19 solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or
20 with the closure or postclosure maintenance of the landfill.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 40053, 43020 and 43021, Public Resources Code.

24 25 **§ 17896.18. General Design Requirements.**

26 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
27 appropriate, from persons competent in engineering, architecture, landscape design, traffic
28 engineering, air quality control, water quality protection and design of structures.

29 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
30 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
31 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
32 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
33 other pertinent information. If the operation or facility is to be used by the general public, the design
34 shall take account of safety features that may be needed to accommodate such public use.

35 (c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the
36 unloading area to as small an area as practicable, provide adequate control of windblown material,
37 minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances
38 by reason of solid wastes being handled at the operation. Other factors which shall be taken into
39 consideration are: dust control, noise control, public safety, and other pertinent matters related to the
40 protection of public health at the operation or facility.

41 (d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA
42 may require the applicant to describe how he or she has complied with applicable local and state
43 requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

44 (e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and
45 constructed to prevent loss of wastes from the container during storage. If such a container is used to
46 store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such
47 container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily
48 cleanable, designed for safe handling and constructed to prevent loss of wastes.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 40053, 43020 and 43021, Public Resources Code.

52 53 54 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

55 56 **§ 17896.19. Biogas Control.**

57 The operator of an in-vessel digestion operation or facility must take ~~precautions-adequate measures~~
58 to ~~minimize-prevent~~ the uncontrolled release of biogas that may have harmful effects on-site users
59 and the general public.

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
3 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.20. Cleaning.**

6 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
7 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
8 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

9 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;

10 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
11 least once every 24 hours.

12 (b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site
13 migration of waste materials.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.21. Drainage and Spill Control.**

19 (a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

20 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;

21 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
22 site migration of contact water;

23 (3) protect the integrity of roads and structures;

24 (4) protect the public health; and

25 (5) prevent safety hazards and interference with operations.

26 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
27 that occur.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
30 40053, 43020 and 43021, Public Resources Code.

31
32 **§ 17896.22. Dust Control.**

33 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
34 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
35 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
36 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
37 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
38 following may be an indication that dust is excessive:

39 (1) safety hazards due to obscured visibility; or

40 (2) irritation of the eyes; or

41 (3) hampered breathing;

42 (4) migration of dust off-site.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.23. Hazardous, Liquid, and Special Wastes.**

48 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
49 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
50 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

51 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
52 discovered, control measures as are necessary to protect public health, safety and the environment,
53 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
54 or removal from the operation or facility.

55 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
56 sludge wastes in a manner to protect public health, safety, and the environment.

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020 and 43021, Public Resources Code.

1
2 **§ 17896.24. Litter Control.**

3 Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
4 prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
5 possible given existing weather conditions.

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 40053, 43020 and 43021, Public Resources Code.

9
10 **§ 17896.25. Load Checking.**

11 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
12 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
13 program must include at a minimum:

14 (1) the number of random load checks to be performed;

15 (2) a location for the storage of prohibited wastes removed during the load checking process that is
16 separately secured or isolated;

17 (3) records of load checks and the training of personnel in the recognition, proper handling, and
18 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
19 records for the last year shall be maintained in the operating record and be available for review by the
20 appropriate regulatory agencies.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 40053, 43020 and 43021, Public Resources Code.

24
25 **§ 17896.26. Maintenance Program.**

26 All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
27 The operator shall implement a preventative maintenance program to monitor and promptly repair or
28 correct deteriorated or defective conditions.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.27. Medical Wastes.**

34 Medical waste, ~~unless treated and deemed to be solid waste, which is regulated pursuant to the~~
35 ~~Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code)~~
36 ~~whether treated or untreated,~~ shall not be accepted at an in-vessel digestion operation or facility,
37 unless approved by the appropriate regulatory agencies.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.28. Noise Control.**

43 Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
44 include but are not limited to: posting of warning signs that recommend or require hearing protection;
45 separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
46 transmission. Compliance with specific provisions regarding noise control in a local land use approval,
47 such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
48 this standard.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 40053, 43020 and 43021, Public Resources Code.

52
53 **§ 17896.29. Non-Salvageable Items.**

54 Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
55 pesticides and other materials capable of causing public health or safety problems shall not be
56 salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
57 the EA.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.30. Odor Best Management Practice Feasibility Report.**

5 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
6 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
7 violations as determined pursuant to section 17896.31(f).

8 (b) The Report shall:

9 (1) Present representative and correlating odor data for each potential onsite odor source including
10 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
11 collected, description of operations associated with the source, and any odor impacts or complaints
12 received;

13 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
14 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
15 order of impact;

16 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

17 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
18 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
19 has used to minimize odor and analyze each BMP for the following:

- 20 1. The effectiveness of the BMP in reducing odor impacts;
- 21 2. The potential for more extensive use of the BMP to minimize odor impacts described by
22 complainants;
- 23 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
24 operationally practical;
- 25 4. The approximate cost to implement a more extensive use of the BMP;
- 26 5. Any permits or permit changes necessary to use the BMP more extensively;
- 27 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
28 the BMP is recommended; and
- 29 7. If the BMP has been found to be ineffective (include supporting data).

30 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
31 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
32 operator has not used and analyze each potential BMP to determine:

- 33 1. The potential for the BMP to reduce odor impacts described by complainants;
- 34 2. If the BMP is operationally practical;
- 35 3. The approximate cost to implement the BMP;
- 36 4. Any permits or permit changes necessary to use the BMP; and
- 37 5. Overall recommendation and ranking of implementing the BMP.

38 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
39 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

40 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
41 the Department for review. If the EA has required the operator to prepare a Report pursuant to
42 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
43 approved by the EA.

44 (d) The EA, in consultation with the Department, shall within 30 days:

45 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
46 in whole or in part; and/or

47 (2) direct the operator in writing to submit specific changes or additional information within a
48 timeframe specified by the EA.

49 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
50 (d)(1) or (d)(2).

51
52 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
53 Sections 43020, 43021 and 43209.1, Public Resources Code.

54
55 **§ 17896.31. Odor Minimization Plan.**

56 (a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
57 specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
58 Notification or permit application.

1 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
2 describing, at a minimum, the following items. If the operator will not be implementing any of these
3 procedures, the plan shall explain why it is not necessary.

4 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
5 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
6 possible odor receptors; and,

7 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
8 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
9 described; and,

10 (3) a complaint response and recordkeeping protocol; and,

11 (4) a description of design considerations and/or projected ranges of optimal operation to be
12 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
13 feedstock characteristics, airborne emission production, process water distribution, pad and site
14 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
15 service interruptions, and site specific concerns as applicable; and,

16 (5) a description of operating procedures for minimizing odor, including aeration, moisture
17 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
18 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
19 power, and personnel), bio filtration, and tarping as applicable.

20 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
21 provided to the EA, within 30 days of those changes.

22 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
23 revisions are necessary.

24 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
25 operation or facility is following the procedures established by the operator. If the EA determines that
26 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
27 (pursuant to section 18304) to require the operator to either comply with the odor impact
28 minimization plan or to revise it.

29 (f) If the odor impact minimization plan is being followed and the EA determines, in a manner
30 consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
31 to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
32 in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
33 (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
34 measures to minimize odors unless:

35 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

36 (2) there is an imminent threat to public health and safety and the environment; or

37 (3) a public nuisance has occurred.

38
39 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
40 Sections 43020, 43021 and 43209.1, Public Resources Code.

41 **§ 17896.32. Odor and Nuisance Control.**

42 Each in-vessel digestion operation and facility shall be conducted and maintained:

43 (a) in a manner that minimizes odor impacts so as to not cause a nuisance, and

44 (b) to otherwise prevent the creation of a nuisance.

45
46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
48 40053, 43020 and 43021, Public Resources Code.

49 **§ 17896.33. Parking.**

50 Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
51 with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
52 conditional use permit or CEQA mitigation measures, shall be considered compliance with this
53 standard.

54
55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
57 40053, 43020 and 43021, Public Resources Code.

58 **§ 17896.34. Personnel Health and Safety.**

59

1 The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
2 section 3203, shall be available for review by local and state inspectors during normal business hours.
3 Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 40053, 43020 and 43021, Public Resources Code.

7
8 **§ 17896.35. Pre-Digestion Solid Waste Handling.**

9 (a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
10 sealed structure or removed from the site within 48 hours from the time of receipt. This requirement
11 does not apply to putrescible waste stored in a sealed bag, bottle, or can.

12 (b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
13 of receipt or at an alternate frequency approved by the EA.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.36. Protection of Users.**

19 An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so
20 that contact between the public and solid wastes is minimized. This may be accomplished through the
21 use of railings, curbs, grates, fences, and/or spotters.

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.37. Roads.**

27 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
28 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
29 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
30 all-weather access to the site.

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
33 40053, 43020 and 43021, Public Resources Code.

34
35 **§ 17896.38. Sanitary Facilities.**

36 The operator shall maintain all sanitary and hand-washing facilities ~~which may be required, by~~
37 ~~applicable state or local requirements,~~ in a reasonably clean and adequately supplied condition.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.39. Scavenging and Salvaging.**

43 Each in-vessel digestion operation or facility shall meet the following requirements:

44 (a) scavenging shall be prohibited;

45 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
46 of the operation, subject to conditions established by the EA, the local land use authority, or other
47 approving agencies.

48 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
49 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
50 entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging
51 activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly
52 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
53 or nuisance problems;

54 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
55 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
56 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
57 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
58 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a

1 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
2 Digestion Facility Plan, or In-vessel Digestion Facility Report.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.40. Signs.**

8 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
9 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
10 facility name and location of nearest public operation or facility.

11 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
12 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
13 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
14 or (2) WILL NOT be accepted.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 40053, 43020 and 43021, Public Resources Code.

18
19 **§ 17896.41. Site Restoration.**

20 All in-vessel digestion operations and facilities shall meet the following requirements:

21 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
22 days prior to beginning site restoration.

23 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
24 safety, and the environment.

25 (c) The operator shall ensure that the following site restoration procedures are performed upon
26 completion of operations and termination of service:

27 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
28 including, but not limited to, digestate, compost materials, construction scraps, and other materials
29 related to the operations, and these residues legally recycled, reused, or disposed.

30 (2) All machinery shall be cleaned and removed or stored securely.

31 (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or
32 other residues related to the site restoration operations.

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
35 43020 and 43021, Public Resources Code.

36
37 **§ 17896.42. Supervision and Personnel.**

38 The operator shall provide adequate supervision and a sufficient number of qualified personnel to
39 ensure proper operation of the site in compliance with all applicable laws, regulations, permit
40 conditions and other requirements. The operator shall notify the EA in writing of the name, address
41 and telephone number of the operator or other person responsible for the operation. A copy of the
42 written notification shall be placed in the operating record.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.43. Training.**

48 Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site
49 solid waste operations and maintenance, hazardous materials recognition and screening, use of
50 mechanized equipment, environmental controls, emergency procedures and the requirements of this
51 Article. A record of such training history shall be maintained and made available for inspection.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17896.44. Vector, Bird and Animal Control.**

57 The operator shall take adequate steps to control or prevent the propagation, harborage and
58 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020 and 43021, Public Resources Code.

3 4 5 **Article 4. Record Keeping Requirements**

6 7 **§ 17896.45. Record Keeping Requirements.**

8 Each operator shall meet the following requirements:

9 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
10 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
11 submitted to the EA or the Department upon request; be adequate for overall planning and control
12 purposes; and, be as current and accurate as practicable;

13 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
14 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
15 agencies during normal working hours.

16 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
17 approved by the EA;

18 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
19 operations and methods used to resolve problems arising from these events, including details of all
20 incidents that required implementing emergency procedures. Special occurrences shall include but are
21 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
22 prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
23 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
24 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
25 unless the EA determines that a less immediate form of notification will be sufficient to protect public
26 health and safety and the environment;

27 (e) The operator shall record any written public complaints received by the operator, including:

28 (1) the nature of the complaint,

29 (2) the date the complaint was received,

30 (3) if available, the name, address, and telephone number of the person or persons making the
31 complaint, and

32 (4) any actions taken to respond to the complaint;

33 (f) The operator shall maintain a copy of the written notification to the EA and local health agency of
34 the name, address and telephone number of the operator or other person(s) responsible for the
35 operations as required by section 17896.42;

36 (g) The operator shall maintain records of employee training as required by section 17896.43;

37 (h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809
38 et seq.

39 (i) The operator shall record all test results generated by compliance with Article 6 of this Chapter,
40 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
41 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

42 (1) The operator shall retain records detailing pathogen reduction methods.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 40053, 43020 and 43021, Public Resources Code.

46 47 **§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and** 48 **Requirements.**

49 Approvals, determinations, and other requirements the EA is authorized to make under this Chapter
50 shall be provided in writing to the operator and placed in the operating record by the operator.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.

54 55 56 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**

57 58 **§ 17896.47. Communications Equipment.**

1 Each in-vessel digestion facility shall have adequate communication equipment available to site
2 personnel to allow quick response to emergencies.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.48. Equipment.**

8 Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-
9 vessel digestion facility to meet all requirements of this Chapter.

10
11 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
12 40053, 43020 and 43021, Public Resources Code.

13
14 **§ 17896.49. Fire Fighting Equipment.**

15 Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly
16 maintained and located as required by the local fire authority.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 40053, 43020 and 43021, Public Resources Code.

20
21 **§ 17896.50. Housekeeping.**

22 The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility
23 equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap,
24 and similar items.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.51. Lighting.**

30 The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either
31 through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of
32 operations, and public health, safety and the environment.

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
35 40053, 43020 and 43021, Public Resources Code.

36
37 **§ 17896.52. Site Attendant.**

38 An in-vessel digestion facility open to the public shall have an attendant present during public
39 operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as
40 approved by the EA to ensure that it meets all of the requirements of this Chapter.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43 40053, 43020 and 43021, Public Resources Code.

44
45 **§ 17896.53. Site Security.**

46 The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and
47 vehicles through the use of either a perimeter barrier or topographic constraints.

48
49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
50 40053, 43020 and 43021, Public Resources Code.

51
52 **§ 17896.54. Traffic Control.**

53 (a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
54 (1) interference with or creation of a safety hazard on adjacent public streets or roads,
55 (2) on-site safety hazards, and
56 (3) interference with operations.

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020 and 43021, Public Resources Code.

1
2 **§ 17896.55. Visual Screening.**

3 The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create
4 and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if
5 none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening
6 in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be
7 considered compliance with this standard.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11
12 **§ 17896.56. Water Supply.**

13 A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use
14 (e.g., fire protection, first aid) shall be available.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 40053, 43020 and 43021, Public Resources Code.

18
19
20 **Article 6. Digestate Handling Standards**

21
22 **§ 17896.57. Digestate Handling.**

23 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

24 (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
25 alternative handling method after determining the alternative method will not pose an additional risk
26 to public health and safety or the environment; or

27 (2) incorporated in an on-site aerobic compost process.

28 (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
29 facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section
30 ~~17896.4~~17896.13.

31 (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
32 requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
33 the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
34 physical contamination limits of section 17896.61; or

35 (3) removed from the site and either:

36 (A) transported as solid waste to another solid waste facility or operation for disposal, composting,
37 or additional processing; or

38 (B) used ~~or disposed~~ in a manner approved by local, state, and federal agencies having
39 appropriate jurisdiction ~~Any digestate that will be land applied must meet the requirements of section~~
40 ~~17852(a)(24.5).~~

41 ~~(C) disposed in a manner approved by local, state, and federal agencies having appropriate~~
42 ~~jurisdiction.~~

43 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
44 pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
45 section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal
46 concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
47 pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
48 the maximum physical contamination limits described in section 17896.61 shall be designated for
49 disposal, additional processing, or other use as approved by local, state agencies having appropriate
50 jurisdiction.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.

54
55 **§ 17896.58. Sampling Requirements.**

56 (a) ~~Operators shall verify that compost produced at an in-vessel digestion facility (pursuant to section~~
57 ~~17896.57(a)(2)) meets the maximum metal concentrations limits specified in section 17896.59, and~~
58 ~~the pathogen reduction requirements specified in section 17896.60. This verification shall be~~
59 ~~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 s~~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

<u>Constituent</u>	<u>Concentration (mg/kg) on dry weight basis</u>
<u>Arsenic (As)</u>	<u>41</u>
<u>Cadmium (Cd)</u>	<u>39</u>
<u>Chromium (Cr)</u>	<u>(see subdivision (a)(1) below)</u>
<u>Copper (Cu)</u>	<u>1500</u>
<u>Lead (Pb)</u>	<u>300</u>
<u>Mercury (Hg)</u>	<u>17</u>
<u>Nickel (Ni)</u>	<u>420</u>
<u>Selenium (Se)</u>	<u>100</u>
<u>Zinc (Zn)</u>	<u>2800</u>

(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.

1 (b) Alternative methods of compliance to meet the requirements of this section may be approved by
2 the EA if the EA determines that the alternative method will ensure that the maximum acceptable
3 metal concentrations shown in Table 2 are not exceeded.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 43020 and 43021, Public Resources Code.

7
8 **§ 17896.60. Pathogen Reduction.**

9 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
10 exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this
11 section. Compost that contains any pathogens in amounts that exceed these pathogen reduction
12 requirements shall be designated for ~~disposal~~, additional processing, ~~disposal~~, or other use as
13 approved by local, state and federal agencies having appropriate jurisdiction. ~~Sample-Test~~ results of
14 samples must be received by the operator prior to removing compost from the in-vessel digestion
15 facility where it was produced.

16 (b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

17 (1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less
18 than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
19 Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4)
20 grams of total solids (dry weight basis). ~~Sample-Test~~ results of samples must be received by the
21 operator prior to removing product from the site.

22 (2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active
23 compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or
24 higher for a pathogen reduction period of 3 days.

25 (A) Due to variations among enclosed and within-vessel composting system designs, including
26 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
27 application to meet the requirements of subdivision (b)(2) of this section.

28 (3) If the facility uses a windrow composting process, active compost shall be maintained under
29 aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
30 pathogen reduction period of 15 days or longer. During the period when the compost is maintained at
31 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

32 (4) If the facility uses an aerated static pile composting process, all active compost shall be covered
33 with 6 to 12 inches of insulating material, and the active compost shall be maintained at a
34 temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period
35 of 3 days.

36 (c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an
37 aerated static pile composting process shall be monitored as follows to ensure that the standards in
38 subdivision (b) of this section are met:

39 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
40 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
41 fraction thereof.

42 (2) Temperature measurements for pathogen reduction shall be measured as follows:

43 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
44 four (24) inches below the pile surface;

45 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
46 inches from the point where the insulation cover meets the active compost.

47 (d) Alternative methods of compliance to meet the requirements of this section may be approved by
48 the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 43020 and 43021, Public Resources Code.

52
53 **§ 17896.61. Physical Contamination Limits.**

54 **This section shall become operative January 1, 2018.**

55 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
56 contain more than ~~0-10.5%~~ by dry weight of physical contaminants greater than 4 millimeters; ~~no~~
57 more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost
58 that contains ~~more than 0.1% by weight of~~ physical contaminants ~~greater than 4 millimeters in excess~~
59 of either one or both of these limits shall be designated for ~~disposal~~, additional processing, ~~disposal~~, or

1 other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification
2 of physical contamination limits shall occur ~~at prior to~~ the point where compost is ~~sold and~~ removed
3 from the site, ~~bagged for sale, given away for beneficial use and removed from the site or otherwise~~
4 ~~or beneficially used on-site. Sample Test results of samples~~ must be received by the operator prior to
5 removing compost from the in-vessel digestion facility where it was produced.

6 ~~(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one~~
7 ~~representative sample for every 5,000 cubic yards of compost produced and send to a laboratory at~~
8 ~~which physical contaminants greater than 4 millimeters shall be collected and weighed, and the~~
9 ~~percentage of physical contaminants determined.~~

10 (b) The operator of an in-vessel digestion facility with an on-site aerobic compost process shall sample
11 every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants
12 greater than 4 millimeters in the sample using a method that provides accurate results and has been
13 approved by the EA. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
14 in a 12 month period, the operator shall analyze at least one composite sample of compost produced
15 every 12 month period.

16 (c) If the EA has reason to believe, based on the EA's visual observation or otherwise, that a
17 determination of percent physical contaminants made pursuant to section 17896.61(b) is not
18 accurate, the EA may require an operator of an in-vessel digestion facility to take a composite sample
19 of compost in the presence of the EA and send the sample to a laboratory at which physical
20 contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage
21 of physical contaminants by dry weight using the following protocol:

22 (1) Determine the total dry weight of the composite sample as obtained in section 17896.61(d);

23 (2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
24 determine the dry weight of the physical contaminants;

25 (3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
26 contaminants by the total dry weight of the composite sample.

27 (d) Any sampling conducted to comply with this section shall require a composite sample. A
28 composite sample shall be representative and random, and may be obtained by taking twelve (12)
29 mixed samples as described below.

30 (1) The twelve samples shall be of equal volume.

31 (2) The twelve samples shall be extracted from within the compost pile as follows:

32 (A) Four samples from one-half the width of the pile, each at a different cross-section;

33 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

34 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

35 (ee) Alternative methods of compliance to meet the requirements of this section may be approved by
36 the EA if the EA determines that the alternative method will ensure the physical contaminant
37 requirements of this section are met.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 43020 and 43021, Public Resources Code.

41 42 43 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility** 44 **Permits; Loan Guarantees.**

45 46 47 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

48 49 **§ 18083. LEA Duties and Responsibilities for Inspections.**

50 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3
51 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and
52 investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal
53 sites and equipment to verify compliance with the state minimum standards, solid waste facilities
54 permits, and related state solid waste laws and regulations within their purview for the protection of
55 the environment and the public health and safety. The LEA/EA shall perform these inspections and
56 related duties as required below, and forward inspection reports to the operator and/or owner, and the
57 ~~board~~ Department within 30 days of the inspection:

58 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

1 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
2 abatement by enforcement action(s);

3 (3) at the frequency required by the state minimum standards for each type of operation specified in
4 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
5 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
6 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
7 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment, and in no case shall the inspection frequency be less than once per calendar year.
9 The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
10 concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
11 an additional risk to public health and safety or the environment in light of the specific circumstances
12 at the operation in question. The Department shall concur or deny the EA-proposed approval within
13 thirty (30) days from receipt.

14 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
15 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
16 safety or the environment. This determination shall be subject to ~~board~~ Department approval. For the
17 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
18 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
19 closure requirements;

20 (A) the ~~board~~ Department may approve an alternate inspection frequency for these sites where
21 such an action will not result in adverse impact on public health and safety and the environment.

22 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
23 with the ~~board~~ Department through a grant program to inspect waste tire facilities, major waste tire
24 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
25 every two and a half years pursuant to 14 CCR Section 18443;

26 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

27 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
28 revision, review, RFI amendment, or closure/postclosure plan; and

29 (8) pursuant to the EPP, for solid waste handling and collection equipment.

30 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
31 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
32 days, during normal business hours or the site's operating hours.

33
34 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
35 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.
36
37

38 **Article 3.0. Regulatory Tier Requirements**

39 **§ 18100. Scope.**

40 (a) This Article sets forth the method of application for a tiered solid waste facilities permit,
41 procedures for review and action on an application package, and other requirements associated with
42 regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
43 and other requirements associated with solid waste handling operations. Similar provisions regarding a
44 full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
45 Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

46 (b) The provisions of this Article shall apply only to those operations and facilities as specified in the
47 minimum standards set forth in Chapters 3.0, ~~or 3.1,~~ or 3.2 of Division 7 of this Title.

48 (c) The submittal of an enforcement agency notification (in accordance with section 18103) or
49 issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
50 issued tiered permit.

51 (d) Specific provisions relating to the different types of regulatory tiers may be found below as
52 follows:

- | | | |
|----|--|-------------------------------|
| 53 | | |
| 54 | (1) Excluded | section 18102 |
| 55 | (2) Notification of Enforcement Agency | sections 18103 – 18103.3 |
| 56 | (3) Registration Permit | sections 18104 – 18104.9; and |
| 57 | (4) Standardized Permit | sections 18105 – 18105.11. |
| 58 | | |

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020, 43021 and 43000-45802, Public Resources Code.

3
4 **§ 18102. Excluded Solid Waste Handling.**

5 Operators of excluded operations designated by the minimum standards set forth in Division 7 of this
6 Title are not required to notify the enforcement agency or submit an application for a solid waste
7 facilities permit. Nothing in this section precludes the enforcement agency or the ~~board~~Department
8 from inspecting an excluded operation to verify that the operation is being conducted in a manner that
9 qualifies as an excluded operation or taking any appropriate enforcement action.

10
11 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
12 44100(a), 44101(a) and 45200, Public Resources Code.

13
14 **§ 18103. Enforcement Agency Notification.**

15 (a) The enforcement agency notification provisions of this Article shall apply only to operations as
16 specified in the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title.

17 (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement
18 agency notification as follows:

- 19 (1) Filing Requirements section 18103.1;
20 (2) Record Keeping Requirements section 18103.2; and
21 (3) Termination of Operation section 18103.3.

22 (c) Operations authorized to use the enforcement agency notification tier are required to operate in
23 accordance with the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 applicable
24 to that operation.

25 (d) Nothing in this section precludes the enforcement agency or the ~~board~~Department from the
26 following: inspecting an operation to verify that the operation is being conducted in a manner that
27 qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in
28 compliance with the minimum standards; or, taking any appropriate enforcement action, including the
29 use of a 'notice and order.'

30
31 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
32 44100(a), 44101(a) and 45200, Public Resources Code

33
34 **§ 18103.1. Filing Requirements.**

35 (a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency
36 notification shall notify the enforcement agency of its intent to operate in writing prior to commencing
37 operations. This written notification shall be legible and include the following information:

38 (1) The name, address, and phone number of the proposed operation; the name, address, and
39 phone number where the operator can be contacted if these differ from the operation site; and, the
40 name, address, and phone number of the owner if these differ from the operator.

41 (2) The section in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title authorizing eligibility for this
42 tier and a description of the facility's operations, including but not limited to, volume and hours of
43 wastes/material handled, peak and annual loading, and hours of operation.

44 (3) Documentation that the operator has notified the local planning department with jurisdiction
45 over the site of its intent to commence operations. Documentation may include, proof of compliance
46 with CEQA, correspondence from the local planning department that compliance with the California
47 Environmental Quality Act is not required for the operation to obtain local land use approval or written
48 notice to the local planning department of the operator's intent to commence operations.

49 (4) A statement by the owner and operator certifying under penalty of perjury that the information
50 which they have provided is true and accurate to the best of their knowledge and belief.

51 (b) The notification shall be mailed to the enforcement agency "return receipt requested."
52

53 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
54 Public Resources Code.

55
56 **§ 18103.2. Record Keeping Requirements.**

57 The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall
58 be publicly available during normal business hours. The enforcement agency shall forward a copy of
59 the notification to the ~~board~~Department within five days of receipt. The enforcement agency shall

1 retain a copy of the notification for a minimum of one year after the facility is known to have ceased
2 operations.

3
4 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
5 Public Resources Code.

6
7 **§ 18104. Registration Permit.**

8 (a) The registration permit provisions of this Article shall apply only to solid waste facilities as
9 specified in the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title.

10 (b) A registration permit shall be deemed to incorporated by reference, as terms and conditions of the
11 permit, all minimum standards applicable to it, as set forth in Chapters 3, ~~or 3.1, or 3.2~~, of Division 7.

12 (c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

- 13 (1) Filing Requirements section 18104.1;
14 (2) Enforcement Agency Processing Requirements section 18104.2;
15 (3) Record Keeping Requirements section 18104.3;
16 (4) Completeness Appeal section 18104.4;
17 (5) Change in Operation section 18104.5;
18 (6) Change in Owner section 18104.6;
19 (7) Permit Review & Reissuance section 18104.7;
20 (8) Suspend/Revoke section 18104.8, and
21 (9) Voiding of a Registration Permit section 18104.9.

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

25
26 **§ 18104.1. Filing Requirements.**

27 Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an
28 application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated
29 herein by reference, with the enforcement agency. The application shall be accompanied by the fee
30 specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See
31 Appendix A.) This application shall contain the following information:

32 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or 3.1, or 3.2~~ of
33 Division 7 of this Title authorizing eligibility for this tier.

34 (b) General description of the facility including, but not limited to name, location, site map, and
35 location map.

36 (c) Facility information, including, but not limited to, volume and type of waste/material; handled,
37 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

38 (d) Operator information, including identification of the land owner, his/her address and telephone
39 number; identification of the facility operator, his/her address and telephone number; and the
40 address(es) at which process may be served upon the operator and owner.

41 (e) Conformance finding information as follows:

42 (1) Until a countywide or regional agency integrated waste management plan has been approved by
43 the ~~Board~~ Department, the application shall include statements that: the facility is identified and
44 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
45 Public Resources Code Section 50000; and that the facility is consistent with the city or county
46 General Plan.

47 (2) After a countywide or regional agency integrated waste management plan has been approved by
48 the ~~Board~~ Department, the application shall include a statement that: the facility is identified in either
49 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
50 Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public
51 Resources Code Section 50001.

52 (f) The owner and operator shall each certify under penalty of perjury that the information which they
53 have provided is true and accurate to the best of their knowledge and belief.

54 (g) Evidence that the application form was provided to the director of the local agency that oversees
55 local use planning for the jurisdiction in which the site is located.

56 (h) List of all public hearings and other meetings open to the public that have been held or copies of
57 notices distributed that are applicable to the proposed solid waste facilities permit action.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

3
4 **§ 18104.2. Enforcement Agency Processing Requirements.**

5 ...
6 (g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~Department
7 and to any person who has so requested in writing.

8 ...
9
10 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021,
11 and 43000-45802, Public Resource Code.

12
13 **§ 18104.3. Record Keeping Requirements.**

14 ...
15 (c) The enforcement agency shall forward copies of any written public comments received on an
16 application to the ~~board~~Department with the registration permit submitted pursuant to section
17 18104.2(f).

18 (d) Subsequent to the transmittal of the registration permit to the ~~board~~Department, the enforcement
19 agency shall within five days of receipt provide a copy of any additional written public comments to
20 the ~~board~~Department unless the comment clearly states that a copy has already been provided to the
21 ~~board~~Department.

22 (e) If an application is denied, the enforcement agency shall retain public comments received on that
23 application for a period of 2 years. If a previously denied permit is approved, all comments received
24 shall be forwarded to the ~~board~~Department with the copy of the registration permit submitted under
25 subsection (c) above.

26
27 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
28 43020, 43021, and 43000-45802, Public Resource Code.

29
30 **§ 18104.6. Change in Owner.**

31 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
32 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
33 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
34 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
35 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
36 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~Department
37 within five days of receipt.

38 ...
39
40 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
41 6255, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

42
43 **§ 18104.9. Voiding of a Registration Permit.**

44 Every registration permit shall be void 30 days after cessation of operations. Any operator who intends
45 to cease operations shall notify the enforcement agency of his/her last proposed date of operation at
46 least 15 days in advance. The enforcement agency shall forward a copy of this notification to the
47 ~~board~~Department within 7 days. "Cessation of operations" does not include temporary operational
48 shutdowns which are seasonal or intermittent in nature.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 43020, 43021 and 43000-45802, Public Resources Code.

52
53 **§ 18105. Standardized Permit.**

54 (a) The standardized permit provisions of this Article shall apply only to solid waste facilities as
55 specified in the minimum standards set forth in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of the Title.

56 (b) A standardized permit obtained pursuant to this Article shall contain only those terms and
57 conditions applicable to the type of facility receiving it as set out in the minimum standards for that
58 type of facility.

1 (c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as
2 follows:

- 3 (1) Filing Requirements section 18105.1;
- 4 (2) Enforcement Agency Processing Requirements section 18105.2;
- 5 (3) Record keeping Requirements section 18105.3;
- 6 (4) Completeness Appeal section 18105.4;
- 7 (5) ~~Board-Department~~ Processing Requirements section 18105.5;
- 8 (6) Appeal of Decision section 18105.6;
- 9 (7) Change in Operation section 18105.7;
- 10 (8) Change in Owner section 18105.8;
- 11 (9) Permit Review section 18105.9;
- 12 (10) Suspend/Revoke section 18105.10; and
- 13 (11) Voiding of a Standardized Permit section 18105.11.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020, 43021 and 43000-45802, Public Resources Code.

17
18 **§ 18105.1. Filing Requirements.**

19 Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an
20 application in duplicate with the enforcement agency accompanied by the fee specified by the
21 enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall
22 contain the following information:

23 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or~~ 3.1, or 3.2 of
24 Division 7 of this Title authorizing eligibility for this tier.

25 (b) General description of the facility including, but not limited to name, location, site map, and
26 location map.

27 (c) Facility information, including, but not limited to, volume and types of waste/material handled,
28 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

29 (d) Operator information, including identification of the land owner, his/her address and telephone
30 number; identification of the facility operator, his/her address and telephone number; and the
31 address(es) at which process may be served upon the operator and owner.

32 (e) A Report of Facility Information that contains all of the information required by the applicable
33 section(s) of Article 3.2, Chapter 5, of this Division.

34 (f) One of the following:

35 (1) Evidence that there has been compliance with the California Environmental Quality Act, Division
36 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

37 (2) Information on the status of the application's compliance with the California Environmental
38 Quality Act regarding the facility. Once there has been compliance with the California Environmental
39 Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement
40 agency.

41 (g) Conformance finding information as follows:

42 (1) Until a countywide or regional agency integrated waste management plan has been approved by
43 the ~~board~~ Department, the application shall include statements that: the facility is identified and
44 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
45 Public Resources Code Section 50000; and that the facility is consistent with the city or county
46 General Plan.

47 (2) After a countywide or regional agency integrated waste management plan has been approved by
48 the ~~board~~ Department, the application shall include a statement that: the facility is identified in either
49 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
50 Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be
51 identified in any of these elements pursuant Public Resources Code Section 50001.

52 (h) The owner and operator shall each certify under penalty of perjury that the information provided
53 is true and accurate to the best of their knowledge and belief.

54 (i) Evidence that the application form was provided to the director of the local agency that oversees
55 local use planning for jurisdiction in which the site is located.

56 (j) List of all public hearings and other meetings open to the public that have been held or copies of
57 notices distributed that are applicable to the proposed solid waste facilities permit action.
58

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

3
4 **§ 18105.2. Enforcement Agency Processing Requirements.**

5 ...
6 (g) Within fifteen days of acceptance of an application for filing:

7 (1) The enforcement agency shall evaluate the information provided in the application and the
8 proposed facility to determine whether or not the facility will be able to operate in compliance with the
9 applicable minimum standards and standardized solid waste facilities permit terms and conditions.

10 (2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

11 (3) If the enforcement agency finds that the application and facility meet the requirements set forth
12 in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed
13 standardized permit, application package, and the results of any analysis to the ~~board~~ Department.
14 The enforcement agency shall further provide the applicant with a copy of the proposed standardized
15 permit submitted to the ~~board~~ Department. In addition, the enforcement agency shall provide a copy
16 of the proposed standardized permit to any person who has so requested in writing.

17 (4) If the enforcement agency finds that the application or facility do not meet the requirements set
18 forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy
19 of the rejected application accompanied by an explanation shall be mailed to the applicant.

20 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
21 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
22 the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
23 requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
24 Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
25 been submitted within 120 days of the application's acceptance for filing, the enforcement agency
26 shall reject the application and not issue the standardized permit.

27 (i) Once the ~~board~~ Department has concurred in the issuance of the proposed standardized permit,
28 pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

29 (j) If the ~~board~~ Department objects to the proposed standardized permit, the enforcement agency
30 shall notify the applicant in writing of the ~~board~~ Department's decision, and the reasons for that
31 decision, within five days of receipt of that decision.

32 ...

33
34 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
35 43021, and 43000-45802, Public Resource Code.

36
37 **§ 18105.3. Record Keeping Requirements.**

38 ...
39 (c) The enforcement agency shall forward copies of any written public comments received on a
40 pending application to the ~~board~~ Department with the proposed standardized permit submitted
41 pursuant to section 18105.2(g).

42 (d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall
43 within five days of receipt provide a copy of any additional written public comments to the ~~board~~
44 Department, unless the comment clearly states that a copy has already been provided to the ~~board~~
45 Department.

46 ...

47
48 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
49 43021, and 43000-45802, Public Resource Code.

50
51 **§ 18105.5. ~~Board~~ Department Processing Requirements.**

52 (a) The ~~board~~ Department shall mark the proposed standardized permit with the date of receipt.

53 (b) The ~~board~~ Department shall evaluate the application package and the proposed standardized
54 permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

55 (c) Within 30 days of receipt of a proposed standardized permit, the ~~board~~ Department shall either
56 concur in or object to the issuance of the proposed standardized permit.

57 (d) If the proposed standardized permit contains terms and conditions not authorized by the minimum
58 standards and the permit is otherwise in conformance with these regulations, any additional

1 unauthorized terms and conditions shall be stricken. The ~~board~~ Department shall concur in the edited
2 standardized permit.

3 (e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the ~~board~~
4 Department shall notify the enforcement agency of its determination in writing. If the ~~board~~
5 Department objects, the reasons for the objection shall be provided to the enforcement agency.
6

7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 43020, 43021 and 43000-45802, Public Resources Code
9

10 **§ 18105.6. Appeal of Decision.**

11 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
12 18105.2(g)(3) or of the ~~Board~~ Department taken pursuant to section 18105.5 to the enforcement
13 agency within 15 days of the date that the decision was received. Such an appeal must be in writing
14 and specify the grounds for the appeal. A final written determination on the appeal shall be made by
15 the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
16 Code, no later than 60 days after receipt of the applicant's appeal.
17

18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 43020, 43021 and 43000-45802, Public Resources Code
20

21 **§ 18105.8. Change in Owner.**

22 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
23 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
24 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
25 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
26 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
27 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department
28 within five days of receipt.
29
30

31 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
32 6225, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.
33

34 **§ 18105.9. Permit Review and Reissuance.**

35 ...
36 (d) If an operator files a certification as specified in subsection (c) above or a new application
37 pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
38 18105.2 and 18105.3 and the ~~board~~ Department shall follow the procedures set forth in Section
39 18105.5.
40

41 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
42 43021, and 44015, Public Resource Code.
43

44 **§ 18105.11. Voiding of a Standardized Permit.**

45 Every standardized permit shall be void 30 days after cessation of operations. Any operator who
46 intends to cease operations shall notify the enforcement agency of his/her last proposed date of
47 operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
48 to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary
49 operational shutdowns which are seasonal or intermittent in nature.
50

51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
52 43020, 43021 and 43000-45802, Public Resources Code.
53

54 **Article 3.2. Reports of Facility Information**

55 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

56 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
57 Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
58
59

1 (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
2 Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
3 the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
4 amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
5 permit. The Plan shall contain the following:

6 (a) name(s) of the operator, owner, and the company they represent, if applicable;

7 (b) schematic drawing of the building and other structures showing layout and general dimensions of
8 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

9 (c) descriptive statement of the manner in which activities are to be conducted at the facility;

10 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
11 material processing, each set of hours may be stated. For facilities with continuous operations,
12 indicate the start of the operating day for purpose of calculating amount of waste received per
13 operating day. The operator may also indicate whether or not, and when, other activities, such as
14 routine maintenance will take place, if those activities will occur at times other than those indicated
15 above;

16 (e) total acreage contained within the operating area;

17 (f) facility design capacity including the assumptions, methods, and calculations performed to
18 determine the total capacity;

19 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
20 was figured from records of cubic yards, include the conversion factor used;

21 (h) description of the methods used by the facility to comply with each state minimum standard
22 contained in sections 17896.17 through 17896.61;

23 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
24 of any wastewater;

25 (j) description of provisions to handle unusual peak loading;

26 (k) description of transfer, recovery and processing equipment, including classification, capacity and
27 the number of units;

28 (l) planned method for final disposal of the solid waste;

29 (m) planned method for the storage and removal of salvaged material;

30 (n) resume of management organization which will operate the facility;

31 (o) An Odor Impact Minimization Plan pursuant to section 17896.31.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
34 40053, 43020 and 43021, Public Resources Code.

35
36 **§ 18221.6.1. In-Vessel Digestion Report.**

37 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
38 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
39 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
40 Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to
41 maintain an existing permit, the operator must file amendments as required in section 17896.15 of
42 this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack
43 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
44 shall contain the following:

45 (a) name(s) of the operator, owner, and the company they represent, if applicable;

46 (b) facility specifications or plans, to include: a site location map, a site map, and identification of
47 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
48 of the facility property line;

49 (c) schematic drawing of the building and other structures showing layout and general dimensions of
50 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

51 (d) descriptive statement of the manner in which activities are to be conducted at the facility;

52 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
53 material processing, each set of hours may be stated. For facilities with continuous operations,
54 indicate the start of the operating day for purpose of calculating amount of waste received per
55 operating day. The operator may also indicate whether or not, and when, other activities, such as
56 routine maintenance will take place, if those activities will occur at times other than those indicated
57 above;

58 (f) total acreage contained within the operating area;

- 1 (g) facility design capacity including the assumptions, methods, and calculations performed to
2 determine the total capacity;
3 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage
4 was figured from records of cubic yards, include the conversion factor used;
5 (i) description of the methods used by the facility to comply with each state minimum standard
6 contained in sections 17896.17 through 17896.61;
7 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
8 of any wastewater;
9 (k) description of provisions to handle unusual peak loading;
10 (l) description of transfer, recovery and processing equipment, including classification, capacity and
11 the number of units;
12 (m) planned method for final disposal of the solid waste;
13 (n) planned method for the storage and removal of salvaged material;
14 (o) resume of management organization which will operate the facility;
15 (p) list of permits already obtained, and the date obtained or last revised;
16 (q) An Odor Impact Minimization Plan pursuant to section 17896.31.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 40053, 43020 and 43021, Public Resources Code
20

21 **§ 18227. Report of Composting Site Information.**

22 Each operator of a compostable material handling facility that is required to obtain a Compostable
23 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
24 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
25 section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
26 specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
27 with section 18104) shall, at the time of application, file a Report of Composting Site Information with
28 the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
29 contain the following:

- 30 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
31 and amendments.
32 (b) A descriptive statement of the operations conducted at the facility.
33 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
34 in the production of compost including, but not limited to, unloading, storage, processing, parking,
35 and loading areas.
36 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
37 insects, for example, how the operator will store, process and incorporate food material and
38 vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
39 and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
40 control measures.
41 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
42 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
43 length of time compostable materials will be stored at the facility.
44 (g) A description of compostable materials handling equipment used at the facility including type,
45 capacity, and number of units.
46 (h) Anticipated annual operation capacity for the facility in cubic-yards.
47 (i) A description of provisions to handle unusual peak loadings.
48 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
49 nonmarketable residues.
50 (k) A description of the water supplies for process water required.
51 (l) Identification of person(s) responsible for oversight of facility operations.
52 (m) A description of the proposed site restoration activities, in accordance with section 17870.
53 (n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator
54 to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as
55 food material or vegetative food material.
56

57 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
58 Sections 43020, 43021 and 43209.1, Public Resources Code.
59

1
2 **Article 4. Enforcement by EA and Review by ~~Board~~Department**
3

4 **§ 18302. Written Complaints of Alleged Violations.**

5 (a) Any person having information alleging a facility or operation is being operated without a required
6 permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
7 state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
8 permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
9 file a complaint regarding such allegation in writing to the EA. The ~~compliant~~complaint shall include
10 the following:

11 (1) The name, address and telephone number of the person making the complaint, however nothing
12 in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
13 identity of the reporting party from the complaint;

14 (2) The identity and location, if known, of the facility or operation and the names and addresses, if
15 known, of the persons responsible for the violation;

16 (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

17 (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
18 investigating the complaint, including but not limited to information relating to witnesses and physical
19 evidence.

20 (b) The person making the complaint may forward a copy to the ~~board~~Department.

21 (c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
22 whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
23 or condition or any related state solid waste law or regulation. The EA shall make its determination on
24 the basis of the substance of the allegations rather than on the basis of the complaint's technical
25 compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
26 facts constituting a violation of a state minimum standard, permit term or condition or related state
27 solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
28 the complaint if an address is given and place a copy in its files.

29 (d) Upon receipt of an odor complaint ~~related to a compostable material handling operation or facility,~~
30 the EA shall investigate the complaint as soon as practical prior to issuing a violation for failing to
31 minimize odor. The odor complaint investigation shall include the following:

32 (1) The date and time the EA arrived and departed within the complaint area.

33 (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
34 high wind speed, humidity, and temperature.

35 (3) If odor is detected, the EA shall:

36 (A) Record the location where odor was observed, such as the street address, latitude/longitude,
37 tax parcel number, etc.

38 (B) Verify the odor event at the complainant's location and ~~ascertain if document the~~
39 complainant's claim, if any, that the odor is interfering with the complainant's use and comfortable
40 enjoyment of ~~life the or~~ property.

41 (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid
42 waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

43 (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
44 The EA should consult with the operator to determine if there were unusual operational changes or
45 atypical feedstocks accepted during the time of the complaint(s).

46 ~~(de)~~ The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
47 because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
48 that ground, it shall so advise the complaining party in writing at the address given in the complaint if
49 an address is given and place a copy in its files.

50 (ef) Except as provided in subsection (c) or subsection ~~(de)~~ of this section, the EA shall commence an
51 investigation of the facts alleged in the complaint.

52 (fg) If an LEA has a complaint review and investigation initiation procedure that contains substantially
53 the same basic requirements as this section, and accomplishes the intended purposes of this section
54 within its ~~board~~Department-approved EPP, it may follow that equivalent process in lieu of subsections
55 (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
56 complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
57 her complaint will receive appropriate attention.

1 (gh) If the ~~board~~Department receives a complaint in a jurisdiction where it is not the EA, the
2 complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
3 already received a copy from the complaining party.

4
5 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43209,
6 44012, 44015 and 45000-45024, Public Resources Code.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste

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 ~~a~~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.] ~~a~~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:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

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 ~~a~~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 aApplication by CIWMB-CalRecycle/LEA/RWQCB staff.~~

Date Received: ~~The date the EA or RWQCB receives the aApplication package is received from the applicant (Title 27, section 21650(a)).~~

Date Accepted: ~~The date the EA accepts the aApplication 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 aApplication 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 aApplication 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 aApplication 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 foot print, 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, or Engineered municipal solid waste conversion facility.

2. **Composting/Compostable Material Handling:** ~~a~~ 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 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~~ spadable, 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 rResidential 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 ~~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

1 the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP
2 and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
3 must equal the maximum daily tonnage.

4 1. **Disposal/Transfer:** The amount of material solid waste that comes through the gate and is
5 disposed of on-site or transferred off-site as waste; and

6 2. **Other:** That amount of all other material received at the site, including, but not limited to,
7 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
8 other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or
9 cubic yards.

10 b. **As-Designed Daily Design Tonnage (TPD) or Cubic Yards:** For landfills, the maximum
11 daily tonnage amount of solid waste and other material that the facility is designed to receive and
12 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
13 month) based on appropriate factors including, but not limited to, size of working face the operating
14 areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc.
15 For other facilities, it is the maximum amount of solid waste and other material the facility is designed
16 to handle receive and process at any one time on an ongoing bases over an extended period of time
17 (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited
18 to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of
19 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
20 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
21 factor. The as-Designed tonnage value may be equal to or greater than the peak maximum daily
22 tonnage value.

23 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
24 activities are authorized by the EA to occur and are permitted. This includes the area of the facility in
25 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
26 managing equipment management area, or any area that is required to maintain compliance with the
27 design and operating parameters of the facility. The facility size is the same as "operating area" for
28 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
29 boundaries" for transfer/processing facilities and landfills.

30 d. **Peak-Maximum Traffic Volume Per Day (vpd):** The estimated maximum number of
31 vehicles that will authorized by the EA to enter the facility on a daily basis. This number should
32 include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including
33 vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or
34 material intended for beneficial reuse. This number must be consistent with the approved RFI and any
35 CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
36 any, that was being conducted at the time the application was submitted.

37 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
38 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
39 of operation. This information must be consistent with the approved RFI and any CEQA existing
40 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
41 being conducted at the time the application was submitted. Any activities that are limited to
42 prescribed days and/or hours should be fully described in the RFI.

43 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
44 of the Application must be filled out by every applicant requesting a change to any item(s) listed
45 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
46 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
47 submitted as part of the Application. The EA will review the requests and establish the terms and
48 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
49 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
50 WDRs for those requests that are supported by documents submitted by the applicant. Use the
51 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

52 23. **Additional Information Required For Compostingable Materials Handling Facilities**
53 **Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
54 out by the applicant if composting handling compostable materials is part of this Application.

55 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
56 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
57 any one time.

58 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, in
59 addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of

1 this the aApplication. All [Note to OAL and publisher: No proposed change. Existing text underlined for
2] sections of the aApplication must be filled out completely [Note to OAL and publisher: No
3 proposed change. Existing text underlined for emphasis.].

4 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
5 received placed in a waste management unit for each operating day on a yearly basis (calendar year)
6 for the next five years. Do not use non-operating days in ~~estimated~~/calculating the average daily
7 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~-maximum daily
8 tonnage. Report as tons per day (TPD).

9 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
10 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
11 the top of the final cover) taking into consideration design slopes, benches, and other design features,
12 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
13 Capacity.

14 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
15 or potentially resulting from this permit aApplication.

16 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
17 used to date. See Date of Capacity Information below.

18 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
19 remaining, not including any proposed site capacity. If the remaining capacity information provided is
20 based on estimates of capacity used since the last physical site survey, please explain the
21 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
22 etc. See Date of Capacity Information below.

23 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
24 capacities in Part 3 were determined. This date may predate the aApplication date by no more than
25 three months. Amendments of the aApplication including more current capacities may be required.

26 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
27 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
28 Part 6, Section B for more details).

29 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
30 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
31 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
32 (e.g., conditional use permit date, etc.)

33 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
34 will be referred to as "permitted disposal area."

35 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
36 based upon any planned expansions not currently proposed, whether within or outside the current
37 permitted boundary.

38 k. Provide one of the following:

39 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
40 density is the estimated or measured density of in-place waste material achieved by mechanical or
41 other means in the development of the current lift of the current operating waste cell, and

42 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
43 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
44 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
45 should include only soil or approved daily or intermediate alternative cover that is not considered a
46 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
47 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
48 ~~CIWMB-CalRecycle~~ is reported, or

49 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
50 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
51 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
52 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
53 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.
54

55
56 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

57
58 **A. Municipal or Utility Service:** Give name and address of the water purveyor.

59 **B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

1 **C. Surface Supply:**

- 2 1. Provide the name of any stream, lake, spring, etc, if identified.
3 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
4 3. If a state permit or license has been granted, give identification number.

5 **D. Other:** Enter any water source(s) not identified above.
6

7
8 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**
9

10 **A.** Check the appropriate box(es) if an environmental document was, or ~~is going to will~~ be, prepared
11 and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

12 1. If an environmental document was prepared:

- 13 • If an environmental document has already been prepared and circulated through the SCH and
14 there is ~~an a~~ SCH number, please write this number in the appropriate blank following the box
15 that is checked.
16 • If an environmental document has not yet been circulated through the SCH and no SCH
17 number has been assigned to the environmental document yet, please check the box for the
18 type of environmental document that is anticipated to be ~~prepared and~~ circulated through the
19 SCH and write N/A in the appropriate blank for "SCH#."
20 • If the "ADDENDUM TO (Identify environmental document)" box is checked, please provide the
21 type of environmental document that the addendum was prepared for along with the SCH
22 number.

23 2. If an environmental document will be prepared, enter the name of the lead agency for preparing
24 the document, if known.

25 EXAMPLE ONLY:

26 If the environmental document is an environmental impact report (EIR), write "EIR" and include the
27 dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH
28 number for the EIR.

29 **B.** If an environmental document was not, and is not planned to be, prepared because it is not
30 required to comply with the requirements of CEQA, please provide the requested information by
31 checking the ~~appropriate~~ box to indicate why an environmental document is not required ~~for~~ under
32 CEQA.

- 33 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA
34 Guidelines Section number and citation for the exemption.

35 EXAMPLE ONLY:

36 A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor
37 repair to an existing facility. Therefore, check the box that says "CATEGORICAL/STATUTORY
38 EXEMPTION (CE/SE)" and write the following in the blank after the box: "CEQA Guidelines, Section
39 15301, Class I Categorical Exemption."
40

41
42 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

43
44 All attachments are necessary parts of the Application and are incorporated herein.
45

46 **A.** Section A of Part 6 must be completed by all applicants regardless of the type of facility.

47 **B.** Section B of Part 6 ~~is additional documents required~~ must be completed only by landfill applicants
48 only for disposal facilities.

- 49 • Operating Liability Financial Mechanism: The date the demonstration was last modified or
50 renewed. That date must be within the preceding twelve-month (annual renewal) period. For
51 example, a Certificate of Insurance (CalRecycle CIWMB-107) has an "effective date" identified on
52 the certificate. ~~This date should and must~~ be within the preceding twelve-month (annual renewal)
53 period.
54 • Financial Responsibility Documentation: The financial mechanism ~~will be is~~ a document, (i.e.,
55 letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance)
56 statement, etc.) identifying the current dollar value of the demonstration and the date of the
57 stated value. The date of the stated value should must be within the preceding twelve-month
58 (annual renewal) period.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
4 corrective action cost estimate and a copy of the non-water release corrective action cost
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal sites-facilities permitted for to receive more than 20
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
8 frequently as determined by the enforcement agency-EA. For disposal sites-facilities permitted for
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
10 ten years. If not previously submitted, survey results must be included with this aApplication.
11 Survey results must be submitted as a CADD or vector graphics data file including at least two
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
15 be included. For each stratum the following information shall be included: site name, stratum
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
19 surface is uncertain, the operator is allowed to provide the best available information as a
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
21 provide an explanation of the basis for using the substitute base ground surface.
22

23 For the purposes of this section the following definitions apply:

- 24 ~~A~~1. "base ground surface" - the best available excavation plan surface that existed prior to the
25 placement of any waste;
- 26 ~~B~~2. "CADD" -computer aided design and drafting;
- 27 ~~C~~3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
29 provided for the basis of the volumetric correction;
- 30 ~~D~~4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
31 upper surface;
- 32 ~~E~~5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 ~~F~~6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
35 provided for the basis of the volumetric correction;
- 36 ~~G~~7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 ~~H~~8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
38 the disposal site;
- 39 ~~I~~9. "net volume" - the fill volume less the cut volume;
- 40 ~~J~~10. "site name" - the name of the disposal site for which the survey information is being
41 submitted;
- 42 ~~K~~11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
43 upper and lower surfaces;
- 44 ~~L~~12. "stratum name" - a descriptive name for the stratum for which volumetric information is being
45 submitted, e.g., total volume including proposed expansion;
- 46 ~~M~~13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
47 ground surface and proposed finished ground surface;
- 48 ~~N~~14. "survey" -a comprehensive examination of the disposal site under the direction of a registered
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 ~~O~~15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
52 direction, thickness, color and other attributes;
- 53 ~~P~~16. "volume calculation method" - grid, composite, section or other method approved by the
54 enforcement agency-EA;
- 55 ~~C. Section C of Part 6 specifies is additional documents required only if applicable for the type of~~
56 ~~facility to be covered under this aApplication as required by the EA or RWQCB. Under "Other," identify~~
57 ~~and list any other necessary documents not included-specified above but that are required by the EA~~
58 ~~or RWCB under applicable law, such as, if the operator is different from landowner, attach a lease or~~
59 ~~franchise-other agreement documenting the operator's interest in and right to use the site as a solid~~

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business owner~~ of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government public agency~~.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part~~, the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility~~where legal notice may be served~~.

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business operator filing this Application~~ is a sole proprietorship,
22 partnership, corporation, or ~~government public agency~~.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an a~~ facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility~~where legal notice may be served~~.

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** ~~The A person(s) or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** ~~The A person(s) or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.

45
46 **Part 10. OTHER:**

47
48 Attach additional sheets to explain any responses that need clarification.

APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

CIWMB-CALRECYCLE E-1-77 (Rev. 8-04-X-XX)

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):

<input type="checkbox"/> 1. NEW SWFP and/or WDRS	<input type="checkbox"/> 4-3. PERMIT REVIEW
<input type="checkbox"/> 2. REVISION OF CHANGE TO SWFP and/or WDRS <input type="checkbox"/> REVISION <input type="checkbox"/> MODIFICATION <input type="checkbox"/> OTHER (As authorized by law)	<input type="checkbox"/> 5-4. AMENDMENT OF APPLICATION
<input type="checkbox"/> 3. EXEMPTION and/or WAIVER	<input type="checkbox"/> 6-5. 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):

<input type="checkbox"/> 1. DISPOSAL a. TYPE: _____	<input type="checkbox"/> 3. TRANSFORMATION	<input type="checkbox"/> 5. C&D/INERT DEBRIS PROCESSING
<input type="checkbox"/> 2. COMPOSTING/ABLE MATERIALS HANDLING a. TYPE: _____	<input type="checkbox"/> 4. TRANSFER/PROCESSING FACILITY <input type="checkbox"/> CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.	<input type="checkbox"/> 6. IN-VESSEL DIGESTION
		<input type="checkbox"/> 5-Z. OTHER (describe): _____

D. IDENTIFICATION OF FACILITY IN CIWMP [CONFORMANCE FINDING] INFORMATION (CIWMP):

1. FACILITY IS IDENTIFIED IN (Check one):

<input type="checkbox"/> SITING ELEMENT	DATE OF DOCUMENT	_____	PAGE #	_____
<input type="checkbox"/> 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):

<input type="checkbox"/> 1. AGRICULTURAL	<input type="checkbox"/> 6. CONSTRUCTION/DEMOLITION	<input type="checkbox"/> 11. LIQUIDS
<input type="checkbox"/> 2. ASBESTOS o Friable o Non-friable	<input type="checkbox"/> 7. CONTAMINATED SOILS	<input type="checkbox"/> 12. MIXED/MUNICIPAL SOLID WASTE (MSW)
<input type="checkbox"/> 3. ASH	<input type="checkbox"/> 8. DEAD ANIMALS	<input type="checkbox"/> 13. SEWAGE SLUDGE
<input type="checkbox"/> 4. AUTO SHREDDER	<input type="checkbox"/> 9. INDUSTRIAL	<input type="checkbox"/> 14. WASTE TIRES
<input type="checkbox"/> 5. COMPOSTABLE MATERIAL (describe): _____	<input type="checkbox"/> 10. INERT	<input type="checkbox"/> 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 _____

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) 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:

<input type="checkbox"/> RFI/JTD _____	<input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S):
<input type="checkbox"/> LOCAL USE/PLANNING PERMITS _____	<input type="checkbox"/> EIR _____
<input type="checkbox"/> LOCATION MAP _____	<input type="checkbox"/> MND/ND _____
<input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG _____	<input type="checkbox"/> EXEMPTION _____
<input type="checkbox"/> LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____	<input type="checkbox"/> ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS DISPOSAL FACILITIES ONLY:

<input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____	<input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____
<input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN	<input type="checkbox"/> KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____
<input type="checkbox"/> PRELIMINARY _____	<input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____
<input type="checkbox"/> FINAL _____	

C. IF APPLICABLE:

<input type="checkbox"/> REPORT OF WASTE DISCHARGE _____	<input type="checkbox"/> DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____
<input type="checkbox"/> CONTRACT AGREEMENTS _____	<input type="checkbox"/> SWAT (Air and water) _____
<input type="checkbox"/> STORMWATER PERMIT APPLICATION _____	<input type="checkbox"/> WETLANDS PERMITS _____
<input type="checkbox"/> NPDES PERMIT APPLICATION _____	<input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____
<input type="checkbox"/> 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

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).



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

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.





DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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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 wheel chair 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

11342.580 and 11346.2(a)(1). 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.

LOW COST SCENARIO			
Year		2015	2018
Compostable Materials		\$797,587	\$846,407
In-Vessel Digestion		\$7,380	\$774,563
Total		\$804,967	\$1,620,970

HIGH COST SCENARIO			
Year		2015	2018
Compostable Materials		\$50,762,353	\$53,869,415
In-Vessel Digestion		\$8,646	\$9,679,347
Total		\$50,770,999	\$63,548,762

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)

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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)
<http://www.ventura.org/rma/envhealth/technical-services/solid-waste/pdf/Ord.4423.pdf>
3. Program Environmental Impact Report for Anaerobic Digestion Facilities
<http://www.calrecycle.ca.gov/SWFacilities/Compostables/AnaerobicDig/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
<http://www.calrecycle.ca.gov/LEA/regs/Review/CompLandApp/CompLandApp.pdf>
 - c. Compostable Materials Storage Volume Limitations
<http://www.calrecycle.ca.gov/LEA/regs/Review/CompstStorag/CompStorag2.pdf>

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:

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/DraftText3.pdf>

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/SWFApp2.pdf>

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 composts 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.

§ 17857.1. Green Material Composting Operations and Facilities.

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.

§ 17862.1. Chipping and Grinding Operations and Facilities.

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 § 17854.1 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 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 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 of 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 of 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 of type 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 [§

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. 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.

§ 17896.14. In-Vessel Digestion Facility Plan.

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. Biogas Control.

§ 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 [§ 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 or 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.

§ 17896.23. Hazardous, Liquid, and Special Wastes.

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. Maintenance Program.

§ 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.

§ 17896.30. Odor Best Management Practice Feasibility Report.

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 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 proposed 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 § 17896.4. 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)

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, 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.

Page 3

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.

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.

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

Page 7

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.

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 is 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.

Page 2

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.

Page 3

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.

Standardized Regulatory Impact Assessment

CalRecycle – Compostable Materials and Transfer/Processing Regulations

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.

Standardized Regulatory Impact Assessment

CalRecycle – Compostable Materials and Transfer/Processing Regulations

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:

Sector	NAICS	List
Agriculture, Forestry, Fishing and Hunting	11	111; 112; 113; 114; 115
Utilities	22	22132
Construction	23	23661; 23621; 23731
Manufacturing	31-33	311; 3121; 32111; 32121; 32211; 32212; 32213; 32221; 32222; 32223; 325314
Professional, Scientific, and Technical Services	54	54162
Administrative and Support and Waste Management and Remediation Services	56	562; 562111; 562920

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.

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CalRecycle – Compostable Materials and Transfer/Processing 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

Standardized Regulatory Impact Assessment

CalRecycle – Compostable Materials and Transfer/Processing Regulations

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.

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CalRecycle – Compostable Materials and Transfer/Processing Regulations

Table 1: Estimated Direct Cost of Compostable Materials and In-vessel Digestion Regulations, Four Scenarios: Low and High Cost Range

LOW COST SCENARIO		Direct Costs (per year) – Compostable Materials (Public & Private)	
Year		2015	2018
General Cost		\$707,505	\$716,121
Machinery/Equipment Cost		\$0	\$0
Laboratory Cost		\$90,082	\$95,738
Regulatory Agency Cost		\$0	\$34,548
Total Cost		\$797,587	\$846,407

LOW COST SCENARIO		Direct Costs (per year) – In-Vessel Digestion (Public & Private)	
Year		2015	2018
General Cost		\$4,637	\$172,209
Machinery/Equipment Cost		\$2,743	\$557,235
Laboratory Cost		\$0	\$1,967
Regulatory Agency Cost		\$0	\$43,152
Total Cost		\$7,380	\$774,563

HIGH COST SCENARIO		Direct Costs (per year) – Compostable Materials (Public & Private)	
Year		2015	2018
General Cost		\$33,480,169	\$35,494,875
Machinery/Equipment Cost		\$16,193,010	\$17,184,152
Laboratory Cost		\$1,089,174	\$1,155,840
Regulatory Agency Cost		\$0	\$34,548
Total Cost		\$50,762,353	\$53,869,415

HIGH COST SCENARIO		Direct Costs (per year) – In-Vessel Digestion (Public & Private)	
Year		2015	2018
General Cost		\$5,253	\$5,829,747
Machinery/Equipment Cost		\$3,393	\$3,802,468
Laboratory Cost		\$0	\$3,980
Regulatory Agency Cost		\$0	\$43,152
Total Cost		\$8,646	\$9,679,347

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

Standardized Regulatory Impact Assessment

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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

	HIGH SCENARIOS		AS TRANS/PROC/OP		
2005 \$m	B 1-4, AS TRANS/PROC/OP	Production Cost	Waste management & remediation services	COSPOL2	x7930
2005 \$m	MACHINERY/EQPT.	Exogenous Final Demand	Waste management & remediation services	DEMPOL	X6530
2005 \$m	MANUFACTURING PURCHASE	Capital Cost	Waste management remediation services	COSCAP2	x10130
2005 \$m	LAB COSTS	Exogenous Final Demand	Management, scientific, & technical consulting svcs.	DEMPOL	x6520
2005 \$m	REGULATORY COST	State Govt. Spending	Total	FDPVST	63

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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

LOW COST SCENARIO		Costs (per year) – Compostable Materials		
Year	Measure	2015	2018	
Total Employment	Jobs	0	-2	
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	1	1	
Waste Mgmt. & Remediation Svcs.	Jobs	0	2	
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0	
Output	\$ Mill.	\$0.0	\$0.0	
Value Added	\$ Mill.	\$0.0	\$0.0	
Relative Composite Input Costs	Proportion	0.0%	0.0%	
Relative Delivered Price	Proportion	0.0%	0.0%	
Relative Cost of Production	Proportion	0.0%	0.0%	

LOW COST SCENARIO		Costs (per year) – In-Vessel Digestion		
Year	Measure	2015	2018	
Total Employment	Jobs	0	-2	
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	1	1	
Waste Mgmt. & Remediation Svcs.	Jobs	0	2	
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0	
Output	\$ Mill.	\$0.0	-\$1.0	
Value Added	\$ Mill.	\$0.0	\$0.0	
Relative Composite Input Costs	Proportion	0.0%	0.0%	
Relative Delivered Price	Proportion	0.0%	0.0%	
Relative Cost of Production	Proportion	0.0%	0.0%	

HIGH COST SCENARIO		Costs (per year) – Compostable Materials		
Year	Measure	2015	2018	
Total Employment	Jobs	1	-4	
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	8	7	
Waste Mgmt. & Remediation Svcs.	Jobs	56	43	
Gross Domestic Product	\$ Mill.	\$4.0	-\$15.0	
Output	\$ Mill.	\$2.0	-\$5.0	
Value Added	\$ Mill.	\$0.0	\$0.0	
Relative Composite Input Costs	Proportion	0.1%	0.1%	
Relative Delivered Price	Proportion	0.3%	0.3%	
Relative Cost of Production	Proportion	0.3%	0.3%	

HIGH COST SCENARIO		Costs (per year) – In-Vessel Digestion		
Year	Measure	2015	2018	
Total Employment	Jobs	4	4	
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	0	0	
Waste Mgmt. & Remediation Svcs.	Jobs	0	14	
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0	
Output	\$ Mill.	\$0.0	\$1.0	
Value Added	\$ Mill.	\$0.0	\$0.0	
Relative Composite Input Costs	Proportion	0.0%	0.0%	
Relative Delivered Price	Proportion	0.0%	0.1%	
Relative Cost of Production	Proportion	0.0%	0.1%	

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Table 4: Estimated Total Cost of Compostable Materials and In-vessel Digestion Regulations: Low and High Cost Range

LOW COST SCENARIO		Costs (per year)	
Year	Measure	2015	2018
Total Employment	Jobs	0	-4
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	2	2
Waste Mgmt. & Remediation Svcs.	Jobs	0	4
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0
Output	\$ Mill.	\$0.0	-\$1.0
Value Added	\$ Mill.	\$0.0	\$0.0

HIGH COST SCENARIO		Costs (per year)	
Year	Measure	2015	2018
Total Employment	Jobs	5	0
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	8	7
Waste Mgmt. & Remediation Svcs.	Jobs	56	57
Gross Domestic Product	\$ Mill.	\$4.0	-\$15.0
Output	\$ Mill.	\$2.0	-\$4.0
Value Added	\$ Mill.	\$0.0	\$0.0

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.

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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.

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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.

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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

LOW COST SCENARIO			
Year		2015	2018
Compostable Materials		\$797,587	\$846,407
In-Vessel Digestion		\$7,380	\$774,563
Total		\$804,967	\$1,620,970

HIGH COST SCENARIO			
Year		2015	2018
Compostable Materials		\$50,762,353	\$53,869,415
In-Vessel Digestion		\$8,646	\$9,679,347
Total		\$50,770,999	\$63,548,762

Benefits

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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

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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

LOW COST SCENARIO		Costs (per year)	
Year	Measure	2015	2018
Total Employment	Jobs	0	-4
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	2	2
Waste Mgmt. & Remediation Svcs.	Jobs	0	4
Gross Domestic Product	\$ Mill.	\$0.0	\$0.0
Output	\$ Mill.	\$0.0	-\$1.0
Value Added	\$ Mill.	\$0.0	\$0.0

HIGH COST SCENARIO		Costs (per year)	
Year	Measure	2015	2018
Total Employment	Jobs	-4	-9
Laboratory Services (Mgmt. Sci & Tech Consult.)	Jobs	6	5
Waste Mgmt. & Remediation Svcs.	Jobs	-5	17
Gross Domestic Product	\$ Mill.	-\$27.0	-\$52.0
Output	\$ Mill.	-\$10.0	-\$20.0
Value Added	\$ Mill.	\$0.0	\$1.0

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.

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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. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>
	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 operation \$2,492 - \$4,984/yr. per operation x 0 active operations = \$0/yr. <i>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</i>
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. <i>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.</i>
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 lab cost = \$58.37/sample \$58.37/sample x 0 samples/yr. = \$0/yr. <i>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</i>
	Removing contaminants: (\$0 - \$11)/ton x 0 tons/yr. x 0 active operations = \$0/yr. <i>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.</i>
Subtotal Cost \$107,879 - \$161,980/yr.	
Biosolids Composting Operations at POTWs (1 active)	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>
	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 operation \$2,492 - \$4,984/yr. per operation x 0 operations = \$0/yr. <i>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</i>
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. <i>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.</i>
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 lab cost = \$58.37/sample \$58.37/sample x 1 sample/yr. x = \$58.37/yr. <i>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</i>
	Removing contaminants: (\$0 - \$11)/ton x 82,210 tons of avg. operation/yr. x 1 operation = \$0 to \$904,310/yr. <i>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 throughput.</i>
Subtotal Cost \$2,755 - \$908,418/yr.	
Research Composting Operations (18 active)	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>
	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 operation \$2,492 - \$4,984/yr. per operation x 0 operations = \$0/yr. <i>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</i>
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. <i>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.</i>

Subtotal Cost		\$3,725.28/yr.
Green Material Composting Operations (59 active)		
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. <i>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 submittal; staff estimates 10% of operations will submit SSA request.</i>	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>	
	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 operation \$2,492 - \$4,984/yr. per operation x 0 operations = \$0/yr. <i>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.</i>	
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 59 operations = \$159,121 - \$238,920.50/yr. <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; all green material composting operations must visually sample loads.</i>	
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 lab cost = \$58.37/sample \$58.37/sample x 6 samples/yr. = \$350.22/yr. <i>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).</i>	
	Removing contaminants: (\$0 - \$11)/ton x (529,188 tons/35 operations = 15,120 tons of avg. operation/yr.) x 6 operations = \$0 to \$997,920/yr. <i>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.</i>	
Subtotal Cost		\$159,781.66 - \$1,237,812/yr.
Green Material Composting Facilities (26 active)		
Odor:	Prepare BMP Report: \$5,000 - \$10,450/facility x 0 facilities/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>	
	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 facilities = \$0/yr. <i>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.</i>	
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 facility \$2,696.97 - \$4,049.50/yr. per facility x 26 facilities = \$70,121 - \$105,287/yr. <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; all green material composting facilities must visually sample loads.</i>	
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 lab cost = \$58.37/sample \$58.37/sample x 351 samples/yr. = \$20,487.87/yr. <i>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.</i>	
	Removing contaminants: (\$0 - \$11)/ton x 877,200 tons /yr. x = \$0 to \$9,649,200/yr. <i>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.</i>	
Subtotal Cost		\$90,609 - \$9,774,975/yr.
Vegetative Food Material Composting Facilities (≤ 12,500 cubic yards) (0 active)		
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 active operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i>	
	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 \$2,696.97 - \$4,049.50/yr. per facility x 0 active facilities = \$0/yr. <i>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.</i>	
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 facility \$2,696.97 - \$4,049.50/yr. per facility x 0 active facilities = \$0/yr. <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; zero existing vegetative food material composting facilities.</i>	
0.1% Physical Contaminants:	Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.	

(outgoing)	<p>\$31.15/hr. x ½ hr. = \$10.37 \$10.37+ \$48.00 lab 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; zero existing vegetative food material composting facilities.</p> <p>Removing contaminants: (\$0- \$11)/ton x tons/yr. x 0 active facilities = \$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 vegetative food material composting facilities.</p>	
Subtotal Cost		\$0/yr.
Vegetative Food Material Composting Facilities (> 12,500 cubic yards) (0 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 active facilities/yr. = \$0/yr. Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</p> <p>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 \$2,696.97 - \$4,049.50/yr. per facility x 0 active 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.</p>	
1.0% Physical Contaminants: (incoming)	<p>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 facility \$2,696.97 - \$4,049.50/yr. per facility x 0 active facilities = \$0/yr. Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; zero existing vegetative food material composting facilities.</p>	
0.1% Physical Contaminants: (outgoing)	<p>Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x ½ hr. = \$10.37 \$10.37 + \$48.00 lab 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; zero existing vegetative food material composting facilities.</p> <p>Removing contaminants: (\$0 - \$11)/ton x tons/yr. x 0 active facilities = \$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 vegetative food material composting facilities.</p>	
Subtotal Cost		\$0/yr.
Composting Facilities (all) (e.g., biosolids, digestate, food material, mixed) (30 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450 x 1 facility/yr. = \$5,000 - \$10,450/yr. Based on estimates obtained from industry consultants; staff estimates one composting facility per year will prepare a BMP report based on current odor violations.</p> <p>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 1 facility = \$2,492 - \$4,984/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; staff estimates one composting facility per year will implement a BMP report.</p>	
0.1% Physical Contaminants: (outgoing)	<p>Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x ½ hr. = \$10.37 \$10.37 + \$48.00 lab cost = \$58.37/sample \$58.37/sample x 1186 samples/yr. = \$69,226.82/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; number of samples based on current estimated throughput being sampled every 5,000 cubic yards.</p> <p>Removing contaminants: \$0-11/ton x 2,968,288 tons/yr. = \$0 - \$32,651,168/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; tonnage based on current estimated throughput.</p>	
Subtotal Cost		\$76,719 - \$32,735,829/yr.
Chipping and Grinding Operations (≤ 200 tons/day) (55 active)		
Odor:	<p>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.</p> <p>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 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 BMP report; only operations accepting mixed material are likely to implement a BMP report.</p>	
1.0% Physical Contaminants: (incoming)	<p>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 55 operations = \$148,333.35 - \$222,722.50/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 operations must visually sample loads.</p>	
Subtotal Cost		\$148,333.35 - \$222,722.50/yr.
Chipping and Grinding Facilities (> 200 and ≤ 500 tons/day) (9 active)		
Odor:	<p>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.</p> <p>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</p>	

	<p>\$2,492 - \$4,984/yr. per facility x 0 facilities = \$0/yr.</p> <p><i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.</p> <p>\$31.15/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = \$2,696.97 - \$4,049.50/yr. per facility</p> <p>\$2,696.97 - \$4,049.50/yr. per facility x 9 facilities/yr. = \$24,272.73 - \$36,445.50/yr.</p> <p><i>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.</i></p>
Subtotal Cost	
\$24,272.73 - \$36,445.50/yr.	
Chipping and Grinding Facilities (> 500 tons/day) (11 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/facility x 0 facilities/yr. = \$0/yr.</p> <p><i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i></p> <p>Implement BMP Report: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.</p> <p>\$31.15/hr. x (80 - 160 hrs.)/yr. = \$2,492 - \$4,984/yr. per facility</p> <p>\$2,492 - \$4,984/yr. per facility x 0 facilities = \$0/yr.</p> <p><i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.</p> <p>\$31.15/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = \$2,696.97 - \$4,049.50/yr. per facility</p> <p>\$2,696.97 - \$4,049.50/yr. per facility x 11 facilities/yr. = \$29,666.67 - \$44,544.40/yr.</p> <p><i>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.</i></p>
Subtotal Cost	
\$29,666.67 - \$44,544.50/yr.	
Land Application	
Sampling and Analysis:	<p>Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr.</p> <p>\$31.15/hr. x 1/3 hr. = \$10.37</p> <p>\$10.37 + \$300.00 lab cost = \$310.37/sample</p> <p>1,000,000 tons ÷ (30 - 600 tons)/acre ÷ (10 - 622 acres)/site = 3 - 3,333 sites</p> <p>3 - 3,333 sites x \$310.37/sample = \$931.11 - \$1,034,463/yr.</p> <p><i>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. The proposed regulations do not specify a sample frequency, therefore, the number of samples is 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.</i></p>
0.1% Physical Contaminants: (outgoing)	<p>Removing contaminants:</p> <p>1,000,000 tons x 10% needs to be cleaned = 100,000 tons</p> <p>(\$0 - \$11/ton) x 100,000 tons = \$0 - \$1,100,000/yr.</p> <p><i>Tonnage available for land application and amount of material that will need to be cleaned annually based on staff estimates; contaminant removal costs 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.</i></p>
CDFA Determination:	<p>Determination of "agronomically beneficial": \$54.75/hr. + \$30.25/hr. = \$85/hr.</p> <p>\$85/hr. x 8 hrs./site x 3 sites/yr. = \$2,040/yr.</p> <p><i>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 "agronomically beneficial" determination; staff estimate on the number of sites that will request an "agronomically beneficial" determination.</i></p>
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 <i>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.</i>
Odor:	Prepare BMP Report: (\$5,000 - \$10,450)/operation (\$5,000 - \$10,450)/operation x 0 operations = \$0/yr. <i>Based on estimates obtained from industry consultants; staff estimates that no Research In-vessel Digestion Operations will prepare a BMP report.</i>
	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. <i>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.</i>
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 <i>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.</i>
Drainage and Spill Control:	Spill response = \$100/yr. per operation <i>Staff estimate of equipment and supplies costs.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i>
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. (1/30 yr.) x = \$81.53 - \$91.53/yr. per operation <i>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.</i>
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 1/8 hr./yr. = \$3.89/yr. per operation <i>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.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.</i>
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 1/2 hrs./yr. = \$25.87/yr. per operation <i>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.</i>
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. <i>Based on estimates obtained from industry consultants; staff estimates that no Dairy In-vessel Digestion Operations will prepare a BMP report.</i>
	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. <i>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.</i>
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 <i>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.</i>

Drainage and Spill Control:	Spill response = \$100/yr. per operation <i>Staff estimate of equipment and supplies costs.</i>	
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i>	
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 <i>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.</i>	
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 1/8 hr./yr. = \$3.89/yr. per operation <i>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.</i>	
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.</i>	
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 1/2 hrs./yr. = \$25.87/yr. per operation <i>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.</i>	
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. <i>Based on estimates obtained from industry consultants; staff estimates that no Distribution Center In-vessel Digestion Operations will prepare a BMP report.</i>	
	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. <i>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.</i>	
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 <i>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.</i>	
Drainage and Spill Control:	Spill response = \$100/yr. per operation <i>Staff estimate of equipment and supplies costs.</i>	
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i>	
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 <i>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.</i>	
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 1/8 hr./yr. = \$3.89/yr. per operation <i>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.</i>	
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/hr. + \$15.86/hr. = \$51.74/hr. \$51.74/hr. x ½ 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 (\$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 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:	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 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 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.)		\$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 ¼ 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 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 ½ 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.	

	<p>$\\$31.15/\text{hr.}/\text{hr.} \times 50 \text{ hrs./yr.} = \\$1,557.50/\text{yr.}$ per facility <i>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.</i></p>
Drainage and Spill Control:	<p>Spill response = \$100/yr. per facility <i>Staff estimate of equipment and supplies costs.</i></p>
Subtotal Cost (to any new In-vessel Digestion facility) \$1,657.50/yr.	
Odor:	<p>Prepare OIMP: $\\$21.54/\text{hr.} + \\$9.61/\text{hr.} = \\$31.15/\text{hr.}$ $\\$31.15/\text{hr.} \times (4 \text{ hrs.} - 24 \text{ hrs.})/\text{yr.} = \\$124.60 - \\$747.60/\text{yr.}$ per facility <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i></p>
Site Restoration:	<p>Provide notice; cleaning, and removal: $\\$21.54/\text{hr.} + \\$9.61/\text{hr.} = \\$31.15/\text{hr.}$ $\\$31.15/\text{hr.} \times 40 \text{ hrs./yr.} = \\$1,246/\text{yr.}$ per facility Equipment use = $(\\$1,200 - \\$1,500)/\text{yr.}$ per facility $(\\$1,200 - \\$1,500) + \\$1,246 \times \text{one every } 30 \text{ yrs. } (1/30 \text{ yr.}) \times = \\$81.53 - \\$91.53/\text{yr.}$ per facility <i>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.</i></p>
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:	<p>Make available IIPP: $\\$21.54/\text{hr.} + \\$9.61/\text{hr.} = \\$31.15/\text{hr.}$ $\\$31.15/\text{hr.} \times \frac{1}{8} \text{ hr./yr.} = \\$3.89/\text{yr.}$ per facility <i>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.</i></p>
Roads:	<p>Design and maintain roads: $\\$21.54/\text{hr.} + \\$9.61/\text{hr.} = \\$31.15/\text{hr.}$ $\\$31.15/\text{hr.} \times 200 \text{ hrs./yr.} = \\$6,230/\text{yr.}$ per facility $\\$3,000/\text{facility}$ [\$476/yr. (10 year amortization)] $\\$6,230/\text{yr.} + \\$476 = \\$6,706/\text{yr.}$ per facility <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.</i></p>
Supervision and Personnel:	<p>Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $\\$35.88 + \\$15.86 = \\$51.74/\text{hr.}$ $\\$51.74/\text{hr.} \times \frac{1}{2} \text{ hrs./yr.} = \\$25.87/\text{yr.}$ per facility <i>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.</i></p>
Equipment:	<p>Provide equipment adequate in type, capacity, and number: \$500,000 [\$79,290/yr. (10 year amortization)] = \$79,290/yr. per facility <i>Staff estimate based on stakeholder input.</i></p> <p>Sufficiently maintain equipment adequate in type, capacity, and number: $\\$21.54/\text{hr.} + \\$9.61/\text{hr.} = \\$31.15/\text{hr.}$ $\\$31.15/\text{hr.} \times 300 \text{ hrs./yr.} = \\$9,345/\text{yr.}$ per facility <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to maintain equipment.</i></p>
Housekeeping:	<p>Provide adequate housekeeping: $\\$21.54/\text{hr.} + \\$9.61/\text{hr.} = \\$31.15/\text{hr.}$ $\\$31.15/\text{hr.} \times 25 \text{ hrs./yr.} = \\$778.75/\text{yr.}$ per facility <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to provide housekeeping.</i></p>
Lighting:	<p>Provide adequate lighting: $\\$5,000/\text{facility}$ [\$793/yr. (10 year amortization)] x 0.5 facilities (needing artificial light) = \$400/yr. per facility <i>Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Medium Volume In-vessel Digestion Facilities will need artificial lighting.</i></p>
Visual Screening:	<p>Consult with EA: $\\$44.96/\text{hr.} + \\$24.84/\text{hr.} = \\$69.80/\text{hr.}$ $\\$69.80/\text{hr.} \times 2 \text{ hrs./yr.} = \\$139.60/\text{yr.}$ per facility $\\$139.60/\text{yr.}$ per facility x 0.1 facilities (for which no local land use authority exists) = \$13.96/yr. per facility <i>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.</i></p> <p>Provide aesthetics (e.g., fencing, berms, landscaping): $\\$10,000/\text{facility}$ [\$1,586/yr. (10 year amortization)] x 0.1 facilities (for which no local land use authority exists) = \$160/yr. per facility <i>Staff estimate of cost to provide aesthetics; staff estimates 10% of Medium Volume In-vessel Digestion Facilities will have no local land use authority.</i></p> <p>Maintain aesthetics: $\\$21.54/\text{hr.} + \\$9.61/\text{hr.} = \\$31.15/\text{hr.}$ $\\$31.15/\text{hr.} \times 50 \text{ hrs./yr.} = \\$1,557.50/\text{yr.}$ per facility $\\$1,557.50/\text{yr.}$ per facility x 0.1 facilities (for which no local land use authority exists) = \$155.75/yr. <i>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.</i></p>
Water Supply:	<p>Provide a safe and adequate water supply for drinking = \$500/yr. per facility <i>Staff estimate of cost to provide adequate drinking water.</i></p> <p>Provide a safe and adequate water supply emergency use: \$1,000/facility [\$159/yr. (10 year amortization)] = \$159/yr. per facility <i>Staff estimate of cost to provide adequate emergency water.</i></p>
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.	

Large Volume In-vessel Digestion Facilities (0 active)	
Odor:	Prepare BMP Report: (\$5,000 - \$10,450)/facility <i>Based on estimates obtained from industry consultants; staff estimates that one Large Volume In-vessel Digestion Facility will prepare a BMP report.</i>
	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 <i>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.</i>
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 <i>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.</i>
Drainage and Spill Control:	Spill response = \$100/yr. per facility <i>Staff estimate of equipment and supplies costs.</i>
0.1% Physical Contaminants:	Sampling and analysis: \$21.54/hr. + \$9.61/hr. = \$31.15/hr. \$31.15/hr. x ½ hr. = \$10.38 \$10.38 + \$48.00 lab cost = \$58.38/sample 26,000 – 130,000 tons x 0.5 facilities x 2 yd ³ /ton x 0.6 (volume reduction) x 1 sample/5,000 yd ³ = (2 - 10) samples \$58.38/sample x (3 – 16) samples/yr. = \$160.14 - \$854.08/yr. per facility <i>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%.</i>
	Removing contaminants: (\$0 - \$11)/ton x 26,000 – 130,000 tons/yr. = \$0 - \$1,430,000/yr. per facility <i>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.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</i>
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 <i>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.</i>
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 ¼ hr./yr. = \$3.89/yr. per facility <i>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.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.</i>
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 hrs./yr. = \$25.87/yr. per facility <i>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.</i>
Equipment:	Provide equipment adequate in type, capacity, and number: \$500,000 [\$79,290/yr. (10 year amortization)] = \$79,290/yr. per facility <i>Staff estimate based on stakeholder input.</i>
	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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to maintain equipment.</i>
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 <i>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to provide housekeeping.</i>
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 <i>Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Large Volume In-vessel Digestion Facilities will need artificial lighting.</i>
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

	<p>\$139.60/yr. per facility x 0.1 facilities (for which no local land use authority exists) = \$13.96/yr. per facility <i>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.</i></p> <p>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 <i>Staff estimate of cost to provide aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.</i></p> <p>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. <i>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.</i></p>	
Water Supply:	<p>Provide a safe and adequate water supply for drinking: = \$500/yr. per facility <i>Staff estimate of cost to provide adequate drinking water.</i></p> <p>Provide a safe and adequate water supply emergency use: \$1,000/facility [\$159/yr. (10 year amortization)] = \$159/yr. per facility <i>Staff estimate of cost to provide adequate emergency water.</i></p>	
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.

	Yr. 1 - 2	Yr. 3	Total #	Total Cost
Research In-vessel Digestion Operations	4	2	6	3 x [\$2,070.59 - \$2,703.59]/yr. = [\$6,211.77 - \$8,110.77]/yr. 3 x \$3,610.36/yr. = \$10,831.08/yr. [\$6,211.77 - \$8,110.77]/yr. + \$10,831.08/yr. = \$17,042.85 - \$18,941.85/yr.
Dairy In-vessel Digestion Operations	1	2	3	1 x [\$1,863.63 - \$2,496.63]/yr. = [\$1,863.63 - \$2,496.63]/yr. 2 x \$4,961.00/yr. = \$9,922.00/yr. [\$1,863.63 - \$2,496.63]/yr. + \$9,922.00/yr. = \$11,785.63 - \$12,418.63/yr.
Distribution Center In-vessel Digestion Operations				
Limited Volume In-vessel Digestion Operations		2	2	1 x [\$1,863.63 - \$2,496.63]/yr. = [\$1,863.63 - \$2,496.63]/yr. 1 x \$6,676.76/yr. = \$6,676.76/yr. [\$1,863.63 - \$2,496.63]/yr. + \$6,676.76/yr. = \$8,540.39 - \$9,173.39/yr.
Medium Volume In-vessel Digestion Facilities		2	2	1 x [\$1,863.63 - \$2,496.63]/yr. = [\$1,863.63 - \$2,496.63]/yr. 1 x \$99,195.72/yr. = \$99,195.72/yr. [\$1,863.63 - \$2,496.63] + \$99,195.72/yr. = \$101,059.35 - \$101,692.35/yr.
Large Volume In-vessel Digestion Facilities		2	2	1 x [\$9,515.19 - \$1,448,784.71]/yr. = [\$9,515.19 - \$1,448,784.71]/yr. 1 x [\$111,989.28 - \$1,550,625.80]/yr. = [\$111,989.28 - \$1,550,625.80]/yr. [\$9,515.19 - \$1,448,784.71]/yr. + [\$111,989.28 - \$1,550,625.80]/yr. = \$121,504.47 - \$2,999,410.51/yr.
				\$259,932.69 - \$3,141,636.73/yr.

Public Compostable Material Handling Operations and Facilities
Preliminary Estimates

Agricultural Material Composting Operations (0 active)	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 active operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i>
	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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 active operations = \$0/yr. <i>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.</i>
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 operation \$3,684.20 - \$5,526.30/yr. per operation x 0 active operations = \$0/yr. <i>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.</i>
0.1% Physical Contaminants: (outgoing)	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 \$62.17/sample x 0 samples/yr. = \$0/yr. <i>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.</i>
	Removing contaminants: (\$0 - \$11)/ton x 0 tons/yr. x 0 active operations = \$0/yr. <i>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.</i>
Subtotal Cost	
\$0/yr.	
Biosolids Composting Operations at POTWs (8 active)	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i>
	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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 operations = \$0/yr. <i>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.</i>
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 operation \$3,684.20 - \$5,526.30/yr. per operation x 1 operation = \$3,684.20 - \$5,526.30/yr. <i>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.</i>
0.1% Physical Contaminants: (outgoing)	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 \$62.17/sample x 1 sample/yr. x = \$62.17/yr. <i>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.</i>
	Removing contaminants: (\$0 - \$11)/ton x 5,363 tons of avg. operation/yr. x 1 operation = \$0 to \$58,993 <i>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.</i>
Subtotal Cost	
\$3,746 - \$64,581/yr.	
Research Composting Operations (4 active)	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i>
	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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 operations = \$0/yr. <i>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.</i>
2-Year Report:	Prepare 2-yr. Report: \$34.71/hr. + 17.05/hr. = \$51.76/hr. \$51.76/hr. x 8 hrs./yr. = \$414.08/yr. per operation \$414.08/yr. per operation x 2 operation/yr. = \$828.16/yr. <i>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.</i>
Subtotal Cost	
\$828.16/yr.	

Green Material Composting Operations (10 active)	
12,500 Cubic Yard Storage:	Cost for submitting request in writing for SSA: \$34.71 + 17.05 = \$51.76/hr. \$51.76/hr. x (1 - 2 hrs.)/yr. per operation x 1 operation = \$51.76 - \$103.52/yr. <i>Average total hourly compensation (wages and benefits) of management, professional, and related - US Bureau of Labor Statistics; staff estimate on time to complete request submittal; staff estimates 10% of operations will submit SSA request.</i>
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i>
	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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 operations = \$0/yr. <i>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.</i>
1.0% Physical Contaminants: (incoming)	Visual observation of loads: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = \$3,684.20 - \$5,526.30/yr. per operation \$3,684.20 - \$5,526.30/yr. per operation x 10 operations = \$36,842 - \$55,263/yr. <i>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistic; staff estimate of time to visually observe loads; all green material composting operations must visually sample loads.</i>
0.1% Physical Contaminants: (outgoing)	Sampling and analysis: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 1/8 hr. = \$14.17 \$14.17 + \$48.00 lab cost = \$62.17/sample \$62.17/sample x 1 sample/yr. = \$62.17/yr. <i>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 request a sample from 10% of operators(1).</i>
	Removing contaminants: (\$0 - \$11)/ton x 3,654 tons of avg. operation/yr. x 1 operation = \$0 to \$40,194 <i>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.</i>
Subtotal Cost	
\$36,955.93 - \$95,622.69/yr.	
Green Material Composting Facilities (8 active)	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/facility x 0 facilities/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i>
	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. <i>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.</i>
1.0% Physical Contaminants: (incoming)	Visual observation of loads: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = \$3,684.20 - \$5,526.30/yr. per facility \$3,684.20 - \$5,526.30/yr. per facility x 8 facilities = \$29,474 - \$44,210/yr. <i>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistic; staff estimate of time to visually observe loads; all green material composting operations must visually sample loads; all green material composting facilities operations must visually sample loads.</i>
0.1% Physical Contaminants: (outgoing)	Sampling and analysis: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 1/8 hr. = \$14.17 \$14.17 + \$48.00 lab cost = \$62.17/sample \$62.17/sample x 135 of samples/yr. = \$8,393/yr. <i>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.</i>
	Removing contaminants: (\$0 - \$11)/ton x 48,215 tons of avg. facility/yr. x 1 facility = \$0 to \$530,365 <i>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.</i>
Subtotal Cost	
\$37,867 - \$582,968/yr.	
Vegetative Food Material Composting Operations (≤ 12,500 cubic yards) (0 active)	
Odor:	Prepare BMP Report: \$5,000 - \$10,450/operation x 0 active operations/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i>
	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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 active operations = \$0/yr. <i>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.</i>
1.0% Physical Contaminants: (incoming)	Visual observation of loads: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = \$3,684.20 - \$5,526.30/yr. per operation \$3,684.20 - \$5,526.30/yr. per operation x 0 active operations = \$0/yr. <i>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.</i>

0.1% Physical Contaminants: (outgoing)	<p>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 \$62.17/sample x 0 samples/yr. = \$0/yr.</p> <p><i>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.</i></p> <p>Removing contaminants: (\$0 - \$11)/ton x tons/yr. x 0 active operations = \$0/yr.</p> <p><i>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.</i></p>	
Subtotal Cost		\$0/yr.
Vegetative Food Material Composting Facilities (> 12,500 cubic yards) (0 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 active facilities/yr. = \$0/yr.</p> <p><i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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 active facilities = \$0/yr.</p> <p><i>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.</i></p>	
1.0% Physical Contaminants: (incoming)	<p>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 \$3,684.20 - \$5,526.30/yr. per facility x 0 active facilities = \$0/yr.</p> <p><i>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.</i></p>	
0.1% Physical Contaminants: (outgoing)	<p>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 \$62.17/sample x 0 samples/yr. = \$0/yr.</p> <p><i>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.</i></p> <p>Removing contaminants: (\$0 - \$11)/ton x tons/yr. x 0 active facilities = \$0/yr.</p> <p><i>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.</i></p>	
Subtotal Cost		\$0/yr.
Composting Facilities (all) (e.g., biosolids, digestate, food material, mixed) (5 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450 x 1 facility/yr. = \$5,000 - \$10,450/yr.</p> <p><i>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.</i></p> <p>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 1 facility = \$3,400.80 - \$6,801.60/yr.</p> <p><i>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.</i></p>	
0.1% Physical Contaminants: (outgoing)	<p>Sampling and analysis: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51 x ½ hr. = \$14.17 \$14.17 + \$48.00 lab cost = \$62.17/sample \$62.17/sample x 98 samples/yr. x = \$6,092.66/yr.</p> <p><i>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.</i></p> <p>Removing contaminants: \$0-\$11/ton x 246,124 tons/yr. = \$0 - \$2,707,364/yr.</p> <p><i>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.</i></p>	
Subtotal Cost		\$14,493 - \$2,730,708/yr.
Chipping and Grinding Operations (≤ 200 tons/day) (5 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 operations/yr. = \$0/yr.</p> <p><i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</i></p> <p>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 operation \$3,400.80 - \$6,801.60/yr. per operation x 0 operations = \$0/yr.</p> <p><i>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.</i></p>	
1.0% Physical Contaminants: (incoming)	<p>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 operation \$3,684.20 - \$5,526.30/yr. per operation x 5 operations = \$18,421 - \$27,631.50/yr.</p> <p><i>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 operations must visually sample loads.</i></p>	
Subtotal Cost		\$18,421 - \$27,631.50/yr.
Chipping and Grinding Facilities (> 200 and ≤ 500 tons/day) (1 active)		
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/operation x 0 facilities/yr. = \$0/yr.</p> <p><i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p>	

	<p>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. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x (¼ to ½ hr.) x 260 operating days/yr. = \$3,684.20 - \$5,526.30/yr. per facility \$3,684.20 - \$5,526.30/yr. per facility x 1 facility/yr. = \$3,684.20 - \$5,526.30/yr. <i>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.</i></p>
Subtotal Cost	
\$3,684.20 - \$5,526.30/yr.	
Chipping and Grinding Facilities (> 500 tons/day) (10 active)	
Odor:	<p>Prepare BMP Report: \$5,000 - \$10,450/facility x 0 facilities/yr. = \$0/yr. <i>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</i></p> <p>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. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>Visual observation of loads: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x (¼ to ½ hr.) x 260 operating days/yr. = \$3,684.20 - \$5,526.30/yr. per facility \$3,684.20 - \$5,526.30/yr. per facility x 10 facilities/yr. = \$36,842 - \$55,263/yr. <i>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.</i></p>
Subtotal Cost	
\$36,842 - \$55,263/yr.	
Enforcement Agencies	
Land Application:	<p>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. <i>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.</i></p> <p>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. <i>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 depths and frequencies.</i></p>
12,500 Cubic Yard Storage:	<p>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. <i>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.</i></p>
Odor:	<p>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. <i>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.</i></p> <p>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. <i>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.</i></p>
1.0% Physical Contaminants: (incoming)	<p>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. <i>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.</i></p> <p>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. <i>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.</i></p> <p>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. <i>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.</i></p>
0.1% Physical Contaminants: (outgoing)	<p>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. <i>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.</i></p> <p>Review lab results: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ¼ hr./review x 1,288 reviews (98 public mixed + 1186 private mixed + 4 green material operations + (10% of application sites))/yr. = \$13,685/yr. <i>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.</i></p>

Research:	Review 2-yr. report: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 2 hrs./report x 4 reports/yr. = \$680/yr. <i>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.</i>
	Approve extension: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 2 hrs./extension x 2 extensions/yr. = \$340/yr. <i>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 extensions received and the amount of time spent reviewing each extension.</i>
Alt. Sampling and Analysis:	Review and approve/deny request for alternative sampling or analysis: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 4 hrs./request x 20 requests/yr. = \$6,800/yr. <i>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.</i>
Subtotal Cost	
\$26,860/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 consults/yr. = \$85/yr. <i>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.</i>
Agronomically Beneficial:	Determination of "agronomically beneficial": \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./determination x 10 determinations/yr. = \$425/yr. <i>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.</i>
Subtotal Cost	
\$510/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 consults/yr. = \$85/yr. <i>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.</i>
Subtotal Cost	
\$85/yr.	
Regional Water Quality Control Board	
Alt. Land Application Alternatives:	Consultation with Enforcement Agencies: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consult x 20 consultations (10% of application sites)= \$/yr. <i>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.</i>
Subtotal Cost	
\$850/yr.	
CalRecycle	
Prohibition Exceptions:	Approve exceptions to mammalian tissue prohibition: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 16 hrs./yr. = \$1,360/yr. <i>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 and the amount of time spent on each approval.</i>
Odor:	Consultation with Enforcement Agencies: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x 24 hrs./yr. = \$2,040/yr. <i>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.</i>
EA Notification Inspection Frequency:	Concur on reduced frequency: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./concurrence x 20 requests/yr. = \$850/yr. <i>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.</i>
Subtotal Cost	
\$4,250/yr.	
Total Cost	
\$185,392 -\$3,595,684/yr.	

Public In-vessel Digestion Operations and Facilities
Preliminary Estimates

Research In-vessel Digestion Operations (0 active)	
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 <i>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.</i>
Odor:	Prepare BMP Report: (\$5,000 - \$10,450)/operation (\$5,000 - \$10,450)/operation x 0 operations = \$0/yr. <i>Based on estimates obtained from industry consultants; staff estimates that no Research In-vessel Digestion Operations will prepare a BMP report.</i>
	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. <i>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</i>
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 <i>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.</i>
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)	
	\$2,432.54/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 operation <i>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.</i>
Site Restoration:	Provide notice; cleaning, and removal: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 40 hrs./yr. = \$1700/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 <i>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.</i>
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 ¼ hr./yr. = \$5.31/yr. per operation <i>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.</i>
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 <i>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.</i>
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 <i>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.</i>
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. <i>Based on estimates obtained from industry consultants; staff estimates that no Dairy In-vessel Digestion Operations will prepare a BMP report.</i>
	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. <i>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.</i>
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. = \$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. = \$1700/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 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 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 1/2 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.)		\$4,441.19/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.
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. = (\$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. = \$170.04 - \$1,020.24/yr. 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. = \$1700/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 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 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	

	<p>\$1,000/yr. per operation [(\$159/yr. (10 year amortization)) \$4,251/yr. + \$159/yr. = = \$4,410/yr. per operation <i>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.</i></p>	
Supervision and Personnel:	<p>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 <i>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.</i></p>	
Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)		\$4,441.19/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:	<p>Prepare BMP Report: (\$5,000 - \$10,450)/operation (\$5,000 - \$10,450)/operation x 0 operations = \$0/yr. <i>Based on estimates obtained from industry consultants; staff estimates that no Limited Volume In-vessel Digestion Operations will prepare a BMP report.</i></p>	
	<p>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. <i>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.</i></p>	
Biogas Control:	<p>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 <i>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.</i></p>	
Drainage and Spill Control:	<p>Spill response = \$100/yr. per operation Staff estimate of equipment and supplies costs.</p>	
Subtotal Cost (to any new In-vessel Digestion operation)		\$2,225.50/yr.
Odor:	<p>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 operation <i>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.</i></p>	
Site Restoration:	<p>Provide notice; cleaning, and removal: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 40 hrs. = \$1700/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 <i>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.</i></p>	
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:	<p>Make available IIPP: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x ¼ hr./yr. = \$5.31/yr. per operation <i>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.</i></p>	
Roads:	<p>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 [(\$317/yr. (10 year amortization)) \$6,376.50/yr. + \$317 = \$6,693.50/yr. per operation <i>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.</i></p>	
Supervision and Personnel:	<p>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 <i>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.</i></p>	
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:	<p>Prepare BMP Report: (\$5,000 - \$10,450)/facility (\$5,000 - \$10,450)/facilities x 0 facilities = \$0/yr. <i>Based on estimates obtained from industry consultants; staff estimates that no Medium Volume In-vessel Digestion Facilities will prepare a BMP report.</i></p>	
	<p>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 (\$3,400.80 - \$6,801.60)/yr. per facility x 0 facilities = \$0/yr.</p>	

	<i>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 Medium Volume In-vessel Digestion Facilities will implement a BMP report.</i>
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 <i>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.</i>
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) \$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. = \$170.04 - \$1,020.24/yr. per facility <i>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.</i>
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.) x = \$96.67 - \$106.67/yr. per facility <i>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.</i>
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 IIPP: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x ¼ hr./yr. = \$5.31/yr. per facility <i>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.</i>
Roads:	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 <i>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.</i>
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 <i>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.</i>
Equipment:	Provide equipment adequate in type, capacity, and number: \$500,000 [\$79,290/yr. (10 year amortization) per facility <i>Staff estimate based on stakeholder input.</i> 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 <i>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.</i>
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 <i>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.</i>
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 <i>Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Medium Volume In-vessel Digestion Facilities will need artificial lighting.</i>
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 <i>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</i> 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 <i>Staff estimate of cost to provide aesthetics; staff estimates 10% of Medium Volume In-vessel Digestion Facilities will have no local land use authority.</i> 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. <i>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 Medium Volume In-vessel Digestion Facilities will have no local land use authority</i>
Water Supply:	Provide a safe and adequate water supply for drinking: = \$500/yr. per facility <i>Staff estimate of cost to provide adequate drinking water.</i>

	Provide a safe and adequate water supply emergency use: \$1,000/facility [\$159/yr. (10 year amortization)] = \$159/yr. per facility <i>Staff estimate of cost to provide adequate emergency water.</i>
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 <i>Based on estimates obtained from industry consultants; staff estimates that one Large Volume In-vessel Digestion Facility will prepare a BMP report.</i>
	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 <i>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.</i>
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 <i>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.</i>
Drainage and Spill Control:	Spill response = \$100/yr. per facility <i>Staff estimate of equipment and supplies costs.</i>
0.1% Physical Contaminants:	Sampling and analysis: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 1/4 hr. = \$14.17 \$14.17 + \$48.00 lab cost = \$62.17/sample 26,000 – 130,000 tons x 0.5 facilities x 2 yd ³ /ton x 0.6 (40% volume reduction) x 1 sample/5,000 yd ³ = (3 -16) samples \$62.17/sample x (3 – 16) samples/yr. = \$186.51 - \$994.72/yr. per facility <i>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%.</i>
	Removing contaminants: (\$0 - \$11)/ton x 26,000 – 130,000 tons/yr. = \$0 - \$1,430,000/yr. per facility <i>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.</i>
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 <i>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.</i>
Site Restoration:	Provide notice; cleaning, and removal: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 40 hrs./yr. = \$1700/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 <i>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.</i>
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 IIPP: \$27.38/hr. + \$15.13/hr. = \$42.51/hr. \$42.51/hr. x 1/4 hr./yr. = \$5.31/yr. per facility <i>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.</i>
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 <i>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.</i>
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 1/2 hrs./yr. = \$25.88/yr. per facility <i>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.</i>
Equipment:	Provide equipment adequate in type, capacity, and number: \$500,000 [\$79,290/yr. (10 year amortization)] per facility <i>Staff estimate based on stakeholder input.</i>
	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 <i>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.</i>
Housekeeping:	Provide adequate housekeeping: \$27.38/hr. + \$15.13/hr. = \$42.51/hr.

	<p>\$42.51/hr. x 25 hrs./yr. = \$1,062.75/yr. per facility <i>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.</i></p>	
Lighting:	<p>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 <i>Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Large Volume In-vessel Digestion Facilities will need artificial lighting.</i></p>	
Visual Screening:	<p>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 <i>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</i></p> <p>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 <i>Staff estimate of cost to provide aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.</i></p> <p>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. <i>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</i></p>	
Water Supply:	<p>Provide a safe and adequate water supply for drinking: = \$500/yr. per facility <i>Staff estimate of cost to provide adequate drinking water.</i></p> <p>Provide a safe and adequate water supply emergency use: \$1,000/facility [\$159/yr. (10 year amortization)] = \$159/yr. per facility <i>Staff estimate of cost to provide adequate emergency water.</i></p>	
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:	<p>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. <i>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; staff estimates one request every 4 years.</i></p>	
Total Cost		\$21.26/yr.
California Department of Food and Agriculture		
Prohibition Exceptions:	<p>Consultation with SWRCB and CalRecycle: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consult x 2 consults/yr. = \$85/yr. <i>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.</i></p>	
Anaerobically Digestible Material:	<p>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 consults/yr. = \$170/yr. <i>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.</i></p>	
Total Cost		\$255/yr.
State Water Resources Control Board		
Prohibition Exceptions:	<p>Consultation with CDFA and CalRecycle: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consultations x 2 consults/yr. = \$85/yr. <i>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.</i></p>	
Anaerobically Digestible Material:	<p>Consult with CDFA 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 consults/yr. = \$170/yr. <i>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.</i></p>	
Total Cost		\$255/yr.
CalRecycle		
Prohibition Exceptions:	<p>Consultation with CDFA and SWRCB: \$54.75/hr. + \$30.25/hr. = \$85.00/hr. \$85.00/hr. x ½ hr./consultations x 2 consults/yr. = \$85/yr. <i>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.</i></p>	
Anaerobically Digestible Material:	<p>Consult with CDFA and SWRCB on additional types of material: \$54.75/hr. + \$30.25/hr. = \$85.00/hr.</p>	

	$\$85.00/\text{hr.} \times 1 \text{ hr./consult} \times 2 \text{ consults/yr.} = \$170/\text{yr.}$ <i>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.</i>
Total Cost	
\$255/yr.	
Enforcement Agencies	
Research:	$\text{Review 2-yr. report: } \$54.75/\text{hr.} + \$30.25/\text{hr.} = \$85.00/\text{hr.}$ $\$85.00/\text{hr.} \times 2 \text{ hrs./report} \times 4 \text{ reports/yr.} = \$680/\text{yr.}$ <i>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 Research reports.</i>
	$\text{Approve extension: } \$54.75/\text{hr.} + \$30.25/\text{hr.} = \$85.00/\text{hr.}$ $\$85.00/\text{hr.} \times 2 \text{ hrs./extension} \times 2 \text{ extensions/yr.} = \$340/\text{yr.}$ <i>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 extensions received and the amount of time spent reviewing each extension.</i>
Alt. Sampling and Analysis:	$\text{Review and approve/deny request for alternative sampling or analysis: } \$54.75/\text{hr.} + \$30.25/\text{hr.} = \$85.00/\text{hr.}$ $\$85.00/\text{hr.} \times 4 \text{ hrs./request} \times 20 \text{ requests/yr.} = \$6,800/\text{yr.}$ <i>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.</i>
Total Cost	
\$7,820/yr.	

	Yr. 1 - 2	Yr. 3	Total #	Total Cost
Research In-vessel Digestion Operations		2	2	$1 \times \$2,699.25 - \$3,559.45/\text{yr.} = [\$2,699.25 - \$3,559.45]/\text{yr.}$ $1 \times \$4,748.23/\text{yr.} = \$4,748.23/\text{yr.}$ $[\$2,699.25 - \$3,559.45]/\text{yr.} + \$4,748.23 = \$7,447.48 - \$8,307.68/\text{yr.}$
Dairy In-vessel Digestion Operations				
Distribution Center In-vessel Digestion Operations				
Limited Volume In-vessel Digestion Operations		2	2	$1 \times [\$2,492.21 - \$3,352.41]/\text{yr.} = [\$2,492.21 - \$3,352.41]/\text{yr.}$ $1 \times \$8,950.19/\text{yr.} = \$8,950.19/\text{yr.}$ $[\$2,492.21 - \$3,352.41]/\text{yr.} + \$8,950.19/\text{yr.} = \$11,442.40 - \$12,302.60/\text{yr.}$
Medium Volume In-vessel Digestion Facilities		2	2	$1 \times [\$2,492.21 - \$3,352.41]/\text{yr.} = [\$2,492.21 - \$3,352.41]/\text{yr.}$ $1 \times \$105,786/\text{yr.} = \$105,786.00/\text{yr.}$ $[\$2,492.21 - \$3,352.41]/\text{yr.} + \$105,786.00/\text{yr.} = \$108,278.21 - \$109,138.41/\text{yr.}$
Large Volume In-vessel Digestion Facilities		2	2	$1 \times [\$11,079.52 - 1,451,598.73]/\text{yr.} = [\$11,079.52 - \$1,451,598.73]/\text{yr.}$ $1 \times [\$121,332.91 - \$1,560,991.92]/\text{yr.} = [\$121,332.91/\text{yr.} - \$1,560,991.92]/\text{yr.}$ $[\$11,079.52 - \$1,451,598.73]/\text{yr.} + [\$121,332.91/\text{yr.} - \$1,560,991.92]/\text{yr.} =$ $\$132,412.43 - \$3,012,590.65/\text{yr.}$
POTW Exclusions	26	3	29	$29 \times \$21.26/\text{yr.} = \$616.54/\text{yr.}$ $\$260,197.06 - \$3,142,955.88/\text{yr.}$
California Department of Food and Agriculture				\$255.00/yr.
State Water Resources Control Board				\$255.00/yr.
CalRecycle				\$255.00/yr.
Enforcement Agencies				\$7,820.00/yr.
				\$8,585/yr.
				\$268,782.06 - \$3,151,540.88/yr.



Proposed Regulation Text

~~Strikethrough~~ = deletion of existing text

Underline = addition to existing text

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. California Integrated Waste Management Board

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23
24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

32 All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
33 comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
34 Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
35 operations shall be inspected by the enforcement agency at least once ~~quarterly~~ every three (3)
36 months unless the enforcement agency approves, with Department concurrence, a reduced inspection
37 frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
38 pose an additional risk to public health and safety or the environment but in no case shall the
39 frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
40 enforcement agency and Department requirements regarding the approval or denial of requests for
41 reducing the frequency of inspections.]

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 43020 and 43021, Public Resources Code.

45
46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

4 (c) A new Enforcement Agency Notification is required any time there are changes to information
5 required by this section.

6 (d) These operations ~~may shall~~ be inspected by the enforcement agency ~~as necessary for the~~
7 ~~protection of public health, safety and the environment every three (3) months unless the~~
8 ~~enforcement agency approves, with Department concurrence, a reduced inspection frequency. The~~
9 ~~enforcement agency may approve a reduced inspection frequency only if it will not pose an additional~~
10 ~~risk to public health and safety or the environment but in no case shall the frequency be less than~~
11 ~~once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and~~
12 ~~Department requirements regarding the approval or denial of requests for reducing the frequency of~~
13 ~~inspections.]~~

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code.

17 18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 21 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 22 **Regulatory Requirements.**

23
24 (a) A site that receives only construction and demolition debris and inert debris (CDI) and which
25 meets the requirements of this section shall be classified as a CDI recycling center. A site that receives
26 only inert debris and which meets the requirements of this section shall be classified as an inert debris
27 recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any
28 other requirements of this Article except as specified in this section.

29 (1) The CDI debris that a CDI recycling center receives shall have been separated at the point of
30 generation.

31 (A) For the purposes of this section, “separated at the point of generation” means that the
32 material has been separated from the solid waste stream by the generator of that material or by a
33 processor prior to receipt at a CDI recycling center and has not been commingled with other solid
34 waste or recyclable materials. For example, each material type must be transferred in separate
35 containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled
36 in a single container.

37 (2) An inert debris recycling center shall receive only Type A inert debris that is source separated or
38 separated for reuse. The inert debris may be commingled in a single container.

39 (b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

40 (1) The residual shall be less than 10% by weight of the amount of debris received at the site,
41 calculated on a monthly basis. Recycling center operators may report their residual percentage to the
42 EA and the ~~board~~ Department on Form CIWMB 607 (see Appendix A).

43 (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by
44 volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible
45 wastes shall not constitute a nuisance, as determined by the EA.

46 (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited
47 at CDI recycling centers.

48 (d) The following storage time limits apply to CDI recycling centers:

49 (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or
50 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
51 including the use of a Notice and Order as provided in section 18304.

52 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for
53 more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore subject
54 to enforcement action, including the use of a Notice and Order as provided in section 18304.

55 (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism
56 pursuant to section 17384(c) has been approved by the ~~board~~ Department.

57 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
58 to the time specified in a land use entitlement for the site that has an express time limit for the
59 storage of materials.

1 (5) CDI recycling center storage time limits may be extended for a specified period, if the operator
2 submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of
3 substantial evidence, that the additional time does not increase the potential harm to public health,
4 safety and the environment. The EA may consult with other public agencies in making this
5 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
6 findings shall be in writing.

7 (e) The following storage limits apply to inert debris recycling centers:

8 (1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or
9 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
10 including the use of a Notice and Order as provided in section 18304.

11 (2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site
12 for more than ~~18~~12 months, shall be deemed to have been unlawfully disposed and therefore subject
13 to enforcement action, including the use of a Notice and Order as provided in section 18304.

14 (3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an
15 inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material
16 production facility.

17 (4) Storage time limits do not apply to Type A inert debris recycling centers where a financial
18 assurance mechanism pursuant to section 17384(c) has been approved by the ~~board~~Department.

19 (5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the
20 time specified in a land use entitlement for the site that has an express time limit for the storage of
21 materials.

22 (6) Inert debris recycling center storage limits may be extended for a specified period, if the
23 operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the
24 basis of substantial evidence, that the additional time does not increase the potential harm to public
25 health, safety and the environment. The EA may consult with other public agencies in making this
26 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
27 findings shall be in writing.

28 (f) Nothing in this section precludes the EA or the ~~board~~Department from inspecting a site to verify
29 that it is and has been operating in a manner that meets the requirements of this section, or from
30 taking any appropriate enforcement action, including the use of a Notice and Order as provided in
31 section 18304.

32 (g) In evaluating whether or not a particular site is in compliance with this section, the EA shall,
33 among other things, do the following:

34 (1) If the EA has reason to believe that each load of debris received at a recycling center is not
35 separated at the point of generation, is not source separated or is not separated for reuse, as
36 applicable, or that the residual exceeds 10% of the total debris received per month, or that the
37 amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or
38 material is being stored in excess of the applicable storage limits, or that upon request no evidence is
39 provided by the owner and operator that the stored debris is being accumulated for viable reuse, or
40 that the site is not in compliance with any other requirement in this section, the EA may require the
41 owner or operator to provide evidence that the recycling center is in compliance. The burden of proof
42 shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

43 (2) At the time that the EA requires a recycling center to provide evidence that it is in compliance
44 with this section, the EA shall provide the owner and operator of the recycling center a written
45 description of the information that has caused the EA to believe that the recycling center is not in
46 compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying
47 information regarding any person(s) who has complained about the recycling center.

48 (h) Sites which do not meet the applicable requirements of this section do not qualify as recycling
49 centers and shall comply with this Article and all laws and regulations applicable to them. The burden
50 of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are
51 not subject to the requirements of this Article.

52
53 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

3 (1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA
4 Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing
5 at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless
6 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
7 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
9 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
10 of requests for reducing the frequency of inspections.]

11 (2) A medium volume C&D wood debris chipping and grinding operation shall comply with the
12 Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0,
13 commencing at section 18100 et seq.

14 (3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit
15 tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with
16 section 21563.

17 (4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
18 irregular intervals.

19 (5) Except as otherwise specified in this section, small volume C&D wood debris chipping and
20 grinding activities shall comply with all requirements applicable to small volume CDI debris processing
21 operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all
22 requirements applicable to medium volume CDI processing facilities, and large volume C&D wood
23 debris chipping and grinding facilities shall comply with all requirements applicable to large volume
24 CDI debris processing facilities.

25 ...

26
27 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
28 40053, 43020, 43021, Public Resources Code.

29 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

30 All small volume CDI debris processing operations shall comply with the EA Notification requirements
31 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
32 operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify
33 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
34 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
35 additional risk to public health and safety or the environment but in no case shall the frequency be
36 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
37 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
38 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
39 irregular intervals. The operator shall specify the operation's boundary area in the operating record.
40
41 ...

42
43 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020, 43021, Public Resources Code.

45 **§ 17383.7. Inert Debris Type A Processing Operations.**

46 ...

47
48 (f) These operations shall be inspected by the EA at least once every three (3) months to verify
49 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
50 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
51 additional risk to public health and safety or the environment but in no case shall the frequency be
52 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
53 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
54 Inspections shall be conducted ~~quarterly~~. To the greatest extent possible, all inspections shall be
55 unannounced and shall be conducted at irregular intervals.
56
57 ...

58 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020, 43021, Public Resources Code.

1
2
3 **Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory**
4 **Requirements**

5
6 **§ 17388.3. Inert Debris Engineered Fill Operations.**
7

8 ...
9 (b) Inert debris engineered fill operations shall be inspected ~~as necessary~~ by the EA at least once
10 every three (3) months to verify compliance with State Minimum Standards unless the EA approves,
11 with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
12 inspection frequency only if it will not pose an additional risk to public health and safety or the
13 environment but in no case shall the frequency be less than once per calendar year. [Note: See
14 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
15 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly, unless~~
16 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
17 ~~than annual.~~

18 ...
19 Note: Authority cited: Sections 40502, 43020, and 43021, and 48007.5, Public Resources Code.
20 Reference: Sections 40053, 43020, and 43021, and 48007.5, Public Resource Code.

21
22 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**

23
24 **§ 17403.1. Excluded Operations.**

25 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
26 Articles and are not required to meet the requirements set forth herein:

27 ...
28 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
29 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
30 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
31 Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).

32 ...
33
34 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
35 40053, 43020, and 43021, Public Resource Code.

36
37 **§ 17403.2. Sealed Containers Transfer Operations.**

38 All sealed container transfer operations subject to this Article shall comply with the Enforcement
39 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
40 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
41 as necessary at least once every three (3) months to verify compliance with minimum standards
42 unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may
43 approve a reduced inspection frequency only if it will not pose an additional risk to public health and
44 safety or the environment but in no case shall the frequency be less than once per calendar year.
45 [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the
46 approval or denial of requests for reducing the frequency of inspections.] ~~Inspections shall be~~
47 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~
48 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the
49 operating record.

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
52 40053, 43020 and 43021, Public Resources Code.

53
54 **§ 17403.3. Limited Volume Transfer Operations.**

55 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
56 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
57 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
58 necessary at least once every three (3) months to verify compliance with minimum standards unless
59 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve

1 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
2 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
3 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
4 of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly,
5 unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less
6 than annual. The operator shall specify the operation's boundary area in the operating record.
7

8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
9 40053, 43020 and 43021, Public Resources Code.

10 11 12 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory** 13 **Requirements**

14 15 16 **Article 1. General**

17 18 **§ 17852. Definitions.**

19 (a) For the purposes of this Chapter:

20 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
21 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
22 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
23 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

24 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
25 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
26 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
27 feedstock.

28 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
29 blow or draw air through the pile. Little or no pile agitation or turning is performed.

30 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
31 presence of oxygen.

32 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
33 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
34 viticulture and similar activities undertaken for the production of food or fiber for human or animal
35 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
36 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
37 generation, and which contains no other solid waste. With the exception of grape pomace, agricultural
38 material has not been processed except at its point of generation and has not been processed in a way
39 that alters its essential character as a waste resulting from the production of food or fiber for human
40 or animal consumption or use. Material that is defined in this section 17852 as "food material" or
41 "vegetative food material" is not agricultural material. Agricultural material includes, including but is
42 not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

43 (6) "Agricultural Material Composting Operation" means an operation that produces compost from
44 green or agricultural material, additives, and/or amendments.

45 (7) "Amendments" means materials added to stabilized or cured compost to provide attributes for
46 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
47 Amendments do not include septage, biosolids, or compost feedstock.

48 (8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the
49 absence of oxygen.

50 (9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic
51 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
52 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.
53 Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge
54 incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a
55 treatment works.

56 (10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not
57 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
58 compostable material and:

59 (A) The site does the following:

1 1. The site handles only material, excluding manure, allowed at a green material composting
2 operation or facility as set forth in section 17852(a)(22); and,

3 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
4 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
5 time does not increase the potential for violations of this Chapter.

6 (B) If the site fails to meet the definition of green material because it exceeds the contamination
7 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
8 Regulatory requirements (commencing at section 17400).

9 (C) If the site fails to meet the definition of this section because the green material remains on-
10 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
11 material handling operation or facility, as set forth in this Chapter.

12 (11) "Compostable Material" means any organic material that when accumulated will become active
13 compost as defined in section 17852(a)(1).

14 (12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that
15 processes, transfers, or stores compostable material. Handling of compostable materials results in
16 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
17 and storage activities related to the production of compost, compost feedstocks, and chipped and
18 ground materials. "Compostable Materials Handling Operation or Facility" does not include activities
19 excluded from regulation in section 17855. "Compostable Materials Handling Operation or Facility" also
20 includes:

21 (A) agricultural material composting operations;

22 (B) green material composting operations and facilities;

23 (C) vegetative food material composting facilities;

24 (D) research composting operations; and,

25 (DE) chipping and grinding operations and facilities.

26 (13) "Curing" means the final stage of the composting process that occurs after compost has
27 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
28 metabolized material has been decomposed and stabilized.

29 (13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material
30 has been processed in an in-vessel digester, as defined in section 17896.2(a)(12). Digestate intended
31 to be composted pursuant to this Chapter may only be handled at a facility that has obtained a
32 Compostable Materials Handling Facility Permit pursuant to section 17854.

33 (14) "Domestic Sewage" means waste and wastewater from humans or household operations that is
34 discharged to or otherwise enters a treatment works.

35 (15) "Disposal of compostable material" means:

36 (A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1
37 pursuant to Section 17855;

38 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
39 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration
40 requirements of section 17868.2, onto on land for a combined period of time greater more than six
41 months-30 days, except as provided in subdivision (A) 3.; or

42 3. storing or stockpiling more than 200 cubic yards of agricultural material and, green material,
43 or compost for more than twelve months on prime land that is zoned for agricultural land-uses-as
44 defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA
45 applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that
46 storing or stockpiling the material more than 12 months will not adversely affect the public health and
47 safety or the environment may remain within the operations area for a period of time greater than
48 specified.

49 (B) ~~Disposal of compostable material~~ does not include the use of compostable material for:

50 1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27,
51 California Code of Regulations, section 20686; or

52 2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of
53 compostable organic material as a alternative daily cover material shall still require approval for use
54 pursuant to Title 27, California Code of Regulations, section 20680 and may require additional
55 approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

56 ~~(C 3.) disposal does not include land application of compostable organic material as defined in~~
57 section 17852(a)(24.5). "Land Application" means the application of compostable material, excluding
58 food material or mixed solid waste for the following applications: to forest, agricultural, and range land
59 at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA)

1 requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or
2 for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

3 (D-C) Should the EA have information reason to believe that a person compostable material
4 handler is engaging in other activities that meet the definition of disposal of compostable material or
5 authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall
6 be on each person engaging in or authorizing such activities the land owner or operator to
7 demonstrate otherwise.

8 (E-D) If the activities at a site meet the definition of disposal of compostable material, the site
9 shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or
10 Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

11 (16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a
12 constant mass, that results in essentially 100 percent solids content.

13 (17) "Enclosed Composting Process" means a composting process where the area that is used for
14 the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed
15 sides and rests on a stable surface with environmental controls for moisture and air-borne emissions
16 present.

17 (18) "EA" means enforcement agency.

18 (19) "Feedstock" means any compostable organic material used in the production of compost or
19 chipped and ground material including, but not limited to, agricultural material, green material,
20 vegetative food material, food material, biosolids, and mixed solid waste material. Feedstocks shall
21 not be considered as either additives or amendments.

22 (20) "Food Material" means any a waste material of plant or animal origin that was acquired for
23 results from the preparation or processing of food for animal or human consumption, and that is
24 separated from the municipal solid waste stream, and that does not meet the definition of "agricultural
25 material." Food material may include, but is not limited to, material-food waste from food facilities
26 as defined in Health and Safety Code section ~~113785-113789~~ (such as restaurants), food processing
27 establishments as defined in Health and Safety Code section 111955, grocery stores, institutional
28 cafeterias (such as prisons, schools and hospitals), or and residential food scrap collection. Food
29 material does not include any material that is required to be handled only pursuant to the California
30 Food and Agricultural Code and regulations adopted pursuant thereto.

31 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
32 material and is separated from other food material and the municipal solid waste stream. Vegetative
33 food material may be processed or cooked but must otherwise retain its essential natural character
34 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
35 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
36 spoiled produce, and coffee grounds.

37 (21) "Green Material" means any plant material except food material and vegetative food material
38 that is separated at the point of generation, contains no greater than 1.0 of percent physical
39 contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but
40 is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste
41 from silviculture and manufacturing, and construction and demolition wood waste. Green material
42 does not include food material, vegetative food material, biosolids, mixed solid waste material,
43 material processed separated from commingled solid waste collection or processing, wood containing
44 lead-based paint or wood preservative, or mixed construction or mixed and demolition debris.
45 Agricultural material, as defined in this section 17852(a)(5), that meets this definition of "green
46 material" may be handled as either agricultural material or green material.

47 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
48 green material, additives, and/or amendments. A green material composting operation or facility may
49 also handle manure and paper products. An operation or facility that handles a feedstock that is not
50 green material, manure, or paper products, shall not be considered a green material composting
51 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
52 excluded from regulation in section 17855.

53 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
54 compostable materials results in controlled biological decomposition. Handling includes composting,
55 screening, chipping and grinding, and storage activities related to the production of compost, compost
56 feedstocks, and chipped and ground materials.

57 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
58 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
59 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

1 (24.5) "Land Application" means either subdivision (A) or (B):

2 (A) The final deposition of compostable material and/or digestate spread on any land, including
3 land zoned only for agricultural uses, under the following conditions:

4 1. The compostable material does not contain more than 0.1% by weight of physical
5 contaminants greater than 4 millimeters as specified in section 17868.3.1;

6 2. The compostable material meets the maximum metal concentrations as specified in section
7 17868.2;

8 3. The compostable material meets the pathogen density limits as specified in section
9 17868.3(b)(1); and

10 4. The compostable material is not applied more frequently than once during a 12 month period,
11 and, at the time of the application, the compostable material shall not exceed an average of 12 inches
12 in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board,
13 may approve alternative application frequencies and depths, if the EA after such consultation
14 determines that the alternatives will not adversely affect public health and safety or the environment.

15 5. Verification of compliance with this subdivision must be provided to the EA upon request.

16 (B) The final deposition of compostable material spread on land zoned only for agricultural uses
17 under the following conditions:

18 1. The compostable material does not contain more than 0.1% by weight of physical
19 contaminants greater than 4 millimeters; and

20 2. Prior to application, the California Department of Food and Agriculture (CDFA) has
21 determined that the land application is in compliance with all applicable requirements established by
22 CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land
23 application is agronomically beneficial; and

24 3. Prior to application, the EA has received confirmation that CDFA has made the determination
25 specified in (B)2. above.

26 *[Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance*
27 *with Article 3.1 and/or 3.2 of this Division, 2) the use of compostable material for gardening or*
28 *landscaping on a parcel of land 5 acres or less in size, 3) the final deposition of compostable material*
29 *spread on land by a Federal, State, or local government entity, provided the material is applied in*
30 *accordance with applicable law, 4) beneficial reuse at a solid waste landfill pursuant to Title 27,*
31 *California Code of Regulations, section 20686, or 5) beneficial reuse of biosolids pursuant to Part 503,*
32 *Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order*
33 *No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements*
34 *from the State Water Resources Control Board or a Regional Water Quality Control Board having*
35 *jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be*
36 *construed as relieving any owner, operator, or designee from the obligation of obtaining all*
37 *authorizations and complying with all requirements of other regulatory agencies, including but not*
38 *limited to, local health entities, regional water quality control boards, air quality management districts*
39 *or air pollution control districts, local land use authorities, and fire authorities.]*

40 (25) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
41 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
42 mixed with feces or urine.

43 (26) "~~Mixed Solid Waste Material~~" means any compostable material that is part of the municipal
44 solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
45 demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
46 contains 1.0% or more of physical contaminants by weight is mixed ~~solid waste material~~. ~~Compostable~~
47 ~~material that contains mixed demolition or mixed construction debris shall be considered mixed solid~~
48 ~~waste.~~

49 (27) "Mushroom Farm" means an activity that produces mushrooms. The handling of compostable
50 material at a mushroom farm prior to and after use as a growth medium is subject to regulation
51 pursuant to this chapter and is not considered mushroom farming.

52 (27.5) "Nuisance" includes anything which:

53 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
54 comfortable enjoyment of life or property, and

55 (B) affects at the same time an entire community, neighborhood or any considerable number of
56 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

57 (28) "Operations Area" means the following areas within the boundary of a compostable material
58 handling operation or facility:

59 (A) equipment cleaning, maintenance, and storage areas;

1 (B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and
2 (C) process water and stormwater drainage control systems.

3 (29) "Operator" means the owner, or other person who through a lease, franchise agreement or
4 other arrangement with the owner, becomes legally responsible for the following:

- 5 (A) complying with regulatory requirements set forth in this Chapter;
6 (B) complying with all applicable federal, state and local requirements;
7 (C) the design, construction, and physical operation of the site; and
8 (D) site restoration.

9 (30) "Owner" means the person or persons who own, in whole or in part, a compostable material
10 handling operation or facility, or the land on which these operations or facilities are located.

11 (31) "Pathogenic Organism" means disease-causing organisms.

12 (32) "Physical Contamination" or "Contaminants" means human-made inert ~~products-material~~
13 contained within feedstocks, including, but not limited to, glass, metal, and plastic.

14 (33) "Process Water" means liquid that is generated during or used in the production of compost or
15 chipped and ground materials.

16 (34) "Research Composting Operation" means a composting operation, that is operated for the
17 purpose of gathering research information on composting.

18 (35) "Separated At The Point of Generation" includes material separated from the solid waste
19 stream by the generator of that material. It may also include material from a centralized facility as
20 long as that material was kept separate from the waste stream prior to receipt by that facility and the
21 material was not commingled with other materials during handling.

22 (36) "Stabilized Compost" means any organic material that has undergone the Process to Further
23 Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced
24 biological activity as indicated by reduced temperature and rate of respiration below that of active
25 compost.

26 (37) "Static Pile" means a composting process that is similar to the aerated static pile except that
27 the air source may or may not be controlled.

28 (38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting
29 the causative agents of human disease.

30 (38.5) "Vegetative Food Material Composting Facility" is a facility that composts agricultural
31 material, green material, vegetative food material, additives, and/or amendments. A vegetative food
32 material composting facility may also handle manure and paper products. An operation or facility that
33 handles a feedstock that is not agricultural material, green material, vegetative food material,
34 manure, or paper products, shall not be considered a vegetative food material composting facility.
35 "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in
36 section 17855.

37 (39) "Vermicomposting" means an activity that produces worm castings through worm activity. The
38 EA may determine whether an activity is or is not vermicomposting. The handling of compostable
39 material prior to and after use as a growth medium is subject to regulation pursuant to this chapter
40 and is not considered vermicomposting.

41 (40) "Windrow Composting Process" means the process in which compostable material is placed in
42 elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

43 (41) "Within-vessel Composting Process" means an aerobic process in which compostable material is
44 enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost,
45 maintained under uniform conditions of temperature and moisture where air-borne emissions are
46 controlled.

47 (42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated
48 from the manufacturing or production of wood products, harvesting, processing or storage of raw
49 wood materials, or construction and demolition activities.

50 (43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public,
51 commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree
52 trimmings, prunings, brush, and weeds.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Refer to Section 17855	<u>Agricultural Material Composting Operations (all) Section 17856.</u>		<u>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</u>
	<u>Green Material Composting Operations (≤ 12,500 yd³) Section 17857.1(a)</u>	<u>Vegetative Food Material Composting Facilities (≤ 12,500 yd³) Section 17857.2</u>	<u>Green Material Composting Facilities (> 12,500 yd³) Section 17857.1 (c)</u>
	<u>Biosolids Composting Operations at POTWs (all) Section 17859.1</u>		<u>Vegetative Food Material Composting Facilities (> 12,500 yd³) Section 17857.2</u>
	<u>Research Composting Operations (≤ 5,000 yd³) (Within-vessel > 5,000 yd³ with EA determination) Section 17862.</u>		
	<u>Chipping and Grinding Operations (≤ 200 tpd) Section 17862.1(a)</u>	<u>Chipping and Grinding Facilities (> 200 tpd and ≤ 500 tpd) Section 17862.1(b)</u>	<u>Chipping and Grinding Facilities (> 500 tpd) Section 17862.1(c)</u>

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 43020 and 43021, Public Resources Code.

3
4 **§ 17855. Excluded Activities.**

5 (a) ~~Except as provided otherwise in this Chapter, the activities listed in this section do not constitute~~
6 ~~compostable material handling operations or facilities for the purposes of this Chapter and are not~~
7 ~~required to meet the requirements set forth herein. Nothing in this section precludes the EA or the~~
8 ~~board Department from inspecting an excluded activity to verify that the activity is being conducted in~~
9 ~~a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.~~

10 (1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and
11 returns a similar amount of the material produced to that same agricultural site, or an agricultural site
12 owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
13 incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

14 (2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after
15 its use as a growth medium during the vermicomposting process is not an excluded activity and is
16 subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
17 ~~vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it~~
18 ~~complies with section 17855(a)(1) or the Transfer/Processing Operations and Facilities Regulatory~~
19 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
20 whichever is applicable, as follows:

21 (A) when the compostable material is active compost or is likely to become active compost, as
22 determined by the EA, the requirements of this chapter apply;

23 (B) at all other times when it is not being used as a growth medium during vermicomposting, the
24 compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
25 Requirements.

26 (3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
27 after its use as a growth medium during the mushroom farming process is not an excluded activity
28 and is subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
29 ~~mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies~~
30 ~~with section 17855(a)(1) or the Transfer/Processing Operations and Facilities Regulatory~~
31 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
32 whichever is applicable, as follows:

33 (A) when the compostable material is active compost or is likely to become active compost, as
34 determined by the EA, the requirements of this chapter apply;

35 (B) at all other times when it is not being used as a growth medium during mushroom farming,
36 the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
37 Requirements.

38 (4) ~~Handling of green material, feedstock, additives, amendments, compost, or chipped and ground~~
39 ~~material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable~~
40 ~~materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or~~
41 ~~given away annually. The compostable material may also include up to 10% food material by volume.~~
42 Composting green material, food material, and vegetative food material is an excluded activity if the
43 total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and
44 500 square feet.

45 [Note: Persons handling compostable material under the above exclusion are obligated to obtain all
46 permits, licenses, or other clearances that may be required by other regulatory agencies including, but
47 not limited to local health entities and local land use authorities.]

48 (5) The handling of compostable materials is an excluded activity if:

49 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
50 or full permit as defined in section 18101,

51 1. has a Report of Facility Information which is completed and submitted to the EA that
52 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

53 2. will only use the material on the facility site; ~~z~~ or

54 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly ~~Operated~~
55 Owned Treatment Works (POTW); ~~z~~ or

56 (C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
57 defined in Public Resources Code section 40106; or

58 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product
59 manufacturing operation; or

1 (E) the activity is part of an agricultural operation and is used to temporarily store or process
2 agricultural material not used in the production of compost or mulch; or

3 (F) the activity is part of an operation used to chip and grind materials derived from and applied
4 to lands owned or leased by the owner, parent, or subsidiary of the operation; or

5 (G) the activity is part of an agricultural operation used to chip and grind agricultural material
6 produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
7 for use in biomass conversion; or

8 (H) the activity is part of an animal food manufacturing or rendering operation.

9 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
10 lot clearing necessary for fire protection provided that the public agency designating the site has
11 notified the fire protection agency; or

12 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
13 122 degrees Fahrenheit as determined by the EA.

14 ~~(6) Non-commercial composting with less than one cubic yard of food material is excluded provided~~
15 ~~that all compostable material is generated and used on-site.~~

16 ~~(7) Storage of bagged products from compostable material is an excluded activity provided that~~
17 ~~such bags are no greater than 5 cubic yards.~~

18 ~~(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

19 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not~~
20 ~~limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as~~
21 ~~determined by the EA; land application in accordance with California Department of Food and~~
22 ~~Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section~~
23 ~~14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine~~
24 ~~Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770~~
25 ~~et seq.~~

26
27 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
28 43020 and 43021, Public Resources Code.

29 **§ 17855.2. Prohibitions.**

30 The following activities are prohibited at all compostable materials handling operations and facilities
31 and at all sites where compostable materials handling activities that are excluded from regulation
32 under this Chapter occur:

33 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
34 hide, blood, bone and marrow ~~is prohibited~~, except when received:

35 (1) from the a food service industry facility as defined in Health and Safety Code section 113789,
36 grocery stores, or residential food scrap collection; or

37 (2) as part of a research composting operation for the purpose of obtaining data on pathogen
38 reduction or other public health, animal health, safety, or environmental concern, in accordance with
39 section 17862; or

40 (3) from a source approved by the Department in consultation with the State Water Resources
41 Control Board and the California Department of Food and Agriculture.

42 (b) The composting of medical waste ~~is prohibited.~~

43 (c) The composting of hazardous waste ~~is prohibited.~~

44
45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 43020 and 43021, Public Resources Code.

48 **§ 17855.3. Permit Name.**

49 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
50 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

51
52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 43020 and 43021, Public Resources Code.

55 ~~**§ 17855.4. Pre-Existing Permits and Notifications.**~~

56 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
57 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
58 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
59

1 sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is
2 required. If the EA makes such a determination, the operator shall comply with the Compostable
3 Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
4 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
5 (commencing with section 21450) within two years of that determination.

6 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
7 the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance
8 with its EA Notification or regulatory authorization until the EA determines that a Compostable
9 Materials Handling Facility Permit is required. The EA shall make this determination no sooner than
10 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable
11 Materials Handling Facility Permit is required, the operator shall comply with the Compostable
12 Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
13 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
14 (commencing with section 21450) within two years of that determination.

15 (c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
16 that activity may continue to operate in accordance with its regulatory exclusion until the EA
17 determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
18 determination no sooner than 120 days and no later than two years from April 4, 2003. If EA
19 determines that a Compostable Materials Handling Facility Permit is required, the operator shall
20 comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
21 California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
22 Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

23 (d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently
24 operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate
25 in accordance with its regulatory authorization until the EA determines that a different authorization is
26 required. The EA shall make this determination within 120 days from April 4, 2003.

27 —(1) If the EA determines that the activity is required to comply with the EA Notification
28 requirements, the operator shall comply with the EA Notification requirements set forth in Title 14,
29 California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100),
30 within 120 days from that determination.

31 —(2) If the EA determines that the activity is required to comply with the Registration requirements,
32 the operator shall comply with the Registration requirements set forth in Title 14, California Code of
33 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days
34 from that determination.

35 —(3) If the EA determines that the activity is required to comply with the Compostable Materials
36 Handling Facility Permit requirements, the operator shall comply with the Compostable Materials
37 Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2,
38 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
39 section 21450) within two years from that determination.

40
41 —Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
42 Sections 43020 and 43021, Public Resources Code.

43 44 **§ 17856. Agricultural Material Composting Operations.**

45 (a) ~~All Agricultural material composting operations and chipping and grinding operations shall comply~~
46 ~~with the Enforcement Agency Notification requirements set forth in Title 14, California Code of~~
47 ~~Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as~~
48 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
49 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
50 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
51 ~~this Chapter.~~

52 (b) Compost produced by an Agricultural material composting operations are subject to the
53 requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation or has
54 caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the
55 violation a chipping and grinding operation which uses only agricultural material may be sold or given
56 away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.

57 (c) If their feedstock is limited to agricultural material, agricultural material composting operations
58 may handle an unlimited quantity of agricultural material on the site and may sell or give away any or
59 all compost they produce. These operations shall be inspected by the EA at least once each calendar

1 year at a time when compostable material on the site is active compost. Compost produced by an
2 agricultural material composting operation which uses agricultural material and/or green material, as
3 specified in section 17852(a)(21), may be sold or given away in accordance with the following
4 restrictions:

5 (1) Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall
6 be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic
7 yards of green material, including feedstock, compost, or chipped and ground material, is to be
8 handled on site of productive farmland as defined in Government Code section 51201, the operator
9 shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional
10 materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose
11 an additional risk to public health and safety and the environment. The EA shall forward a copy of the
12 request and approval to the Board.

13 (2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall
14 have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped
15 and ground material, on site at any one time and shall be inspected by the EA once every three (3)
16 months.

17 (3) These sites shall record the quantity received of green material.

18 (d) Agricultural material composting operations whose feedstock is both green material and
19 agricultural material are subject to the following requirements:

20 (1) Producers located on Agricultural Land:

21 (A) Operations located on land that is zoned for agricultural uses that sell or give away less than
22 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
23 green material on the site; provided, however, the EA may limit the amount of green material
24 feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess
25 material may pose a risk to public health and safety or the environment.

26 (B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
27 calendar year at a time when compostable material on the site is active compost.

28 (2) Other Producers:

29 (A) Operations located on land that is not zoned for agricultural uses and operations that sell or
30 give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
31 agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
32 on the site at any time.

33 (B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
34 three (3) months unless the EA approves, with Department concurrence, a reduced inspection
35 frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
36 risk to public health and safety or the environment but in no case shall the frequency be less than
37 once per calendar year. At least one of the required inspections each year shall occur at a time when
38 compostable material on the site is active compost.

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
41 43020 and 43021, Public Resources Code.

42 43 **§ 17857.1. Green Material Composting Operations and Facilities.**

44 (a) A green material composting operation that has up to may have no more than 12,500 cubic yards
45 of feedstock, ~~compost~~, or chipped and ground material, amendments, additives, active compost, and
46 stabilized compost on-site at any one time. Green material composting operations shall comply with
47 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
48 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
49 specified in this Chapter.

50 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
51 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
52 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
53 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
54 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
55 of requests for reducing the frequency of inspections.]

56 (2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
57 users and other consumers, the operator may request in writing that the EA authorize it to temporarily
58 exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
59 on site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request

1 within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
2 determines it will not adversely affect public health and safety or the environment. The EA may
3 impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
4 seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
5 day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

6 (A) With its request for a seasonal storage adjustment, the operator shall submit the following to
7 the EA:

8 1. A description of the storage capacity at the operation and the maximum and average lengths
9 of time the compostable material will be stored.

10 2. A schematic drawing showing the general layout of the operation and the location(s) where
11 all materials at the site are stored with specific identification of the proposed location of the excess
12 material.

13 3. A description of any additional fire prevention, protection and control measures needed to
14 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
15 such fires, which measures shall be approved by the local fire authority.

16 4. Where applicable, any revisions to the odor impact minimization plan necessary to address
17 the storage of the additional material or a statement, with supporting information, that no revisions
18 are necessary.

19 ~~(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,~~
20 ~~or chipped and ground material on site at any one time shall be inspected by the EA at least once~~
21 ~~every three (3) months, unless an operator request for a reduced inspection frequency of no less than~~
22 ~~annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA~~
23 ~~finds that it will not pose an additional risk to public health and safety and the environment. The EA~~
24 ~~shall forward a copy of the request and approval to the Board.~~

25 (b) If a green material composting operation exceeds any combination of the following requirements
26 three (3) or more times within any two (2) year period, which the EA determines constitutes a
27 violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

28 (1) Receipt of material that contains greater than 1.0% physical contaminants by weight as
29 specified in section 17852(a)(21);

30 (2) Failure to comply with the processing requirements set forth in section 17868.5;

31 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
32 subdivision (a) above.

33 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
34 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
35 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
36 and desist order pursuant to section 18304 directing, among other things, that the operator
37 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
38 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
39 any time take any additional enforcement action the EA deems appropriate.

40 ~~(c) A site that handles green material composting facility that has more than 12,500 cubic yards of~~
41 ~~feedstock, compost, or chipped and ground material, amendments, additives, active compost, and~~
42 ~~stabilized compost on-site at any one time is a green material composting facility, excepting green~~
43 ~~material composting operations which the EA has authorized a seasonal storage adjustment pursuant~~
44 ~~to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials~~
45 ~~Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,~~
46 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
47 ~~(commencing with section 21450) prior to commencing operations. Green material composting~~
48 ~~facilities shall comply with the applicable requirements specified in this Chapter 3.1.~~

49
50 [Note: See section 17868.5 for green material processing requirements.]

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 43020 and 43021, Public Resources Code.

54
55 **§ 17857.2. Vegetative Food Material Composting Facilities.**

56 (a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
57 compost, and chipped and ground material on-site at any one time and shall obtain a Registration
58 Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter

1 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of
2 this Chapter.

3 (b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
4 compost, and chipped and ground material on-site at any one time shall obtain a Compostable
5 Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of
6 Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and
7 3.1 (commencing with section 21450) prior to commencing operations.

8 [Note: See section 17868.5 for green material and vegetative food material processing requirements.]
9

10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
11 43020 and 43021, Public Resources Code.

13 **§ 17859.1. Biosolids Composting at POTWs.**

14 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
15 ~~Operated-Owned~~ Treatment Works (POTW) shall comply with the EA Notification requirements set
16 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
17 section 18100).

18 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
19 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
20 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
21 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
22 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
23 of requests for reducing the frequency of inspections.]

24 (b) All other composting of biosolids shall comply with section 17854.
25

26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503, Code of
28 Federal Regulations.

30 **§ 17862. Research Composting Operations.**

31 (a) An operator conducting research composting operations shall not have more than 5,000 cubic
32 yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any
33 one time, and shall comply with the EA Notification requirements set forth in Title 14, California Code
34 of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as
35 otherwise provided by this Chapter.

36 (b) An operator conducting research composting operations utilizing within-vessel processing, may
37 exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and
38 compost, if the EA determines that such increased volume will not pose additional risk to the public
39 health, safety and the environment.

40 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
41 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
42 the research to be performed, research objectives, methodology/protocol to be employed, data to be
43 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
44 projected timeframe for completion of the research operation.

45 ~~The EA Notification for a research composting operation shall be reviewed a~~ After each each no
46 more than a two year period of operation. Review criteria the operator of a research composting
47 operation shall submit to the EA a report that includes the results and conclusions drawn from the
48 research. If the EA determines based on the report that there are further research objectives to be
49 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
50 two years. If the EA determines based on the report that there are no further research objectives to
51 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
52 section 17870.

53 (e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock
54 for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety,
55 or environmental protection concern, shall satisfy the following additional requirements:

56 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
57 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
58 site.

1 (2) The operator shall prepare, implement and maintain a site-specific, research composting
2 operation site security plan. The research composting site security plan shall include a description of
3 the methods and facilities to be employed for the purpose of limiting site access and preventing the
4 movement of unauthorized material on to or off of the site.

5 (3) ~~After no more than a six-month period of operation the EA Notification for the operator of a~~
6 ~~research composting operation using unprocessed mammalian tissue as feedstock shall submit to the~~
7 ~~EA a report that includes the results and conclusions drawn from the research and documentation of~~
8 ~~additional requirements of this section shall be reviewed after each six month period of operation. If~~
9 ~~the EA determines based on the report that there are further research objectives to be met or data to~~
10 ~~be gathered, the EA may extend the research for a specified time period not to exceed two years. If~~
11 ~~the EA determines based on the report that there are no further research objectives to be met or data~~
12 ~~to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.~~

13 (f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
14 the EA with the Notification and prior to the composting of any feedstock. The EA shall determine that
15 the EA Notification for research composting operations is complete and correct only if the additional
16 documentation requirements of this section have been met.

17 ~~(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA~~
18 ~~approves, with Department concurrence, a reduced inspection frequency. The EA may approve a~~
19 ~~reduced inspection frequency only if it will not pose an additional risk to public health and safety or~~
20 ~~the environment but in no case shall the frequency be less than once per calendar year. [Note: See~~
21 ~~section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial~~
22 ~~of requests for reducing the frequency of inspections.]~~

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
25 43020 and 43021, Public Resources Code.

26 27 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

28 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
29 handled by a green material composting operation shall comply with the EA Notification requirements
30 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
31 with section 18100), ~~except as otherwise provided by and the applicable requirements specified in this~~
32 ~~Chapter.~~

33 (1) ~~These operations shall be inspected by the EA at least once every three (3) months unless the~~
34 ~~EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a~~
35 ~~reduced inspection frequency only if it will not pose an additional risk to public health and safety or~~
36 ~~the environment but in no case shall the frequency be less than once per calendar year. [Note: See~~
37 ~~section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial~~
38 ~~of requests for reducing the frequency of inspections.]~~

39 (b) A chipping and grinding facility that receives more than 200 tons per day ~~but not more than, and~~
40 ~~up to~~ 500 tons per day of material that may be handled by a green material composting operation
41 shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
42 Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations ~~and shall comply~~
43 ~~with the applicable requirements of this Chapter.~~

44 (c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
45 handled by a green material composting operation shall obtain a Compostable Materials Handling
46 Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
47 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with
48 section 21450) prior to commencing operations ~~and shall comply with the applicable requirements of~~
49 ~~this Chapter.~~

50 (d) A chipping and grinding operation or facility shall not be subject to the provisions of sections
51 17868.1 through 17868.3.1 of this Chapter, ~~however, any chipped and ground material that will be~~
52 ~~land applied must meet the requirements of section 17852(a)(24.5).~~

53 (e) If a chipping and grinding operation or facility exceeds the contamination limits ~~specified in section~~
54 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements
55 (commencing at section 17400).

56 (f) If a chipping and grinding operation or facility stores material for a longer period of time than is
57 allowed by section 17852 (a)(10)(A)(2), ~~then the site it shall be regulated as a green material~~
58 ~~handling composting operation or facility, as set forth in this Chapter.~~

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 43020 and 43021, Public Resources Code.

4 5 **Article 3. Report of Facility Information**

6 7 **§ 17863. Report of Composting Site Information.**

8 Each operator of a compostable material handling facility that is required to obtain a Compostable
9 Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting
10 Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of
11 Composting Site Information with the EA. If the operator intends to alter the permitted feedstock,
12 these changes must be reported to the EA for maintenance of permit status. Such changes may
13 become the basis for revisions to the permit or for revocation of the permit.

14 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 43020 and 43021, Public Resources Code.

18 19 **§ 17863.4. Odor Impact Minimization Plan.**

20 (a) All compostable material handling operations and facilities shall prepare, implement and maintain
21 a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
22 EA Notification or permit application.

23 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
24 describing, at a minimum, the following items. If the operator will not be implementing any of these
25 procedures, the plan shall explain why it is not necessary.

26 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
27 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
28 possible odor receptors; and,

29 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
30 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
31 described; and,

32 (3) a complaint response and recordkeeping protocol; and,

33 (4) a description of design considerations and/or projected ranges of optimal operation to be
34 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
35 feedstock characteristics, airborne emission production, process water distribution, pad and site
36 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
37 service interruptions, and site specific concerns as applicable; and,

38 (5) a description of operating procedures for minimizing odor, including aeration, moisture
39 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
40 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
41 power, and personnel), biofiltration, and tarping as applicable.

42 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
43 provided to the EA, within 30 days of those changes.

44 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
45 revisions are necessary.

46 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
47 operation or facility is following the procedures established by the operator. If the EA determines that
48 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
49 (pursuant to section 18304) to require the operator to either comply with the odor impact
50 minimization plan or to revise it.

51 (f) If the odor impact minimization plan is being followed, ~~but and the EA determines, in a manner~~
52 consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct
53 the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)
54 as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a
55 Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and
56 feasible measures to minimize odors, unless:

57 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

58 (2) there is an imminent threat to public health and safety and the environment; or

59 (3) a public nuisance has occurred.

1
2 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
3 Sections 43020, 43021 and 43209.1, Public Resources Code.

4
5 **§ 17863.4.1. Odor Best Management Practice Feasibility Report**

6 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
7 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
8 violations as determined pursuant to section 17863.4(f).

9 (b) The Report shall:

10 (1) Present representative and correlating odor data for each potential onsite odor source including
11 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
12 collected, description of operations associated with the source, and any odor impacts or complaints
13 received;

14 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
15 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
16 order of impact;

17 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

18 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
19 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
20 has used to minimize odor and analyze each BMP for the following:

21 1. The effectiveness of the BMP in reducing odor impacts;

22 2. The potential for more extensive use of the BMP to minimize odor impacts described by
23 complainants;

24 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
25 operationally practical;

26 4. The approximate cost to implement a more extensive use of the BMP;

27 5. Any permits or permit changes necessary to use the BMP more extensively;

28 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
29 the BMP is recommended; and

30 7. If the BMP has been found to be ineffective (include supporting data).

31 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
32 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
33 operator has not used and analyze each potential BMP to determine:

34 1. The potential for the BMP to reduce odor impacts described by complainants;

35 2. If the BMP is operationally practical;

36 3. The approximate cost to implement the BMP;

37 4. Any permits or permit changes necessary to use the BMP; and

38 5. Overall recommendation and ranking of implementing the BMP.

39 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
40 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

41 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
42 the Department for review. If the EA has required the operator to prepare a Report pursuant to
43 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
44 approved by the EA.

45 (d) The EA, in consultation with the Department, shall within 30 days:

46 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
47 in whole or in part; and/or

48 (2) direct the operator in writing to submit specific changes or additional information within a
49 timeframe specified by the EA.

50 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
51 (d)(1) or (d)(2).

52
53 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
54 Sections 43020, 43021 and 43209.1, Public Resources Code.

1 **Article 6. Composting Operating Standards**

2
3 **§ 17867. General Operating Standards.**

4 (a) All compostable materials handling operations and facilities shall meet the following requirements:
5 (1) All handling activities are prohibited from composting any material specified in section 17855.2
6 of this Chapter.

7 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
8 cause a nuisance.

9 ~~(23)~~ All handling activities shall be conducted in a manner that minimizes vectors, ~~odor impacts,~~
10 litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
11 ingestion, and transportation of dust, particulates, and pathogenic organisms.

12 ~~(34)~~ Random load checks of feedstocks, additives, and amendments for contaminants shall be
13 conducted.

14 ~~(45)~~ Contamination of compostable material that has undergone pathogen reduction, pursuant to
15 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
16 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

17 ~~(56)~~ Unauthorized human or animal access to the facility shall be prevented.

18 ~~(67)~~ Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
19 manner.

20 ~~(78)~~ All compostable materials handling operations and facilities, that are open for public business,
21 shall post legible signs at all public entrances. These signs shall include the following information:

22 (A) name of the operation or facility,

23 (B) name of the operator,

24 (C) facility hours of operation,

25 (D) materials that will and will not be accepted, if applicable,

26 (E) schedule of charges, if applicable, and

27 (F) phone number where operator or designee can be reached in case of an emergency.

28 ~~(89)~~ The operator shall provide fire prevention, protection and control measures, including, but not
29 limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
30 and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
31 to allow fire control equipment access to all operation areas.

32 ~~(910)~~ The operator shall provide telephone or radio communication capability for emergency
33 purposes.

34 ~~(1011)~~ Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
35 material shall be removed from the site within 7 days and transported to an appropriate facility.

36 ~~(1112)~~ Enclosed operations and facilities shall provide ventilation to prevent adverse public health
37 effects from decomposition gases.

38 ~~(1213)~~ The operator shall ensure that leachate is controlled to prevent contact with the public.

39 ~~(1314)~~ The operator shall prevent or remove physical contaminants in compost and chipped and
40 ground materials that may cause injury to humans.

41 ~~(1415)~~ An attendant shall be on duty during business hours if the operation or facility is open to the
42 public.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 43020 and 43021, Public Resources Code.

46
47
48 **Article 7. Environmental Health Standards**

49 **§ 17868.1. Sampling Requirements.**

50 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
51 and all composting facilities shall meet the following requirements:

52 (a) Operators shall verify that compost meet the maximum acceptable metal concentration limits
53 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.

54 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
55 occur at the point where compost is sold and removed from the site, bagged for sale, given away for
56 beneficial use and removed from the site or otherwise beneficially used. Sample results must be
57 received by the operator prior to removing compost from the composting operation or facility where it
58

1 was produced. This verification shall be performed by taking and analyzing at least one composite
2 sample of compost, following the requirements of this section as follows:

3 (1) An operator who composts agricultural material, green material, food material, vegetative food
4 material, or mixed solid waste material shall take and analyze one composite sample for every 5,000
5 cubic-yards of compost produced.

6 (2) An operator who composts biosolids shall meet the sampling schedule described in Table ~~±2~~
7 below.

8
9 Table ~~±2~~- Frequencies of Compost Sampling for Biosolids Composting Facilities
10

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

11 (A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

12 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section
13 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health
14 Services, pursuant to the Health and Safety Code.

15 (b) A composite sample shall be representative and random, and may be obtained by taking twelve
16 (12) mixed samples as described below.

17 (1) The twelve samples shall be of equal volume.

18 (2) The twelve samples shall be extracted from within the compost pile as follows:

19 (A) Four samples from one-half the width of the pile, each at a different cross-section;

20 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

21 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

22 (c) The EA may approve alternative methods of sampling ~~for a green material composting operation or~~
23 ~~facility~~ that ensures the maximum metal concentration requirements of section 17868.2 and the
24 pathogen reduction requirements of section 17868.3 are met.

25
26
27 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
28 43020 and 43021, Public Resources Code.

29
30 **§ 17868.2. Maximum Metal Concentrations.**

31 (a) ~~Compost products derived from compostable materials that contain any metal in amounts that~~
32 ~~shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in~~
33 Table ~~±3~~. Compost that contains any metal in excess of any maximum metal concentrations shall be
34 designated for disposal, additional processing, or other use as approved by local, state ~~or~~ and federal
35 agencies having appropriate jurisdiction. Sample results must be received by the operator prior to
36 removing compost from the composting operation or facility where it was produced.
37

Table ~~±3~~ -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg) on dry weight basis</i>
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	±200 -(see subdivision (a)(1) below)

Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36-100
Zinc (Zn)	2800

1 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
2 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
3 produce to be determined in connection with the analysis of other metals. Operators shall maintain
4 records of all chromium concentrations together with their records of other metal concentrations.

5 ~~(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section,~~
6 ~~including but not limited to sampling frequencies, may be approved by the EA for green and food~~
7 ~~materials composting operations and facilities if the EA determines that the alternative method will~~
8 ~~ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.~~
9

10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
11 43020 and 43021, Public Resources Code.
12

13 **§ 17868.3. Pathogen Reduction.**

14 ~~(a) Compost products derived from compostable materials, that contains pathogens in amounts that~~
15 ~~shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this~~
16 ~~section. Compost that contains any pathogens in amounts that exceed these pathogen reduction~~
17 ~~requirements shall be designated for disposal, additional processing, or other use as approved by~~
18 ~~local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the~~
19 ~~operator prior to removing compost from the composting operation or facility where it was produced.~~

20 (b) Operators that produce compost shall ensure that:

21 (1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be
22 less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
23 Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4)
24 grams of total solids (dry weight basis).

25 (2) At enclosed or within-vessel composting process operations and facilities, active compost shall
26 be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
27 pathogen reduction period of 3 days.

28 (A) Due to variations among enclosed and within-vessel composting system designs, including
29 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
30 application to meet the requirements of Subdivision (b)(2) of this section.

31 (3) If the operation or facility uses a windrow composting process, active compost shall be
32 maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit)
33 or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is
34 maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the
35 windrow.

36 (4) If the operation or facility uses an aerated static pile composting process, all active compost
37 shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained
38 at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
39 period of 3 days.

40 ~~(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may~~
41 ~~be approved by the EA if the EA determines that the alternative method will provide equivalent~~
42 ~~pathogen reduction.~~

43 ~~(d)~~ Compost operations and facilities that utilize a windrow composting process or an aerated static
44 pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b)
45 of this section are met:

46 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
47 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
48 fraction thereof.

49 (2) Temperature measurements for pathogen reduction shall be measured as follows:

50 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
51 four (24) inches below the pile surface;

1 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
2 inches from the point where the insulation cover meets the active compost.

3 (d) Alternative methods of compliance to meet the pathogen reduction requirements of this section
4 may be approved by the EA if the EA determines that the alternative method will provide equivalent
5 pathogen reduction.

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 43020 and 43021, Public Resources Code.

9
10 **§ 17868.3.1. Physical Contamination Limits.**

11 (a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4
12 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4
13 millimeters shall be designated for disposal, additional processing, or other use as approved by local,
14 state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits
15 shall occur at the point where compost is sold and removed from the site, bagged for sale, given away
16 for beneficial use and removed from the site or otherwise beneficially used. Sample results must be
17 received by the operator prior to removing compost from the composting operation or facility where it
18 was produced.

19 (b) Upon request of the EA, a compostable material handling operation shall take a representative
20 sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters
21 shall be collected and weighed, and the percentage of physical contaminants determined.

22 (c) All compostable material handling facilities shall take one representative sample for every 5,000
23 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4
24 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

25 (d) Any sampling conducted to comply with this section shall require a composite sample. A
26 composite sample shall be representative and random, and may be obtained by taking twelve (12)
27 mixed samples as described below.

28 (1) The twelve samples shall be of equal volume.

29 (2) The twelve samples shall be extracted from within the compost pile as follows:

30 (A) Four samples from one-half the width of the pile, each at a different cross-section;

31 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

32 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

33 (e) Alternative methods of compliance to meet the requirements of this section may be approved by
34 the EA if the EA determines that the alternative method will ensure the physical contamination limits
35 requirements of this section are met.

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
38 43020 and 43021, Public Resources Code.

39
40 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

41 ~~In order for a feedstock to be considered a~~ Green material, as defined in section 17852(a)(21), and
42 vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
43 requirements shall be met:

44 (a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
45 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
46 loads and load sorting to quantify the percentage of ~~contaminating materials~~ physical contaminants
47 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
48 material or vegetative food material).

49 (1) A minimum of ~~one ten~~ percent of daily incoming feedstock volume or at least one truck per day,
50 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
51 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
52 contaminants shall be collected and weighed, and the percentage of physical contaminants
53 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
54 weight or if the load contains materials that do not meet the definitions of green material in section
55 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

56 (b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative
57 sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of
58 physical contaminants determined.

1 ~~(c) Any agricultural material handling operation using this material shall ensure the feedstock meets~~
2 ~~the metal concentration limits specified in Table 2 of section 17868.2.~~

3 ~~(d)~~ Facility personnel shall be adequately trained to perform the activities specified in this section.

4 ~~(e)~~~~(d)~~ Any operation or facility using this feedstock shall maintain records demonstrating compliance
5 with this section.

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 43020 and 43021, Public Resources Code.

10 **Article 8. Composting Operation and Facility Records**

11 **§ 17869. General Record Keeping Requirements.**

12
13 Except as provided in subsection (d), all compostable materials handling operations and facilities shall
14 meet the following requirements:

15
16 (a) All records required by this Chapter shall be kept in one location and accessible for five (5) years
17 and shall be available for inspection by authorized representatives of the ~~board~~ Department, EA local
18 health entity, and other duly authorized regulatory and EAs during normal working hours.

19 (b) The operator shall record any special occurrences encountered during operation and methods used
20 to resolve problems arising from these events, including details of all incidents that required
21 implementing emergency procedures.

22 (c) The operator shall record any public complaints received by the operator, including:

23 (1) the nature of the complaint,

24 (2) the date the complaint was received,

25 (3) if available, the name, address, and telephone number of the person or persons making the
26 complaint, and

27 (4) any actions taken to respond to the complaint.

28 (d) The operator shall record the quantity and type of feedstock received and quantity of compost and
29 chipped and ground material produced. Agricultural compostable materials handling operations shall
30 maintain records only for compostable material accepted from off-site.

31 (e) The operator shall record the number of load checks performed and loads rejected.

32 (f) The operator shall record all test results generated by compliance with Article 7 of this Chapter,
33 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
34 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

35 (1) The operator shall retain records detailing pathogen reduction methods.

36 (g) The operator shall record and retain records of any serious injury to the public occurring on-site
37 and any complaint of adverse health effects to the public attributed to operations. Serious injury
38 means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which
39 a member of the public suffers a loss of any member of the body or suffers any degree of permanent
40 disfigurement.

41 (h) The operator shall retain a record of training and instruction completed in accordance with section
42 17867.5.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 43020 and 43021, Public Resources Code.

46 47 48 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

49 50 51 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

52 **§ 17896.1. Authority and Scope.**

53 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
54 digestion operations and facilities that receive and process by means of in-vessel digestion solid
55 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
56 sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to
57 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
58 this Division, may still be subject to the regulatory requirements specified in this Chapter.
59

1 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
2 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
3 as amended. These regulations should be read together with the Act.

4 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
5 Chapter establishes standards and regulatory requirements for the intentional processing of organic
6 material by means of in-vessel digestion.

7 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
8 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
9 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to
10 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
11 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
12 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
13 which otherwise conflict with the provisions of this Chapter.

14 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
15 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
16 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
17 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
18 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
19 Health, air quality management districts or air pollution control districts, local land use authorities, and
20 fire authorities.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 40053, 43020 and 43021, Public Resources Code.

24 25 **§ 17896.2. Definitions.**

26 (a) For the purposes of this Chapter:

27 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
28 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
29 similar activities undertaken for the production of food or fiber for human or animal consumption or
30 use, which is separated at the point of generation, and which contains no other solid waste. With the
31 exception of grape pomace, agricultural material has not been processed except at its point of
32 generation and has not been processed in a way that alters its essential character as a waste resulting
33 from the production of food or fiber for human or animal consumption or use. Material that is defined
34 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
35 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
36 pomace, and crop residues.

37 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

38 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
39 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

40 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
41 solid wastes that are source separated from the municipal solid waste stream, or which are separated
42 at a centralized facility.

43 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

44 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
45 been processed in an in-vessel digester.

46 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
47 solid wastes. Digestion includes:

48 (A) Aerobic digestion - the controlled biological decomposition of organic material in the presence
49 of oxygen.

50 (B) Anaerobic digestion - the controlled biological decomposition of organic material in the
51 absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a
52 residual digestate.

53 (C) Other controlled biological decomposition processes.

54 (8) "Dairy In-vessel Digestion Operation" means a dairy that receives, for purposes of co-digestion
55 in an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials
56 in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

57 (9) "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of
58 digestion in an in-vessel digester, unsold products from retail stores to which the products were
59 originally sent. All unsold products shall be collected and processed in covered, leak-proof containers.

1 and remain in the custody of the owner at all times. All putrescible material shall be refrigerated at the
2 retail store and during transport to the operation.

3 (10) "EA" means enforcement agency as defined in PRC section 40130.

4 (11) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section
5 66261.3, et seq.

6 (12) "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire
7 digestion process occurs.

8 (13) "Large Volume In-vessel Digestion Facility" means a facility that receives 100 tons or more of
9 solid waste per operating day for digestion in an in-vessel digester.

10 (14) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than an
11 average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel
12 digester. The amount of solid waste the operation receives shall not exceed 105 tons (or 420 cubic
13 yards) per week or the solid waste quantity limitations of the general design of the operation
14 (whichever is less).

15 (15) "Litter" means all solid waste which has been improperly discarded or which has migrated by
16 wind or equipment away from the operations area. Litter includes, but is not limited to, convenience
17 food, beverage, and other product packages or containers constructed of steel, aluminum, glass,
18 paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters
19 of the state.

20 (16) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
21 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
22 mixed with feces or urine.

23 (17) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of 15
24 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day for digestion
25 in an in-vessel digester. The amount of solid waste the operation receives shall be less than 700 tons
26 (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the
27 operation (whichever is less).

28 (18) "Nuisance" includes anything which:

29 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
30 comfortable enjoyment of life or property, and

31 (B) affects at the same time an entire community, neighborhood or any considerable number of
32 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

33 (19) "On-site" means located within the boundary of the operation or facility.

34 (20) "Operating Day" means the daily hours of operation for a facility or operation as set forth in the
35 application, Enforcement Agency Notification or solid waste facilities permit.

36 (21) "Operating Record" means an easily accessible collection of records of an operation's or
37 facility's activities and compliance with required state minimum standards under Title 14. The Record
38 may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall
39 contain but is not limited to containing: agency approvals, tonnage and load checking records, facility
40 contacts and training history. The record may be reviewed by state and local authorities and shall be
41 available during normal business hours. If records are too voluminous to place in the main operating
42 record or if the integrity of the records could be compromised by on-site storage, such as exposure to
43 weather, they may be maintained at an alternative site, as long as that site is easily accessible to the
44 EA.

45 (22) "Operations Area" means:

46 (A) the following areas within the boundary of an operation or facility as described in the permit
47 application or Enforcement Agency Notification:

48 1. equipment management area, including cleaning, maintenance, and storage areas; and

49 2. material and/or solid waste management area, including unloading, handling, transfer,
50 processing, and storage areas.

51 (B) the boundary of the operations area is the same as the permitted boundary of the operation or
52 facility but may or may not be the same as the property boundary on which the operation or facility is
53 located.

54 (23) "Operator" means the owner, or other person who through a lease, franchise agreement or
55 other arrangement with the owner, that is listed in the permit application or Enforcement Agency
56 Notification and is legally responsible for all of the following:

57 (A) complying with regulatory requirements set forth in these Articles;

58 (B) complying with all applicable federal, state and local requirements;

59 (C) the design, construction, and physical operation of the operations area;

1 (D) controlling the activities at an operation or facility as listed on the permit application or
2 Enforcement Agency Notification.

3 (24) "Owner" means the person or persons who own, in whole or in part, an operation or facility and
4 the land on which it is located. If the ownership of the operation or facility is not the same as the
5 ownership of the land on which it is located, the owner of the land shall be identified as the "Land
6 Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

7 (25) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms
8 with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive
9 conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The
10 EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

11 (26) "Salvaging" means the controlled separation of solid waste material which do not require
12 further processing, for reuse or recycling prior to in-vessel digestion activities.

13 (27) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

14 (28) "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids and
15 air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

16 (29) "Sealed Structure" means a fully enclosed building capable of containing liquids and controlling
17 air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance
18 conditions.

19 (30) "Special Waste" includes but is not limited to:

20 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as
21 defined in Title 22, section 66260.10.

22 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

23 (31) "Spotter" means an employee who conducts activities that include, but are not limited to,
24 traffic control, hazardous waste recognition and removal for proper handling, storage and transport or
25 disposal, and protection of the public from health and/or safety hazards.

26 (32) "Store" means to stockpile or accumulate for later use.

27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
29 40053, 43020 and 43021, Public Resources Code.

30
31 **§ 17896.3. Pre-Existing Permits and Notifications.**

32 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to
33 [operative date of these regulations], that facility may continue to operate in accordance with its
34 permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
35 sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA
36 makes such a determination, the operator shall comply with this Chapter within two years of that
37 determination.

38 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
39 regulations in effect prior to [operative date of these regulations], that operation may continue to
40 operate in accordance with its EA Notification or regulatory authorization until the EA determines that
41 regulation under this Chapter is required. The EA shall make this determination no sooner than 120
42 days and no later than two years from [operative date of these regulations]. If the EA determines that
43 regulation under this Chapter is required, the operator shall comply with this Chapter within two years
44 of that determination.

45 (c) If an activity had previously been excluded from regulations in effect prior to [operative date of
46 these regulations], that activity may continue to operate in accordance with its regulatory exclusion
47 until the EA determines that regulation under this Chapter is required. The EA shall make this
48 determination no sooner than 120 days and no later than two years from [operative date of these
49 regulations]. If the EA determines that regulation under this Chapter is required, the operator shall
50 comply with this Chapter within two years of that determination.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 43020 and 43021, Public Resources Code.

54
55 **§ 17896.4. Permit Name.**

56 Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall
57 be entitled: "In-vessel Digestion Facility Permit."

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Anaerobically digestible materials at POTWs Section 17896.6(a)(1)	Research In-Vessel Digestion Operations Section 17896.8	Medium Volume In-Vessel Digestion Facilities (≥ 60 yd ³ or 15 tpd and < 100 tpd) Section 17896.12	Large Volume In-Vessel Digestion Facilities (≥ 100 tpd) Section 17896.13
Ag material derived from ag site & returned to same site Section 17896.6(a)(2)	Dairy In-Vessel Digestion Operations Section 17896.9		
	Distribution Center In-Vessel Digestion Operations Section 17896.10		
In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)	Limited Volume In-Vessel Digestion Operations (< 60 yd ³ or 15 tpd) Section 17896.11		
Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)			

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
2 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
3 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
4 Treatment Plant wastewater, is excluded under the following conditions:

5 (A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant.
6 Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a
7 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
8 digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be
9 screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and
10 conveyed in a contained system. Any separated material at the POTW that is not suitable for
11 anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

12 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance
13 of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality
14 Control Board that those Standard Operating Procedures are being implemented, and a Standard
15 Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

16 1. has been incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
17 National Pollutant Discharge Elimination System permit; or

18 2. will be incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
19 National Pollutant Discharge Elimination System permit no later than the next permit renewal.

20 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
21 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
22 14, CCR, Section 17852(a)(20) and vegetative food material as defined in Title 14, CCR, Section
23 17852(a)(20)(A).

24 (D) For the purpose of this exclusion, the Department, in consultation with the State Water
25 Resources Control Board and the California Department of Food and Agriculture, will on a case-by-
26 case basis, review and consider approval of additional types of organic materials as potential
27 "anaerobically digestible material" beyond those specified in section 17896.6(a)(1)(C) in accordance
28 with the following:

29 1. Receipt of a written request to the Department from the General Manager or designee of a
30 POTW Treatment Plant.

31 a. The written request must contain the following information:

32 i. The purpose of the request.

33 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
34 organic waste material with the POTW wastewater.

35 iii. Types of organic material requested for classification as an anaerobically digestible
36 material.

37 iv. The source(s) of the waste material.

38 v. A description of how the waste material will be handled, processed, stored and
39 transported (before and after receipt at the POTW Treatment Plant).

40 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
41 to accommodate the new waste materials.

42 vii. Available laboratory test results, engineering reports, research or study to support the
43 request.

44 viii. Data and/or reports if this waste material has been used without incident at a different
45 POTW Treatment Plant.

46 ix. The name, addresses and phone numbers for the General Manager and designee of the
47 POTW Treatment Plant.

48 b. Upon receipt of the written request, the Department will communicate and coordinate the
49 request with and between the State Water Resources Control Board and the California Department of
50 Food and Agriculture and will complete the following actions:

51 i. Within 10 days of receipt, send written confirmation to the General Manager and designee
52 of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate
53 Department staff, as well as to the State Water Resources Control Board and California Department of
54 Food and Agriculture staff contacts for review;

55 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board
56 and California Department of Food and Agriculture staff contacts;

57 iii. Prior to the meeting, Department staff will review the letter and identify questions
58 and/or issues with the request and make a list of recommendations;

1 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
2 representative does not attend the meeting, comments will be accepted by the Department up to
3 close of business on the 45th day after receipt;

4 v. Within 60 days of receipt, the Department will provide a written decision to the General
5 Manager and designee of the POTW Treatment Plant stating one of the following:

6 I. The waste type has or has not been determined to be an anaerobically digestible
7 material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory
8 Requirements (pursuant to Section 17896.6(a)(1)(C) and the Transfer/Processing Operations and
9 Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

10 II. The agencies, based on the information provided, were unable to reach a
11 determination and additional information is required before a determination can be made; or

12 III. The agencies have determined that additional research or study will need to be
13 conducted and the results analyzed prior to a determination made by the agencies.

14 IV. If additional information, research or study is necessary, the Department will consult
15 with the General Manager or designee of the POTW, the State Water Resources Control Board and
16 California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
17 either reviewing the additional information or for reviewing a proposed scope of work and timeline for
18 additional research or study.

19 2. For the purpose of this exclusion, if an organic waste material is determined by the
20 Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
21 wastewater, the POTW Treatment Plant must comply with 17896.6(a)(1)(A) prior to receipt of the
22 material at the POTW Treatment Plant.

23 (2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is
24 derived from an agricultural site and the digestate or compost produced from digestate is returned to
25 that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary
26 of the agricultural site on which the in-vessel digester is located. No more than an incidental amount
27 of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.
28 Digestate that is not composted may not be given away or sold.

29 (3) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock,
30 and digestate on site are excluded.

31 [Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits,
32 licenses, or other clearances that may be required by other regulatory agencies including, but not
33 limited to local health entities and local land use authorities.]

34 (4) Other discrete handling activities that are already subject to more stringent handling
35 requirements under Federal or State law, as determined by the EA in consultation with the
36 Department, are excluded.

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40 **§ 17896.7. Prohibitions.**

41 The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
42 where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

43 (a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
44 organs, hide, blood, bone and marrow, except when received:

45 (1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or
46 residential food scrap collection; or

47 (2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other
48 public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

49 (3) from a source approved by the Department in consultation with the State Water Resources
50 Control Board and the California Department of Food and Agriculture.

51 (b) The in-vessel digestion of medical waste.

52 (c) The in-vessel digestion of hazardous waste.

53
54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 40053, 43020 and 43021, Public Resources Code.

1 **§ 17896.8. Research In-Vessel Digestion Operations.**

2 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
3 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
4 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

5 (b) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
6 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
7 the research to be performed, research objectives, methodology/protocol to be employed, data to be
8 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
9 projected timeframe for completion of the research operation.

10 (c) After no more than a two year period of operation, the operator of a research in-vessel digestion
11 operation shall submit to the EA a report that includes the results and conclusions drawn from the
12 research. If the EA determines, based on the report, that there are further research objectives to be
13 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
14 two years. If the EA determines based on the report that there are no further research objectives to
15 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
16 section 17896.41.

17 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
18 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
19 health, safety, or environmental protection concern, shall satisfy the following additional
20 requirements:

21 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
22 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
23 site.

24 (2) The operator shall prepare, implement and maintain a site-specific, research in-vessel digestion
25 operation site security plan. The research in-vessel digestion site security plan shall include a
26 description of the methods and facilities to be employed for the purpose of limiting site access and
27 preventing the movement of unauthorized material on to or off of the site.

28 (3) After no more than a six-month period of operation the operator of a research in-vessel
29 digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report
30 that includes the results and conclusions drawn from the research and documentation of additional
31 requirements of this section. If the EA determines based on the report that there are further research
32 objectives to be met or data to be gathered, the EA may extend the research for a specified time
33 period not to exceed two years. If the EA determines based on the report that there are no further
34 research objectives to be met or data to be gathered, the operator shall conduct site restoration at the
35 facility pursuant to section 17896.41.

36 (e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2). to
37 the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that
38 the EA Notification for research in-vessel digestion operations is complete and correct only if the
39 additional documentation requirements of this section have been met.

40 (f) These operations shall be inspected by the EA at least once every three (3) months unless the EA
41 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
42 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
43 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
44 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
45 of requests for reducing the frequency of inspections.]

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
48 43020 and 43021, Public Resources Code.

49
50 **§ 17896.9. Dairy In-Vessel Digestion Operations.**

51 (a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth
52 in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
53 section 18100).

54 (1) These operations shall be inspected by the EA at least once a month for the first 12 months of
55 operation. After the first 12 months of operation the EA may approve, with Department concurrence, a
56 reduced inspection frequency of once every three months. After the first 24 months of operation the
57 EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar
58 year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to
59 public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and

1 Department requirements regarding the approval or denial of requests for reducing the frequency of
2 inspections.]

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 43020 and 43021, Public Resources Code.

6
7 **§ 17896.10. Distribution Center In-Vessel Digestion Operations.**

8 (a) All distribution center in-vessel digestion operations shall comply with the EA Notification
9 requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
10 (commencing with section 18100).

11 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
12 EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a
13 lesser inspection frequency if it will not pose an additional risk to public health and safety and the
14 environment but in no case shall the frequency be less than annual. The EA shall submit, for
15 concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note:
16 See section 18083(a)(3) for additional EA and Department requirements regarding the approval or
17 denial of requests for reducing the frequency of inspections.]

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 43020 and 43021, Public Resources Code.

21
22 **§ 17896.11. Limited Volume In-Vessel Digestion Operations.**

23 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
24 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
25 Code of Regulations (commencing with section 18100).

26 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
27 EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a
28 lesser inspection frequency if it will not pose an additional risk to public health and safety and the
29 environment but in no case shall the frequency be less than annual. The EA shall submit, for
30 concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note:
31 See section 18083(a)(3) for additional EA and Department requirements regarding the approval or
32 denial of requests for reducing the frequency of inspections.]

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
35 40053, 43020 and 43021, Public Resources Code.

36
37 **§ 17896.12. Medium Volume In-Vessel Digestion Facilities.**

38 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
39 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
40 (commencing with section 18104).

41 (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020 and 43021, Public Resources Code.

45
46 **§ 17896.13. Large Volume In-Vessel Digestion Facilities.**

47 All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in
48 accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter
49 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The
50 In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility
51 Information required by section 21570(f)(2) of Title 27.

52 (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 40053, 43020 and 43021, Public Resources Code.

1 **§ 17896.14. In-Vessel Digestion Facility Plan.**

2 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(17)
3 shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The
4 information contained in the Plan shall be reviewed by the EA to determine whether it is complete and
5 correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 40053, 43020 and 43021, Public Resources Code.

9
10 **§ 17896.15. In-Vessel Digestion Report.**

11 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(13)
12 shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator
13 of an existing facility who submits an application package to the EA, pursuant to Title 27, section
14 21570, which proposes to change the facility's operations, or to change the solid waste facility permit
15 shall do one of the following:

- 16 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
17 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 40053, 43020 and 43021, Public Resources Code.

21
22 **§ 17896.16. Applicability of State Minimum Standards.**

23 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
24 vessel digestion operations and facilities, except as noted in Section 17896.1.(a).

25 (b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
26 digestion facilities.

27 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
28 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
29 shall place a copy of each approval, determination and other requirement in the operating record
30 together with those records identified in sections 17896.45 and 17896.46.

31 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
32 method of compliance with the standard. These provisions are not intended to allow the EA to change
33 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
34 alternative method of meeting the existing standard which provides equivalent protection of the public
35 health and safety and the environment as the existing standard. For facilities that require a full solid
36 waste facility permit, the EA may choose to include the approved alternative method of compliance as
37 a term and condition of the solid waste facility permit, rather than in the manner authorized by
38 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
39 the method may require a revision to the solid waste facility permit in accordance with the procedures
40 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
41 (commencing with section 21570).

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020 and 43021, Public Resources Code.

45
46
47 **Article 2. Siting and Design**

48
49 **§ 17896.17. Siting On Landfills.**

50 (a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
51 closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
52 California Code of Regulations, section 21190.

53 (b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
54 solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by
55 natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or
56 failure of pads or structural foundations.

57 (c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
58 solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or
59 with the closure or postclosure maintenance of the landfill.

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
3 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.18. General Design Requirements.**

6 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
7 appropriate, from persons competent in engineering, architecture, landscape design, traffic
8 engineering, air quality control, water quality protection and design of structures.

9 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
10 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
11 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
12 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
13 other pertinent information. If the operation or facility is to be used by the general public, the design
14 shall take account of safety features that may be needed to accommodate such public use.

15 (c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the
16 unloading area to as small an area as practicable, provide adequate control of windblown material,
17 minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances
18 by reason of solid wastes being handled at the operation. Other factors which shall be taken into
19 consideration are: dust control, noise control, public safety, and other pertinent matters related to the
20 protection of public health at the operation or facility.

21 (d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA
22 may require the applicant to describe how he or she has complied with applicable local and state
23 requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

24 (e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and
25 constructed to prevent loss of wastes from the container during storage. If such a container is used to
26 store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such
27 container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily
28 cleanable, designed for safe handling and constructed to prevent loss of wastes.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33
34 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

35
36 **§ 17896.19. Biogas Control.**

37 The operator of an in-vessel digestion operation or facility must take precautions to minimize the
38 uncontrolled release of biogas that may have harmful effects on site users and the general public.

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
41 40053, 43020 and 43021, Public Resources Code.

42
43 **§ 17896.20. Cleaning.**

44 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
45 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
46 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

47 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;

48 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
49 least once every 24 hours.

50 (b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site
51 migration of waste materials.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17896.21. Drainage and Spill Control.**

57 (a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

58 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;

- 1 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
2 site migration of contact water;
3 (3) protect the integrity of roads and structures;
4 (4) protect the public health; and
5 (5) prevent safety hazards and interference with operations.
6 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
7 that occur.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11
12 **§ 17896.22. Dust Control.**

- 13 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
14 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
15 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
16 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
17 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
18 following may be an indication that dust is excessive:
19 (1) safety hazards due to obscured visibility; or
20 (2) irritation of the eyes; or
21 (3) hampered breathing;
22 (4) migration of dust off-site.

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
25 40053, 43020 and 43021, Public Resources Code.

26
27 **§ 17896.23. Hazardous, Liquid, and Special Wastes.**

- 28 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
29 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
30 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
31 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
32 discovered, control measures as are necessary to protect public health, safety and the environment,
33 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
34 or removal from the operation or facility.
35 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
36 sludge wastes in a manner to protect public health, safety, and the environment.

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40
41 **§ 17896.24. Litter Control.**

- 42 Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
43 prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
44 possible given existing weather conditions.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 40053, 43020 and 43021, Public Resources Code.

48
49 **§ 17896.25. Load Checking.**

- 50 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
51 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
52 program must include at a minimum:
53 (1) the number of random load checks to be performed;
54 (2) a location for the storage of prohibited wastes removed during the load checking process that is
55 separately secured or isolated;
56 (3) records of load checks and the training of personnel in the recognition, proper handling, and
57 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
58 records for the last year shall be maintained in the operating record and be available for review by the
59 appropriate regulatory agencies.

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
3 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.26. Maintenance Program.**

6 All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
7 The operator shall implement a preventative maintenance program to monitor and promptly repair or
8 correct deteriorated or defective conditions.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
11 40053, 43020 and 43021, Public Resources Code.

12
13 **§ 17896.27. Medical Wastes.**

14 Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the
15 Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code),
16 shall not be accepted at an in-vessel digestion operation or facility, unless approved by the
17 appropriate regulatory agencies.

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 40053, 43020 and 43021, Public Resources Code.

21
22 **§ 17896.28. Noise Control.**

23 Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
24 include but are not limited to: posting of warning signs that recommend or require hearing protection;
25 separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
26 transmission. Compliance with specific provisions regarding noise control in a local land use approval,
27 such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
28 this standard.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.29. Non-Salvageable Items.**

34 Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
35 pesticides and other materials capable of causing public health or safety problems shall not be
36 salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
37 the EA.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.30. Odor Best Management Practice Feasibility Report.**

43 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
44 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
45 violations as determined pursuant to section 17896.31(f).

46 (b) The Report shall:

47 (1) Present representative and correlating odor data for each potential onsite odor source including
48 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
49 collected, description of operations associated with the source, and any odor impacts or complaints
50 received;

51 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
52 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
53 order of impact;

54 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

55 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
56 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
57 has used to minimize odor and analyze each BMP for the following:

58 1. The effectiveness of the BMP in reducing odor impacts;

- 1 2. The potential for more extensive use of the BMP to minimize odor impacts described by
2 complainants;
3 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
4 operationally practical;
5 4. The approximate cost to implement a more extensive use of the BMP;
6 5. Any permits or permit changes necessary to use the BMP more extensively;
7 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
8 the BMP is recommended; and
9 7. If the BMP has been found to be ineffective (include supporting data).

10 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
11 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
12 operator has not used and analyze each potential BMP to determine:

- 13 1. The potential for the BMP to reduce odor impacts described by complainants;
14 2. If the BMP is operationally practical;
15 3. The approximate cost to implement the BMP;
16 4. Any permits or permit changes necessary to use the BMP; and
17 5. Overall recommendation and ranking of implementing the BMP.

18 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
19 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

20 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
21 the Department for review. If the EA has required the operator to prepare a Report pursuant to
22 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
23 approved by the EA.

24 (d) The EA, in consultation with the Department, shall within 30 days:

25 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
26 in whole or in part; and/or

27 (2) direct the operator in writing to submit specific changes or additional information within a
28 timeframe specified by the EA.

29 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
30 (d)(1) or (d)(2).

31
32 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
33 Sections 43020, 43021 and 43209.1, Public Resources Code.

34
35 **§ 17896.31. Odor Minimization Plan.**

36 (a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
37 specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
38 Notification or permit application.

39 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
40 describing, at a minimum, the following items. If the operator will not be implementing any of these
41 procedures, the plan shall explain why it is not necessary.

42 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
43 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
44 possible odor receptors; and,

45 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
46 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
47 described; and,

48 (3) a complaint response and recordkeeping protocol; and,

49 (4) a description of design considerations and/or projected ranges of optimal operation to be
50 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
51 feedstock characteristics, airborne emission production, process water distribution, pad and site
52 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
53 service interruptions, and site specific concerns as applicable; and,

54 (5) a description of operating procedures for minimizing odor, including aeration, moisture
55 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
56 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
57 power, and personnel), bio filtration, and tarping as applicable.

58 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
59 provided to the EA, within 30 days of those changes.

1 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
2 revisions are necessary.

3 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
4 operation or facility is following the procedures established by the operator. If the EA determines that
5 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
6 (pursuant to section 18304) to require the operator to either comply with the odor impact
7 minimization plan or to revise it.

8 (f) If the odor impact minimization plan is being followed and the EA determines, in a manner
9 consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
10 to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
11 in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
12 (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
13 measures to minimize odors unless:

14 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

15 (2) there is an imminent threat to public health and safety and the environment; or

16 (3) a public nuisance has occurred.

17
18 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
19 Sections 43020, 43021 and 43209.1, Public Resources Code.

20
21 **§ 17896.32. Odor and Nuisance Control.**

22 Each in-vessel digestion operation and facility shall be conducted and maintained:

23 (a) in a manner that minimizes odor impacts so as to not cause a nuisance, and

24 (b) to otherwise prevent the creation of a nuisance.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.33. Parking.**

30 Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
31 with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
32 conditional use permit or CEQA mitigation measures, shall be considered compliance with this
33 standard.

34
35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
36 40053, 43020 and 43021, Public Resources Code.

37
38 **§ 17896.34. Personnel Health and Safety.**

39 The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
40 section 3203, shall be available for review by local and state inspectors during normal business hours.
41 Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020 and 43021, Public Resources Code.

45
46 **§ 17896.35. Pre-Digestion Solid Waste Handling.**

47 (a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
48 sealed structure or removed from the site within 48 hours from the time of receipt. This requirement
49 does not apply to putrescible waste stored in a sealed bag, bottle, or can.

50 (b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
51 of receipt or at an alternate frequency approved by the EA.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17896.36. Protection of Users.**

57 An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so
58 that contact between the public and solid wastes is minimized. This may be accomplished through the
59 use of railings, curbs, grates, fences, and/or spotters.

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
3 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.37. Roads.**

6 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
7 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
8 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
9 all-weather access to the site.

10
11 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
12 40053, 43020 and 43021, Public Resources Code.

13
14 **§ 17896.38. Sanitary Facilities.**

15 The operator shall maintain all sanitary and hand-washing facilities which may be required, by
16 applicable state or local requirements, in a reasonably clean and adequately supplied condition.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 40053, 43020 and 43021, Public Resources Code.

20
21 **§ 17896.39. Scavenging and Salvaging.**

22 Each in-vessel digestion operation or facility shall meet the following requirements:

23 (a) scavenging shall be prohibited;

24 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
25 of the operation, subject to conditions established by the EA, the local land use authority, or other
26 approving agencies.

27 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
28 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
29 entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging
30 activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly
31 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
32 or nuisance problems;

33 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
34 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
35 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
36 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
37 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a
38 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
39 Digestion Facility Plan, or In-vessel Digestion Facility Report.

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 40053, 43020 and 43021, Public Resources Code.

43
44 **§ 17896.40. Signs.**

45 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
46 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
47 facility name and location of nearest public operation or facility.

48 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
49 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
50 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
51 or (2) WILL NOT be accepted.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17896.41. Site Restoration.**

57 All in-vessel digestion operations and facilities shall meet the following requirements:

58 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
59 days prior to beginning site restoration.

1 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
2 safety, and the environment.

3 (c) The operator shall ensure that the following site restoration procedures are performed upon
4 completion of operations and termination of service:

5 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
6 including, but not limited to, digestate, compost materials, construction scraps, and other materials
7 related to the operations, and these residues legally recycled, reused, or disposed.

8 (2) All machinery shall be cleaned and removed or stored securely.

9 (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or
10 other residues related to the site restoration operations.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 43020 and 43021, Public Resources Code.

14 15 **§ 17896.42. Supervision and Personnel.**

16 The operator shall provide adequate supervision and a sufficient number of qualified personnel to
17 ensure proper operation of the site in compliance with all applicable laws, regulations, permit
18 conditions and other requirements. The operator shall notify the EA in writing of the name, address
19 and telephone number of the operator or other person responsible for the operation. A copy of the
20 written notification shall be placed in the operating record.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 40053, 43020 and 43021, Public Resources Code.

24 25 **§ 17896.43. Training.**

26 Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site
27 solid waste operations and maintenance, hazardous materials recognition and screening, use of
28 mechanized equipment, environmental controls, emergency procedures and the requirements of this
29 Article. A record of such training history shall be maintained and made available for inspection.

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
32 40053, 43020 and 43021, Public Resources Code.

33 34 **§ 17896.44. Vector, Bird and Animal Control.**

35 The operator shall take adequate steps to control or prevent the propagation, harborage and
36 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40 41 42 **Article 4. Record Keeping Requirements**

43 44 **§ 17896.45. Record Keeping Requirements.**

45 Each operator shall meet the following requirements:

46 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
47 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
48 submitted to the EA or the Department upon request; be adequate for overall planning and control
49 purposes; and, be as current and accurate as practicable;

50 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
51 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
52 agencies during normal working hours.

53 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
54 approved by the EA;

55 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
56 operations and methods used to resolve problems arising from these events, including details of all
57 incidents that required implementing emergency procedures. Special occurrences shall include but are
58 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
59 prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,

1 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
2 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
3 unless the EA determines that a less immediate form of notification will be sufficient to protect public
4 health and safety and the environment;

5 (e) The operator shall record any written public complaints received by the operator, including:

6 (1) the nature of the complaint,

7 (2) the date the complaint was received,

8 (3) if available, the name, address, and telephone number of the person or persons making the
9 complaint, and

10 (4) any actions taken to respond to the complaint;

11 (f) The operator shall maintain a copy of the written notification to the EA and local health agency of
12 the name, address and telephone number of the operator or other person(s) responsible for the
13 operations as required by section 17896.42;

14 (g) The operator shall maintain records of employee training as required by section 17896.43;

15 (h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809
16 et seq.

17 (i) The operator shall record all test results generated by compliance with Article 6 of this Chapter,
18 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
19 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

20 (1) The operator shall retain records detailing pathogen reduction methods.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 40053, 43020 and 43021, Public Resources Code.

24
25 **§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and**
26 **Requirements.**

27 Approvals, determinations, and other requirements the EA is authorized to make under this Chapter
28 shall be provided in writing to the operator and placed in the operating record by the operator.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**

34
35 **§ 17896.47. Communications Equipment.**

36 Each in-vessel digestion facility shall have adequate communication equipment available to site
37 personnel to allow quick response to emergencies.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.48. Equipment.**

43 Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-
44 vessel digestion facility to meet all requirements of this Chapter.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 40053, 43020 and 43021, Public Resources Code.

48
49 **§ 17896.49. Fire Fighting Equipment.**

50 Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly
51 maintained and located as required by the local fire authority.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17896.50. Housekeeping.**

57 The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility
58 equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap,
59 and similar items.

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
3 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.51. Lighting.**

6 The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either
7 through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of
8 operations, and public health, safety and the environment.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
11 40053, 43020 and 43021, Public Resources Code.

12
13 **§ 17896.52. Site Attendant.**

14 An in-vessel digestion facility open to the public shall have an attendant present during public
15 operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as
16 approved by the EA to ensure that it meets all of the requirements of this Chapter.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 40053, 43020 and 43021, Public Resources Code.

20
21 **§ 17896.53. Site Security.**

22 The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and
23 vehicles through the use of either a perimeter barrier or topographic constraints.

24
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
26 40053, 43020 and 43021, Public Resources Code.

27
28 **§ 17896.54. Traffic Control.**

29 (a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
30 (1) interference with or creation of a safety hazard on adjacent public streets or roads,
31 (2) on-site safety hazards, and
32 (3) interference with operations.

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
35 40053, 43020 and 43021, Public Resources Code.

36
37 **§ 17896.55. Visual Screening.**

38 The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create
39 and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if
40 none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening
41 in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be
42 considered compliance with this standard.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.56. Water Supply.**

48 A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use
49 (e.g., fire protection, first aid) shall be available.

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
52 40053, 43020 and 43021, Public Resources Code.

53
54 **Article 6. Digestate Handling Standards**

55
56 **§ 17896.57. Digestate Handling.**

57 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

1 (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
2 alternative handling method after determining the alternative method will not pose an additional risk
3 to public health and safety or the environment; or

4 (2) incorporated in an on-site aerobic compost process.

5 (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
6 facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.4.

7 (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
8 requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
9 the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
10 physical contamination limits of section 17896.61; or

11 (3) removed from the site and either:

12 (A) transported as solid waste to another solid waste facility or operation for disposal, composting,
13 or additional processing; or

14 (B) used or disposed in a manner approved by local, state, and federal agencies having
15 appropriate jurisdiction.

16 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
17 pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
18 section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal
19 concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
20 pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
21 the maximum physical contamination limits described in section 17896.61 shall be designated for
22 disposal, additional processing, or other use as approved by local, state agencies having appropriate
23 jurisdiction.

24
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
26 40053, 43020 and 43021, Public Resources Code.

27
28 **§ 17896.58. Sampling Requirements.**

29 (a) The sampling of compost produced at an in-vessel digestion facility (pursuant to section
30 17896.57(a)(2)) shall occur at the point where the compost is removed from the site, bagged for sale,
31 given away for beneficial use and removed from the site or otherwise beneficially used. Analytical
32 results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by
33 the operator prior to the sampled compost leaving the site. Sample results must be received by the
34 operator prior to removing compost from the in-vessel digestion facility where it was produced.

35 (b) This sampling shall be performed by taking and analyzing at least one composite sample, following
36 the requirements of this section as follows:

37 (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
38 compost produced.

39 (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
40 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
41 pursuant to the Health and Safety Code.

42 (c) A composite sample shall be representative and random, and may be obtained by taking twelve
43 (12) mixed samples as described below.

44 (1) The twelve samples shall be of equal volume.

45 (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
46 follows:

47 (A) Four samples from one-half the width of the pile, each at a different cross-section;

48 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

49 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

50 (d) The EA may approve alternative methods of sampling that ensures the maximum metal
51 concentration requirements of section 17896.59, the pathogen reduction requirements of section
52 17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are
53 met.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
56 43020 and 43021, Public Resources Code.

1 **§ 17896.59. Maximum Metal Concentrations.**

2 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
3 exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any
4 metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall
5 be designated for disposal, additional processing, or other use as approved by local, state and federal
6 agencies having appropriate jurisdiction. Sample results must be received by the operator prior to
7 removing compost from the in-vessel digestion facility where it was produced.

8
9 Table 2 - Maximum Acceptable Metal Concentrations

10

<u>Constituent</u>	<u>Concentration (mg/kg)</u> <u>on dry weight basis</u>
<u>Arsenic (As)</u>	<u>41</u>
<u>Cadmium (Cd)</u>	<u>39</u>
<u>Chromium (Cr)</u>	<u>(see subdivision (a)(1) below)</u>
<u>Copper (Cu)</u>	<u>1500</u>
<u>Lead (Pb)</u>	<u>300</u>
<u>Mercury (Hg)</u>	<u>17</u>
<u>Nickel (Ni)</u>	<u>420</u>
<u>Selenium (Se)</u>	<u>100</u>
<u>Zinc (Zn)</u>	<u>2800</u>

11
12 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
13 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
14 produce to be determined in connection with the analysis of other metals. Operators shall maintain
15 records of all chromium concentrations together with their records of other metal concentrations.

16 (b) Alternative methods of compliance to meet the requirements of this section may be approved by
17 the EA if the EA determines that the alternative method will ensure that the maximum acceptable
18 metal concentrations shown in Table 2 are not exceeded.

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
21 43020 and 43021, Public Resources Code.

22
23 **§ 17896.60. Pathogen Reduction.**

24 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
25 exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this
26 section. Compost that contains any pathogens in amounts that exceed these pathogen reduction
27 requirements shall be designated for disposal, additional processing, or other use as approved by
28 local, state and federal agencies having appropriate jurisdiction. Sample results must be received by
29 the operator prior to removing compost from the in-vessel digestion facility where it was produced.

30 (b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

31 (1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less
32 than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
33 Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4)
34 grams of total solids (dry weight basis). Sample results must be received by the operator prior to
35 removing product from the site.

36 (2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active
37 compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or
38 higher for a pathogen reduction period of 3 days.

39 (A) Due to variations among enclosed and within-vessel composting system designs, including
40 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
41 application to meet the requirements of subdivision (b)(2) of this section.

42 (3) If the facility uses a windrow composting process, active compost shall be maintained under
43 aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
44 pathogen reduction period of 15 days or longer. During the period when the compost is maintained at
45 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

46 (4) If the facility uses an aerated static pile composting process, all active compost shall be covered
47 with 6 to 12 inches of insulating material, and the active compost shall be maintained at a

1 temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period
2 of 3 days.

3 (c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an
4 aerated static pile composting process shall be monitored as follows to ensure that the standards in
5 subdivision (b) of this section are met:

6 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
7 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
8 fraction thereof.

9 (2) Temperature measurements for pathogen reduction shall be measured as follows:

10 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
11 four (24) inches below the pile surface;

12 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
13 inches from the point where the insulation cover meets the active compost.

14 (d) Alternative methods of compliance to meet the requirements of this section may be approved by
15 the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 43020 and 43021, Public Resources Code.

19
20 **§ 17896.61. Physical Contamination Limits.**

21 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
22 contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that
23 contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be
24 designated for disposal, additional processing, or other use as approved by local, state and federal
25 agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the
26 point where compost is sold and removed from the site, bagged for sale, given away for beneficial use
27 and removed from the site or otherwise beneficially used. Sample results must be received by the
28 operator prior to removing compost from the in-vessel digestion facility where it was produced.

29 (b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one
30 representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at
31 which physical contaminants greater than 4 millimeters shall be collected and weighed, and the
32 percentage of physical contaminants determined.

33 (c) Alternative methods of compliance to meet the requirements of this section may be approved by
34 the EA if the EA determines that the alternative method will ensure the physical contaminant
35 requirements of this section are met.

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
38 43020 and 43021, Public Resources Code.

39
40
41 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility**
42 **Permits; Loan Guarantees.**

43
44
45 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

46
47 **§ 18083. LEA Duties and Responsibilities for Inspections.**

48 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3
49 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and
50 investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal
51 sites and equipment to verify compliance with the state minimum standards, solid waste facilities
52 permits, and related state solid waste laws and regulations within their purview for the protection of
53 the environment and the public health and safety. The LEA/EA shall perform these inspections and
54 related duties as required below, and forward inspection reports to the operator and/or owner, and the
55 ~~board~~ Department within 30 days of the inspection:

56 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

57 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
58 abatement by enforcement action(s);

1 (3) at the frequency required by the state minimum standards for each type of operation specified in
2 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
3 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
4 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
5 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
6 the environment, and in no case shall the inspection frequency be less than once per calendar year.
7 The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
8 concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
9 an additional risk to public health and safety or the environment in light of the specific circumstances
10 at the operation in question. The Department shall concur or deny the EA-proposed approval within
11 thirty (30) days from receipt.

12 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
13 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
14 safety or the environment. This determination shall be subject to ~~board~~ Department approval. For the
15 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
16 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
17 closure requirements;

18 (A) the ~~board~~ Department may approve an alternate inspection frequency for these sites where
19 such an action will not result in adverse impact on public health and safety and the environment.

20 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
21 with the ~~board~~ Department through a grant program to inspect waste tire facilities, major waste tire
22 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
23 every two and a half years pursuant to 14 CCR Section 18443;

24 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

25 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
26 revision, review, RFI amendment, or closure/postclosure plan; and

27 (8) pursuant to the EPP, for solid waste handling and collection equipment.

28 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
29 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
30 days, during normal business hours or the site's operating hours.

31
32 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
33 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

34 35 36 **Article 3.0. Regulatory Tier Requirements**

37 38 **§ 18100. Scope.**

39 (a) This Article sets forth the method of application for a tiered solid waste facilities permit,
40 procedures for review and action on an application package, and other requirements associated with
41 regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
42 and other requirements associated with solid waste handling operations. Similar provisions regarding a
43 full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
44 Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

45 (b) The provisions of this Article shall apply only to those operations and facilities as specified in the
46 minimum standards set forth in Chapters 3.0, ~~or 3.1,~~ or 3.2 of Division 7 of this Title.

47 (c) The submittal of an enforcement agency notification (in accordance with section 18103) or
48 issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
49 issued tiered permit.

50 (d) Specific provisions relating to the different types of regulatory tiers may be found below as
51 follows:

- | | |
|---|-------------------------------|
| 52 (1) Excluded | section 18102 |
| 53 (2) Notification of Enforcement Agency | sections 18103 – 18103.3 |
| 54 (3) Registration Permit | sections 18104 – 18104.9; and |
| 55 (4) Standardized Permit | sections 18105 – 18105.11. |

56
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
58 40053, 43020, 43021 and 43000-45802, Public Resources Code.

1 **§ 18102. Excluded Solid Waste Handling.**

2 Operators of excluded operations designated by the minimum standards set forth in Division 7 of this
3 Title are not required to notify the enforcement agency or submit an application for a solid waste
4 facilities permit. Nothing in this section precludes the enforcement agency or the ~~board~~Department
5 from inspecting an excluded operation to verify that the operation is being conducted in a manner that
6 qualifies as an excluded operation or taking any appropriate enforcement action.
7

8 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
9 44100(a), 44101(a) and 45200, Public Resources Code.

10
11 **§ 18103. Enforcement Agency Notification.**

12 (a) The enforcement agency notification provisions of this Article shall apply only to operations as
13 specified in the minimum standards set forth in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of this Title.

14 (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement
15 agency notification as follows:

16 (1) Filing Requirements section 18103.1;

17 (2) Record Keeping Requirements section 18103.2; and

18 (3) Termination of Operation section 18103.3.

19 (c) Operations authorized to use the enforcement agency notification tier are required to operate in
20 accordance with the minimum standards set forth in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 applicable
21 to that operation.

22 (d) Nothing in this section precludes the enforcement agency or the ~~board~~Department from the
23 following: inspecting an operation to verify that the operation is being conducted in a manner that
24 qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in
25 compliance with the minimum standards; or, taking any appropriate enforcement action, including the
26 use of a 'notice and order.'

27
28 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
29 44100(a), 44101(a) and 45200, Public Resources Code
30

31 **§ 18103.1. Filing Requirements.**

32 (a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency
33 notification shall notify the enforcement agency of its intent to operate in writing prior to commencing
34 operations. This written notification shall be legible and include the following information:

35 (1) The name, address, and phone number of the proposed operation; the name, address, and
36 phone number where the operator can be contacted if these differ from the operation site; and, the
37 name, address, and phone number of the owner if these differ from the operator.

38 (2) The section in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of this Title authorizing eligibility for this
39 tier and a description of the facility's operations, including but not limited to, volume and hours of
40 wastes/material handled, peak and annual loading, and hours of operation.

41 (3) Documentation that the operator has notified the local planning department with jurisdiction
42 over the site of its intent to commence operations. Documentation may include, proof of compliance
43 with CEQA, correspondence from the local planning department that compliance with the California
44 Environmental Quality Act is not required for the operation to obtain local land use approval or written
45 notice to the local planning department of the operator's intent to commence operations.

46 (4) A statement by the owner and operator certifying under penalty of perjury that the information
47 which they have provided is true and accurate to the best of their knowledge and belief.

48 (b) The notification shall be mailed to the enforcement agency "return receipt requested."
49

50 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
51 Public Resources Code.
52

53 **§ 18103.2. Record Keeping Requirements.**

54 The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall
55 be publicly available during normal business hours. The enforcement agency shall forward a copy of
56 the notification to the ~~board~~Department within five days of receipt. The enforcement agency shall
57 retain a copy of the notification for a minimum of one year after the facility is known to have ceased
58 operations.
59

1 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
2 Public Resources Code.

3
4 **§ 18104. Registration Permit.**

5 (a) The registration permit provisions of this Article shall apply only to solid waste facilities as
6 specified in the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title.

7 (b) A registration permit shall be deemed to be incorporated by reference, as terms and conditions of the
8 permit, all minimum standards applicable to it, as set forth in Chapters 3, ~~or 3.1, or 3.2~~, of Division 7.

9 (c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

- 10 (1) Filing Requirements section 18104.1;
11 (2) Enforcement Agency Processing Requirements section 18104.2;
12 (3) Record Keeping Requirements section 18104.3;
13 (4) Completeness Appeal section 18104.4;
14 (5) Change in Operation section 18104.5;
15 (6) Change in Owner section 18104.6;
16 (7) Permit Review & Reissuance section 18104.7;
17 (8) Suspend/Revoke section 18104.8, and
18 (9) Voiding of a Registration Permit section 18104.9.

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
21 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

22
23 **§ 18104.1. Filing Requirements.**

24 Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an
25 application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated
26 herein by reference, with the enforcement agency. The application shall be accompanied by the fee
27 specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See
28 Appendix A.) This application shall contain the following information:

29 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or 3.1, or 3.2~~ of
30 Division 7 of this Title authorizing eligibility for this tier.

31 (b) General description of the facility including, but not limited to name, location, site map, and
32 location map.

33 (c) Facility information, including, but not limited to, volume and type of waste/material; handled,
34 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

35 (d) Operator information, including identification of the land owner, his/her address and telephone
36 number; identification of the facility operator, his/her address and telephone number; and the
37 address(es) at which process may be served upon the operator and owner.

38 (e) Conformance finding information as follows:

39 (1) Until a countywide or regional agency integrated waste management plan has been approved by
40 the ~~board~~ Department, the application shall include statements that: the facility is identified and
41 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
42 Public Resources Code Section 50000; and that the facility is consistent with the city or county
43 General Plan.

44 (2) After a countywide or regional agency integrated waste management plan has been approved by
45 the ~~board~~ Department, the application shall include a statement that: the facility is identified in either
46 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
47 Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public
48 Resources Code Section 50001.

49 (f) The owner and operator shall each certify under penalty of perjury that the information which they
50 have provided is true and accurate to the best of their knowledge and belief.

51 (g) Evidence that the application form was provided to the director of the local agency that oversees
52 local use planning for the jurisdiction in which the site is located.

53 (h) List of all public hearings and other meetings open to the public that have been held or copies of
54 notices distributed that are applicable to the proposed solid waste facilities permit action.

55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
57 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

58
59 **§ 18104.2. Enforcement Agency Processing Requirements.**

1 ...
2 (g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~-Department
3 and to any person who has so requested in writing.
4 ...

5
6 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021,
7 and 43000-45802, Public Resource Code.
8

9 **§ 18104.3. Record Keeping Requirements.**

10 ...
11 (c) The enforcement agency shall forward copies of any written public comments received on an
12 application to the ~~board~~-Department with the registration permit submitted pursuant to section
13 18104.2(f).

14 (d) Subsequent to the transmittal of the registration permit to the ~~board~~ Department, the enforcement
15 agency shall within five days of receipt provide a copy of any additional written public comments to
16 the ~~board~~-Department unless the comment clearly states that a copy has already been provided to the
17 ~~board~~ Department.

18 (e) If an application is denied, the enforcement agency shall retain public comments received on that
19 application for a period of 2 years. If a previously denied permit is approved, all comments received
20 shall be forwarded to the ~~board~~-Department with the copy of the registration permit submitted under
21 subsection (c) above.
22

23 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
24 43020, 43021, and 43000-45802, Public Resource Code.
25

26 **§ 18104.6. Change in Owner.**

27 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
28 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
29 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
30 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
31 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
32 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~-Department
33 within five days of receipt.
34 ...

35
36 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
37 6255, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.
38

39 **§ 18104.9. Voiding of a Registration Permit.**

40 Every registration permit shall be void 30 days after cessation of operations. Any operator who intends
41 to cease operations shall notify the enforcement agency of his/her last proposed date of operation at
42 least 15 days in advance. The enforcement agency shall forward a copy of this notification to the
43 ~~board~~-Department within 7 days. "Cessation of operations" does not include temporary operational
44 shutdowns which are seasonal or intermittent in nature.
45

46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 43020, 43021 and 43000-45802, Public Resources Code.
48

49 **§ 18105. Standardized Permit.**

50 (a) The standardized permit provisions of this Article shall apply only to solid waste facilities as
51 specified in the minimum standards set forth in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of the Title.

52 (b) A standardized permit obtained pursuant to this Article shall contain only those terms and
53 conditions applicable to the type of facility receiving it as set out in the minimum standards for that
54 type of facility.

55 (c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as
56 follows:

- 57 (1) Filing Requirements section 18105.1;
- 58 (2) Enforcement Agency Processing Requirements section 18105.2;
- 59 (3) Record keeping Requirements section 18105.3;

- 1 (4) Completeness Appeal section 18105.4;
- 2 (5) ~~Board-Department~~ Processing Requirements section 18105.5;
- 3 (6) Appeal of Decision section 18105.6;
- 4 (7) Change in Operation section 18105.7;
- 5 (8) Change in Owner section 18105.8;
- 6 (9) Permit Review section 18105.9;
- 7 (10) Suspend/Revoke section 18105.10; and
- 8 (11) Voiding of a Standardized Permit section 18105.11.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
11 43020, 43021 and 43000-45802, Public Resources Code.

12 13 **§ 18105.1. Filing Requirements.**

14 Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an
15 application in duplicate with the enforcement agency accompanied by the fee specified by the
16 enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall
17 contain the following information:

18 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or~~ 3.1, or 3.2 of
19 Division 7 of this Title authorizing eligibility for this tier.

20 (b) General description of the facility including, but not limited to name, location, site map, and
21 location map.

22 (c) Facility information, including, but not limited to, volume and types of waste/material handled,
23 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

24 (d) Operator information, including identification of the land owner, his/her address and telephone
25 number; identification of the facility operator, his/her address and telephone number; and the
26 address(es) at which process may be served upon the operator and owner.

27 (e) A Report of Facility Information that contains all of the information required by the applicable
28 section(s) of Article 3.2, Chapter 5, of this Division.

29 (f) One of the following:

30 (1) Evidence that there has been compliance with the California Environmental Quality Act, Division
31 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

32 (2) Information on the status of the application's compliance with the California Environmental
33 Quality Act regarding the facility. Once there has been compliance with the California Environmental
34 Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement
35 agency.

36 (g) Conformance finding information as follows:

37 (1) Until a countywide or regional agency integrated waste management plan has been approved by
38 the ~~Board-Department~~, the application shall include statements that: the facility is identified and
39 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
40 Public Resources Code Section 50000; and that the facility is consistent with the city or county
41 General Plan.

42 (2) After a countywide or regional agency integrated waste management plan has been approved by
43 the ~~Board-Department~~, the application shall include a statement that: the facility is identified in either
44 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
45 Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be
46 identified in any of these elements pursuant Public Resources Code Section 50001.

47 (h) The owner and operator shall each certify under penalty of perjury that the information provided
48 is true and accurate to the best of their knowledge and belief.

49 (i) Evidence that the application form was provided to the director of the local agency that oversees
50 local use planning for jurisdiction in which the site is located.

51 (j) List of all public hearings and other meetings open to the public that have been held or copies of
52 notices distributed that are applicable to the proposed solid waste facilities permit action.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

56 57 **§ 18105.2. Enforcement Agency Processing Requirements.**

58 ...
59 (g) Within fifteen days of acceptance of an application for filing:

1 (1) The enforcement agency shall evaluate the information provided in the application and the
2 proposed facility to determine whether or not the facility will be able to operate in compliance with the
3 applicable minimum standards and standardized solid waste facilities permit terms and conditions.

4 (2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

5 (3) If the enforcement agency finds that the application and facility meet the requirements set forth
6 in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed
7 standardized permit, application package, and the results of any analysis to the ~~board~~ Department.
8 The enforcement agency shall further provide the applicant with a copy of the proposed standardized
9 permit submitted to the ~~board~~ Department. In addition, the enforcement agency shall provide a copy
10 of the proposed standardized permit to any person who has so requested in writing.

11 (4) If the enforcement agency finds that the application or facility do not meet the requirements set
12 forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy
13 of the rejected application accompanied by an explanation shall be mailed to the applicant.

14 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
15 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
16 the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
17 requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
18 Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
19 been submitted within 120 days of the application's acceptance for filing, the enforcement agency
20 shall reject the application and not issue the standardized permit.

21 (i) Once the ~~board~~ Department has concurred in the issuance of the proposed standardized permit,
22 pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

23 (j) If the ~~board~~ Department objects to the proposed standardized permit, the enforcement agency
24 shall notify the applicant in writing of the ~~board~~ Department's decision, and the reasons for that
25 decision, within five days of receipt of that decision.

26 ...

27
28 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
29 43021, and 43000-45802, Public Resource Code.

30 **§ 18105.3. Record Keeping Requirements.**

31 ...

32
33 (c) The enforcement agency shall forward copies of any written public comments received on a
34 pending application to the ~~board~~ Department with the proposed standardized permit submitted
35 pursuant to section 18105.2(g).

36 (d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall
37 within five days of receipt provide a copy of any additional written public comments to the ~~board~~
38 Department, unless the comment clearly states that a copy has already been provided to the ~~board~~
39 Department.

40 ...

41
42 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
43 43021, and 43000-45802, Public Resource Code.

44 **§ 18105.5. ~~Board~~ Department Processing Requirements.**

45 (a) The ~~board~~ Department shall mark the proposed standardized permit with the date of receipt.

46 (b) The ~~board~~ Department shall evaluate the application package and the proposed standardized
47 permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

48 (c) Within 30 days of receipt of a proposed standardized permit, the ~~board~~ Department shall either
49 concur in or object to the issuance of the proposed standardized permit.

50 (d) If the proposed standardized permit contains terms and conditions not authorized by the minimum
51 standards and the permit is otherwise in conformance with these regulations, any additional
52 unauthorized terms and conditions shall be stricken. The ~~board~~ Department shall concur in the edited
53 standardized permit.

54 (e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the ~~board~~
55 Department shall notify the enforcement agency of its determination in writing. If the ~~board~~
56 Department objects, the reasons for the objection shall be provided to the enforcement agency.
57
58

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 43020, 43021 and 43000-45802, Public Resources Code

3
4 **§ 18105.6. Appeal of Decision.**

5 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
6 18105.2(g)(3) or of the ~~Board-Department~~ taken pursuant to section 18105.5 to the enforcement
7 agency within 15 days of the date that the decision was received. Such an appeal must be in writing
8 and specify the grounds for the appeal. A final written determination on the appeal shall be made by
9 the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
10 Code, no later than 60 days after receipt of the applicant's appeal.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 43020, 43021 and 43000-45802, Public Resources Code

14
15 **§ 18105.8. Change in Owner.**

16 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
17 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
18 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
19 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
20 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
21 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department
22 within five days of receipt.

23 ...

24
25 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
26 6225, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

27
28 **§ 18105.9. Permit Review and Reissuance.**

29 ...

30 (d) If an operator files a certification as specified in subsection (c) above or a new application
31 pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
32 18105.2 and 18105.3 and the ~~board~~ Department shall follow the procedures set forth in Section
33 18105.5.

34
35 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
36 43021, and 44015, Public Resource Code.

37
38 **§ 18105.11. Voiding of a Standardized Permit.**

39 Every standardized permit shall be void 30 days after cessation of operations. Any operator who
40 intends to cease operations shall notify the enforcement agency of his/her last proposed date of
41 operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
42 to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary
43 operational shutdowns which are seasonal or intermittent in nature.

44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
46 43020, 43021 and 43000-45802, Public Resources Code.

47
48
49 **Article 3.2. Reports of Facility Information**

50
51 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

52 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
53 Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
54 (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
55 Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
56 the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
57 amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
58 permit. The Plan shall contain the following:

59 (a) name(s) of the operator, owner, and the company they represent, if applicable;

- 1 (b) schematic drawing of the building and other structures showing layout and general dimensions of
- 2 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
- 3 (c) descriptive statement of the manner in which activities are to be conducted at the facility;
- 4 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
- 5 material processing, each set of hours may be stated. For facilities with continuous operations,
- 6 indicate the start of the operating day for purpose of calculating amount of waste received per
- 7 operating day. The operator may also indicate whether or not, and when, other activities, such as
- 8 routine maintenance will take place, if those activities will occur at times other than those indicated
- 9 above;
- 10 (e) total acreage contained within the operating area;
- 11 (f) facility design capacity including the assumptions, methods, and calculations performed to
- 12 determine the total capacity;
- 13 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
- 14 was figured from records of cubic yards, include the conversion factor used;
- 15 (h) description of the methods used by the facility to comply with each state minimum standard
- 16 contained in sections 17896.17 through 17896.61;
- 17 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
- 18 of any wastewater;
- 19 (j) description of provisions to handle unusual peak loading;
- 20 (k) description of transfer, recovery and processing equipment, including classification, capacity and
- 21 the number of units;
- 22 (l) planned method for final disposal of the solid waste;
- 23 (m) planned method for the storage and removal of salvaged material;
- 24 (n) resume of management organization which will operate the facility;
- 25 (o) An Odor Impact Minimization Plan pursuant to section 17896.31.

26
27 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections

28 40053, 43020 and 43021, Public Resources Code.

29

30 **§ 18221.6.1. In-Vessel Digestion Report.**

31 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid

32 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,

33 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel

34 Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to

35 maintain an existing permit, the operator must file amendments as required in section 17896.15 of

36 this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack

37 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report

38 shall contain the following:

- 39 (a) name(s) of the operator, owner, and the company they represent, if applicable;
- 40 (b) facility specifications or plans, to include: a site location map, a site map, and identification of
- 41 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
- 42 of the facility property line;
- 43 (c) schematic drawing of the building and other structures showing layout and general dimensions of
- 44 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
- 45 (d) descriptive statement of the manner in which activities are to be conducted at the facility;
- 46 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
- 47 material processing, each set of hours may be stated. For facilities with continuous operations,
- 48 indicate the start of the operating day for purpose of calculating amount of waste received per
- 49 operating day. The operator may also indicate whether or not, and when, other activities, such as
- 50 routine maintenance will take place, if those activities will occur at times other than those indicated
- 51 above;
- 52 (f) total acreage contained within the operating area;
- 53 (g) facility design capacity including the assumptions, methods, and calculations performed to
- 54 determine the total capacity;
- 55 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage
- 56 was figured from records of cubic yards, include the conversion factor used;
- 57 (i) description of the methods used by the facility to comply with each state minimum standard
- 58 contained in sections 17896.17 through 17896.61;

- 1 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
2 of any wastewater;
3 (k) description of provisions to handle unusual peak loading;
4 (l) description of transfer, recovery and processing equipment, including classification, capacity and
5 the number of units;
6 (m) planned method for final disposal of the solid waste;
7 (n) planned method for the storage and removal of salvaged material;
8 (o) resume of management organization which will operate the facility;
9 (p) list of permits already obtained, and the date obtained or last revised;
10 (q) An Odor Impact Minimization Plan pursuant to section 17896.31.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 40053, 43020 and 43021, Public Resources Code

14 15 **§ 18227. Report of Composting Site Information.**

16 Each operator of a compostable material handling facility that is required to obtain a Compostable
17 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
18 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
19 section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
20 specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
21 with section 18104) shall, at the time of application, file a Report of Composting Site Information with
22 the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
23 contain the following:

- 24 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
25 and amendments.
26 (b) A descriptive statement of the operations conducted at the facility.
27 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
28 in the production of compost including, but not limited to, unloading, storage, processing, parking,
29 and loading areas.
30 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
31 insects, for example, how the operator will store, process and incorporate food material and
32 vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
33 and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
34 control measures.
35 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
36 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
37 length of time compostable materials will be stored at the facility.
38 (g) A description of compostable materials handling equipment used at the facility including type,
39 capacity, and number of units.
40 (h) Anticipated annual operation capacity for the facility in cubic-yards.
41 (i) A description of provisions to handle unusual peak loadings.
42 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
43 nonmarketable residues.
44 (k) A description of the water supplies for process water required.
45 (l) Identification of person(s) responsible for oversight of facility operations.
46 (m) A description of the proposed site restoration activities, in accordance with section 17870.
47 (n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator
48 to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as
49 food material or vegetative food material.

50
51 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
52 Sections 43020, 43021 and 43209.1, Public Resources Code.

53 54 **Article 4. Enforcement by EA and Review by ~~Board~~ Department**

55 **§ 18302. Written Complaints of Alleged Violations.**

56
57 (a) Any person having information alleging a facility or operation is being operated without a required
58 permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
59

1 state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
2 permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
3 file a complaint regarding such allegation in writing to the EA. The ~~compliant~~ complaint shall include
4 the following:

5 (1) The name, address and telephone number of the person making the complaint, however nothing
6 in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
7 identity of the reporting party from the complaint;

8 (2) The identity and location, if known, of the facility or operation and the names and addresses, if
9 known, of the persons responsible for the violation;

10 (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

11 (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
12 investigating the complaint, including but not limited to information relating to witnesses and physical
13 evidence.

14 (b) The person making the complaint may forward a copy to the ~~board~~ Department.

15 (c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
16 whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
17 or condition or any related state solid waste law or regulation. The EA shall make its determination on
18 the basis of the substance of the allegations rather than on the basis of the complaint's technical
19 compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
20 facts constituting a violation of a state minimum standard, permit term or condition or related state
21 solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
22 the complaint if an address is given and place a copy in its files.

23 (d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior
24 to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the
25 following:

26 (1) The date and time the EA arrived and departed within the complaint area.

27 (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
28 high wind speed, humidity, and temperature.

29 (3) If odor is detected, the EA shall:

30 (A) Record the location where odor was observed, such as the street address, latitude/longitude,
31 tax parcel number, etc.

32 (B) Verify the odor event at the complainant's location and ascertain if the odor is interfering with
33 the complainant's use and enjoyment of the property.

34 (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid
35 waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

36 (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
37 The EA should consult with the operator to determine if there were unusual operational changes or
38 atypical feedstocks accepted during the time of the complaint(s).

39 ~~(de)~~ The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
40 because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
41 that ground, it shall so advise the complaining party in writing at the address given in the complaint if
42 an address is given and place a copy in its files.

43 ~~(ef)~~ Except as provided in subsection (c) or subsection ~~(de)~~ of this section, the EA shall commence an
44 investigation of the facts alleged in the complaint.

45 ~~(fg)~~ If an LEA has a complaint review and investigation initiation procedure that contains substantially
46 the same basic requirements as this section, and accomplishes the intended purposes of this section
47 within its ~~board~~ Department-approved EPP, it may follow that equivalent process in lieu of subsections
48 (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
49 complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
50 her complaint will receive appropriate attention.

51 ~~(gh)~~ If the ~~board~~ Department receives a complaint in a jurisdiction where it is not the EA, the
52 complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
53 already received a copy from the complaining party.

54
55 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43209,
56 44012, 44015 and 45000-45024, Public Resources Code.

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 or California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The ~~a~~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.] ~~a~~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:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

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 ~~a~~ 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 ~~a~~Application by ~~CIWMB-CalRecycle/LEA/RWQCB staff.~~

Date Received: The date the ~~EA or RWQCB receives the a~~Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts ~~the a~~Application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA ~~rejects determines that the a~~Application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete ~~a~~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 ~~a~~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

1 instrument is recommended. It indicates the center of the waste foot print, existing or proposed, for
2 disposal sites, and the office or gate for all other facilities (i.e. transfer, composting, etc.)

3 3. ~~Map or sketch should be to a scale adequate to show the precise location of the permitted~~
4 ~~boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity~~
5 ~~of disposal location to populated areas and must indicate all wells and drainage courses within 1,000~~
6 ~~feet of any disposal point. The map must include approaches and/or access roads, streets, and/or~~
7 ~~highways. The legal description shall include the applicable portions of the section(s) of the township,~~
8 ~~range, base, and meridian. The facility shall have permanent monuments or other physical features~~
9 ~~that adequately delineate the permitted boundary in the field.~~

10 **C. Type Of Activity:** Check all that apply or will apply for the type of facility covered under this
11 ~~a~~Application package.

12 1. **Disposal:** A facility that includes a place, location, tract of land, area, or premises in use,
13 intended to be used, or which has been used, for landfill disposal of solid waste; ~~and~~

14 a. **Type:** The type of disposal facility, such as, ~~mono-fill~~ monofill, C&D/inert, municipal solid
15 waste.

16 2. ~~**Composting/Compostable Material Handling:** a~~ A facility that is operated for the purpose of
17 producing compost/handles compostable materials; ~~and~~

18 ~~—a. **Type:** The type of composting facility, e.g. green waste, food waste, biosolids, or MSW.~~

19 3. **Transformation:** A facility ~~that at which solid waste is incinerated;~~ or subject to pyrolysis,
20 distillation, or biological conversion other than composting. Transformation does not include
21 composting, gasification, or biomass conversion.

22 4. ~~**Transfer/Processing Facility:** A facility that receives, handles, stores, separates, converts or~~
23 ~~otherwise processes materials in solid waste; and/or transfers solid waste directly from one container~~
24 ~~to another or from one vehicle to another for transport; and/or store solid waste. For Informational~~
25 ~~Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.~~

26 5. **Construction and Demolition/Inert Debris Processing:** A facility that receives Construction
27 and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume
28 reduction, or recycling.

29 6. **In-vessel Digestion:** A facility that receives solid waste for digestion in an in-vessel digester.

30 ~~—5-7. **Other:** An activity authorized by law not listed above.~~

31 **D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP Title 27,**
32 **section 21570(f)(5)):**

33 1) ~~If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal~~
34 ~~Facility Element, check the appropriate box, and fill in the date of the document and the page on~~
35 ~~which the facility is identified. If you do not currently have this information, (You may obtain it this~~
36 ~~information from the jurisdiction in which the facility is located).~~

37 ~~—2) If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it~~
38 ~~is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element~~
39 ~~and you should check the appropriate box.~~

40 **E. Type Of Permitted Wastes To Be Received:** Check all that apply for the type of material
41 covered under this ~~a~~Application package:

42 1. **Agricultural:** Wastes resulting directly from the production and processing/conduct of farm or
43 agricultural products/activities, including, but not limited to, manures, prunings, and crop residues.

44 2. **Asbestos:** A ~~naturally occurring family of carcinogenic fibrous mineral substance. The State~~
45 ~~Department of Health Services Toxic Substances Control has classified~~ friable wastes which contain
46 ~~more than one percent or more~~ asbestos by weight as hazardous wastes. Friable means that the
47 material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the
48 asbestos is friable or non-friable by checking the appropriate box.

49 3. **Ash:** The residue from the incineration of solid wastes, including, but not limited to, municipal
50 waste, ~~infectious/medical waste, woodwaste, sludge, and agricultural waste.~~

51 4. **Treated Auto Shredder Waste:** The "fluff" consisting of upholstery, paint, plastics, and other
52 non-metallic substances that remains after the shredding of automobiles, discarded household major
53 appliances, and ~~sheet metal similar items. The State Department of Health Services has classified~~
54 ~~untreated shredder wastes as hazardous.~~

55 5. **Compostable Material:** Any organic material that when accumulated will become active
56 compost. Describe the types of compostable materials to be received.

57 6. **Construction/Demolition Waste:** Waste that results from construction, remodeling, repair,
58 demolition or deconstruction of buildings, and other structures.

1 7. **Contaminated Soil:** ~~Waste which contains designated or nonhazardous concentrations and has~~
2 ~~been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency~~ Soil
3 that the RWQCB or the Local Oversight Agency has classified as a designated waste.

4 8. **Dead Animals:** Animal carcasses requiring disposal that have **not** been previously used for
5 medical purposes and are not known to have been infected or with known infectious diseases.

6 9. **Industrial:** Solid or semi-solid wastes resulting from industrial processes and manufacturing
7 operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste
8 water treatment facility, etc.

9 10. **Inert:** Solid waste and recyclable materials that are source separated or separated for reuse,
10 do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water
11 quality objectives and do not contain significant quantities of decomposable waste. Inert debris may
12 not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the
13 putrescible wastes do not constitute a nuisance, as determined by the EA.

14 11. **Liquids:** Wastes which are not ~~spadeable~~ spadable, usually containing less than 50% solids.
15 These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler
16 blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings,
17 rendering plant byproducts, some sewage sludge, etc.

18 12. ~~Mixed or Municipal Solid Waste (MSW):~~ Solid waste generated primarily by residential
19 and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts
20 of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly
21 thought of as household garbage, commercial wastes contain less putrescible waste and more paper
22 and cardboard.

23 13. **Sewage Sludge:** Human (not industrial) residue, excluding grit or screenings, removed from a
24 wastewater treatment facility or septic tank, whether in a dry or semidry form.

25 14. **Waste Tires:** ~~Discarded tire casings~~ Tires that are no longer mounted on a vehicle and are no
26 longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's
27 original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not
28 organized for inspection in a rack or a stack.

29 15. **Other:** Any allowable wastes not included in the above.
30

31 Part 3. FACILITY INFORMATION

32 **A. Proposed Change:** Check the box that identifies the type of change proposed. Briefly
33 describe the proposed change in the space provided.

34 —1. **Design Change:** A design change would include but is not limited to: change in footprint,
35 acreage, additional capacity, site improvements, etc.

36 —2. **Operation:** A change in operation would include but is not limited to: change in hours or days of
37 operation, the addition of an activity, tonnage changes, etc.

38 —3. **Owner, Operator, Address, and/or Facility Name Change:** Complete if there is a change in
39 the owner, operator, address, or facility name.

40 —4. **Other:** This type of change includes, but is not limited to: change in emergency contact list, etc.
41 For an application for permit review, if there are no changes, so indicate.

42 **AB. Facility Information**

43 1. **Information Applicable To All Existing Facilities:** This portion of ~~Part 3~~ the Application must
44 be filled out by every applicant regardless of the type of facility.

45 a. **Peak Maximum Daily Tonnage or Cubic Yards:** The ~~peak (maximum) total amount of solid~~
46 ~~waste and other material the facility applicant is permitted authorized by the EA to receive through the~~
47 ~~gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-~~
48 ~~to-day operations (include information on all other material authorized by the EA to receive in the~~
49 ~~Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not~~
50 ~~available or not applicable provide this specify the amount in cubic yards with a conversion factor. This~~
51 ~~will be referred to as the "permitted maximum tonnage" and is considered the facility maximum~~
52 ~~tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of~~
53 ~~Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance~~
54 ~~documentation and/or within the scope of the analysis in a CEQA review, if any, that was being~~
55 ~~conducted at the time the application was submitted. Volume figures should be converted to tons and~~
56 ~~the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP~~
57
58

1 and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
2 must equal the maximum daily tonnage.

3 1. **Disposal/Transfer:** The amount of ~~material solid waste~~ that comes through the gate and is
4 disposed of on-site or transferred off-site as waste; and

5 2. **Other:** That amount of all other material received at the site, including, but not limited to,
6 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
7 other on-site projects), stored or processed. ~~Note: 1 and 2 should equal the peak daily tonnage or~~
8 ~~cubic yards.~~

9 b. **As-Designed Daily ~~Design Tonnage (TPD)~~ or Cubic Yards:** For landfills, the maximum
10 ~~daily tonnage amount of solid waste and other material~~ that the facility is designed to receive and
11 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
12 month) based on appropriate factors including, but not limited to, size of ~~working face~~ the operating
13 areas, vehicle traffic ~~considerations,~~ hours of operation, personnel, equipment operational limits, etc.
14 For other facilities, ~~it is the maximum amount of solid waste and other material the facility is designed~~
15 ~~to handle receive and process at any one time on an ongoing bases over an extended period of time~~
16 ~~(e.g., on a daily basis over a calendar month)~~ based on appropriate factors including, but not limited
17 to, vehicle traffic ~~consideration,~~ facility size, hours of operations, length of material storage, type of
18 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
19 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
20 factor. The ~~as-Designed tonnage~~-value may be equal to or greater than the ~~peak maximum~~ daily
21 tonnage value.

22 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
23 activities are authorized by the EA to occur and are permitted. ~~This includes~~ the area of the facility in
24 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
25 managing equipment management area, or any area that is required to maintain compliance with the
26 design and operating parameters of the facility. The facility size is the same as "operating area" for
27 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
28 boundaries" for transfer/processing facilities and landfills.

29 d. **Peak-Maximum Traffic Volume Per Day (vpd):** ~~The estimated maximum number of~~
30 ~~vehicles that will authorized by the EA to enter the facility on a daily basis. This number should~~
31 ~~include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including~~
32 ~~vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or~~
33 ~~material intended for beneficial reuse. This number must be consistent with the approved RFI and any~~
34 ~~CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if~~
35 ~~any, that was being conducted at the time the application was submitted.~~

36 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
37 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
38 of operation. This information must be consistent with the approved RFI and any CEQA existing
39 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
40 being conducted at the time the application was submitted. Any activities that are limited to
41 prescribed days and/or hours should be fully described in the RFI.

42 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
43 of the Application must be filled out by every applicant requesting a change to any item(s) listed
44 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
45 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
46 submitted as part of the Application. The EA will review the requests and establish the terms and
47 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
48 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
49 WDRs for those requests that are supported by documents submitted by the applicant. Use the
50 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

51 23. **Additional Information Required For Compostingable Materials Handling Facilities**
52 **Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
53 out by the applicant if composting handling compostable materials is part of this Application.

54 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
55 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
56 any one time.

57 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, in
58 addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of
59 this the Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for

1 *emphasis.*] sections of the aApplication must be filled out completely [*Note to OAL and publisher: No*
2 *proposed change. Existing text underlined for emphasis.*].

3 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
4 ~~received~~ placed in a waste management unit for each operating day on a yearly basis (calendar year)
5 for the next five years. Do not use non-operating days in ~~estimated~~ calculating the average daily
6 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~ maximum daily
7 tonnage. Report as tons per day (TPD).

8 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
9 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
10 the top of the final cover) taking into consideration design slopes, benches, and other design features,
11 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
12 Capacity.

13 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
14 or potentially resulting from this permit aApplication.

15 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
16 used to date. See Date of Capacity Information below.

17 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
18 remaining, not including any proposed site capacity. If the remaining capacity information provided is
19 based on estimates of capacity used since the last physical site survey, please explain the
20 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
21 etc. See Date of Capacity ~~i~~Information below.

22 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
23 capacities in Part 3 were determined. This date may predate the aApplication date by no more than
24 three months. Amendments of the aApplication including more current capacities may be required.

25 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
26 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
27 Part 6, Section B for more details).

28 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
29 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
30 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
31 (e.g., conditional use permit date, etc.)

32 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
33 will be referred to as "permitted disposal area."

34 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
35 based upon any planned expansions not currently proposed, whether within or outside the current
36 permitted boundary.

37 k. Provide oOne of the following:

38 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
39 density is the estimated or measured density of in-place waste material achieved by mechanical or
40 other means in the development of the current lift of the current operating waste cell, and

41 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
42 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
43 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
44 should include only soil or approved daily or intermediate alternative cover that is not considered a
45 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
46 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
47 ~~CIWMB-CalRecycle~~ is reported, or

48 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
49 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
50 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
51 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
52 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.

54 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

55 **A. Municipal or Utility Service:** Give name and address of the water purveyor.

56 **B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

57 **C. Surface Supply:**

- 1 1. Provide the name of any stream, lake, spring, etc, if identified.
- 2 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
- 3 3. If a state permit or license has been granted, give identification number.

4 **D. Other:** Enter any water source(s) not identified above.

6 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

7
8
9 **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.

10
11 1. If an environmental document was prepared:

- 12 • If an environmental document has already been prepared and circulated through the SCH and there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box that is checked.
- 13 • 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#."
- 14 • 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.

15
16
17
18
19
20
21 2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

22 EXAMPLE ONLY:

23 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.

24
25 **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.

- 26 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

27 EXAMPLE ONLY:

28 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."

39 40 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

41
42 All attachments are necessary parts of the Application and are incorporated herein.

43
44 **A.** Section A ~~of Part 6~~ must be completed by all applicants regardless of the type of facility.

45
46 **B.** Section B ~~of Part 6~~ ~~is additional documents required~~ must be completed only by landfill applicants ~~only~~ for disposal facilities.

- 47 • 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.
- 48 • 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.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
4 corrective action cost estimate and a copy of the non-water release corrective action cost
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal sites-facilities permitted for to receive more than 20
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
8 frequently as determined by the enforcement agency-EA. For disposal sites-facilities permitted for
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
10 ten years. If not previously submitted, survey results must be included with this aApplication.
11 Survey results must be submitted as a CADD or vector graphics data file including at least two
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
15 be included. For each stratum the following information shall be included: site name, stratum
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
19 surface is uncertain, the operator is allowed to provide the best available information as a
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
21 provide an explanation of the basis for using the substitute base ground surface.
22

23 For the purposes of this section the following definitions apply:

- 24 A1. "base ground surface" - the best available excavation plan surface that existed prior to the
25 placement of any waste;
- 26 B2. "CADD" - computer aided design and drafting;
- 27 C3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
29 provided for the basis of the volumetric correction;
- 30 D4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
31 upper surface;
- 32 E5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 F6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
35 provided for the basis of the volumetric correction;
- 36 G7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 H8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
38 the disposal site;
- 39 I9. "net volume" - the fill volume less the cut volume;
- 40 J10. "site name" - the name of the disposal site for which the survey information is being
41 submitted;
- 42 K11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
43 upper and lower surfaces;
- 44 L12. "stratum name" - a descriptive name for the stratum for which volumetric information is being
45 submitted, e.g., total volume including proposed expansion;
- 46 M13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
47 ground surface and proposed finished ground surface;
- 48 N14. "survey" - a comprehensive examination of the disposal site under the direction of a registered
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 O15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
52 direction, thickness, color and other attributes;
- 53 P16. "volume calculation method" - grid, composite, section or other method approved by the
54 enforcement agency-EA;
- 55 C. Section C of Part 6 specifies is additional documents required only if applicable for the type of
56 facility to be covered under this aApplication as required by the EA or RWQCB. Under "Other," identify
57 and list any other necessary documents not included-specified above but that are required by the EA
58 or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or
59 franchise-other agreement documenting the operator's interest in and right to use the site as a solid

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business~~ owner of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government~~ public agency.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part,~~ the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility ~~where legal notice may be served.~~

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business~~ operator filing this Application is a sole proprietorship,
22 partnership, corporation, or ~~government~~ public agency.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an~~ a facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility ~~where legal notice may be served.~~

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.

45
46 **Part 10. OTHER:**

47
48 Attach additional sheets to explain any responses that need clarification.

APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

CIWMB-CALRECYCLE E-1-77 (Rev. 8-04-X-XX)

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 5-4. AMENDMENT OF APPLICATION

REVISION MODIFICATION OTHER (As authorized by law)

3- EXEMPTION and/or WAIVER 6-5. 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 3. TRANSFORMATION 5. C&D/INERT DEBRIS PROCESSING

a. TYPE : _____

2. COMPOSTING/ABLE MATERIALS HANDLING 4. TRANSFER/PROCESSING FACILITY 6. IN-VESSEL DIGESTION

a. TYPE: _____ CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.

5-Z. 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 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): _____

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 _____

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): _____

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:

<input type="checkbox"/> RFI/JTD _____	<input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S):
<input type="checkbox"/> LOCAL USE/PLANNING PERMITS _____	<input type="checkbox"/> EIR _____
<input type="checkbox"/> LOCATION MAP _____	<input type="checkbox"/> MND/ND _____
<input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG _____	<input type="checkbox"/> EXEMPTION _____
<input type="checkbox"/> LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____	<input type="checkbox"/> ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS DISPOSAL FACILITIES ONLY:

<input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____	<input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____
<input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN	<input type="checkbox"/> KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____
<input type="checkbox"/> PRELIMINARY _____	<input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____
<input type="checkbox"/> FINAL _____	

C. IF APPLICABLE:

<input type="checkbox"/> REPORT OF WASTE DISCHARGE _____	<input type="checkbox"/> DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____
<input type="checkbox"/> CONTRACT AGREEMENTS _____	<input type="checkbox"/> SWAT (Air and water) _____
<input type="checkbox"/> STORMWATER PERMIT APPLICATION _____	<input type="checkbox"/> WETLANDS PERMITS _____
<input type="checkbox"/> NPDES PERMIT APPLICATION _____	<input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____
<input type="checkbox"/> 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

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).

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

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

The screenshot shows a web browser window displaying the CalRecycle website. The address bar shows the URL: <http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm>. The page features the CalRecycle logo and a navigation menu with tabs for Home, Reduce Waste, Recycle, Buy Recycled, Beverage Containers, Enforcement, Local Partners, and About Us. A search bar is located in the top right corner. The main content area is titled "Proposed Regulations" and "Compostable Materials, Transfer/Processing". It includes a "Description" section, "Affected Regulatory Code Sections" with three links, and "Current Status and Documents" with three issues listed.

Proposed Regulations
Compostable Materials, Transfer/Processing

Description
Revision of existing Title 14 and Title 27 regulations regarding compostable materials, transfer/processing, permit application form, and permit exemptions.

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](#)

Current Status and Documents

CalRecycle staff developed initial discussion draft regulatory text for Issues 5, 6, 7 and 12 in the list of issues below. Please send comments on this informal draft text to compost.transfer.regs@calrecycle.ca.gov and identify the comments by Issue number (Issue 1, Issue 2, etc.). CalRecycle staff will use the comments to further develop the informal draft text; staff will not respond directly to comments received. Note: CalRecycle will publish stakeholder comments on this [website](#).

CalRecycle will hold informal workshops on September 25, 2012 in Sacramento and October 3, 2012 in Baldwin Park to review draft regulatory issues and potential approaches for future revisions to Title 14 and Title 27. Additional workshop details will be posted at a later date.

- > **Issue 1--Food waste definition**
[Initial Discussion Draft Text](#) (PDF, 360 KB), May 1, 2012. Expand the definition of food material and create a subcategory called "vegetative food material". Please send initial comments on this informal draft text by May 31, 2012.
- > **Issue 2--Land application: disposal or beneficial use**
[Initial Discussion Draft Text](#) (PDF, 111 KB), May 1, 2012. Establish criteria for determining when use of compostable material and compost is considered disposal. Please send 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](#) (PDF, 60 KB), July 3, 2012. Provide the EA with discretion to authorize temporary storage of additional

Where to Find Stakeholder Comments

www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=696&aiid=656

The screenshot shows a web browser window displaying the CalRecycle website. The address bar shows the URL: <http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=696&aiid=656>. The page features the CalRecycle logo and a navigation menu with categories like Home, Reduce Waste, Recycle, Buy Recycled, Beverage Containers, Enforcement, Local Partners, and About Us. A search bar is located in the top right corner.

The main content area displays the following information:

- Public Notice: Stakeholder Comments on Initial Discussion Draft Regulatory Text For Revisions to Title 14 and 27 (Compostable Materials, Transfer Processing, Permit Application Form, Permit Exemptions)**
- [Back to Public Notices Search](#)
- Summary**
 - Type:** Informal Rulemaking Direction
 - Title:** Stakeholder Comments on Initial Discussion Draft Regulatory Text For Revisions to Title 14 and 27 (Compostable Materials, Transfer Processing, Permit Application Form, Permit Exemptions)
 - Public Notice Date:** May 07, 2012
 - Description:** Stakeholder comments regarding initial discussion draft regulatory text (see Documents below)
- If you would like to receive an email notification of developments in this rulemaking, please subscribe to the [Compostable Materials, Transfer/Processing Rulemaking Listserv](#).
- Contact Name:** [Decio, Ken](#)
- Documents**
 - [Stakeholders Comments](#) (PDF, 445 KB)
- [Back to Public Notices Search](#)

At the bottom of the page, it states: Version: 1.7 Action Item Tracking & Public Noticing System <http://www.calrecycle.ca.gov/Actions/>

5. Stakeholder Survey: Which Issues/draft text need more discussion?

Which Issues/draft text need more discussion?

Issue	Needs More Discussion
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	
Issue 5 Regulatory Coordination of Publicly Owned Treatment Works (POTWs) Accepting Food Waste, Fats, Oils and Grease (FOG)	
Issue 6 Green Material Contamination	
Issue 7 Anaerobic Digestion Facility Permitting	
Issue 8 Regulatory coordination of meat, fish, and poultry waste	
Issue 9 Maximum metal concentrations consistency with federal regulations	
Issue 10 Clarify “processing in agricultural material definition	
Issue 11 Small scale composting exclusions	
Issue 12 Clarify “permitted maximum tonnage	
Issue 13 Vermiculture	
Issue 14 EA Notification Inspection frequency language	

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

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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
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Views AD as a process in between Transfer/Processing and Compostable Materials Handling

Intended to develop initial draft regulatory text for AD

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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.

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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
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- 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

The screenshot shows a web browser window displaying the CalRecycle website. The address bar shows the URL: <http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm>. The page features the CalRecycle logo and a navigation menu with tabs for Home, Reduce Waste, Recycle, Buy Recycled, Beverage Containers, Enforcement, Local Partners, and About Us. A search bar is located in the top right corner. The main content area is titled "Proposed Regulations" and "Compostable Materials, Transfer/Processing". It includes a "Description" section, "Affected Regulatory Code Sections" with three links, and "Current Status and Documents" with three issues listed.

Proposed Regulations
Compostable Materials, Transfer/Processing

Description
Revision of existing Title 14 and Title 27 regulations regarding compostable materials, transfer/processing, permit application form, and permit exemptions.

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](#)

Current Status and Documents

CalRecycle staff developed initial discussion draft regulatory text for Issues 5, 6, 7 and 12 in the list of issues below. Please send comments on this informal draft text to compost.transfer.regs@calrecycle.ca.gov and identify the comments by Issue number (Issue 1, Issue 2, etc.). CalRecycle staff will use the comments to further develop the informal draft text; staff will not respond directly to comments received. Note: CalRecycle will publish stakeholder comments on this [website](#).

CalRecycle will hold informal workshops on September 25, 2012 in Sacramento and October 3, 2012 in Baldwin Park to review draft regulatory issues and potential approaches for future revisions to Title 14 and Title 27. Additional workshop details will be posted at a later date.

- > **Issue 1--Food waste definition**
[Initial Discussion Draft Text](#) (PDF, 360 KB), May 1, 2012. Expand the definition of food material and create a subcategory called "vegetative food material". Please send initial comments on this informal draft text by May 31, 2012.
- > **Issue 2--Land application: disposal or beneficial use**
[Initial Discussion Draft Text](#) (PDF, 111 KB), May 1, 2012. Establish criteria for determining when use of compostable material and compost is considered disposal. Please send 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](#) (PDF, 60 KB), July 3, 2012. Provide the EA with discretion to authorize temporary storage of additional

Where to Find Stakeholder Comments

www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=696&aiid=656

The screenshot shows a web browser window displaying the CalRecycle website. The address bar shows the URL: <http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=696&aiid=656>. The page features the CalRecycle logo and a navigation menu with categories like Home, Reduce Waste, Recycle, Buy Recycled, Beverage Containers, Enforcement, Local Partners, and About Us. A search bar is located in the top right corner.

The main content area displays the following information:

- Public Notice: Stakeholder Comments on Initial Discussion Draft Regulatory Text For Revisions to Title 14 and 27 (Compostable Materials, Transfer Processing, Permit Application Form, Permit Exemptions)**
- [Back to Public Notices Search](#)
- Summary**
 - Type:** Informal Rulemaking Direction
 - Title:** Stakeholder Comments on Initial Discussion Draft Regulatory Text For Revisions to Title 14 and 27 (Compostable Materials, Transfer Processing, Permit Application Form, Permit Exemptions)
 - Public Notice Date:** May 07, 2012
 - Description:** Stakeholder comments regarding initial discussion draft regulatory text (see Documents below)
- If you would like to receive an email notification of developments in this rulemaking, please subscribe to the [Compostable Materials, Transfer/Processing Rulemaking Listserv](#).
- Contact Name:** [Decio, Ken](#)
- Documents**
 - [Stakeholders Comments](#) (PDF, 445 KB)
- [Back to Public Notices Search](#)

At the bottom of the page, it states: Version: 1.7, Action Item Tracking & Public Noticing System <http://www.calrecycle.ca.gov/Actions/>. The Windows taskbar at the bottom shows the time as 9:33 AM on 9/19/2012.

5. Stakeholder Survey: Which Issues/draft text need more discussion?

Which Issues/draft text need more discussion?

Issue	Needs More Discussion
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	
Issue 5 Regulatory Coordination of Publicly Owned Treatment Works (POTWs) Accepting Food Waste, Fats, Oils and Grease (FOG)	
Issue 6 Green Material Contamination	
Issue 7 Anaerobic Digestion Facility Permitting	
Issue 8 Regulatory coordination of meat, fish, and poultry waste	
Issue 9 Maximum metal concentrations consistency with federal regulations	
Issue 10 Clarify “processing in agricultural 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, 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 yd³ 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 yd³ 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 yd³ 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

Compostable Materials, Transfer/Processing Rulemaking

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm>

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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

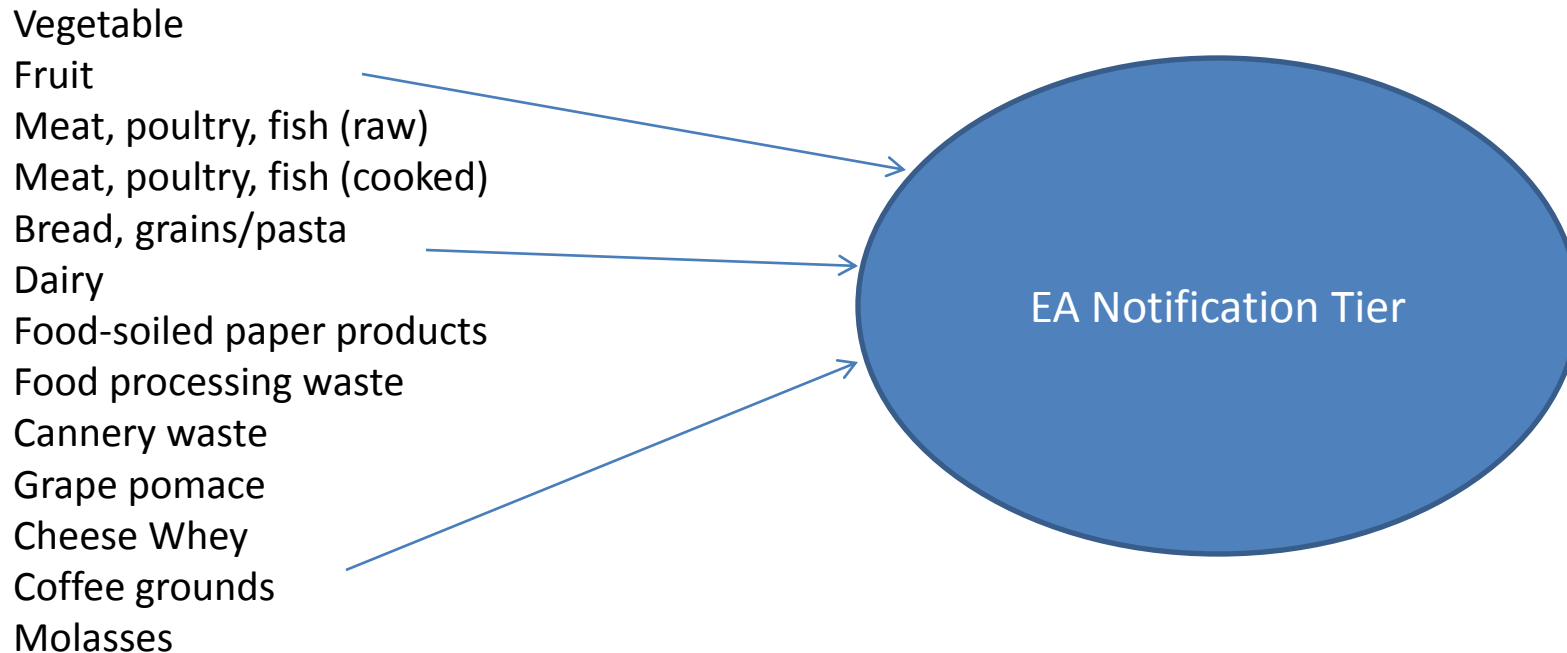
Define Potential Food Material Subcategories?

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



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)

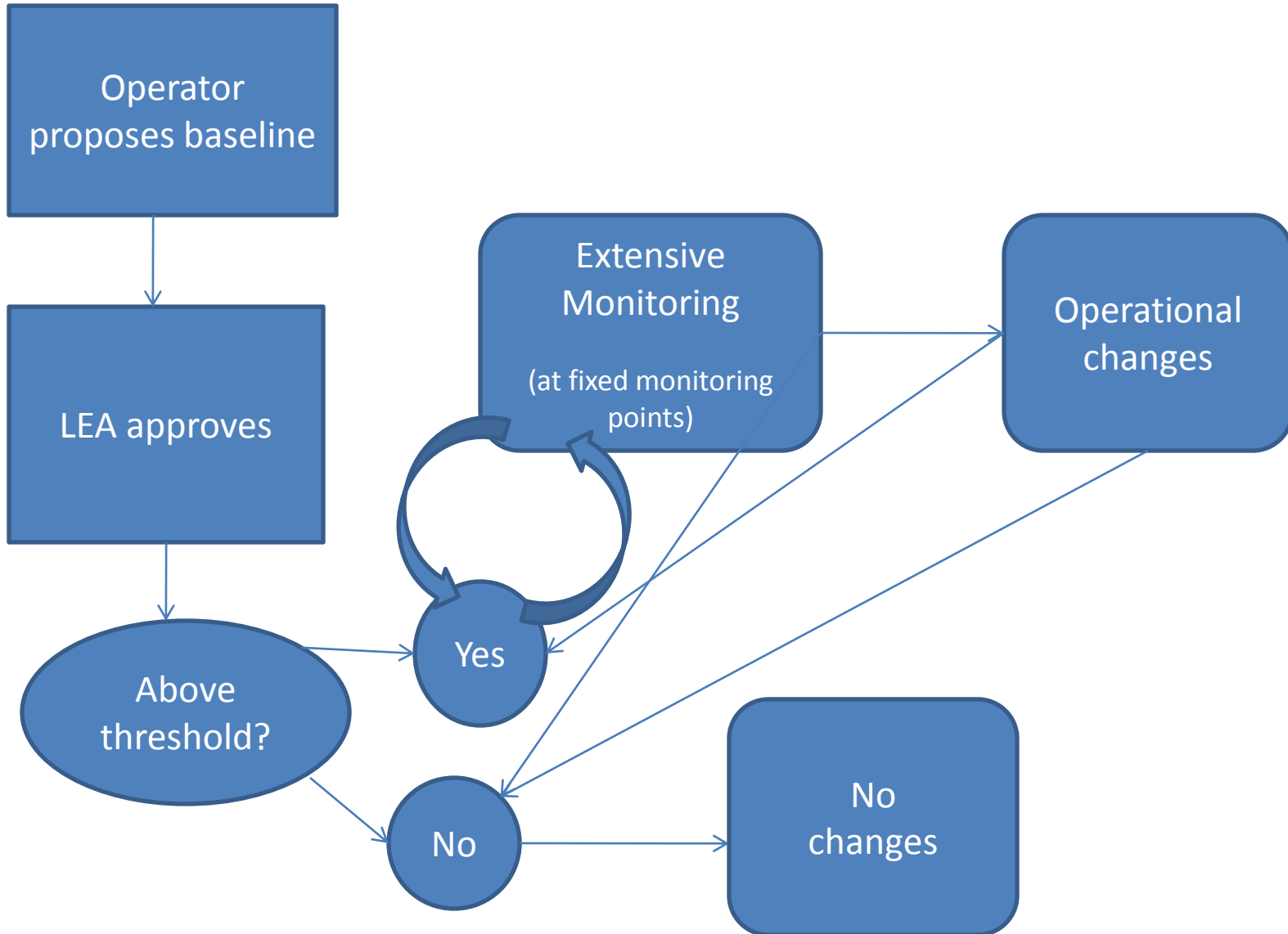
4. Duration of odors (hours, days, weeks, months)

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

OIMP Monitoring Flowchart



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 0.1 % 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 0.1%

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

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36
Zinc (Zn)	2800

Table 3 of §503.13—Pollutant Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 <u>100</u>
Zinc (Zn)	2800

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>

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Sacramento, CA

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.

Current Definition: Section 17852(a)(5)

"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

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS (NEW Permit Application Form CIWMB E-1-77, Revised 8/2004, Effective 1/1/2005)

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

**Title 14 and Title 27 Regulation Issues – Initial Draft
September – October 2011
For Discussion Purposes Only**

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

~~Strikethrough~~ = deletion of existing text

Underline = addition to existing text

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. California Integrated Waste Management Board

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
22 Sections 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23
24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

32 All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
33 comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
34 Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
35 operations shall be inspected by the enforcement agency at least once ~~quarterly~~ every three (3)
36 months unless the enforcement agency approves, with Department concurrence, a reduced inspection
37 frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
38 pose an additional risk to public health and safety or the environment but in no case shall the
39 frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
40 enforcement agency and Department requirements regarding the approval or denial of requests for
41 reducing the frequency of inspections.]

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
44 Sections 43020 and 43021, Public Resources Code.

45
46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

4 (c) A new Enforcement Agency Notification is required any time there are changes to information
5 required by this section.

6 (d) These operations ~~may shall~~ be inspected by the enforcement agency ~~as necessary for the~~
7 ~~protection of public health, safety and the environment every three (3) months unless the~~
8 ~~enforcement agency approves, with Department concurrence, a reduced inspection frequency. The~~
9 ~~enforcement agency may approve a reduced inspection frequency only if it will not pose an additional~~
10 ~~risk to public health and safety or the environment but in no case shall the frequency be less than~~
11 ~~once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and~~
12 ~~Department requirements regarding the approval or denial of requests for reducing the frequency of~~
13 ~~inspections.]~~

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 43020 and 43021, Public Resources Code.
17

18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 21 **Regulatory Requirements.**

22 (a) A site that receives only construction and demolition debris and inert debris (CDI) and which
23 meets the requirements of this section shall be classified as a CDI recycling center. A site that receives
24 only inert debris and which meets the requirements of this section shall be classified as an inert debris
25 recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any
26 other requirements of this Article except as specified in this section.

27 (1) The CDI debris that a CDI recycling center receives shall have been separated at the point of
28 generation.

29 (A) For the purposes of this section, “separated at the point of generation” means that the
30 material has been separated from the solid waste stream by the generator of that material or by a
31 processor prior to receipt at a CDI recycling center and has not been commingled with other solid
32 waste or recyclable materials. For example, each material type must be transferred in separate
33 containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled
34 in a single container.

35 (2) An inert debris recycling center shall receive only Type A inert debris that is source separated or
36 separated for reuse. The inert debris may be commingled in a single container.

37 (b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

38 (1) The residual shall be less than 10% by weight of the amount of debris received at the site,
39 calculated on a monthly basis. Recycling center operators may report their residual percentage to the
40 EA and the ~~board~~ Department on Form CIWMB 607 (see Appendix A).

41 (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by
42 volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible
43 wastes shall not constitute a nuisance, as determined by the EA.

44 (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited
45 at CDI recycling centers.

46 (d) The following storage time limits apply to CDI recycling centers:

47 (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or
48 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
49 including the use of a Notice and Order as provided in section 18304.

50 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for
51 more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore subject
52 to enforcement action, including the use of a Notice and Order as provided in section 18304.

53 (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism
54 pursuant to section 17384(c) has been approved by the ~~board~~ Department.

55 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
56 to the time specified in a land use entitlement for the site that has an express time limit for the
57 storage of materials.
58
59

1 (5) CDI recycling center storage time limits may be extended for a specified period, if the operator
2 submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of
3 substantial evidence, that the additional time does not increase the potential harm to public health,
4 safety and the environment. The EA may consult with other public agencies in making this
5 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
6 findings shall be in writing.

7 (e) The following storage limits apply to inert debris recycling centers:

8 (1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or
9 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
10 including the use of a Notice and Order as provided in section 18304.

11 (2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site
12 for more than ~~18~~ 12 months, shall be deemed to have been unlawfully disposed and therefore subject
13 to enforcement action, including the use of a Notice and Order as provided in section 18304.

14 (3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an
15 inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material
16 production facility.

17 (4) Storage time limits do not apply to Type A inert debris recycling centers where a financial
18 assurance mechanism pursuant to section 17384(c) has been approved by the ~~board~~ Department.

19 (5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the
20 time specified in a land use entitlement for the site that has an express time limit for the storage of
21 materials.

22 (6) Inert debris recycling center storage limits may be extended for a specified period, if the
23 operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the
24 basis of substantial evidence, that the additional time does not increase the potential harm to public
25 health, safety and the environment. The EA may consult with other public agencies in making this
26 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
27 findings shall be in writing.

28 (f) Nothing in this section precludes the EA or the ~~board~~ Department from inspecting a site to verify
29 that it is and has been operating in a manner that meets the requirements of this section, or from
30 taking any appropriate enforcement action, including the use of a Notice and Order as provided in
31 section 18304.

32 (g) In evaluating whether or not a particular site is in compliance with this section, the EA shall,
33 among other things, do the following:

34 (1) If the EA has reason to believe that each load of debris received at a recycling center is not
35 separated at the point of generation, is not source separated or is not separated for reuse, as
36 applicable, or that the residual exceeds 10% of the total debris received per month, or that the
37 amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or
38 material is being stored in excess of the applicable storage limits, or that upon request no evidence is
39 provided by the owner and operator that the stored debris is being accumulated for viable reuse, or
40 that the site is not in compliance with any other requirement in this section, the EA may require the
41 owner or operator to provide evidence that the recycling center is in compliance. The burden of proof
42 shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

43 (2) At the time that the EA requires a recycling center to provide evidence that it is in compliance
44 with this section, the EA shall provide the owner and operator of the recycling center a written
45 description of the information that has caused the EA to believe that the recycling center is not in
46 compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying
47 information regarding any person(s) who has complained about the recycling center.

48 (h) Sites which do not meet the applicable requirements of this section do not qualify as recycling
49 centers and shall comply with this Article and all laws and regulations applicable to them. The burden
50 of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are
51 not subject to the requirements of this Article.

52
53 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: 40053,
54 43020 and 43021, Public Resources Code.

55
56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

3 (1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA
4 Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing
5 at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless
6 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
7 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
9 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
10 of requests for reducing the frequency of inspections.]

11 (2) A medium volume C&D wood debris chipping and grinding operation shall comply with the
12 Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0,
13 commencing at section 18100 et seq.

14 (3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit
15 tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with
16 section 21563.

17 (4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
18 irregular intervals.

19 (5) Except as otherwise specified in this section, small volume C&D wood debris chipping and
20 grinding activities shall comply with all requirements applicable to small volume CDI debris processing
21 operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all
22 requirements applicable to medium volume CDI processing facilities, and large volume C&D wood
23 debris chipping and grinding facilities shall comply with all requirements applicable to large volume
24 CDI debris processing facilities.

25 ...

26 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

27 All small volume CDI debris processing operations shall comply with the EA Notification requirements
28 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
29 operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify
30 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
31 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
32 additional risk to public health and safety or the environment but in no case shall the frequency be
33 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
34 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

35 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
36 irregular intervals. The operator shall specify the operation's boundary area in the operating record.

37 ...

38 **§ 17383.7. Inert Debris Type A Processing Operations.**

39 ...

40 (f) These operations shall be inspected by the EA at least once every three (3) months to verify
41 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
42 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
43 additional risk to public health and safety or the environment but in no case shall the frequency be
44 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
45 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
46 ~~Inspections shall be conducted quarterly.~~ To the greatest extent possible, all inspections shall be
47 unannounced and shall be conducted at irregular intervals.

48 ...

49 ...

50 ...

51 ...

52 ...

53 ...

54 ...

55 **Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory**
56 **Requirements**

57 **§ 17388.3. Inert Debris Engineered Fill Operations.**

58 ...

59 (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,

1 with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
2 inspection frequency only if it will not pose an additional risk to public health and safety or the
3 environment but in no case shall the frequency be less than once per calendar year. [Note: See
4 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
5 of requests for reducing the frequency of inspections.]~~Inspections shall be conducted quarterly, unless~~
6 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
7 ~~than annual.~~

8 ...
9

10 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**

11 **§ 17403.1. Excluded Operations.**

12
13 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
14 Articles and are not required to meet the requirements set forth herein:

15 ...

16 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
17 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
18 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
19 Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).

20 ...

21 **§ 17403.2. Sealed Containers Transfer Operations.**

22
23 All sealed container transfer operations subject to this Article shall comply with the Enforcement
24 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
25 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
26 ~~as necessary at least once every three (3) months to verify compliance with minimum standards~~
27 ~~unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may~~
28 ~~approve a reduced inspection frequency only if it will not pose an additional risk to public health and~~
29 ~~safety or the environment but in no case shall the frequency be less than once per calendar year.~~
30 [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the
31 approval or denial of requests for reducing the frequency of inspections.] ~~Inspections shall be~~
32 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~
33 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the
34 operating record.
35

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
38 Sections 40053, 43020 and 43021, Public Resources Code.

39 **§ 17403.3. Limited Volume Transfer Operations.**

40 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
41 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
42 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
43 ~~necessary at least once every three (3) months to verify compliance with minimum standards unless~~
44 ~~the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve~~
45 ~~a reduced inspection frequency only if it will not pose an additional risk to public health and safety or~~
46 ~~the environment but in no case shall the frequency be less than once per calendar year. [Note: See~~
47 ~~section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial~~
48 ~~of requests for reducing the frequency of inspections.]~~ ~~Inspections shall be conducted quarterly,~~
49 ~~unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less~~
50 ~~than annual.~~ The operator shall specify the operation's boundary area in the operating record.
51

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
54 Sections 40053, 43020 and 43021, Public Resources Code.
55
56
57
58

1 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory**
2 **Requirements**

3
4
5 **Article 1. General**

6
7 **§ 17852. Definitions.**

8 (a) For the purposes of this Chapter:

9 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
10 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
11 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
12 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

13 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
14 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
15 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
16 feedstock.

17 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
18 blow or draw air through the pile. Little or no pile agitation or turning is performed.

19 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
20 presence of oxygen.

21 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
22 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
23 viticulture and similar activities undertaken for the production of food or fiber for human or animal
24 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
25 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
26 generation, and which contains no other solid waste. With the exception of grape pomace, agricultural
27 material has not been processed except at its point of generation and has not been processed in a way
28 that alters its essential character as a waste resulting from the production of food or fiber for human
29 or animal consumption or use. Material that is defined in this section 17852 as "food material" or
30 "vegetative food material" is not agricultural material. Agricultural material includes, including but is
31 not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

32 (6) "Agricultural Material Composting Operation" means an operation that produces compost from
33 green or agricultural material, additives, and/or amendments.

34 (7) "Amendments" means materials added to stabilized or cured compost to provide attributes for
35 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
36 Amendments do not include septage, biosolids, or compost feedstock.

37 (8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the
38 absence of oxygen.

39 (9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic
40 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
41 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.
42 Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge
43 incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a
44 treatment works.

45 (10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not
46 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
47 compostable material and:

48 (A) The site does the following:

49 1. The site handles only material, excluding manure, allowed at a green material composting
50 operation or facility as set forth in section 17852(a)(22); and,

51 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
52 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
53 time does not increase the potential for violations of this Chapter.

54 (B) If the site fails to meet the definition of green material because it exceeds the contamination
55 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
56 Regulatory requirements (commencing at section 17400).

57 (C) If the site fails to meet the definition of this section because the green material remains on-
58 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
59 material handling operation or facility, as set forth in this Chapter.

1 (11) "Compostable Material" means any organic material that when accumulated will become active
2 compost as defined in section 17852(a)(1).

3 (12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that
4 processes, transfers, or stores compostable material. Handling of compostable materials results in
5 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
6 and storage activities related to the production of compost, compost feedstocks, and chipped and
7 ground materials. "Compostable Materials Handling Operation or Facility" does not include activities
8 excluded from regulation in section 17855. "Compostable Materials Handling Operation or Facility" also
9 includes:

- 10 (A) agricultural material composting operations;
- 11 (B) green material composting operations and facilities;
- 12 (C) vegetative food material composting facilities;
- 13 (D) research composting operations; and,
- 14 (E) chipping and grinding operations and facilities.

15 (13) "Curing" means the final stage of the composting process that occurs after compost has
16 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
17 metabolized material has been decomposed and stabilized.

18 (13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material
19 has been processed in an in-vessel digester, as defined in section 17896.2(a)(12). Digestate intended
20 to be composted pursuant to this Chapter may only be handled at a facility that has obtained a
21 Compostable Materials Handling Facility Permit pursuant to section 17854.

22 (14) "Domestic Sewage" means waste and wastewater from humans or household operations that is
23 discharged to or otherwise enters a treatment works.

24 (15) "Disposal of compostable material" means:

25 (A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1
26 pursuant to Section 17855;

27 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
28 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration
29 requirements of section 17868.2, onto on land for a combined period of time greater more than six
30 months 30 days, except as provided in subdivision (A) 3.; or

31 3. storing or stockpiling more than 200 cubic yards of agricultural material and, green material,
32 or compost for more than twelve months on prime land that is zoned for agricultural land uses as
33 defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA
34 applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that
35 storing or stockpiling the material more than 12 months will not adversely affect the public health and
36 safety or the environment may remain within the operations area for a period of time greater than
37 specified.

38 (B) ~~Disposal of compostable material does not include the use of compostable material for:~~

39 1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27,
40 California Code of Regulations, section 20686; or

41 2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of
42 compostable organic material as a alternative daily cover material shall still require approval for use
43 pursuant to Title 27, California Code of Regulations, section 20680 and may require additional
44 approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

45 ~~(C 3.) disposal does not include land application of compostable organic material as defined in~~
46 ~~section 17852(a)(24.5). "Land Application" means the application of compostable material, excluding~~
47 ~~food material or mixed solid waste for the following applications: to forest, agricultural, and range land~~
48 ~~at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA)~~
49 ~~requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or~~
50 ~~for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.~~

51 ~~(D-C) Should the EA have information reason to believe that a person compostable material~~
52 ~~handler is engaging in other activities that meet the definition of disposal of compostable material or~~
53 ~~authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall~~
54 ~~be on each person engaging in or authorizing such activities the land owner or operator to~~
55 ~~demonstrate otherwise.~~

56 ~~(E-D) If the activities at a site meet the definition of disposal of compostable material, the site~~
57 ~~shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or~~
58 ~~Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).~~

1 (16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a
2 constant mass, that results in essentially 100 percent solids content.

3 (17) "Enclosed Composting Process" means a composting process where the area that is used for
4 the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed
5 sides and rests on a stable surface with environmental controls for moisture and air-borne emissions
6 present.

7 (18) "EA" means enforcement agency.

8 (19) "Feedstock" means any compostable ~~organic~~ material used in the production of compost or
9 chipped and ground material including, but not limited to, agricultural material, green material,
10 vegetative food material, food material, biosolids, and mixed solid waste material. Feedstocks shall
11 not be considered as either additives or amendments.

12 (20) "Food Material" means ~~any a waste material of plant or animal origin that was acquired for~~
13 results from the preparation or processing of food for animal or human consumption, and that is
14 separated from the municipal solid waste stream, and that does not meet the definition of "agricultural
15 material." Food material ~~may include, but is not limited to, material~~ food waste from food facilities
16 as defined in Health and Safety Code section ~~113785-113789~~ (such as restaurants), food processing
17 establishments as defined in Health and Safety Code section 111955, grocery stores, institutional
18 cafeterias (such as prisons, schools and hospitals), ~~or and~~ residential food scrap collection. Food
19 material does not include any material that is required to be handled only pursuant to the California
20 Food and Agricultural Code and regulations adopted pursuant thereto.

21 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
22 material and is separated from other food material and the municipal solid waste stream. Vegetative
23 food material may be processed or cooked but must otherwise retain its essential natural character
24 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
25 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
26 spoiled produce, and coffee grounds.

27 (21) "Green Material" means any plant material except food material and vegetative food material
28 that is separated at the point of generation, contains no greater than 1.0 of percent physical
29 contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but
30 is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste
31 from silviculture and manufacturing, and construction and demolition wood waste. Green material
32 does not include food material, vegetative food material, biosolids, mixed solid waste material,
33 material processed separated from commingled solid waste collection or processing, wood containing
34 lead-based paint or wood preservative, or mixed construction or mixed and demolition debris.
35 Agricultural material, as defined in this section 17852(a)(5), that meets this definition of "green
36 material" may be handled as either agricultural material or green material.

37 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
38 green material, additives, and/or amendments. A green material composting operation or facility may
39 also handle manure and paper products. An operation or facility that handles a feedstock that is not
40 green material, manure, or paper products, shall not be considered a green material composting
41 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
42 excluded from regulation in section 17855.

43 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
44 compostable materials results in controlled biological decomposition. Handling includes composting,
45 screening, chipping and grinding, and storage activities related to the production of compost, compost
46 feedstocks, and chipped and ground materials.

47 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
48 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
49 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

50 (24.5) "Land Application" means either subdivision (A) or (B):

51 (A) The final deposition of compostable material and/or digestate spread on any land, including
52 land zoned only for agricultural uses, under the following conditions:

53 1. The compostable material does not contain more than 0.1% by weight of physical
54 contaminants greater than 4 millimeters as specified in section 17868.3.1;

55 2. The compostable material meets the maximum metal concentrations as specified in section
56 17868.2;

57 3. The compostable material meets the pathogen density limits as specified in section
58 17868.3(b)(1); and

1 4. The compostable material is not applied more frequently than once during a 12 month period,
2 and, at the time of the application, the compostable material shall not exceed an average of 12 inches
3 in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board,
4 may approve alternative application frequencies and depths, if the EA after such consultation
5 determines that the alternatives will not adversely affect public health and safety or the environment.

6 5. Verification of compliance with this subdivision must be provided to the EA upon request.
7 (B) The final deposition of compostable material spread on land zoned only for agricultural uses
8 under the following conditions:

9 1. The compostable material does not contain more than 0.1% by weight of physical
10 contaminants greater than 4 millimeters; and

11 2. Prior to application, the California Department of Food and Agriculture (CDFA) has
12 determined that the land application is in compliance with all applicable requirements established by
13 CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land
14 application is agronomically beneficial; and

15 3. Prior to application, the EA has received confirmation that CDFA has made the determination
16 specified in (B)2. above.

17 [Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance
18 with Article 3.1 and/or 3.2 of this Division, 2) the use of compostable material for gardening or
19 landscaping on a parcel of land 5 acres or less in size, 3) the final deposition of compostable material
20 spread on land by a Federal, State, or local government entity, provided the material is applied in
21 accordance with applicable law, 4) beneficial reuse at a solid waste landfill pursuant to Title 27,
22 California Code of Regulations, section 20686, or 5) beneficial reuse of biosolids pursuant to Part 503,
23 Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order
24 No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements
25 from the State Water Resources Control Board or a Regional Water Quality Control Board having
26 jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be
27 construed as relieving any owner, operator, or designee from the obligation of obtaining all
28 authorizations and complying with all requirements of other regulatory agencies, including but not
29 limited to, local health entities, regional water quality control boards, air quality management districts
30 or air pollution control districts, local land use authorities, and fire authorities.]

31 (25) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
32 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
33 mixed with feces or urine.

34 (26) "~~Mixed Solid Waste Material~~" means any compostable material that is part of the municipal
35 solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
36 demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
37 contains 1.0% or more of physical contaminants by weight is mixed ~~solid waste material~~. ~~Compostable~~
38 ~~material that contains mixed demolition or mixed construction debris shall be considered mixed solid~~
39 ~~waste.~~

40 (27) "Mushroom Farm" means an activity that produces mushrooms. The handling of compostable
41 material at a mushroom farm prior to and after use as a growth medium is subject to regulation
42 pursuant to this chapter and is not considered mushroom farming.

43 (27.5) "Nuisance" includes anything which:

44 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
45 comfortable enjoyment of life or property, and

46 (B) affects at the same time an entire community, neighborhood or any considerable number of
47 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

48 (28) "Operations Area" means the following areas within the boundary of a compostable material
49 handling operation or facility:

50 (A) equipment cleaning, maintenance, and storage areas;

51 (B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

52 (C) process water and stormwater drainage control systems.

53 (29) "Operator" means the owner, or other person who through a lease, franchise agreement or
54 other arrangement with the owner, becomes legally responsible for the following:

55 (A) complying with regulatory requirements set forth in this Chapter;

56 (B) complying with all applicable federal, state and local requirements;

57 (C) the design, construction, and physical operation of the site; and

58 (D) site restoration.

1 (30) "Owner" means the person or persons who own, in whole or in part, a compostable material
2 handling operation or facility, or the land on which these operations or facilities are located.

3 (31) "Pathogenic Organism" means disease-causing organisms.

4 (32) "Physical Contamination" or "Contaminants" means human-made inert ~~products-material~~
5 contained within feedstocks, including, but not limited to, glass, metal, and plastic.

6 (33) "Process Water" means liquid that is generated during or used in the production of compost or
7 chipped and ground materials.

8 (34) "Research Composting Operation" means a composting operation, that is operated for the
9 purpose of gathering research information on composting.

10 (35) "Separated At The Point of Generation" includes material separated from the solid waste
11 stream by the generator of that material. It may also include material from a centralized facility as
12 long as that material was kept separate from the waste stream prior to receipt by that facility and the
13 material was not commingled with other materials during handling.

14 (36) "Stabilized Compost" means any organic material that has undergone the Process to Further
15 Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced
16 biological activity as indicated by reduced temperature and rate of respiration below that of active
17 compost.

18 (37) "Static Pile" means a composting process that is similar to the aerated static pile except that
19 the air source may or may not be controlled.

20 (38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting
21 the causative agents of human disease.

22 (38.5) "Vegetative Food Material Composting Facility" is a facility that composts agricultural
23 material, green material, vegetative food material, additives, and/or amendments. A vegetative food
24 material composting facility may also handle manure and paper products. An operation or facility that
25 handles a feedstock that is not agricultural material, green material, vegetative food material,
26 manure, or paper products, shall not be considered a vegetative food material composting facility.
27 "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in
28 section 17855.

29 (39) "Vermicomposting" means an activity that produces worm castings through worm activity. The
30 EA may determine whether an activity is or is not vermicomposting. The handling of compostable
31 material prior to and after use as a growth medium is subject to regulation pursuant to this chapter
32 and is not considered vermicomposting.

33 (40) "Windrow Composting Process" means the process in which compostable material is placed in
34 elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

35 (41) "Within-vessel Composting Process" means an aerobic process in which compostable material is
36 enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost,
37 maintained under uniform conditions of temperature and moisture where air-borne emissions are
38 controlled.

39 (42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated
40 from the manufacturing or production of wood products, harvesting, processing or storage of raw
41 wood materials, or construction and demolition activities.

42 (43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public,
43 commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree
44 trimmings, prunings, brush, and weeds.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 43020 and 43021, Public Resources Code.

50 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 51 **Facilities**

52 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

53 Except as specified in this Article, all compostable materials handling activities shall obtain a
54 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
55 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles
56 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.
57
58

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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

Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Refer to Section 17855	<u>Agricultural Material Composting Operations (all) Section 17856.</u>		<u>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</u>
	<u>Green Material Composting Operations (≤ 12,500 yd³) Section 17857.1(a)</u>	<u>Vegetative Food Material Composting Facilities (≤ 12,500 yd³) Section 17857.2</u>	<u>Green Material Composting Facilities (> 12,500 yd³) Section 17857.1 (c)</u>
	<u>Biosolids Composting Operations at POTWs (all) Section 17859.1</u>		<u>Vegetative Food Material Composting Facilities (> 12,500 yd³) Section 17857.2</u>
	<u>Research Composting Operations (≤ 5,000 yd³) (Within-vessel > 5,000 yd³ with EA determination) Section 17862.</u>		
	<u>Chipping and Grinding Operations (≤ 200 tpd) Section 17862.1(a)</u>	<u>Chipping and Grinding Facilities (> 200 tpd and ≤ 500 tpd) Section 17862.1(b)</u>	<u>Chipping and Grinding Facilities (> 500 tpd) Section 17862.1(c)</u>

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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 (1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and
2 returns a similar amount of the material produced to that same agricultural site, or an agricultural site
3 owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
4 incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

5 (2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after
6 its use as a growth medium during the vermicomposting process is not an excluded activity and is
7 subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
8 ~~vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it~~
9 ~~complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
10 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
11 whichever is applicable, as follows:

12 (A) when the compostable material is active compost or is likely to become active compost, as
13 determined by the EA, the requirements of this chapter apply;

14 (B) at all other times when it is not being used as a growth medium during vermicomposting, the
15 compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
16 Requirements.

17 (3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
18 after its use as a growth medium during the mushroom farming process is not an excluded activity
19 and is subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
20 ~~mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies~~
21 ~~with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
22 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
23 whichever is applicable, as follows:

24 (A) when the compostable material is active compost or is likely to become active compost, as
25 determined by the EA, the requirements of this chapter apply;

26 (B) at all other times when it is not being used as a growth medium during mushroom farming,
27 the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
28 Requirements.

29 (4) ~~Handling of green material, feedstock, additives, amendments, compost, or chipped and ground~~
30 ~~material is an excluded activity if 500 cubic yards or less is on site at any one time, the compostable~~
31 ~~materials are generated on site and if no more than 1,000 cubic yards of materials are either sold or~~
32 ~~given away annually. The compostable material may also include up to 10% food material by volume.~~
33 Composting green material, food material, and vegetative food material is an excluded activity if the
34 total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and
35 500 square feet.

36 [Note: Persons handling compostable material under the above exclusion are obligated to obtain all
37 permits, licenses, or other clearances that may be required by other regulatory agencies including, but
38 not limited to local health entities and local land use authorities.]

39 (5) The handling of compostable materials is an excluded activity if:

40 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
41 or full permit as defined in section 18101,

42 1. has a Report of Facility Information which is completed and submitted to the EA that
43 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

44 2. will only use the material on the facility site; ~~or~~

45 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly ~~Operated~~
46 Owned Treatment Works (POTW); ~~or~~

47 (C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
48 defined in Public Resources Code section 40106; or

49 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product
50 manufacturing operation; or

51 (E) the activity is part of an agricultural operation and is used to temporarily store or process
52 agricultural material not used in the production of compost or mulch; or

53 (F) the activity is part of an operation used to chip and grind materials derived from and applied
54 to lands owned or leased by the owner, parent, or subsidiary of the operation; or

55 (G) the activity is part of an agricultural operation used to chip and grind agricultural material
56 produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
57 for use in biomass conversion; or

58 (H) the activity is part of an animal food manufacturing or rendering operation.

1 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
2 lot clearing necessary for fire protection provided that the public agency designating the site has
3 notified the fire protection agency; or

4 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
5 122 degrees Fahrenheit as determined by the EA.

6 ~~(6) Non-commercial composting with less than one cubic yard of food material is excluded provided
7 that all compostable material is generated and used on-site.~~

8 ~~(7) Storage of bagged products from compostable material is an excluded activity provided that
9 such bags are no greater than 5 cubic yards.~~

10 ~~(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

11 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not
12 limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as
13 determined by the EA; land application in accordance with California Department of Food and
14 Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section
15 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine
16 Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770
17 et seq.~~

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
20 Sections 43020 and 43021, Public Resources Code.

21 **§ 17855.2. Prohibitions.**

22 The following activities are prohibited at all compostable materials handling operations and facilities
23 and at all sites where compostable materials handling activities that are excluded from regulation
24 under this Chapter occur:

25 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
26 hide, blood, bone and marrow ~~is prohibited~~, except when received:

27 (1) from the a food service industry facility as defined in Health and Safety Code section 113789,
28 grocery stores, or residential food scrap collection; or

29 (2) as part of a research composting operation for the purpose of obtaining data on pathogen
30 reduction or other public health, animal health, safety, or environmental concern, in accordance with
31 section 17862.; or

32 (3) from a source approved by the Department in consultation with the State Water Resources
33 Control Board and the California Department of Food and Agriculture.

34 (b) The composting of medical waste ~~is prohibited~~.

35 (c) The composting of hazardous waste ~~is prohibited~~.

36
37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
39 Sections 43020 and 43021, Public Resources Code.

40 **§ 17855.3. Permit Name.**

41 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
42 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

43
44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
46 Sections 43020 and 43021, Public Resources Code.

47 ~~**§ 17855.4. Pre-Existing Permits and Notifications.**~~

48 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
49 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
50 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
51 ~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is~~
52 ~~required. If the EA makes such a determination, the operator shall comply with the Compostable~~
53 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
54 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
55 ~~(commencing with section 21450) within two years of that determination.~~

56 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~
57 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~
58 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~
59

1 Materials Handling Facility Permit is required. The EA shall make this determination no sooner than
2 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable
3 Materials Handling Facility Permit is required, the operator shall comply with the Compostable
4 Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
5 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
6 (commencing with section 21450) within two years of that determination.
7 (c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
8 that activity may continue to operate in accordance with its regulatory exclusion until the EA
9 determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
10 determination no sooner than 120 days and no later than two years from April 4, 2003. If EA
11 determines that a Compostable Materials Handling Facility Permit is required, the operator shall
12 comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
13 California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
14 Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
15 (d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently
16 operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate
17 in accordance with its regulatory authorization until the EA determines that a different authorization is
18 required. The EA shall make this determination within 120 days from April 4, 2003.
19 —(1) If the EA determines that the activity is required to comply with the EA Notification
20 requirements, the operator shall comply with the EA Notification requirements set forth in Title 14,
21 California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100),
22 within 120 days from that determination.
23 —(2) If the EA determines that the activity is required to comply with the Registration requirements,
24 the operator shall comply with the Registration requirements set forth in Title 14, California Code of
25 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days
26 from that determination.
27 —(3) If the EA determines that the activity is required to comply with the Compostable Materials
28 Handling Facility Permit requirements, the operator shall comply with the Compostable Materials
29 Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2,
30 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
31 section 21450) within two years from that determination.
32
33 —Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 43020 and 43021, Public Resources Code.
35

36 **§ 17856. Agricultural Material Composting Operations.**

37 (a) ~~All Agricultural material composting operations and chipping and grinding operations shall comply~~
38 ~~with the Enforcement Agency Notification requirements set forth in Title 14, California Code of~~
39 ~~Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as~~
40 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
41 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
42 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
43 ~~this Chapter.~~

44 (b) ~~Compost produced by an Agricultural material composting operations are subject to the~~
45 ~~requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation or has~~
46 ~~caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the~~
47 ~~violation a chipping and grinding operation which uses only agricultural material may be sold or given~~
48 ~~away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.~~

49 (c) If their feedstock is limited to agricultural material, agricultural material composting operations
50 may handle an unlimited quantity of agricultural material on the site and may sell or give away any or
51 all compost they produce. These operations shall be inspected by the EA at least once each calendar
52 year at a time when compostable material on the site is active compost. Compost produced by an
53 agricultural material composting operation which uses agricultural material and/or green material, as
54 specified in section 17852(a)(21), may be sold or given away in accordance with the following
55 restrictions:

56 (1) ~~Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall~~
57 ~~be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic~~
58 ~~yards of green material, including feedstock, compost, or chipped and ground material, is to be~~
59 ~~handled on-site of productive farmland as defined in Government Code section 51201, the operator~~

1 shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional
2 materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose
3 an additional risk to public health and safety and the environment. The EA shall forward a copy of the
4 request and approval to the Board.

5 (2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall
6 have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped
7 and ground material, on site at any one time and shall be inspected by the EA once every three (3)
8 months.

9 (3) These sites shall record the quantity received of green material.

10 (d) Agricultural material composting operations whose feedstock is both green material and
11 agricultural material are subject to the following requirements:

12 (1) Producers located on Agricultural Land:

13 (A) Operations located on land that is zoned for agricultural uses that sell or give away less than
14 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
15 green material on the site; provided, however, the EA may limit the amount of green material
16 feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess
17 material may pose a risk to public health and safety or the environment.

18 (B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
19 calendar year at a time when compostable material on the site is active compost.

20 (2) Other Producers:

21 (A) Operations located on land that is not zoned for agricultural uses and operations that sell or
22 give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
23 agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
24 on the site at any time.

25 (B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
26 three (3) months unless the EA approves, with Department concurrence, a reduced inspection
27 frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
28 risk to public health and safety or the environment but in no case shall the frequency be less than
29 once per calendar year. At least one of the required inspections each year shall occur at a time when
30 compostable material on the site is active compost.

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
33 Sections 43020 and 43021, Public Resources Code.

34 **§ 17857.1. Green Material Composting Operations and Facilities.**

35
36 (a) A green material composting operation that has up to may have no more than 12,500 cubic yards
37 of feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
38 stabilized compost on-site at any one time. Green material composting operations shall comply with
39 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
40 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
41 specified in this Chapter.

42 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
43 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
44 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
45 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
46 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
47 of requests for reducing the frequency of inspections.]

48 (2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
49 users and other consumers, the operator may request in writing that the EA authorize it to temporarily
50 exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
51 on site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request
52 within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
53 determines it will not adversely affect public health and safety or the environment. The EA may
54 impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
55 seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
56 day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

57 (A) With its request for a seasonal storage adjustment, the operator shall submit the following to
58 the EA:

1 1. A description of the storage capacity at the operation and the maximum and average lengths
2 of time the compostable material will be stored.

3 2. A schematic drawing showing the general layout of the operation and the location(s) where
4 all materials at the site are stored with specific identification of the proposed location of the excess
5 material.

6 3. A description of any additional fire prevention, protection and control measures needed to
7 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
8 such fires, which measures shall be approved by the local fire authority.

9 4. Where applicable, any revisions to the odor impact minimization plan necessary to address
10 the storage of the additional material or a statement, with supporting information, that no revisions
11 are necessary.

12 ~~(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,~~
13 ~~or chipped and ground material on-site at any one time shall be inspected by the EA at least once~~
14 ~~every three (3) months, unless an operator request for a reduced inspection frequency of no less than~~
15 ~~annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA~~
16 ~~finds that it will not pose an additional risk to public health and safety and the environment. The EA~~
17 ~~shall forward a copy of the request and approval to the Board.~~

18 (b) If a green material composting operation exceeds any combination of the following requirements
19 three (3) or more times within any two (2) year period, which the EA determines constitutes a
20 violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

21 (1) Receipt of material that contains greater than 1.0% physical contaminants by weight as
22 specified in section 17852(a)(21);

23 (2) Failure to comply with the processing requirements set forth in section 17868.5;

24 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
25 subdivision (a) above.

26 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
27 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
28 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
29 and desist order pursuant to section 18304 directing, among other things, that the operator
30 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
31 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
32 any time take any additional enforcement action the EA deems appropriate.

33 ~~(c) A site that handles green material composting facility that has more than 12,500 cubic yards of~~
34 ~~feedstock, compost, or chipped and ground material, amendments, additives, active compost, and~~
35 ~~stabilized compost on-site at any one time is a green material composting facility, excepting green~~
36 ~~material composting operations which the EA has authorized a seasonal storage adjustment pursuant~~
37 ~~to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials~~
38 ~~Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,~~
39 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
40 ~~(commencing with section 21450) prior to commencing operations. Green material composting~~
41 ~~facilities shall comply with the applicable requirements specified in this Chapter 3.1.~~

42
43 [Note: See section 17868.5 for green material processing requirements.]

44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
46 Sections 43020 and 43021, Public Resources Code.

47 48 **§ 17857.2. Vegetative Food Material Composting Facilities.**

49 (a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
50 compost, and chipped and ground material on-site at any one time and shall obtain a Registration
51 Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter
52 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of
53 this Chapter.

54 (b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
55 compost, and chipped and ground material on-site at any one time shall obtain a Compostable
56 Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of
57 Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and
58 3.1 (commencing with section 21450) prior to commencing operations.

59 [Note: See section 17868.5 for green material and vegetative food material processing requirements.]

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
3 Sections 43020 and 43021, Public Resources Code.
4

5 **§ 17859.1. Biosolids Composting at POTWs.**

6 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
7 ~~Operated-Owned~~ Treatment Works (POTW) shall comply with the EA Notification requirements set
8 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
9 section 18100).

10 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
11 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
12 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
13 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
14 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
15 of requests for reducing the frequency of inspections.]

16 (b) All other composting of biosolids shall comply with section 17854.
17

18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
19 Sections 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503,
20 Code of Federal Regulations.
21

22 **§ 17862. Research Composting Operations.**

23 (a) An operator conducting research composting operations shall not have more than 5,000 cubic
24 yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any
25 one time, and shall comply with the EA Notification requirements set forth in Title 14, California Code
26 of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as
27 otherwise provided by this Chapter.

28 (b) An operator conducting research composting operations utilizing within-vessel processing, may
29 exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and
30 compost, if the EA determines that such increased volume will not pose additional risk to the public
31 health, safety and the environment.

32 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
33 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
34 the research to be performed, research objectives, methodology/protocol to be employed, data to be
35 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
36 projected timeframe for completion of the research operation.

37 ~~The EA Notification for a research composting operation shall be reviewed a~~ After each each no
38 more than a two year period of operation. Review criteria the operator of a research composting
39 operation shall submit to the EA a report that includes the results and conclusions drawn from the
40 research. If the EA determines based on the report that there are further research objectives to be
41 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
42 two years. If the EA determines based on the report that there are no further research objectives to
43 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
44 section 17870.

45 (e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock
46 for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety,
47 or environmental protection concern, shall satisfy the following additional requirements:

48 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
49 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
50 site.

51 (2) The operator shall prepare, implement and maintain a site-specific, research composting
52 operation site security plan. The research composting site security plan shall include a description of
53 the methods and facilities to be employed for the purpose of limiting site access and preventing the
54 movement of unauthorized material on to or off of the site.

55 (3) After no more than a six-month period of operation ~~The EA Notification for the operator of a~~
56 research composting operation using unprocessed mammalian tissue as feedstock shall submit to the
57 EA a report that includes the results and conclusions drawn from the research and documentation of
58 additional requirements of this section shall be reviewed after each six month period of operation. If
59 the EA determines based on the report that there are further research objectives to be met or data to

1 be gathered, the EA may extend the research for a specified time period not to exceed two years. If
2 the EA determines based on the report that there are no further research objectives to be met or data
3 to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.

4 (f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
5 the EA with the Notification and prior to the composting of any feedstock. The EA shall determine that
6 the EA Notification for research composting operations is complete and correct only if the additional
7 documentation requirements of this section have been met.

8 (g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
9 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
10 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
11 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
12 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
13 of requests for reducing the frequency of inspections.]

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 43020 and 43021, Public Resources Code.

17 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

18 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
19 handled by a green material composting operation shall comply with the EA Notification requirements
20 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
21 with section 18100), ~~except as otherwise provided by and the applicable requirements specified in this~~
22 Chapter.

23
24 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
25 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
26 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
27 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
28 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
29 of requests for reducing the frequency of inspections.]

30 (b) A chipping and grinding facility that receives more than 200 tons per day ~~but not more than, and~~
31 ~~up to~~ 500 tons per day of material that may be handled by a green material composting operation
32 shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
33 Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
34 with the applicable requirements of this Chapter.

35 (c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
36 handled by a green material composting operation shall obtain a Compostable Materials Handling
37 Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
38 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with
39 section 21450) prior to commencing operations and shall comply with the applicable requirements of
40 this Chapter.

41 (d) A chipping and grinding operation or facility shall not be subject to the provisions of sections
42 17868.1 through 17868.3.1 of this Chapter, ~~however, any chipped and ground material that will be~~
43 ~~land applied must meet the requirements of section 17852(a)(24.5).~~

44 (e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section
45 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements
46 (commencing at section 17400).

47 (f) If a chipping and grinding operation or facility stores material for a longer period of time than is
48 allowed by section 17852 (a)(10)(A)(2), ~~then the site it shall be regulated as a green material~~
49 ~~handling composting~~ operation or facility, as set forth in this Chapter.

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 43020 and 43021, Public Resources Code.

53 54 **Article 3. Report of Facility Information**

55 **§ 17863. Report of Composting Site Information.**

56
57 Each operator of a compostable material handling facility that is required to obtain a Compostable
58 Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting
59

1 Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of
2 Composting Site Information with the EA. If the operator intends to alter the permitted feedstock,
3 these changes must be reported to the EA for maintenance of permit status. Such changes may
4 become the basis for revisions to the permit or for revocation of the permit.

5 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
8 Sections 43020 and 43021, Public Resources Code.

9
10 **§ 17863.4. Odor Impact Minimization Plan.**

11 (a) All compostable material handling operations and facilities shall prepare, implement and maintain
12 a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
13 EA Notification or permit application.

14 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
15 describing, at a minimum, the following items. If the operator will not be implementing any of these
16 procedures, the plan shall explain why it is not necessary.

17 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
18 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
19 possible odor receptors; and,

20 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
21 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
22 described; and,

23 (3) a complaint response and recordkeeping protocol; and,

24 (4) a description of design considerations and/or projected ranges of optimal operation to be
25 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
26 feedstock characteristics, airborne emission production, process water distribution, pad and site
27 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
28 service interruptions, and site specific concerns as applicable; and,

29 (5) a description of operating procedures for minimizing odor, including aeration, moisture
30 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
31 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
32 power, and personnel), biofiltration, and tarping as applicable.

33 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
34 provided to the EA, within 30 days of those changes.

35 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
36 revisions are necessary.

37 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
38 operation or facility is following the procedures established by the operator. If the EA determines that
39 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
40 (pursuant to section 18304) to require the operator to either comply with the odor impact
41 minimization plan or to revise it.

42 (f) If the odor impact minimization plan is being followed, ~~but~~ and the EA determines, in a manner
43 consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct
44 the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)
45 as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a
46 Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and
47 feasible measures to minimize odors; unless:

48 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

49 (2) there is an imminent threat to public health and safety and the environment; or

50 (3) a public nuisance has occurred.

51
52 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.
53 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

54
55 **§ 17863.4.1. Odor Best Management Practice Feasibility Report**

56 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
57 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
58 violations as determined pursuant to section 17863.4(f).

59 (b) The Report shall:

1 (1) Present representative and correlating odor data for each potential onsite odor source including
2 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
3 collected, description of operations associated with the source, and any odor impacts or complaints
4 received;

5 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
6 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
7 order of impact;

8 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

9 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
10 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
11 has used to minimize odor and analyze each BMP for the following:

12 1. The effectiveness of the BMP in reducing odor impacts;
13 2. The potential for more extensive use of the BMP to minimize odor impacts described by
14 complainants;
15 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
16 operationally practical;

17 4. The approximate cost to implement a more extensive use of the BMP;
18 5. Any permits or permit changes necessary to use the BMP more extensively;
19 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
20 the BMP is recommended; and

21 7. If the BMP has been found to be ineffective (include supporting data).

22 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
23 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
24 operator has not used and analyze each potential BMP to determine:

25 1. The potential for the BMP to reduce odor impacts described by complainants;
26 2. If the BMP is operationally practical;
27 3. The approximate cost to implement the BMP;
28 4. Any permits or permit changes necessary to use the BMP; and
29 5. Overall recommendation and ranking of implementing the BMP.

30 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
31 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

32 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
33 the Department for review. If the EA has required the operator to prepare a Report pursuant to
34 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
35 approved by the EA.

36 (d) The EA, in consultation with the Department, shall within 30 days:

37 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
38 in whole or in part; and/or

39 (2) direct the operator in writing to submit specific changes or additional information within a
40 timeframe specified by the EA.

41 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
42 (d)(1) or (d)(2).

43
44 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.
45 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

46 47 48 **Article 6. Composting Operating Standards**

49 **§ 17867. General Operating Standards.**

50 (a) All compostable materials handling operations and facilities shall meet the following requirements:

51 (1) All handling activities are prohibited from composting any material specified in section 17855.2
52 of this Chapter.

53 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
54 cause a nuisance.

55 ~~(2)~~ (3) All handling activities shall be conducted in a manner that minimizes vectors, ~~odor impacts,~~
56 litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
57 ingestion, and transportation of dust, particulates, and pathogenic organisms.
58

- 1 (34) Random load checks of feedstocks, additives, and amendments for contaminants shall be
 2 conducted.
- 3 (45) Contamination of compostable material that has undergone pathogen reduction, pursuant to
 4 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
 5 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.
- 6 (56) Unauthorized human or animal access to the facility shall be prevented.
- 7 (67) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
 8 manner.
- 9 (78) All compostable materials handling operations and facilities, that are open for public business,
 10 shall post legible signs at all public entrances. These signs shall include the following information:
- 11 (A) name of the operation or facility,
 12 (B) name of the operator,
 13 (C) facility hours of operation,
 14 (D) materials that will and will not be accepted, if applicable,
 15 (E) schedule of charges, if applicable, and
 16 (F) phone number where operator or designee can be reached in case of an emergency.
- 17 (89) The operator shall provide fire prevention, protection and control measures, including, but not
 18 limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
 19 and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
 20 to allow fire control equipment access to all operation areas.
- 21 (910) The operator shall provide telephone or radio communication capability for emergency
 22 purposes.
- 23 (1011) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
 24 material shall be removed from the site within 7 days and transported to an appropriate facility.
- 25 (1112) Enclosed operations and facilities shall provide ventilation to prevent adverse public health
 26 effects from decomposition gases.
- 27 (1213) The operator shall ensure that leachate is controlled to prevent contact with the public.
- 28 (1314) The operator shall prevent or remove physical contaminants in compost and chipped and
 29 ground materials that may cause injury to humans.
- 30 (1415) An attendant shall be on duty during business hours if the operation or facility is open to the
 31 public.

32
 33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
 34 Sections 43020 and 43021, Public Resources Code.
 35
 36

37 **Article 7. Environmental Health Standards**

38 **§ 17868.1. Sampling Requirements.**

39 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
 40 and all composting facilities shall meet the following requirements:

41 (a) Operators shall verify that compost meet the maximum acceptable metal concentration limits
 42 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.
 43 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
 44 occur at the point where compost is sold and removed from the site, bagged for sale, given away for
 45 beneficial use and removed from the site or otherwise beneficially used. Sample results must be
 46 received by the operator prior to removing compost from the composting operation or facility where it
 47 was produced. This verification shall be performed by taking and analyzing at least one composite
 48 sample of compost, following the requirements of this section as follows:

49 (1) An operator who composts agricultural material, green material, food material, vegetative food
 50 material, or mixed solid waste material shall take and analyze one composite sample for every 5,000
 51 cubic-yards of compost produced.

52 (2) An operator who composts biosolids shall meet the sampling schedule described in Table 12
 53 below.
 54
 55
 56
 57
 58
 59

1 Table ~~±2~~ - Frequencies of Compost Sampling for Biosolids Composting Facilities
 2

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

- 3
 4 (A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.
 5 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section
 6 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health
 7 Services, pursuant to the Health and Safety Code.
 8 (b) A composite sample shall be representative and random, and may be obtained by taking twelve
 9 (12) mixed samples as described below.
 10 (1) The twelve samples shall be of equal volume.
 11 (2) The twelve samples shall be extracted from within the compost pile as follows:
 12 (A) Four samples from one-half the width of the pile, each at a different cross-section;
 13 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
 14 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.
 15 (c) The EA may approve alternative methods of sampling ~~for a green material composting operation or~~
 16 ~~facility~~ that ensures the maximum metal concentration requirements of section 17868.2 and the
 17 pathogen reduction requirements of section 17868.3 are met.
 18

19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
 20 Sections 43020 and 43021, Public Resources Code.
 21

22 **§ 17868.2. Maximum Metal Concentrations.**

23 (a) Compost ~~products derived from compostable materials that contain any metal in amounts that~~
 24 shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in
 25 Table ~~±3~~. Compost that contains any metal in excess of any maximum metal concentrations shall be
 26 designated for disposal, additional processing, or other use as approved by local, state or and federal
 27 agencies having appropriate jurisdiction. Sample results must be received by the operator prior to
 28 removing compost from the composting operation or facility where it was produced.
 29

Table ~~±3~~ -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg) on dry weight basis</i>
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	±200 <u>(see subdivision (a)(1) below)</u>
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 <u>100</u>
Zinc (Zn)	2800

1 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
2 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
3 produce to be determined in connection with the analysis of other metals. Operators shall maintain
4 records of all chromium concentrations together with their records of other metal concentrations.
5 ~~(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section,~~
6 ~~including but not limited to sampling frequencies, may be approved by the EA for green and food~~
7 ~~materials composting operations and facilities if the EA determines that the alternative method will~~
8 ~~ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.~~

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
11 Sections 43020 and 43021, Public Resources Code.
12

13 **§ 17868.3. Pathogen Reduction.**

14 (a) ~~Compost products derived from compostable materials, that contains pathogens in amounts that~~
15 ~~shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this~~
16 ~~section. Compost that contains any pathogens in amounts that exceed these pathogen reduction~~
17 ~~requirements shall be designated for disposal, additional processing, or other use as approved by~~
18 ~~local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the~~
19 ~~operator prior to removing compost from the composting operation or facility where it was produced.~~

20 (b) Operators that produce compost shall ensure that:

21 (1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be
22 less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
23 Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4)
24 grams of total solids (dry weight basis).

25 (2) At enclosed or within-vessel composting process operations and facilities, active compost shall
26 be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
27 pathogen reduction period of 3 days.

28 (A) Due to variations among enclosed and within-vessel composting system designs, including
29 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
30 application to meet the requirements of Subdivision (b)(2) of this section.

31 (3) If the operation or facility uses a windrow composting process, active compost shall be
32 maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit)
33 or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is
34 maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the
35 windrow.

36 (4) If the operation or facility uses an aerated static pile composting process, all active compost
37 shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained
38 at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
39 period of 3 days.

40 ~~(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may~~
41 ~~be approved by the EA if the EA determines that the alternative method will provide equivalent~~
42 ~~pathogen reduction.~~

43 ~~(d)~~ Compost operations and facilities that utilize a windrow composting process or an aerated static
44 pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b)
45 of this section are met:

46 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
47 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
48 fraction thereof.

49 (2) Temperature measurements for pathogen reduction shall be measured as follows:

50 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
51 four (24) inches below the pile surface;

52 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
53 inches from the point where the insulation cover meets the active compost.

54 (d) Alternative methods of compliance to meet the pathogen reduction requirements of this section
55 may be approved by the EA if the EA determines that the alternative method will provide equivalent
56 pathogen reduction.

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
59 Sections 43020 and 43021, Public Resources Code.

1
2 **§ 17868.3.1. Physical Contamination Limits.**

3 (a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4
4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4
5 millimeters shall be designated for disposal, additional processing, or other use as approved by local,
6 state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits
7 shall occur at the point where compost is sold and removed from the site, bagged for sale, given away
8 for beneficial use and removed from the site or otherwise beneficially used. Sample results must be
9 received by the operator prior to removing compost from the composting operation or facility where it
10 was produced.

11 (b) Upon request of the EA, a compostable material handling operation shall take a representative
12 sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters
13 shall be collected and weighed, and the percentage of physical contaminants determined.

14 (c) All compostable material handling facilities shall take one representative sample for every 5,000
15 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4
16 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

17 (d) Any sampling conducted to comply with this section shall require a composite sample. A
18 composite sample shall be representative and random, and may be obtained by taking twelve (12)
19 mixed samples as described below.

20 (1) The twelve samples shall be of equal volume.

21 (2) The twelve samples shall be extracted from within the compost pile as follows:

22 (A) Four samples from one-half the width of the pile, each at a different cross-section;

23 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

24 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

25 (e) Alternative methods of compliance to meet the requirements of this section may be approved by
26 the EA if the EA determines that the alternative method will ensure the physical contamination limits
27 requirements of this section are met.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
30 Sections 43020 and 43021, Public Resources Code.

31
32 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

33 In order for a feedstock to be considered ~~g~~Green material, as defined in section 17852(a)(21), and
34 vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
35 requirements shall be met:

36 (a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
37 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
38 loads and load sorting to quantify ~~the~~ percentage of ~~contaminating materials~~ physical contaminants
39 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
40 material or vegetative food material).

41 (1) A minimum of ~~one-ten~~ percent of daily incoming feedstock volume or at least one truck per day,
42 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
43 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
44 contaminants shall be collected and weighed, and the percentage of physical contaminants
45 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
46 weight or if the load contains materials that do not meet the definitions of green material in section
47 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

48 (b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative
49 sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of
50 physical contaminants determined.

51 ~~Any agricultural material handling operation using this material shall ensure the feedstock meets~~
52 ~~the metal concentration limits specified in Table 2 of section 17868.2.~~

53 ~~(d)~~ Facility personnel shall be adequately trained to perform the activities specified in this section.

54 ~~(e)~~(d) Any operation or facility using this feedstock shall maintain records demonstrating compliance
55 with this section.

56
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
58 Sections 43020 and 43021, Public Resources Code.

1
2 **Article 8. Composting Operation and Facility Records**
3

4 **§ 17869. General Record Keeping Requirements.**

5 Except as provided in subsection (d), all compostable materials handling operations and facilities shall
6 meet the following requirements:

7 (a) All records required by this Chapter shall be kept in one location and accessible for five (5) years
8 and shall be available for inspection by authorized representatives of the ~~board~~ Department, EA local
9 health entity, and other duly authorized regulatory and EAs during normal working hours.

10 (b) The operator shall record any special occurrences encountered during operation and methods used
11 to resolve problems arising from these events, including details of all incidents that required
12 implementing emergency procedures.

13 (c) The operator shall record any public complaints received by the operator, including:

14 (1) the nature of the complaint,

15 (2) the date the complaint was received,

16 (3) if available, the name, address, and telephone number of the person or persons making the
17 complaint, and

18 (4) any actions taken to respond to the complaint.

19 (d) The operator shall record the quantity and type of feedstock received and quantity of compost and
20 chipped and ground material produced. Agricultural compostable materials handling operations shall
21 maintain records only for compostable material accepted from off-site.

22 (e) The operator shall record the number of load checks performed and loads rejected.

23 (f) The operator shall record all test results generated by compliance with Article 7 of this Chapter,
24 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
25 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

26 (1) The operator shall retain records detailing pathogen reduction methods.

27 (g) The operator shall record and retain records of any serious injury to the public occurring on-site
28 and any complaint of adverse health effects to the public attributed to operations. Serious injury
29 means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which
30 a member of the public suffers a loss of any member of the body or suffers any degree of permanent
31 disfigurement.

32 (h) The operator shall retain a record of training and instruction completed in accordance with section
33 17867.5.

34
35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
36 Sections 43020 and 43021, Public Resources Code.
37
38

39 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

40
41 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**
42

43
44 **§ 17896.1. Authority and Scope.**

45 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
46 digestion operations and facilities that receive and process by means of in-vessel digestion solid
47 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
48 sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to
49 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
50 this Division, may still be subject to the regulatory requirements specified in this Chapter.

51 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
52 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
53 as amended. These regulations should be read together with the Act.

54 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
55 Chapter establishes standards and regulatory requirements for the intentional processing of organic
56 material by means of in-vessel digestion.

57 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
58 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
59 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to

1 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
2 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
3 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
4 which otherwise conflict with the provisions of this Chapter.

5 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
6 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
7 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
8 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
9 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
10 Health, air quality management districts or air pollution control districts, local land use authorities, and
11 fire authorities.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
14 Sections 40053, 43020 and 43021, Public Resources Code.

15 **§ 17896.2. Definitions.**

16 (a) For the purposes of this Chapter:

17 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
18 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
19 similar activities undertaken for the production of food or fiber for human or animal consumption or
20 use, which is separated at the point of generation, and which contains no other solid waste. With the
21 exception of grape pomace, agricultural material has not been processed except at its point of
22 generation and has not been processed in a way that alters its essential character as a waste resulting
23 from the production of food or fiber for human or animal consumption or use. Material that is defined
24 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
25 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
26 pomace, and crop residues.

27 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

28 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
29 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

30 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
31 solid wastes that are source separated from the municipal solid waste stream, or which are separated
32 at a centralized facility.

33 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

34 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
35 been processed in an in-vessel digester.

36 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
37 solid wastes. Digestion includes:

38 (A) Aerobic digestion - the controlled biological decomposition of organic material in the presence
39 of oxygen.

40 (B) Anaerobic digestion - the controlled biological decomposition of organic material in the
41 absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a
42 residual digestate.

43 (C) Other controlled biological decomposition processes.

44 (8) "Dairy In-vessel Digestion Operation" means a dairy that receives, for purposes of co-digestion
45 in an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials
46 in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

47 (9) "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of
48 digestion in an in-vessel digester, unsold products from retail stores to which the products were
49 originally sent. All unsold products shall be collected and processed in covered, leak-proof containers,
50 and remain in the custody of the owner at all times. All putrescible material shall be refrigerated at the
51 retail store and during transport to the operation.

52 (10) "EA" means enforcement agency as defined in PRC section 40130.

53 (11) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section
54 66261.3, et seq.

55 (12) "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire
56 digestion process occurs.

57 (13) "Large Volume In-vessel Digestion Facility" means a facility that receives 100 tons or more of
58 solid waste per operating day for digestion in an in-vessel digester.
59

1 (14) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than an
2 average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel
3 digester. The amount of solid waste the operation receives shall not exceed 105 tons (or 420 cubic
4 yards) per week or the solid waste quantity limitations of the general design of the operation
5 (whichever is less).

6 (15) "Litter" means all solid waste which has been improperly discarded or which has migrated by
7 wind or equipment away from the operations area. Litter includes, but is not limited to, convenience
8 food, beverage, and other product packages or containers constructed of steel, aluminum, glass,
9 paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters
10 of the state.

11 (16) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
12 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
13 mixed with feces or urine.

14 (17) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of 15
15 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day for digestion
16 in an in-vessel digester. The amount of solid waste the operation receives shall be less than 700 tons
17 (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the
18 operation (whichever is less).

19 (18) "Nuisance" includes anything which:

20 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
21 comfortable enjoyment of life or property, and

22 (B) affects at the same time an entire community, neighborhood or any considerable number of
23 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

24 (19) "On-site" means located within the boundary of the operation or facility.

25 (20) "Operating Day" means the daily hours of operation for a facility or operation as set forth in the
26 application, Enforcement Agency Notification or solid waste facilities permit.

27 (21) "Operating Record" means an easily accessible collection of records of an operation's or
28 facility's activities and compliance with required state minimum standards under Title 14. The Record
29 may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall
30 contain but is not limited to containing: agency approvals, tonnage and load checking records, facility
31 contacts and training history. The record may be reviewed by state and local authorities and shall be
32 available during normal business hours. If records are too voluminous to place in the main operating
33 record or if the integrity of the records could be compromised by on-site storage, such as exposure to
34 weather, they may be maintained at an alternative site, as long as that site is easily accessible to the
35 EA.

36 (22) "Operations Area" means:

37 (A) the following areas within the boundary of an operation or facility as described in the permit
38 application or Enforcement Agency Notification:

- 39 1. equipment management area, including cleaning, maintenance, and storage areas; and
40 2. material and/or solid waste management area, including unloading, handling, transfer,
41 processing, and storage areas.

42 (B) the boundary of the operations area is the same as the permitted boundary of the operation or
43 facility but may or may not be the same as the property boundary on which the operation or facility is
44 located.

45 (23) "Operator" means the owner, or other person who through a lease, franchise agreement or
46 other arrangement with the owner, that is listed in the permit application or Enforcement Agency
47 Notification and is legally responsible for all of the following:

48 (A) complying with regulatory requirements set forth in these Articles;

49 (B) complying with all applicable federal, state and local requirements;

50 (C) the design, construction, and physical operation of the operations area;

51 (D) controlling the activities at an operation or facility as listed on the permit application or
52 Enforcement Agency Notification.

53 (24) "Owner" means the person or persons who own, in whole or in part, an operation or facility and
54 the land on which it is located. If the ownership of the operation or facility is not the same as the
55 ownership of the land on which it is located, the owner of the land shall be identified as the "Land
56 Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

57 (25) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms
58 with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive

1 conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The
2 EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

3 (26) "Salvaging" means the controlled separation of solid waste material which do not require
4 further processing, for reuse or recycling prior to in-vessel digestion activities.

5 (27) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

6 (28) "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids and
7 air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

8 (29) "Sealed Structure" means a fully enclosed building capable of containing liquids and controlling
9 air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance
10 conditions.

11 (30) "Special Waste" includes but is not limited to:

12 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as
13 defined in Title 22, section 66260.10.

14 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

15 (31) "Spotter" means an employee who conducts activities that include, but are not limited to,
16 traffic control, hazardous waste recognition and removal for proper handling, storage and transport or
17 disposal, and protection of the public from health and/or safety hazards.

18 (32) "Store" means to stockpile or accumulate for later use.

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
21 Sections 40053, 43020 and 43021, Public Resources Code.

22 **§ 17896.3. Pre-Existing Permits and Notifications.**

23
24 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to
25 [operative date of these regulations], that facility may continue to operate in accordance with its
26 permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
27 sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA
28 makes such a determination, the operator shall comply with this Chapter within two years of that
29 determination.

30 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
31 regulations in effect prior to [operative date of these regulations], that operation may continue to
32 operate in accordance with its EA Notification or regulatory authorization until the EA determines that
33 regulation under this Chapter is required. The EA shall make this determination no sooner than 120
34 days and no later than two years from [operative date of these regulations]. If the EA determines that
35 regulation under this Chapter is required, the operator shall comply with this Chapter within two years
36 of that determination.

37 (c) If an activity had previously been excluded from regulations in effect prior to [operative date of
38 these regulations], that activity may continue to operate in accordance with its regulatory exclusion
39 until the EA determines that regulation under this Chapter is required. The EA shall make this
40 determination no sooner than 120 days and no later than two years from [operative date of these
41 regulations]. If the EA determines that regulation under this Chapter is required, the operator shall
42 comply with this Chapter within two years of that determination.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
45 Sections 43020 and 43021, Public Resources Code.

46 **§ 17896.4. Permit Name.**

47 Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall
48 be entitled: "In-vessel Digestion Facility Permit."

49
50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 43020 and 43021, Public Resources Code.

53 **§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and** 54 **Facilities.**

55 Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7,
56 Chapter 5. Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
57 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
58 Regulations.)

1 Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These
 2 requirements are summarized in Table 1.

3
 4 Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
<u>Anaerobically digestible materials at POTWs</u> Section 17896.6(a)(1)	<u>Research In-Vessel Digestion Operations</u> Section 17896.8	<u>Medium Volume In-Vessel Digestion Facilities</u> (≥ 60 yd ³ or 15 tpd and < 100 tpd) Section 17896.12	<u>Large Volume In-Vessel Digestion Facilities</u> (≥ 100 tpd) Section 17896.13
<u>Ag material derived from ag site & returned to same site</u> Section 17896.6(a)(2)	<u>Dairy In-Vessel Digestion Operations</u> Section 17896.9		
	<u>Distribution Center In-Vessel Digestion Operations</u> Section 17896.10		
<u>In-vessel digestion activities with less than 100 cubic yard on-site capacity</u> Section 17896.6(a)(3)	<u>Limited Volume In-Vessel Digestion Operations</u> (< 60 yd ³ or 15 tpd) Section 17896.11		
<u>Handling activities that are already subject to more stringent handling requirements under Federal or State law</u> Section 17896.6(a)(4)			

6 [Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]

7
 8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
 9 Sections 40053, 43020 and 43021, Public Resources Code.

10
 11 **§ 17896.6. Excluded Activities.**

12 (a)The activities listed in this section are not subject to the in-vessel digestion requirements set forth
 13 in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an
 14 excluded activity to verify that the activity is being conducted in a manner that qualifies as an
 15 excluded activity or from taking any appropriate enforcement action.

16 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
 17 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
 18 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
 19 Treatment Plant wastewater, is excluded under the following conditions:

20 (A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant.
 21 Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a
 22 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
 23 digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be
 24 screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and

1 conveyed in a contained system. Any separated material at the POTW that is not suitable for
2 anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

3 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance
4 of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality
5 Control Board that those Standard Operating Procedures are being implemented, and a Standard
6 Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

7 1. has been incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
8 National Pollutant Discharge Elimination System permit; or

9 2. will be incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
10 National Pollutant Discharge Elimination System permit no later than the next permit renewal.

11 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
12 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
13 14, CCR, Section 17852(a)(20) and vegetative food material as defined in Title 14, CCR, Section
14 17852(a)(20)(A).

15 (D) For the purpose of this exclusion, the Department, in consultation with the State Water
16 Resources Control Board and the California Department of Food and Agriculture, will on a case-by-
17 case basis, review and consider approval of additional types of organic materials as potential
18 "anaerobically digestible material" beyond those specified in section 17896.6(a)(1)(C) in accordance
19 with the following:

20 1. Receipt of a written request to the Department from the General Manager or designee of a
21 POTW Treatment Plant.

22 a. The written request must contain the following information:

23 i. The purpose of the request.

24 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
25 organic waste material with the POTW wastewater.

26 iii. Types of organic material requested for classification as an anaerobically digestible
27 material.

28 iv. The source(s) of the waste material.

29 v. A description of how the waste material will be handled, processed, stored and
30 transported (before and after receipt at the POTW Treatment Plant).

31 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
32 to accommodate the new waste materials.

33 vii. Available laboratory test results, engineering reports, research or study to support the
34 request.

35 viii. Data and/or reports if this waste material has been used without incident at a different
36 POTW Treatment Plant.

37 ix. The name, addresses and phone numbers for the General Manager and designee of the
38 POTW Treatment Plant.

39 b. Upon receipt of the written request, the Department will communicate and coordinate the
40 request with and between the State Water Resources Control Board and the California Department of
41 Food and Agriculture and will complete the following actions:

42 i. Within 10 days of receipt, send written confirmation to the General Manager and designee
43 of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate
44 Department staff, as well as to the State Water Resources Control Board and California Department of
45 Food and Agriculture staff contacts for review;

46 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board
47 and California Department of Food and Agriculture staff contacts;

48 iii. Prior to the meeting, Department staff will review the letter and identify questions
49 and/or issues with the request and make a list of recommendations;

50 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
51 representative does not attend the meeting, comments will be accepted by the Department up to
52 close of business on the 45th day after receipt;

53 v. Within 60 days of receipt, the Department will provide a written decision to the General
54 Manager and designee of the POTW Treatment Plant stating one of the following:

55 I. The waste type has or has not been determined to be an anaerobically digestible
56 material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory
57 Requirements (pursuant to Section 17896.6(a)(1)(C) and the Transfer/Processing Operations and
58 Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

1 II. The agencies, based on the information provided, were unable to reach a
2 determination and additional information is required before a determination can be made; or

3 III. The agencies have determined that additional research or study will need to be
4 conducted and the results analyzed prior to a determination made by the agencies.

5 IV. If additional information, research or study is necessary, the Department will consult
6 with the General Manager or designee of the POTW, the State Water Resources Control Board and
7 California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
8 either reviewing the additional information or for reviewing a proposed scope of work and timeline for
9 additional research or study.

10 2. For the purpose of this exclusion, if an organic waste material is determined by the
11 Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
12 wastewater, the POTW Treatment Plant must comply with 17896.6(a)(1)(A) prior to receipt of the
13 material at the POTW Treatment Plant.

14 (2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is
15 derived from an agricultural site and the digestate or compost produced from digestate is returned to
16 that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary
17 of the agricultural site on which the in-vessel digester is located. No more than an incidental amount
18 of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.
19 Digestate that is not composted may not be given away or sold.

20 (3) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock,
21 and digestate on site are excluded.

22 [Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits,
23 licenses, or other clearances that may be required by other regulatory agencies including, but not
24 limited to local health entities and local land use authorities.]

25 (4) Other discrete handling activities that are already subject to more stringent handling
26 requirements under Federal or State law, as determined by the EA in consultation with the
27 Department, are excluded.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
30 Sections 40053, 43020 and 43021, Public Resources Code.

31 **§ 17896.7. Prohibitions.**

32 The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
33 where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

34 (a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
35 organs, hide, blood, bone and marrow, except when received:

36 (1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or
37 residential food scrap collection; or

38 (2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other
39 public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

40 (3) from a source approved by the Department in consultation with the State Water Resources
41 Control Board and the California Department of Food and Agriculture.

42 (b) The in-vessel digestion of medical waste.

43 (c) The in-vessel digestion of hazardous waste.

44
45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 40053, 43020 and 43021, Public Resources Code.

48 **§ 17896.8. Research In-Vessel Digestion Operations.**

49 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
50 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
51 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

52 (b) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
53 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
54 the research to be performed, research objectives, methodology/protocol to be employed, data to be
55 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
56 projected timeframe for completion of the research operation.

57 (c) After no more than a two year period of operation, the operator of a research in-vessel digestion
58 operation shall submit to the EA a report that includes the results and conclusions drawn from the
59

1 research. If the EA determines, based on the report, that there are further research objectives to be
2 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
3 two years. If the EA determines based on the report that there are no further research objectives to
4 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
5 section 17896.41.

6 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
7 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
8 health, safety, or environmental protection concern, shall satisfy the following additional
9 requirements:

10 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
11 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
12 site.

13 (2) The operator shall prepare, implement and maintain a site-specific, research in-vessel digestion
14 operation site security plan. The research in-vessel digestion site security plan shall include a
15 description of the methods and facilities to be employed for the purpose of limiting site access and
16 preventing the movement of unauthorized material on to or off of the site.

17 (3) After no more than a six-month period of operation the operator of a research in-vessel
18 digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report
19 that includes the results and conclusions drawn from the research and documentation of additional
20 requirements of this section. If the EA determines based on the report that there are further research
21 objectives to be met or data to be gathered, the EA may extend the research for a specified time
22 period not to exceed two years. If the EA determines based on the report that there are no further
23 research objectives to be met or data to be gathered, the operator shall conduct site restoration at the
24 facility pursuant to section 17896.41.

25 (e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2). to
26 the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that
27 the EA Notification for research in-vessel digestion operations is complete and correct only if the
28 additional documentation requirements of this section have been met.

29 (f) These operations shall be inspected by the EA at least once every three (3) months unless the EA
30 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
31 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
32 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
33 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
34 of requests for reducing the frequency of inspections.]

35
36 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
37 Sections 43020 and 43021, Public Resources Code.

38 **§ 17896.9. Dairy In-Vessel Digestion Operations.**

39 (a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth
40 in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
41 section 18100).

42 (1) These operations shall be inspected by the EA at least once a month for the first 12 months of
43 operation. After the first 12 months of operation the EA may approve, with Department concurrence, a
44 reduced inspection frequency of once every three months. After the first 24 months of operation the
45 EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar
46 year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to
47 public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and
48 Department requirements regarding the approval or denial of requests for reducing the frequency of
49 inspections.]

50
51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
53 Sections 43020 and 43021, Public Resources Code.

54 **§ 17896.10. Distribution Center In-Vessel Digestion Operations.**

55 (a) All distribution center in-vessel digestion operations shall comply with the EA Notification
56 requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
57 (commencing with section 18100).
58

1 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
2 EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a
3 lesser inspection frequency if it will not pose an additional risk to public health and safety and the
4 environment but in no case shall the frequency be less than annual. The EA shall submit, for
5 concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note:
6 See section 18083(a)(3) for additional EA and Department requirements regarding the approval or
7 denial of requests for reducing the frequency of inspections.]

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
10 Sections 43020 and 43021, Public Resources Code.

11
12 **§ 17896.11. Limited Volume In-Vessel Digestion Operations.**

13 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
14 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
15 Code of Regulations (commencing with section 18100).

16 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
17 EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a
18 lesser inspection frequency if it will not pose an additional risk to public health and safety and the
19 environment but in no case shall the frequency be less than annual. The EA shall submit, for
20 concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note:
21 See section 18083(a)(3) for additional EA and Department requirements regarding the approval or
22 denial of requests for reducing the frequency of inspections.]

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
25 Sections 40053, 43020 and 43021, Public Resources Code.

26
27 **§ 17896.12. Medium Volume In-Vessel Digestion Facilities.**

28 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
29 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
30 (commencing with section 18104).

31 (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 40053, 43020 and 43021, Public Resources Code.

35
36 **§ 17896.13. Large Volume In-Vessel Digestion Facilities.**

37 All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in
38 accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter
39 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The
40 In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility
41 Information required by section 21570(f)(2) of Title 27.

42 (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
45 Sections 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.14. In-Vessel Digestion Facility Plan.**

48 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(17)
49 shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The
50 information contained in the Plan shall be reviewed by the EA to determine whether it is complete and
51 correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
54 Sections 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17896.15. In-Vessel Digestion Report.**

57 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(13)
58 shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator

1 of an existing facility who submits an application package to the EA, pursuant to Title 27, section
2 21570, which proposes to change the facility's operations, or to change the solid waste facility permit
3 shall do one of the following:

- 4 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
5 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.
6

7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
8 Sections 40053, 43020 and 43021, Public Resources Code.
9

10 **§ 17896.16. Applicability of State Minimum Standards.**

11 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
12 vessel digestion operations and facilities, except as noted in Section 17896.1.(a).

13 (b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
14 digestion facilities.

15 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
16 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
17 shall place a copy of each approval, determination and other requirement in the operating record
18 together with those records identified in sections 17896.45 and 17896.46.

19 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
20 method of compliance with the standard. These provisions are not intended to allow the EA to change
21 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
22 alternative method of meeting the existing standard which provides equivalent protection of the public
23 health and safety and the environment as the existing standard. For facilities that require a full solid
24 waste facility permit, the EA may choose to include the approved alternative method of compliance as
25 a term and condition of the solid waste facility permit, rather than in the manner authorized by
26 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
27 the method may require a revision to the solid waste facility permit in accordance with the procedures
28 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
29 (commencing with section 21570).
30

31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
32 Sections 40053, 43020 and 43021, Public Resources Code.
33

34
35 **Article 2. Siting and Design**
36

37 **§ 17896.17. Siting On Landfills.**

38 (a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
39 closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
40 California Code of Regulations, section 21190.

41 (b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
42 solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by
43 natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or
44 failure of pads or structural foundations.

45 (c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
46 solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or
47 with the closure or postclosure maintenance of the landfill.
48

49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
50 Sections 40053, 43020 and 43021, Public Resources Code.
51

52 **§ 17896.18. General Design Requirements.**

53 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
54 appropriate, from persons competent in engineering, architecture, landscape design, traffic
55 engineering, air quality control, water quality protection and design of structures.

56 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
57 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
58 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
59 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and

1 other pertinent information. If the operation or facility is to be used by the general public, the design
2 shall take account of safety features that may be needed to accommodate such public use.

3 (c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the
4 unloading area to as small an area as practicable, provide adequate control of windblown material,
5 minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances
6 by reason of solid wastes being handled at the operation. Other factors which shall be taken into
7 consideration are: dust control, noise control, public safety, and other pertinent matters related to the
8 protection of public health at the operation or facility.

9 (d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA
10 may require the applicant to describe how he or she has complied with applicable local and state
11 requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

12 (e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and
13 constructed to prevent loss of wastes from the container during storage. If such a container is used to
14 store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such
15 container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily
16 cleanable, designed for safe handling and constructed to prevent loss of wastes.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
19 Sections 40053, 43020 and 43021, Public Resources Code.

20 21 22 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

23 24 **§ 17896.19. Biogas Control.**

25 The operator of an in-vessel digestion operation or facility must take precautions to minimize the
26 uncontrolled release of biogas that may have harmful effects on site users and the general public.

27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
29 Sections 40053, 43020 and 43021, Public Resources Code.

30 31 **§ 17896.20. Cleaning.**

32 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
33 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
34 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

35 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;

36 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
37 least once every 24 hours.

38 (b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site
39 migration of waste materials.

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
42 Sections 40053, 43020 and 43021, Public Resources Code.

43 44 **§ 17896.21. Drainage and Spill Control.**

45 (a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

46 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;

47 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
48 site migration of contact water;

49 (3) protect the integrity of roads and structures;

50 (4) protect the public health; and

51 (5) prevent safety hazards and interference with operations.

52 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
53 that occur.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
56 Sections 40053, 43020 and 43021, Public Resources Code.

57 58 **§ 17896.22. Dust Control.**

1 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
2 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
3 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
4 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
5 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
6 following may be an indication that dust is excessive:

- 7 (1) safety hazards due to obscured visibility; or
8 (2) irritation of the eyes; or
9 (3) hampered breathing;
10 (4) migration of dust off-site.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
13 Sections 40053, 43020 and 43021, Public Resources Code.

14
15 **§ 17896.23. Hazardous, Liquid, and Special Wastes.**

16 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
17 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
18 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

19 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
20 discovered, control measures as are necessary to protect public health, safety and the environment,
21 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
22 or removal from the operation or facility.

23 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
24 sludge wastes in a manner to protect public health, safety, and the environment.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
27 Sections 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.24. Litter Control.**

30 Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
31 prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
32 possible given existing weather conditions.

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
35 Sections 40053, 43020 and 43021, Public Resources Code.

36
37 **§ 17896.25. Load Checking.**

38 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
39 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
40 program must include at a minimum:

- 41 (1) the number of random load checks to be performed;
42 (2) a location for the storage of prohibited wastes removed during the load checking process that is
43 separately secured or isolated;
44 (3) records of load checks and the training of personnel in the recognition, proper handling, and
45 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
46 records for the last year shall be maintained in the operating record and be available for review by the
47 appropriate regulatory agencies.

48
49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
50 Sections 40053, 43020 and 43021, Public Resources Code.

51
52 **§ 17896.26. Maintenance Program.**

53 All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
54 The operator shall implement a preventative maintenance program to monitor and promptly repair or
55 correct deteriorated or defective conditions.

56
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
58 Sections 40053, 43020 and 43021, Public Resources Code.

1 **§ 17896.27. Medical Wastes.**

2 Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the
3 Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code),
4 shall not be accepted at an in-vessel digestion operation or facility, unless approved by the
5 appropriate regulatory agencies.

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
8 Sections 40053, 43020 and 43021, Public Resources Code.

9
10 **§ 17896.28. Noise Control.**

11 Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
12 include but are not limited to: posting of warning signs that recommend or require hearing protection;
13 separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
14 transmission. Compliance with specific provisions regarding noise control in a local land use approval,
15 such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
16 this standard.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
19 Sections 40053, 43020 and 43021, Public Resources Code.

20
21 **§ 17896.29. Non-Salvageable Items.**

22 Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
23 pesticides and other materials capable of causing public health or safety problems shall not be
24 salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
25 the EA.

26
27 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
28 Sections 40053, 43020 and 43021, Public Resources Code.

29
30 **§ 17896.30. Odor Best Management Practice Feasibility Report.**

31 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
32 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
33 violations as determined pursuant to section 17896.31(f).

34 (b) The Report shall:

35 (1) Present representative and correlating odor data for each potential onsite odor source including
36 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
37 collected, description of operations associated with the source, and any odor impacts or complaints
38 received;

39 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
40 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
41 order of impact;

42 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

43 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
44 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
45 has used to minimize odor and analyze each BMP for the following:

- 46 1. The effectiveness of the BMP in reducing odor impacts;
- 47 2. The potential for more extensive use of the BMP to minimize odor impacts described by
48 complainants;
- 49 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
50 operationally practical;
- 51 4. The approximate cost to implement a more extensive use of the BMP;
- 52 5. Any permits or permit changes necessary to use the BMP more extensively;
- 53 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
54 the BMP is recommended; and
- 55 7. If the BMP has been found to be ineffective (include supporting data).

56 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
57 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
58 operator has not used and analyze each potential BMP to determine:

- 59 1. The potential for the BMP to reduce odor impacts described by complainants;

- 1 2. If the BMP is operationally practical;
- 2 3. The approximate cost to implement the BMP;
- 3 4. Any permits or permit changes necessary to use the BMP; and
- 4 5. Overall recommendation and ranking of implementing the BMP.

5 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
6 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

7 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
8 the Department for review. If the EA has required the operator to prepare a Report pursuant to
9 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
10 approved by the EA.

11 (d) The EA, in consultation with the Department, shall within 30 days:

12 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
13 in whole or in part; and/or

14 (2) direct the operator in writing to submit specific changes or additional information within a
15 timeframe specified by the EA.

16 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
17 (d)(1) or (d)(2).

18
19 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
20 Reference: Sections 43020, 43021 and 43209.1,

21 22 **§ 17896.31. Odor Minimization Plan.**

23 (a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
24 specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
25 Notification or permit application.

26 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
27 describing, at a minimum, the following items. If the operator will not be implementing any of these
28 procedures, the plan shall explain why it is not necessary.

29 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
30 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
31 possible odor receptors; and,

32 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
33 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
34 described; and,

35 (3) a complaint response and recordkeeping protocol; and,

36 (4) a description of design considerations and/or projected ranges of optimal operation to be
37 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
38 feedstock characteristics, airborne emission production, process water distribution, pad and site
39 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
40 service interruptions, and site specific concerns as applicable; and,

41 (5) a description of operating procedures for minimizing odor, including aeration, moisture
42 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
43 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
44 power, and personnel), bio filtration, and tarping as applicable.

45 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
46 provided to the EA, within 30 days of those changes.

47 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
48 revisions are necessary.

49 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
50 operation or facility is following the procedures established by the operator. If the EA determines that
51 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
52 (pursuant to section 18304) to require the operator to either comply with the odor impact
53 minimization plan or to revise it.

54 (f) If the odor impact minimization plan is being followed and the EA determines, in a manner
55 consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
56 to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
57 in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
58 (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
59 measures to minimize odors unless:

- 1 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
2 (2) there is an imminent threat to public health and safety and the environment; or
3 (3) a public nuisance has occurred.

4
5 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
6 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.
7

8 **§ 17896.32. Odor and Nuisance Control.**

9 Each in-vessel digestion operation and facility shall be conducted and maintained:
10 (a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
11 (b) to otherwise prevent the creation of a nuisance.
12

13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
14 Sections 40053, 43020 and 43021, Public Resources Code.
15

16 **§ 17896.33. Parking.**

17 Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
18 with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
19 conditional use permit or CEQA mitigation measures, shall be considered compliance with this
20 standard.
21

22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
23 Sections 40053, 43020 and 43021, Public Resources Code.
24

25 **§ 17896.34. Personnel Health and Safety.**

26 The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
27 section 3203, shall be available for review by local and state inspectors during normal business hours.
28 Nothing in this section is intended to make the EA responsible for enforcing the IIPP.
29

30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
31 Sections 40053, 43020 and 43021, Public Resources Code.
32

33 **§ 17896.35. Pre-Digestion Solid Waste Handling.**

34 (a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
35 sealed structure or removed from the site within 48 hours from the time of receipt. This requirement
36 does not apply to putrescible waste stored in a sealed bag, bottle, or can.
37 (b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
38 of receipt or at an alternate frequency approved by the EA.
39

40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
41 Sections 40053, 43020 and 43021, Public Resources Code.
42

43 **§ 17896.36. Protection of Users.**

44 An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so
45 that contact between the public and solid wastes is minimized. This may be accomplished through the
46 use of railings, curbs, grates, fences, and/or spotters.
47

48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
49 Sections 40053, 43020 and 43021, Public Resources Code.
50

51 **§ 17896.37. Roads.**

52 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
53 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
54 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
55 all-weather access to the site.
56

57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
58 Sections 40053, 43020 and 43021, Public Resources Code.
59

1 **§ 17896.38. Sanitary Facilities.**

2 The operator shall maintain all sanitary and hand-washing facilities which may be required, by
3 applicable state or local requirements, in a reasonably clean and adequately supplied condition.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
6 Sections 40053, 43020 and 43021, Public Resources Code.

7
8 **§ 17896.39. Scavenging and Salvaging.**

9 Each in-vessel digestion operation or facility shall meet the following requirements:

10 (a) scavenging shall be prohibited;

11 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
12 of the operation, subject to conditions established by the EA, the local land use authority, or other
13 approving agencies.

14 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
15 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
16 entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging
17 activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly
18 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
19 or nuisance problems;

20 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
21 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
22 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
23 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
24 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a
25 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
26 Digestion Facility Plan, or In-vessel Digestion Facility Report.

27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
29 Sections 40053, 43020 and 43021, Public Resources Code.

30
31 **§ 17896.40. Signs.**

32 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
33 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
34 facility name and location of nearest public operation or facility.

35 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
36 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
37 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
38 or (2) WILL NOT be accepted.

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
41 Sections 40053, 43020 and 43021, Public Resources Code.

42
43 **§ 17896.41. Site Restoration.**

44 All in-vessel digestion operations and facilities shall meet the following requirements:

45 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
46 days prior to beginning site restoration.

47 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
48 safety, and the environment.

49 (c) The operator shall ensure that the following site restoration procedures are performed upon
50 completion of operations and termination of service:

51 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
52 including, but not limited to, digestate, compost materials, construction scraps, and other materials
53 related to the operations, and these residues legally recycled, reused, or disposed.

54 (2) All machinery shall be cleaned and removed or stored securely.

55 (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or
56 other residues related to the site restoration operations.

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
59 Sections 43020 and 43021, Public Resources Code.

1
2
3
4 **§ 17896.42. Supervision and Personnel.**

5 The operator shall provide adequate supervision and a sufficient number of qualified personnel to
6 ensure proper operation of the site in compliance with all applicable laws, regulations, permit
7 conditions and other requirements. The operator shall notify the EA in writing of the name, address
8 and telephone number of the operator or other person responsible for the operation. A copy of the
9 written notification shall be placed in the operating record.

10
11 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
12 Sections 40053, 43020 and 43021, Public Resources Code.

13
14 **§ 17896.43. Training.**

15 Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site
16 solid waste operations and maintenance, hazardous materials recognition and screening, use of
17 mechanized equipment, environmental controls, emergency procedures and the requirements of this
18 Article. A record of such training history shall be maintained and made available for inspection.

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
21 Sections 40053, 43020 and 43021, Public Resources Code.

22
23 **§ 17896.44. Vector, Bird and Animal Control.**

24 The operator shall take adequate steps to control or prevent the propagation, harborage and
25 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

26
27 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
28 Sections 40053, 43020 and 43021, Public Resources Code.

29
30
31 **Article 4. Record Keeping Requirements**

32
33 **§ 17896.45. Record Keeping Requirements.**

34 Each operator shall meet the following requirements:

35 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
36 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
37 submitted to the EA or the Department upon request; be adequate for overall planning and control
38 purposes; and, be as current and accurate as practicable;

39 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
40 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
41 agencies during normal working hours.

42 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
43 approved by the EA;

44 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
45 operations and methods used to resolve problems arising from these events, including details of all
46 incidents that required implementing emergency procedures. Special occurrences shall include but are
47 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
48 prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
49 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
50 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
51 unless the EA determines that a less immediate form of notification will be sufficient to protect public
52 health and safety and the environment;

53 (e) The operator shall record any written public complaints received by the operator, including:

54 (1) the nature of the complaint,

55 (2) the date the complaint was received,

56 (3) if available, the name, address, and telephone number of the person or persons making the
57 complaint, and

58 (4) any actions taken to respond to the complaint;

1 (f) The operator shall maintain a copy of the written notification to the EA and local health agency of
2 the name, address and telephone number of the operator or other person(s) responsible for the
3 operations as required by section 17896.42;

4 (g) The operator shall maintain records of employee training as required by section 17896.43;

5 (h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809
6 et seq.

7 (i) The operator shall record all test results generated by compliance with Article 6 of this Chapter,
8 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
9 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

10 (1) The operator shall retain records detailing pathogen reduction methods.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
13 Sections 40053, 43020 and 43021, Public Resources Code.

14
15 **§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and**
16 **Requirements.**

17 Approvals, determinations, and other requirements the EA is authorized to make under this Chapter
18 shall be provided in writing to the operator and placed in the operating record by the operator.

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
21 Sections 40053, 43020 and 43021, Public Resources Code.

22
23
24 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**

25
26 **§ 17896.47. Communications Equipment.**

27 Each in-vessel digestion facility shall have adequate communication equipment available to site
28 personnel to allow quick response to emergencies.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
31 Sections 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.48. Equipment.**

34 Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-
35 vessel digestion facility to meet all requirements of this Chapter.

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
38 Sections 40053, 43020 and 43021, Public Resources Code.

39
40 **§ 17896.49. Fire Fighting Equipment.**

41 Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly
42 maintained and located as required by the local fire authority.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
45 Sections 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.50. Housekeeping.**

48 The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility
49 equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap,
50 and similar items.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
53 Sections 40053, 43020 and 43021, Public Resources Code.

54
55 **§ 17896.51. Lighting.**

56 The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either
57 through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of
58 operations, and public health, safety and the environment.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
2 Sections 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.52. Site Attendant.**

5 An in-vessel digestion facility open to the public shall have an attendant present during public
6 operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as
7 approved by the EA to ensure that it meets all of the requirements of this Chapter.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
10 Sections 40053, 43020 and 43021, Public Resources Code.

11
12 **§ 17896.53. Site Security.**

13 The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and
14 vehicles through the use of either a perimeter barrier or topographic constraints.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
17 Sections 40053, 43020 and 43021, Public Resources Code.

18
19 **§ 17896.54. Traffic Control.**

20 (a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
21 (1) interference with or creation of a safety hazard on adjacent public streets or roads,
22 (2) on-site safety hazards, and
23 (3) interference with operations.

24
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
26 Sections 40053, 43020 and 43021, Public Resources Code.

27
28 **§ 17896.55. Visual Screening.**

29 The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create
30 and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if
31 none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening
32 in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be
33 considered compliance with this standard.

34
35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
36 Sections 40053, 43020 and 43021, Public Resources Code.

37
38 **§ 17896.56. Water Supply.**

39 A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use
40 (e.g., fire protection, first aid) shall be available.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 40053, 43020 and 43021, Public Resources Code.

44
45
46 **Article 6. Digestate Handling Standards**

47
48 **§ 17896.57. Digestate Handling.**

49 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
50 (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
51 alternative handling method after determining the alternative method will not pose an additional risk
52 to public health and safety or the environment; or
53 (2) incorporated in an on-site aerobic compost process.
54 (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
55 facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.4.
56 (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
57 requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
58 the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
59 physical contamination limits of section 17896.61; or

1 (3) removed from the site and either:
2 (A) transported as solid waste to another solid waste facility or operation for disposal, composting,
3 or additional processing; or
4 (B) used or disposed in a manner approved by local, state, and federal agencies having
5 appropriate jurisdiction.
6 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
7 pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
8 section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal
9 concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
10 pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
11 the maximum physical contamination limits described in section 17896.61 shall be designated for
12 disposal, additional processing, or other use as approved by local, state agencies having appropriate
13 jurisdiction.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.58. Sampling Requirements.**

19 (a) The sampling of compost produced at an in-vessel digestion facility (pursuant to section
20 17896.57(a)(2)) shall occur at the point where the compost is removed from the site, bagged for sale,
21 given away for beneficial use and removed from the site or otherwise beneficially used. Analytical
22 results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by
23 the operator prior to the sampled compost leaving the site. Sample results must be received by the
24 operator prior to removing compost from the in-vessel digestion facility where it was produced.

25 (b) This sampling shall be performed by taking and analyzing at least one composite sample, following
26 the requirements of this section as follows:

27 (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
28 compost produced.

29 (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
30 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
31 pursuant to the Health and Safety Code.

32 (c) A composite sample shall be representative and random, and may be obtained by taking twelve
33 (12) mixed samples as described below.

34 (1) The twelve samples shall be of equal volume.

35 (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
36 follows:

37 (A) Four samples from one-half the width of the pile, each at a different cross-section;

38 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

39 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

40 (d) The EA may approve alternative methods of sampling that ensures the maximum metal
41 concentration requirements of section 17896.59, the pathogen reduction requirements of section
42 17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are
43 met.

44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
46 Sections 43020 and 43021, Public Resources Code.

47
48 **§ 17896.59. Maximum Metal Concentrations.**

49 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
50 exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any
51 metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall
52 be designated for disposal, additional processing, or other use as approved by local, state and federal
53 agencies having appropriate jurisdiction. Sample results must be received by the operator prior to
54 removing compost from the in-vessel digestion facility where it was produced.

55
56
57
58 Table 2 - Maximum Acceptable Metal Concentrations
59

<u>Constituent</u>	<u>Concentration (mg/kg) on dry weight basis</u>
<u>Arsenic (As)</u>	<u>41</u>
<u>Cadmium (Cd)</u>	<u>39</u>
<u>Chromium (Cr)</u>	<u>(see subdivision (a)(1) below)</u>
<u>Copper (Cu)</u>	<u>1500</u>
<u>Lead (Pb)</u>	<u>300</u>
<u>Mercury (Hg)</u>	<u>17</u>
<u>Nickel (Ni)</u>	<u>420</u>
<u>Selenium (Se)</u>	<u>100</u>
<u>Zinc (Zn)</u>	<u>2800</u>

1
2 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
3 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
4 produce to be determined in connection with the analysis of other metals. Operators shall maintain
5 records of all chromium concentrations together with their records of other metal concentrations.
6 (b) Alternative methods of compliance to meet the requirements of this section may be approved by
7 the EA if the EA determines that the alternative method will ensure that the maximum acceptable
8 metal concentrations shown in Table 2 are not exceeded.
9

10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
11 Sections 43020 and 43021, Public Resources Code.
12

13 **§ 17896.60. Pathogen Reduction.**

14 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
15 exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this
16 section. Compost that contains any pathogens in amounts that exceed these pathogen reduction
17 requirements shall be designated for disposal, additional processing, or other use as approved by
18 local, state and federal agencies having appropriate jurisdiction. Sample results must be received by
19 the operator prior to removing compost from the in-vessel digestion facility where it was produced.

20 (b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

21 (1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less
22 than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
23 Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4)
24 grams of total solids (dry weight basis). Sample results must be received by the operator prior to
25 removing product from the site.

26 (2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active
27 compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or
28 higher for a pathogen reduction period of 3 days.

29 (A) Due to variations among enclosed and within-vessel composting system designs, including
30 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
31 application to meet the requirements of subdivision (b)(2) of this section.

32 (3) If the facility uses a windrow composting process, active compost shall be maintained under
33 aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
34 pathogen reduction period of 15 days or longer. During the period when the compost is maintained at
35 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

36 (4) If the facility uses an aerated static pile composting process, all active compost shall be covered
37 with 6 to 12 inches of insulating material, and the active compost shall be maintained at a
38 temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period
39 of 3 days.

40 (c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an
41 aerated static pile composting process shall be monitored as follows to ensure that the standards in
42 subdivision (b) of this section are met:

43 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
44 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
45 fraction thereof.

46 (2) Temperature measurements for pathogen reduction shall be measured as follows:

1 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
2 four (24) inches below the pile surface;

3 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
4 inches from the point where the insulation cover meets the active compost.

5 (d) Alternative methods of compliance to meet the requirements of this section may be approved by
6 the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
9 Sections 43020 and 43021, Public Resources Code.

10
11 **§ 17896.61. Physical Contamination Limits.**

12 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
13 contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that
14 contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be
15 designated for disposal, additional processing, or other use as approved by local, state and federal
16 agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the
17 point where compost is sold and removed from the site, bagged for sale, given away for beneficial use
18 and removed from the site or otherwise beneficially used. Sample results must be received by the
19 operator prior to removing compost from the in-vessel digestion facility where it was produced.

20 (b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one
21 representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at
22 which physical contaminants greater than 4 millimeters shall be collected and weighed, and the
23 percentage of physical contaminants determined.

24 (c) Alternative methods of compliance to meet the requirements of this section may be approved by
25 the EA if the EA determines that the alternative method will ensure the physical contaminant
26 requirements of this section are met.

27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
29 Sections 43020 and 43021, Public Resources Code.

30
31
32 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility**
33 **Permits; Loan Guarantees.**

34
35
36 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

37
38 **§ 18083. LEA Duties and Responsibilities for Inspections.**

39 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3
40 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and
41 investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal
42 sites and equipment to verify compliance with the state minimum standards, solid waste facilities
43 permits, and related state solid waste laws and regulations within their purview for the protection of
44 the environment and the public health and safety. The LEA/EA shall perform these inspections and
45 related duties as required below, and forward inspection reports to the operator and/or owner, and the
46 ~~board~~ Department within 30 days of the inspection:

- 47 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;
48 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
49 abatement by enforcement action(s);

50 (3) at the frequency required by the state minimum standards for each type of operation specified in
51 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
52 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
53 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
54 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
55 the environment, and in no case shall the inspection frequency be less than once per calendar year.
56 The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
57 concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
58 an additional risk to public health and safety or the environment in light of the specific circumstances

1 at the operation in question. The Department shall concur or deny the EA-proposed approval within
2 thirty (30) days from receipt.

3 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
4 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
5 safety or the environment. This determination shall be subject to ~~board~~-Department approval. For the
6 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
7 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
8 closure requirements;

9 (A) the ~~board~~-Department may approve an alternate inspection frequency for these sites where
10 such an action will not result in adverse impact on public health and safety and the environment.

11 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
12 with the ~~board~~-Department through a grant program to inspect waste tire facilities, major waste tire
13 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
14 every two and a half years pursuant to 14 CCR Section 18443;

15 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

16 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
17 revision, review, RFI amendment, or closure/postclosure plan; and

18 (8) pursuant to the EPP, for solid waste handling and collection equipment.

19 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
20 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
21 days, during normal business hours or the site's operating hours.

22
23 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
24 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

25 26 27 **Article 3.0. Regulatory Tier Requirements**

28 **§ 18100. Scope.**

29 (a) This Article sets forth the method of application for a tiered solid waste facilities permit,
30 procedures for review and action on an application package, and other requirements associated with
31 regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
32 and other requirements associated with solid waste handling operations. Similar provisions regarding a
33 full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
34 Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

35 (b) The provisions of this Article shall apply only to those operations and facilities as specified in the
36 minimum standards set forth in Chapters 3.0, ~~or~~ 3.1, or 3.2 of Division 7 of this Title.

37 (c) The submittal of an enforcement agency notification (in accordance with section 18103) or
38 issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
39 issued tiered permit.

40 (d) Specific provisions relating to the different types of regulatory tiers may be found below as
41 follows:

- | | |
|---|-------------------------------|
| 42 (1) Excluded | section 18102 |
| 43 (2) Notification of Enforcement Agency | sections 18103 – 18103.3 |
| 44 (3) Registration Permit | sections 18104 – 18104.9; and |
| 45 (4) Standardized Permit | sections 18105 – 18105.11. |

46
47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
49 Sections 40053, 43020, 43021 and 43000-45802, Public Resources Code.

50 **§ 18102. Excluded Solid Waste Handling.**

51 Operators of excluded operations designated by the minimum standards set forth in Division 7 of this
52 Title are not required to notify the enforcement agency or submit an application for a solid waste
53 facilities permit. Nothing in this section precludes the enforcement agency or the ~~board~~-Department
54 from inspecting an excluded operation to verify that the operation is being conducted in a manner that
55 qualifies as an excluded operation or taking any appropriate enforcement action.

56
57
58 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
59 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

1
2 **§ 18103. Enforcement Agency Notification.**

3 (a) The enforcement agency notification provisions of this Article shall apply only to operations as
4 specified in the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title.

5 (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement
6 agency notification as follows:

- 7 (1) Filing Requirements section 18103.1;
8 (2) Record Keeping Requirements section 18103.2; and
9 (3) Termination of Operation section 18103.3.

10 (c) Operations authorized to use the enforcement agency notification tier are required to operate in
11 accordance with the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 applicable
12 to that operation.

13 (d) Nothing in this section precludes the enforcement agency or the ~~board~~ Department from the
14 following: inspecting an operation to verify that the operation is being conducted in a manner that
15 qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in
16 compliance with the minimum standards; or, taking any appropriate enforcement action, including the
17 use of a 'notice and order.'

18
19 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
20 43020, 44100(a), 44101(a) and 45200, Public Resources Code

21
22 **§ 18103.1. Filing Requirements.**

23 (a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency
24 notification shall notify the enforcement agency of its intent to operate in writing prior to commencing
25 operations. This written notification shall be legible and include the following information:

26 (1) The name, address, and phone number of the proposed operation; the name, address, and
27 phone number where the operator can be contacted if these differ from the operation site; and, the
28 name, address, and phone number of the owner if these differ from the operator.

29 (2) The section in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title authorizing eligibility for this
30 tier and a description of the facility's operations, including but not limited to, volume and hours of
31 wastes/material handled, peak and annual loading, and hours of operation.

32 (3) Documentation that the operator has notified the local planning department with jurisdiction
33 over the site of its intent to commence operations. Documentation may include, proof of compliance
34 with CEQA, correspondence from the local planning department that compliance with the California
35 Environmental Quality Act is not required for the operation to obtain local land use approval or written
36 notice to the local planning department of the operator's intent to commence operations.

37 (4) A statement by the owner and operator certifying under penalty of perjury that the information
38 which they have provided is true and accurate to the best of their knowledge and belief.

39 (b) The notification shall be mailed to the enforcement agency "return receipt requested."
40

41 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
42 Public Resources Code.

43
44 **§ 18103.2. Record Keeping Requirements.**

45 The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall
46 be publicly available during normal business hours. The enforcement agency shall forward a copy of
47 the notification to the ~~board~~ Department within five days of receipt. The enforcement agency shall
48 retain a copy of the notification for a minimum of one year after the facility is known to have ceased
49 operations.

50
51 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
52 Public Resources Code.

53
54 **§ 18104. Registration Permit.**

55 (a) The registration permit provisions of this Article shall apply only to solid waste facilities as
56 specified in the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title.

57 (b) A registration permit shall be deemed to incorporated by reference, as terms and conditions of the
58 permit, all minimum standards applicable to it, as set forth in Chapters 3, ~~or 3.1, or 3.2~~, of Division 7.

59 (c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

- 1 (1) Filing Requirements section 18104.1;
- 2 (2) Enforcement Agency Processing Requirements section 18104.2;
- 3 (3) Record Keeping Requirements section 18104.3;
- 4 (4) Completeness Appeal section 18104.4;
- 5 (5) Change in Operation section 18104.5;
- 6 (6) Change in Owner section 18104.6;
- 7 (7) Permit Review & Reissuance section 18104.7;
- 8 (8) Suspend/Revoke section 18104.8, and
- 9 (9) Voiding of a Registration Permit section 18104.9.

10
11 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
12 Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

13
14 **§ 18104.1. Filing Requirements.**

15 Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an
16 application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated
17 herein by reference, with the enforcement agency. The application shall be accompanied by the fee
18 specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See
19 Appendix A.) This application shall contain the following information:

20 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or~~ 3.1, or 3.2 of
21 Division 7 of this Title authorizing eligibility for this tier.

22 (b) General description of the facility including, but not limited to name, location, site map, and
23 location map.

24 (c) Facility information, including, but not limited to, volume and type of waste/material; handled,
25 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

26 (d) Operator information, including identification of the land owner, his/her address and telephone
27 number; identification of the facility operator, his/her address and telephone number; and the
28 address(es) at which process may be served upon the operator and owner.

29 (e) Conformance finding information as follows:

30 (1) Until a countywide or regional agency integrated waste management plan has been approved by
31 the ~~board~~ Department, the application shall include statements that: the facility is identified and
32 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
33 Public Resources Code Section 50000; and that the facility is consistent with the city or county
34 General Plan.

35 (2) After a countywide or regional agency integrated waste management plan has been approved by
36 the ~~board~~ Department, the application shall include a statement that: the facility is identified in either
37 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
38 Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public
39 Resources Code Section 50001.

40 (f) The owner and operator shall each certify under penalty of perjury that the information which they
41 have provided is true and accurate to the best of their knowledge and belief.

42 (g) Evidence that the application form was provided to the director of the local agency that oversees
43 local use planning for the jurisdiction in which the site is located.

44 (h) List of all public hearings and other meetings open to the public that have been held or copies of
45 notices distributed that are applicable to the proposed solid waste facilities permit action.

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
48 Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

49
50 **§ 18104.2. Enforcement Agency Processing Requirements.**

51 ...
52 (g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~ Department
53 and to any person who has so requested in writing.

54 ...

55 ...

56 ...

57 ...

58 ...

59 ...

1 **§ 18104.3. Record Keeping Requirements.**

2 ...
3 (c) The enforcement agency shall forward copies of any written public comments received on an
4 application to the ~~board~~ Department with the registration permit submitted pursuant to section
5 18104.2(f).

6 (d) Subsequent to the transmittal of the registration permit to the ~~board~~ Department, the enforcement
7 agency shall within five days of receipt provide a copy of any additional written public comments to
8 the ~~board~~ Department unless the comment clearly states that a copy has already been provided to the
9 ~~board~~ Department.

10 (e) If an application is denied, the enforcement agency shall retain public comments received on that
11 application for a period of 2 years. If a previously denied permit is approved, all comments received
12 shall be forwarded to the ~~board~~ Department with the copy of the registration permit submitted under
13 subsection (c) above.

14 ...
15 ...
16 **§ 18104.6. Change in Owner.**

17 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
18 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
19 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
20 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
21 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
22 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department
23 within five days of receipt.

24 ...
25 ...
26 **§ 18104.9. Voiding of a Registration Permit.**

27 Every registration permit shall be void 30 days after cessation of operations. Any operator who intends
28 to cease operations shall notify the enforcement agency of his/her last proposed date of operation at
29 least 15 days in advance. The enforcement agency shall forward a copy of this notification to the
30 ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary operational
31 shutdowns which are seasonal or intermittent in nature.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 43020, 43021 and 43000-45802, Public Resources Code.

35
36 **§ 18105. Standardized Permit.**

37 (a) The standardized permit provisions of this Article shall apply only to solid waste facilities as
38 specified in the minimum standards set forth in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of the Title.

39 (b) A standardized permit obtained pursuant to this Article shall contain only those terms and
40 conditions applicable to the type of facility receiving it as set out in the minimum standards for that
41 type of facility.

42 (c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as
43 follows:

- 44 (1) Filing Requirements section 18105.1;
- 45 (2) Enforcement Agency Processing Requirements section 18105.2;
- 46 (3) Record keeping Requirements section 18105.3;
- 47 (4) Completeness Appeal section 18105.4;
- 48 (5) ~~Board~~ Department Processing Requirements section 18105.5;
- 49 (6) Appeal of Decision section 18105.6;
- 50 (7) Change in Operation section 18105.7;
- 51 (8) Change in Owner section 18105.8;
- 52 (9) Permit Review section 18105.9;
- 53 (10) Suspend/Revoke section 18105.10; and
- 54 (11) Voiding of a Standardized Permit section 18105.11.

55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
57 Sections 43020, 43021 and 43000-45802, Public Resources Code.

1 **§ 18105.1. Filing Requirements.**

2 Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an
3 application in duplicate with the enforcement agency accompanied by the fee specified by the
4 enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall
5 contain the following information:

6 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or 3.1, or 3.2~~ of
7 Division 7 of this Title authorizing eligibility for this tier.

8 (b) General description of the facility including, but not limited to name, location, site map, and
9 location map.

10 (c) Facility information, including, but not limited to, volume and types of waste/material handled,
11 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

12 (d) Operator information, including identification of the land owner, his/her address and telephone
13 number; identification of the facility operator, his/her address and telephone number; and the
14 address(es) at which process may be served upon the operator and owner.

15 (e) A Report of Facility Information that contains all of the information required by the applicable
16 section(s) of Article 3.2, Chapter 5, of this Division.

17 (f) One of the following:

18 (1) Evidence that there has been compliance with the California Environmental Quality Act, Division
19 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

20 (2) Information on the status of the application's compliance with the California Environmental
21 Quality Act regarding the facility. Once there has been compliance with the California Environmental
22 Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement
23 agency.

24 (g) Conformance finding information as follows:

25 (1) Until a countywide or regional agency integrated waste management plan has been approved by
26 the ~~board~~ Department, the application shall include statements that: the facility is identified and
27 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
28 Public Resources Code Section 50000; and that the facility is consistent with the city or county
29 General Plan.

30 (2) After a countywide or regional agency integrated waste management plan has been approved by
31 the ~~board~~ Department, the application shall include a statement that: the facility is identified in either
32 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
33 Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be
34 identified in any of these elements pursuant Public Resources Code Section 50001.

35 (h) The owner and operator shall each certify under penalty of perjury that the information provided
36 is true and accurate to the best of their knowledge and belief.

37 (i) Evidence that the application form was provided to the director of the local agency that oversees
38 local use planning for jurisdiction in which the site is located.

39 (j) List of all public hearings and other meetings open to the public that have been held or copies of
40 notices distributed that are applicable to the proposed solid waste facilities permit action.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

44
45 **§ 18105.2. Enforcement Agency Processing Requirements.**

46 ...
47 (g) Within fifteen days of acceptance of an application for filing:

48 (1) The enforcement agency shall evaluate the information provided in the application and the
49 proposed facility to determine whether or not the facility will be able to operate in compliance with the
50 applicable minimum standards and standardized solid waste facilities permit terms and conditions.

51 (2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

52 (3) If the enforcement agency finds that the application and facility meet the requirements set forth
53 in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed
54 standardized permit, application package, and the results of any analysis to the ~~board~~ Department.
55 The enforcement agency shall further provide the applicant with a copy of the proposed standardized
56 permit submitted to the ~~board~~ Department. In addition, the enforcement agency shall provide a copy
57 of the proposed standardized permit to any person who has so requested in writing.

1 (4) If the enforcement agency finds that the application or facility do not meet the requirements set
2 forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy
3 of the rejected application accompanied by an explanation shall be mailed to the applicant.

4 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
5 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
6 the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
7 requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
8 Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
9 been submitted within 120 days of the application's acceptance for filing, the enforcement agency
10 shall reject the application and not issue the standardized permit.

11 (i) Once the ~~board-Department~~ has concurred in the issuance of the proposed standardized permit,
12 pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

13 (j) If the ~~board-Department~~ objects to the proposed standardized permit, the enforcement agency
14 shall notify the applicant in writing of the ~~board-Department~~'s decision, and the reasons for that
15 decision, within five days of receipt of that decision.

16 ...

17 **§ 18105.3. Record Keeping Requirements.**

18 ...

19 (c) The enforcement agency shall forward copies of any written public comments received on a
20 pending application to the ~~board-Department~~ with the proposed standardized permit submitted
21 pursuant to section 18105.2(g).

22 (d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall
23 within five days of receipt provide a copy of any additional written public comments to the ~~board-
24 Department~~, unless the comment clearly states that a copy has already been provided to the ~~board-
25 Department~~.

26 ...

27 **§ 18105.5. ~~Board-Department~~ Processing Requirements.**

28 (a) The ~~board-Department~~ shall mark the proposed standardized permit with the date of receipt.

29 (b) The ~~board-Department~~ shall evaluate the application package and the proposed standardized
30 permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

31 (c) Within 30 days of receipt of a proposed standardized permit, the ~~board-Department~~ shall either
32 concur in or object to the issuance of the proposed standardized permit.

33 (d) If the proposed standardized permit contains terms and conditions not authorized by the minimum
34 standards and the permit is otherwise in conformance with these regulations, any additional
35 unauthorized terms and conditions shall be stricken. The ~~board-Department~~ shall concur in the edited
36 standardized permit.

37 (e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the ~~board-
38 Department~~ shall notify the enforcement agency of its determination in writing. If the ~~board-
39 Department~~ objects, the reasons for the objection shall be provided to the enforcement agency.

40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
41 Sections 43020, 43021 and 43000-45802, Public Resources Code

42 **§ 18105.6. Appeal of Decision.**

43 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
44 18105.2(g)(3) or of the ~~Board-Department~~ taken pursuant to section 18105.5 to the enforcement
45 agency within 15 days of the date that the decision was received. Such an appeal must be in writing
46 and specify the grounds for the appeal. A final written determination on the appeal shall be made by
47 the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
48 Code, no later than 60 days after receipt of the applicant's appeal.

49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
50 Sections 43020, 43021 and 43000-45802, Public Resources Code

51 **§ 18105.8. Change in Owner.**

52 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
53 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the

1 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
2 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
3 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
4 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department
5 within five days of receipt.
6 ...
7

8 **§ 18105.9. Permit Review and Reissuance.**

9 ...
10 (d) If an operator files a certification as specified in subsection (c) above or a new application
11 pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
12 18105.2 and 18105.3 and the ~~board~~ Department shall follow the procedures set forth in Section
13 18105.5.
14 ...
15

16 **§ 18105.11. Voiding of a Standardized Permit.**

17 Every standardized permit shall be void 30 days after cessation of operations. Any operator who
18 intends to cease operations shall notify the enforcement agency of his/her last proposed date of
19 operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
20 to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary
21 operational shutdowns which are seasonal or intermittent in nature.
22

23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
24 Sections 43020, 43021 and 43000-45802, Public Resources Code.
25
26

27 **Article 3.2. Reports of Facility Information**

28
29 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

30 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
31 Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
32 (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
33 Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
34 the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
35 amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
36 permit. The Plan shall contain the following:

37 (a) name(s) of the operator, owner, and the company they represent, if applicable;

38 (b) schematic drawing of the building and other structures showing layout and general dimensions of
39 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

40 (c) descriptive statement of the manner in which activities are to be conducted at the facility;

41 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
42 material processing, each set of hours may be stated. For facilities with continuous operations,
43 indicate the start of the operating day for purpose of calculating amount of waste received per
44 operating day. The operator may also indicate whether or not, and when, other activities, such as
45 routine maintenance will take place, if those activities will occur at times other than those indicated
46 above;

47 (e) total acreage contained within the operating area;

48 (f) facility design capacity including the assumptions, methods, and calculations performed to
49 determine the total capacity;

50 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
51 was figured from records of cubic yards, include the conversion factor used;

52 (h) description of the methods used by the facility to comply with each state minimum standard
53 contained in sections 17896.17 through 17896.61;

54 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
55 of any wastewater;

56 (j) description of provisions to handle unusual peak loading;

57 (k) description of transfer, recovery and processing equipment, including classification, capacity and
58 the number of units;

59 (l) planned method for final disposal of the solid waste;

- 1 (m) planned method for the storage and removal of salvaged material;
- 2 (n) resume of management organization which will operate the facility;
- 3 (o) An Odor Impact Minimization Plan pursuant to section 17896.31.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
6 Sections 40053, 43020 and 43021, Public Resources Code.

7
8 **§ 18221.6.1. In-Vessel Digestion Report.**

9 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
10 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
11 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
12 Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to
13 maintain an existing permit, the operator must file amendments as required in section 17896.15 of
14 this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack
15 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
16 shall contain the following:

- 17 (a) name(s) of the operator, owner, and the company they represent, if applicable;
- 18 (b) facility specifications or plans, to include: a site location map, a site map, and identification of
19 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
20 of the facility property line;
- 21 (c) schematic drawing of the building and other structures showing layout and general dimensions of
22 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
- 23 (d) descriptive statement of the manner in which activities are to be conducted at the facility;
- 24 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
25 material processing, each set of hours may be stated. For facilities with continuous operations,
26 indicate the start of the operating day for purpose of calculating amount of waste received per
27 operating day. The operator may also indicate whether or not, and when, other activities, such as
28 routine maintenance will take place, if those activities will occur at times other than those indicated
29 above;
- 30 (f) total acreage contained within the operating area;
- 31 (g) facility design capacity including the assumptions, methods, and calculations performed to
32 determine the total capacity;
- 33 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage
34 was figured from records of cubic yards, include the conversion factor used;
- 35 (i) description of the methods used by the facility to comply with each state minimum standard
36 contained in sections 17896.17 through 17896.61;
- 37 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
38 of any wastewater;
- 39 (k) description of provisions to handle unusual peak loading;
- 40 (l) description of transfer, recovery and processing equipment, including classification, capacity and
41 the number of units;
- 42 (m) planned method for final disposal of the solid waste;
- 43 (n) planned method for the storage and removal of salvaged material;
- 44 (o) resume of management organization which will operate the facility;
- 45 (p) list of permits already obtained, and the date obtained or last revised;
- 46 (q) An Odor Impact Minimization Plan pursuant to section 17896.31.

47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
49 Sections 40053, 43020 and 43021, Public Resources Code

50
51 **§ 18227. Report of Composting Site Information.**

52 Each operator of a compostable material handling facility that is required to obtain a Compostable
53 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
54 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
55 section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
56 specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
57 with section 18104) shall, at the time of application, file a Report of Composting Site Information with
58 the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
59 contain the following:

- 1 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
2 and amendments.
3 (b) A descriptive statement of the operations conducted at the facility.
4 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
5 in the production of compost including, but not limited to, unloading, storage, processing, parking,
6 and loading areas.
7 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
8 insects, for example, how the operator will store, process and incorporate food material and
9 vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
10 and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
11 control measures.
12 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
13 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
14 length of time compostable materials will be stored at the facility.
15 (g) A description of compostable materials handling equipment used at the facility including type,
16 capacity, and number of units.
17 (h) Anticipated annual operation capacity for the facility in cubic-yards.
18 (i) A description of provisions to handle unusual peak loadings.
19 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
20 nonmarketable residues.
21 (k) A description of the water supplies for process water required.
22 (l) Identification of person(s) responsible for oversight of facility operations.
23 (m) A description of the proposed site restoration activities, in accordance with section 17870.
24 (n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator
25 to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as
26 food material or vegetative food material.

27
28 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
29 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.
30

31 **Article 4. Enforcement by EA and Review by ~~Board~~ Department**

32 **§ 18302. Written Complaints of Alleged Violations.**

33
34 (a) Any person having information alleging a facility or operation is being operated without a required
35 permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
36 state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
37 permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
38 file a complaint regarding such allegation in writing to the EA. ~~The compliant~~ complaint shall include
39 the following:
40

41 (1) The name, address and telephone number of the person making the complaint, however nothing
42 in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
43 identity of the reporting party from the complaint;

44 (2) The identity and location, if known, of the facility or operation and the names and addresses, if
45 known, of the persons responsible for the violation;

46 (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

47 (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
48 investigating the complaint, including but not limited to information relating to witnesses and physical
49 evidence.

50 (b) The person making the complaint may forward a copy to the ~~board~~ Department.

51 (c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
52 whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
53 or condition or any related state solid waste law or regulation. The EA shall make its determination on
54 the basis of the substance of the allegations rather than on the basis of the complaint's technical
55 compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
56 facts constituting a violation of a state minimum standard, permit term or condition or related state
57 solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
58 the complaint if an address is given and place a copy in its files.

1 (d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior
2 to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the
3 following:

4 (1) The date and time the EA arrived and departed within the complaint area.

5 (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
6 high wind speed, humidity, and temperature.

7 (3) If odor is detected, the EA shall:

8 (A) Record the location where odor was observed, such as the street address, latitude/longitude,
9 tax parcel number, etc.

10 (B) Verify the odor event at the complainant's location and ascertain if the odor is interfering with
11 the complainant's use and enjoyment of the property.

12 (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid
13 waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

14 (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
15 The EA should consult with the operator to determine if there were unusual operational changes or
16 atypical feedstocks accepted during the time of the complaint(s).

17 ~~(de)~~ The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
18 because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
19 that ground, it shall so advise the complaining party in writing at the address given in the complaint if
20 an address is given and place a copy in its files.

21 ~~(ef)~~ Except as provided in subsection (c) or subsection ~~(de)~~ of this section, the EA shall commence an
22 investigation of the facts alleged in the complaint.

23 ~~(fg)~~ If an LEA has a complaint review and investigation initiation procedure that contains substantially
24 the same basic requirements as this section, and accomplishes the intended purposes of this section
25 within its ~~board-Department~~-approved EPP, it may follow that equivalent process in lieu of subsections
26 (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
27 complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
28 her complaint will receive appropriate attention.

29 ~~(gh)~~ If the ~~board-Department~~ receives a complaint in a jurisdiction where it is not the EA, the
30 complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
31 already received a copy from the complaining party.

32
33 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
34 43209, 44012, 44015 and 45000-45024, Public Resources Code.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste

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 ~~a~~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.] ~~a~~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:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

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 ~~a~~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 ~~a~~Application by ~~CIWMB-CalRecycle/LEA/RWQCB staff.~~

Date Received: The date the ~~EA or RWQCB receives the a~~Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts ~~the a~~Application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA ~~rejects~~ determines that the ~~a~~Application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete ~~a~~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 ~~a~~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 foot print, 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~~ 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 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.

1 7. **Contaminated Soil:** ~~Waste which contains designated or nonhazardous concentrations and has~~
2 ~~been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency~~ Soil
3 that the RWQCB or the Local Oversight Agency has classified as a designated waste.

4 8. **Dead Animals:** Animal carcasses requiring disposal that have **not** been previously used for
5 medical purposes and are not known to have been infected or with known infectious diseases.

6 9. **Industrial:** Solid or semi-solid wastes resulting from industrial processes and manufacturing
7 operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste
8 water treatment facility, etc.

9 10. **Inert:** Solid waste and recyclable materials that are source separated or separated for reuse,
10 do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water
11 quality objectives and do not contain significant quantities of decomposable waste. Inert debris may
12 not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the
13 putrescible wastes do not constitute a nuisance, as determined by the EA.

14 11. **Liquids:** Wastes which are not ~~spadeable~~ spadable, usually containing less than 50% solids.
15 These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler
16 blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings,
17 rendering plant byproducts, some sewage sludge, etc.

18 12. ~~Mixed- or Municipal Solid Waste (MSW):~~ Solid waste generated primarily by residential
19 and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts
20 of other solid waste that, when mixed together, is all handled as MSW. ~~Residential waste is commonly~~
21 ~~thought of as household garbage, commercial wastes contain less putrescible waste and more paper~~
22 ~~and cardboard.~~

23 13. **Sewage Sludge:** Human (not industrial) residue, excluding grit or screenings, removed from a
24 wastewater treatment facility or septic tank, whether in a dry or semidry form.

25 14. **Waste Tires:** ~~Discarded tire casings~~ Tires that are no longer mounted on a vehicle and are no
26 longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's
27 original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not
28 organized for inspection in a rack or a stack.

29 15. **Other:** Any allowable wastes not included in the above.
30

31 Part 3. FACILITY INFORMATION

32 **A. Proposed Change:** Check the box that identifies the type of change proposed. Briefly
33 describe the proposed change in the space provided.

34 —1. **Design Change:** A design change would include but is not limited to: change in footprint,
35 acreage, additional capacity, site improvements, etc.

36 —2. **Operation:** A change in operation would include but is not limited to: change in hours or days of
37 operation, the addition of an activity, tonnage changes, etc.

38 —3. **Owner, Operator, Address, and/or Facility Name Change:** Complete if there is a change in
39 the owner, operator, address, or facility name.

40 —4. **Other:** This type of change includes, but is not limited to: change in emergency contact list, etc.
41 For an application for permit review, if there are no changes, so indicate.

42 **AB. Facility Information**

43 1. **Information Applicable To All Existing Facilities:** This portion of Part 3 ~~the Application~~ must
44 be filled out by every applicant regardless of the type of facility.

45 a. **Peak Maximum Daily Tonnage or Cubic Yards:** The ~~peak (maximum) total amount of solid~~
46 ~~waste and other material the facility applicant is permitted authorized by the EA to receive through the~~
47 ~~gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-~~
48 ~~to-day operations (include information on all other material authorized by the EA to receive in the~~
49 ~~Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not~~
50 ~~available or not applicable provide this specify the amount in cubic yards with a conversion factor. This~~
51 ~~will be referred to as the "permitted maximum tonnage" and is considered the facility maximum~~
52 ~~tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of~~
53 ~~Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance~~
54 ~~documentation and/or within the scope of the analysis in a CEQA review, if any, that was being~~
55 ~~conducted at the time the application was submitted. Volume figures should be converted to tons and~~
56 ~~the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP~~
57
58

1 and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
2 must equal the maximum daily tonnage.

3 1. **Disposal/Transfer:** The amount of ~~material solid waste~~ that comes through the gate and is
4 disposed of on-site or transferred off-site as waste; and

5 2. **Other:** That amount of all other material received at the site, including, but not limited to,
6 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
7 other on-site projects), stored or processed. ~~Note: 1 and 2 should equal the peak daily tonnage or~~
8 ~~cubic yards.~~

9 b. **As-Designed Daily Design-Tonnage (TPD) or Cubic Yards:** For landfills, the maximum
10 ~~daily tonnage amount of solid waste and other material~~ that the facility is designed to receive and
11 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
12 month) based on appropriate factors including, but not limited to, size of ~~working face~~ the operating
13 areas, vehicle traffic ~~considerations,~~ hours of operation, personnel, equipment operational limits, etc.
14 For other facilities, ~~it is the maximum amount of solid waste and other material~~ the facility is designed
15 to ~~handle receive and process at any one time on an ongoing bases over an extended period of time~~
16 (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited
17 to, vehicle traffic ~~consideration,~~ facility size, hours of operations, length of material storage, type of
18 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
19 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
20 factor. ~~The as-Designed tonnage-value may be equal to or greater than the peak maximum daily~~
21 ~~tonnage value.~~

22 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
23 activities are authorized by the EA to occur and are permitted. ~~This includes~~ the area of the facility in
24 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
25 managing equipment management area, or any area that is required to maintain compliance with the
26 design and operating parameters of the facility. The facility size is the same as "operating area" for
27 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
28 boundaries" for transfer/processing facilities and landfills.

29 d. **Peak-Maximum Traffic Volume Per Day (vpd):** ~~The estimated maximum number of~~
30 ~~vehicles that will authorized by the EA to enter the facility on a daily basis.~~ This number ~~should~~
31 ~~include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including~~
32 ~~vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or~~
33 ~~material intended for beneficial reuse.~~ This number must be consistent with the approved RFI and any
34 CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
35 any, that was being conducted at the time the application was submitted.

36 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
37 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
38 of operation. This information must be consistent with the approved RFI and any CEQA existing
39 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
40 being conducted at the time the application was submitted. Any activities that are limited to
41 prescribed days and/or hours should be fully described in the RFI.

42 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
43 of the Application must be filled out by every applicant requesting a change to any item(s) listed
44 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
45 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
46 submitted as part of the Application. The EA will review the requests and establish the terms and
47 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
48 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
49 WDRs for those requests that are supported by documents submitted by the applicant. Use the
50 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

51 23. **Additional Information Required For Compostingable Materials Handling Facilities**
52 **Only:** This portion of Part 3, section B2, ~~in addition to Part 3, section B1,~~ the Application must be filled
53 out by the applicant if composting-handling compostable materials is part of this Application.

54 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
55 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
56 any one time.

57 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, ~~in~~
58 ~~addition to Part 3, section B1,~~ the Application must be filled out by the applicant if a landfill is part of
59 this the Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for

1 *emphasis.*] sections of the aApplication must be filled out completely [*Note to OAL and publisher: No*
2 *proposed change. Existing text underlined for emphasis.*].

3 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
4 ~~received~~ placed in a waste management unit for each operating day on a yearly basis (calendar year)
5 for the next five years. Do not use non-operating days in ~~estimated~~ calculating the average daily
6 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~ maximum daily
7 tonnage. Report as tons per day (TPD).

8 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
9 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
10 the top of the final cover) taking into consideration design slopes, benches, and other design features,
11 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
12 Capacity.

13 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
14 or potentially resulting from this permit aApplication.

15 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
16 used to date. See Date of Capacity Information below.

17 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
18 remaining, not including any proposed site capacity. If the remaining capacity information provided is
19 based on estimates of capacity used since the last physical site survey, please explain the
20 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
21 etc. See Date of Capacity iInformation below.

22 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
23 capacities in Part 3 were determined. This date may predate the aApplication date by no more than
24 three months. Amendments of the aApplication including more current capacities may be required.

25 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
26 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
27 Part 6, Section B for more details).

28 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
29 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
30 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
31 (e.g., conditional use permit date, etc.)

32 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
33 will be referred to as "permitted disposal area."

34 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
35 based upon any planned expansions not currently proposed, whether within or outside the current
36 permitted boundary.

37 k. Provide oOne of the following:

38 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
39 density is the estimated or measured density of in-place waste material achieved by mechanical or
40 other means in the development of the current lift of the current operating waste cell, and

41 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
42 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
43 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
44 should include only soil or approved daily or intermediate alternative cover that is not considered a
45 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
46 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
47 ~~CIWMB-CalRecycle~~ is reported, or

48 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
49 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
50 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
51 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
52 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.

54
55 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

56
57 **A. Municipal or Utility Service:** Give name and address of the water purveyor.

58 **B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

59 **C. Surface Supply:**

- 1 1. Provide the name of any stream, lake, spring, etc, if identified.
- 2 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
- 3 3. If a state permit or license has been granted, give identification number.

4 **D. Other:** Enter any water source(s) not identified above.

6 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

7
8
9 **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.

10
11 1. If an environmental document was prepared:

- 12 • If an environmental document has already been prepared and circulated through the SCH and there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box that is checked.
- 13 • 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#."
- 14 • 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.

15
16
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19
20
21 2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

22 EXAMPLE ONLY:

23 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.

24
25 **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.

- 26 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

27 EXAMPLE ONLY:

28 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."

39 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

40
41
42 All attachments are necessary parts of the Application and are incorporated herein.

43 **A.** Section A ~~of Part 6~~ must be completed by all applicants regardless of the type of facility.

44 **B.** Section B ~~of Part 6~~ is additional documents required ~~must be completed only~~ by landfill applicants ~~only~~ for disposal facilities.

- 45 • 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.
- 46 • 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.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
4 corrective action cost estimate and a copy of the non-water release corrective action cost
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal sites-facilities permitted for to receive more than 20
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
8 frequently as determined by the enforcement agency-EA. For disposal sites-facilities permitted for
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
10 ten years. If not previously submitted, survey results must be included with this aApplication.
11 Survey results must be submitted as a CADD or vector graphics data file including at least two
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
15 be included. For each stratum the following information shall be included: site name, stratum
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
19 surface is uncertain, the operator is allowed to provide the best available information as a
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
21 provide an explanation of the basis for using the substitute base ground surface.
22

23 For the purposes of this section the following definitions apply:

- 24 ~~A~~1. "base ground surface" - the best available excavation plan surface that existed prior to the
25 placement of any waste;
- 26 ~~B~~2. "CADD" -computer aided design and drafting;
- 27 ~~C~~3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
29 provided for the basis of the volumetric correction;
- 30 ~~D~~4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
31 upper surface;
- 32 ~~E~~5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 ~~F~~6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
35 provided for the basis of the volumetric correction;
- 36 ~~G~~7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 ~~H~~8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
38 the disposal site;
- 39 ~~I~~9. "net volume" - the fill volume less the cut volume;
- 40 ~~J~~10. "site name" - the name of the disposal site for which the survey information is being
41 submitted;
- 42 ~~K~~11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
43 upper and lower surfaces;
- 44 ~~L~~12. "stratum name" - a descriptive name for the stratum for which volumetric information is being
45 submitted, e.g., total volume including proposed expansion;
- 46 ~~M~~13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
47 ground surface and proposed finished ground surface;
- 48 ~~N~~14. "survey" -a comprehensive examination of the disposal site under the direction of a registered
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 ~~O~~15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
52 direction, thickness, color and other attributes;
- 53 ~~P~~16. "volume calculation method" - grid, composite, section or other method approved by the
54 enforcement agency-EA;
- 55 ~~C. Section C of Part 6 specifies is additional documents required only if applicable for the type of~~
56 ~~facility to be covered under this aApplication as required by the EA or RWQCB. Under "Other," identify~~
57 ~~and list any other necessary documents not included-specified above but that are required by the EA~~
58 ~~or RWCB under applicable law, such as, if the operator is different from landowner, attach a lease or~~
59 ~~franchise-other agreement documenting the operator's interest in and right to use the site as a solid~~

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business owner~~ of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government public agency~~.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part~~, the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility~~where legal notice may be served~~.

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business operator filing this Application~~ is a sole proprietorship,
22 partnership, corporation, or ~~government public agency~~.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an a~~ facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility~~where legal notice may be served~~.

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** ~~The A person(s) or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** ~~The A person(s) or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.

45
46 **Part 10. OTHER:**

47
48 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)

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. California Integrated Waste Management Board

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
22 Sections 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23
24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

32 All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
33 comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
34 Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
35 operations shall be inspected by the enforcement agency at least once ~~quarterly~~ every three (3)
36 months unless the enforcement agency approves, with Department concurrence, a reduced inspection
37 frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
38 pose an additional risk to public health and safety or the environment but in no case shall the
39 frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
40 enforcement agency and Department requirements regarding the approval or denial of requests for
41 reducing the frequency of inspections.]

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
44 Sections 43020 and 43021, Public Resources Code.

45
46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

4 (c) A new Enforcement Agency Notification is required any time there are changes to information
5 required by this section.

6 (d) These operations ~~may shall~~ be inspected by the enforcement agency ~~as necessary for the~~
7 ~~protection of public health, safety and the environment every three (3) months unless the~~
8 ~~enforcement agency approves, with Department concurrence, a reduced inspection frequency. The~~
9 ~~enforcement agency may approve a reduced inspection frequency only if it will not pose an additional~~
10 ~~risk to public health and safety or the environment but in no case shall the frequency be less than~~
11 ~~once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and~~
12 ~~Department requirements regarding the approval or denial of requests for reducing the frequency of~~
13 ~~inspections.]~~

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 43020 and 43021, Public Resources Code.

17 18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 21 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 22 **Regulatory Requirements.**

23
24 (a) A site that receives only construction and demolition debris and inert debris (CDI) and which
25 meets the requirements of this section shall be classified as a CDI recycling center. A site that receives
26 only inert debris and which meets the requirements of this section shall be classified as an inert debris
27 recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any
28 other requirements of this Article except as specified in this section.

29 (1) The CDI debris that a CDI recycling center receives shall have been separated at the point of
30 generation.

31 (A) For the purposes of this section, “separated at the point of generation” means that the
32 material has been separated from the solid waste stream by the generator of that material or by a
33 processor prior to receipt at a CDI recycling center and has not been commingled with other solid
34 waste or recyclable materials. For example, each material type must be transferred in separate
35 containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled
36 in a single container.

37 (2) An inert debris recycling center shall receive only Type A inert debris that is source separated or
38 separated for reuse. The inert debris may be commingled in a single container.

39 (b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

40 (1) The residual shall be less than 10% by weight of the amount of debris received at the site,
41 calculated on a monthly basis. Recycling center operators may report their residual percentage to the
42 EA and the ~~board~~ Department on Form CIWMB 607 (see Appendix A).

43 (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by
44 volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible
45 wastes shall not constitute a nuisance, as determined by the EA.

46 (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited
47 at CDI recycling centers.

48 (d) The following storage time limits apply to CDI recycling centers:

49 (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or
50 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
51 including the use of a Notice and Order as provided in section 18304.

52 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for
53 more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore subject
54 to enforcement action, including the use of a Notice and Order as provided in section 18304.

55 (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism
56 pursuant to section 17384(c) has been approved by the ~~board~~ Department.

57 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
58 to the time specified in a land use entitlement for the site that has an express time limit for the
59 storage of materials.

1 (5) CDI recycling center storage time limits may be extended for a specified period, if the operator
2 submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of
3 substantial evidence, that the additional time does not increase the potential harm to public health,
4 safety and the environment. The EA may consult with other public agencies in making this
5 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
6 findings shall be in writing.

7 (e) The following storage limits apply to inert debris recycling centers:

8 (1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or
9 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
10 including the use of a Notice and Order as provided in section 18304.

11 (2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site
12 for more than ~~18~~12 months, shall be deemed to have been unlawfully disposed and therefore subject
13 to enforcement action, including the use of a Notice and Order as provided in section 18304.

14 (3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an
15 inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material
16 production facility.

17 (4) Storage time limits do not apply to Type A inert debris recycling centers where a financial
18 assurance mechanism pursuant to section 17384(c) has been approved by the ~~board~~Department.

19 (5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the
20 time specified in a land use entitlement for the site that has an express time limit for the storage of
21 materials.

22 (6) Inert debris recycling center storage limits may be extended for a specified period, if the
23 operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the
24 basis of substantial evidence, that the additional time does not increase the potential harm to public
25 health, safety and the environment. The EA may consult with other public agencies in making this
26 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
27 findings shall be in writing.

28 (f) Nothing in this section precludes the EA or the ~~board~~Department from inspecting a site to verify
29 that it is and has been operating in a manner that meets the requirements of this section, or from
30 taking any appropriate enforcement action, including the use of a Notice and Order as provided in
31 section 18304.

32 (g) In evaluating whether or not a particular site is in compliance with this section, the EA shall,
33 among other things, do the following:

34 (1) If the EA has reason to believe that each load of debris received at a recycling center is not
35 separated at the point of generation, is not source separated or is not separated for reuse, as
36 applicable, or that the residual exceeds 10% of the total debris received per month, or that the
37 amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or
38 material is being stored in excess of the applicable storage limits, or that upon request no evidence is
39 provided by the owner and operator that the stored debris is being accumulated for viable reuse, or
40 that the site is not in compliance with any other requirement in this section, the EA may require the
41 owner or operator to provide evidence that the recycling center is in compliance. The burden of proof
42 shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

43 (2) At the time that the EA requires a recycling center to provide evidence that it is in compliance
44 with this section, the EA shall provide the owner and operator of the recycling center a written
45 description of the information that has caused the EA to believe that the recycling center is not in
46 compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying
47 information regarding any person(s) who has complained about the recycling center.

48 (h) Sites which do not meet the applicable requirements of this section do not qualify as recycling
49 centers and shall comply with this Article and all laws and regulations applicable to them. The burden
50 of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are
51 not subject to the requirements of this Article.

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53 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: 40053,
54 43020 and 43021, Public Resources Code.

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56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

3 (1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA
4 Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing
5 at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless
6 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
7 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
9 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
10 of requests for reducing the frequency of inspections.]

11 (2) A medium volume C&D wood debris chipping and grinding operation shall comply with the
12 Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0,
13 commencing at section 18100 et seq.

14 (3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit
15 tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with
16 section 21563.

17 (4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
18 irregular intervals.

19 (5) Except as otherwise specified in this section, small volume C&D wood debris chipping and
20 grinding activities shall comply with all requirements applicable to small volume CDI debris processing
21 operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all
22 requirements applicable to medium volume CDI processing facilities, and large volume C&D wood
23 debris chipping and grinding facilities shall comply with all requirements applicable to large volume
24 CDI debris processing facilities.

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26 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

27 All small volume CDI debris processing operations shall comply with the EA Notification requirements
28 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
29 operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify
30 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
31 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
32 additional risk to public health and safety or the environment but in no case shall the frequency be
33 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
34 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

35 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
36 irregular intervals. The operator shall specify the operation's boundary area in the operating record.

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38 **§ 17383.7. Inert Debris Type A Processing Operations.**

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40 (f) These operations shall be inspected by the EA at least once every three (3) months to verify
41 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
42 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
43 additional risk to public health and safety or the environment but in no case shall the frequency be
44 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
45 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
46 ~~Inspections shall be conducted quarterly.~~ To the greatest extent possible, all inspections shall be
47 unannounced and shall be conducted at irregular intervals.

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1 with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
2 inspection frequency only if it will not pose an additional risk to public health and safety or the
3 environment but in no case shall the frequency be less than once per calendar year. [Note: See
4 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
5 of requests for reducing the frequency of inspections.]~~Inspections shall be conducted quarterly, unless~~
6 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
7 ~~than annual.~~

8 ...

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11 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**

12 **§ 17403.1. Excluded Operations.**

13 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
14 Articles and are not required to meet the requirements set forth herein:

15 ...

16 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
17 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
18 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
19 Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).

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Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

41 **§ 17403.3. Limited Volume Transfer Operations.**

42 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
43 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
44 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
45 ~~necessary~~ at least once every three (3) months to verify compliance with minimum standards unless
46 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
47 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
48 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
49 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
50 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly,~~
51 ~~unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less~~
52 ~~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.

1 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory**
2 **Requirements**

3
4
5 **Article 1. General**

6
7 **§ 17852. Definitions.**

8 (a) For the purposes of this Chapter:

9 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
10 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
11 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
12 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

13 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
14 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
15 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
16 feedstock.

17 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
18 blow or draw air through the pile. Little or no pile agitation or turning is performed.

19 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
20 presence of oxygen.

21 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
22 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
23 viticulture and similar activities undertaken for the production of food or fiber for human or animal
24 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
25 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
26 generation, and which contains no other solid waste. With the exception of grape pomace, agricultural
27 material has not been processed except at its point of generation and has not been processed in a way
28 that alters its essential character as a waste resulting from the production of food or fiber for human
29 or animal consumption or use. Material that is defined in this section 17852 as "food material" or
30 "vegetative food material" is not agricultural material. Agricultural material includes, including but is
31 not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

32 (6) "Agricultural Material Composting Operation" means an operation that produces compost from
33 green or agricultural material, additives, and/or amendments.

34 (7) "Amendments" means materials added to stabilized or cured compost to provide attributes for
35 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
36 Amendments do not include septage, biosolids, or compost feedstock.

37 (8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the
38 absence of oxygen.

39 (9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic
40 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
41 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.
42 Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge
43 incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a
44 treatment works.

45 (10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not
46 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
47 compostable material and:

48 (A) The site does the following:

49 1. The site handles only material, excluding manure, allowed at a green material composting
50 operation or facility as set forth in section 17852(a)(22); and,

51 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
52 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
53 time does not increase the potential for violations of this Chapter.

54 (B) If the site fails to meet the definition of green material because it exceeds the contamination
55 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
56 Regulatory requirements (commencing at section 17400).

57 (C) If the site fails to meet the definition of this section because the green material remains on-
58 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
59 material handling operation or facility, as set forth in this Chapter.

1 (11) "Compostable Material" means any organic material that when accumulated will become active
2 compost as defined in section 17852(a)(1).

3 (12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that
4 processes, transfers, or stores compostable material. Handling of compostable materials results in
5 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
6 and storage activities related to the production of compost, compost feedstocks, and chipped and
7 ground materials. "Compostable Materials Handling Operation or Facility" does not include activities
8 excluded from regulation in section 17855. "Compostable Materials Handling Operation or Facility" also
9 includes:

- 10 (A) agricultural material composting operations;
- 11 (B) green material composting operations and facilities;
- 12 (C) vegetative food material composting facilities;
- 13 (D) research composting operations; and,
- 14 (DE) chipping and grinding operations and facilities.

15 (13) "Curing" means the final stage of the composting process that occurs after compost has
16 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
17 metabolized material has been decomposed and stabilized.

18 (13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material
19 has been processed in an in-vessel digester, as defined in section 17896.2(a)(12). Digestate intended
20 to be composted pursuant to this Chapter may only be handled at a facility that has obtained a
21 Compostable Materials Handling Facility Permit pursuant to section 17854.

22 (14) "Domestic Sewage" means waste and wastewater from humans or household operations that is
23 discharged to or otherwise enters a treatment works.

24 (15) "Disposal of compostable material" means:

25 (A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1
26 pursuant to Section 17855;

27 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
28 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration
29 requirements of section 17868.2, onto on land for a combined period of time greater more than six
30 months 30 days, except as provided in subdivision (A) 3.; or

31 3. storing or stockpiling more than 200 cubic yards of agricultural material and, green material,
32 or compost for more than twelve months on prime land that is zoned for agricultural land uses as
33 defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA
34 applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that
35 storing or stockpiling the material more than 12 months will not adversely affect the public health and
36 safety or the environment may remain within the operations area for a period of time greater than
37 specified.

38 (B) ~~Disposal of compostable material does not include the use of compostable material for:~~

39 1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27,
40 California Code of Regulations, section 20686; or

41 2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of
42 compostable organic material as a alternative daily cover material shall still require approval for use
43 pursuant to Title 27, California Code of Regulations, section 20680 and may require additional
44 approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

45 ~~(C-3.) disposal does not include land application of compostable organic material as defined in~~
46 section 17852(a)(24.5). "Land Application" means the application of compostable material, excluding
47 food material or mixed solid waste for the following applications: to forest, agricultural, and range land
48 at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA)
49 requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or
50 for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

51 ~~(D-C)~~ Should the EA have information reason to believe that a person compostable material
52 handler is engaging in other activities that meet the definition of disposal of compostable material or
53 authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall
54 be on each person engaging in or authorizing such activities the land owner or operator to
55 demonstrate otherwise.

56 ~~(E-D)~~ If the activities at a site meet the definition of disposal of compostable material, the site
57 shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or
58 Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

1 (16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a
2 constant mass, that results in essentially 100 percent solids content.

3 (17) "Enclosed Composting Process" means a composting process where the area that is used for
4 the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed
5 sides and rests on a stable surface with environmental controls for moisture and air-borne emissions
6 present.

7 (18) "EA" means enforcement agency.

8 (19) "Feedstock" means any compostable ~~organic~~ material used in the production of compost or
9 chipped and ground material including, but not limited to, agricultural material, green material,
10 ~~vegetative food material~~, food material, biosolids, and mixed ~~solid waste material~~. Feedstocks shall
11 not be considered as either additives or amendments.

12 (20) "Food Material" means ~~any a waste material of plant or animal origin that was acquired for~~
13 ~~results from the preparation or processing of food for animal or human consumption, and that is~~
14 ~~separated from the municipal solid waste stream, and that does not meet the definition of "agricultural~~
15 ~~material."~~ Food material ~~may include, but is not limited to, material food waste from food facilities~~
16 ~~as defined in Health and Safety Code section 113785-113789 (such as restaurants), food processing~~
17 ~~establishments as defined in Health and Safety Code section 111955, grocery stores, institutional~~
18 ~~cafeterias (such as prisons, schools and hospitals), or and residential food scrap collection. Food~~
19 ~~material does not include any material that is required to be handled only pursuant to the California~~
20 ~~Food and Agricultural Code and regulations adopted pursuant thereto.~~

21 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
22 material and is separated from other food material and the municipal solid waste stream. Vegetative
23 food material may be processed or cooked but must otherwise retain its essential natural character
24 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
25 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
26 spoiled produce, and coffee grounds.

27 (21) "Green Material" means any plant material except food material and vegetative food material
28 that is separated at the point of generation, contains no greater than 1.0 of percent physical
29 contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but
30 is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste
31 from silviculture and manufacturing, and construction and demolition wood waste. Green material
32 does not include food material, vegetative food material, biosolids, mixed solid waste material,
33 material processed separated from commingled solid waste collection or processing, wood containing
34 lead-based paint or wood preservative, or mixed construction or mixed and demolition debris.
35 Agricultural material, as defined in this section 17852(a)(5), that meets this definition of "green
36 material" may be handled as either agricultural material or green material.

37 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
38 green material, additives, and/or amendments. A green material composting operation or facility may
39 also handle manure and paper products. An operation or facility that handles a feedstock that is not
40 green material, manure, or paper products, shall not be considered a green material composting
41 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
42 excluded from regulation in section 17855.

43 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
44 compostable materials results in controlled biological decomposition. Handling includes composting,
45 screening, chipping and grinding, and storage activities related to the production of compost, compost
46 feedstocks, and chipped and ground materials.

47 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
48 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
49 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

50 (24.5) "Land Application" means either subdivision (A) or (B):

51 (A) The final deposition of compostable material and/or digestate spread on any land, including
52 land zoned only for agricultural uses, under the following conditions:

53 1. The compostable material does not contain more than 0.1% by weight of physical
54 contaminants greater than 4 millimeters as specified in section 17868.3.1;

55 2. The compostable material meets the maximum metal concentrations as specified in section
56 17868.2;

57 3. The compostable material meets the pathogen density limits as specified in section
58 17868.3(b)(1); and

1 4. The compostable material is not applied more frequently than once during a 12 month period,
2 and, at the time of the application, the compostable material shall not exceed an average of 12 inches
3 in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board,
4 may approve alternative application frequencies and depths, if the EA after such consultation
5 determines that the alternatives will not adversely affect public health and safety or the environment.

6 5. Verification of compliance with this subdivision must be provided to the EA upon request.

7 (B) The final deposition of compostable material spread on land zoned only for agricultural uses
8 under the following conditions:

9 1. The compostable material does not contain more than 0.1% by weight of physical
10 contaminants greater than 4 millimeters; and

11 2. Prior to application, the California Department of Food and Agriculture (CDFA) has
12 determined that the land application is in compliance with all applicable requirements established by
13 CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land
14 application is agronomically beneficial; and

15 3. Prior to application, the EA has received confirmation that CDFA has made the determination
16 specified in (B)2. above.

17 [Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance
18 with Article 3.1 and/or 3.2 of this Division, 2) the use of compostable material for gardening or
19 landscaping on a parcel of land 5 acres or less in size, 3) the final deposition of compostable material
20 spread on land by a Federal, State, or local government entity, provided the material is applied in
21 accordance with applicable law, 4) beneficial reuse at a solid waste landfill pursuant to Title 27,
22 California Code of Regulations, section 20686, or 5) beneficial reuse of biosolids pursuant to Part 503,
23 Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order
24 No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements
25 from the State Water Resources Control Board or a Regional Water Quality Control Board having
26 jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be
27 construed as relieving any owner, operator, or designee from the obligation of obtaining all
28 authorizations and complying with all requirements of other regulatory agencies, including but not
29 limited to, local health entities, regional water quality control boards, air quality management districts
30 or air pollution control districts, local land use authorities, and fire authorities.]

31 (25) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
32 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
33 mixed with feces or urine.

34 (26) "Mixed ~~Solid Waste Material~~" means any compostable material that is part of the municipal
35 solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
36 demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
37 contains 1.0% or more of physical contaminants by weight is mixed solid waste material. ~~Compostable~~
38 ~~material that contains mixed demolition or mixed construction debris shall be considered mixed solid~~
39 ~~waste.~~

40 (27) "Mushroom Farm" means an activity that produces mushrooms. The handling of compostable
41 material at a mushroom farm prior to and after use as a growth medium is subject to regulation
42 pursuant to this chapter and is not considered mushroom farming.

43 (27.5) "Nuisance" includes anything which:

44 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
45 comfortable enjoyment of life or property, and

46 (B) affects at the same time an entire community, neighborhood or any considerable number of
47 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

48 (28) "Operations Area" means the following areas within the boundary of a compostable material
49 handling operation or facility:

50 (A) equipment cleaning, maintenance, and storage areas;

51 (B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

52 (C) process water and stormwater drainage control systems.

53 (29) "Operator" means the owner, or other person who through a lease, franchise agreement or
54 other arrangement with the owner, becomes legally responsible for the following:

55 (A) complying with regulatory requirements set forth in this Chapter;

56 (B) complying with all applicable federal, state and local requirements;

57 (C) the design, construction, and physical operation of the site; and

58 (D) site restoration.

1 (30) "Owner" means the person or persons who own, in whole or in part, a compostable material
2 handling operation or facility, or the land on which these operations or facilities are located.

3 (31) "Pathogenic Organism" means disease-causing organisms.

4 (32) "Physical Contamination" or "Contaminants" means human-made inert ~~products-material~~
5 contained within feedstocks, including, but not limited to, glass, metal, and plastic.

6 (33) "Process Water" means liquid that is generated during or used in the production of compost or
7 chipped and ground materials.

8 (34) "Research Composting Operation" means a composting operation, that is operated for the
9 purpose of gathering research information on composting.

10 (35) "Separated At The Point of Generation" includes material separated from the solid waste
11 stream by the generator of that material. It may also include material from a centralized facility as
12 long as that material was kept separate from the waste stream prior to receipt by that facility and the
13 material was not commingled with other materials during handling.

14 (36) "Stabilized Compost" means any organic material that has undergone the Process to Further
15 Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced
16 biological activity as indicated by reduced temperature and rate of respiration below that of active
17 compost.

18 (37) "Static Pile" means a composting process that is similar to the aerated static pile except that
19 the air source may or may not be controlled.

20 (38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting
21 the causative agents of human disease.

22 (38.5) "Vegetative Food Material Composting Facility" is a facility that composts **agricultural**
23 **material, green material, vegetative food material, additives, and/or amendments. A vegetative food**
24 **material composting facility may also handle manure and paper products. An operation or facility that**
25 **handles a feedstock that is not **agricultural material, green material, vegetative food material,****
26 **manure, or paper products, shall not be considered a vegetative food material composting facility.**
27 **"Vegetative Food Material Composting Facility" does not include activities excluded from regulation in**
28 **section 17855.**

29 (39) "Vermicomposting" means an activity that produces worm castings through worm activity. The
30 EA may determine whether an activity is or is not vermicomposting. The handling of compostable
31 material prior to and after use as a growth medium is subject to regulation pursuant to this chapter
32 and is not considered vermicomposting.

33 (40) "Windrow Composting Process" means the process in which compostable material is placed in
34 elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

35 (41) "Within-vessel Composting Process" means an aerobic process in which compostable material is
36 enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost,
37 maintained under uniform conditions of temperature and moisture where air-borne emissions are
38 controlled.

39 (42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated
40 from the manufacturing or production of wood products, harvesting, processing or storage of raw
41 wood materials, or construction and demolition activities.

42 (43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public,
43 commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree
44 trimmings, prunings, brush, and weeds.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 43020 and 43021, Public Resources Code.

50 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 51 **Facilities**

52 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

53 Except as specified in this Article, all compostable materials handling activities shall obtain a
54 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
55 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles
56 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.
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Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Refer to Section 17855	<u>Agricultural Material Composting Operations (all) Section 17856.</u>		<u>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</u>
	<u>Green Material Composting Operations (≤ 12,500 yd³) Section 17857.1(a)</u>	<u>Vegetative Food Material Composting Facilities (≤ 12,500 yd³) Section 17857.2</u>	<u>Green Material Composting Facilities (> 12,500 yd³) Section 17857.1 (c)</u>
	<u>Biosolids Composting Operations at POTWs (all) Section 17859.1</u>		<u>Vegetative Food Material Composting Facilities (> 12,500 yd³) Section 17857.2</u>
	<u>Research Composting Operations (≤ 5,000 yd³) (Within-vessel > 5,000 yd³ with EA determination) Section 17862.</u>		
	<u>Chipping and Grinding Operations (≤ 200 tpd) Section 17862.1(a)</u>	<u>Chipping and Grinding Facilities (> 200 tpd and ≤ 500 tpd) Section 17862.1(b)</u>	<u>Chipping and Grinding Facilities (> 500 tpd) Section 17862.1(c)</u>

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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 (1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and
2 returns a similar amount of the material produced to that same agricultural site, or an agricultural site
3 owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
4 incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

5 (2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after
6 its use as a growth medium during the vermicomposting process is not an excluded activity and is
7 subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
8 ~~vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it~~
9 ~~complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
10 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
11 ~~whichever is applicable, as follows:~~

12 (A) when the compostable material is active compost or is likely to become active compost, as
13 determined by the EA, the requirements of this chapter apply;

14 (B) at all other times when it is not being used as a growth medium during vermicomposting, the
15 compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
16 Requirements.

17 (3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
18 after its use as a growth medium during the mushroom farming process is not an excluded activity
19 and is subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
20 ~~mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies~~
21 ~~with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
22 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
23 ~~whichever is applicable, as follows:~~

24 (A) when the compostable material is active compost or is likely to become active compost, as
25 determined by the EA, the requirements of this chapter apply;

26 (B) at all other times when it is not being used as a growth medium during mushroom farming,
27 the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
28 Requirements.

29 (4) ~~Handling of green material, feedstock, additives, amendments, compost, or chipped and ground~~
30 ~~material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable~~
31 ~~materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or~~
32 ~~given away annually. The compostable material may also include up to 10% food material by volume.~~
33 ~~Composting green material, food material, and vegetative food material is an excluded activity if the~~
34 ~~total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and~~
35 ~~500 square feet.~~

36 [Note: Persons handling compostable material under the above exclusion are obligated to obtain all
37 permits, licenses, or other clearances that may be required by other regulatory agencies including, but
38 not limited to local health entities and local land use authorities.]

39 (5) The handling of compostable materials is an excluded activity if:

40 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
41 or full permit as defined in section 18101,

42 1. has a Report of Facility Information which is completed and submitted to the EA that
43 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

44 2. will only use the material on the facility site; ~~or~~

45 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly ~~Operated~~
46 Owned Treatment Works (POTW); ~~or~~

47 (C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
48 defined in Public Resources Code section 40106; or

49 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product
50 manufacturing operation; or

51 (E) the activity is part of an agricultural operation and is used to temporarily store or process
52 agricultural material not used in the production of compost or mulch; or

53 (F) the activity is part of an operation used to chip and grind materials derived from and applied
54 to lands owned or leased by the owner, parent, or subsidiary of the operation; or

55 (G) the activity is part of an agricultural operation used to chip and grind agricultural material
56 produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
57 for use in biomass conversion; or

58 (H) the activity is part of an animal food manufacturing or rendering operation.

1 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
2 lot clearing necessary for fire protection provided that the public agency designating the site has
3 notified the fire protection agency; or

4 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
5 122 degrees Fahrenheit as determined by the EA.

6 ~~(6) Non-commercial composting with less than one cubic yard of food material is excluded provided
7 that all compostable material is generated and used on-site.~~

8 ~~(7) Storage of bagged products from compostable material is an excluded activity provided that
9 such bags are no greater than 5 cubic yards.~~

10 ~~(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

11 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not
12 limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as
13 determined by the EA; land application in accordance with California Department of Food and
14 Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section
15 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine
16 Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770
17 et seq.~~

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
20 Sections 43020 and 43021, Public Resources Code.

21 **§ 17855.2. Prohibitions.**

22 The following activities are prohibited at all compostable materials handling operations and facilities
23 and at all sites where compostable materials handling activities that are excluded from regulation
24 under this Chapter occur:

25 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
26 hide, blood, bone and marrow ~~is prohibited~~, except when received:

27 (1) from the a food service industry facility as defined in Health and Safety Code section 113789,
28 grocery stores, or residential food scrap collection; or

29 (2) as part of a research composting operation for the purpose of obtaining data on pathogen
30 reduction or other public health, animal health, safety, or environmental concern, in accordance with
31 section 17862.7; or

32 (3) from a source approved by the Department in consultation with the State Water Resources
33 Control Board and the California Department of Food and Agriculture.

34 (b) The composting of medical waste ~~is prohibited~~.

35 (c) The composting of hazardous waste ~~is prohibited~~.

36
37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
39 Sections 43020 and 43021, Public Resources Code.

40 **§ 17855.3. Permit Name.**

41 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
42 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

43
44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
46 Sections 43020 and 43021, Public Resources Code.

47 ~~**§ 17855.4. Pre-Existing Permits and Notifications.**~~

48 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
49 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
50 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
51 ~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is~~
52 ~~required. If the EA makes such a determination, the operator shall comply with the Compostable~~
53 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
54 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
55 ~~(commencing with section 21450) within two years of that determination.~~

56 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~
57 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~
58 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~
59

1 Materials Handling Facility Permit is required. The EA shall make this determination no sooner than
2 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable
3 Materials Handling Facility Permit is required, the operator shall comply with the Compostable
4 Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
5 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
6 (commencing with section 21450) within two years of that determination.
7 (c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
8 that activity may continue to operate in accordance with its regulatory exclusion until the EA
9 determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
10 determination no sooner than 120 days and no later than two years from April 4, 2003. If EA
11 determines that a Compostable Materials Handling Facility Permit is required, the operator shall
12 comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
13 California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
14 Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
15 (d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently
16 operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate
17 in accordance with its regulatory authorization until the EA determines that a different authorization is
18 required. The EA shall make this determination within 120 days from April 4, 2003.
19 —(1) If the EA determines that the activity is required to comply with the EA Notification
20 requirements, the operator shall comply with the EA Notification requirements set forth in Title 14,
21 California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100);
22 within 120 days from that determination.
23 —(2) If the EA determines that the activity is required to comply with the Registration requirements,
24 the operator shall comply with the Registration requirements set forth in Title 14, California Code of
25 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days
26 from that determination.
27 —(3) If the EA determines that the activity is required to comply with the Compostable Materials
28 Handling Facility Permit requirements, the operator shall comply with the Compostable Materials
29 Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2,
30 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
31 section 21450) within two years from that determination.
32
33 —Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 43020 and 43021, Public Resources Code.
35

36 **§ 17856. Agricultural Material Composting Operations.**

37 (a) ~~All Agricultural material composting operations and chipping and grinding operations shall comply~~
38 ~~with the Enforcement Agency Notification requirements set forth in Title 14, California Code of~~
39 ~~Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as~~
40 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
41 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
42 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
43 ~~this Chapter.~~

44 (b) ~~Compost produced by an Agricultural material composting operations are subject to the~~
45 ~~requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation or has~~
46 ~~caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the~~
47 ~~violation a chipping and grinding operation which uses only agricultural material may be sold or given~~
48 ~~away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.~~

49 (c) If their feedstock is limited to agricultural material, agricultural material composting operations
50 may handle an unlimited quantity of agricultural material on the site and may sell or give away any or
51 all compost they produce. These operations shall be inspected by the EA at least once each calendar
52 year at a time when compostable material on the site is active compost. Compost produced by an
53 agricultural material composting operation which uses agricultural material and/or green material, as
54 specified in section 17852(a)(21), may be sold or given away in accordance with the following
55 restrictions:

56 (1) ~~Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall~~
57 ~~be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic~~
58 ~~yards of green material, including feedstock, compost, or chipped and ground material, is to be~~
59 ~~handled on site of productive farmland as defined in Government Code section 51201, the operator~~

1 shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional
2 materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose
3 an additional risk to public health and safety and the environment. The EA shall forward a copy of the
4 request and approval to the Board.

5 ~~(2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall~~
6 ~~have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped~~
7 ~~and ground material, on site at any one time and shall be inspected by the EA once every three (3)~~
8 ~~months.~~

9 ~~(3) These sites shall record the quantity received of green material.~~

10 (d) Agricultural material composting operations whose feedstock is both green material and
11 agricultural material are subject to the following requirements:

12 (1) Producers located on Agricultural Land:

13 (A) Operations located on land that is zoned for agricultural uses that sell or give away less than
14 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
15 green material on the site; provided, however, the EA may limit the amount of green material
16 feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess
17 material may pose a risk to public health and safety or the environment.

18 (B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
19 calendar year at a time when compostable material on the site is active compost.

20 (2) Other Producers:

21 (A) Operations located on land that is not zoned for agricultural uses and operations that sell or
22 give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
23 agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
24 on the site at any time.

25 (B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
26 three (3) months unless the EA approves, with Department concurrence, a reduced inspection
27 frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
28 risk to public health and safety or the environment but in no case shall the frequency be less than
29 once per calendar year. At least one of the required inspections each year shall occur at a time when
30 compostable material on the site is active compost.

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
33 Sections 43020 and 43021, Public Resources Code.

34
35 **§ 17857.1. Green Material Composting Operations and Facilities.**

36 ~~(a) A green material composting operation that has up to~~ may have no more than 12,500 cubic yards
37 of feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
38 stabilized compost on-site at any one time. Green material composting operations shall comply with
39 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
40 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
41 specified in this Chapter.

42 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
43 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
44 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
45 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
46 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
47 of requests for reducing the frequency of inspections.]

48 (2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
49 users and other consumers, the operator may request in writing that the EA authorize it to temporarily
50 exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
51 on site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request
52 within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
53 determines it will not adversely affect public health and safety or the environment. The EA may
54 impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
55 seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
56 day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

57 (A) With its request for a seasonal storage adjustment, the operator shall submit the following to
58 the EA:

1 1. A description of the storage capacity at the operation and the maximum and average lengths
2 of time the compostable material will be stored.

3 2. A schematic drawing showing the general layout of the operation and the location(s) where
4 all materials at the site are stored with specific identification of the proposed location of the excess
5 material.

6 3. A description of any additional fire prevention, protection and control measures needed to
7 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
8 such fires, which measures shall be approved by the local fire authority.

9 4. Where applicable, any revisions to the odor impact minimization plan necessary to address
10 the storage of the additional material or a statement, with supporting information, that no revisions
11 are necessary.

12 ~~(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,~~
13 ~~or chipped and ground material on-site at any one time shall be inspected by the EA at least once~~
14 ~~every three (3) months, unless an operator request for a reduced inspection frequency of no less than~~
15 ~~annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA~~
16 ~~finds that it will not pose an additional risk to public health and safety and the environment. The EA~~
17 ~~shall forward a copy of the request and approval to the Board.~~

18 (b) If a green material composting operation exceeds any combination of the following requirements
19 three (3) or more times within any two (2) year period, which the EA determines constitutes a
20 violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

21 (1) Receipt of material that contains greater than 1.0% physical contaminants by weight as
22 specified in section 17852(a)(21);

23 (2) Failure to comply with the processing requirements set forth in section 17868.5;

24 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
25 subdivision (a) above.

26 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
27 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
28 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
29 and desist order pursuant to section 18304 directing, among other things, that the operator
30 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
31 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
32 any time take any additional enforcement action the EA deems appropriate.

33 ~~(c) A site that handles green material composting facility that has more than 12,500 cubic yards of~~
34 ~~feedstock, compost, or chipped and ground material, amendments, additives, active compost, and~~
35 ~~stabilized compost on-site at any one time is a green material composting facility, excepting green~~
36 ~~material composting operations which the EA has authorized a seasonal storage adjustment pursuant~~
37 ~~to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials~~
38 ~~Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,~~
39 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
40 ~~(commencing with section 21450) prior to commencing operations. Green material composting~~
41 ~~facilities shall comply with the applicable requirements specified in this Chapter 3.1.~~

42
43 [Note: See section 17868.5 for green material processing requirements.]

44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
46 Sections 43020 and 43021, Public Resources Code.

47 48 **§ 17857.2. Vegetative Food Material Composting Facilities.**

49 (a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
50 compost, and chipped and ground material on-site at any one time and shall obtain a Registration
51 Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter
52 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of
53 this Chapter.

54 (b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
55 compost, and chipped and ground material on-site at any one time shall obtain a Compostable
56 Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of
57 Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and
58 3.1 (commencing with section 21450) prior to commencing operations.

59 [Note: See section 17868.5 for green material and vegetative food material processing requirements.]

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
3 Sections 43020 and 43021, Public Resources Code.

4
5 **§ 17859.1. Biosolids Composting at POTWs.**

6 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
7 ~~Operated-Owned~~ Treatment Works (POTW) shall comply with the EA Notification requirements set
8 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
9 section 18100).

10 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
11 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
12 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
13 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
14 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
15 of requests for reducing the frequency of inspections.]

16 (b) All other composting of biosolids shall comply with section 17854.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
19 Sections 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503,
20 Code of Federal Regulations.

21
22 **§ 17862. Research Composting Operations.**

23 (a) An operator conducting research composting operations shall not have more than 5,000 cubic
24 yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any
25 one time, and shall comply with the EA Notification requirements set forth in Title 14, California Code
26 of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as
27 otherwise provided by this Chapter.

28 (b) An operator conducting research composting operations utilizing within-vessel processing, may
29 exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and
30 compost, if the EA determines that such increased volume will not pose additional risk to the public
31 health, safety and the environment.

32 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
33 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
34 the research to be performed, research objectives, methodology/protocol to be employed, data to be
35 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
36 projected timeframe for completion of the research operation.

37 ~~The EA Notification for a research composting operation shall be reviewed a~~ After each each no
38 more than a two year period of operation. Review criteria the operator of a research composting
39 operation shall submit to the EA a report that includes the results and conclusions drawn from the
40 research. If the EA determines based on the report that there are further research objectives to be
41 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
42 two years. If the EA determines based on the report that there are no further research objectives to
43 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
44 section 17870.

45 (e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock
46 for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety,
47 or environmental protection concern, shall satisfy the following additional requirements:

48 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
49 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
50 site.

51 (2) The operator shall prepare, implement and maintain a site-specific, research composting
52 operation site security plan. The research composting site security plan shall include a description of
53 the methods and facilities to be employed for the purpose of limiting site access and preventing the
54 movement of unauthorized material on to or off of the site.

55 (3) After no more than a six-month period of operation ~~the EA Notification for the operator of a~~
56 research composting operation using unprocessed mammalian tissue as feedstock shall submit to the
57 EA a report that includes the results and conclusions drawn from the research and documentation of
58 additional requirements of this section shall be reviewed after each six month period of operation. If
59 the EA determines based on the report that there are further research objectives to be met or data to

1 be gathered, the EA may extend the research for a specified time period not to exceed two years. If
2 the EA determines based on the report that there are no further research objectives to be met or data
3 to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.

4 (f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
5 the EA with the Notification and prior to the composting of any feedstock. The EA shall determine that
6 the EA Notification for research composting operations is complete and correct only if the additional
7 documentation requirements of this section have been met.

8 (g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
9 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
10 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
11 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
12 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
13 of requests for reducing the frequency of inspections.]

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 43020 and 43021, Public Resources Code.

17 18 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

19 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
20 handled by a green material composting operation shall comply with the EA Notification requirements
21 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
22 with section 18100), ~~except as otherwise provided by~~ and the applicable requirements specified in this
23 Chapter.

24 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
25 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
26 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
27 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
28 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
29 of requests for reducing the frequency of inspections.]

30 (b) A chipping and grinding facility that receives more than 200 tons per day ~~but not more than, and~~
31 ~~up to~~ 500 tons per day of material that may be handled by a green material composting operation
32 shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
33 Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
34 with the applicable requirements of this Chapter.

35 (c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
36 handled by a green material composting operation shall obtain a Compostable Materials Handling
37 Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
38 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with
39 section 21450) prior to commencing operations and shall comply with the applicable requirements of
40 this Chapter.

41 (d) A chipping and grinding operation or facility shall not be subject to the provisions of sections
42 17868.1 through 17868.3.1 of this Chapter, ~~however, any chipped and ground material that will be~~
43 ~~land applied must meet the requirements of section 17852(a)(24.5).~~

44 (e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section
45 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements
46 (commencing at section 17400).

47 (f) If a chipping and grinding operation or facility stores material for a longer period of time than is
48 allowed by section 17852 (a)(10)(A)(2), ~~then the site it shall be regulated as a green material~~
49 ~~handling composting~~ operation or facility, as set forth in this Chapter.

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 43020 and 43021, Public Resources Code.

53 54 55 **Article 3. Report of Facility Information**

56 57 **§ 17863. Report of Composting Site Information.**

58 Each operator of a compostable material handling facility that is required to obtain a Compostable
59 Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting

1 Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of
2 Composting Site Information with the EA. If the operator intends to alter the permitted feedstock,
3 these changes must be reported to the EA for maintenance of permit status. Such changes may
4 become the basis for revisions to the permit or for revocation of the permit.

5 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
8 Sections 43020 and 43021, Public Resources Code.

9
10 **§ 17863.4. Odor Impact Minimization Plan.**

11 (a) All compostable material handling operations and facilities shall prepare, implement and maintain
12 a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
13 EA Notification or permit application.

14 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
15 describing, at a minimum, the following items. If the operator will not be implementing any of these
16 procedures, the plan shall explain why it is not necessary.

17 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
18 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
19 possible odor receptors; and,

20 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
21 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
22 described; and,

23 (3) a complaint response and recordkeeping protocol; and,

24 (4) a description of design considerations and/or projected ranges of optimal operation to be
25 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
26 feedstock characteristics, airborne emission production, process water distribution, pad and site
27 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
28 service interruptions, and site specific concerns as applicable; and,

29 (5) a description of operating procedures for minimizing odor, including aeration, moisture
30 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
31 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
32 power, and personnel), biofiltration, and tarping as applicable.

33 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
34 provided to the EA, within 30 days of those changes.

35 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
36 revisions are necessary.

37 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
38 operation or facility is following the procedures established by the operator. If the EA determines that
39 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
40 (pursuant to section 18304) to require the operator to either comply with the odor impact
41 minimization plan or to revise it.

42 (f) If the odor impact minimization plan is being followed, ~~but~~ and the EA determines, in a manner
43 consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct
44 the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)
45 as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a
46 Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and
47 feasible measures to minimize odors, unless:

48 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

49 (2) there is an imminent threat to public health and safety and the environment; or

50 (3) a public nuisance has occurred.

51
52 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.
53 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

54
55 **§ 17863.4.1. Odor Best Management Practice Feasibility Report**

56 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
57 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
58 violations as determined pursuant to section 17863.4(f).

59 (b) The Report shall:

1 (1) Present representative and correlating odor data for each potential onsite odor source including
2 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
3 collected, description of operations associated with the source, and any odor impacts or complaints
4 received;

5 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
6 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
7 order of impact;

8 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

9 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
10 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
11 has used to minimize odor and analyze each BMP for the following:

12 1. The effectiveness of the BMP in reducing odor impacts;

13 2. The potential for more extensive use of the BMP to minimize odor impacts described by
14 complainants;

15 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
16 operationally practical;

17 4. The approximate cost to implement a more extensive use of the BMP;

18 5. Any permits or permit changes necessary to use the BMP more extensively;

19 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
20 the BMP is recommended; and

21 7. If the BMP has been found to be ineffective (include supporting data).

22 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
23 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
24 operator has not used and analyze each potential BMP to determine:

25 1. The potential for the BMP to reduce odor impacts described by complainants;

26 2. If the BMP is operationally practical;

27 3. The approximate cost to implement the BMP;

28 4. Any permits or permit changes necessary to use the BMP; and

29 5. Overall recommendation and ranking of implementing the BMP.

30 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
31 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

32 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
33 the Department for review. If the EA has required the operator to prepare a Report pursuant to
34 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
35 approved by the EA.

36 (d) The EA, in consultation with the Department, shall within 30 days:

37 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
38 in whole or in part; and/or

39 (2) direct the operator in writing to submit specific changes or additional information within a
40 timeframe specified by the EA.

41 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
42 (d)(1) or (d)(2).

43
44 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.
45 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

46 47 48 **Article 6. Composting Operating Standards**

49 **§ 17867. General Operating Standards.**

50 (a) All compostable materials handling operations and facilities shall meet the following requirements:
51 (1) All handling activities are prohibited from composting any material specified in section 17855.2
52 of this Chapter.

53 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
54 cause a nuisance.

55 (3) All handling activities shall be conducted in a manner that minimizes vectors, ~~odor impacts,~~
56 litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
57 ingestion, and transportation of dust, particulates, and pathogenic organisms.
58

- 1 (34) Random load checks of feedstocks, additives, and amendments for contaminants shall be
2 conducted.
- 3 (45) Contamination of compostable material that has undergone pathogen reduction, pursuant to
4 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
5 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.
- 6 (56) Unauthorized human or animal access to the facility shall be prevented.
- 7 (67) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
8 manner.
- 9 (78) All compostable materials handling operations and facilities, that are open for public business,
10 shall post legible signs at all public entrances. These signs shall include the following information:
- 11 (A) name of the operation or facility,
12 (B) name of the operator,
13 (C) facility hours of operation,
14 (D) materials that will and will not be accepted, if applicable,
15 (E) schedule of charges, if applicable, and
16 (F) phone number where operator or designee can be reached in case of an emergency.
- 17 (89) The operator shall provide fire prevention, protection and control measures, including, but not
18 limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
19 and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
20 to allow fire control equipment access to all operation areas.
- 21 (910) The operator shall provide telephone or radio communication capability for emergency
22 purposes.
- 23 (1011) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
24 material shall be removed from the site within 7 days and transported to an appropriate facility.
- 25 (1112) Enclosed operations and facilities shall provide ventilation to prevent adverse public health
26 effects from decomposition gases.
- 27 (1213) The operator shall ensure that leachate is controlled to prevent contact with the public.
- 28 (1314) The operator shall prevent or remove physical contaminants in compost and chipped and
29 ground materials that may cause injury to humans.
- 30 (1415) An attendant shall be on duty during business hours if the operation or facility is open to the
31 public.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 43020 and 43021, Public Resources Code.
35
36

37 Article 7. Environmental Health Standards

38 § 17868.1. Sampling Requirements.

39 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
40 and all composting facilities shall meet the following requirements:

41 (a) Operators shall verify that compost meet the maximum acceptable metal concentration limits
42 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.
43 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
44 occur at the point where compost is sold and removed from the site, bagged for sale, given away for
45 beneficial use and removed from the site or otherwise beneficially used. Sample results must be
46 received by the operator prior to removing compost from the composting operation or facility where it
47 was produced. This verification shall be performed by taking and analyzing at least one composite
48 sample of compost, following the requirements of this section as follows:

49 (1) An operator who composts agricultural material, green material, food material, vegetative food
50 material, or mixed solid-waste-material shall take and analyze one composite sample for every 5,000
51 cubic-yards of compost produced.

52 (2) An operator who composts biosolids shall meet the sampling schedule described in Table 12
53 below.
54
55
56
57
58
59

1 Table 12- Frequencies of Compost Sampling for Biosolids Composting Facilities

2

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

3 (A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

4 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section
5 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health
6 Services, pursuant to the Health and Safety Code.

7 (b) A composite sample shall be representative and random, and may be obtained by taking twelve
8 (12) mixed samples as described below.

9 (1) The twelve samples shall be of equal volume.

10 (2) The twelve samples shall be extracted from within the compost pile as follows:

11 (A) Four samples from one-half the width of the pile, each at a different cross-section;

12 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

13 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

14 (c) The EA may approve alternative methods of sampling ~~for a green material composting operation or~~
15 ~~facility~~ that ensures the maximum metal concentration requirements of section 17868.2 and the
16 pathogen reduction requirements of section 17868.3 are met.

17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
18 Sections 43020 and 43021, Public Resources Code.

19 **§ 17868.2. Maximum Metal Concentrations.**

20 (a) ~~Compost products derived from compostable materials that contain any metal in amounts that~~
21 ~~shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in~~
22 ~~Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be~~
23 designated for disposal, additional processing, or other use as approved by local, state or and federal
24 agencies having ~~appropriate~~ jurisdiction. Sample results must be received by the operator prior to
25 removing compost from the composting operation or facility where it was produced.
26
27
28
29

Table 23 -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg) on dry weight basis</i>
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200 <u>(see subdivision (a)(1) below)</u>
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 <u>100</u>
Zinc (Zn)	2800

1 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
2 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
3 produce to be determined in connection with the analysis of other metals. Operators shall maintain
4 records of all chromium concentrations together with their records of other metal concentrations.
5 (b) Alternative methods of compliance to meet the requirements ~~of Subdivision (a)~~ of this section,
6 ~~including but not limited to sampling frequencies,~~ may be approved by the EA ~~for green and food~~
7 ~~materials composting operations and facilities~~ if the EA determines that the alternative method will
8 ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
11 Sections 43020 and 43021, Public Resources Code.

12 **§ 17868.3. Pathogen Reduction.**

13 (a) ~~Compost products derived from compostable materials, that contains pathogens in amounts that~~
14 ~~shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this~~
15 ~~section. Compost that contains any pathogens in amounts that exceed these pathogen reduction~~
16 ~~requirements shall be designated for disposal, additional processing, or other use as approved by~~
17 ~~local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the~~
18 ~~operator prior to removing compost from the composting operation or facility where it was produced.~~

19 (b) Operators that produce compost shall ensure that:

20 (1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be
21 less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
22 Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4)
23 grams of total solids (dry weight basis).

24 (2) At enclosed or within-vessel composting process operations and facilities, active compost shall
25 be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
26 pathogen reduction period of 3 days.

27 (A) Due to variations among enclosed and within-vessel composting system designs, including
28 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
29 application to meet the requirements of Subdivision (b)(2) of this section.

30 (3) If the operation or facility uses a windrow composting process, active compost shall be
31 maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit)
32 or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is
33 maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the
34 windrow.

35 (4) If the operation or facility uses an aerated static pile composting process, all active compost
36 shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained
37 at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
38 period of 3 days.

39 ~~(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may~~
40 ~~be approved by the EA if the EA determines that the alternative method will provide equivalent~~
41 ~~pathogen reduction.~~

42 ~~(d)~~ Compost operations and facilities that utilize a windrow composting process or an aerated static
43 pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b)
44 of this section are met:

45 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
46 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
47 fraction thereof.

48 (2) Temperature measurements for pathogen reduction shall be measured as follows:

49 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
50 four (24) inches below the pile surface;

51 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
52 inches from the point where the insulation cover meets the active compost.

53 (d) Alternative methods of compliance to meet the pathogen reduction requirements of this section
54 may be approved by the EA if the EA determines that the alternative method will provide equivalent
55 pathogen reduction.

56
57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
59 Sections 43020 and 43021, Public Resources Code.

1
2 **§ 17868.3.1. Physical Contamination Limits.**

3 (a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4
4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4
5 millimeters shall be designated for disposal, additional processing, or other use as approved by local,
6 state or federal agencies having appropriate jurisdiction. ~~Verification of physical contamination limits~~
7 shall occur at the point where compost is sold and removed from the site, bagged for sale, given away
8 for beneficial use and removed from the site or otherwise beneficially used. Sample results must be
9 received by the operator prior to removing compost from the composting operation or facility where it
10 was produced.

11 (b) Upon request of the EA, a compostable material handling operation shall take a representative
12 sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters
13 shall be collected and weighed, and the percentage of physical contaminants determined.

14 (c) All compostable material handling facilities shall take one representative sample for every 5,000
15 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4
16 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

17 (d) Any sampling conducted to comply with this section shall require a composite sample. A
18 composite sample shall be representative and random, and may be obtained by taking twelve (12)
19 mixed samples as described below.

20 (1) The twelve samples shall be of equal volume.

21 (2) The twelve samples shall be extracted from within the compost pile as follows:

22 (A) Four samples from one-half the width of the pile, each at a different cross-section;

23 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

24 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

25 (e) Alternative methods of compliance to meet the requirements of this section may be approved by
26 the EA if the EA determines that the alternative method will ensure the physical contamination limits
27 requirements of this section are met.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
30 Sections 43020 and 43021, Public Resources Code.

31
32 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

33 ~~In order for a feedstock to be considered a~~ Green material, as defined in section 17852(a)(21), and
34 vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
35 requirements shall be met:

36 (a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
37 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
38 loads and load sorting to quantify the percentage of ~~contaminating materials~~ physical contaminants
39 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
40 material or vegetative food material).

41 (1) A minimum of ~~one-ten~~ percent of daily incoming feedstock volume or at least one truck per day,
42 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
43 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
44 contaminants shall be collected and weighed, and the percentage of physical contaminants
45 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
46 weight or if the load contains materials that do not meet the definitions of green material in section
47 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

48 (b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative
49 sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of
50 physical contaminants determined.

51 (c) ~~Any agricultural material handling operation using this material shall ensure the feedstock meets~~
52 ~~the metal concentration limits specified in Table 2 of section 17868.2.~~

53 (d) ~~Facility personnel shall be adequately trained to perform the activities specified in this section.~~

54 (e) ~~(d)~~ Any operation or facility using this feedstock shall maintain records demonstrating compliance
55 with this section.

56
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
58 Sections 43020 and 43021, Public Resources Code.

1
2 **Article 8. Composting Operation and Facility Records**
3

4 **§ 17869. General Record Keeping Requirements.**

5 Except as provided in subsection (d), all compostable materials handling operations and facilities shall
6 meet the following requirements:

7 (a) All records required by this Chapter shall be kept in one location and accessible for five (5) years
8 and shall be available for inspection by authorized representatives of the ~~board~~ Department, EA local
9 health entity, and other duly authorized regulatory and EAs during normal working hours.

10 (b) The operator shall record any special occurrences encountered during operation and methods used
11 to resolve problems arising from these events, including details of all incidents that required
12 implementing emergency procedures.

13 (c) The operator shall record any public complaints received by the operator, including:

14 (1) the nature of the complaint,

15 (2) the date the complaint was received,

16 (3) if available, the name, address, and telephone number of the person or persons making the
17 complaint, and

18 (4) any actions taken to respond to the complaint.

19 (d) The operator shall record the quantity and type of feedstock received and quantity of compost and
20 chipped and ground material produced. Agricultural compostable materials handling operations shall
21 maintain records only for compostable material accepted from off-site.

22 (e) The operator shall record the number of load checks performed and loads rejected.

23 (f) The operator shall record all test results generated by compliance with Article 7 of this Chapter,
24 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
25 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

26 (1) The operator shall retain records detailing pathogen reduction methods.

27 (g) The operator shall record and retain records of any serious injury to the public occurring on-site
28 and any complaint of adverse health effects to the public attributed to operations. Serious injury
29 means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which
30 a member of the public suffers a loss of any member of the body or suffers any degree of permanent
31 disfigurement.

32 (h) The operator shall retain a record of training and instruction completed in accordance with section
33 17867.5.

34
35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
36 Sections 43020 and 43021, Public Resources Code.
37

38
39 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

40
41 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

42
43
44 **§ 17896.1. Authority and Scope.**

45 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
46 digestion operations and facilities that receive and process by means of in-vessel digestion solid
47 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
48 sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to
49 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
50 this Division, may still be subject to the regulatory requirements specified in this Chapter.

51 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
52 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
53 as amended. These regulations should be read together with the Act.

54 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
55 Chapter establishes standards and regulatory requirements for the intentional processing of organic
56 material by means of in-vessel digestion.

57 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
58 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
59 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to

1 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
2 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
3 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
4 which otherwise conflict with the provisions of this Chapter.

5 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
6 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
7 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
8 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
9 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
10 Health, air quality management districts or air pollution control districts, local land use authorities, and
11 fire authorities.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
14 Sections 40053, 43020 and 43021, Public Resources Code.

15 **§ 17896.2. Definitions.**

16
17 (a) For the purposes of this Chapter:

18 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
19 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
20 similar activities undertaken for the production of food or fiber for human or animal consumption or
21 use, which is separated at the point of generation, and which contains no other solid waste. With the
22 exception of grape pomace, agricultural material has not been processed except at its point of
23 generation and has not been processed in a way that alters its essential character as a waste resulting
24 from the production of food or fiber for human or animal consumption or use. Material that is defined
25 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
26 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
27 pomace, and crop residues.

28 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

29 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
30 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

31 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
32 solid wastes that are source separated from the municipal solid waste stream, or which are separated
33 at a centralized facility.

34 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

35 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
36 been processed in an in-vessel digester.

37 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
38 solid wastes. Digestion includes:

39 (A) Aerobic digestion - the **controlled** biological decomposition of organic material in the presence
40 of oxygen.

41 (B) Anaerobic digestion - the **controlled** biological decomposition of organic material in the
42 absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a
43 residual digestate.

44 (C) Other **controlled biological decomposition** processes.

45 (8) "Dairy In-vessel Digestion Operation" means **a dairy that receives, for purposes of co-digestion**
46 **in** an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials
47 **in accordance with** Waste Discharge Requirements issued by a Regional Water Quality Control Board.

48 (9) "Distribution Center In-vessel Digestion Operation" means **a site that receives, for the purpose of**
49 **digestion in an in-vessel digester, unsold products from retail stores to which the products were**
50 **originally sent. All unsold products shall be collected and processed in covered, leak-proof containers,**
51 **and remain in the custody of the owner at all times. All putrescible material shall be refrigerated at the**
52 **retail store and during transport to the operation.**

53 (10) "EA" means enforcement agency as defined in PRC section 40130.

54 (11) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section
55 66261.3, et seq.

56 (12) "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire
57 digestion process occurs.

58 (13) "Large Volume In-vessel Digestion Facility" means a facility that receives 100 tons or more of
59 solid waste per operating day for digestion in an in-vessel digester.

1 (14) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than an
2 average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel
3 digester. The amount of solid waste the operation receives shall not exceed 105 tons (or 420 cubic
4 yards) per week or the solid waste quantity limitations of the general design of the operation
5 (whichever is less).

6 (15) "Litter" means all solid waste which has been improperly discarded or which has migrated by
7 wind or equipment away from the operations area. Litter includes, but is not limited to, convenience
8 food, beverage, and other product packages or containers constructed of steel, aluminum, glass,
9 paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters
10 of the state.

11 (16) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
12 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
13 mixed with feces or urine.

14 (17) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of 15
15 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day for digestion
16 in an in-vessel digester. The amount of solid waste the operation receives shall be less than 700 tons
17 (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the
18 operation (whichever is less).

19 (18) "Nuisance" includes anything which:

20 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
21 comfortable enjoyment of life or property, and

22 (B) affects at the same time an entire community, neighborhood or any considerable number of
23 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

24 (19) "On-site" means located within the boundary of the operation or facility.

25 (20) "Operating Day" means the daily hours of operation for a facility or operation as set forth in the
26 application, Enforcement Agency Notification or solid waste facilities permit.

27 (21) "Operating Record" means an easily accessible collection of records of an operation's or
28 facility's activities and compliance with required state minimum standards under Title 14. The Record
29 may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall
30 contain but is not limited to containing: agency approvals, tonnage and load checking records, facility
31 contacts and training history. The record may be reviewed by state and local authorities and shall be
32 available during normal business hours. If records are too voluminous to place in the main operating
33 record or if the integrity of the records could be compromised by on-site storage, such as exposure to
34 weather, they may be maintained at an alternative site, as long as that site is easily accessible to the
35 EA.

36 (22) "Operations Area" means:

37 (A) the following areas within the boundary of an operation or facility as described in the permit
38 application or Enforcement Agency Notification:

- 39 1. equipment management area, including cleaning, maintenance, and storage areas; and
- 40 2. material and/or solid waste management area, including unloading, handling, transfer,
- 41 processing, and storage areas.

42 (B) the boundary of the operations area is the same as the permitted boundary of the operation or
43 facility but may or may not be the same as the property boundary on which the operation or facility is
44 located.

45 (23) "Operator" means the owner, or other person who through a lease, franchise agreement or
46 other arrangement with the owner, that is listed in the permit application or Enforcement Agency
47 Notification and is legally responsible for all of the following:

- 48 (A) complying with regulatory requirements set forth in these Articles;
 - 49 (B) complying with all applicable federal, state and local requirements;
 - 50 (C) the design, construction, and physical operation of the operations area;
 - 51 (D) controlling the activities at an operation or facility as listed on the permit application or
- 52 Enforcement Agency Notification.

53 (24) "Owner" means the person or persons who own, in whole or in part, an operation or facility and
54 the land on which it is located. If the ownership of the operation or facility is not the same as the
55 ownership of the land on which it is located, the owner of the land shall be identified as the "Land
56 Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

57 (25) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms
58 with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive

1 conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The
2 EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

3 (26) "Salvaging" means the controlled separation of solid waste material which do not require
4 further processing, for reuse or recycling prior to in-vessel digestion activities.

5 (27) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

6 (28) "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids and
7 air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

8 (29) "Sealed Structure" means a fully enclosed building capable of containing liquids and controlling
9 air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance
10 conditions.

11 (30) "Special Waste" includes but is not limited to:

12 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as
13 defined in Title 22, section 66260.10.

14 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

15 (31) "Spotter" means an employee who conducts activities that include, but are not limited to,
16 traffic control, hazardous waste recognition and removal for proper handling, storage and transport or
17 disposal, and protection of the public from health and/or safety hazards.

18 (32) "Store" means to stockpile or accumulate for later use.

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
21 Sections 40053, 43020 and 43021, Public Resources Code.

22 **§ 17896.3. Pre-Existing Permits and Notifications.**

23
24 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to
25 [operative date of these regulations], that facility may continue to operate in accordance with its
26 permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
27 sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA
28 makes such a determination, the operator shall comply with this Chapter within two years of that
29 determination.

30 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
31 regulations in effect prior to [operative date of these regulations], that operation may continue to
32 operate in accordance with its EA Notification or regulatory authorization until the EA determines that
33 regulation under this Chapter is required. The EA shall make this determination no sooner than 120
34 days and no later than two years from [operative date of these regulations]. If the EA determines that
35 regulation under this Chapter is required, the operator shall comply with this Chapter within two years
36 of that determination.

37 (c) If an activity had previously been excluded from regulations in effect prior to [operative date of
38 these regulations], that activity may continue to operate in accordance with its regulatory exclusion
39 until the EA determines that regulation under this Chapter is required. The EA shall make this
40 determination no sooner than 120 days and no later than two years from [operative date of these
41 regulations]. If the EA determines that regulation under this Chapter is required, the operator shall
42 comply with this Chapter within two years of that determination.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
45 Sections 43020 and 43021, Public Resources Code.

46 **§ 17896.4. Permit Name.**

47 Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall
48 be entitled: "In-vessel Digestion Facility Permit."

49
50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 43020 and 43021, Public Resources Code.

53 54 **§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and** 55 **Facilities.**

56 Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7,
57 Chapter 5. Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
58 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of

1 Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These
2 requirements are summarized in Table 1.

3
4 Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Anaerobically digestible materials at POTWs Section 17896.6(a)(1)	Research In-Vessel Digestion Operations Section 17896.8	Medium Volume In-Vessel Digestion Facilities (≥ 60 yd ³ or 15 tpd and < 100 tpd) Section 17896.12	Large Volume In-Vessel Digestion Facilities (≥ 100 tpd) Section 17896.13
Ag material derived from ag site & returned to same site Section 17896.6(a)(2)	Dairy In-Vessel Digestion Operations Section 17896.9		
	<u>Distribution Center In-Vessel Digestion Operations</u> Section 17896.10		
In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)	Limited Volume In-Vessel Digestion Operations (< 60 yd ³ or 15 tpd) Section 17896.11		
Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)			

6 [Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
9 Sections 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.6. Excluded Activities.**

12 (a)The activities listed in this section are not subject to the in-vessel digestion requirements set forth
13 in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an
14 excluded activity to verify that the activity is being conducted in a manner that qualifies as an
15 excluded activity or from taking any appropriate enforcement action.

16 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
17 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
18 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
19 Treatment Plant wastewater, is excluded under the following conditions:

20 (A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant.
21 Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a
22 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
23 digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be
24 screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and

1 conveyed in a contained system. Any separated material at the POTW that is not suitable for
2 anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

3 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance
4 of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality
5 Control Board that those Standard Operating Procedures are being implemented, and a Standard
6 Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

7 1. has been incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
8 National Pollutant Discharge Elimination System permit; or

9 2. will be incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
10 National Pollutant Discharge Elimination System permit no later than the next permit renewal.

11 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
12 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
13 14, CCR, Section 17582(a)(20) and vegetative food material as defined in Title 14, CCR, Section
14 17582(20)(A).

15 (D) For the purpose of this exclusion, the Department, in consultation with the State Water
16 Resources Control Board and the California Department of Food and Agriculture, will on a case-by-
17 case basis, review and consider approval of additional types of organic materials as potential
18 "anaerobically digestible material" beyond those specified in section 17896.6(a)(1)(C) in accordance
19 with the following:

20 1. Receipt of a written request to the Department from the General Manager or designee of a
21 POTW Treatment Plant.

22 a. The written request must contain the following information:

23 i. The purpose of the request.

24 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
25 organic waste material with the POTW wastewater.

26 iii. Types of organic material requested for classification as an anaerobically digestible
27 material.

28 iv. The source(s) of the waste material.

29 v. A description of how the waste material will be handled, processed, stored and
30 transported (before and after receipt at the POTW Treatment Plant).

31 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
32 to accommodate the new waste materials.

33 vii. Available laboratory test results, engineering reports, research or study to support the
34 request.

35 viii. Data and/or reports if this waste material has been used without incident at a different
36 POTW Treatment Plant.

37 ix. The name, addresses and phone numbers for the General Manager and designee of the
38 POTW Treatment Plant.

39 b. Upon receipt of the written request, the Department will communicate and coordinate the
40 request with and between the State Water Resources Control Board and the California Department of
41 Food and Agriculture and will complete the following actions:

42 i. Within 10 days of receipt, send written confirmation to the General Manager and designee
43 of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate
44 Department staff, as well as to the State Water Resources Control Board and California Department of
45 Food and Agriculture staff contacts for review;

46 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board
47 and California Department of Food and Agriculture staff contacts;

48 iii. Prior to the meeting, Department staff will review the letter and identify questions
49 and/or issues with the request and make a list of recommendations;

50 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
51 representative does not attend the meeting, comments will be accepted by the Department up to
52 close of business on the 45th day after receipt;

53 v. Within 60 days of receipt, the Department will provide a written decision to the General
54 Manager and designee of the POTW Treatment Plant stating one of the following:

55 I. The waste type has or has not been determined to be an anaerobically digestible
56 material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory
57 Requirements (pursuant to Section 17896.6(a)(1)(C) and the Transfer/Processing Operations and
58 Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

1 II. The agencies, based on the information provided, were unable to reach a
2 determination and additional information is required before a determination can be made; or

3 III. The agencies have determined that **additional research or** study will need to be
4 conducted and the results analyzed prior to a determination made by the agencies.

5 IV. If additional information, **research or** study is necessary, the Department will consult
6 with the General Manager or designee of the POTW, the State Water Resources Control Board and
7 California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
8 either reviewing the additional information or for reviewing a proposed scope of work and timeline for
9 **additional research or** study.

10 2. For the purpose of this exclusion, if an organic waste material is determined by the
11 Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
12 wastewater, the POTW Treatment Plant must comply with 17896.6(a)(1)(A) prior to receipt of the
13 material at the POTW Treatment Plant.

14 (2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is
15 derived from an agricultural site and the digestate or compost produced from digestate is returned to
16 that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary
17 of the agricultural site on which the in-vessel digester is located. No more than an incidental amount
18 of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.
19 Digestate that is not composted may not be given away or sold.

20 (3) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock,
21 and **digestate** on site are excluded.

22 *[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits,*
23 *licenses, or other clearances that may be required by other regulatory agencies including, but not*
24 *limited to local health entities and local land use authorities.]*

25 (4) Other discrete handling activities that are already subject to more stringent handling
26 requirements under Federal or State law, as determined by the EA in consultation with the
27 Department, are excluded.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
30 Sections 40053, 43020 and 43021, Public Resources Code.

31 **§ 17896.7. Prohibitions.**

32 The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
33 where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

34 (a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
35 organs, hide, blood, bone and marrow, except when received:

36 (1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or
37 residential food scrap collection; or

38 (2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other
39 public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

40 (3) from a source approved by the Department in consultation with the State Water Resources
41 Control Board and the California Department of Food and Agriculture.

42 (b) The in-vessel digestion of medical waste.

43 (c) The in-vessel digestion of hazardous waste.

44
45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 40053, 43020 and 43021, Public Resources Code.

48 **§ 17896.8. Research In-Vessel Digestion Operations.**

49 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
50 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
51 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

52 (b) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
53 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
54 the research to be performed, research objectives, methodology/protocol to be employed, data to be
55 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
56 projected timeframe for completion of the research operation.

57 (c) After no more than a two year period of operation, the operator of a research in-vessel digestion
58 operation shall submit to the EA a report that includes the results and conclusions drawn from the
59

1 research. If the EA determines, based on the report, that there are further research objectives to be
2 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
3 two years. If the EA determines based on the report that there are no further research objectives to
4 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
5 section 17896.41.

6 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
7 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
8 health, safety, or environmental protection concern, shall satisfy the following additional
9 requirements:

10 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
11 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
12 site.

13 (2) The operator shall prepare, implement and maintain a site-specific, research in-vessel digestion
14 operation site security plan. The research in-vessel digestion site security plan shall include a
15 description of the methods and facilities to be employed for the purpose of limiting site access and
16 preventing the movement of unauthorized material on to or off of the site.

17 (3) After no more than a six-month period of operation the operator of a research in-vessel
18 digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report
19 that includes the results and conclusions drawn from the research and documentation of additional
20 requirements of this section. If the EA determines based on the report that there are further research
21 objectives to be met or data to be gathered, the EA may extend the research for a specified time
22 period not to exceed two years. If the EA determines based on the report that there are no further
23 research objectives to be met or data to be gathered, the operator shall conduct site restoration at the
24 facility pursuant to section 17896.41.

25 (e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2). to
26 the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that
27 the EA Notification for research in-vessel digestion operations is complete and correct only if the
28 additional documentation requirements of this section have been met.

29 (f) These operations shall be inspected by the EA at least once every three (3) months unless the EA
30 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
31 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
32 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
33 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
34 of requests for reducing the frequency of inspections.]

35
36 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
37 Sections 43020 and 43021, Public Resources Code.

38 **§ 17896.9. Dairy In-Vessel Digestion Operations.**

39 (a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth
40 in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
41 section 18100).

42 (1) These operations shall be inspected by the EA at least once a month for the first 12 months of
43 operation. After the first 12 months of operation the EA may approve, with Department concurrence, a
44 reduced inspection frequency of once every three months. After the first 24 months of operation the
45 EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar
46 year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to
47 public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and
48 Department requirements regarding the approval or denial of requests for reducing the frequency of
49 inspections.]

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 43020 and 43021, Public Resources Code.

53 **§ 17896.10. Distribution Center In-Vessel Digestion Operations.**

54
55 (a) All distribution center in-vessel digestion operations shall comply with the EA Notification
56 requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
57 (commencing with section 18100). These operations shall be inspected by the EA at least once every
58 three (3) months unless the EA approves, with Department concurrence, a reduced inspection
59

1 frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to
2 public health and safety and the environment but in no case shall the frequency be less than annual.
3 The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the
4 Department. [Note: See section 18083(a)(3) for additional EA and Department requirements
5 regarding the approval or denial of requests for reducing the frequency of inspections.]
6

7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
8 Sections 43020 and 43021, Public Resources Code.
9

10 **§ 17896.11. Limited Volume In-Vessel Digestion Operations.**

11 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
12 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
13 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA
14 at least once every three (3) months unless the EA approves, with Department concurrence, a
15 reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an
16 additional risk to public health and safety and the environment but in no case shall the frequency be
17 less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-
18 proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and
19 Department requirements regarding the approval or denial of requests for reducing the frequency of
20 inspections.]
21

22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
23 Sections 40053, 43020 and 43021, Public Resources Code.
24

25 **§ 17896.12. Medium Volume In-Vessel Digestion Facilities.**

26 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
27 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
28 (commencing with section 18104). These facilities shall be inspected monthly by the EA in accordance
29 with PRC section 43218.
30

31 Note: Authority cited: Sections 40502, 43020 and 43021, Pu+blic Resources Code. Reference:
32 Sections 40053, 43020 and 43021, Public Resources Code.
33

34 **§ 17896.13. Large Volume In-Vessel Digestion Facilities.**

35 All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in
36 accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter
37 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The
38 In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility
39 Information required by section 21570(f)(2) of Title 27. These facilities shall be inspected monthly by
40 the EA in accordance with PRC section 43218.
41

42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 40053, 43020 and 43021, Public Resources Code.
44

45 **§ 17896.14. In-Vessel Digestion Facility Plan.**

46 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(17)
47 shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The
48 information contained in the Plan shall be reviewed by the EA to determine whether it is complete and
49 correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.
50

51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 40053, 43020 and 43021, Public Resources Code.
53

54 **§ 17896.15. In-Vessel Digestion Report.**

55 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(13)
56 shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator
57 of an existing facility who submits an application package to the EA, pursuant to Title 27, section
58 21570, which proposes to change the facility's operations, or to change the solid waste facility permit
59 shall do one of the following:

- 1 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
2 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
5 Sections 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.16. Applicability of State Minimum Standards.**

8 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
9 vessel digestion operations and facilities, except as noted in Section 17896.1.(a).

10 (b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
11 digestion facilities.

12 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
13 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
14 shall place a copy of each approval, determination and other requirement in the operating record
15 together with those records identified in sections 17896.45 and 17896.46.

16 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
17 method of compliance with the standard. These provisions are not intended to allow the EA to change
18 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
19 alternative method of meeting the existing standard which provides equivalent protection of the public
20 health and safety and the environment as the existing standard. For facilities that require a full solid
21 waste facility permit, the EA may choose to include the approved alternative method of compliance as
22 a term and condition of the solid waste facility permit, rather than in the manner authorized by
23 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
24 the method may require a revision to the solid waste facility permit in accordance with the procedures
25 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
26 (commencing with section 21570).

27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
29 Sections 40053, 43020 and 43021, Public Resources Code.

30
31
32 **Article 2. Siting and Design**

33
34 **§ 17896.17. Siting On Landfills.**

35 (a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
36 closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
37 California Code of Regulations, section 21190.

38 (b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
39 solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by
40 natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or
41 failure of pads or structural foundations.

42 (c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
43 solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or
44 with the closure or postclosure maintenance of the landfill.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 40053, 43020 and 43021, Public Resources Code.

48
49 **§ 17896.18. General Design Requirements.**

50 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
51 appropriate, from persons competent in engineering, architecture, landscape design, traffic
52 engineering, air quality control, water quality protection and design of structures.

53 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
54 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
55 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
56 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
57 other pertinent information. If the operation or facility is to be used by the general public, the design
58 shall take account of safety features that may be needed to accommodate such public use.

1 (c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the
2 unloading area to as small an area as practicable, provide adequate control of windblown material,
3 minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances
4 by reason of solid wastes being handled at the operation. Other factors which shall be taken into
5 consideration are: dust control, noise control, public safety, and other pertinent matters related to the
6 protection of public health at the operation or facility.

7 (d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA
8 may require the applicant to describe how he or she has complied with applicable local and state
9 requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

10 (e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and
11 constructed to prevent loss of wastes from the container during storage. If such a container is used to
12 store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such
13 container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily
14 cleanable, designed for safe handling and constructed to prevent loss of wastes.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
17 Sections 40053, 43020 and 43021, Public Resources Code.

20 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

21 **§ 17896.19. Biogas Control.**

22 The operator of an in-vessel digestion operation or facility must take precautions to minimize the
23 uncontrolled release of biogas that may have harmful effects on site users and the general public.

24
25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
27 Sections 40053, 43020 and 43021, Public Resources Code.

28 **§ 17896.20. Cleaning.**

29 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
30 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
31 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

32 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;
33 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
34 least once every 24 hours.

35 (b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site
36 migration of waste materials.

37
38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
40 Sections 40053, 43020 and 43021, Public Resources Code.

41 **§ 17896.21. Drainage and Spill Control.**

42 (a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

43 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;
44 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
45 site migration of contact water;
46 (3) protect the integrity of roads and structures;
47 (4) protect the public health; and
48 (5) prevent safety hazards and interference with operations.

49 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
50 that occur.

51
52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
54 Sections 40053, 43020 and 43021, Public Resources Code.

55 **§ 17896.22. Dust Control.**

56 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
57 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
58 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
59

1 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
2 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
3 following may be an indication that dust is excessive:

- 4 (1) safety hazards due to obscured visibility; or
- 5 (2) irritation of the eyes; or
- 6 (3) hampered breathing;
- 7 (4) migration of dust off-site.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
10 Sections 40053, 43020 and 43021, Public Resources Code.

11
12 **§ 17896.23. Hazardous, Liquid, and Special Wastes.**

13 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
14 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
15 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

16 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
17 discovered, control measures as are necessary to protect public health, safety and the environment,
18 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
19 or removal from the operation or facility.

20 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
21 sludge wastes in a manner to protect public health, safety, and the environment.

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
24 Sections 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.24. Litter Control.**

27 Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
28 prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
29 possible given existing weather conditions.

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
32 Sections 40053, 43020 and 43021, Public Resources Code.

33
34 **§ 17896.25. Load Checking.**

35 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
36 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
37 program must include at a minimum:

- 38 (1) the number of random load checks to be performed;
- 39 (2) a location for the storage of prohibited wastes removed during the load checking process that is
40 separately secured or isolated;
- 41 (3) records of load checks and the training of personnel in the recognition, proper handling, and
42 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
43 records for the last year shall be maintained in the operating record and be available for review by the
44 appropriate regulatory agencies.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 40053, 43020 and 43021, Public Resources Code.

48
49 **§ 17896.26. Maintenance Program.**

50 All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
51 The operator shall implement a preventative maintenance program to monitor and promptly repair or
52 correct deteriorated or defective conditions.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
55 Sections 40053, 43020 and 43021, Public Resources Code.

56
57 **§ 17896.27. Medical Wastes.**

58 Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the
59 Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code),

1 shall not be accepted at an in-vessel digestion operation or facility, unless approved by the
2 appropriate regulatory agencies.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
5 Sections 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.28. Noise Control.**

8 Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
9 include but are not limited to: posting of warning signs that recommend or require hearing protection;
10 separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
11 transmission. Compliance with specific provisions regarding noise control in a local land use approval,
12 such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
13 this standard.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.29. Non-Salvageable Items.**

19 Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
20 pesticides and other materials capable of causing public health or safety problems shall not be
21 salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
22 the EA.

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
25 Sections 40053, 43020 and 43021, Public Resources Code.

26
27 **§ 17896.30. Odor Best Management Practice Feasibility Report.**

28 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
29 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
30 violations as determined pursuant to section 17863.4(f).

31 (b) The Report shall:

32 (1) Present representative and correlating odor data for each potential onsite odor source including
33 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
34 collected, description of operations associated with the source, and any odor impacts or complaints
35 received;

36 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
37 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
38 order of impact;

39 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

40 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
41 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
42 has used to minimize odor and analyze each BMP for the following:

43 1. The effectiveness of the BMP in reducing odor impacts;

44 2. The potential for more extensive use of the BMP to minimize odor impacts described by
45 complainants;

46 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
47 operationally practical;

48 4. The approximate cost to implement a more extensive use of the BMP;

49 5. Any permits or permit changes necessary to use the BMP more extensively;

50 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
51 the BMP is recommended; and

52 7. If the BMP has been found to be ineffective (include supporting data).

53 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
54 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
55 operator has not used and analyze each potential BMP to determine:

56 1. The potential for the BMP to reduce odor impacts described by complainants;

57 2. If the BMP is operationally practical;

58 3. The approximate cost to implement the BMP;

59 4. Any permits or permit changes necessary to use the BMP; and

1 5. Overall recommendation and ranking of implementing the BMP.
2 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
3 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

4 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
5 the Department for review. If the EA has required the operator to prepare a Report pursuant to
6 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
7 approved by the EA.

8 (d) The EA, in consultation with the Department, shall within 30 days:

9 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
10 in whole or in part; and/or

11 (2) direct the operator in writing to submit specific changes or additional information within a
12 timeframe specified by the EA.

13 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
14 (d)(1) or (d)(2).

15
16 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
17 Reference: Sections 43020, 43021 and 43209.1,

18
19 **§ 17896.31. Odor Minimization Plan.**

20 (a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
21 specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
22 Notification or permit application.

23 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
24 describing, at a minimum, the following items. If the operator will not be implementing any of these
25 procedures, the plan shall explain why it is not necessary.

26 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
27 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
28 possible odor receptors; and,

29 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
30 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
31 described; and,

32 (3) a complaint response and recordkeeping protocol; and,

33 (4) a description of design considerations and/or projected ranges of optimal operation to be
34 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
35 feedstock characteristics, airborne emission production, process water distribution, pad and site
36 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
37 service interruptions, and site specific concerns as applicable; and,

38 (5) a description of operating procedures for minimizing odor, including aeration, moisture
39 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
40 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
41 power, and personnel), bio filtration, and tarping as applicable.

42 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
43 provided to the EA, within 30 days of those changes.

44 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
45 revisions are necessary.

46 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
47 operation or facility is following the procedures established by the operator. If the EA determines that
48 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
49 (pursuant to section 18304) to require the operator to either comply with the odor impact
50 minimization plan or to revise it.

51 (f) If the odor impact minimization plan is being followed and the EA determines, in a manner
52 consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
53 to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
54 in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
55 (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
56 measures to minimize odors unless:

57 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

58 (2) there is an imminent threat to public health and safety and the environment; or

59 (3) a public nuisance has occurred.

1
2 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
3 Reference: Sections 43020, 43021 and 43209.1, [Public Resources Code](#).

4
5 **§ 17896.32. Odor and Nuisance Control.**

6 Each in-vessel digestion operation and facility shall be conducted and maintained:
7 (a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
8 (b) to otherwise prevent the creation of a nuisance.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
11 Sections 40053, 43020 and 43021, Public Resources Code.

12
13 **§ 17896.33. Parking.**

14 Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
15 with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
16 conditional use permit or CEQA mitigation measures, shall be considered compliance with this
17 standard.

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
20 Sections 40053, 43020 and 43021, Public Resources Code.

21
22 **§ 17896.34. Personnel Health and Safety.**

23 The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
24 section 3203, shall be available for review by local and state inspectors during normal business hours.
25 Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

26
27 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
28 Sections 40053, 43020 and 43021, Public Resources Code.

29
30 **§ 17896.35. Pre-Digestion Solid Waste Handling.**

31 (a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
32 sealed structure or removed from the site within 48 hours from the time of receipt. [This requirement](#)
33 does not apply to putrescible waste stored in a sealed bag, bottle, or can.
34 (b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
35 of receipt or at an alternate frequency approved by the EA.

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
38 Sections 40053, 43020 and 43021, Public Resources Code.

39
40 **§ 17896.36. Protection of Users.**

41 An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so
42 that contact between the public and solid wastes is minimized. This may be accomplished through the
43 use of railings, curbs, grates, fences, and/or spotters.

44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
46 Sections 40053, 43020 and 43021, Public Resources Code.

47
48 **§ 17896.37. Roads.**

49 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
50 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
51 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
52 all-weather access to the site.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
55 Sections 40053, 43020 and 43021, Public Resources Code.

56
57 **§ 17896.38. Sanitary Facilities.**

58 The operator shall maintain all sanitary and hand-washing facilities which may be required, by
59 applicable state or local requirements, in a reasonably clean and adequately supplied condition.

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
3 Sections 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.39. Scavenging and Salvaging.**

6 Each in-vessel digestion operation or facility shall meet the following requirements:

7 (a) scavenging shall be prohibited;

8 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
9 of the operation, subject to conditions established by the EA, the local land use authority, or other
10 approving agencies.

11 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
12 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
13 entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging
14 activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly
15 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
16 or nuisance problems;

17 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
18 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
19 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
20 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
21 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a
22 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
23 Digestion Facility Plan, or In-vessel Digestion Facility Report.

24
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
26 Sections 40053, 43020 and 43021, Public Resources Code.

27
28 **§ 17896.40. Signs.**

29 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
30 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
31 facility name and location of nearest public operation or facility.

32 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
33 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
34 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
35 or (2) WILL NOT be accepted.

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
38 Sections 40053, 43020 and 43021, Public Resources Code.

39
40 **§ 17896.41. Site Restoration.**

41 All in-vessel digestion operations and facilities shall meet the following requirements:

42 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
43 days prior to beginning site restoration.

44 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
45 safety, and the environment.

46 (c) The operator shall ensure that the following site restoration procedures are performed upon
47 completion of operations and termination of service:

48 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
49 including, but not limited to, digestate, compost materials, construction scraps, and other materials
50 related to the operations, and these residues legally recycled, reused, or disposed.

51 (2) All machinery shall be cleaned and removed or stored securely.

52 (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or
53 other residues related to the site restoration operations.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
56 Sections 43020 and 43021, Public Resources Code.

1 **§ 17896.42. Supervision and Personnel.**

2 The operator shall provide adequate supervision and a sufficient number of qualified personnel to
3 ensure proper operation of the site in compliance with all applicable laws, regulations, permit
4 conditions and other requirements. The operator shall notify the EA in writing of the name, address
5 and telephone number of the operator or other person responsible for the operation. A copy of the
6 written notification shall be placed in the operating record.

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
9 Sections 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.43. Training.**

12 Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site
13 solid waste operations and maintenance, hazardous materials recognition and screening, use of
14 mechanized equipment, environmental controls, emergency procedures and the requirements of this
15 Article. A record of such training history shall be maintained and made available for inspection.

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
18 Sections 40053, 43020 and 43021, Public Resources Code.

19
20 **§ 17896.44. Vector, Bird and Animal Control.**

21 The operator shall take adequate steps to control or prevent the propagation, harborage and
22 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
25 Sections 40053, 43020 and 43021, Public Resources Code.

26
27
28 **Article 4. Record Keeping Requirements**

29
30 **§ 17896.45. Record Keeping Requirements.**

31 Each operator shall meet the following requirements:

32 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
33 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
34 submitted to the EA or the Department upon request; be adequate for overall planning and control
35 purposes; and, be as current and accurate as practicable;

36 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
37 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
38 agencies during normal working hours.

39 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
40 approved by the EA;

41 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
42 operations and methods used to resolve problems arising from these events, including details of all
43 incidents that required implementing emergency procedures. Special occurrences shall include but are
44 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
45 prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
46 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
47 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
48 unless the EA determines that a less immediate form of notification will be sufficient to protect public
49 health and safety and the environment;

50 (e) The operator shall record any written public complaints received by the operator, including:

51 (1) the nature of the complaint,

52 (2) the date the complaint was received,

53 (3) if available, the name, address, and telephone number of the person or persons making the
54 complaint, and

55 (4) any actions taken to respond to the complaint;

56 (f) The operator shall maintain a copy of the written notification to the EA and local health agency of
57 the name, address and telephone number of the operator or other person(s) responsible for the
58 operations as required by section 17896.42;

59 (g) The operator shall maintain records of employee training as required by section 17896.43;

1 (h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809
2 et seq.

3 (i) The operator shall record all test results generated by compliance with Article 6 of this Chapter,
4 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
5 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

6 (1) The operator shall retain records detailing pathogen reduction methods.

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
9 Sections 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and**
12 **Requirements.**

13 Approvals, determinations, and other requirements the EA is authorized to make under this Chapter
14 shall be provided in writing to the operator and placed in the operating record by the operator.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
17 Sections 40053, 43020 and 43021, Public Resources Code.

18
19
20 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**

21
22 **§ 17896.47. Communications Equipment.**

23 Each in-vessel digestion facility shall have adequate communication equipment available to site
24 personnel to allow quick response to emergencies.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
27 Sections 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.48. Equipment.**

30 Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-
31 vessel digestion facility to meet all requirements of this Chapter.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 40053, 43020 and 43021, Public Resources Code.

35
36 **§ 17896.49. Fire Fighting Equipment.**

37 Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly
38 maintained and located as required by the local fire authority.

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
41 Sections 40053, 43020 and 43021, Public Resources Code.

42
43 **§ 17896.50. Housekeeping.**

44 The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility
45 equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap,
46 and similar items.

47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
49 Sections 40053, 43020 and 43021, Public Resources Code.

50
51 **§ 17896.51. Lighting.**

52 The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either
53 through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of
54 operations, and public health, safety and the environment.

55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
57 Sections 40053, 43020 and 43021, Public Resources Code.

1 **§ 17896.52. Site Attendant.**

2 An in-vessel digestion facility open to the public shall have an attendant present during public
3 operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as
4 approved by the EA to ensure that it meets all of the requirements of this Chapter.

5
6 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
7 Sections 40053, 43020 and 43021, Public Resources Code.

8
9 **§ 17896.53. Site Security.**

10 The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and
11 vehicles through the use of either a perimeter barrier or topographic constraints.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
14 Sections 40053, 43020 and 43021, Public Resources Code.

15
16 **§ 17896.54. Traffic Control.**

17 (a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:

- 18 (1) interference with or creation of a safety hazard on adjacent public streets or roads,
19 (2) on-site safety hazards, and
20 (3) interference with operations.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
23 Sections 40053, 43020 and 43021, Public Resources Code.

24
25 **§ 17896.55. Visual Screening.**

26 The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create
27 and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if
28 none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening
29 in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be
30 considered compliance with this standard.

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
33 Sections 40053, 43020 and 43021, Public Resources Code.

34
35 **§ 17896.56. Water Supply.**

36 A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use
37 (e.g., fire protection, first aid) shall be available.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
40 Sections 40053, 43020 and 43021, Public Resources Code.

41
42
43 **Article 6. Digestate Handling Standards**

44
45 **§ 17896.57. Digestate Handling.**

46 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

47 (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
48 alternative handling method after determining the alternative method will not pose an additional risk
49 to public health and safety or the environment; or

50 (2) incorporated in an on-site aerobic compost process.

51 (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
52 facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.4.

53 (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
54 requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
55 the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
56 physical contamination limits of section 17896.61; or

57 (3) removed from the site and either:

58 (A) transported as solid waste to another solid waste facility or operation for disposal, composting,
59 or additional processing; or

1 (B) used or disposed in a manner approved by local, state, and federal agencies having
2 appropriate jurisdiction.
3 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
4 pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
5 section 17896.61 or are known to contain any metal in amounts that exceed the maximum metal
6 concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
7 pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
8 the maximum physical contamination limits described in section 17896.61 shall be designated for
9 disposal, additional processing, or other use as approved by local, state agencies having appropriate
10 jurisdiction.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
13 Sections 40053, 43020 and 43021, Public Resources Code.
14

15 **§ 17896.58. Sampling Requirements.**

16 (a) The sampling of compost produced at an in-vessel digestion facility (pursuant to section
17 17896.57(a)(2)) shall occur at the point where the compost is removed from the site, bagged for sale,
18 given away for beneficial use and removed from the site or otherwise beneficially used. Analytical
19 results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by
20 the operator prior to the sampled compost leaving the site. Sample results must be received by the
21 operator prior to removing compost from the in-vessel digestion facility where it was produced.

22 (b) This sampling shall be performed by taking and analyzing at least one composite sample, following
23 the requirements of this section as follows:

24 (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
25 compost produced.

26 (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
27 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
28 pursuant to the Health and Safety Code.

29 (c) A composite sample shall be representative and random, and may be obtained by taking twelve
30 (12) mixed samples as described below.

31 (1) The twelve samples shall be of equal volume.

32 (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
33 follows:

34 (A) Four samples from one-half the width of the pile, each at a different cross-section;

35 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

36 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

37 (d) The EA may approve alternative methods of sampling that ensures the maximum metal
38 concentration requirements of section 17896.59, the pathogen reduction requirements of section
39 17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are
40 met.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 43020 and 43021, Public Resources Code.
44

45 **§ 17896.59. Maximum Metal Concentrations.**

46 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
47 exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any
48 metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall
49 be designated for disposal, additional processing, or other use as approved by local, state and federal
50 agencies having appropriate jurisdiction. Sample results must be received by the operator prior to
51 removing compost from the in-vessel digestion facility where it was produced.
52
53
54
55
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58
59

1 Table 2 - Maximum Acceptable Metal Concentrations

2

<u>Constituent</u>	<u>Concentration (mg/kg)</u> <u>on dry weight basis</u>
<u>Arsenic (As)</u>	<u>41</u>
<u>Cadmium (Cd)</u>	<u>39</u>
<u>Chromium (Cr)</u>	<u>(see subdivision (a)(1) below)</u>
<u>Copper (Cu)</u>	<u>1500</u>
<u>Lead (Pb)</u>	<u>300</u>
<u>Mercury (Hg)</u>	<u>17</u>
<u>Nickel (Ni)</u>	<u>420</u>
<u>Selenium (Se)</u>	<u>100</u>
<u>Zinc (Zn)</u>	<u>2800</u>

3
4 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
5 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
6 produce to be determined in connection with the analysis of other metals. Operators shall maintain
7 records of all chromium concentrations together with their records of other metal concentrations.
8 (b) Alternative methods of compliance to meet the requirements of this section may be approved by
9 the EA if the EA determines that the alternative method will ensure that the maximum acceptable
10 metal concentrations shown in Table 2 are not exceeded.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
13 Sections 43020 and 43021, Public Resources Code.

14
15 **§ 17896.60. Pathogen Reduction.**

16 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
17 exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this
18 section. Compost that contains any pathogens in amounts that exceed these pathogen reduction
19 requirements shall be designated for disposal, additional processing, or other use as approved by
20 local, state and federal agencies having appropriate jurisdiction. Sample results must be received by
21 the operator prior to removing compost from the in-vessel digestion facility where it was produced.

22 (b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

23 (1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less
24 than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
25 Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4)
26 grams of total solids (dry weight basis). Sample results must be received by the operator prior to
27 removing product from the site.

28 (2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active
29 compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or
30 higher for a pathogen reduction period of 3 days.

31 (A) Due to variations among enclosed and within-vessel composting system designs, including
32 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
33 application to meet the requirements of subdivision (b)(2) of this section.

34 (3) If the facility uses a windrow composting process, active compost shall be maintained under
35 aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
36 pathogen reduction period of 15 days or longer. During the period when the compost is maintained at
37 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

38 (4) If the facility uses an aerated static pile composting process, all active compost shall be covered
39 with 6 to 12 inches of insulating material, and the active compost shall be maintained at a
40 temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period
41 of 3 days.

42 (c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an
43 aerated static pile composting process shall be monitored as follows to ensure that the standards in
44 subdivision (b) of this section are met:

45 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
46 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
47 fraction thereof.

1 (2) Temperature measurements for pathogen reduction shall be measured as follows:
2 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
3 four (24) inches below the pile surface;

4 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
5 inches from the point where the insulation cover meets the active compost.

6 (d) Alternative methods of compliance to meet the requirements of this section may be approved by
7 the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
10 Sections 43020 and 43021, Public Resources Code.

11 **§ 17896.61. Physical Contamination Limits.**

12 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
13 contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that
14 contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be
15 designated for disposal, additional processing, or other use as approved by local, state and federal
16 agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the
17 point where compost is sold and removed from the site, bagged for sale, given away for beneficial use
18 and removed from the site or otherwise beneficially used. Sample results must be received by the
19 operator prior to removing compost from the in-vessel digestion facility where it was produced.

20 (b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one
21 representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at
22 which physical contaminants greater than 4 millimeters shall be collected and weighed, and the
23 percentage of physical contaminants determined.

24 (c) Alternative methods of compliance to meet the requirements of this section may be approved by
25 the EA if the EA determines that the alternative method will ensure the physical contaminant
26 requirements of this section are met.

27
28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
30 Sections 43020 and 43021, Public Resources Code.

31 32 33 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility** 34 **Permits; Loan Guarantees.**

35 36 37 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

38 39 **§ 18083. LEA Duties and Responsibilities for Inspections.**

40 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3
41 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and
42 investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal
43 sites and equipment to verify compliance with the state minimum standards, solid waste facilities
44 permits, and related state solid waste laws and regulations within their purview for the protection of
45 the environment and the public health and safety. The LEA/EA shall perform these inspections and
46 related duties as required below, and forward inspection reports to the operator and/or owner, and the
47 ~~board~~ Department within 30 days of the inspection:

48 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

49 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
50 abatement by enforcement action(s);

51 (3) at the frequency required by the state minimum standards for each type of operation specified in
52 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
53 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
54 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
55 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
56 the environment, and in no case shall the inspection frequency be less than once per calendar year.
57 The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
58 concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
59 an additional risk to public health and safety or the environment in light of the specific circumstances

1 at the operation in question. The Department shall concur or deny the EA-proposed approval within
2 thirty (30) days from receipt.

3 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
4 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
5 safety or the environment. This determination shall be subject to ~~board-Department~~ approval. For the
6 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
7 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
8 closure requirements;

9 (A) the ~~board-Department~~ may approve an alternate inspection frequency for these sites where
10 such an action will not result in adverse impact on public health and safety and the environment.

11 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
12 with the ~~board-Department~~ through a grant program to inspect waste tire facilities, major waste tire
13 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
14 every two and a half years pursuant to 14 CCR Section 18443;

15 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

16 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
17 revision, review, RFI amendment, or closure/postclosure plan; and

18 (8) pursuant to the EPP, for solid waste handling and collection equipment.

19 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
20 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
21 days, during normal business hours or the site's operating hours.

22
23 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
24 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

25 26 27 **Article 3.0. Regulatory Tier Requirements**

28 **§ 18100. Scope.**

29 (a) This Article sets forth the method of application for a tiered solid waste facilities permit,
30 procedures for review and action on an application package, and other requirements associated with
31 regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
32 and other requirements associated with solid waste handling operations. Similar provisions regarding a
33 full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
34 Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

35 (b) The provisions of this Article shall apply only to those operations and facilities as specified in the
36 minimum standards set forth in Chapters 3.0, ~~or 3.1, or 3.2~~ of Division 7 of this Title.

37 (c) The submittal of an enforcement agency notification (in accordance with section 18103) or
38 issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
39 issued tiered permit.

40 (d) Specific provisions relating to the different types of regulatory tiers may be found below as
41 follows:

- | | |
|---|-------------------------------|
| 42 (1) Excluded | section 18102 |
| 43 (2) Notification of Enforcement Agency | sections 18103 – 18103.3 |
| 44 (3) Registration Permit | sections 18104 – 18104.9; and |
| 45 (4) Standardized Permit | sections 18105 – 18105.11. |

46
47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
49 Sections 40053, 43020, 43021 and 43000-45802, Public Resources Code.

50 **§ 18102. Excluded Solid Waste Handling.**

51 Operators of excluded operations designated by the minimum standards set forth in Division 7 of this
52 Title are not required to notify the enforcement agency or submit an application for a solid waste
53 facilities permit. Nothing in this section precludes the enforcement agency or the ~~board-Department~~
54 from inspecting an excluded operation to verify that the operation is being conducted in a manner that
55 qualifies as an excluded operation or taking any appropriate enforcement action.

56
57
58 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
59 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

1
2 **§ 18103. Enforcement Agency Notification.**

3 (a) The enforcement agency notification provisions of this Article shall apply only to operations as
4 specified in the minimum standards set forth in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of this Title.

5 (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement
6 agency notification as follows:

- 7 (1) Filing Requirements section 18103.1;
8 (2) Record Keeping Requirements section 18103.2; and
9 (3) Termination of Operation section 18103.3.

10 (c) Operations authorized to use the enforcement agency notification tier are required to operate in
11 accordance with the minimum standards set forth in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 applicable
12 to that operation.

13 (d) Nothing in this section precludes the enforcement agency or the ~~board~~ Department from the
14 following: inspecting an operation to verify that the operation is being conducted in a manner that
15 qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in
16 compliance with the minimum standards; or, taking any appropriate enforcement action, including the
17 use of a 'notice and order.'

18
19 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
20 43020, 44100(a), 44101(a) and 45200, Public Resources Code

21
22 **§ 18103.1. Filing Requirements.**

23 (a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency
24 notification shall notify the enforcement agency of its intent to operate in writing prior to commencing
25 operations. This written notification shall be legible and include the following information:

26 (1) The name, address, and phone number of the proposed operation; the name, address, and
27 phone number where the operator can be contacted if these differ from the operation site; and, the
28 name, address, and phone number of the owner if these differ from the operator.

29 (2) The section in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of this Title authorizing eligibility for this
30 tier and a description of the facility's operations, including but not limited to, volume and hours of
31 wastes/material handled, peak and annual loading, and hours of operation.

32 (3) Documentation that the operator has notified the local planning department with jurisdiction
33 over the site of its intent to commence operations. Documentation may include, proof of compliance
34 with CEQA, correspondence from the local planning department that compliance with the California
35 Environmental Quality Act is not required for the operation to obtain local land use approval or written
36 notice to the local planning department of the operator's intent to commence operations.

37 (4) A statement by the owner and operator certifying under penalty of perjury that the information
38 which they have provided is true and accurate to the best of their knowledge and belief.

39 (b) The notification shall be mailed to the enforcement agency "return receipt requested."
40

41 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
42 Public Resources Code.
43

44 **§ 18103.2. Record Keeping Requirements.**

45 The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall
46 be publicly available during normal business hours. The enforcement agency shall forward a copy of
47 the notification to the ~~board~~ Department within five days of receipt. The enforcement agency shall
48 retain a copy of the notification for a minimum of one year after the facility is known to have ceased
49 operations.
50

51 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
52 Public Resources Code.
53

54 **§ 18104. Registration Permit.**

55 (a) The registration permit provisions of this Article shall apply only to solid waste facilities as
56 specified in the minimum standards set forth in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of this Title.

57 (b) A registration permit shall be deemed by reference, as terms and conditions of the
58 permit, all minimum standards applicable to it, as set forth in Chapters ~~3, or 3.1, or 3.2~~, of Division 7.

59 (c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

- 1 (1) Filing Requirements section 18104.1;
- 2 (2) Enforcement Agency Processing Requirements section 18104.2;
- 3 (3) Record Keeping Requirements section 18104.3;
- 4 (4) Completeness Appeal section 18104.4;
- 5 (5) Change in Operation section 18104.5;
- 6 (6) Change in Owner section 18104.6;
- 7 (7) Permit Review & Reissuance section 18104.7;
- 8 (8) Suspend/Revoke section 18104.8, and
- 9 (9) Voiding of a Registration Permit section 18104.9.

10
11 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
12 Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

13
14 **§ 18104.1. Filing Requirements.**

15 Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an
16 application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated
17 herein by reference, with the enforcement agency. The application shall be accompanied by the fee
18 specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See
19 Appendix A.) This application shall contain the following information:

20 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or~~ 3.1, or 3.2 of
21 Division 7 of this Title authorizing eligibility for this tier.

22 (b) General description of the facility including, but not limited to name, location, site map, and
23 location map.

24 (c) Facility information, including, but not limited to, volume and type of waste/material; handled,
25 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

26 (d) Operator information, including identification of the land owner, his/her address and telephone
27 number; identification of the facility operator, his/her address and telephone number; and the
28 address(es) at which process may be served upon the operator and owner.

29 (e) Conformance finding information as follows:

30 (1) Until a countywide or regional agency integrated waste management plan has been approved by
31 the ~~Board~~ Department, the application shall include statements that: the facility is identified and
32 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
33 Public Resources Code Section 50000; and that the facility is consistent with the city or county
34 General Plan.

35 (2) After a countywide or regional agency integrated waste management plan has been approved by
36 the ~~Board~~ Department, the application shall include a statement that: the facility is identified in either
37 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
38 Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public
39 Resources Code Section 50001.

40 (f) The owner and operator shall each certify under penalty of perjury that the information which they
41 have provided is true and accurate to the best of their knowledge and belief.

42 (g) Evidence that the application form was provided to the director of the local agency that oversees
43 local use planning for the jurisdiction in which the site is located.

44 (h) List of all public hearings and other meetings open to the public that have been held or copies of
45 notices distributed that are applicable to the proposed solid waste facilities permit action.

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
48 Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

49
50 **§ 18104.2. Enforcement Agency Processing Requirements.**

51 ...
52 (g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~ Department
53 and to any person who has so requested in writing.

54 ...

55 ...

56 ...

57 ...

58 ...

59 ...

1 **§ 18104.3. Record Keeping Requirements.**

2 ...
3 (c) The enforcement agency shall forward copies of any written public comments received on an
4 application to the ~~board~~Department with the registration permit submitted pursuant to section
5 18104.2(f).

6 (d) Subsequent to the transmittal of the registration permit to the ~~board~~Department, the enforcement
7 agency shall within five days of receipt provide a copy of any additional written public comments to
8 the ~~board~~Department unless the comment clearly states that a copy has already been provided to the
9 ~~board~~Department.

10 (e) If an application is denied, the enforcement agency shall retain public comments received on that
11 application for a period of 2 years. If a previously denied permit is approved, all comments received
12 shall be forwarded to the ~~board~~Department with the copy of the registration permit submitted under
13 subsection (c) above.

14 ...
15 ...
16 **§ 18104.6. Change in Owner.**

17 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
18 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
19 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
20 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
21 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
22 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~Department
23 within five days of receipt.

24 ...
25 ...
26 **§ 18104.9. Voiding of a Registration Permit.**

27 Every registration permit shall be void 30 days after cessation of operations. Any operator who intends
28 to cease operations shall notify the enforcement agency of his/her last proposed date of operation at
29 least 15 days in advance. The enforcement agency shall forward a copy of this notification to the
30 ~~board~~Department within 7 days. "Cessation of operations" does not include temporary operational
31 shutdowns which are seasonal or intermittent in nature.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 43020, 43021 and 43000-45802, Public Resources Code.

35
36 **§ 18105. Standardized Permit.**

37 (a) The standardized permit provisions of this Article shall apply only to solid waste facilities as
38 specified in the minimum standards set forth in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of the Title.

39 (b) A standardized permit obtained pursuant to this Article shall contain only those terms and
40 conditions applicable to the type of facility receiving it as set out in the minimum standards for that
41 type of facility.

42 (c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as
43 follows:

- 44 (1) Filing Requirements section 18105.1;
- 45 (2) Enforcement Agency Processing Requirements section 18105.2;
- 46 (3) Record keeping Requirements section 18105.3;
- 47 (4) Completeness Appeal section 18105.4;
- 48 (5) ~~Board~~Department Processing Requirements section 18105.5;
- 49 (6) Appeal of Decision section 18105.6;
- 50 (7) Change in Operation section 18105.7;
- 51 (8) Change in Owner section 18105.8;
- 52 (9) Permit Review section 18105.9;
- 53 (10) Suspend/Revoke section 18105.10; and
- 54 (11) Voiding of a Standardized Permit section 18105.11.

55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
57 Sections 43020, 43021 and 43000-45802, Public Resources Code.

1 **§ 18105.1. Filing Requirements.**

2 Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an
3 application in duplicate with the enforcement agency accompanied by the fee specified by the
4 enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall
5 contain the following information:

6 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or 3.1, or 3.2~~ of
7 Division 7 of this Title authorizing eligibility for this tier.

8 (b) General description of the facility including, but not limited to name, location, site map, and
9 location map.

10 (c) Facility information, including, but not limited to, volume and types of waste/material handled,
11 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

12 (d) Operator information, including identification of the land owner, his/her address and telephone
13 number; identification of the facility operator, his/her address and telephone number; and the
14 address(es) at which process may be served upon the operator and owner.

15 (e) A Report of Facility Information that contains all of the information required by the applicable
16 section(s) of Article 3.2, Chapter 5, of this Division.

17 (f) One of the following:

18 (1) Evidence that there has been compliance with the California Environmental Quality Act, Division
19 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

20 (2) Information on the status of the application's compliance with the California Environmental
21 Quality Act regarding the facility. Once there has been compliance with the California Environmental
22 Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement
23 agency.

24 (g) Conformance finding information as follows:

25 (1) Until a countywide or regional agency integrated waste management plan has been approved by
26 the ~~board~~ Department, the application shall include statements that: the facility is identified and
27 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
28 Public Resources Code Section 50000; and that the facility is consistent with the city or county
29 General Plan.

30 (2) After a countywide or regional agency integrated waste management plan has been approved by
31 the ~~board~~ Department, the application shall include a statement that: the facility is identified in either
32 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
33 Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be
34 identified in any of these elements pursuant Public Resources Code Section 50001.

35 (h) The owner and operator shall each certify under penalty of perjury that the information provided
36 is true and accurate to the best of their knowledge and belief.

37 (i) Evidence that the application form was provided to the director of the local agency that oversees
38 local use planning for jurisdiction in which the site is located.

39 (j) List of all public hearings and other meetings open to the public that have been held or copies of
40 notices distributed that are applicable to the proposed solid waste facilities permit action.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

44
45 **§ 18105.2. Enforcement Agency Processing Requirements.**

46 ...

47 (g) Within fifteen days of acceptance of an application for filing:

48 (1) The enforcement agency shall evaluate the information provided in the application and the
49 proposed facility to determine whether or not the facility will be able to operate in compliance with the
50 applicable minimum standards and standardized solid waste facilities permit terms and conditions.

51 (2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

52 (3) If the enforcement agency finds that the application and facility meet the requirements set forth
53 in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed
54 standardized permit, application package, and the results of any analysis to the ~~board~~ Department.
55 The enforcement agency shall further provide the applicant with a copy of the proposed standardized
56 permit submitted to the ~~board~~ Department. In addition, the enforcement agency shall provide a copy
57 of the proposed standardized permit to any person who has so requested in writing.

1 (4) If the enforcement agency finds that the application or facility do not meet the requirements set
2 forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy
3 of the rejected application accompanied by an explanation shall be mailed to the applicant.

4 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
5 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
6 the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
7 requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
8 Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
9 been submitted within 120 days of the application's acceptance for filing, the enforcement agency
10 shall reject the application and not issue the standardized permit.

11 (i) Once the ~~Board-Department~~ has concurred in the issuance of the proposed standardized permit,
12 pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

13 (j) If the ~~Board-Department~~ objects to the proposed standardized permit, the enforcement agency
14 shall notify the applicant in writing of the ~~Board-Department's~~ decision, and the reasons for that
15 decision, within five days of receipt of that decision.

16 ...

17 **§ 18105.3. Record Keeping Requirements.**

18 ...

19 (c) The enforcement agency shall forward copies of any written public comments received on a
20 pending application to the ~~Board-Department~~ with the proposed standardized permit submitted
21 pursuant to section 18105.2(g).

22 (d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall
23 within five days of receipt provide a copy of any additional written public comments to the ~~Board-
24 Department~~, unless the comment clearly states that a copy has already been provided to the ~~Board-
25 Department~~.

26 ...

27 **§ 18105.5. Board-Department Processing Requirements.**

28 (a) The ~~Board-Department~~ shall mark the proposed standardized permit with the date of receipt.

29 (b) The ~~Board-Department~~ shall evaluate the application package and the proposed standardized
30 permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

31 (c) Within 30 days of receipt of a proposed standardized permit, the ~~Board-Department~~ shall either
32 concur in or object to the issuance of the proposed standardized permit.

33 (d) If the proposed standardized permit contains terms and conditions not authorized by the minimum
34 standards and the permit is otherwise in conformance with these regulations, any additional
35 unauthorized terms and conditions shall be stricken. The ~~Board-Department~~ shall concur in the edited
36 standardized permit.

37 (e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the ~~Board-
38 Department~~ shall notify the enforcement agency of its determination in writing. If the ~~Board-
39 Department~~ objects, the reasons for the objection shall be provided to the enforcement agency.

40 ...

41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
42 Sections 43020, 43021 and 43000-45802, Public Resources Code

43 **§ 18105.6. Appeal of Decision.**

44 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
45 18105.2(g)(3) or of the ~~Board-Department~~ taken pursuant to section 18105.5 to the enforcement
46 agency within 15 days of the date that the decision was received. Such an appeal must be in writing
47 and specify the grounds for the appeal. A final written determination on the appeal shall be made by
48 the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
49 Code, no later than 60 days after receipt of the applicant's appeal.

50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
51 Sections 43020, 43021 and 43000-45802, Public Resources Code

52 **§ 18105.8. Change in Owner.**

53 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
54 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
55

1 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
2 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
3 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
4 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department
5 within five days of receipt.

6 ...

8 **§ 18105.9. Permit Review and Reissuance.**

9 ...

10 (d) If an operator files a certification as specified in subsection (c) above or a new application
11 pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
12 18105.2 and 18105.3 and the ~~board~~ Department shall follow the procedures set forth in Section
13 18105.5.

14 ...

16 **§ 18105.11. Voiding of a Standardized Permit.**

17 Every standardized permit shall be void 30 days after cessation of operations. Any operator who
18 intends to cease operations shall notify the enforcement agency of his/her last proposed date of
19 operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
20 to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary
21 operational shutdowns which are seasonal or intermittent in nature.

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
24 Sections 43020, 43021 and 43000-45802, Public Resources Code.

27 **Article 3.2. Reports of Facility Information**

29 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

30 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
31 Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
32 (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
33 Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
34 the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
35 amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
36 permit. The Plan shall contain the following:

37 (a) name(s) of the operator, owner, and the company they represent, if applicable;

38 (b) schematic drawing of the building and other structures showing layout and general dimensions of
39 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

40 (c) descriptive statement of the manner in which activities are to be conducted at the facility;

41 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
42 material processing, each set of hours may be stated. For facilities with continuous operations,
43 indicate the start of the operating day for purpose of calculating amount of waste received per
44 operating day. The operator may also indicate whether or not, and when, other activities, such as
45 routine maintenance will take place, if those activities will occur at times other than those indicated
46 above;

47 (e) total acreage contained within the operating area;

48 (f) facility design capacity including the assumptions, methods, and calculations performed to
49 determine the total capacity;

50 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
51 was figured from records of cubic yards, include the conversion factor used;

52 (h) description of the methods used by the facility to comply with each state minimum standard
53 contained in sections 17896.17 through 17896.61;

54 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
55 of any wastewater;

56 (j) description of provisions to handle unusual peak loading;

57 (k) description of transfer, recovery and processing equipment, including classification, capacity and
58 the number of units;

59 (l) planned method for final disposal of the solid waste;

- 1 (m) planned method for the storage and removal of salvaged material;
- 2 (n) resume of management organization which will operate the facility;
- 3 (o) [An Odor Impact Minimization Plan pursuant to section 17896.31.](#)

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
6 Sections 40053, 43020 and 43021, Public Resources Code.

8 **§ 18221.6.1. In-Vessel Digestion Report.**

9 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
10 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
11 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
12 Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to
13 maintain an existing permit, the operator must file amendments as required in section 17896.15 of
14 this Title and re-title the document as an [In-vessel Digestion](#) Report. Such amendments, or lack
15 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
16 shall contain the following:

- 17 (a) name(s) of the operator, owner, and the company they represent, if applicable;
- 18 (b) facility specifications or plans, to include: a site location map, a site map, and identification of
19 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
20 of the facility property line;
- 21 (c) schematic drawing of the building and other structures showing layout and general dimensions of
22 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
- 23 (d) descriptive statement of the manner in which activities are to be conducted at the facility;
- 24 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
25 material processing, each set of hours may be stated. For facilities with continuous operations,
26 indicate the start of the operating day for purpose of calculating amount of waste received per
27 operating day. The operator may also indicate whether or not, and when, other activities, such as
28 routine maintenance will take place, if those activities will occur at times other than those indicated
29 above;
- 30 (f) total acreage contained within the operating area;
- 31 (g) facility design capacity including the assumptions, methods, and calculations performed to
32 determine the total capacity;
- 33 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage
34 was figured from records of cubic yards, include the conversion factor used;
- 35 (i) description of the methods used by the facility to comply with each state minimum standard
36 contained in sections 17896.17 through 17896.61;
- 37 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
38 of any wastewater;
- 39 (k) description of provisions to handle unusual peak loading;
- 40 (l) description of transfer, recovery and processing equipment, including classification, capacity and
41 the number of units;
- 42 (m) planned method for final disposal of the solid waste;
- 43 (n) planned method for the storage and removal of salvaged material;
- 44 (o) resume of management organization which will operate the facility;
- 45 (p) list of permits already obtained, and the date obtained or last revised;
- 46 (q) [An Odor Impact Minimization Plan pursuant to section 17896.31.](#)

47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
49 Sections 40053, 43020 and 43021, Public Resources Code

51 **§ 18227. Report of Composting Site Information.**

52 Each operator of a compostable material handling facility that is required to obtain a Compostable
53 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
54 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
55 section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
56 specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
57 with section 18104) shall, at the time of application, file a Report of Composting Site Information with
58 the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
59 contain the following:

- 1 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
2 and amendments.
3 (b) A descriptive statement of the operations conducted at the facility.
4 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
5 in the production of compost including, but not limited to, unloading, storage, processing, parking,
6 and loading areas.
7 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
8 insects, for example, how the operator will store, process and incorporate food material and
9 vegetative food material into windrows or static piles, timeframes for inclusion of material, **collection**
10 **and containment of leachate**, passive and active vector controls, methods to monitor effectiveness of
11 **control measures**.
12 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
13 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
14 length of time compostable materials will be stored at the facility.
15 (g) A description of compostable materials handling equipment used at the facility including type,
16 capacity, and number of units.
17 (h) Anticipated annual operation capacity for the facility in cubic-yards.
18 (i) A description of provisions to handle unusual peak loadings.
19 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
20 nonmarketable residues.
21 (k) A description of the water supplies for process water required.
22 (l) Identification of person(s) responsible for oversight of facility operations.
23 (m) A description of the proposed site restoration activities, in accordance with section 17870.
24 (n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator
25 to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as
26 food material or vegetative food material.

27
28 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
29 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.
30

31 **Article 4. Enforcement by EA and Review by Board-Department**

32 **§ 18302. Written Complaints of Alleged Violations.**

33
34 (a) Any person having information alleging a facility or operation is being operated without a required
35 permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
36 state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
37 permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
38 file a complaint regarding such allegation in writing to the EA. ~~The compliant-complaint shall include~~
39 ~~the following:~~
40

41 (1) The name, address and telephone number of the person making the complaint, however nothing
42 in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
43 identity of the reporting party from the complaint;

44 (2) The identity and location, if known, of the facility or operation and the names and addresses, if
45 known, of the persons responsible for the violation;

46 (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

47 (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
48 investigating the complaint, including but not limited to information relating to witnesses and physical
49 evidence.

50 (b) The person making the complaint may forward a copy to the ~~board~~Department.

51 (c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
52 whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
53 or condition or any related state solid waste law or regulation. The EA shall make its determination on
54 the basis of the substance of the allegations rather than on the basis of the complaint's technical
55 compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
56 facts constituting a violation of a state minimum standard, permit term or condition or related state
57 solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
58 the complaint if an address is given and place a copy in its files.

1 (d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior
2 to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the
3 following:

4 (1) The date and time the EA arrived and departed within the complaint area.

5 (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
6 high wind speed, humidity, and temperature.

7 (3) If odor is detected, the EA shall:

8 (A) Record the location where odor was observed, such as the street address, latitude/longitude,
9 tax parcel number, etc.

10 (B) Verify the odor event at the complainant's location and ascertain if the odor is interfering with
11 the complainant's use and enjoyment of the property.

12 (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid
13 waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

14 (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
15 The EA should consult with the operator to determine if there were unusual operational changes or
16 atypical feedstocks accepted during the time of the complaint(s).

17 ~~(de)~~ The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
18 because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
19 that ground, it shall so advise the complaining party in writing at the address given in the complaint if
20 an address is given and place a copy in its files.

21 ~~(ef)~~ Except as provided in subsection (c) or subsection ~~(de)~~ of this section, the EA shall commence an
22 investigation of the facts alleged in the complaint.

23 ~~(fg)~~ If an LEA has a complaint review and investigation initiation procedure that contains substantially
24 the same basic requirements as this section, and accomplishes the intended purposes of this section
25 within its ~~board-Department~~-approved EPP, it may follow that equivalent process in lieu of subsections
26 (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
27 complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
28 her complaint will receive appropriate attention.

29 ~~(gh)~~ If the ~~board-Department~~ receives a complaint in a jurisdiction where it is not the EA, the
30 complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
31 already received a copy from the complaining party.

32
33 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
34 43209, 44012, 44015 and 45000-45024, Public Resources Code.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste

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 ~~a~~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.] ~~a~~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:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

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~~ 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 ~~a~~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 ~~a~~Application by ~~CIWMB-CalRecycle/LEA/RWQCB staff.~~

Date Received: The date the ~~EA or RWQCB receives the a~~Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts ~~the a~~Application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA ~~rejects~~ determines that the ~~a~~Application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete ~~a~~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 ~~a~~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 foot print, 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~~ 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 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.

1 7. **Contaminated Soil:** ~~Waste which contains designated or nonhazardous concentrations and has~~
2 ~~been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency~~ Soil
3 that the RWQCB or the Local Oversight Agency has classified as a designated waste.

4 8. **Dead Animals:** Animal carcasses requiring disposal that have **not** been previously used for
5 medical purposes and are not known to have been infected or with known infectious diseases.

6 9. **Industrial:** Solid or semi-solid wastes resulting from industrial processes and manufacturing
7 operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste
8 water treatment facility, etc.

9 10. **Inert:** Solid waste and recyclable materials that are source separated or separated for reuse,
10 do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water
11 quality objectives and do not contain significant quantities of decomposable waste. Inert debris may
12 not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the
13 putrescible wastes do not constitute a nuisance, as determined by the EA.

14 11. **Liquids:** Wastes which are not ~~spadeable~~ spadable, usually containing less than 50% solids.
15 These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler
16 blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings,
17 rendering plant byproducts, some sewage sludge, etc.

18 12. ~~Mixed~~ ~~or~~ **Municipal Solid Waste (MSW):** Solid waste generated primarily by rResidential
19 and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts
20 of other solid waste that, when mixed together, is all handled as MSW. ~~Residential waste is commonly~~
21 ~~thought of as household garbage, commercial wastes contain less putrescible waste and more paper~~
22 ~~and cardboard.~~

23 13. **Sewage Sludge:** Human (not industrial) residue, excluding grit or screenings, removed from a
24 wastewater treatment facility or septic tank, whether in a dry or semidry form.

25 14. **Waste Tires:** ~~Discarded tire casings~~ Tires that are no longer mounted on a vehicle and are no
26 longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's
27 original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not
28 organized for inspection in a rack or a stack.

29 15. **Other:** Any allowable wastes not included in the above.
30

31 Part 3. FACILITY INFORMATION

32 **A. Proposed Change:** Check the box that identifies the type of change proposed. Briefly
33 describe the proposed change in the space provided.

34 —1. **Design Change:** A design change would include but is not limited to: change in footprint,
35 acreage, additional capacity, site improvements, etc.

36 —2. **Operation:** A change in operation would include but is not limited to: change in hours or days of
37 operation, the addition of an activity, tonnage changes, etc.

38 —3. **Owner, Operator, Address, and/or Facility Name Change:** Complete if there is a change in
39 the owner, operator, address, or facility name.

40 —4. **Other:** This type of change includes, but is not limited to: change in emergency contact list, etc.
41 For an application for permit review, if there are no changes, so indicate.

42 **AB. Facility Information**

43 1. **Information Applicable To All Existing Facilities:** This portion of Part 3 ~~the Application~~ must
44 be filled out by every applicant regardless of the type of facility.

45 a. **Peak Maximum Daily Tonnage or Cubic Yards:** The peak (maximum) total amount of solid
46 waste and other material the facility applicant is permitted ~~authorized by the EA~~ to receive through the
47 gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-
48 to-day operations (include information on all other material authorized by the EA to receive in the
49 Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not
50 available ~~or not applicable provide this specify the amount in cubic yards with a conversion factor.~~ This
51 will be referred to as the "permitted maximum tonnage" and is considered the facility maximum
52 tonnage limit. ~~This amount must be consistent with the approved SWFP and the approved Report of~~
53 ~~Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance~~
54 ~~documentation and/or within the scope of the analysis in a CEQA review, if any, that was being~~
55 ~~conducted at the time the application was submitted. Volume figures should be converted to tons and~~
56 ~~the conversion factor should be documented in the accompanying RFI.~~ Applicants for new SWFP
57
58

1 and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
2 must equal the maximum daily tonnage.

3 1. **Disposal/Transfer:** The amount of ~~material solid waste~~ that comes through the gate and is
4 disposed of on-site or transferred off-site as waste; and

5 2. **Other:** That amount of all other material received at the site, including, but not limited to,
6 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
7 other on-site projects), stored or processed. ~~Note: 1 and 2 should equal the peak daily tonnage or~~
8 ~~cubic yards.~~

9 b. **As-Designed Daily Design-Tonnage (TPD) or Cubic Yards:** For landfills, the maximum
10 ~~daily tonnage amount of solid waste and other material~~ that the facility is designed to receive and
11 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
12 month) based on appropriate factors including, but not limited to, size of ~~working face~~ the operating
13 areas, vehicle traffic ~~considerations,~~ hours of operation, personnel, equipment operational limits, etc.
14 For other facilities, ~~it is the maximum amount of solid waste and other material~~ the facility is designed
15 to handle receive and process at any one time on an ongoing bases over an extended period of time
16 (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited
17 to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of
18 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
19 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
20 factor. The as-Designed tonnage-value may be equal to or greater than the peak maximum daily
21 tonnage value.

22 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
23 activities are authorized by the EA to occur and are permitted. ~~This includes~~ the area of the facility in
24 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
25 managing equipment management area, or any area that is required to maintain compliance with the
26 design and operating parameters of the facility. The facility size is the same as "operating area" for
27 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
28 boundaries" for transfer/processing facilities and landfills.

29 d. **Peak-Maximum Traffic Volume Per Day (vpd):** ~~The estimated maximum number of~~
30 vehicles that will authorized by the EA to enter the facility on a daily basis. This number should
31 include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including
32 vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or
33 material intended for beneficial reuse. This number must be consistent with the approved RFI and any
34 CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
35 any, that was being conducted at the time the application was submitted.

36 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
37 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
38 of operation. This information must be consistent with the approved RFI and any CEQA existing
39 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
40 being conducted at the time the application was submitted. Any activities that are limited to
41 prescribed days and/or hours should be fully described in the RFI.

42 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
43 of the Application must be filled out by every applicant requesting a change to any item(s) listed
44 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
45 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
46 submitted as part of the Application. The EA will review the requests and establish the terms and
47 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
48 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
49 WDRs for those requests that are supported by documents submitted by the applicant. Use the
50 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

51 23. **Additional Information Required For Compostingable Materials Handling Facilities**
52 **Only:** This portion of Part 3, section B2, ~~in addition to Part 3, section B1,~~ the Application must be filled
53 out by the applicant if composting handling compostable materials is part of this Application.

54 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
55 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
56 any one time.

57 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, ~~in~~
58 addition to Part 3, section B1, ~~the Application~~ must be filled out by the applicant if a landfill is part of
59 this the Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for

1 *emphasis.*] sections of the aApplication must be filled out completely [*Note to OAL and publisher: No*
2 *proposed change. Existing text underlined for emphasis.*].

3 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
4 ~~received~~ placed in a waste management unit for each operating day on a yearly basis (calendar year)
5 for the next five years. Do not use non-operating days in ~~estimated~~ calculating the average daily
6 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~ maximum daily
7 tonnage. Report as tons per day (TPD).

8 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
9 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
10 the top of the final cover) taking into consideration design slopes, benches, and other design features,
11 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
12 Capacity.

13 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
14 or potentially resulting from this permit aApplication.

15 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
16 used to date. See Date of Capacity Information below.

17 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
18 remaining, not including any proposed site capacity. If the remaining capacity information provided is
19 based on estimates of capacity used since the last physical site survey, please explain the
20 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
21 etc. See Date of Capacity iInformation below.

22 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
23 capacities in Part 3 were determined. This date may predate the aApplication date by no more than
24 three months. Amendments of the aApplication including more current capacities may be required.

25 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
26 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
27 Part 6, Section B for more details).

28 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
29 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
30 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
31 (e.g., conditional use permit date, etc.)

32 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
33 will be referred to as "permitted disposal area."

34 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
35 based upon any planned expansions not currently proposed, whether within or outside the current
36 permitted boundary.

37 k. Provide oOne of the following:

38 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
39 density is the estimated or measured density of in-place waste material achieved by mechanical or
40 other means in the development of the current lift of the current operating waste cell, and

41 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
42 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
43 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
44 should include only soil or approved daily or intermediate alternative cover that is not considered a
45 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
46 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
47 ~~CIWMB-CalRecycle~~ is reported, or

48 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
49 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
50 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
51 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
52 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.

54 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

55 **A. Municipal or Utility Service:** Give name and address of the water purveyor.

56 **B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

57 **C. Surface Supply:**

- 1 1. Provide the name of any stream, lake, spring, etc, if identified.
- 2 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
- 3 3. If a state permit or license has been granted, give identification number.

4 **D. Other:** Enter any water source(s) not identified above.

6 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

9 **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.

11 1. If an environmental document was prepared:

- 12 • If an environmental document has already been prepared and circulated through the SCH and there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box that is checked.
- 13 • 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#."
- 14 • 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.

22 2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

24 EXAMPLE ONLY:

25 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.

28 **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.

- 32 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

34 EXAMPLE ONLY:

35 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."

41 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

43 All attachments are necessary parts of the Application and are incorporated herein.

45 **A.** Section A ~~of Part 6~~ must be completed by all applicants regardless of the type of facility.

46 **B.** Section B ~~of Part 6~~ is additional documents required ~~must be completed only~~ by landfill applicants ~~only~~ for disposal facilities.

- 48 • 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.
- 53 • 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.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
4 corrective action cost estimate and a copy of the non-water release corrective action cost
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal ~~sites-facilities~~ permitted for to receive more than 20
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
8 frequently as determined by the ~~enforcement agency- EA.~~ For disposal ~~sites-facilities~~ permitted for
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
10 ten years. If not previously submitted, survey results must be included with this ~~a~~Application.
11 Survey results must be submitted as a CADD or vector graphics data file including at least two
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
15 be included. For each stratum the following information shall be included: site name, stratum
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
19 surface is uncertain, the operator is allowed to provide the best available information as a
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
21 provide an explanation of the basis for using the substitute base ground surface.
22

23 For the purposes of this section the following definitions apply:

- 24 ~~A~~1. "base ground surface" - the best available excavation plan surface that existed prior to the
25 placement of any waste;
- 26 ~~B~~2. "CADD" -computer aided design and drafting;
- 27 ~~C~~3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
29 provided for the basis of the volumetric correction;
- 30 ~~D~~4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
31 upper surface;
- 32 ~~E~~5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 ~~F~~6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
35 provided for the basis of the volumetric correction;
- 36 ~~G~~7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 ~~H~~8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
38 the disposal site;
- 39 ~~I~~9. "net volume" - the fill volume less the cut volume;
- 40 ~~J~~10. "site name" - the name of the disposal site for which the survey information is being
41 submitted;
- 42 ~~K~~11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
43 upper and lower surfaces;
- 44 ~~L~~12. "stratum name" - a descriptive name for the stratum for which volumetric information is being
45 submitted, e.g., total volume including proposed expansion;
- 46 ~~M~~13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
47 ground surface and proposed finished ground surface;
- 48 ~~N~~14. "survey" -a comprehensive examination of the disposal site under the direction of a registered
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 ~~O~~15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
52 direction, thickness, color and other attributes;
- 53 ~~P~~16. "volume calculation method" - grid, composite, section or other method approved by the
54 ~~enforcement agency- EA;~~
- 55 ~~C. Section C of Part 6 specifies is additional documents required only if applicable for the type of~~
56 ~~facility to be covered under this a~~Application ~~as required by the EA or RWQCB. Under "Other,"~~ identify
57 and list any other necessary documents not included-specified above but that are required by the EA
58 or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or
59 franchise-other agreement documenting the operator's interest in and right to use the site as a solid

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business~~ owner of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government~~ public agency.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part,~~ the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility ~~where legal notice may be served.~~

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business~~ operator filing this Application is a sole proprietorship,
22 partnership, corporation, or ~~government~~ public agency.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an~~ a facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility ~~where legal notice may be served.~~

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** The ~~A~~ person(s) ~~or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** The ~~A~~ person(s) ~~or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.

45
46 **Part 10. OTHER:**

47
48 Attach additional sheets to explain any responses that need clarification.

APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

CIWMB-CALRECYCLE E-1-77 (Rev. 8-04-X-XX)

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
 - REVISION
 - MODIFICATION
 - OTHER (As authorized by law)
- 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
 - a. TYPE: _____
- 2. COMPOSTING/ABLE MATERIALS HANDLING
 - a. TYPE: _____
- 3. TRANSFORMATION
- 4. TRANSFER/PROCESSING FACILITY
 - CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.
- 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)):

- 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 _____

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): _____

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:

<input type="checkbox"/> RFI/JTD _____	<input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S):
<input type="checkbox"/> LOCAL USE/PLANNING PERMITS _____	<input type="checkbox"/> EIR _____
<input type="checkbox"/> LOCATION MAP _____	<input type="checkbox"/> MND/ND _____
<input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG _____	<input type="checkbox"/> EXEMPTION _____
<input type="checkbox"/> LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____	<input type="checkbox"/> ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS DISPOSAL FACILITIES ONLY:

<input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____	<input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____
<input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN	<input type="checkbox"/> KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____
<input type="checkbox"/> PRELIMINARY _____	<input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____
<input type="checkbox"/> FINAL _____	

C. IF APPLICABLE:

<input type="checkbox"/> REPORT OF WASTE DISCHARGE _____	<input type="checkbox"/> DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____
<input type="checkbox"/> CONTRACT AGREEMENTS _____	<input type="checkbox"/> SWAT (Air and water) _____
<input type="checkbox"/> STORMWATER PERMIT APPLICATION _____	<input type="checkbox"/> WETLANDS PERMITS _____
<input type="checkbox"/> NPDES PERMIT APPLICATION _____	<input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____
<input type="checkbox"/> 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 _____ 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)

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. California Integrated Waste Management Board

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
22 Sections 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23
24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

32 All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
33 comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
34 Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
35 operations shall be inspected by the enforcement agency at least once ~~quarterly~~ every three (3)
36 months unless the enforcement agency approves, with Department concurrence, a reduced inspection
37 frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
38 pose an additional risk to public health and safety or the environment but in no case shall the
39 frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
40 enforcement agency and Department requirements regarding the approval or denial of requests for
41 reducing the frequency of inspections.]

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
44 Sections 43020 and 43021, Public Resources Code.

45
46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

4 (c) A new Enforcement Agency Notification is required any time there are changes to information
5 required by this section.

6 (d) These operations ~~may shall~~ be inspected by the enforcement agency ~~as necessary for the~~
7 ~~protection of public health, safety and the environment every three (3) months unless the~~
8 ~~enforcement agency approves, with Department concurrence, a reduced inspection frequency. The~~
9 ~~enforcement agency may approve a reduced inspection frequency only if it will not pose an additional~~
10 ~~risk to public health and safety or the environment but in no case shall the frequency be less than~~
11 ~~once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and~~
12 ~~Department requirements regarding the approval or denial of requests for reducing the frequency of~~
13 ~~inspections.]~~

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 43020 and 43021, Public Resources Code.

17 18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 21 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 22 **Regulatory Requirements.**

23 (a) A site that receives only construction and demolition debris and inert debris (CDI) and which
24 meets the requirements of this section shall be classified as a CDI recycling center. A site that receives
25 only inert debris and which meets the requirements of this section shall be classified as an inert debris
26 recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any
27 other requirements of this Article except as specified in this section.

28 (1) The CDI debris that a CDI recycling center receives shall have been separated at the point of
29 generation.

30 (A) For the purposes of this section, “separated at the point of generation” means that the
31 material has been separated from the solid waste stream by the generator of that material or by a
32 processor prior to receipt at a CDI recycling center and has not been commingled with other solid
33 waste or recyclable materials. For example, each material type must be transferred in separate
34 containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled
35 in a single container.

36 (2) An inert debris recycling center shall receive only Type A inert debris that is source separated or
37 separated for reuse. The inert debris may be commingled in a single container.

38 (b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

39 (1) The residual shall be less than 10% by weight of the amount of debris received at the site,
40 calculated on a monthly basis. Recycling center operators may report their residual percentage to the
41 EA and the ~~board~~ Department on Form CIWMB 607 (see Appendix A).

42 (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by
43 volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible
44 wastes shall not constitute a nuisance, as determined by the EA.

45 (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited
46 at CDI recycling centers.

47 (d) The following storage time limits apply to CDI recycling centers:

48 (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or
49 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
50 including the use of a Notice and Order as provided in section 18304.

51 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for
52 more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore subject
53 to enforcement action, including the use of a Notice and Order as provided in section 18304.

54 (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism
55 pursuant to section 17384(c) has been approved by the ~~board~~ Department.

56 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
57 to the time specified in a land use entitlement for the site that has an express time limit for the
58 storage of materials.
59

1 (5) CDI recycling center storage time limits may be extended for a specified period, if the operator
2 submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of
3 substantial evidence, that the additional time does not increase the potential harm to public health,
4 safety and the environment. The EA may consult with other public agencies in making this
5 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
6 findings shall be in writing.

7 (e) The following storage limits apply to inert debris recycling centers:

8 (1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or
9 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
10 including the use of a Notice and Order as provided in section 18304.

11 (2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site
12 for more than ~~18~~12 months, shall be deemed to have been unlawfully disposed and therefore subject
13 to enforcement action, including the use of a Notice and Order as provided in section 18304.

14 (3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an
15 inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material
16 production facility.

17 (4) Storage time limits do not apply to Type A inert debris recycling centers where a financial
18 assurance mechanism pursuant to section 17384(c) has been approved by the ~~board~~Department.

19 (5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the
20 time specified in a land use entitlement for the site that has an express time limit for the storage of
21 materials.

22 (6) Inert debris recycling center storage limits may be extended for a specified period, if the
23 operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the
24 basis of substantial evidence, that the additional time does not increase the potential harm to public
25 health, safety and the environment. The EA may consult with other public agencies in making this
26 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
27 findings shall be in writing.

28 (f) Nothing in this section precludes the EA or the ~~board~~Department from inspecting a site to verify
29 that it is and has been operating in a manner that meets the requirements of this section, or from
30 taking any appropriate enforcement action, including the use of a Notice and Order as provided in
31 section 18304.

32 (g) In evaluating whether or not a particular site is in compliance with this section, the EA shall,
33 among other things, do the following:

34 (1) If the EA has reason to believe that each load of debris received at a recycling center is not
35 separated at the point of generation, is not source separated or is not separated for reuse, as
36 applicable, or that the residual exceeds 10% of the total debris received per month, or that the
37 amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or
38 material is being stored in excess of the applicable storage limits, or that upon request no evidence is
39 provided by the owner and operator that the stored debris is being accumulated for viable reuse, or
40 that the site is not in compliance with any other requirement in this section, the EA may require the
41 owner or operator to provide evidence that the recycling center is in compliance. The burden of proof
42 shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

43 (2) At the time that the EA requires a recycling center to provide evidence that it is in compliance
44 with this section, the EA shall provide the owner and operator of the recycling center a written
45 description of the information that has caused the EA to believe that the recycling center is not in
46 compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying
47 information regarding any person(s) who has complained about the recycling center.

48 (h) Sites which do not meet the applicable requirements of this section do not qualify as recycling
49 centers and shall comply with this Article and all laws and regulations applicable to them. The burden
50 of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are
51 not subject to the requirements of this Article.

52
53 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: 40053,
54 43020 and 43021, Public Resources Code.

55
56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

3 (1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA
4 Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing
5 at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless
6 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
7 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
9 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
10 of requests for reducing the frequency of inspections.]

11 (2) A medium volume C&D wood debris chipping and grinding operation shall comply with the
12 Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0,
13 commencing at section 18100 et seq.

14 (3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit
15 tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with
16 section 21563.

17 (4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
18 irregular intervals.

19 (5) Except as otherwise specified in this section, small volume C&D wood debris chipping and
20 grinding activities shall comply with all requirements applicable to small volume CDI debris processing
21 operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all
22 requirements applicable to medium volume CDI processing facilities, and large volume C&D wood
23 debris chipping and grinding facilities shall comply with all requirements applicable to large volume
24 CDI debris processing facilities.

25 ...

26 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

27 All small volume CDI debris processing operations shall comply with the EA Notification requirements
28 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
29 operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify
30 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
31 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
32 additional risk to public health and safety or the environment but in no case shall the frequency be
33 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
34 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

35 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
36 irregular intervals. The operator shall specify the operation's boundary area in the operating record.

37 ...

38 **§ 17383.7. Inert Debris Type A Processing Operations.**

39 ...

40 (f) These operations shall be inspected by the EA at least once every three (3) months to verify
41 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
42 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
43 additional risk to public health and safety or the environment but in no case shall the frequency be
44 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
45 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
46 ~~Inspections shall be conducted quarterly.~~ To the greatest extent possible, all inspections shall be
47 unannounced and shall be conducted at irregular intervals.

48 ...

49 ...

50 ...

51 ...

52 ...

53 ...

54 ...

55 ...

56 **§ 17388.3. Inert Debris Engineered Fill Operations.**

57 ...

58 (b) Inert debris engineered fill operations shall be inspected ~~as necessary~~ by the EA at least once
59 every three (3) months to verify compliance with State Minimum Standards unless the EA approves,

1 with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
2 inspection frequency only if it will not pose an additional risk to public health and safety or the
3 environment but in no case shall the frequency be less than once per calendar year. [Note: See
4 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
5 of requests for reducing the frequency of inspections.]~~Inspections shall be conducted quarterly, unless~~
6 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
7 ~~than annual.~~

8 ...

9

10 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**

11 **§ 17403.1. Excluded Operations.**

12
13 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
14 Articles and are not required to meet the requirements set forth herein:

15 ...

16
17 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
18 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
19 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
20 Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).

21 ...

22 **§ 17403.2. Sealed Containers Transfer Operations.**

23 All sealed container transfer operations subject to this Article shall comply with the Enforcement
24 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
25 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
26 ~~as necessary at least once every three (3) months to verify compliance with minimum standards~~
27 ~~unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may~~
28 ~~approve a reduced inspection frequency only if it will not pose an additional risk to public health and~~
29 ~~safety or the environment but in no case shall the frequency be less than once per calendar year.~~
30 [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the
31 approval or denial of requests for reducing the frequency of inspections.] ~~Inspections shall be~~
32 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~
33 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the
34 operating record.

35
36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
38 Sections 40053, 43020 and 43021, Public Resources Code.

39 **§ 17403.3. Limited Volume Transfer Operations.**

40 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
41 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
42 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
43 ~~necessary at least once every three (3) months to verify compliance with minimum standards unless~~
44 ~~the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve~~
45 ~~a reduced inspection frequency only if it will not pose an additional risk to public health and safety or~~
46 ~~the environment but in no case shall the frequency be less than once per calendar year. [Note: See~~
47 ~~section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial~~
48 ~~of requests for reducing the frequency of inspections.]~~ ~~Inspections shall be conducted quarterly,~~
49 ~~unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less~~
50 ~~than annual.~~ The operator shall specify the operation's boundary area in the operating record.

51
52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
54 Sections 40053, 43020 and 43021, Public Resources Code.

1 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory**
2 **Requirements**

3
4
5 **Article 1. General**

6
7 **§ 17852. Definitions.**

8 (a) For the purposes of this Chapter:

9 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
10 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
11 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
12 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

13 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
14 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
15 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
16 feedstock.

17 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
18 blow or draw air through the pile. Little or no pile agitation or turning is performed.

19 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
20 presence of oxygen.

21 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
22 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
23 viticulture and similar activities undertaken for the production of food or fiber for human or animal
24 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
25 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
26 generation, and which contains no other solid waste. With the exception of grape pomace, agricultural
27 material has not been processed except at its point of generation and has not been processed in a way
28 that alters its essential character as a waste resulting from the production of food or fiber for human
29 or animal consumption or use. Material that is defined in this section 17852 as "food material" or
30 "vegetative food material" is not agricultural material. Agricultural material includes, including but is
31 not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

32 (6) "Agricultural Material Composting Operation" means an operation that produces compost from
33 green or agricultural material, additives, and/or amendments.

34 (7) "Amendments" means materials added to stabilized or cured compost to provide attributes for
35 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
36 Amendments do not include septage, biosolids, or compost feedstock.

37 (8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the
38 absence of oxygen.

39 (9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic
40 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
41 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.
42 Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge
43 incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a
44 treatment works.

45 (10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not
46 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
47 compostable material and:

48 (A) The site does the following:

49 1. The site handles only material, excluding manure, allowed at a green material composting
50 operation or facility as set forth in section 17852(a)(22); and,

51 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
52 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
53 time does not increase the potential for violations of this Chapter.

54 (B) If the site fails to meet the definition of green material because it exceeds the contamination
55 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
56 Regulatory requirements (commencing at section 17400).

57 (C) If the site fails to meet the definition of this section because the green material remains on-
58 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
59 material handling operation or facility, as set forth in this Chapter.

1 (11) "Compostable Material" means any organic material that when accumulated will become active
2 compost as defined in section 17852(a)(1).

3 (12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that
4 processes, transfers, or stores compostable material. Handling of compostable materials results in
5 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
6 and storage activities related to the production of compost, compost feedstocks, and chipped and
7 ground materials. "Compostable Materials Handling Operation or Facility" does not include activities
8 excluded from regulation in section 17855. "Compostable Materials Handling Operation or Facility" also
9 includes:

- 10 (A) agricultural material composting operations;
- 11 (B) green material composting operations and facilities;
- 12 (C) vegetative food material composting facilities;
- 13 (D) research composting operations; and,
- 14 (DE) chipping and grinding operations and facilities.

15 (13) "Curing" means the final stage of the composting process that occurs after compost has
16 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
17 metabolized material has been decomposed and stabilized.

18 (13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material
19 has been processed in an in-vessel digester, as defined in section 17896.2(a)(12). Digestate intended
20 to be composted pursuant to this Chapter may only be handled at a facility that has obtained a
21 Compostable Materials Handling Facility Permit pursuant to section 17854.

22 (14) "Domestic Sewage" means waste and wastewater from humans or household operations that is
23 discharged to or otherwise enters a treatment works.

24 (15) "Disposal of compostable material" means:

25 (A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1
26 pursuant to Section 17855;

27 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
28 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration
29 requirements of section 17868.2, onto on land for a combined period of time greater more than six
30 months 30 days, except as provided in subdivision (A) 3.; or

31 3. storing or stockpiling more than 200 cubic yards of agricultural material and, green material,
32 or compost for more than twelve months on prime land that is zoned for agricultural land uses as
33 defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA
34 applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that
35 storing or stockpiling the material more than 12 months will not adversely affect the public health and
36 safety or the environment may remain within the operations area for a period of time greater than
37 specified.

38 (B) ~~Disposal of compostable material does not include the use of compostable material for:~~

39 1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27,
40 California Code of Regulations, section 20686; or

41 2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of
42 compostable organic material as a alternative daily cover material shall still require approval for use
43 pursuant to Title 27, California Code of Regulations, section 20680 and may require additional
44 approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

45 ~~(C.3.) disposal does not include land application of compostable organic material as defined in~~
46 section 17852(a)(24.5). "Land Application" means the application of compostable material, excluding
47 food material or mixed solid waste for the following applications: to forest, agricultural, and range land
48 at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA)
49 requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or
50 for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

51 ~~(D-C)~~ Should the EA have information reason to believe that a person compostable material
52 handler is engaging in other activities that meet the definition of disposal of compostable material or
53 authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall
54 be on each person engaging in or authorizing such activities the land owner or operator to
55 demonstrate otherwise.

56 ~~(E-D)~~ If the activities at a site meet the definition of disposal of compostable material, the site
57 shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or
58 Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

1 (16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a
2 constant mass, that results in essentially 100 percent solids content.

3 (17) "Enclosed Composting Process" means a composting process where the area that is used for
4 the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed
5 sides and rests on a stable surface with environmental controls for moisture and air-borne emissions
6 present.

7 (18) "EA" means enforcement agency.

8 (19) "Feedstock" means any compostable ~~organic~~ material used in the production of compost or
9 chipped and ground material including, but not limited to, agricultural material, green material,
10 ~~vegetative food material,~~ food material, biosolids, and mixed ~~solid waste material~~. Feedstocks shall
11 not be considered as either additives or amendments.

12 (20) "Food Material" means ~~any a waste material of plant or animal origin that was acquired for~~
13 ~~results from the preparation or processing of food for animal or human consumption, and that is~~
14 ~~separated from the municipal solid waste stream, and that does not meet the definition of "agricultural~~
15 ~~material."~~ Food material ~~may include, but is not limited to, material food waste~~ from food facilities
16 as defined in Health and Safety Code section ~~113785-113789~~ (such as restaurants), food processing
17 ~~establishments as defined in Health and Safety Code section 111955,~~ grocery stores, institutional
18 cafeterias (such as prisons, schools and hospitals), ~~or and~~ residential food scrap collection. Food
19 material does not include any material that is required to be handled only pursuant to the California
20 Food and Agricultural Code and regulations adopted pursuant thereto.

21 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
22 material and is separated from other food material and the municipal solid waste stream. Vegetative
23 food material may be processed or cooked but must otherwise retain its essential natural character
24 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
25 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
26 spoiled produce, and coffee grounds.

27 (21) "Green Material" means any plant material ~~except food material and vegetative food material~~
28 that is separated at the point of generation, contains no greater than 1.0 of percent physical
29 contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but
30 is not limited to, ~~tree and~~ yard trimmings, untreated wood wastes, natural fiber products, ~~wood waste~~
31 ~~from silviculture and manufacturing,~~ and construction and demolition wood waste. Green material
32 does not include food material, ~~vegetative food material,~~ biosolids, mixed ~~solid waste material,~~
33 material ~~processed~~ separated from commingled ~~solid waste collection or processing,~~ wood containing
34 lead-based paint or wood preservative, ~~or mixed construction or mixed and~~ demolition debris.
35 ~~Agricultural material, as defined in this section 17852(a)(5), that meets this definition of "green~~
36 ~~material" may be handled as either agricultural material or green material.~~

37 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
38 green material, additives, and/or amendments. A green material composting operation or facility may
39 also handle manure and paper products. An operation or facility that handles a feedstock that is not
40 green material, manure, or paper products, shall not be considered a green material composting
41 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
42 excluded from regulation in section 17855.

43 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
44 compostable materials results in controlled biological decomposition. Handling includes composting,
45 screening, chipping and grinding, and storage activities related to the production of compost, compost
46 feedstocks, and chipped and ground materials.

47 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
48 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
49 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

50 (24.5) "Land Application" means either subdivision (A) or (B):

51 (A) The final deposition of compostable material and/or digestate spread on any land, including
52 land zoned only for agricultural uses, under the following conditions:

53 1. The compostable material does not contain more than 0.1% by weight of physical
54 contaminants greater than 4 millimeters as specified in section 17868.3.1;

55 2. The compostable material meets the maximum metal concentrations as specified in section
56 17868.2;

57 3. The compostable material meets the pathogen density limits as specified in section
58 17868.3(b)(1); and

1 4. The compostable material is not applied more frequently than once during a 12 month period,
2 and, at the time of the application, the compostable material shall not exceed an average of 12 inches
3 in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board,
4 may approve alternative application frequencies and depths, if the EA after such consultation
5 determines that the alternatives will not adversely affect public health and safety or the environment.

6 5. Verification of compliance with this subdivision must be provided to the EA upon request.

7 (B) The final deposition of compostable material spread on land zoned only for agricultural uses
8 under the following conditions:

9 1. The compostable material does not contain more than 0.1% by weight of physical
10 contaminants greater than 4 millimeters; and

11 2. Prior to application, the California Department of Food and Agriculture (CDFA) has
12 determined that the land application is in compliance with all applicable requirements established by
13 CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land
14 application is agronomically beneficial; and

15 3. Prior to application, the EA has received confirmation that CDFA has made the determination
16 specified in (B)2. above.

17 [Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance
18 with Article 3.1 and/or 3.2 of this Division, 2) beneficial reuse at a solid waste landfill pursuant to Title
19 27, California Code of Regulations, section 20686, or 3) beneficial reuse of biosolids pursuant to Part
20 503, Title 40 of the Code of Federal Regulations and State Water Resources Control Board General
21 Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued
22 requirements from the State Water Resources Control Board or a Regional Water Quality Control
23 Board having jurisdiction. In addition, as specified in section 17850(d), nothing in these standards
24 shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all
25 authorizations and complying with all requirements of other regulatory agencies, including but not
26 limited to, local health entities, regional water quality control boards, air quality management districts
27 or air pollution control districts, local land use authorities, and fire authorities.]

28 (25) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
29 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
30 mixed with feces or urine.

31 (26) "Mixed ~~Solid-Waste-Material~~" means any compostable material that is part of the municipal
32 solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
33 demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
34 contains 1.0% or more of physical contaminants by weight is mixed solid-waste-material. ~~Compostable~~
35 ~~material that contains mixed demolition or mixed construction debris shall be considered mixed solid~~
36 ~~waste.~~

37 (27) "Mushroom Farm" means an activity that produces mushrooms. The handling of compostable
38 material at a mushroom farm prior to and after use as a growth medium is subject to regulation
39 pursuant to this chapter and is not considered mushroom farming.

40 (27.5) "Nuisance" includes anything which:

41 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
42 comfortable enjoyment of life or property, and

43 (B) affects at the same time an entire community, neighborhood or any considerable number of
44 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

45 (28) "Operations Area" means the following areas within the boundary of a compostable material
46 handling operation or facility:

47 (A) equipment cleaning, maintenance, and storage areas;

48 (B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

49 (C) process water and stormwater drainage control systems.

50 (29) "Operator" means the owner, or other person who through a lease, franchise agreement or
51 other arrangement with the owner, becomes legally responsible for the following:

52 (A) complying with regulatory requirements set forth in this Chapter;

53 (B) complying with all applicable federal, state and local requirements;

54 (C) the design, construction, and physical operation of the site; and

55 (D) site restoration.

56 (30) "Owner" means the person or persons who own, in whole or in part, a compostable material
57 handling operation or facility, or the land on which these operations or facilities are located.

58 (31) "Pathogenic Organism" means disease-causing organisms.

1 (32) "Physical Contamination" or "Contaminants" means human-made inert ~~products-material~~
2 contained within feedstocks, including, but not limited to, glass, metal, and plastic.

3 (33) "Process Water" means liquid that is generated during or used in the production of compost or
4 chipped and ground materials.

5 (34) "Research Composting Operation" means a composting operation, that is operated for the
6 purpose of gathering research information on composting.

7 (35) "Separated At The Point of Generation" includes material separated from the solid waste
8 stream by the generator of that material. It may also include material from a centralized facility as
9 long as that material was kept separate from the waste stream prior to receipt by that facility and the
10 material was not commingled with other materials during handling.

11 (36) "Stabilized Compost" means any organic material that has undergone the Process to Further
12 Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced
13 biological activity as indicated by reduced temperature and rate of respiration below that of active
14 compost.

15 (37) "Static Pile" means a composting process that is similar to the aerated static pile except that
16 the air source may or may not be controlled.

17 (38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting
18 the causative agents of human disease.

19 (38.5) "Vegetative Food Material Composting Facility" is a facility that composts agricultural
20 material, green material, vegetative food material, additives, and/or amendments. A vegetative food
21 material composting facility may also handle manure and paper products. An operation or facility that
22 handles a feedstock that is not agricultural material, green material, vegetative food material,
23 manure, or paper products, shall not be considered a vegetative food material composting facility.
24 "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in
25 section 17855.

26 (39) "Vermicomposting" means an activity that produces worm castings through worm activity. The
27 EA may determine whether an activity is or is not vermicomposting. The handling of compostable
28 material prior to and after use as a growth medium is subject to regulation pursuant to this chapter
29 and is not considered vermicomposting.

30 (40) "Windrow Composting Process" means the process in which compostable material is placed in
31 elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

32 (41) "Within-vessel Composting Process" means an aerobic process in which compostable material is
33 enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost,
34 maintained under uniform conditions of temperature and moisture where air-borne emissions are
35 controlled.

36 (42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated
37 from the manufacturing or production of wood products, harvesting, processing or storage of raw
38 wood materials, or construction and demolition activities.

39 (43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public,
40 commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree
41 trimmings, prunings, brush, and weeds.

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
44 Sections 43020 and 43021, Public Resources Code.

45 46 47 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 48 **Facilities**

49 50 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

51 Except as specified in this Article, all compostable materials handling activities shall obtain a
52 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
53 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles
54 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
57 Sections 43020 and 43021, Public Resources Code.
58

§ 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

Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Refer to Section 17855	<u>Agricultural Material Composting Operations (all) Section 17856.</u>		<u>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</u>
	<u>Green Material Composting Operations (< 12,500 yd³) Section 17857.1(a)</u>	<u>Vegetative Food Material Composting Facilities (< 12,500 yd³) Section 17857.2</u>	<u>Green Material Composting Facilities (> 12,500 yd³) Section 17857.1 (c)</u>
	<u>Biosolids Composting Operations at POTWs (all) Section 17859.1</u>		<u>Vegetative Food Material Composting Facilities (> 12,500 yd³) Section 17857.2</u>
	<u>Research Composting Operations (< 5,000 yd³) (Within-vessel > 5,000 yd³ with EA determination) Section 17862.</u>		
	<u>Chipping and Grinding Operations (≤ 200 tpd) Section 17862.1(a)</u>	<u>Chipping and Grinding Facilities (> 200 tpd and ≤ 500 tpd) Section 17862.1(b)</u>	<u>Chipping and Grinding Facilities (> 500 tpd) Section 17862.1(c)</u>

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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) ~~Composting An activity is excluded if it handles~~ agricultural material ~~is an excluded activity 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

1 more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or
2 sold annually.

3 (2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after
4 ~~its use as a growth medium during the vermicomposting process~~ is not an excluded activity and is
5 subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
6 ~~vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it~~
7 ~~complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
8 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
9 ~~whichever is applicable, as follows:~~

10 (A) ~~when the compostable material is active compost or is likely to become active compost, as~~
11 ~~determined by the EA, the requirements of this chapter apply;~~

12 (B) ~~at all other times when it is not being used as a growth medium during vermicomposting, the~~
13 ~~compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory~~
14 ~~Requirements.~~

15 (3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
16 after ~~its use as a growth medium during the mushroom farming process~~ is not an excluded activity
17 and is subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
18 ~~mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies~~
19 ~~with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
20 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
21 ~~whichever is applicable, as follows:~~

22 (A) ~~when the compostable material is active compost or is likely to become active compost, as~~
23 ~~determined by the EA, the requirements of this chapter apply;~~

24 (B) ~~at all other times when it is not being used as a growth medium during mushroom farming,~~
25 ~~the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory~~
26 ~~Requirements.~~

27 (4) ~~Handling of green material, feedstock, additives, amendments, compost, or chipped and ground~~
28 ~~material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable~~
29 ~~materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or~~
30 ~~given away annually. The compostable material may also include up to 10% food material by volume.~~
31 ~~Composting green material, food material, and vegetative food material is an excluded activity if the~~
32 ~~total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and~~
33 ~~500 square feet.~~

34 ~~[Note: Persons handling compostable material under the above exclusion are obligated to obtain all~~
35 ~~permits, licenses, or other clearances that may be required by other regulatory agencies including, but~~
36 ~~not limited to local health entities and local land use authorities.]~~

37 (5) The handling of compostable materials is an excluded activity if:

38 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
39 or full permit as defined in section 18101,

40 1. has a Report of Facility Information which is completed and submitted to the EA that
41 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

42 2. will only use the material on the facility site;~~z~~ or

43 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated
44 Owned Treatment Works (POTW);~~z~~ or

45 (C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
46 defined in Public Resources Code section 40106; or

47 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product
48 manufacturing operation; or

49 (E) the activity is part of an agricultural operation and is used to temporarily store or process
50 agricultural material not used in the production of compost or mulch; or

51 (F) the activity is part of an operation used to chip and grind materials derived from and applied
52 to lands owned or leased by the owner, parent, or subsidiary of the operation; or

53 (G) the activity is part of an agricultural operation used to chip and grind agricultural material
54 produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
55 for use in biomass conversion; or

56 (H) the activity is part of an animal food manufacturing or rendering operation.

57 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
58 lot clearing necessary for fire protection provided that the public agency designating the site has
59 notified the fire protection agency; or

1 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
2 122 degrees Fahrenheit as determined by the EA.

3 ~~(6) Non-commercial composting with less than one cubic yard of food material is excluded provided~~
4 ~~that all compostable material is generated and used on-site.~~

5 ~~(7) Storage of bagged products from compostable material is an excluded activity provided that~~
6 ~~such bags are no greater than 5 cubic yards.~~

7 ~~(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

8 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not~~
9 ~~limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as~~
10 ~~determined by the EA; land application in accordance with California Department of Food and~~
11 ~~Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section~~
12 ~~14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine~~
13 ~~Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770~~
14 ~~et seq.~~

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
17 Sections 43020 and 43021, Public Resources Code.

18 **§ 17855.2. Prohibitions.**

19 The following activities are prohibited at all compostable materials handling operations and facilities
20 and at all sites where compostable materials handling activities that are excluded from regulation
21 under this Chapter occur:

22
23 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
24 hide, blood, bone and marrow ~~is prohibited~~, except when received:

25 (1) from the a food service industry facility as defined in Health and Safety Code section 113789,
26 grocery stores, or residential food scrap collection; or

27 (2) as part of a research composting operation for the purpose of obtaining data on pathogen
28 reduction or other public health, animal health, safety, or environmental concern, in accordance with
29 section 17862; or

30 (3) from a source approved by the Department in consultation with the State Water Resources
31 Control Board and the California Department of Food and Agriculture.

32 (b) The composting of medical waste ~~is prohibited~~.

33 (c) The composting of hazardous waste ~~is prohibited~~.

34
35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
36 Sections 43020 and 43021, Public Resources Code.

37 38 **§ 17855.3. Permit Name.**

39 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
40 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 43020 and 43021, Public Resources Code.

44 45 ~~**§ 17855.4. Pre-Existing Permits and Notifications.**~~

46 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
47 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
48 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
49 ~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is~~
50 ~~required. If the EA makes such a determination, the operator shall comply with the Compostable~~
51 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
52 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
53 ~~(commencing with section 21450) within two years of that determination.~~

54 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~
55 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~
56 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~
57 ~~Materials Handling Facility Permit is required. The EA shall make this determination no sooner than~~
58 ~~120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable~~
59 ~~Materials Handling Facility Permit is required, the operator shall comply with the Compostable~~

1 Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
2 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
3 (commencing with section 21450) within two years of that determination.
4 (c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
5 that activity may continue to operate in accordance with its regulatory exclusion until the EA
6 determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
7 determination no sooner than 120 days and no later than two years from April 4, 2003. If EA
8 determines that a Compostable Materials Handling Facility Permit is required, the operator shall
9 comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
10 California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
11 Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
12 (d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently
13 operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate
14 in accordance with its regulatory authorization until the EA determines that a different authorization is
15 required. The EA shall make this determination within 120 days from April 4, 2003.
16 —(1) If the EA determines that the activity is required to comply with the EA Notification
17 requirements, the operator shall comply with the EA Notification requirements set forth in Title 14,
18 California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100),
19 within 120 days from that determination.
20 —(2) If the EA determines that the activity is required to comply with the Registration requirements,
21 the operator shall comply with the Registration requirements set forth in Title 14, California Code of
22 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days
23 from that determination.
24 —(3) If the EA determines that the activity is required to comply with the Compostable Materials
25 Handling Facility Permit requirements, the operator shall comply with the Compostable Materials
26 Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2,
27 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
28 section 21450) within two years from that determination.
29
30 —Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
31 Sections 43020 and 43021, Public Resources Code.
32

33 **§ 17856. Agricultural Material Composting Operations.**

34 (a) ~~All Agricultural material composting operations and chipping and grinding operations shall comply~~
35 ~~with the Enforcement Agency Notification requirements set forth in Title 14, California Code of~~
36 ~~Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as~~
37 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
38 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
39 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
40 ~~this Chapter.~~

41 (b) ~~Compost produced by an Agricultural material composting operations are subject to the~~
42 ~~requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation or has~~
43 ~~caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the~~
44 ~~violation a chipping and grinding operation which uses only agricultural material may be sold or given~~
45 ~~away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.~~

46 (c) ~~If their feedstock is limited to agricultural material, agricultural material composting operations~~
47 ~~may handle an unlimited quantity of agricultural material on the site and may sell or give away any or~~
48 ~~all compost they produce. These operations shall be inspected by the EA at least once each calendar~~
49 ~~year at a time when compostable material on the site is active compost. Compost produced by an~~
50 ~~agricultural material composting operation which uses agricultural material and/or green material, as~~
51 ~~specified in section 17852(a)(21), may be sold or given away in accordance with the following~~
52 ~~restrictions:~~

53 (1) ~~Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall~~
54 ~~be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic~~
55 ~~yards of green material, including feedstock, compost, or chipped and ground material, is to be~~
56 ~~handled on site of productive farmland as defined in Government Code section 51201, the operator~~
57 ~~shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional~~
58 ~~materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose~~

1 an additional risk to public health and safety and the environment. The EA shall forward a copy of the
2 request and approval to the Board.

3 (2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall
4 have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped
5 and ground material, on site at any one time and shall be inspected by the EA once every three (3)
6 months.

7 (3) These sites shall record the quantity received of green material.

8 (d) Agricultural material composting operations whose feedstock is both green material and
9 agricultural material are subject to the following requirements:

10 (1) Producers located on Agricultural Land:

11 (A) Operations located on land that is zoned for agricultural uses that sell or give away less than
12 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
13 green material on the site; provided, however, the EA may limit the amount of green material
14 feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess
15 material may pose a risk to public health and safety or the environment.

16 (B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
17 calendar year at a time when compostable material on the site is active compost.

18 (2) Other Producers:

19 (A) Operations located on land that is not zoned for agricultural uses and operations that sell or
20 give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
21 agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
22 on the site at any time.

23 (B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
24 three (3) months unless the EA approves, with Department concurrence, a reduced inspection
25 frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
26 risk to public health and safety or the environment but in no case shall the frequency be less than
27 once per calendar year. At least one of the required inspections each year shall occur at a time when
28 compostable material on the site is active compost.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
31 Sections 43020 and 43021, Public Resources Code.

32 33 **§ 17857.1. Green Material Composting Operations and Facilities.**

34 (a) A green material composting operation ~~that has up to~~ may have no more than 12,500 cubic yards
35 of feedstock, ~~compost, or~~ chipped and ground material, ~~amendments, additives, active compost, and~~
36 ~~stabilized compost~~ on-site at any one time. Green material composting operations shall comply with
37 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
38 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
39 specified in this Chapter.

40 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
41 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
42 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
43 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
44 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
45 of requests for reducing the frequency of inspections.]

46 (2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
47 users and other consumers, the operator may request in writing that the EA authorize it to temporarily
48 exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
49 on site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request
50 within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
51 determines it will not adversely affect public health and safety or the environment. The EA may
52 impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
53 seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
54 day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

55 (A) With its request for a seasonal storage adjustment, the operator shall submit the following to
56 the EA:

57 1. A description of the storage capacity at the operation and the maximum and average lengths
58 of time the compostable material will be stored.

1 2. A schematic drawing showing the general layout of the operation and the location(s) where
2 all materials at the site are stored with specific identification of the proposed location of the excess
3 material.

4 3. A description of any additional fire prevention, protection and control measures needed to
5 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
6 such fires, which measures shall be approved by the local fire authority.

7 4. Where applicable, any revisions to the odor impact minimization plan necessary to address
8 the storage of the additional material or a statement, with supporting information, that no revisions
9 are necessary.

10 ~~(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,~~
11 ~~or chipped and ground material on-site at any one time shall be inspected by the EA at least once~~
12 ~~every three (3) months, unless an operator request for a reduced inspection frequency of no less than~~
13 ~~annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA~~
14 ~~finds that it will not pose an additional risk to public health and safety and the environment. The EA~~
15 ~~shall forward a copy of the request and approval to the Board.~~

16 (b) If a green material composting operation exceeds any combination of the following requirements
17 three (3) or more times within any two (2) year period, which the EA determines constitutes a
18 violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

19 (1) Receipt of material that contains greater than 1.0% physical contaminants by weight as
20 specified in section 17852(a)(21);

21 (2) Failure to comply with the processing requirements set forth in section 17868.5;

22 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
23 subdivision (a) above.

24 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
25 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
26 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
27 and desist order pursuant to section 18304 directing, among other things, that the operator
28 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
29 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
30 any time take any additional enforcement action the EA deems appropriate.

31 (c) A site that handles green material composting facility that has more than 12,500 cubic yards of
32 feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
33 stabilized compost on-site at any one time is a green material composting facility, excepting green
34 material composting operations which the EA has authorized a seasonal storage adjustment pursuant
35 to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials
36 Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,
37 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
38 (commencing with section 21450) prior to commencing operations. Green material composting
39 facilities shall comply with the applicable requirements specified in this Chapter 3.1.

41 [Note: See section 17868.5 for green material processing requirements.]

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
44 Sections 43020 and 43021, Public Resources Code.

45 **§ 17857.2. Vegetative Food Material Composting Facilities.**

46 (a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
47 compost, and chipped and ground material on-site at any one time and shall obtain a Registration
48 Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter
49 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of
50 this Chapter.

51 (b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
52 compost, and chipped and ground material on-site at any one time shall obtain a Compostable
53 Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of
54 Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and
55 3.1 (commencing with section 21450) prior to commencing operations.

56 [Note: See section 17868.5 for green material and vegetative food material processing requirements.]

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
2 Sections 43020 and 43021, Public Resources Code.

3
4 **§ 17859.1. Biosolids Composting at POTWs.**

5 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
6 ~~Operated~~-Owned Treatment Works (POTW) shall comply with the EA Notification requirements set
7 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
8 section 18100).

9 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
10 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
11 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
12 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
13 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
14 of requests for reducing the frequency of inspections.]

15 (b) All other composting of biosolids shall comply with section 17854.

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
18 Sections 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503,
19 Code of Federal Regulations.

20
21 **§ 17862. Research Composting Operations.**

22 (a) An operator conducting research composting operations shall not have more than 5,000 cubic
23 yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any
24 one time, and shall comply with the EA Notification requirements set forth in Title 14, California Code
25 of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as
26 otherwise provided by this Chapter.

27 (b) An operator conducting research composting operations utilizing within-vessel processing, may
28 exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and
29 compost, if the EA determines that such increased volume will not pose additional risk to the public
30 health, safety and the environment.

31 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
32 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
33 the research to be performed, research objectives, methodology/protocol to be employed, data to be
34 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
35 projected timeframe for completion of the research operation.

36 ~~The EA Notification for a research composting operation shall be reviewed a~~ After each each no
37 more than a two year period of operation. Review criteria the operator of a research composting
38 operation shall submit to the EA a report that includes the results and conclusions drawn from the
39 research. If the EA determines based on the report that there are further research objectives to be
40 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
41 two years. If the EA determines based on the report that there are no further research objectives to
42 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
43 section 17870.

44 (e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock
45 for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety,
46 or environmental protection concern, shall satisfy the following additional requirements:

47 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
48 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
49 site.

50 (2) The operator shall prepare, implement and maintain a site-specific, research composting
51 operation site security plan. The research composting site security plan shall include a description of
52 the methods and facilities to be employed for the purpose of limiting site access and preventing the
53 movement of unauthorized material on to or off of the site.

54 (3) After no more than a six-month period of operation ~~The EA Notification for the operator of a~~
55 research composting operation using unprocessed mammalian tissue as feedstock shall submit to the
56 EA a report that includes the results and conclusions drawn from the research and documentation of
57 additional requirements of this section shall be reviewed after each six month period of operation. If
58 the EA determines based on the report that there are further research objectives to be met or data to
59 be gathered, the EA may extend the research for a specified time period not to exceed two years. If

1 the EA determines based on the report that there are no further research objectives to be met or data
2 to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.

3 (f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
4 the EA with the Notification and prior to the composting of any feedstock. The EA shall determine that
5 the EA Notification for research composting operations is complete and correct only if the additional
6 documentation requirements of this section have been met.

7 (g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
8 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
9 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
10 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
11 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
12 of requests for reducing the frequency of inspections.]

13
14 **Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:**
15 **Sections 43020 and 43021, Public Resources Code.**

17 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

18 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
19 handled by a green material composting operation shall comply with the EA Notification requirements
20 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
21 with section 18100), ~~except as otherwise provided by~~ and the applicable requirements specified in this
22 Chapter.

23 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
24 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
25 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
26 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
27 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
28 of requests for reducing the frequency of inspections.]

29 (b) A chipping and grinding facility that receives more than 200 tons per day ~~but not more than, and~~
30 ~~up to~~ 500 tons per day of material that may be handled by a green material composting operation
31 shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
32 Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
33 with the applicable requirements of this Chapter.

34 (c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
35 handled by a green material composting operation shall obtain a Compostable Materials Handling
36 Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
37 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with
38 section 21450) prior to commencing operations and shall comply with the applicable requirements of
39 this Chapter.

40 (d) A chipping and grinding operation or facility shall not be subject to the provisions of sections
41 17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be
42 land applied must meet the requirements of section 17852(a)(24.5).

43 (e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section
44 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements
45 (commencing at section 17400).

46 (f) If a chipping and grinding operation or facility stores material for a longer period of time than is
47 allowed by section 17852 (a)(10)(A)(2), ~~then the site it~~ shall be regulated as a green material
48 ~~handling composting~~ operation or facility, as set forth in this Chapter.

49
50 **Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:**
51 **Sections 43020 and 43021, Public Resources Code.**

54 **Article 3. Report of Facility Information**

56 **§ 17863. Report of Composting Site Information.**

57 Each operator of a compostable material handling facility that is required to obtain a Compostable
58 Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting
59 Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of

1 Composting Site Information with the EA. If the operator intends to alter the permitted feedstock,
2 these changes must be reported to the EA for maintenance of permit status. Such changes may
3 become the basis for revisions to the permit or for revocation of the permit.

4 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870-~~

5
6 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
7 Sections 43020 and 43021, Public Resources Code.

8
9 **§ 17863.4. Odor Impact Minimization Plan.**

10 (a) All compostable material handling operations and facilities shall prepare, implement and maintain
11 a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
12 EA Notification or permit application.

13 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
14 describing, at a minimum, the following items. If the operator will not be implementing any of these
15 procedures, the plan shall explain why it is not necessary.

16 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
17 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
18 possible odor receptors; and,

19 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
20 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
21 described; and,

22 (3) a complaint response and recordkeeping protocol; and,

23 (4) a description of design considerations and/or projected ranges of optimal operation to be
24 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
25 feedstock characteristics, airborne emission production, process water distribution, pad and site
26 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
27 service interruptions, and site specific concerns as applicable; and,

28 (5) a description of operating procedures for minimizing odor, including aeration, moisture
29 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
30 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
31 power, and personnel), biofiltration, and tarping as applicable.

32 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
33 provided to the EA, within 30 days of those changes.

34 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
35 revisions are necessary.

36 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
37 operation or facility is following the procedures established by the operator. If the EA determines that
38 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
39 (pursuant to section 18304) to require the operator to either comply with the odor impact
40 minimization plan or to revise it.

41 (f) ~~If the odor impact minimization plan is being followed, but and the EA determines, in a manner~~
42 ~~consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct~~
43 ~~the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)~~
44 ~~as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a~~
45 ~~Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and~~
46 ~~feasible measures to minimize odors, unless:~~

47 (1) ~~the EA has evidence that a specific and immediate action would reduce the odor impacts;~~

48 (2) ~~there is an imminent threat to public health and safety and the environment; or~~

49 (3) ~~a public nuisance has occurred.~~

50
51 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.

52 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

53
54 **§ 17863.4.1. Odor Best Management Practice Feasibility Report**

55 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
56 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
57 violations as determined pursuant to section 17863.4(f).

58 (b) The Report shall:

1 (1) Present representative and correlating odor data for each potential onsite odor source including
2 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
3 collected, description of operations associated with the source, and any odor impacts or complaints
4 received;

5 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
6 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
7 order of impact;

8 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

9 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
10 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
11 has used to minimize odor and analyze each BMP for the following:

12 1. The effectiveness of the BMP in reducing odor impacts;

13 2. The potential for more extensive use of the BMP to minimize odor impacts described by
14 complainants;

15 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
16 operationally practical;

17 4. The approximate cost to implement a more extensive use of the BMP;

18 5. Any permits or permit changes necessary to use the BMP more extensively;

19 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
20 the BMP is recommended; and

21 7. If the BMP has been found to be ineffective (include supporting data).

22 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
23 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
24 operator has not used and analyze each potential BMP to determine:

25 1. The potential for the BMP to reduce odor impacts described by complainants;

26 2. If the BMP is operationally practical;

27 3. The approximate cost to implement the BMP;

28 4. Any permits or permit changes necessary to use the BMP; and

29 5. Overall recommendation and ranking of implementing the BMP.

30 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
31 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

32 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
33 the Department for review. If the EA has required the operator to prepare a Report pursuant to
34 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
35 approved by the EA.

36 (d) The EA, in consultation with the Department, shall within 30 days:

37 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
38 in whole or in part; and/or

39 (2) direct the operator in writing to submit specific changes or additional information within a
40 timeframe specified by the EA.

41 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
42 (d)(1) or (d)(2).

43
44 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.
45 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

46 47 48 **Article 6. Composting Operating Standards**

49 **§ 17867. General Operating Standards.**

50
51 (a) All compostable materials handling operations and facilities shall meet the following requirements:
52 (1) All handling activities are prohibited from composting any material specified in section 17855.2
53 of this Chapter.

54 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
55 cause a nuisance.

56 (3) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts,
57 litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
58 ingestion, and transportation of dust, particulates, and pathogenic organisms.

- 1 (34) Random load checks of feedstocks, additives, and amendments for contaminants shall be
2 conducted.
- 3 (45) Contamination of compostable material that has undergone pathogen reduction, pursuant to
4 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
5 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.
- 6 (56) Unauthorized human or animal access to the facility shall be prevented.
- 7 (67) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
8 manner.
- 9 (78) All compostable materials handling operations and facilities, that are open for public business,
10 shall post legible signs at all public entrances. These signs shall include the following information:
- 11 (A) name of the operation or facility,
12 (B) name of the operator,
13 (C) facility hours of operation,
14 (D) materials that will and will not be accepted, if applicable,
15 (E) schedule of charges, if applicable, and
16 (F) phone number where operator or designee can be reached in case of an emergency.
- 17 (89) The operator shall provide fire prevention, protection and control measures, including, but not
18 limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
19 and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
20 to allow fire control equipment access to all operation areas.
- 21 (910) The operator shall provide telephone or radio communication capability for emergency
22 purposes.
- 23 (1011) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
24 material shall be removed from the site within 7 days and transported to an appropriate facility.
- 25 (1112) Enclosed operations and facilities shall provide ventilation to prevent adverse public health
26 effects from decomposition gases.
- 27 (1213) The operator shall ensure that leachate is controlled to prevent contact with the public.
- 28 (1314) The operator shall prevent or remove physical contaminants in compost and chipped and
29 ground materials that may cause injury to humans.
- 30 (1415) An attendant shall be on duty during business hours if the operation or facility is open to the
31 public.
- 32
- 33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 43020 and 43021, Public Resources Code.
- 35
36

37 Article 7. Environmental Health Standards

38 § 17868.1. Sampling Requirements.

39 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
40 and all composting facilities shall meet the following requirements:

41 (a) Operators shall verify that compost meet the maximum acceptable metal concentration limits
42 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.
43 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
44 occur at the point where compost is sold and removed from the site, bagged for sale, given away for
45 beneficial use and removed from the site or otherwise beneficially used. Sample results must be
46 received by the operator prior to removing compost from the composting operation or facility where it
47 was produced. This verification shall be performed by taking and analyzing at least one composite
48 sample of compost, following the requirements of this section as follows:

49 (1) An operator who composts agricultural material, green material, food material, vegetative food
50 material, or mixed solid-waste-material shall take and analyze one composite sample for every 5,000
51 cubic-yards of compost produced.

52 (2) An operator who composts biosolids shall meet the sampling schedule described in Table 12
53 below.
54
55
56
57
58
59

1 Table 2- Frequencies of Compost Sampling for Biosolids Composting Facilities
2

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

3 (A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

4 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section
5 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health
6 Services, pursuant to the Health and Safety Code.

7 (b) A composite sample shall be representative and random, and may be obtained by taking twelve
8 (12) mixed samples as described below.

9 (1) The twelve samples shall be of equal volume.

10 (2) The twelve samples shall be extracted from within the compost pile as follows:

11 (A) Four samples from one-half the width of the pile, each at a different cross-section;

12 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

13 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

14 (c) The EA may approve alternative methods of sampling ~~for a green material composting operation or~~
15 ~~facility~~ that ensures the maximum metal concentration requirements of section 17868.2 and the
16 pathogen reduction requirements of section 17868.3 are met.

17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
18 Sections 43020 and 43021, Public Resources Code.

19 **§ 17868.2. Maximum Metal Concentrations.**

20 (a) ~~Compost products derived from compostable materials that contain any metal in amounts that~~
21 ~~shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in~~
22 ~~Table 2. Compost that contains any metal in excess of any maximum metal concentrations shall be~~
23 designated for disposal, additional processing, or other use as approved by local, state or and federal
24 agencies having ~~appropriate~~ jurisdiction. Sample results must be received by the operator prior to
25 removing compost from the composting operation or facility where it was produced.
26
27
28
29

Table 23 -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg) on dry weight basis</i>
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	±200 <u>(see subdivision (a)(1) below)</u>
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36-100
Zinc (Zn)	2800

1 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
2 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
3 produce to be determined in connection with the analysis of other metals. Operators shall maintain
4 records of all chromium concentrations together with their records of other metal concentrations.
5 (b) Alternative methods of compliance to meet the requirements ~~of Subdivision (a)~~ of this section,
6 ~~including but not limited to sampling frequencies,~~ may be approved by the EA ~~for green and food~~
7 ~~materials composting operations and facilities~~ if the EA determines that the alternative method will
8 ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
11 Sections 43020 and 43021, Public Resources Code.

12 **§ 17868.3. Pathogen Reduction.**

13
14 (a) ~~Compost products derived from compostable materials, that contains pathogens in amounts that~~
15 ~~shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this~~
16 ~~section. Compost that contains any pathogens in amounts that exceed these pathogen reduction~~
17 ~~requirements shall be designated for disposal, additional processing, or other use as approved by~~
18 ~~local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the~~
19 ~~operator prior to removing compost from the composting operation or facility where it was produced.~~

20 (b) Operators that produce compost shall ensure that:

21 (1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be
22 less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
23 Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4)
24 grams of total solids (dry weight basis).

25 (2) At enclosed or within-vessel composting process operations and facilities, active compost shall
26 be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
27 pathogen reduction period of 3 days.

28 (A) Due to variations among enclosed and within-vessel composting system designs, including
29 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
30 application to meet the requirements of Subdivision (b)(2) of this section.

31 (3) If the operation or facility uses a windrow composting process, active compost shall be
32 maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit)
33 or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is
34 maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the
35 windrow.

36 (4) If the operation or facility uses an aerated static pile composting process, all active compost
37 shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained
38 at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
39 period of 3 days.

40 ~~(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may~~
41 ~~be approved by the EA if the EA determines that the alternative method will provide equivalent~~
42 ~~pathogen reduction.~~

43 ~~(d)~~ Compost operations and facilities that utilize a windrow composting process or an aerated static
44 pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b)
45 of this section are met:

46 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
47 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
48 fraction thereof.

49 (2) Temperature measurements for pathogen reduction shall be measured as follows:

50 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
51 four (24) inches below the pile surface;

52 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
53 inches from the point where the insulation cover meets the active compost.

54 (d) Alternative methods of compliance to meet the pathogen reduction requirements of this section
55 may be approved by the EA if the EA determines that the alternative method will provide equivalent
56 pathogen reduction.

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
59 Sections 43020 and 43021, Public Resources Code.

1
2 **§ 17868.3.1. Physical Contamination Limits.**

3 (a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4
4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4
5 millimeters shall be designated for disposal, additional processing, or other use as approved by local,
6 state or federal agencies having appropriate jurisdiction. **Verification of physical contamination limits**
7 **shall occur at the point where compost is sold and removed from the site, bagged for sale, given away**
8 **for beneficial use and removed from the site or otherwise beneficially used.** Sample results must be
9 received by the operator prior to removing compost from the composting operation or facility where it
10 was produced.

11 (b) Upon request of the EA, a compostable material handling operation shall take a representative
12 sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters
13 shall be collected and weighed, and the percentage of physical contaminants determined.

14 (c) All compostable material handling facilities shall take one representative sample for every 5,000
15 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4
16 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

17 (d) Any sampling conducted to comply with this section shall require a composite sample. A
18 composite sample shall be representative and random, and may be obtained by taking twelve (12)
19 mixed samples as described below.

20 (1) The twelve samples shall be of equal volume.

21 (2) The twelve samples shall be extracted from within the compost pile as follows:

22 (A) Four samples from one-half the width of the pile, each at a different cross-section;

23 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

24 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

25 (e) Alternative methods of compliance to meet the requirements of this section may be approved by
26 the EA if the EA determines that the alternative method will ensure the physical contamination limits
27 requirements of this section are met.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
30 Sections 43020 and 43021, Public Resources Code.

31
32 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

33 In order for a feedstock to be considered ~~g~~Green material, as defined in section 17852(a)(21), and
34 vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
35 requirements shall be met:

36 (a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
37 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
38 loads and load sorting to quantify ~~the~~ percentage of ~~contaminating materials~~ physical contaminants
39 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
40 material or vegetative food material).

41 (1) A minimum of ~~one-ten~~ percent of daily incoming feedstock volume or at least one truck per day,
42 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
43 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
44 contaminants shall be collected and weighed, and the percentage of physical contaminants
45 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
46 weight or if the load contains materials that do not meet the definitions of green material in section
47 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

48 (b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative
49 sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of
50 physical contaminants determined.

51 (c) Any agricultural material handling operation using this material shall ensure the feedstock meets
52 the metal concentration limits specified in Table 2 of section 17868.2.

53 (d) Facility personnel shall be adequately trained to perform the activities specified in this section.

54 (e)(d) Any operation or facility using this feedstock shall maintain records demonstrating compliance
55 with this section.

56
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
58 Sections 43020 and 43021, Public Resources Code.

1
2 **Article 8. Composting Operation and Facility Records**
3

4 **§ 17869. General Record Keeping Requirements.**

5 Except as provided in subsection (d), all compostable materials handling operations and facilities shall
6 meet the following requirements:

7 (a) All records required by this Chapter shall be kept in one location and accessible for five (5) years
8 and shall be available for inspection by authorized representatives of the ~~board~~ Department, EA local
9 health entity, and other duly authorized regulatory and EAs during normal working hours.

10 (b) The operator shall record any special occurrences encountered during operation and methods used
11 to resolve problems arising from these events, including details of all incidents that required
12 implementing emergency procedures.

13 (c) The operator shall record any public complaints received by the operator, including:

14 (1) the nature of the complaint,

15 (2) the date the complaint was received,

16 (3) if available, the name, address, and telephone number of the person or persons making the
17 complaint, and

18 (4) any actions taken to respond to the complaint.

19 (d) The operator shall record the quantity and type of feedstock received and quantity of compost and
20 chipped and ground material produced. Agricultural compostable materials handling operations shall
21 maintain records only for compostable material accepted from off-site.

22 (e) The operator shall record the number of load checks performed and loads rejected.

23 (f) The operator shall record all test results generated by compliance with Article 7 of this Chapter,
24 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
25 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

26 (1) The operator shall retain records detailing pathogen reduction methods.

27 (g) The operator shall record and retain records of any serious injury to the public occurring on-site
28 and any complaint of adverse health effects to the public attributed to operations. Serious injury
29 means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which
30 a member of the public suffers a loss of any member of the body or suffers any degree of permanent
31 disfigurement.

32 (h) The operator shall retain a record of training and instruction completed in accordance with section
33 17867.5.

34
35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
36 Sections 43020 and 43021, Public Resources Code.
37
38

39 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

40
41 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**
42
43

44 **§ 17896.1. Authority and Scope.**

45 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
46 digestion operations and facilities that receive and process by means of in-vessel digestion solid
47 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
48 sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to
49 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
50 this Division, may still be subject to the regulatory requirements specified in this Chapter.

51 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
52 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
53 as amended. These regulations should be read together with the Act.

54 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
55 Chapter establishes standards and regulatory requirements for the intentional processing of organic
56 material by means of in-vessel digestion.

57 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
58 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
59 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to

1 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
2 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
3 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
4 which otherwise conflict with the provisions of this Chapter.

5 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
6 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
7 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
8 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
9 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
10 Health, air quality management districts or air pollution control districts, local land use authorities, and
11 fire authorities.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
14 Sections 40053, 43020 and 43021, Public Resources Code.

15 **§ 17896.2. Definitions.**

16 (a) For the purposes of this Chapter:

17 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
18 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
19 similar activities undertaken for the production of food or fiber for human or animal consumption or
20 use, which is separated at the point of generation, and which contains no other solid waste. With the
21 exception of grape pomace, agricultural material has not been processed except at its point of
22 generation and has not been processed in a way that alters its essential character as a waste resulting
23 from the production of food or fiber for human or animal consumption or use. Material that is defined
24 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
25 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
26 pomace, and crop residues.

27 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

28 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
29 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

30 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
31 solid wastes that are source separated from the municipal solid waste stream, or which are separated
32 at a centralized facility.

33 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

34 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
35 been processed in an in-vessel digester.

36 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
37 solid wastes. Digestion includes:

38 (A) Aerobic digestion - the **controlled** biological decomposition of organic material in the presence
39 of oxygen.

40 (B) Anaerobic digestion - the **controlled** biological decomposition of organic material in the
41 absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a
42 residual digestate.

43 (C) Other **controlled biological decomposition** processes.

44 (8) "Dairy In-vessel Digestion Operation" means **a dairy that receives, for purposes of co-digestion**
45 **in** an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials
46 **in accordance with** Waste Discharge Requirements issued by a Regional Water Quality Control Board.

47 (9) "Distribution Center In-vessel Digestion Operation" means **a site that receives, for the purpose of**
48 **digestion in an in-vessel digester, unsold products from retail stores to which the products were**
49 **originally sent. All unsold products shall be collected and processed in covered, leak-proof containers,**
50 **and remain in the custody of the owner at all times. All putrescible material shall be refrigerated at the**
51 **retail store and during transport to the operation.**

52 (10) "EA" means enforcement agency as defined in PRC section 40130.

53 (11) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section
54 66261.3, et seq.

55 (12) "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire
56 digestion process occurs.

57 (13) "Large Volume In-vessel Digestion Facility" means a facility that receives 100 tons or more of
58 solid waste per operating day for digestion in an in-vessel digester.
59

1 (14) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than an
2 average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel
3 digester. The amount of solid waste the operation receives shall not exceed 105 tons (or 420 cubic
4 yards) per week or the solid waste quantity limitations of the general design of the operation
5 (whichever is less).

6 (15) "Litter" means all solid waste which has been improperly discarded or which has migrated by
7 wind or equipment away from the operations area. Litter includes, but is not limited to, convenience
8 food, beverage, and other product packages or containers constructed of steel, aluminum, glass,
9 paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters
10 of the state.

11 (16) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
12 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
13 mixed with feces or urine.

14 (17) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of 15
15 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day for digestion
16 in an in-vessel digester. The amount of solid waste the operation receives shall be less than 700 tons
17 (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the
18 operation (whichever is less).

19 (18) "Nuisance" includes anything which:

20 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
21 comfortable enjoyment of life or property, and

22 (B) affects at the same time an entire community, neighborhood or any considerable number of
23 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

24 (19) "On-site" means located within the boundary of the operation or facility.

25 (20) "Operating Day" means the daily hours of operation for a facility or operation as set forth in the
26 application, Enforcement Agency Notification or solid waste facilities permit.

27 (21) "Operating Record" means an easily accessible collection of records of an operation's or
28 facility's activities and compliance with required state minimum standards under Title 14. The Record
29 may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall
30 contain but is not limited to containing: agency approvals, tonnage and load checking records, facility
31 contacts and training history. The record may be reviewed by state and local authorities and shall be
32 available during normal business hours. If records are too voluminous to place in the main operating
33 record or if the integrity of the records could be compromised by on-site storage, such as exposure to
34 weather, they may be maintained at an alternative site, as long as that site is easily accessible to the
35 EA.

36 (22) "Operations Area" means:

37 (A) the following areas within the boundary of an operation or facility as described in the permit
38 application or Enforcement Agency Notification:

- 39 1. equipment management area, including cleaning, maintenance, and storage areas; and
40 2. material and/or solid waste management area, including unloading, handling, transfer,
41 processing, and storage areas.

42 (B) the boundary of the operations area is the same as the permitted boundary of the operation or
43 facility but may or may not be the same as the property boundary on which the operation or facility is
44 located.

45 (23) "Operator" means the owner, or other person who through a lease, franchise agreement or
46 other arrangement with the owner, that is listed in the permit application or Enforcement Agency
47 Notification and is legally responsible for all of the following:

48 (A) complying with regulatory requirements set forth in these Articles;

49 (B) complying with all applicable federal, state and local requirements;

50 (C) the design, construction, and physical operation of the operations area;

51 (D) controlling the activities at an operation or facility as listed on the permit application or
52 Enforcement Agency Notification.

53 (24) "Owner" means the person or persons who own, in whole or in part, an operation or facility and
54 the land on which it is located. If the ownership of the operation or facility is not the same as the
55 ownership of the land on which it is located, the owner of the land shall be identified as the "Land
56 Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

57 (25) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms
58 with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive

1 conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The
2 EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

3 (26) "Salvaging" means the controlled separation of solid waste material which do not require
4 further processing, for reuse or recycling prior to in-vessel digestion activities.

5 (27) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

6 (28) "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids and
7 air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

8 (29) "Sealed Structure" means a fully enclosed building capable of containing liquids and controlling
9 air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance
10 conditions.

11 (30) "Special Waste" includes but is not limited to:

12 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as
13 defined in Title 22, section 66260.10.

14 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

15 (31) "Spotter" means an employee who conducts activities that include, but are not limited to,
16 traffic control, hazardous waste recognition and removal for proper handling, storage and transport or
17 disposal, and protection of the public from health and/or safety hazards.

18 (32) "Store" means to stockpile or accumulate for later use.

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
21 Sections 40053, 43020 and 43021, Public Resources Code.

22 **§ 17896.3. Pre-Existing Permits and Notifications.**

23
24 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to
25 [operative date of these regulations], that facility may continue to operate in accordance with its
26 permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
27 sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA
28 makes such a determination, the operator shall comply with this Chapter within two years of that
29 determination.

30 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
31 regulations in effect prior to [operative date of these regulations], that operation may continue to
32 operate in accordance with its EA Notification or regulatory authorization until the EA determines that
33 regulation under this Chapter is required. The EA shall make this determination no sooner than 120
34 days and no later than two years from [operative date of these regulations]. If the EA determines that
35 regulation under this Chapter is required, the operator shall comply with this Chapter within two years
36 of that determination.

37 (c) If an activity had previously been excluded from regulations in effect prior to [operative date of
38 these regulations], that activity may continue to operate in accordance with its regulatory exclusion
39 until the EA determines that regulation under this Chapter is required. The EA shall make this
40 determination no sooner than 120 days and no later than two years from [operative date of these
41 regulations]. If the EA determines that regulation under this Chapter is required, the operator shall
42 comply with this Chapter within two years of that determination.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
45 Sections 43020 and 43021, Public Resources Code.

46 **§ 17896.4. Permit Name.**

47 Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall
48 be entitled: "In-vessel Digestion Facility Permit."

49
50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 43020 and 43021, Public Resources Code.

53 54 **§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and** 55 **Facilities.**

56 Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7,
57 Chapter 5. Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
58 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of

1 Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These
2 requirements are summarized in Table 1.

3
4 Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Anaerobically digestible materials at POTWs Section 17896.6(a)(1)	Research In-Vessel Digestion Operations Section 17896.8	Medium Volume In-Vessel Digestion Facilities (≥ 60 yd ³ or 15 tpd and < 100 tpd) Section 17896.12	Large Volume In-Vessel Digestion Facilities (≥ 100 tpd) Section 17896.13
Ag material derived from ag site & returned to same site Section 17896.6(a)(2)	Dairy In-Vessel Digestion Operations Section 17896.9		
	<u>Distribution Center In-Vessel Digestion Operations</u> Section 17896.10		
In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)	Limited Volume In-Vessel Digestion Operations (< 60 yd ³ or 15 tpd) Section 17896.11		
Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)			

6 [Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
9 Sections 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.6. Excluded Activities.**

12 (a)The activities listed in this section are not subject to the in-vessel digestion requirements set forth
13 in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an
14 excluded activity to verify that the activity is being conducted in a manner that qualifies as an
15 excluded activity or from taking any appropriate enforcement action.

16 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
17 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
18 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
19 Treatment Plant wastewater, is excluded under the following conditions:

20 (A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant.
21 Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a
22 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
23 digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be
24 screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and

1 conveyed in a contained system. Any separated material at the POTW that is not suitable for
2 anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

3 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance
4 of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality
5 Control Board that those Standard Operating Procedures are being implemented, and a Standard
6 Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

7 1. has been incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
8 National Pollutant Discharge Elimination System permit; or

9 2. will be incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
10 National Pollutant Discharge Elimination System permit no later than the next permit renewal.

11 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
12 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
13 14, CCR, Section 17582(a)(20) and vegetative food material as defined in Title 14, CCR, Section
14 17582(20)(A).

15 (D) For the purpose of this exclusion, the Department, in consultation with the State Water
16 Resources Control Board and the California Department of Food and Agriculture, will on a case-by-
17 case basis, review and consider approval of additional types of organic materials as potential
18 "anaerobically digestible material" beyond those specified in section 17896.6(a)(1)(C) in accordance
19 with the following:

20 1. Receipt of a written request to the Department from the General Manager or designee of a
21 POTW Treatment Plant.

22 a. The written request must contain the following information:

23 i. The purpose of the request.

24 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
25 organic waste material with the POTW wastewater.

26 iii. Types of organic material requested for classification as an anaerobically digestible
27 material.

28 iv. The source(s) of the waste material.

29 v. A description of how the waste material will be handled, processed, stored and
30 transported (before and after receipt at the POTW Treatment Plant).

31 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
32 to accommodate the new waste materials.

33 vii. Available laboratory test results, engineering reports, research or study to support the
34 request.

35 viii. Data and/or reports if this waste material has been used without incident at a different
36 POTW Treatment Plant.

37 ix. The name, addresses and phone numbers for the General Manager and designee of the
38 POTW Treatment Plant.

39 b. Upon receipt of the written request, the Department will communicate and coordinate the
40 request with and between the State Water Resources Control Board and the California Department of
41 Food and Agriculture and will complete the following actions:

42 i. Within 10 days of receipt, send written confirmation to the General Manager and designee
43 of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate
44 Department staff, as well as to the State Water Resources Control Board and California Department of
45 Food and Agriculture staff contacts for review;

46 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board
47 and California Department of Food and Agriculture staff contacts;

48 iii. Prior to the meeting, Department staff will review the letter and identify questions
49 and/or issues with the request and make a list of recommendations;

50 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
51 representative does not attend the meeting, comments will be accepted by the Department up to
52 close of business on the 45th day after receipt;

53 v. Within 60 days of receipt, the Department will provide a written decision to the General
54 Manager and designee of the POTW Treatment Plant stating one of the following:

55 I. The waste type has or has not been determined to be an anaerobically digestible
56 material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory
57 Requirements (pursuant to Section 17896.6(a)(1)(C) and the Transfer/Processing Operations and
58 Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

1 II. The agencies, based on the information provided, were unable to reach a
2 determination and additional information is required before a determination can be made; or

3 III. The agencies have determined that **additional research or** study will need to be
4 conducted and the results analyzed prior to a determination made by the agencies.

5 IV. If additional information, **research or** study is necessary, the Department will consult
6 with the General Manager or designee of the POTW, the State Water Resources Control Board and
7 California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
8 either reviewing the additional information or for reviewing a proposed scope of work and timeline for
9 **additional research or** study.

10 2. For the purpose of this exclusion, if an organic waste material is determined by the
11 Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
12 wastewater, the POTW Treatment Plant must comply with 17896.6(a)(1)(A) prior to receipt of the
13 material at the POTW Treatment Plant.

14 (2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is
15 derived from an agricultural site and the digestate or compost produced from digestate is returned to
16 that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary
17 of the agricultural site on which the in-vessel digester is located. No more than an incidental amount
18 of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.
19 Digestate that is not composted may not be given away or sold.

20 (3) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock,
21 and **digestate** on site are excluded.

22 *[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits,*
23 *licenses, or other clearances that may be required by other regulatory agencies including, but not*
24 *limited to local health entities and local land use authorities.]*

25 (4) Other discrete handling activities that are already subject to more stringent handling
26 requirements under Federal or State law, as determined by the EA in consultation with the
27 Department, are excluded.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
30 Sections 40053, 43020 and 43021, Public Resources Code.

31 **§ 17896.7. Prohibitions.**

32 The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
33 where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

34 (a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
35 organs, hide, blood, bone and marrow ~~is prohibited~~, except when received:

36 (1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or
37 residential food scrap collection; or

38 (2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other
39 public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

40 (3) from a source approved by the Department in consultation with the State Water Resources
41 Control Board and the California Department of Food and Agriculture.

42 (b) The in-vessel digestion of medical waste ~~is prohibited~~.

43 (c) The in-vessel digestion of hazardous waste ~~is prohibited~~.

44
45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 40053, 43020 and 43021, Public Resources Code.

48 **§ 17896.8. Research In-Vessel Digestion Operations.**

49 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
50 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
51 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

52 (b) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
53 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
54 the research to be performed, research objectives, methodology/protocol to be employed, data to be
55 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
56 projected timeframe for completion of the research operation.

57 (c) After no more than a two year period of operation, the operator of a research in-vessel digestion
58 operation shall submit to the EA a report that includes the results and conclusions drawn from the
59

1 research. If the EA determines, based on the report, that there are further research objectives to be
2 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
3 two years. If the EA determines based on the report that there are no further research objectives to
4 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
5 section 17896.41.

6 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
7 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
8 health, safety, or environmental protection concern, shall satisfy the following additional
9 requirements:

10 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
11 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
12 site.

13 (2) The operator shall prepare, implement and maintain a site-specific, research in-vessel digestion
14 operation site security plan. The research in-vessel digestion site security plan shall include a
15 description of the methods and facilities to be employed for the purpose of limiting site access and
16 preventing the movement of unauthorized material on to or off of the site.

17 (3) After no more than a six-month period of operation the operator of a research in-vessel
18 digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report
19 that includes the results and conclusions drawn from the research and documentation of additional
20 requirements of this section. If the EA determines based on the report that there are further research
21 objectives to be met or data to be gathered, the EA may extend the research for a specified time
22 period not to exceed two years. If the EA determines based on the report that there are no further
23 research objectives to be met or data to be gathered, the operator shall conduct site restoration at the
24 facility pursuant to section 17896.41.

25 (e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2). to
26 the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that
27 the EA Notification for research in-vessel digestion operations is complete and correct only if the
28 additional documentation requirements of this section have been met.

29 (f) These operations shall be inspected by the EA at least once every three (3) months unless the EA
30 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
31 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
32 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
33 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
34 of requests for reducing the frequency of inspections.]

35
36 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
37 Sections 43020 and 43021, Public Resources Code.

38 **§ 17896.9. Dairy In-Vessel Digestion Operations.**

39 (a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth
40 in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
41 section 18100).

42 (1) These operations shall be inspected by the EA at least once a month for the first 12 months of
43 operation. After the first 12 months of operation the EA may approve, with Department concurrence, a
44 reduced inspection frequency of once every three months. After the first 24 months of operation the
45 EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar
46 year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to
47 public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and
48 Department requirements regarding the approval or denial of requests for reducing the frequency of
49 inspections.]

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 43020 and 43021, Public Resources Code.

53 **§ 17896.10. Distribution Center In-Vessel Digestion Operations.**

54
55 (a) All distribution center in-vessel digestion operations shall comply with the EA Notification
56 requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
57 (commencing with section 18100). These operations shall be inspected by the EA at least once every
58 three (3) months unless the EA approves, with Department concurrence, a reduced inspection
59

1 frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to
2 public health and safety and the environment but in no case shall the frequency be less than annual.
3 The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the
4 Department. [Note: See section 18083(a)(3) for additional EA and Department requirements
5 regarding the approval or denial of requests for reducing the frequency of inspections.]
6

7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
8 Sections 43020 and 43021, Public Resources Code.
9

10 **§ 17896.11. Limited Volume In-Vessel Digestion Operations.**

11 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
12 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
13 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA
14 at least once every three (3) months unless the EA approves, with Department concurrence, a
15 reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an
16 additional risk to public health and safety and the environment but in no case shall the frequency be
17 less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-
18 proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and
19 Department requirements regarding the approval or denial of requests for reducing the frequency of
20 inspections.]
21

22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
23 Sections 40053, 43020 and 43021, Public Resources Code.
24

25 **§ 17896.12. Medium Volume In-Vessel Digestion Facilities.**

26 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
27 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
28 (commencing with section 18104). These facilities shall be inspected monthly by the EA in accordance
29 with PRC section 43218.
30

31 Note: Authority cited: Sections 40502, 43020 and 43021, Pu+blic Resources Code. Reference:
32 Sections 40053, 43020 and 43021, Public Resources Code.
33

34 **§ 17896.13. Large Volume In-Vessel Digestion Facilities.**

35 All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in
36 accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter
37 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The
38 In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility
39 Information required by section 21570(f)(2) of Title 27. These facilities shall be inspected monthly by
40 the EA in accordance with PRC section 43218.
41

42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 40053, 43020 and 43021, Public Resources Code.
44

45 **§ 17896.14. In-Vessel Digestion Facility Plan.**

46 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(17)
47 shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The
48 information contained in the Plan shall be reviewed by the EA to determine whether it is complete and
49 correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.
50

51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 40053, 43020 and 43021, Public Resources Code.
53

54 **§ 17896.15. In-Vessel Digestion Report.**

55 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(13)
56 shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator
57 of an existing facility who submits an application package to the EA, pursuant to Title 27, section
58 21570, which proposes to change the facility's operations, or to change the solid waste facility permit
59 shall do one of the following:

- 1 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
2 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
5 Sections 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.16. Applicability of State Minimum Standards.**

8 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
9 vessel digestion operations and facilities, except as noted in Section 17896.1.(a).

10 (b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
11 digestion facilities.

12 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
13 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
14 shall place a copy of each approval, determination and other requirement in the operating record
15 together with those records identified in sections 17896.45 and 17896.46.

16 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
17 method of compliance with the standard. These provisions are not intended to allow the EA to change
18 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
19 alternative method of meeting the existing standard which provides equivalent protection of the public
20 health and safety and the environment as the existing standard. For facilities that require a full solid
21 waste facility permit, the EA may choose to include the approved alternative method of compliance as
22 a term and condition of the solid waste facility permit, rather than in the manner authorized by
23 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
24 the method may require a revision to the solid waste facility permit in accordance with the procedures
25 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
26 (commencing with section 21570).

27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
29 Sections 40053, 43020 and 43021, Public Resources Code.

30
31
32 **Article 2. Siting and Design**

33
34 **§ 17896.17. Siting On Landfills.**

35 (a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
36 closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
37 California Code of Regulations, section 21190.

38 (b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
39 solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by
40 natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or
41 failure of pads or structural foundations.

42 (c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
43 solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or
44 with the closure or postclosure maintenance of the landfill.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 40053, 43020 and 43021, Public Resources Code.

48
49 **§ 17896.18. General Design Requirements.**

50 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
51 appropriate, from persons competent in engineering, architecture, landscape design, traffic
52 engineering, air quality control, water quality protection and design of structures.

53 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
54 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
55 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
56 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
57 other pertinent information. If the operation or facility is to be used by the general public, the design
58 shall take account of safety features that may be needed to accommodate such public use.

1 (c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the
2 unloading area to as small an area as practicable, provide adequate control of windblown material,
3 minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances
4 by reason of solid wastes being handled at the operation. Other factors which shall be taken into
5 consideration are: dust control, noise control, public safety, and other pertinent matters related to the
6 protection of public health at the operation or facility.

7 (d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA
8 may require the applicant to describe how he or she has complied with applicable local and state
9 requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

10 (e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and
11 constructed to prevent loss of wastes from the container during storage. If such a container is used to
12 store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such
13 container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily
14 cleanable, designed for safe handling and constructed to prevent loss of wastes.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
17 Sections 40053, 43020 and 43021, Public Resources Code.

20 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

21 **§ 17896.19. Biogas Control.**

22 The operator of an in-vessel digestion operation or facility must take precautions to minimize the
23 uncontrolled release of biogas that may have harmful effects on site users and the general public.

24
25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
27 Sections 40053, 43020 and 43021, Public Resources Code.

28 **§ 17896.20. Cleaning.**

29 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
30 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
31 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

32 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;
33 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
34 least once every 24 hours.

35 (b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site
36 migration of waste materials.

37
38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
40 Sections 40053, 43020 and 43021, Public Resources Code.

41 **§ 17896.21. Drainage and Spill Control.**

42 (a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

43 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;
44 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
45 site migration of contact water;
46 (3) protect the integrity of roads and structures;
47 (4) protect the public health; and
48 (5) prevent safety hazards and interference with operations.

49 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
50 that occur.

51
52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
54 Sections 40053, 43020 and 43021, Public Resources Code.

55 **§ 17896.22. Dust Control.**

56 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
57 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
58 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
59

1 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
2 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
3 following may be an indication that dust is excessive:

- 4 (1) safety hazards due to obscured visibility; or
- 5 (2) irritation of the eyes; or
- 6 (3) hampered breathing;
- 7 (4) migration of dust off-site.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
10 Sections 40053, 43020 and 43021, Public Resources Code.

11
12 **§ 17896.23. Hazardous, Liquid, and Special Wastes.**

13 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
14 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
15 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

16 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
17 discovered, control measures as are necessary to protect public health, safety and the environment,
18 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
19 or removal from the operation or facility.

20 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
21 sludge wastes in a manner to protect public health, safety, and the environment.

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
24 Sections 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.24. Litter Control.**

27 Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
28 prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
29 possible given existing weather conditions.

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
32 Sections 40053, 43020 and 43021, Public Resources Code.

33
34 **§ 17896.25. Load Checking.**

35 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
36 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
37 program must include at a minimum:

- 38 (1) the number of random load checks to be performed;
- 39 (2) a location for the storage of prohibited wastes removed during the load checking process that is
40 separately secured or isolated;
- 41 (3) records of load checks and the training of personnel in the recognition, proper handling, and
42 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
43 records for the last year shall be maintained in the operating record and be available for review by the
44 appropriate regulatory agencies.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 40053, 43020 and 43021, Public Resources Code.

48
49 **§ 17896.26. Maintenance Program.**

50 All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
51 The operator shall implement a preventative maintenance program to monitor and promptly repair or
52 correct deteriorated or defective conditions.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
55 Sections 40053, 43020 and 43021, Public Resources Code.

56
57 **§ 17896.27. Medical Wastes.**

58 Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the
59 Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code),

1 shall not be accepted at an in-vessel digestion operation or facility, unless approved by the
2 appropriate regulatory agencies.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
5 Sections 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.28. Noise Control.**

8 Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
9 include but are not limited to: posting of warning signs that recommend or require hearing protection;
10 separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
11 transmission. Compliance with specific provisions regarding noise control in a local land use approval,
12 such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
13 this standard.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.29. Non-Salvageable Items.**

19 Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
20 pesticides and other materials capable of causing public health or safety problems shall not be
21 salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
22 the EA.

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
25 Sections 40053, 43020 and 43021, Public Resources Code.

26
27 **§ 17896.30. Odor Best Management Practice Feasibility Report.**

28 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
29 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
30 violations as determined pursuant to section 17863.4(f).

31 (b) The Report shall:

32 (1) Present representative and correlating odor data for each potential onsite odor source including
33 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
34 collected, description of operations associated with the source, and any odor impacts or complaints
35 received;

36 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
37 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
38 order of impact;

39 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

40 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
41 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
42 has used to minimize odor and analyze each BMP for the following:

43 1. The effectiveness of the BMP in reducing odor impacts;

44 2. The potential for more extensive use of the BMP to minimize odor impacts described by
45 complainants;

46 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
47 operationally practical;

48 4. The approximate cost to implement a more extensive use of the BMP;

49 5. Any permits or permit changes necessary to use the BMP more extensively;

50 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
51 the BMP is recommended; and

52 7. If the BMP has been found to be ineffective (include supporting data).

53 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
54 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
55 operator has not used and analyze each potential BMP to determine:

56 1. The potential for the BMP to reduce odor impacts described by complainants;

57 2. If the BMP is operationally practical;

58 3. The approximate cost to implement the BMP;

59 4. Any permits or permit changes necessary to use the BMP; and

1 5. Overall recommendation and ranking of implementing the BMP.
2 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
3 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

4 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
5 the Department for review. If the EA has required the operator to prepare a Report pursuant to
6 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
7 approved by the EA.

8 (d) The EA, in consultation with the Department, shall within 30 days:

9 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
10 in whole or in part; and/or

11 (2) direct the operator in writing to submit specific changes or additional information within a
12 timeframe specified by the EA.

13 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
14 (d)(1) or (d)(2).

15
16 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
17 Reference: Sections 43020, 43021 and 43209.1,

18
19 **§ 17896.31. Odor Minimization Plan.**

20 (a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
21 specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
22 Notification or permit application.

23 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
24 describing, at a minimum, the following items. If the operator will not be implementing any of these
25 procedures, the plan shall explain why it is not necessary.

26 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
27 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
28 possible odor receptors; and,

29 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
30 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
31 described; and,

32 (3) a complaint response and recordkeeping protocol; and,

33 (4) a description of design considerations and/or projected ranges of optimal operation to be
34 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
35 feedstock characteristics, airborne emission production, process water distribution, pad and site
36 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
37 service interruptions, and site specific concerns as applicable; and,

38 (5) a description of operating procedures for minimizing odor, including aeration, moisture
39 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
40 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
41 power, and personnel), bio filtration, and tarping as applicable.

42 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
43 provided to the EA, within 30 days of those changes.

44 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
45 revisions are necessary.

46 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
47 operation or facility is following the procedures established by the operator. If the EA determines that
48 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
49 (pursuant to section 18304) to require the operator to either comply with the odor impact
50 minimization plan or to revise it.

51 (f) If the odor impact minimization plan is being followed and the EA determines, in a manner
52 consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
53 to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
54 in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
55 (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
56 measures to minimize odors unless:

57 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

58 (2) there is an imminent threat to public health and safety and the environment; or

59 (3) a public nuisance has occurred.

1
2 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
3 Reference: Sections 43020, 43021 and 43209.1, [Public Resources Code](#).

4
5 **§ 17896.32. Odor and Nuisance Control.**

6 Each in-vessel digestion operation and facility shall be conducted and maintained:
7 (a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
8 (b) to otherwise prevent the creation of a nuisance.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
11 Sections 40053, 43020 and 43021, Public Resources Code.

12
13 **§ 17896.33. Parking.**

14 Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
15 with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
16 conditional use permit or CEQA mitigation measures, shall be considered compliance with this
17 standard.

18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
20 Sections 40053, 43020 and 43021, Public Resources Code.

21
22 **§ 17896.34. Personnel Health and Safety.**

23 The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
24 section 3203, shall be available for review by local and state inspectors during normal business hours.
25 Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

26
27 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
28 Sections 40053, 43020 and 43021, Public Resources Code.

29
30 **§ 17896.35. Pre-Digestion Solid Waste Handling.**

31 (a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
32 sealed structure or removed from the site within 48 hours from the time of receipt. [This requirement](#)
33 does not apply to putrescible waste stored in a sealed bag, bottle, or can.
34 (b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
35 of receipt or at an alternate frequency approved by the EA.

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
38 Sections 40053, 43020 and 43021, Public Resources Code.

39
40 **§ 17896.36. Protection of Users.**

41 An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so
42 that contact between the public and solid wastes is minimized. This may be accomplished through the
43 use of railings, curbs, grates, fences, and/or spotters.

44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
46 Sections 40053, 43020 and 43021, Public Resources Code.

47
48 **§ 17896.37. Roads.**

49 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
50 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
51 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
52 all-weather access to the site.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
55 Sections 40053, 43020 and 43021, Public Resources Code.

56
57 **§ 17896.38. Sanitary Facilities.**

58 The operator shall maintain all sanitary and hand-washing facilities which may be required, by
59 applicable state or local requirements, in a reasonably clean and adequately supplied condition.

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
3 Sections 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.39. Scavenging and Salvaging.**

6 Each in-vessel digestion operation or facility shall meet the following requirements:

7 (a) scavenging shall be prohibited;

8 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
9 of the operation, subject to conditions established by the EA, the local land use authority, or other
10 approving agencies.

11 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
12 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
13 entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging
14 activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly
15 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
16 or nuisance problems;

17 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
18 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
19 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
20 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
21 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a
22 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
23 Digestion Facility Plan, or In-vessel Digestion Facility Report.

24
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
26 Sections 40053, 43020 and 43021, Public Resources Code.

27
28 **§ 17896.40. Signs.**

29 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
30 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
31 facility name and location of nearest public operation or facility.

32 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
33 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
34 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
35 or (2) WILL NOT be accepted.

36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
38 Sections 40053, 43020 and 43021, Public Resources Code.

39
40 **§ 17896.41. Site Restoration.**

41 All in-vessel digestion operations and facilities shall meet the following requirements:

42 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
43 days prior to beginning site restoration.

44 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
45 safety, and the environment.

46 (c) The operator shall ensure that the following site restoration procedures are performed upon
47 completion of operations and termination of service:

48 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
49 including, but not limited to, digestate, compost materials, construction scraps, and other materials
50 related to the operations, and these residues legally recycled, reused, or disposed.

51 (2) All machinery shall be cleaned and removed or stored securely.

52 (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or
53 other residues related to the site restoration operations.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
56 Sections 43020 and 43021, Public Resources Code.

1 **§ 17896.42. Supervision and Personnel.**

2 The operator shall provide adequate supervision and a sufficient number of qualified personnel to
3 ensure proper operation of the site in compliance with all applicable laws, regulations, permit
4 conditions and other requirements. The operator shall notify the EA in writing of the name, address
5 and telephone number of the operator or other person responsible for the operation. A copy of the
6 written notification shall be placed in the operating record.

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
9 Sections 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.43. Training.**

12 Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site
13 solid waste operations and maintenance, hazardous materials recognition and screening, use of
14 mechanized equipment, environmental controls, emergency procedures and the requirements of this
15 Article. A record of such training history shall be maintained and made available for inspection.

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
18 Sections 40053, 43020 and 43021, Public Resources Code.

19
20 **§ 17896.44. Vector, Bird and Animal Control.**

21 The operator shall take adequate steps to control or prevent the propagation, harborage and
22 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

23
24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
25 Sections 40053, 43020 and 43021, Public Resources Code.

26
27
28 **Article 4. Record Keeping Requirements**

29
30 **§ 17896.45. Record Keeping Requirements.**

31 Each operator shall meet the following requirements:

32 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
33 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
34 submitted to the EA or the Department upon request; be adequate for overall planning and control
35 purposes; and, be as current and accurate as practicable;

36 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
37 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
38 agencies during normal working hours.

39 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
40 approved by the EA;

41 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
42 operations and methods used to resolve problems arising from these events, including details of all
43 incidents that required implementing emergency procedures. Special occurrences shall include but are
44 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
45 prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
46 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
47 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
48 unless the EA determines that a less immediate form of notification will be sufficient to protect public
49 health and safety and the environment;

50 (e) The operator shall record any written public complaints received by the operator, including:

51 (1) the nature of the complaint,

52 (2) the date the complaint was received,

53 (3) if available, the name, address, and telephone number of the person or persons making the
54 complaint, and

55 (4) any actions taken to respond to the complaint;

56 (f) The operator shall maintain a copy of the written notification to the EA and local health agency of
57 the name, address and telephone number of the operator or other person(s) responsible for the
58 operations as required by section 17896.42;

59 (g) The operator shall maintain records of employee training as required by section 17896.43;

1 (h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809
2 et seq.

3 (i) The operator shall record all test results generated by compliance with Article 6 of this Chapter,
4 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
5 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

6 (1) The operator shall retain records detailing pathogen reduction methods.

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
9 Sections 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and**
12 **Requirements.**

13 Approvals, determinations, and other requirements the EA is authorized to make under this Chapter
14 shall be provided in writing to the operator and placed in the operating record by the operator.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
17 Sections 40053, 43020 and 43021, Public Resources Code.

18
19
20 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**

21
22 **§ 17896.47. Communications Equipment.**

23 Each in-vessel digestion facility shall have adequate communication equipment available to site
24 personnel to allow quick response to emergencies.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
27 Sections 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.48. Equipment.**

30 Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-
31 vessel digestion facility to meet all requirements of this Chapter.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 40053, 43020 and 43021, Public Resources Code.

35
36 **§ 17896.49. Fire Fighting Equipment.**

37 Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly
38 maintained and located as required by the local fire authority.

39
40 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
41 Sections 40053, 43020 and 43021, Public Resources Code.

42
43 **§ 17896.50. Housekeeping.**

44 The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility
45 equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap,
46 and similar items.

47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
49 Sections 40053, 43020 and 43021, Public Resources Code.

50
51 **§ 17896.51. Lighting.**

52 The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either
53 through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of
54 operations, and public health, safety and the environment.

55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
57 Sections 40053, 43020 and 43021, Public Resources Code.

1 **§ 17896.52. Site Attendant.**

2 An in-vessel digestion facility open to the public shall have an attendant present during public
3 operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as
4 approved by the EA to ensure that it meets all of the requirements of this Chapter.

5
6 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
7 Sections 40053, 43020 and 43021, Public Resources Code.

8
9 **§ 17896.53. Site Security.**

10 The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and
11 vehicles through the use of either a perimeter barrier or topographic constraints.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
14 Sections 40053, 43020 and 43021, Public Resources Code.

15
16 **§ 17896.54. Traffic Control.**

17 (a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:

- 18 (1) interference with or creation of a safety hazard on adjacent public streets or roads,
19 (2) on-site safety hazards, and
20 (3) interference with operations.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
23 Sections 40053, 43020 and 43021, Public Resources Code.

24
25 **§ 17896.55. Visual Screening.**

26 The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create
27 and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if
28 none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening
29 in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be
30 considered compliance with this standard.

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
33 Sections 40053, 43020 and 43021, Public Resources Code.

34
35 **§ 17896.56. Water Supply.**

36 A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use
37 (e.g., fire protection, first aid) shall be available.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
40 Sections 40053, 43020 and 43021, Public Resources Code.

41
42
43 **Article 6. Digestate Handling Standards**

44
45 **§ 17896.57. Digestate Handling.**

46 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

47 (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
48 alternative handling method after determining the alternative method will not pose an additional risk
49 to public health and safety or the environment; or

50 (2) incorporated in an on-site aerobic compost process.

51 (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
52 facilities that have obtained an **In-vessel Digestion Facility** Permit pursuant to section 17896.4.

53 (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
54 requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
55 the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
56 physical contamination limits of section 17896.61; or

57 (3) removed from the site and either:

58 (A) transported as solid waste to another solid waste facility or operation for disposal, composting,
59 or additional processing; or

1 (B) used or disposed in a manner approved by local, state, and federal agencies having
2 appropriate jurisdiction.
3 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
4 pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
5 section 17896.61 or are known to contain any metal in amounts that exceed the maximum metal
6 concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
7 pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
8 the maximum physical contamination limits described in section 17896.61 shall be designated for
9 disposal, additional processing, or other use as approved by local, state agencies having appropriate
10 jurisdiction.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
13 Sections 40053, 43020 and 43021, Public Resources Code.

14
15 **§ 17896.58. Sampling Requirements.**

16 (a) The sampling of compost produced at an in-vessel digestion facility (pursuant to section
17 17896.57(a)(2)) shall occur at the point where the compost is removed from the site, bagged for sale,
18 given away for beneficial use and removed from the site or otherwise beneficially used. Analytical
19 results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by
20 the operator prior to the sampled compost leaving the site. Sample results must be received by the
21 operator prior to removing compost from the in-vessel digestion facility where it was produced.

22 (b) This sampling shall be performed by taking and analyzing at least one composite sample, following
23 the requirements of this section as follows:

24 (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
25 compost produced.

26 (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
27 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
28 pursuant to the Health and Safety Code.

29 (c) A composite sample shall be representative and random, and may be obtained by taking twelve
30 (12) mixed samples as described below.

31 (1) The twelve samples shall be of equal volume.

32 (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
33 follows:

34 (A) Four samples from one-half the width of the pile, each at a different cross-section;

35 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

36 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

37 (d) The EA may approve alternative methods of sampling that ensures the maximum metal
38 concentration requirements of section 17896.59, the pathogen reduction requirements of section
39 17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are
40 met.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 43020 and 43021, Public Resources Code.

44
45 **§ 17896.59. Maximum Metal Concentrations.**

46 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
47 exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any
48 metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall
49 be designated for disposal, additional processing, or other use as approved by local, state and federal
50 agencies having appropriate jurisdiction. Sample results must be received by the operator prior to
51 removing compost from the in-vessel digestion facility where it was produced.

1 Table 2 - Maximum Acceptable Metal Concentrations

2

<u>Constituent</u>	<u>Concentration (mg/kg)</u> <u>on dry weight basis</u>
<u>Arsenic (As)</u>	<u>41</u>
<u>Cadmium (Cd)</u>	<u>39</u>
<u>Chromium (Cr)</u>	<u>(see subdivision (a)(1) below)</u>
<u>Copper (Cu)</u>	<u>1500</u>
<u>Lead (Pb)</u>	<u>300</u>
<u>Mercury (Hg)</u>	<u>17</u>
<u>Nickel (Ni)</u>	<u>420</u>
<u>Selenium (Se)</u>	<u>100</u>
<u>Zinc (Zn)</u>	<u>2800</u>

3
4 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
5 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
6 produce to be determined in connection with the analysis of other metals. Operators shall maintain
7 records of all chromium concentrations together with their records of other metal concentrations.
8 (b) Alternative methods of compliance to meet the requirements of this section may be approved by
9 the EA if the EA determines that the alternative method will ensure that the maximum acceptable
10 metal concentrations shown in Table 2 are not exceeded.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
13 Sections 43020 and 43021, Public Resources Code.

14
15 **§ 17896.60. Pathogen Reduction.**

16 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
17 exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this
18 section. Compost that contains any pathogens in amounts that exceed these pathogen reduction
19 requirements shall be designated for disposal, additional processing, or other use as approved by
20 local, state and federal agencies having appropriate jurisdiction. Sample results must be received by
21 the operator prior to removing compost from the in-vessel digestion facility where it was produced.

22 (b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

23 (1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less
24 than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
25 Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4)
26 grams of total solids (dry weight basis). Sample results must be received by the operator prior to
27 removing product from the site.

28 (2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active
29 compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or
30 higher for a pathogen reduction period of 3 days.

31 (A) Due to variations among enclosed and within-vessel composting system designs, including
32 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
33 application to meet the requirements of subdivision (b)(2) of this section.

34 (3) If the facility uses a windrow composting process, active compost shall be maintained under
35 aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
36 pathogen reduction period of 15 days or longer. During the period when the compost is maintained at
37 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

38 (4) If the facility uses an aerated static pile composting process, all active compost shall be covered
39 with 6 to 12 inches of insulating material, and the active compost shall be maintained at a
40 temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period
41 of 3 days.

42 (c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an
43 aerated static pile composting process shall be monitored as follows to ensure that the standards in
44 subdivision (b) of this section are met:

45 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
46 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
47 fraction thereof.

- 1 (2) Temperature measurements for pathogen reduction shall be measured as follows:
2 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
3 four (24) inches below the pile surface;
4 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
5 inches from the point where the insulation cover meets the active compost.
6 (d) Alternative methods of compliance to meet the requirements of this section may be approved by
7 the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
10 Sections 43020 and 43021, Public Resources Code.

11
12 **§ 17896.61. Physical Contamination Limits.**

- 13 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
14 contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that
15 contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be
16 designated for disposal, additional processing, or other use as approved by local, state and federal
17 agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the
18 point where compost is sold and removed from the site, bagged for sale, given away for beneficial use
19 and removed from the site or otherwise beneficially used. Sample results must be received by the
20 operator prior to removing compost from the in-vessel digestion facility where it was produced.
21 (b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one
22 representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at
23 which physical contaminants greater than 4 millimeters shall be collected and weighed, and the
24 percentage of physical contaminants determined.
25 (c) Alternative methods of compliance to meet the requirements of this section may be approved by
26 the EA if the EA determines that the alternative method will ensure the physical contaminant
27 requirements of this section are met.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
30 Sections 43020 and 43021, Public Resources Code.

31
32
33 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility**
34 **Permits; Loan Guarantees.**

35
36
37 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

38
39 **§ 18083. LEA Duties and Responsibilities for Inspections.**

40 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3
41 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and
42 investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal
43 sites and equipment to verify compliance with the state minimum standards, solid waste facilities
44 permits, and related state solid waste laws and regulations within their purview for the protection of
45 the environment and the public health and safety. The LEA/EA shall perform these inspections and
46 related duties as required below, and forward inspection reports to the operator and/or owner, and the
47 ~~board~~ Department within 30 days of the inspection:

- 48 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;
49 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
50 abatement by enforcement action(s);
51 (3) at the frequency required by the state minimum standards for each type of operation specified in
52 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
53 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
54 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
55 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
56 the environment, and in no case shall the inspection frequency be less than once per calendar year.
57 The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
58 concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
59 an additional risk to public health and safety or the environment in light of the specific circumstances

1 at the operation in question. The Department shall concur or deny the EA-proposed approval within
2 thirty (30) days from receipt.

3 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
4 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
5 safety or the environment. This determination shall be subject to ~~board~~-Department approval. For the
6 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
7 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
8 closure requirements;

9 (A) the ~~board~~-Department may approve an alternate inspection frequency for these sites where
10 such an action will not result in adverse impact on public health and safety and the environment.

11 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
12 with the ~~board~~-Department through a grant program to inspect waste tire facilities, major waste tire
13 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
14 every two and a half years pursuant to 14 CCR Section 18443;

15 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

16 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
17 revision, review, RFI amendment, or closure/postclosure plan; and

18 (8) pursuant to the EPP, for solid waste handling and collection equipment.

19 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
20 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
21 days, during normal business hours or the site's operating hours.

22
23 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
24 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

25 26 27 **Article 3.0. Regulatory Tier Requirements**

28 **§ 18100. Scope.**

29 (a) This Article sets forth the method of application for a tiered solid waste facilities permit,
30 procedures for review and action on an application package, and other requirements associated with
31 regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
32 and other requirements associated with solid waste handling operations. Similar provisions regarding a
33 full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
34 Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

35 (b) The provisions of this Article shall apply only to those operations and facilities as specified in the
36 minimum standards set forth in Chapters 3.0, ~~or~~ 3.1, or 3.2 of Division 7 of this Title.

37 (c) The submittal of an enforcement agency notification (in accordance with section 18103) or
38 issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
39 issued tiered permit.

40 (d) Specific provisions relating to the different types of regulatory tiers may be found below as
41 follows:

- | | |
|---|-------------------------------|
| 42 (1) Excluded | section 18102 |
| 43 (2) Notification of Enforcement Agency | sections 18103 – 18103.3 |
| 44 (3) Registration Permit | sections 18104 – 18104.9; and |
| 45 (4) Standardized Permit | sections 18105 – 18105.11. |

46
47
48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
49 Sections 40053, 43020, 43021 and 43000-45802, Public Resources Code.

50 **§ 18102. Excluded Solid Waste Handling.**

51 Operators of excluded operations designated by the minimum standards set forth in Division 7 of this
52 Title are not required to notify the enforcement agency or submit an application for a solid waste
53 facilities permit. Nothing in this section precludes the enforcement agency or the ~~board~~-Department
54 from inspecting an excluded operation to verify that the operation is being conducted in a manner that
55 qualifies as an excluded operation or taking any appropriate enforcement action.

56
57
58 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
59 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

1
2 **§ 18103. Enforcement Agency Notification.**

3 (a) The enforcement agency notification provisions of this Article shall apply only to operations as
4 specified in the minimum standards set forth in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of this Title.

5 (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement
6 agency notification as follows:

7 (1) Filing Requirements section 18103.1;

8 (2) Record Keeping Requirements section 18103.2; and

9 (3) Termination of Operation section 18103.3.

10 (c) Operations authorized to use the enforcement agency notification tier are required to operate in
11 accordance with the minimum standards set forth in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 applicable
12 to that operation.

13 (d) Nothing in this section precludes the enforcement agency or the ~~board~~ Department from the
14 following: inspecting an operation to verify that the operation is being conducted in a manner that
15 qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in
16 compliance with the minimum standards; or, taking any appropriate enforcement action, including the
17 use of a 'notice and order.'

18
19 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
20 43020, 44100(a), 44101(a) and 45200, Public Resources Code

21
22 **§ 18103.1. Filing Requirements.**

23 (a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency
24 notification shall notify the enforcement agency of its intent to operate in writing prior to commencing
25 operations. This written notification shall be legible and include the following information:

26 (1) The name, address, and phone number of the proposed operation; the name, address, and
27 phone number where the operator can be contacted if these differ from the operation site; and, the
28 name, address, and phone number of the owner if these differ from the operator.

29 (2) The section in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of this Title authorizing eligibility for this
30 tier and a description of the facility's operations, including but not limited to, volume and hours of
31 wastes/material handled, peak and annual loading, and hours of operation.

32 (3) Documentation that the operator has notified the local planning department with jurisdiction
33 over the site of its intent to commence operations. Documentation may include, proof of compliance
34 with CEQA, correspondence from the local planning department that compliance with the California
35 Environmental Quality Act is not required for the operation to obtain local land use approval or written
36 notice to the local planning department of the operator's intent to commence operations.

37 (4) A statement by the owner and operator certifying under penalty of perjury that the information
38 which they have provided is true and accurate to the best of their knowledge and belief.

39 (b) The notification shall be mailed to the enforcement agency "return receipt requested."
40

41 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
42 Public Resources Code.
43

44 **§ 18103.2. Record Keeping Requirements.**

45 The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall
46 be publicly available during normal business hours. The enforcement agency shall forward a copy of
47 the notification to the ~~board~~ Department within five days of receipt. The enforcement agency shall
48 retain a copy of the notification for a minimum of one year after the facility is known to have ceased
49 operations.
50

51 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
52 Public Resources Code.
53

54 **§ 18104. Registration Permit.**

55 (a) The registration permit provisions of this Article shall apply only to solid waste facilities as
56 specified in the minimum standards set forth in Chapters ~~3, or 3.1, or 3.2~~ of Division 7 of this Title.

57 (b) A registration permit shall be deemed by reference, as terms and conditions of the
58 permit, all minimum standards applicable to it, as set forth in Chapters ~~3, or 3.1, or 3.2~~, of Division 7.

59 (c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

- 1 (1) Filing Requirements section 18104.1;
- 2 (2) Enforcement Agency Processing Requirements section 18104.2;
- 3 (3) Record Keeping Requirements section 18104.3;
- 4 (4) Completeness Appeal section 18104.4;
- 5 (5) Change in Operation section 18104.5;
- 6 (6) Change in Owner section 18104.6;
- 7 (7) Permit Review & Reissuance section 18104.7;
- 8 (8) Suspend/Revoke section 18104.8, and
- 9 (9) Voiding of a Registration Permit section 18104.9.

10
11 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
12 Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

13
14 **§ 18104.1. Filing Requirements.**

15 Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an
16 application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated
17 herein by reference, with the enforcement agency. The application shall be accompanied by the fee
18 specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See
19 Appendix A.) This application shall contain the following information:

20 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or~~ 3.1, or 3.2 of
21 Division 7 of this Title authorizing eligibility for this tier.

22 (b) General description of the facility including, but not limited to name, location, site map, and
23 location map.

24 (c) Facility information, including, but not limited to, volume and type of waste/material; handled,
25 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

26 (d) Operator information, including identification of the land owner, his/her address and telephone
27 number; identification of the facility operator, his/her address and telephone number; and the
28 address(es) at which process may be served upon the operator and owner.

29 (e) Conformance finding information as follows:

30 (1) Until a countywide or regional agency integrated waste management plan has been approved by
31 the ~~Board~~ Department, the application shall include statements that: the facility is identified and
32 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
33 Public Resources Code Section 50000; and that the facility is consistent with the city or county
34 General Plan.

35 (2) After a countywide or regional agency integrated waste management plan has been approved by
36 the ~~Board~~ Department, the application shall include a statement that: the facility is identified in either
37 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
38 Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public
39 Resources Code Section 50001.

40 (f) The owner and operator shall each certify under penalty of perjury that the information which they
41 have provided is true and accurate to the best of their knowledge and belief.

42 (g) Evidence that the application form was provided to the director of the local agency that oversees
43 local use planning for the jurisdiction in which the site is located.

44 (h) List of all public hearings and other meetings open to the public that have been held or copies of
45 notices distributed that are applicable to the proposed solid waste facilities permit action.

46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
48 Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

49
50 **§ 18104.2. Enforcement Agency Processing Requirements.**

51 ...
52 (g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~ Department
53 and to any person who has so requested in writing.

54 ...

55 ...

56 ...

57 ...

58 ...

59 ...

1 **§ 18104.3. Record Keeping Requirements.**

2 ...
3 (c) The enforcement agency shall forward copies of any written public comments received on an
4 application to the ~~board~~Department with the registration permit submitted pursuant to section
5 18104.2(f).

6 (d) Subsequent to the transmittal of the registration permit to the ~~board~~Department, the enforcement
7 agency shall within five days of receipt provide a copy of any additional written public comments to
8 the ~~board~~Department unless the comment clearly states that a copy has already been provided to the
9 ~~board~~Department.

10 (e) If an application is denied, the enforcement agency shall retain public comments received on that
11 application for a period of 2 years. If a previously denied permit is approved, all comments received
12 shall be forwarded to the ~~board~~Department with the copy of the registration permit submitted under
13 subsection (c) above.

14 ...
15 ...
16 **§ 18104.6. Change in Owner.**

17 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
18 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
19 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
20 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
21 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
22 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~Department
23 within five days of receipt.

24 ...
25 ...
26 **§ 18104.9. Voiding of a Registration Permit.**

27 Every registration permit shall be void 30 days after cessation of operations. Any operator who intends
28 to cease operations shall notify the enforcement agency of his/her last proposed date of operation at
29 least 15 days in advance. The enforcement agency shall forward a copy of this notification to the
30 ~~board~~Department within 7 days. "Cessation of operations" does not include temporary operational
31 shutdowns which are seasonal or intermittent in nature.

32 ...
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
34 Sections 43020, 43021 and 43000-45802, Public Resources Code.

35 ...
36 **§ 18105. Standardized Permit.**

37 (a) The standardized permit provisions of this Article shall apply only to solid waste facilities as
38 specified in the minimum standards set forth in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of the Title.

39 (b) A standardized permit obtained pursuant to this Article shall contain only those terms and
40 conditions applicable to the type of facility receiving it as set out in the minimum standards for that
41 type of facility.

42 (c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as
43 follows:

- 44 (1) Filing Requirements section 18105.1;
- 45 (2) Enforcement Agency Processing Requirements section 18105.2;
- 46 (3) Record keeping Requirements section 18105.3;
- 47 (4) Completeness Appeal section 18105.4;
- 48 (5) ~~Board~~Department Processing Requirements section 18105.5;
- 49 (6) Appeal of Decision section 18105.6;
- 50 (7) Change in Operation section 18105.7;
- 51 (8) Change in Owner section 18105.8;
- 52 (9) Permit Review section 18105.9;
- 53 (10) Suspend/Revoke section 18105.10; and
- 54 (11) Voiding of a Standardized Permit section 18105.11.

55 ...
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
57 Sections 43020, 43021 and 43000-45802, Public Resources Code.

1 **§ 18105.1. Filing Requirements.**

2 Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an
3 application in duplicate with the enforcement agency accompanied by the fee specified by the
4 enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall
5 contain the following information:

6 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or 3.1, or 3.2~~ of
7 Division 7 of this Title authorizing eligibility for this tier.

8 (b) General description of the facility including, but not limited to name, location, site map, and
9 location map.

10 (c) Facility information, including, but not limited to, volume and types of waste/material handled,
11 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

12 (d) Operator information, including identification of the land owner, his/her address and telephone
13 number; identification of the facility operator, his/her address and telephone number; and the
14 address(es) at which process may be served upon the operator and owner.

15 (e) A Report of Facility Information that contains all of the information required by the applicable
16 section(s) of Article 3.2, Chapter 5, of this Division.

17 (f) One of the following:

18 (1) Evidence that there has been compliance with the California Environmental Quality Act, Division
19 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

20 (2) Information on the status of the application's compliance with the California Environmental
21 Quality Act regarding the facility. Once there has been compliance with the California Environmental
22 Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement
23 agency.

24 (g) Conformance finding information as follows:

25 (1) Until a countywide or regional agency integrated waste management plan has been approved by
26 the ~~board~~ Department, the application shall include statements that: the facility is identified and
27 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
28 Public Resources Code Section 50000; and that the facility is consistent with the city or county
29 General Plan.

30 (2) After a countywide or regional agency integrated waste management plan has been approved by
31 the ~~board~~ Department, the application shall include a statement that: the facility is identified in either
32 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
33 Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be
34 identified in any of these elements pursuant Public Resources Code Section 50001.

35 (h) The owner and operator shall each certify under penalty of perjury that the information provided
36 is true and accurate to the best of their knowledge and belief.

37 (i) Evidence that the application form was provided to the director of the local agency that oversees
38 local use planning for jurisdiction in which the site is located.

39 (j) List of all public hearings and other meetings open to the public that have been held or copies of
40 notices distributed that are applicable to the proposed solid waste facilities permit action.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

44
45 **§ 18105.2. Enforcement Agency Processing Requirements.**

46 ...

47 (g) Within fifteen days of acceptance of an application for filing:

48 (1) The enforcement agency shall evaluate the information provided in the application and the
49 proposed facility to determine whether or not the facility will be able to operate in compliance with the
50 applicable minimum standards and standardized solid waste facilities permit terms and conditions.

51 (2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

52 (3) If the enforcement agency finds that the application and facility meet the requirements set forth
53 in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed
54 standardized permit, application package, and the results of any analysis to the ~~board~~ Department.
55 The enforcement agency shall further provide the applicant with a copy of the proposed standardized
56 permit submitted to the ~~board~~ Department. In addition, the enforcement agency shall provide a copy
57 of the proposed standardized permit to any person who has so requested in writing.

1 (4) If the enforcement agency finds that the application or facility do not meet the requirements set
2 forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy
3 of the rejected application accompanied by an explanation shall be mailed to the applicant.

4 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
5 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
6 the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
7 requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
8 Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
9 been submitted within 120 days of the application's acceptance for filing, the enforcement agency
10 shall reject the application and not issue the standardized permit.

11 (i) Once the ~~Board-Department~~ has concurred in the issuance of the proposed standardized permit,
12 pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

13 (j) If the ~~Board-Department~~ objects to the proposed standardized permit, the enforcement agency
14 shall notify the applicant in writing of the ~~Board-Department's~~ decision, and the reasons for that
15 decision, within five days of receipt of that decision.

16 ...

17 **§ 18105.3. Record Keeping Requirements.**

18 ...

19 (c) The enforcement agency shall forward copies of any written public comments received on a
20 pending application to the ~~Board-Department~~ with the proposed standardized permit submitted
21 pursuant to section 18105.2(g).

22 (d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall
23 within five days of receipt provide a copy of any additional written public comments to the ~~Board-
24 Department~~, unless the comment clearly states that a copy has already been provided to the ~~Board-
25 Department~~.

26 ...

27 **§ 18105.5. Board-Department Processing Requirements.**

28 (a) The ~~Board-Department~~ shall mark the proposed standardized permit with the date of receipt.

29 (b) The ~~Board-Department~~ shall evaluate the application package and the proposed standardized
30 permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

31 (c) Within 30 days of receipt of a proposed standardized permit, the ~~Board-Department~~ shall either
32 concur in or object to the issuance of the proposed standardized permit.

33 (d) If the proposed standardized permit contains terms and conditions not authorized by the minimum
34 standards and the permit is otherwise in conformance with these regulations, any additional
35 unauthorized terms and conditions shall be stricken. The ~~Board-Department~~ shall concur in the edited
36 standardized permit.

37 (e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the ~~Board-
38 Department~~ shall notify the enforcement agency of its determination in writing. If the ~~Board-
39 Department~~ objects, the reasons for the objection shall be provided to the enforcement agency.

40 ...

41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
42 Sections 43020, 43021 and 43000-45802, Public Resources Code

43 **§ 18105.6. Appeal of Decision.**

44 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
45 18105.2(g)(3) or of the ~~Board-Department~~ taken pursuant to section 18105.5 to the enforcement
46 agency within 15 days of the date that the decision was received. Such an appeal must be in writing
47 and specify the grounds for the appeal. A final written determination on the appeal shall be made by
48 the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
49 Code, no later than 60 days after receipt of the applicant's appeal.

50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
51 Sections 43020, 43021 and 43000-45802, Public Resources Code

52 **§ 18105.8. Change in Owner.**

53 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
54 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
55

1 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
2 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
3 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
4 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department
5 within five days of receipt.
6 ...
7

8 **§ 18105.9. Permit Review and Reissuance.**
9 ...

10 (d) If an operator files a certification as specified in subsection (c) above or a new application
11 pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
12 18105.2 and 18105.3 and the ~~board~~ Department shall follow the procedures set forth in Section
13 18105.5.
14 ...

15 **§ 18105.11. Voiding of a Standardized Permit.**

16 Every standardized permit shall be void 30 days after cessation of operations. Any operator who
17 intends to cease operations shall notify the enforcement agency of his/her last proposed date of
18 operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
19 to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary
20 operational shutdowns which are seasonal or intermittent in nature.
21
22

23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
24 Sections 43020, 43021 and 43000-45802, Public Resources Code.
25
26

27 **Article 3.2. Reports of Facility Information**

28 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

29 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
30 Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
31 (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
32 Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
33 the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
34 amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
35 permit. The Plan shall contain the following:

- 36 (a) name(s) of the operator, owner, and the company they represent, if applicable;
37 (b) schematic drawing of the building and other structures showing layout and general dimensions of
38 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
39 (c) descriptive statement of the manner in which activities are to be conducted at the facility;
40 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
41 material processing, each set of hours may be stated. For facilities with continuous operations,
42 indicate the start of the operating day for purpose of calculating amount of waste received per
43 operating day. The operator may also indicate whether or not, and when, other activities, such as
44 routine maintenance will take place, if those activities will occur at times other than those indicated
45 above;
46 (e) total acreage contained within the operating area;
47 (f) facility design capacity including the assumptions, methods, and calculations performed to
48 determine the total capacity;
49 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
50 was figured from records of cubic yards, include the conversion factor used;
51 (h) description of the methods used by the facility to comply with each state minimum standard
52 contained in sections 17896.17 through 17896.61;
53 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
54 of any wastewater;
55 (j) description of provisions to handle unusual peak loading;
56 (k) description of transfer, recovery and processing equipment, including classification, capacity and
57 the number of units;
58 (l) planned method for final disposal of the solid waste;
59

- 1 (m) planned method for the storage and removal of salvaged material;
- 2 (n) resume of management organization which will operate the facility;
- 3 (o) [An Odor Impact Minimization Plan pursuant to section 17896.31.](#)

4

5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
6 Sections 40053, 43020 and 43021, Public Resources Code.

7

8 **§ 18221.6.1. In-Vessel Digestion Report.**

9 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
10 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
11 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
12 Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to
13 maintain an existing permit, the operator must file amendments as required in section 17896.15 of
14 this Title and re-title the document as an [In-vessel Digestion](#) Report. Such amendments, or lack
15 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
16 shall contain the following:

- 17 (a) name(s) of the operator, owner, and the company they represent, if applicable;
- 18 (b) facility specifications or plans, to include: a site location map, a site map, and identification of
19 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
20 of the facility property line;
- 21 (c) schematic drawing of the building and other structures showing layout and general dimensions of
22 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
- 23 (d) descriptive statement of the manner in which activities are to be conducted at the facility;
- 24 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
25 material processing, each set of hours may be stated. For facilities with continuous operations,
26 indicate the start of the operating day for purpose of calculating amount of waste received per
27 operating day. The operator may also indicate whether or not, and when, other activities, such as
28 routine maintenance will take place, if those activities will occur at times other than those indicated
29 above;
- 30 (f) total acreage contained within the operating area;
- 31 (g) facility design capacity including the assumptions, methods, and calculations performed to
32 determine the total capacity;
- 33 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage
34 was figured from records of cubic yards, include the conversion factor used;
- 35 (i) description of the methods used by the facility to comply with each state minimum standard
36 contained in sections 17896.17 through 17896.61;
- 37 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
38 of any wastewater;
- 39 (k) description of provisions to handle unusual peak loading;
- 40 (l) description of transfer, recovery and processing equipment, including classification, capacity and
41 the number of units;
- 42 (m) planned method for final disposal of the solid waste;
- 43 (n) planned method for the storage and removal of salvaged material;
- 44 (o) resume of management organization which will operate the facility;
- 45 (p) list of permits already obtained, and the date obtained or last revised;
- 46 (q) [An Odor Impact Minimization Plan pursuant to section 17896.31.](#)

47

48 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
49 Sections 40053, 43020 and 43021, Public Resources Code

50

51 **§ 18227. Report of Composting Site Information.**

52 Each operator of a compostable material handling facility that is required to obtain a Compostable
53 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
54 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
55 section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
56 specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
57 with section 18104) shall, at the time of application, file a Report of Composting Site Information with
58 the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
59 contain the following:

- 1 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
2 and amendments.
- 3 (b) A descriptive statement of the operations conducted at the facility.
- 4 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
5 in the production of compost including, but not limited to, unloading, storage, processing, parking,
6 and loading areas.
- 7 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
8 insects, for example, how the operator will store, process and incorporate food material and
9 vegetative food material into windrows or static piles, timeframes for inclusion of material, **collection**
10 **and containment of leachate**, passive and active vector controls, methods to monitor effectiveness of
11 **control measures**.
- 12 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
- 13 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
14 length of time compostable materials will be stored at the facility.
- 15 (g) A description of compostable materials handling equipment used at the facility including type,
16 capacity, and number of units.
- 17 (h) Anticipated annual operation capacity for the facility in cubic-yards.
- 18 (i) A description of provisions to handle unusual peak loadings.
- 19 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
20 nonmarketable residues.
- 21 (k) A description of the water supplies for process water required.
- 22 (l) Identification of person(s) responsible for oversight of facility operations.
- 23 (m) A description of the proposed site restoration activities, in accordance with section 17870.
- 24 (n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator
25 to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as
26 food material or vegetative food material.

27
28 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
29 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

30 31 **Article 4. Enforcement by EA and Review by Board-Department**

32 **§ 18302. Written Complaints of Alleged Violations.**

33
34 (a) Any person having information alleging a facility or operation is being operated without a required
35 permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
36 state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
37 permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
38 file a complaint regarding such allegation in writing to the EA. The ~~compliant~~-complaint shall include
39 the following:

40
41 (1) The name, address and telephone number of the person making the complaint, however nothing
42 in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
43 identity of the reporting party from the complaint;

44 (2) The identity and location, if known, of the facility or operation and the names and addresses, if
45 known, of the persons responsible for the violation;

46 (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

47 (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
48 investigating the complaint, including but not limited to information relating to witnesses and physical
49 evidence.

50 (b) The person making the complaint may forward a copy to the ~~board~~Department.

51 (c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
52 whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
53 or condition or any related state solid waste law or regulation. The EA shall make its determination on
54 the basis of the substance of the allegations rather than on the basis of the complaint's technical
55 compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
56 facts constituting a violation of a state minimum standard, permit term or condition or related state
57 solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
58 the complaint if an address is given and place a copy in its files.

1 (d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior
2 to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the
3 following:

4 (1) The date and time the EA arrived and departed within the complaint area.

5 (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
6 high wind speed, humidity, and temperature.

7 (3) If odor is detected, the EA shall:

8 (A) Record the location where odor was observed, such as the street address, latitude/longitude,
9 tax parcel number, etc.

10 (B) Verify the odor event at the complainant's location and ascertain if the odor is interfering with
11 the complainant's use and enjoyment of the property.

12 (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid
13 waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

14 (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
15 The EA should consult with the operator to determine if there were unusual operational changes or
16 atypical feedstocks accepted during the time of the complaint(s).

17 ~~(de)~~ The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
18 because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
19 that ground, it shall so advise the complaining party in writing at the address given in the complaint if
20 an address is given and place a copy in its files.

21 ~~(ef)~~ Except as provided in subsection (c) or subsection ~~(de)~~ of this section, the EA shall commence an
22 investigation of the facts alleged in the complaint.

23 ~~(fg)~~ If an LEA has a complaint review and investigation initiation procedure that contains substantially
24 the same basic requirements as this section, and accomplishes the intended purposes of this section
25 within its ~~board-Department~~-approved EPP, it may follow that equivalent process in lieu of subsections
26 (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
27 complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
28 her complaint will receive appropriate attention.

29 ~~(gh)~~ If the ~~board-Department~~ receives a complaint in a jurisdiction where it is not the EA, the
30 complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
31 already received a copy from the complaining party.

32
33 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
34 43209, 44012, 44015 and 45000-45024, Public Resources Code.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste

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 ~~a~~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.] ~~a~~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:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

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~~ 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 ~~a~~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 ~~a~~Application by ~~CIWMB-CalRecycle/LEA/RWQCB staff.~~

Date Received: The date the ~~EA or RWQCB receives the a~~Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts ~~the a~~Application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA ~~rejects~~ determines that the ~~a~~Application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete ~~a~~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 ~~a~~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 foot print, 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~~ 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 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.

1 7. **Contaminated Soil:** ~~Waste which contains designated or nonhazardous concentrations and has~~
2 ~~been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency~~ Soil
3 that the RWQCB or the Local Oversight Agency has classified as a designated waste.

4 8. **Dead Animals:** Animal carcasses requiring disposal that have **not** been previously used for
5 medical purposes and are not known to have been infected or with known infectious diseases.

6 9. **Industrial:** Solid or semi-solid wastes resulting from industrial processes and manufacturing
7 operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste
8 water treatment facility, etc.

9 10. **Inert:** Solid waste and recyclable materials that are source separated or separated for reuse,
10 do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water
11 quality objectives and do not contain significant quantities of decomposable waste. Inert debris may
12 not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the
13 putrescible wastes do not constitute a nuisance, as determined by the EA.

14 11. **Liquids:** Wastes which are not ~~spadeable~~ spadable, usually containing less than 50% solids.
15 These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler
16 blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings,
17 rendering plant byproducts, some sewage sludge, etc.

18 12. ~~Mixed~~ ~~or~~ **Municipal Solid Waste (MSW):** Solid waste generated primarily by rResidential
19 and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts
20 of other solid waste that, when mixed together, is all handled as MSW. ~~Residential waste is commonly~~
21 ~~thought of as household garbage, commercial wastes contain less putrescible waste and more paper~~
22 ~~and cardboard.~~

23 13. **Sewage Sludge:** Human (not industrial) residue, excluding grit or screenings, removed from a
24 wastewater treatment facility or septic tank, whether in a dry or semidry form.

25 14. **Waste Tires:** ~~Discarded tire casings~~ Tires that are no longer mounted on a vehicle and are no
26 longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's
27 original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not
28 organized for inspection in a rack or a stack.

29 15. **Other:** Any allowable wastes not included in the above.
30

31 Part 3. FACILITY INFORMATION

32 **A. Proposed Change:** Check the box that identifies the type of change proposed. Briefly
33 describe the proposed change in the space provided.

34 —1. **Design Change:** A design change would include but is not limited to: change in footprint,
35 acreage, additional capacity, site improvements, etc.

36 —2. **Operation:** A change in operation would include but is not limited to: change in hours or days of
37 operation, the addition of an activity, tonnage changes, etc.

38 —3. **Owner, Operator, Address, and/or Facility Name Change:** Complete if there is a change in
39 the owner, operator, address, or facility name.

40 —4. **Other:** This type of change includes, but is not limited to: change in emergency contact list, etc.
41 For an application for permit review, if there are no changes, so indicate.

42 **AB. Facility Information**

43 1. **Information Applicable To All Existing Facilities:** This portion of Part 3 ~~the Application~~ must
44 be filled out by every applicant regardless of the type of facility.

45 a. **Peak Maximum Daily Tonnage or Cubic Yards:** The peak (maximum) total amount of solid
46 waste and other material the facility applicant is permitted ~~authorized by the EA~~ to receive through the
47 gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-
48 to-day operations (include information on all other material authorized by the EA to receive in the
49 Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not
50 available ~~or not applicable provide this specify the amount in cubic yards with a conversion factor.~~ This
51 will be referred to as the "permitted maximum tonnage" and is considered the facility maximum
52 tonnage limit. ~~This amount must be consistent with the approved SWFP and the approved Report of~~
53 ~~Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance~~
54 ~~documentation and/or within the scope of the analysis in a CEQA review, if any, that was being~~
55 ~~conducted at the time the application was submitted. Volume figures should be converted to tons and~~
56 ~~the conversion factor should be documented in the accompanying RFI.~~ Applicants for new SWFP
57
58

1 and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
2 must equal the maximum daily tonnage.

3 1. **Disposal/Transfer:** The amount of ~~material solid waste~~ that comes through the gate and is
4 disposed of on-site or transferred off-site as waste; and

5 2. **Other:** That amount of all other material received at the site, including, but not limited to,
6 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
7 other on-site projects), stored or processed. ~~Note: 1 and 2 should equal the peak daily tonnage or~~
8 ~~cubic yards.~~

9 b. **As-Designed Daily Design-Tonnage (TPD) or Cubic Yards:** For landfills, the maximum
10 ~~daily tonnage amount of solid waste and other material~~ that the facility is designed to receive and
11 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
12 month) based on appropriate factors including, but not limited to, size of ~~working face~~ the operating
13 areas, vehicle traffic ~~considerations,~~ hours of operation, personnel, equipment operational limits, etc.
14 For other facilities, ~~it is the maximum amount of solid waste and other material~~ the facility is designed
15 to ~~handle receive and process at any one time on an ongoing bases over an extended period of time~~
16 (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited
17 to, vehicle traffic ~~consideration,~~ facility size, hours of operations, length of material storage, type of
18 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
19 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
20 factor. The ~~as-Designed tonnage~~-value may be equal to or greater than the ~~peak maximum daily~~
21 tonnage value.

22 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
23 activities are authorized by the EA to occur and are permitted. ~~This includes~~ the area of the facility in
24 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
25 managing equipment management area, or any area that is required to maintain compliance with the
26 design and operating parameters of the facility. The facility size is the same as "operating area" for
27 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
28 boundaries" for transfer/processing facilities and landfills.

29 d. **Peak-Maximum Traffic Volume Per Day (vpd):** ~~The estimated maximum number of~~
30 ~~vehicles that will authorized by the EA to enter the facility on a daily basis.~~ This number ~~should~~
31 ~~include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including~~
32 ~~vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or~~
33 ~~material intended for beneficial reuse.~~ This number must be consistent with the approved RFI and any
34 CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
35 any, that was being conducted at the time the application was submitted.

36 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
37 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
38 of operation. This information must be consistent with the approved RFI and any CEQA existing
39 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
40 being conducted at the time the application was submitted. Any activities that are limited to
41 prescribed days and/or hours should be fully described in the RFI.

42 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
43 of the Application must be filled out by every applicant requesting a change to any item(s) listed
44 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
45 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
46 submitted as part of the Application. The EA will review the requests and establish the terms and
47 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
48 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
49 WDRs for those requests that are supported by documents submitted by the applicant. Use the
50 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

51 23. **Additional Information Required For Compostable Materials Handling Facilities**
52 **Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
53 out by the applicant if composting handling compostable materials is part of this Application.

54 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
55 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
56 any one time.

57 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, in
58 addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of
59 this the Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for

1 *emphasis.*] sections of the aApplication must be filled out completely [*Note to OAL and publisher: No*
2 *proposed change. Existing text underlined for emphasis.*].

3 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
4 ~~received-placed in a waste management unit~~ for each operating day on a yearly basis (calendar year)
5 for the next five years. Do not use non-operating days in ~~estimated~~-calculating the average daily
6 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~-maximum daily
7 tonnage. Report as tons per day (TPD).

8 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
9 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
10 the top of the final cover) taking into consideration design slopes, benches, and other design features,
11 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
12 Capacity.

13 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
14 or potentially resulting from this permit aApplication.

15 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
16 used to date. See Date of Capacity Information below.

17 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
18 remaining, not including any proposed site capacity. If the remaining capacity information provided is
19 based on estimates of capacity used since the last physical site survey, please explain the
20 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
21 etc. See Date of Capacity iInformation below.

22 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
23 capacities in Part 3 were determined. This date may predate the aApplication date by no more than
24 three months. Amendments of the aApplication including more current capacities may be required.

25 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
26 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
27 Part 6, Section B for more details).

28 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
29 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
30 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
31 (e.g., conditional use permit date, etc.)

32 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
33 will be referred to as "permitted disposal area."

34 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
35 based upon any planned expansions not currently proposed, whether within or outside the current
36 permitted boundary.

37 k. Provide oOne of the following:

38 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
39 density is the estimated or measured density of in-place waste material achieved by mechanical or
40 other means in the development of the current lift of the current operating waste cell, and

41 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
42 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
43 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
44 should include only soil or approved daily or intermediate alternative cover that is not considered a
45 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
46 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
47 ~~CIWMB-CalRecycle~~ is reported, or

48 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
49 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
50 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
51 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
52 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.

54 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

55 **A. Municipal or Utility Service:** Give name and address of the water purveyor.

56 **B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

57 **C. Surface Supply:**

- 1 1. Provide the name of any stream, lake, spring, etc, if identified.
- 2 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
- 3 3. If a state permit or license has been granted, give identification number.

4 **D. Other:** Enter any water source(s) not identified above.

6 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

9 **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.

11 1. If an environmental document was prepared:

- 12 • If an environmental document has already been prepared and circulated through the SCH and there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box that is checked.
- 13 • 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#."
- 14 • 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.

22 2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

24 EXAMPLE ONLY:

25 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.

28 **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.

- 32 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

34 EXAMPLE ONLY:

35 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."

41 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

43 All attachments are necessary parts of the Application and are incorporated herein.

45 **A.** Section A ~~of Part 6~~ must be completed by all applicants regardless of the type of facility.

46 **B.** Section B ~~of Part 6~~ is additional documents required ~~must be completed only~~ by landfill applicants ~~only~~ for disposal facilities.

- 48 • 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.
- 53 • 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.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
4 corrective action cost estimate and a copy of the non-water release corrective action cost
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal ~~sites-facilities~~ permitted for to receive more than 20
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
8 frequently as determined by the ~~enforcement agency-EA~~. For disposal ~~sites-facilities~~ permitted for
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
10 ten years. If not previously submitted, survey results must be included with this ~~a~~Application.
11 Survey results must be submitted as a CADD or vector graphics data file including at least two
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
15 be included. For each stratum the following information shall be included: site name, stratum
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
19 surface is uncertain, the operator is allowed to provide the best available information as a
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
21 provide an explanation of the basis for using the substitute base ground surface.
22

23 For the purposes of this section the following definitions apply:

- 24 ~~A~~1. "base ground surface" - the best available excavation plan surface that existed prior to the
25 placement of any waste;
- 26 ~~B~~2. "CADD" -computer aided design and drafting;
- 27 ~~C~~3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
29 provided for the basis of the volumetric correction;
- 30 ~~D~~4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
31 upper surface;
- 32 ~~E~~5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 ~~F~~6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
35 provided for the basis of the volumetric correction;
- 36 ~~G~~7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 ~~H~~8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
38 the disposal site;
- 39 ~~I~~9. "net volume" - the fill volume less the cut volume;
- 40 ~~J~~10. "site name" - the name of the disposal site for which the survey information is being
41 submitted;
- 42 ~~K~~11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
43 upper and lower surfaces;
- 44 ~~L~~12. "stratum name" - a descriptive name for the stratum for which volumetric information is being
45 submitted, e.g., total volume including proposed expansion;
- 46 ~~M~~13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
47 ground surface and proposed finished ground surface;
- 48 ~~N~~14. "survey" -a comprehensive examination of the disposal site under the direction of a registered
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 ~~O~~15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
52 direction, thickness, color and other attributes;
- 53 ~~P~~16. "volume calculation method" - grid, composite, section or other method approved by the
54 ~~enforcement agency-EA~~;
- 55 **C.** Section C of ~~Part 6 specifies~~ is additional documents required only if applicable for the type of
56 facility to be covered under this ~~a~~Application as required by the EA or RWQCB. Under "Other," ~~identify~~
57 and list any other necessary documents not included-specified above but that are required by the EA
58 or RWQCB under applicable law, such as, ~~if the operator is different from landowner, attach a lease or~~
59 ~~franchise~~ other agreement documenting the operator's interest in and right to use the site as a solid

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business~~ owner of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government~~ public agency.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part,~~ the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility ~~where legal notice may be served.~~

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business~~ operator filing this Application is a sole proprietorship,
22 partnership, corporation, or ~~government~~ public agency.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an~~ a facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility ~~where legal notice may be served.~~

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.

45
46 **Part 10. OTHER:**

47
48 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

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. California Integrated Waste Management Board

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
22 Sections 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23
24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

32 All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
33 comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
34 Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
35 operations shall be inspected by the enforcement agency at least once ~~quarterly~~ every three (3)
36 months unless the enforcement agency approves, with Department concurrence, a reduced inspection
37 frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
38 pose an additional risk to public health and safety or the environment but in no case shall the
39 frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
40 enforcement agency and Department requirements regarding the approval or denial of requests for
41 reducing the frequency of inspections.]

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
44 Sections 43020 and 43021, Public Resources Code.

45
46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

4 (c) A new Enforcement Agency Notification is required any time there are changes to information
5 required by this section.

6 (d) These operations ~~may shall~~ be inspected by the enforcement agency ~~as necessary for the~~
7 ~~protection of public health, safety and the environment every three (3) months unless the~~
8 ~~enforcement agency approves, with Department concurrence, a reduced inspection frequency. The~~
9 ~~enforcement agency may approve a reduced inspection frequency only if it will not pose an additional~~
10 ~~risk to public health and safety or the environment but in no case shall the frequency be less than~~
11 ~~once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and~~
12 ~~Department requirements regarding the approval or denial of requests for reducing the frequency of~~
13 ~~inspections.]~~

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 43020 and 43021, Public Resources Code.

17 18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 21 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 22 **Regulatory Requirements.**

23 (a) A site that receives only construction and demolition debris and inert debris (CDI) and which
24 meets the requirements of this section shall be classified as a CDI recycling center. A site that receives
25 only inert debris and which meets the requirements of this section shall be classified as an inert debris
26 recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any
27 other requirements of this Article except as specified in this section.

28 (1) The CDI debris that a CDI recycling center receives shall have been separated at the point of
29 generation.

30 (A) For the purposes of this section, “separated at the point of generation” means that the
31 material has been separated from the solid waste stream by the generator of that material or by a
32 processor prior to receipt at a CDI recycling center and has not been commingled with other solid
33 waste or recyclable materials. For example, each material type must be transferred in separate
34 containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled
35 in a single container.

36 (2) An inert debris recycling center shall receive only Type A inert debris that is source separated or
37 separated for reuse. The inert debris may be commingled in a single container.

38 (b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

39 (1) The residual shall be less than 10% by weight of the amount of debris received at the site,
40 calculated on a monthly basis. Recycling center operators may report their residual percentage to the
41 EA and the ~~board-Department~~ on Form CIWMB 607 (see Appendix A).

42 (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by
43 volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible
44 wastes shall not constitute a nuisance, as determined by the EA.

45 (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited
46 at CDI recycling centers.

47 (d) The following storage time limits apply to CDI recycling centers:

48 (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or
49 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
50 including the use of a Notice and Order as provided in section 18304.

51 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for
52 more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore subject
53 to enforcement action, including the use of a Notice and Order as provided in section 18304.

54 (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism
55 pursuant to section 17384(c) has been approved by the ~~board-Department~~.

56 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
57 to the time specified in a land use entitlement for the site that has an express time limit for the
58 storage of materials.
59

1 (5) CDI recycling center storage time limits may be extended for a specified period, if the operator
2 submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of
3 substantial evidence, that the additional time does not increase the potential harm to public health,
4 safety and the environment. The EA may consult with other public agencies in making this
5 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
6 findings shall be in writing.

7 (e) The following storage limits apply to inert debris recycling centers:

8 (1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or
9 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
10 including the use of a Notice and Order as provided in section 18304.

11 (2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site
12 for more than ~~18-12~~ months, shall be deemed to have been unlawfully disposed and therefore subject
13 to enforcement action, including the use of a Notice and Order as provided in section 18304.

14 (3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an
15 inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material
16 production facility.

17 (4) Storage time limits do not apply to Type A inert debris recycling centers where a financial
18 assurance mechanism pursuant to section 17384(c) has been approved by the ~~board-Department~~.

19 (5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the
20 time specified in a land use entitlement for the site that has an express time limit for the storage of
21 materials.

22 (6) Inert debris recycling center storage limits may be extended for a specified period, if the
23 operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the
24 basis of substantial evidence, that the additional time does not increase the potential harm to public
25 health, safety and the environment. The EA may consult with other public agencies in making this
26 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
27 findings shall be in writing.

28 (f) Nothing in this section precludes the EA or the ~~board-Department~~ from inspecting a site to verify
29 that it is and has been operating in a manner that meets the requirements of this section, or from
30 taking any appropriate enforcement action, including the use of a Notice and Order as provided in
31 section 18304.

32 (g) In evaluating whether or not a particular site is in compliance with this section, the EA shall,
33 among other things, do the following:

34 (1) If the EA has reason to believe that each load of debris received at a recycling center is not
35 separated at the point of generation, is not source separated or is not separated for reuse, as
36 applicable, or that the residual exceeds 10% of the total debris received per month, or that the
37 amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or
38 material is being stored in excess of the applicable storage limits, or that upon request no evidence is
39 provided by the owner and operator that the stored debris is being accumulated for viable reuse, or
40 that the site is not in compliance with any other requirement in this section, the EA may require the
41 owner or operator to provide evidence that the recycling center is in compliance. The burden of proof
42 shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

43 (2) At the time that the EA requires a recycling center to provide evidence that it is in compliance
44 with this section, the EA shall provide the owner and operator of the recycling center a written
45 description of the information that has caused the EA to believe that the recycling center is not in
46 compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying
47 information regarding any person(s) who has complained about the recycling center.

48 (h) Sites which do not meet the applicable requirements of this section do not qualify as recycling
49 centers and shall comply with this Article and all laws and regulations applicable to them. The burden
50 of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are
51 not subject to the requirements of this Article.

52
53 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: 40053,
54 43020 and 43021, Public Resources Code.

55
56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

3 (1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA
4 Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing
5 at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless
6 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
7 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
9 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
10 of requests for reducing the frequency of inspections.]

11 (2) A medium volume C&D wood debris chipping and grinding operation shall comply with the
12 Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0,
13 commencing at section 18100 et seq.

14 (3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit
15 tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with
16 section 21563.

17 (4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
18 irregular intervals.

19 (5) Except as otherwise specified in this section, small volume C&D wood debris chipping and
20 grinding activities shall comply with all requirements applicable to small volume CDI debris processing
21 operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all
22 requirements applicable to medium volume CDI processing facilities, and large volume C&D wood
23 debris chipping and grinding facilities shall comply with all requirements applicable to large volume
24 CDI debris processing facilities.

25 ...

26 § 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.

27 All small volume CDI debris processing operations shall comply with the EA Notification requirements
28 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
29 operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify
30 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
31 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
32 additional risk to public health and safety or the environment but in no case shall the frequency be
33 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
34 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

35 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
36 irregular intervals. The operator shall specify the operation's boundary area in the operating record.

37 ...

38 § 17383.7. Inert Debris Type A Processing Operations.

39 ...

40 (f) These operations shall be inspected by the EA at least once every three (3) months to verify
41 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
42 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
43 additional risk to public health and safety or the environment but in no case shall the frequency be
44 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
45 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

46 Inspections shall be conducted ~~quarterly~~. To the greatest extent possible, all inspections shall be
47 unannounced and shall be conducted at irregular intervals.

48 ...

49 ...

50 ...

51 Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory 52 Requirements

53 § 17388.3. Inert Debris Engineered Fill Operations.

54 ...

55 (b) Inert debris engineered fill operations shall be inspected ~~as necessary~~ by the EA at least once
56 every three (3) months to verify compliance with State Minimum Standards unless the EA approves,
57 ...

1 with **Department** concurrence, a reduced inspection frequency. The EA may approve a reduced
2 inspection frequency only if it will not pose an additional risk to public health and safety or the
3 environment but in no case shall the frequency be less than once per calendar year. *[Note: See*
4 *section 18083(a)(3) for additional EA and **Department** requirements regarding the approval or denial*
5 *of requests for reducing the frequency of inspections.]* ~~Inspections shall be conducted quarterly, unless~~
6 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
7 ~~than annual.~~

8 ...
9

10 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**

11 **§ 17403.1. Excluded Operations.**

12
13 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
14 Articles and are not required to meet the requirements set forth herein:

15 ...

16
17 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
18 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
19 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
20 Treatment Plant wastewater, in accordance with Section 17896.5(a)(1)

21 ...

22 **§ 17403.2. Sealed Containers Transfer Operations.**

23 All sealed container transfer operations subject to this Article shall comply with the Enforcement
24 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
25 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
26 ~~as necessary at least once every three (3) months to verify compliance with minimum standards~~
27 ~~unless the EA approves, with **Department** concurrence, a reduced inspection frequency. The EA may~~
28 ~~approve a reduced inspection frequency only if it will not pose an additional risk to public health and~~
29 ~~safety or the environment but in no case shall the frequency be less than once per calendar year.~~
30 *[Note: See section 18083(a)(3) for additional EA and **Department** requirements regarding the*
31 *approval or denial of requests for reducing the frequency of inspections.]* ~~Inspections shall be~~
32 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~
33 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the
34 operating record.

35
36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
38 Sections 40053, 43020 and 43021, Public Resources Code.

39 **§ 17403.3. Limited Volume Transfer Operations.**

40 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
41 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
42 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
43 ~~necessary at least once every three (3) months to verify compliance with minimum standards unless~~
44 ~~the EA approves, with **Department** concurrence, a reduced inspection frequency. The EA may approve~~
45 ~~a reduced inspection frequency only if it will not pose an additional risk to public health and safety or~~
46 ~~the environment but in no case shall the frequency be less than once per calendar year. [Note: See~~
47 ~~section 18083(a)(3) for additional EA and **Department** requirements regarding the approval or denial~~
48 ~~of requests for reducing the frequency of inspections.]~~ ~~Inspections shall be conducted quarterly,~~
49 ~~unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less~~
50 ~~than annual.~~ The operator shall specify the operation's boundary area in the operating record.

51
52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
54 Sections 40053, 43020 and 43021, Public Resources Code.

55 56 57 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory** 58 **Requirements**

1
2
3
4 **Article 1. General**

5 **§ 17852. Definitions.**

6 (a) For the purposes of this Chapter:

7 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
8 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
9 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
10 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

11 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
12 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
13 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
14 feedstock.

15 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
16 blow or draw air through the pile. Little or no pile agitation or turning is performed.

17 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
18 presence of oxygen.

19 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
20 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
21 viticulture and similar activities undertaken for the production of food or fiber for human or animal
22 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
23 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
24 generation, and which contains no other solid waste. With the exception of grape pomace, agricultural
25 material has not been processed except at its point of generation and has not been processed in a way
26 that alters its essential character as a waste resulting from the production of food or fiber for human
27 or animal consumption or use. Material that is defined in this section 17852 as "food material" or
28 "vegetative food material" is not agricultural material. Agricultural material includes, including but is
29 not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

30 (6) "Agricultural Material Composting Operation" means an operation that produces compost from
31 green or agricultural material, additives, and/or amendments.

32 (7) "Amendments" means materials added to stabilized or cured compost to provide attributes for
33 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
34 Amendments do not include septage, biosolids, or compost feedstock.

35 (8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the
36 absence of oxygen.

37 (9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic
38 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
39 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.
40 Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge
41 incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a
42 treatment works.

43 (10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not
44 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
45 compostable material and:

46 (A) The site does the following:

47 1. The site handles only material, excluding manure, allowed at a green material composting
48 operation or facility as set forth in section 17852(a)(22); and,

49 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
50 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
51 time does not increase the potential for violations of this Chapter.

52 (B) If the site fails to meet the definition of green material because it exceeds the contamination
53 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
54 Regulatory requirements (commencing at section 17400).

55 (C) If the site fails to meet the definition of this section because the green material remains on-
56 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
57 material handling operation or facility, as set forth in this Chapter.

58 (11) "Compostable Material" means any organic material that when accumulated will become active
compost as defined in section 17852(a)(1).

1 (12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that
2 processes, transfers, or stores compostable material. Handling of compostable materials results in
3 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
4 and storage activities related to the production of compost, compost feedstocks, and chipped and
5 ground materials. "Compostable Materials Handling Operation or Facility" does not include activities
6 excluded from regulation in section 17855. "Compostable Materials Handling Operation or Facility" also
7 includes:

- 8 (A) agricultural material composting operations;
- 9 (B) green material composting operations and facilities;
- 10 (C) research composting operations; and,
- 11 (D) chipping and grinding operations and facilities.

12 (13) "Curing" means the final stage of the composting process that occurs after compost has
13 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
14 metabolized material has been decomposed and stabilized.

15 (13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material
16 has been processed in an in-vessel digester, as defined in section 17896.2(a)(10). Digestate intended
17 to be composted pursuant to this Chapter may only be handled at a facility that has obtained a
18 Compostable Materials Handling Facility Permit pursuant to section 17854.

19 (14) "Domestic Sewage" means waste and wastewater from humans or household operations that is
20 discharged to or otherwise enters a treatment works.

21 (15) "Disposal of compostable material" means:

22 (A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1
23 pursuant to Section 17855;

24 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
25 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration
26 requirements of section 17868.2, on or on land for a combined period of time greater more than six
27 months 30 days, except as provided in paragraph (3.) of this subdivision; or

28 3. storing or stockpiling more than 200 cubic yards of agricultural material and, green material,
29 or compost for more than twelve months on prime land that is zoned for agricultural land uses as
30 defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA
31 applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that
32 storing or stockpiling the material more than 12 months will not adversely affect the public health and
33 safety or the environment may remain within the operations area for a period of time greater than
34 specified.

35 (B) ~~Disposal of compostable material~~ does not include the use of compostable material for:

36 1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27,
37 California Code of Regulations, section 20686; or

38 2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of
39 compostable organic material as a alternative daily cover material shall still require approval for use
40 pursuant to Title 27, California Code of Regulations, section 20680 and may require additional
41 approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

42 (C) ~~Disposal~~ does not include land application of compostable ~~organic material~~ as defined in
43 section 17852(a)(24.5). "Land Application" means the application of compostable material, excluding
44 food material or mixed solid waste for the following applications: to forest, agricultural, and range land
45 at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA)
46 requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or
47 for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

48 (D) Should the EA have ~~information~~ reason to believe that a person ~~compostable material handler~~
49 is engaging in ~~other~~ activities that meet the definition of disposal of compostable material or
50 authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall
51 be on each person engaging in or authorizing such activities ~~the land owner or operator~~ to
52 demonstrate otherwise.

53 (E) If the activities at a site meet the definition of disposal of compostable material, the site shall
54 be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or
55 Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

56 (16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a
57 constant mass, that results in essentially 100 percent solids content.

58 (17) "Enclosed Composting Process" means a composting process where the area that is used for
59 the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed

1 sides and rests on a stable surface with environmental controls for moisture and air-borne emissions
2 present.

3 (18) "EA" means enforcement agency.

4 (19) "Feedstock" means any compostable ~~organic~~-material used in the production of compost or
5 chipped and ground material including, but not limited to, agricultural material, green material,
6 vegetative food material, food material, biosolids, and mixed solid waste. Feedstocks shall not be
7 considered as either additives or amendments.

8 (20) "Food Material" means ~~any a waste material~~ of plant or animal origin that was acquired for
9 results from the preparation or processing of food for animal or human consumption, and that is
10 separated from the municipal solid waste stream, ~~and that does not meet the definition of "agricultural~~
11 ~~material."~~ Food material ~~may~~ includes, but is not limited to, material food waste from food facilities
12 as defined in Health and Safety Code section ~~113785-113789~~ (such as restaurants), food processing
13 establishments as defined in Health and Safety Code section 111955, grocery stores, institutional
14 cafeterias (such as prisons, schools and hospitals), ~~or and~~ residential food scrap collection. Food
15 material does not include any material that is required to be handled only pursuant to the California
16 Food and Agricultural Code and regulations adopted pursuant thereto.

17 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
18 material and is separated from other food material and the municipal solid waste stream. Vegetative
19 food material may be processed or cooked but must otherwise retain its essential natural character
20 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
21 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
22 spoiled produce, and coffee grounds.

23 (21) "Green Material" means any plant material except food material and vegetative food material
24 that is separated at the point of generation, contains no greater than 1.0 of percent physical
25 contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but
26 is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste
27 from silviculture and manufacturing, and construction and demolition wood waste. Green material
28 does not include food material, vegetative food material, biosolids, mixed solid waste, material
29 ~~processed separated~~ from commingled solid waste collection or processing, wood containing lead-
30 based paint or wood preservative, or mixed construction ~~or mixed and~~ demolition debris. Agricultural
31 material, as defined in this section 17852(a)(5), that meets this definition of "green material" may be
32 handled as either agricultural material or green material.

33 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
34 green material, additives, and/or amendments. A green material composting operation or facility may
35 also handle manure and paper products. An operation or facility that handles a feedstock that is not
36 green material, manure, or paper products, shall not be considered a green material composting
37 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
38 excluded from regulation in section 17855.

39 (22.5) "Green Material/Vegetative Food Material Composting Facility" is a facility that composts
40 green material, vegetative food material, additives, and/or amendments. A green material/vegetative
41 food material composting facility may also handle manure and paper products. An operation or facility
42 that handles a feedstock that is not green material, vegetative food material, manure, or paper
43 products, shall not be considered a green material/vegetative food material composting facility.
44 "Green Material/Vegetative Food Material Composting Facility" does not include activities excluded
45 from regulation in section 17855.

46 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
47 compostable materials results in controlled biological decomposition. Handling includes composting,
48 screening, chipping and grinding, and storage activities related to the production of compost, compost
49 feedstocks, and chipped and ground materials.

50 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
51 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
52 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

53 (24.5) "Land Application" includes either scenario listed below and means:

54 (A) In the case of any land, including land zoned for agricultural purposes, land application means
55 the final deposition of compostable material spread on land, under the following conditions:

56 1. The compostable material does not contain more than 0.1% by weight of physical
57 contaminants greater than 4 millimeters as specified in section 17868.3.1;

58 2. The compostable material meets the maximum metal concentrations as specified in section
59 17868.2;

1 3. The compostable material meets the pathogen density limits as specified in section
2 17868.3(b)(1); and

3 4. The compostable material is not applied more frequently than once during a 12 month
4 period, and, at the time of the application, the compostable material shall not exceed an average of 12
5 inches in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control
6 Board, may approve alternative application frequencies and depths, if the EA after such consultation
7 determines that the alternatives will not adversely affect public health and safety or the environment.

8 (B) In the case of land zoned for agricultural purposes only, land application also means the final
9 deposition of compostable material spread on agricultural land under the following conditions:

10 1. The compostable material does not contain more than 0.1% by weight of physical
11 contaminants greater than 4 millimeters; and

12 2. Prior to application, the California Department of Food and Agriculture (CDFA) has
13 determined that the land application is in compliance with all applicable requirements established by
14 CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land
15 application is agronomically beneficial; and

16 3. Prior to application, the EA has received confirmation that CDFA has made the
17 determination specified in (B)2. above.

18 (C) Verification of compliance with the subsections (A) and (B) above must be provided to the EA
19 upon request.

20 [Note: As specified in section 17850(d), nothing in these standards shall be construed as relieving any
21 owner, operator, or designee from the obligation of obtaining all authorizations and complying with all
22 requirements of other regulatory agencies, including but not limited to, local health entities, regional
23 water quality control boards, air quality management districts or air pollution control districts, local
24 land use authorities, and fire authorities.]

25 (25) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
26 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
27 mixed with feces or urine.

28 (26) "Mixed Solid Waste" means any material that is part of the municipal solid waste stream, and is
29 mixed with or contains non-organics, processed industrial materials, or plastics. A feedstock that is not
30 source separated or contains 1.0% or more of physical contaminants by weight is mixed solid waste.
31 Compostable material that contains mixed demolition or mixed construction debris shall be considered
32 mixed solid waste.

33 (27) "Mushroom Farm" means an activity that produces mushrooms. The handling of compostable
34 material at a mushroom farm prior to and after use as a growth medium is subject to regulation
35 pursuant to this chapter and is not considered mushroom farming.

36 (28) "Operations Area" means the following areas within the boundary of a compostable material
37 handling operation or facility:

38 (A) equipment cleaning, maintenance, and storage areas;

39 (B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

40 (C) process water and stormwater drainage control systems.

41 (29) "Operator" means the owner, or other person who through a lease, franchise agreement or
42 other arrangement with the owner, becomes legally responsible for the following:

43 (A) complying with regulatory requirements set forth in this Chapter;

44 (B) complying with all applicable federal, state and local requirements;

45 (C) the design, construction, and physical operation of the site; and

46 (D) site restoration.

47 (30) "Owner" means the person or persons who own, in whole or in part, a compostable material
48 handling operation or facility, or the land on which these operations or facilities are located.

49 (31) "Pathogenic Organism" means disease-causing organisms.

50 (32) "Physical Contamination" or "Contaminants" means human-made inert ~~products-material~~
51 contained within feedstocks, including, but not limited to, glass, metal, and plastic.

52 (33) "Process Water" means liquid that is generated during or used in the production of compost or
53 chipped and ground materials.

54 (34) "Research Composting Operation" means a composting operation, that is operated for the
55 purpose of gathering research information on composting.

56 (35) "Separated At The Point of Generation" includes material separated from the solid waste
57 stream by the generator of that material. It may also include material from a centralized facility as
58 long as that material was kept separate from the waste stream prior to receipt by that facility and the
59 material was not commingled with other materials during handling.

1 (36) "Stabilized Compost" means any organic material that has undergone the Process to Further
2 Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced
3 biological activity as indicated by reduced temperature and rate of respiration below that of active
4 compost.

5 (37) "Static Pile" means a composting process that is similar to the aerated static pile except that
6 the air source may or may not be controlled.

7 (38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting
8 the causative agents of human disease.

9 (39) "Vermicomposting" means an activity that produces worm castings through worm activity. The
10 EA may determine whether an activity is or is not vermicomposting. The handling of compostable
11 material prior to and after use as a growth medium is subject to regulation pursuant to this chapter
12 and is not considered vermicomposting.

13 (40) "Windrow Composting Process" means the process in which compostable material is placed in
14 elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

15 (41) "Within-vessel Composting Process" means an aerobic process in which compostable material is
16 enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost,
17 maintained under uniform conditions of temperature and moisture where air-borne emissions are
18 controlled.

19 (42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated
20 from the manufacturing or production of wood products, harvesting, processing or storage of raw
21 wood materials, or construction and demolition activities.

22 (43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public,
23 commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree
24 trimmings, prunings, brush, and weeds.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
27 Sections 43020 and 43021, Public Resources Code.

30 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 31 **Facilities**

33 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

34 Except as specified in this Article, all compostable materials handling activities shall obtain a
35 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
36 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles
37 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
40 Sections 43020 and 43021, Public Resources Code.

41 **§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations** 42 **and Facilities.**

43 Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7,
44 Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
45 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
46 Regulations) for compostable material handling operations and facilities. These requirements are
47 summarized in Table 1.

48
49 Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers
50
51

<u>Excluded Tier</u>	<u>Enforcement Agency</u> <u>Notification Tier</u>	<u>Registration</u> <u>Permit Tier</u>	<u>Full Solid Waste</u> <u>Facility Permit</u>
<u>Refer to Section</u> <u>17855</u>	<u>Agricultural Material Composting</u> <u>Operations (all)</u> <u>Section 17856.</u>		<u>Composting Facilities (all)</u> <u>(e.g. biosolids, food</u> <u>material, mixed solid</u> <u>waste)</u> <u>Section 17854.</u>

Green Material Composting Operations (< 12,500 yd³)
Section 17857.1(a)

Green/Vegetative Food Material Facilities (< 12,500 yd³)
Section 17857.2

Green Material Composting Facilities (> 12,500 yd³)
Section 17857.1 (c)

Biosolids Composting Operations at POTWs (all)
Section 17859.1

Green/Vegetative Food Material Facilities (> 12,500 yd³)
Section 17857.2

Research Composting Operations (< 5,000 yd³) (Within-vessel > 5,000 yd³ with EA determination)
Section 17862.

Chipping and Grinding Operations (< 200 tpd)
Section 17862.1(a)

Chipping and Grinding Facilities (200 tpd < x < 500 tpd)
Section 17862.1(b)

Chipping and Grinding Facilities (> 500 tpd)
Section 17862.1(c)

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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) Small-scale compostable material handling:

1 *[Note: Persons handling compostable material under the following exclusions are obligated to obtain*
2 *all permits, licenses, or other clearances that may be required by other regulatory agencies including,*
3 *but not limited to local health entities and local land use authorities. These exclusions can be applied*
4 *to backyard composting, as appropriate.]*

5 (A) Composting Handling of green material, and a limited amount of food material and vegetative
6 food material, feedstock, additives, amendments, compost, or chipped and ground material is an
7 excluded activity if the total amount of feedstock and compost on-site at any one time does not
8 exceed 500 cubic yards or less is on-site at any one time, the compostable materials are feedstock is
9 generated on-site, and if no more than 1,000 cubic yards of compost materials are either is sold or
10 given away annually. For the purposes of this exclusion, the compostable material feedstock may
11 also include contain any combination of up to 10% food material and vegetative food material not
12 exceeding 20% of the feedstock on-site at any time, calculated by volume.

13 *[Note: This exclusion is intended to apply to larger-scale activities such as those conducted at parks,*
14 *universities, business parks, hospitals, golf courses, prisons, and to other similar uses.]*

15 (B) Within-vessel composting process activities with less than 50 cubic yards of material on site
16 are excluded.

17 *[Note: This exclusion is intended to apply to restaurants and to other similar uses.]*

18 (C) Composting green material and vegetative food material at a school or a community garden
19 space is an excluded activity if the total amount of material on-site at any time does not exceed ten
20 cubic yards, and all of the resulting compost is used at the shared, community garden or at the
21 school.

22 *[Note: This exclusion applies to schools and community garden space.]*

23 (5) The handling of compostable materials is an excluded activity if:

24 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
25 or full permit as defined in section 18101,

26 1. has a Report of Facility Information which is completed and submitted to the EA that
27 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

28 2. will only use the material on the facility site, or

29 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly ~~Operated~~
30 Owned Treatment Works (POTW), or

31 (C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
32 defined in Public Resources Code section 40106; or

33 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product
34 manufacturing operation; or

35 (E) the activity is part of an agricultural operation and is used to temporarily store or process
36 agricultural material not used in the production of compost or mulch; or

37 (F) the activity is part of an operation used to chip and grind materials derived from and applied
38 to lands owned or leased by the owner, parent, or subsidiary of the operation; or

39 (G) the activity is part of an agricultural operation used to chip and grind agricultural material
40 produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
41 for use in biomass conversion; or

42 (H) the activity is part of an animal food manufacturing or rendering operation.

43 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
44 lot clearing necessary for fire protection provided that the public agency designating the site has
45 notified the fire protection agency; or

46 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
47 122 degrees Fahrenheit as determined by the EA.

48 ~~(6) Non-commercial composting with less than one cubic yard of food material is excluded provided~~
49 ~~that all compostable material is generated and used on-site.~~

50 ~~(7) Storage of bagged products from compostable material is an excluded activity provided that~~
51 ~~such bags are no greater than 5 cubic yards.~~

52 ~~(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

53 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not~~
54 ~~limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as~~
55 ~~determined by the EA; land application in accordance with California Department of Food and~~
56 ~~Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section~~
57 ~~14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine~~
58 ~~Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770~~
59 ~~et seq.~~

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
3 Sections 43020 and 43021, Public Resources Code.
4

5 **§ 17855.2. Prohibitions.**

6 The following activities are prohibited at all compostable materials handling operations and facilities
7 and at all sites where compostable materials handling activities that are excluded from regulation
8 under this Chapter occur:

9 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
10 hide, blood, bone and marrow is prohibited, except when from the food service industry, grocery
11 stores, or residential food scrap collection, or as part of a research composting operation for the
12 purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or
13 environmental concern, in accordance with section 17862.

14 (b) The composting of medical waste is prohibited.

15 (c) The composting of hazardous waste is prohibited.
16

17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
18 Sections 43020 and 43021, Public Resources Code.
19

20 **§ 17855.3. Permit Name.**

21 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
22 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."
23

24 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
25 Sections 43020 and 43021, Public Resources Code.
26

27 ~~**§ 17855.4. Pre-Existing Permits and Notifications-**~~

28 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
29 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
30 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
31 ~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is~~
32 ~~required. If the EA makes such a determination, the operator shall comply with the Compostable~~
33 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
34 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
35 ~~(commencing with section 21450) within two years of that determination.~~

36 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~
37 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~
38 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~
39 ~~Materials Handling Facility Permit is required. The EA shall make this determination no sooner than~~
40 ~~120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable~~
41 ~~Materials Handling Facility Permit is required, the operator shall comply with the Compostable~~
42 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
43 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
44 ~~(commencing with section 21450) within two years of that determination.~~

45 ~~(c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,~~
46 ~~that activity may continue to operate in accordance with its regulatory exclusion until the EA~~
47 ~~determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this~~
48 ~~determination no sooner than 120 days and no later than two years from April 4, 2003. If EA~~
49 ~~determines that a Compostable Materials Handling Facility Permit is required, the operator shall~~
50 ~~comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,~~
51 ~~California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,~~
52 ~~Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.~~

53 ~~(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently~~
54 ~~operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate~~
55 ~~in accordance with its regulatory authorization until the EA determines that a different authorization is~~
56 ~~required. The EA shall make this determination within 120 days from April 4, 2003.~~

57 ~~—(1) If the EA determines that the activity is required to comply with the EA Notification~~
58 ~~requirements, the operator shall comply with the EA Notification requirements set forth in Title 14,~~

1 ~~California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100),~~
2 ~~within 120 days from that determination.~~

3 ~~—(2) If the EA determines that the activity is required to comply with the Registration requirements,~~
4 ~~the operator shall comply with the Registration requirements set forth in Title 14, California Code of~~
5 ~~Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days~~
6 ~~from that determination.~~

7 ~~—(3) If the EA determines that the activity is required to comply with the Compostable Materials~~
8 ~~Handling Facility Permit requirements, the operator shall comply with the Compostable Materials~~
9 ~~Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2,~~
10 ~~Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with~~
11 ~~section 21450) within two years from that determination.~~

12
13 ~~—Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:~~
14 ~~Sections 43020 and 43021, Public Resources Code.~~

15 16 **§ 17856. Agricultural Material Composting Operations.**

17 (a) ~~All Agricultural material composting operations and chipping and grinding operations shall comply~~
18 ~~with the Enforcement Agency Notification requirements set forth in Title 14, California Code of~~
19 ~~Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as~~
20 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
21 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
22 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
23 ~~this Chapter.~~

24 (b) ~~Compost produced by an Agricultural material composting operations are subject to the~~
25 ~~requirements of section 17863.4 only if the EA determines that the operation or has caused odor~~
26 ~~impacts in violation of section 17867(a)(2) and has notified the operator in writing of the violation a~~
27 ~~chipping and grinding operation which uses only agricultural material may be sold or given away in~~
28 ~~unrestricted quantities. These operations shall be inspected by the EA at least once annually.~~

29 (c) ~~If their feedstock is limited to agricultural material, agricultural material composting operations~~
30 ~~may handle an unlimited quantity of agricultural material on the site and may sell or give away any or~~
31 ~~all compost they produce. These operations shall be inspected by the EA at least once each calendar~~
32 ~~year at a time when compostable material on the site is active compost. Compost produced by an~~
33 ~~agricultural material composting operation which uses agricultural material and/or green material, as~~
34 ~~specified in section 17852(a)(21), may be sold or given away in accordance with the following~~
35 ~~restrictions:~~

36 (1) ~~Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall~~
37 ~~be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic~~
38 ~~yards of green material, including feedstock, compost, or chipped and ground material, is to be~~
39 ~~handled on site of productive farmland as defined in Government Code section 51201, the operator~~
40 ~~shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional~~
41 ~~materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose~~
42 ~~an additional risk to public health and safety and the environment. The EA shall forward a copy of the~~
43 ~~request and approval to the Board.~~

44 (2) ~~Those operations that sell or give away more than 1,000 cubic yards of material per year, shall~~
45 ~~have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped~~
46 ~~and ground material, on site at any one time and shall be inspected by the EA once every three (3)~~
47 ~~months.~~

48 (3) ~~These sites shall record the quantity received of green material.~~

49 (d) ~~Agricultural material composting operations whose feedstock is both green material and~~
50 ~~agricultural material are subject to the following requirements:~~

51 (1) ~~Producers located on Agricultural Land:~~

52 (A) ~~Operations located on land that is zoned for agricultural uses that sell or give away less than~~
53 ~~1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and~~
54 ~~green material on the site; provided, however, the EA may limit the amount of green material~~
55 ~~feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess~~
56 ~~material may pose a risk to public health and safety or the environment.~~

57 (B) ~~The EA shall inspect operations authorized under this subdivision (d)(1) at least once each~~
58 ~~calendar year at a time when compostable material on the site is active compost.~~

59 (2) ~~Other Producers:~~

1 (A) Operations located on land that is not zoned for agricultural uses and operations that sell or
2 give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
3 agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
4 on the site at any time.

5 (B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
6 three (3) months unless the EA approves, with Department concurrence, a reduced inspection
7 frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
8 risk to public health and safety or the environment but in no case shall the frequency be less than
9 once per calendar year. At least one of the required inspections each year shall occur at a time when
10 compostable material on the site is active compost.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
13 Sections 43020 and 43021, Public Resources Code.
14

15 **§ 17857.1. Green Material Composting Operations and Facilities.**

16 (a) A green material composting operation ~~that has up to~~ may have no more than 12,500 cubic yards
17 of feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
18 stabilized compost on-site at any one time. Green material composting operations shall comply with
19 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
20 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
21 specified in this Chapter.

22 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
23 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
24 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
25 the environment but in no case shall the frequency be less than once per calendar year. *[Note: See*
26 *section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial*
27 *of requests for reducing the frequency of inspections.]*

28 (2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
29 users and other consumers, the operator may request in writing that the EA authorize it to temporarily
30 exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
31 on site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request
32 within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
33 determines it will not adversely affect public health and safety or the environment. The EA may
34 impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
35 seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
36 day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

37 (A) With its request for a seasonal storage adjustment, the operator shall submit the following to
38 the EA:

39 1. A description of the storage capacity at the operation and the maximum and average lengths
40 of time the compostable material will be stored.

41 2. A schematic drawing showing the general layout of the operation and the location(s) where
42 all materials at the site are stored with specific identification of the proposed location of the excess
43 material.

44 3. A description of any additional fire prevention, protection and control measures needed to
45 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
46 such fires, which measures shall be approved by the local fire authority.

47 4. Where applicable, any revisions to the odor impact minimization plan necessary to address
48 the storage of the additional material or a statement, with supporting information, that no revisions
49 are necessary.

50 (b) ~~A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,~~
51 ~~or chipped and ground material on-site at any one time shall be inspected by the EA at least once~~
52 ~~every three (3) months, unless an operator request for a reduced inspection frequency of no less than~~
53 ~~annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA~~
54 ~~finds that it will not pose an additional risk to public health and safety and the environment. The EA~~
55 ~~shall forward a copy of the request and approval to the Board.~~

56 (b) If a green material composting operation exceeds any combination of the following requirements
57 three (3) or more times within any two (2) year period, which the EA determines constitutes a
58 violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

1 (1) Receipt of material that contains greater than 1.0% physical contaminants by weight as
2 specified in section 17852(a)(21);

3 (2) Failure to comply with the processing requirements set forth in section 17868.5;

4 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
5 subdivision (a) above.

6 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
7 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
8 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
9 and desist order pursuant to section 18304 directing, among other things, that the operator
10 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
11 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
12 any time take any additional enforcement action the EA deems appropriate.

13 (c) A site that handles green material composting facility that has more than 12,500 cubic yards of
14 feedstock, ~~compost,~~ or chipped and ground material, ~~amendments, additives, active compost, and~~
15 stabilized compost on-site at any one time is a green material composting facility, excepting green
16 material composting operations which the EA has authorized a seasonal storage adjustment pursuant
17 to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials
18 Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,
19 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
20 (commencing with section 21450) prior to commencing operations. Green material composting
21 facilities shall comply with the applicable requirements specified in this Chapter 3.1.

22
23 [Note: See section 17868.5 for green material processing requirements.]

24
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
26 Sections 43020 and 43021, Public Resources Code.

27 **§ 17857.2. Green Material/Vegetative Food Material Composting Facilities.**

28 (a) A green material/vegetative food material composting facility may have up to 12,500 cubic yards
29 of feedstock, compost, and chipped and ground material on-site at any one time and shall obtain a
30 Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division
31 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable
32 requirements of this Chapter.

33 (b) A green material/vegetative food material composting facility that has more than 12,500 cubic
34 yards of feedstock, compost, and chipped and ground material on-site at any one time shall obtain a
35 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
36 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,
37 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.

38 [Note: See section 17868.5 for green material and vegetative food material processing requirements.]

39
40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
42 Sections 43020 and 43021, Public Resources Code.

43 **§ 17859.1. Biosolids Composting at POTWs.**

44 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
45 ~~Operated-Owned~~ Treatment Works (POTW) shall comply with the EA Notification requirements set
46 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
47 section 18100).

48 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
49 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
50 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
51 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
52 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
53 of requests for reducing the frequency of inspections.]

54 (b) All other composting of biosolids shall comply with section 17854.

55
56
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
58 Sections 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503,
59 Code of Federal Regulations.

1
2 **§ 17862. Research Composting Operations.**
3 ...

4 (g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
5 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
6 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
7 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
8 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
9 of requests for reducing the frequency of inspections.]

10
11 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

12 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
13 handled by a green material composting operation shall comply with the EA Notification requirements
14 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
15 with section 18100), ~~except as otherwise provided by~~ and the applicable requirements specified in this
16 Chapter.

17 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
18 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
19 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
20 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
21 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
22 of requests for reducing the frequency of inspections.]

23 (b) A chipping and grinding facility that receives more than 200 tons per day ~~but not more than, and~~
24 ~~up to~~ 500 tons per day of material that may be handled by a green material composting operation
25 shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
26 Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
27 with the applicable requirements of this Chapter.

28 (c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
29 handled by a green material composting operation shall obtain a Compostable Materials Handling
30 Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
31 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with
32 section 21450) prior to commencing operations and shall comply with the applicable requirements of
33 this Chapter.

34 (d) A chipping and grinding operation or facility shall not be subject to the provisions of sections
35 17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be
36 land applied must meet the requirements of section 17852(a)(24.5).

37 (e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section
38 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements
39 (commencing at section 17400).

40 (f) If a chipping and grinding operation or facility stores material for a longer period of time than is
41 allowed by section 17852 (a)(10)(A)(2), ~~then the site it~~ shall be regulated as a green material
42 handling-composting operation or facility, as set forth in this Chapter.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
45 Sections 43020 and 43021, Public Resources Code.
46
47

48 **Article 3. Report of Facility Information**

49
50 **§ 17863. Report of Composting Site Information.**

51 Each operator of a compostable material handling facility that is required to obtain a Compostable
52 Materials Handling Facility Permit or a Registration Permit for a Green Material/Vegetative Food
53 Material Composting Facility, as specified in Article 2 of this Chapter, shall, at the time of application,
54 file a Report of Composting Site Information with the EA. If the operator intends to alter the permitted
55 feedstock, these changes must be reported to the EA for maintenance of permit status. Such changes
56 may become the basis for revisions to the permit or for revocation of the permit.

57 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~
58

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
2 Sections 43020 and 43021, Public Resources Code.

3 4 5 **Article 7. Environmental Health Standards**

6 7 **§ 17868.1. Sampling Requirements.**

8 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
9 and all composting facilities shall meet the following requirements:

10 (a) Operators shall verify that compost meet the maximum acceptable metal concentration limits
11 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.
12 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
13 occur at the point where compost is sold and removed from the site, bagged for sale, given away for
14 beneficial use and removed from the site or otherwise beneficially used. Sample results must be
15 received by the operator prior to removing compost from the composting operation or facility where it
16 was produced. This verification shall be performed by taking and analyzing at least one composite
17 sample of compost, following the requirements of this section as follows:

18 (1) An operator who composts agricultural material, green material, food material, vegetative food
19 material, or mixed solid waste shall take and analyze one composite sample for every 5,000 cubic-
20 yards of compost produced.

21 (2) An operator who composts biosolids shall meet the sampling schedule described in Table 1
22 below.

23
24 Table ~~1~~2- Frequencies of Compost Sampling for Biosolids Composting Facilities

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

26 (A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

27 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section
28 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health
29 Services, pursuant to the Health and Safety Code.

30 (b) A composite sample shall be representative and random, and may be obtained by taking twelve
31 (12) mixed samples as described below.

32 (1) The twelve samples shall be of equal volume.

33 (2) The twelve samples shall be extracted from within the compost pile as follows:

34 (A) Four samples from one-half the width of the pile, each at a different cross-section;

35 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

36 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

37 (c) The EA may approve alternative methods of sampling ~~for a green material composting operation or~~
38 ~~facility that, which~~ ensures the maximum metal concentration requirements of section 17868.2 and
39 the pathogen reduction requirements of section 17868.3 are met, for compostable material handling
40 operations or facilities handling agricultural material, green material, vegetative food material, or food
41 material.

42
43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
45 Sections 43020 and 43021, Public Resources Code.

1
2 **§ 17868.2. Maximum Metal Concentrations.**

3 (a) Compost ~~products derived from compostable materials that contain any metal in amounts that~~
4 ~~shall not contain metals in excess exceed of~~ the maximum acceptable metal concentrations shown in
5 Table 2. ~~Compost that contains any metal in excess of any maximum metal concentrations~~ shall be
6 designated for disposal, additional processing, or other use as approved by local, state or ~~and~~ federal
7 agencies having ~~appropriate~~ jurisdiction. Sample results must be received by the operator prior to
8 removing compost from the composting operation or facility where it was produced.
9

Table 23 -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg)</i>
	<i>on dry weight basis</i>
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200-0 (see subdivision (a)(1) below)
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36-100
Zinc (Zn)	2800

10 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
11 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
12 produce to be determined in connection with the analysis of other metals. Operators shall maintain
13 records of all chromium concentrations together with their records of other metal concentrations.

14 (b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section,
15 including but not limited to sampling frequencies, may be approved by the EA for compostable
16 material handling operations or facilities handling agricultural material, green material, vegetative food
17 material, and-or food materials ~~composting operations and facilities,~~ if the EA determines that the
18 alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2
19 are not exceeded.

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
22 Sections 43020 and 43021, Public Resources Code.
23

24 **§ 17868.3. Pathogen Reduction.**

25 (a) Compost ~~products derived from compostable materials, that contains pathogens in amounts that~~
26 shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this
27 section. ~~Compost that contains any pathogens in amounts that exceed these pathogen reduction~~
28 ~~requirements~~ shall be designated for disposal, additional processing, or other use as approved by
29 local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the
30 operator prior to removing compost from the composting operation or facility where it was produced.

31 (b) Operators that produce compost shall ensure that:

32 (1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be
33 less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
34 Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4)
35 grams of total solids (dry weight basis).

36 (2) At enclosed or within-vessel composting process operations and facilities, active compost shall
37 be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
38 pathogen reduction period of 3 days.

39 (A) Due to variations among enclosed and within-vessel composting system designs, including
40 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
41 application to meet the requirements of Subdivision (b)(2) of this section.

42 (3) If the operation or facility uses a windrow composting process, active compost shall be
43 maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit)

1 or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is
2 maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the
3 windrow.

4 (4) If the operation or facility uses an aerated static pile composting process, all active compost
5 shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained
6 at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
7 period of 3 days.

8 ~~(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may
9 be approved by the EA if the EA determines that the alternative method will provide equivalent
10 pathogen reduction.~~

11 ~~(d)~~ Compost operations and facilities shall be monitored as follows to ensure that the standards in
12 Subdivision (b) of this section are met:

13 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
14 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
15 fraction thereof.

16 (2) Temperature measurements for pathogen reduction shall be measured as follows:

17 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
18 four (24) inches below the pile surface;

19 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
20 inches from the point where the insulation cover meets the active compost.

21 ~~(d) Alternative methods of compliance to meet the pathogen reduction requirements of this section
22 may be approved by the EA if the EA determines that the alternative method will provide equivalent
23 pathogen reduction.~~

24
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
26 Sections 43020 and 43021, Public Resources Code.

27 **§ 17868.3.1. Physical Contamination Limits.**

28 (a) ~~Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4
29 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4
30 millimeters shall be designated for disposal, additional processing, or other use as approved by local,
31 state or federal agencies having appropriate jurisdiction. Sample results must be received by the
32 operator prior to removing compost from the composting operation or facility where it was produced.~~

33 (b) ~~Upon request of the EA, a compostable material handling operation shall take a representative
34 sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters
35 shall be collected and weighed, and the percentage of physical contaminants determined.~~

36 (c) ~~All compostable material handling facilities shall take one representative sample for every 5,000
37 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4
38 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.~~

39 (d) ~~Any sampling conducted to comply with this section shall require a composite sample. A
40 composite sample shall be representative and random, and may be obtained by taking twelve (12)
41 mixed samples as described below.~~

42 (1) ~~The twelve samples shall be of equal volume.~~

43 (2) ~~The twelve samples shall be extracted from within the compost pile as follows:~~

44 (A) ~~Four samples from one-half the width of the pile, each at a different cross-section;~~

45 (B) ~~Four samples from one-fourth the width of the pile, each at a different cross-section; and,~~

46 (C) ~~Four samples from one-eighth the width of the pile, each at a different cross-section.~~

47 (e) ~~The EA may approve alternative methods of sampling, which ensure the physical contaminant
48 requirements of this section are met.~~

49
50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 43020 and 43021, Public Resources Code.

53 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

54 ~~In order for a feedstock to be considered Composting operations and facilities that receive green
55 material, as defined in section 17852(a)(21), and/or vegetative food material, as defined in section
56 17852(a)(20)(A), as a feedstock must satisfy the following requirements shall be met:~~

57 (a) ~~The feedstock shall undergo load checking to ensure that physical contaminants are no greater
58 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
59~~

1 loads and load sorting to quantify ~~the percentage of contaminating materials~~ physical contaminants
2 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
3 material or vegetative food material).

4 (1) A minimum of ~~one ten~~ percent of daily incoming feedstock volume or at least one truck per day,
5 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
6 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
7 contaminants shall be collected and weighed, and the percentage of physical contaminants
8 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
9 weight or if the load contains materials that do not meet the definitions of green material in section
10 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

11 (b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative
12 sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of
13 physical contaminants determined.

14 ~~(c) Any agricultural material handling operation using this material shall ensure the feedstock meets~~
15 ~~the metal concentration limits specified in Table 2 of section 17868.2.~~

16 ~~(d)~~ Facility personnel shall be adequately trained to perform the activities specified in this section.

17 ~~(e)~~ (d) Any operation or facility using this feedstock shall maintain records demonstrating compliance
18 with this section.

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
21 Sections 43020 and 43021, Public Resources Code.
22
23

24 **Article 8. Composting Operation and Facility Records**

25 **§ 17869. General Record Keeping Requirements.**

26 Except as provided in subsection (d), all compostable materials handling operations and facilities shall
27 meet the following requirements:

28 (a) All records required by this Chapter shall be kept in one location and accessible for five (5) years
29 and shall be available for inspection by authorized representatives of the board, EA local health entity,
30 and other duly authorized regulatory and EAs during normal working hours.

31 (b) The operator shall record any special occurrences encountered during operation and methods used
32 to resolve problems arising from these events, including details of all incidents that required
33 implementing emergency procedures.

34 (c) The operator shall record any public complaints received by the operator, including:

35 (1) the nature of the complaint,

36 (2) the date the complaint was received,

37 (3) if available, the name, address, and telephone number of the person or persons making the
38 complaint, and

39 (4) any actions taken to respond to the complaint.

40 (d) The operator shall record the quantity and type of feedstock received and quantity of compost and
41 chipped and ground material produced. Agricultural compostable materials handling operations shall
42 maintain records only for compostable material accepted from off-site.

43 (e) The operator shall record the number of load checks performed and loads rejected.

44 (f) The operator shall record all test results generated by compliance with Article 7 of this Chapter,
45 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
46 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

47 (1) The operator shall retain records detailing pathogen reduction methods.

48 (g) The operator shall record and retain records of any serious injury to the public occurring on-site
49 and any complaint of adverse health effects to the public attributed to operations. Serious injury
50 means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which
51 a member of the public suffers a loss of any member of the body or suffers any degree of permanent
52 disfigurement.

53 (h) The operator shall retain a record of training and instruction completed in accordance with section
54 17867.5.
55

56
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
58 Sections 43020 and 43021, Public Resources Code.
59

1
2 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**
3
4

5 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**
6

7 **§ 17896.1. Authority and Scope.**

8 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
9 digestion operations and facilities that receive and process by means of in-vessel digestion solid
10 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
11 sections 17896.4 through 17896.12 are not applicable to operations and facilities that are subject to
12 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
13 this Division, may still be subject to the regulatory requirements specified in this Chapter.

14 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
15 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
16 as amended. These regulations should be read together with the Act.

17 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
18 Chapter establishes standards and regulatory requirements for the intentional processing of organic
19 material by means of in-vessel aerobic and anaerobic digestion.

20 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
21 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
22 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to
23 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
24 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
25 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
26 which otherwise conflict with the provisions of this Chapter.

27 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
28 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
29 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
30 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
31 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
32 Health, air quality management districts or air pollution control districts, local land use authorities, and
33 fire authorities.
34

35 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
36 Sections 40053, 43020 and 43021, Public Resources Code.
37

38 **§ 17896.2. Definitions.**

39 (a) For the purposes of this Chapter:

40 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
41 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
42 similar activities undertaken for the production of food or fiber for human or animal consumption or
43 use, which is separated at the point of generation, and which contains no other solid waste. With the
44 exception of grape pomace, agricultural material has not been processed except at its point of
45 generation and has not been processed in a way that alters its essential character as a waste resulting
46 from the production of food or fiber for human or animal consumption or use. Material that is defined
47 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
48 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
49 pomace, and crop residues.

50 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

51 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
52 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

53 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
54 solid wastes that are source separated from the municipal solid waste stream, or which are separated
55 at a centralized facility.

56 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

57 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
58 been processed in an in-vessel digester.

1 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
2 solid wastes. Digestion includes:

3 (A) Aerobic digestion - the biological decomposition of organic material in the presence of oxygen.

4 (B) Anaerobic digestion - the biological decomposition of organic material in the absence of
5 oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual
6 digestate.

7 (C) Fermentation - the biological conversion of carbohydrates into acids or alcohol in the absence
8 of oxygen.

9 (D) Other biochemical processes.

10 (8) "EA" means enforcement agency as defined in PRC section 40130.

11 (9) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section
12 66261.3, et seq.

13 (10) "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire
14 digestion process occurs.

15 (11) "In-vessel Dairy Digestion Operation" means an in-vessel digester located at a dairy operating
16 under Waste Discharge Requirements, issued by a Regional Water Quality Control Board, that
17 specifically address the co-digestion of imported solid waste feedstock with manure and other
18 agricultural materials.

19 (12) "Large Volume In-vessel Digestion Facility" means an activity that receives 100 tons or more of
20 solid waste per operating day for digestion in an in-vessel digester.

21 (13) "Limited Volume In-vessel Digestion Operation" means an activity that receives no more than
22 60 cubic yards and no more than 15 tons of solid waste per operating day for digestion in an in-vessel
23 digester.

24 (14) "Litter" means all solid waste which has been improperly discarded or which has migrated by
25 wind or equipment away from the operations area. Litter includes, but is not limited to, convenience
26 food, beverage, and other product packages or containers constructed of steel, aluminum, glass,
27 paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters
28 of the state.

29 (15) "Manure" is an agricultural material and means accumulated herbivore or avian excrement.
30 This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
31 mixed with feces or urine.

32 (16) "Medium Volume In-vessel Digestion Facility" means an activity that receives more than 15
33 tons and less than 100 tons of solid waste per operating day for digestion in an in-vessel digester.

34 (17) "Nuisance" includes anything which:

35 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
36 comfortable enjoyment of life or property, and

37 (B) affects at the same time an entire community, neighborhood or any considerable number of
38 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

39 (18) "On-site" means located within the boundary of the operation or facility.

40 (19) "Operating Day" means the daily hours of operation for a facility or operation as set forth in the
41 application, Enforcement Agency Notification or solid waste facilities permit.

42 (20) "Operating Record" means an easily accessible collection of records of an operation's or
43 facility's activities and compliance with required state minimum standards under Title 14. The Record
44 may include the Facility Plan or Transfer/Processing Report for facilities, and shall contain but is not
45 limited to containing: agency approvals, tonnage and load checking records, facility contacts and
46 training history. The record may be reviewed by state and local authorities and shall be available
47 during normal business hours. If records are too voluminous to place in the main operating record or if
48 the integrity of the records could be compromised by on-site storage, such as exposure to weather,
49 they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

50 (21) "Operations Area" means:

51 (A) the following areas within the boundary of an operation or facility as described in the permit
52 application or Enforcement Agency Notification:

53 1. equipment management area, including cleaning, maintenance, and storage areas; and

54 2. material and/or solid waste management area, including unloading, handling, transfer,
55 processing, and storage areas.

56 (B) the boundary of the operations area is the same as the permitted boundary of the operation or
57 facility but may or may not be the same as the property boundary on which the operation or facility is
58 located.

1 (22) "Operator" means the owner, or other person who through a lease, franchise agreement or
2 other arrangement with the owner, that is listed in the permit application or Enforcement Agency
3 Notification and is legally responsible for all of the following:

4 (A) complying with regulatory requirements set forth in these Articles;

5 (B) complying with all applicable federal, state and local requirements;

6 (C) the design, construction, and physical operation of the operations area;

7 (D) controlling the activities at an operation or facility as listed on the permit application or
8 Enforcement Agency Notification.

9 (23) "Owner" means the person or persons who own, in whole or in part, an operation or facility and
10 the land on which it is located. If the ownership of the operation or facility is not the same as the
11 ownership of the land on which it is located, the owner of the land shall be identified as the "Land
12 Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

13 (24) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms
14 with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive
15 conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The
16 EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

17 (25) "Salvaging" means the controlled separation of solid waste material which do not require
18 further processing, for reuse or recycling prior to transfer activities.

19 (26) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

20 (27) "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids and
21 controlling air-borne emissions that could contribute to odors or other nuisance conditions.

22 (28) "Sealed Structure" means a fully enclosed building capable of containing liquids and controlling
23 air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance
24 conditions.

25 (29) "Special Waste" includes but is not limited to:

26 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as
27 defined in Title 22, section 66260.10.

28 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

29 (30) "Spotter" means an employee who conducts activities that include, but are not limited to,
30 traffic control, hazardous waste recognition and removal for proper handling, storage and transport or
31 disposal, and protection of the public from health and/or safety hazards.

32 (31) "Store" means to stockpile or accumulate for later use.

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
35 Sections 40053, 43020 and 43021, Public Resources Code.

36 **§ 17896.3. Pre-Existing Permits and Notifications.**

37 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to
38 [operative date of these regulations], that facility may continue to operate in accordance with its
39 permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
40 sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA
41 makes such a determination, the operator shall comply with this Chapter within two years of that
42 determination.

43 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
44 regulations in effect prior to [operative date of these regulations], that operation may continue to
45 operate in accordance with its EA Notification or regulatory authorization until the EA determines that
46 regulation under this Chapter is required. The EA shall make this determination no sooner than 120
47 days and no later than two years from [operative date of these regulations]. If the EA determines that
48 regulation under this Chapter is required, the operator shall comply with this Chapter within two years
49 of that determination.

50 (c) If an activity had previously been excluded from regulations in effect prior to [operative date of
51 these regulations], that activity may continue to operate in accordance with its regulatory exclusion
52 until the EA determines that regulation under this Chapter is required. The EA shall make this
53 determination no sooner than 120 days and no later than two years from [operative date of these
54 regulations]. If the EA determines that regulation under this Chapter is required, the operator shall
55 comply with this Chapter within two years of that determination.

56
57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
59 Sections 43020 and 43021, Public Resources Code.

1
2 **§ 17896.4. Regulatory Tiers Requirements for In-Vessel Digestion Operations and**
3 **Facilities.**

4 Sections 17896.5 through 17896.10 set forth the regulatory tier requirements (Title 14, Division 7,
5 Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
6 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
7 Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These
8 requirements are summarized in Table 1.

9
10 Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers
11

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
Anaerobically digestible materials at POTWs Section 17896.5(a)(1)	Research in-vessel digestion operations Section 17896.6	Medium Volume In-Vessel Digestion Facility Section 17896.9	Large Volume In-Vessel Digestion Facility Section 17896.10
Ag material derived from ag site & returned to same site Section 17896.5(a)(2)	In-Vessel Dairy Digestion Operations Section 17896.7		
In-vessel digestion activities with less than 50 cubic yard on-site capacity Section 17896.5(a)(3)	Limited Volume In-Vessel Digestion Operation Section 17896.8		
Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.5(a)(4)			

12 *[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]*
13

14 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
15 Sections 40053, 43020 and 43021, Public Resources Code.
16

17 **§ 17896.5. Excluded Activities.**

18 (a)The activities listed in this section are not subject to the in-vessel digestion requirements set forth
19 in this Chapter. Nothing in this section precludes the EA or the [Department](#) from inspecting an
20 excluded activity to verify that the activity is being conducted in a manner that qualifies as an
21 excluded activity or from taking any appropriate enforcement action.

22 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
23 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid

1 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
2 Treatment Plant wastewater, is excluded under the following conditions:

3 (A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant.
4 Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a
5 covered, leak-proof container and then pumped and co-digested in an anaerobic digester(s) at the
6 POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior
7 to anaerobic digestion, but must be processed and conveyed in a contained system.

8 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance
9 of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality
10 Control Board that those Standard Operating Procedures are being implemented, and a Standard
11 Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

12 1. has been incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
13 National Pollutant Discharge Elimination System permit, or

14 2. will be incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
15 National Pollutant Discharge Elimination System permit no later than the next permit renewal.

16 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
17 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
18 14, CCR, Section 17582(a)(20) and vegetative food material as defined in Title 14, CCR, Section
19 17582(20)(A).

20 (D) For the purpose of this exclusion, the Department, in consultation with the State Water
21 Resources Control Board and the California Department of Food and Agriculture, will on a case-by-
22 case basis, review and consider approval of additional types of organic materials as potential
23 "anaerobically digestible material" beyond those specified in section 17896.5(a)(1)(C) in accordance
24 with the following:

25 1. Receipt of a written request to the Department from the General Manager or designee of a
26 POTW Treatment Plant.

27 a. The written request must contain the following information:

28 i. The purpose of the request.

29 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
30 organic waste material with the POTW wastewater.

31 iii. Types of organic material requested for classification as an anaerobically digestible
32 material.

33 iv. The source(s) of the waste material.

34 v. A description of how the waste material will be handled, processed, stored and
35 transported (before and after receipt at the POTW Treatment Plant).

36 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
37 to accommodate the new waste materials.

38 vii. Available laboratory test results, engineering reports, pilot study results to support the
39 request.

40 viii. Data and/or reports if this waste material has been used without incident at a different
41 POTW Treatment Plant.

42 ix. The name, addresses and phone numbers for the General Manager and designee of the
43 POTW Treatment Plant.

44 b. Upon receipt of the written request, the Department will communicate and coordinate the
45 request with and between the State Water Resources Control Board and the California Department of
46 Food and Agriculture and will complete the following actions:

47 i. Within 10 days of receipt, send written confirmation to the General Manager and designee
48 of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate
49 Department staff, as well as to the State Water Resources Control Board and California Department of
50 Food and Agriculture staff contacts for review;

51 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board
52 and California Department of Food and Agriculture staff contacts;

53 iii. Prior to the meeting, Department staff will review the letter and identify questions
54 and/or issues with the request and make a list of recommendations;

55 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
56 representative does not attend the meeting, comments will be accepted by the Department up to
57 close of business on the 45th day after receipt;

58 v. Within 60 days of receipt, the Department will provide a written decision to the General
59 Manager and designee of the POTW Treatment Plant stating one of the following:

1 I. The waste type has or has not been determined to be an anaerobically digestible
2 material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory
3 Requirements (pursuant to Section 17896.5(a)(1)(C) and the Transfer/Processing Operations and
4 Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

5 II. The agencies, based on the information provided, were unable to reach a
6 determination and additional information is required before a determination can be made; or

7 III. The agencies have determined that a pilot study will need to be conducted and the
8 results analyzed prior to a determination made by the agencies.

9 IV. If additional information or if pilot study is necessary, the Department will consult with
10 the General Manager or designee of the POTW, the State Water Resources Control Board and
11 California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
12 either reviewing the additional information or for reviewing a proposed scope of work and timeline for
13 a pilot study.

14 2. For the purpose of this exclusion, if an organic waste material is determined by the
15 Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
16 wastewater, the POTW Treatment Plant must comply with 17896.5 (a)(1)(A) prior to receipt of the
17 material at the POTW Treatment Plant.

18 (2) The handling of agricultural material at an in-vessel digester is an excluded activity if the
19 agricultural material is derived from an agricultural site and a similar amount of digestate or compost
20 produced from digestate is returned to that same agricultural site, or an agricultural site owned or
21 leased by the owner, parent, or subsidiary of the agricultural site that on which the in-vessel digester
22 is located. No more than an incidental amount of up to 1,000 cubic yards of compost produced from
23 digestate may be given away or sold annually. Digestate that is not composted may not be given
24 away or sold.

25 (3) In-vessel digestion activities with less than a total of 50 cubic yards of solid waste, feedstock,
26 and post-digested solids on site are excluded.

27 (4) Other discrete handling activities that are already subject to more stringent handling
28 requirements under Federal or State law, as determined by the EA in consultation with the
29 Department, are excluded.

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
32 Sections 40053, 43020 and 43021, Public Resources Code.

33 **§ 17896.6. Research In-Vessel Digestion Operations.**

34 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
35 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
36 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

37 (b) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
38 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
39 the research to be performed, research objectives, methodology/protocol to be employed, data to be
40 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
41 projected timeframe for completion of the research operation.

42 (c) The EA Notification for a research in-vessel digestion operation shall be reviewed after each two
43 year period of operation. Review criteria shall include the results and conclusions drawn from the
44 research.

45 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
46 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
47 health, safety, or environmental protection concern, shall satisfy the following additional
48 requirements:

49 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
50 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
51 site.

52 (2) The operator shall prepare, implement and maintain a site-specific, research in-vessel digestion
53 operation site security plan. The research in-vessel digestion site security plan shall include a
54 description of the methods and facilities to be employed for the purpose of limiting site access and
55 preventing the movement of unauthorized material on to or off of the site.

56 (3) The EA Notification for the research in-vessel digestion operation using unprocessed mammalian
57 tissue as feedstock and documentation of additional requirements of this section shall be reviewed
58 after each six month period of operation.
59

1 (e) The operator shall submit all additional documentation required by subdivisions (b) and (d)2. to
2 the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that
3 the EA Notification for research in-vessel digestion operations is complete and correct only if the
4 additional documentation requirements of this section have been met.

5 (f) These operations shall be inspected by the EA at least once every three (3) months unless the EA
6 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
7 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment but in no case shall the frequency be less than once per calendar year. *[Note: See*
9 *section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial*
10 *of requests for reducing the frequency of inspections.]*

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
13 Sections 43020 and 43021, Public Resources Code.

14 **§ 17896.7. In-Vessel Dairy Digestion Operation.**

15 (a) In-vessel dairy digestion operation shall comply with the EA Notification requirements set forth in
16 Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section
17 18100).

18 (1) These operations shall be inspected by the EA at least once a month for the first 12 months of
19 operation. After the first 12 months of operation the EA may approve, with Department concurrence, a
20 reduced inspection frequency of once every three months. After the first 24 months of operation the
21 EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar
22 year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to
23 public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and
24 Department requirements regarding the approval or denial of requests for reducing the frequency of
25 inspections.]

26
27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
29 Sections 43020 and 43021, Public Resources Code.

30 **§ 17896.8. Limited Volume In-Vessel Digestion Operations.**

31 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
32 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
33 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA
34 at least once every three (3) months unless the EA approves, with Department concurrence, a
35 reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an
36 additional risk to public health and safety and the environment but in no case shall the frequency be
37 less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-
38 proposed approval to the Department. *[Note: See section 18083(a)(3) for additional EA and*
39 *Department requirements regarding the approval or denial of requests for reducing the frequency of*
40 *inspections.]*

41
42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
44 Sections 40053, 43020 and 43021, Public Resources Code.

45 **§ 17896.9. Medium Volume In-Vessel Digestion Facilities.**

46 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
47 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
48 (commencing with section 18104). These facilities shall be inspected monthly by the EA in accordance
49 with PRC section 43218.

50
51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
53 Sections 40053, 43020 and 43021, Public Resources Code.

54 **§ 17896.10. Large Volume In-Vessel Digestion Facility.**

55 All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in
56 accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter
57 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The
58 In-vessel Digestion Report required by section 17869.12 shall constitute the Report of Facility
59

1 Information required by section 21570(f)(2) of Title 27. These facilities shall be inspected monthly by
2 the EA in accordance with PRC section 43218.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
5 Sections 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.11. In-Vessel Digestion Facility Plan.**

8 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(15)
9 shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The
10 information contained in the Plan shall be reviewed by the EA to determine whether it is complete and
11 correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
14 Sections 40053, 43020 and 43021, Public Resources Code.

15
16 **§ 17896.12. In-Vessel Digestion Report.**

17 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(12)
18 shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator
19 of an existing facility who submits an application package to the EA, pursuant to Title 27, section
20 21570, which proposes to change the facility's operations, or to change the solid waste facility permit
21 shall do one of the following:

- 22 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
23 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

24
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
26 Sections 40053, 43020 and 43021, Public Resources Code.

27
28 **§ 17896.13. Applicability of State Minimum Standards.**

29 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
30 vessel digestion operations and facilities, except as noted in Section 17896.1.(a).

31 (b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
32 digestion facilities.

33 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
34 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
35 shall place a copy of each approval, determination and other requirement in the operating record
36 together with those records identified in sections 17414 and 17414.1.

37 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
38 method of compliance with the standard. These provisions are not intended to allow the EA to change
39 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
40 alternative method of meeting the existing standard which provides equivalent protection of the public
41 health and safety and the environment as the existing standard. For facilities that require a full solid
42 waste facility permit, the EA may choose to include the approved alternative method of compliance as
43 a term and condition of the solid waste facility permit, rather than in the manner authorized by
44 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
45 the method may require a revision to the solid waste facility permit in accordance with the procedures
46 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
47 (commencing with section 21570).

48
49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
50 Sections 40053, 43020 and 43021, Public Resources Code.

51
52
53 **Article 2. Siting and Design**

54
55 **§ 17896.14. Siting On Landfills.**

56 (a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
57 closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
58 California Code of Regulations, section 21190.

1 (b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
2 solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by
3 natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or
4 failure of pads or structural foundations.

5 (c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
6 solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or
7 with the closure or postclosure maintenance of the landfill.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
10 Sections 40053, 43020 and 43021, Public Resources Code.

11 **§ 17896.15. General Design Requirements.**

12 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
13 appropriate, from persons competent in engineering, architecture, landscape design, traffic
14 engineering, air quality control, water quality protection and design of structures.

15 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
16 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
17 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
18 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
19 other pertinent information. If the operation or facility is to be used by the general public, the design
20 shall take account of safety features that may be needed to accommodate such public use.

21 (c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the
22 unloading area to as small an area as practicable, provide adequate control of windblown material,
23 minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances
24 by reason of solid wastes being handled at the operation. Other factors which shall be taken into
25 consideration are: dust control, noise control, public safety, and other pertinent matters related to the
26 protection of public health at the operation or facility.

27 (d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA
28 may require the applicant to describe how he or she has complied with applicable local and state
29 requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

30 (e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and
31 constructed to prevent loss of wastes from the container during storage. If such a container is used to
32 store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such
33 container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily
34 cleanable, designed for safe handling and constructed to prevent loss of wastes.

35
36
37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
38 Sections 40053, 43020 and 43021, Public Resources Code.

39 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

40 **§ 17896.16. Biogas Control.**

41 The operator of an in-vessel digestion operation or facility must take precautions to minimize the
42 uncontrolled release of biogas that may have harmful effects on site users and the general public.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
45 Sections 40053, 43020 and 43021, Public Resources Code.

46 **§ 17896.17. Cleaning.**

47 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
48 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
49 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

50 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;
51 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
52 least once every 24 hours.

53 (b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site
54 migration of waste materials.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
2 Sections 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.18. Drainage and Spill Control.**

5 (a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

6 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;

7 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
8 site migration of contact water;

9 (3) protect the integrity of roads and structures;

10 (4) protect the public health; and

11 (5) prevent safety hazards and interference with operations.

12 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
13 that occur.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.19. Dust Control.**

19 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
20 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
21 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
22 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
23 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
24 following may be an indication that dust is excessive:

25 (1) safety hazards due to obscured visibility; or

26 (2) irritation of the eyes; or

27 (3) hampered breathing;

28 (4) migration of dust off-site.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
31 Sections 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.20. Hazardous, Liquid, and Special Wastes.**

34 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
35 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
36 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

37 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
38 discovered, control measures as are necessary to protect public health, safety and the environment,
39 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
40 or removal from the operation or facility.

41 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
42 sludge wastes in a manner to protect public health, safety, and the environment.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
45 Sections 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.21. Litter Control.**

48 Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
49 prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
50 possible given existing weather conditions.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
53 Sections 40053, 43020 and 43021, Public Resources Code.

54
55 **§ 17896.22. Load checking.**

56 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
57 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
58 program must include at a minimum:

59 (1) the number of random load checks to be performed;

1 (2) a location for the storage of prohibited wastes removed during the load checking process that is
2 separately secured or isolated;

3 (3) records of load checks and the training of personnel in the recognition, proper handling, and
4 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
5 records for the last year shall be maintained in the operating record and be available for review by the
6 appropriate regulatory agencies.

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
9 Sections 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.23. Maintenance Program.**

12 All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
13 The operator shall implement a preventative maintenance program to monitor and promptly repair or
14 correct deteriorated or defective conditions.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
17 Sections 40053, 43020 and 43021, Public Resources Code.

18
19 **§ 17896.24. Medical Wastes.**

20 Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the
21 Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code),
22 shall not be accepted at an in-vessel digestion operation or facility, unless approved by the
23 appropriate regulatory agencies.

24
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
26 Sections 40053, 43020 and 43021, Public Resources Code.

27
28 **§ 17896.25. Noise Control.**

29 Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
30 include but are not limited to: posting of warning signs that recommend or require hearing protection;
31 separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
32 transmission. Compliance with specific provisions regarding noise control in a local land use approval,
33 such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
34 this standard.

35
36 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
37 Sections 40053, 43020 and 43021, Public Resources Code.

38
39 **§ 17896.26. Non-Salvageable Items.**

40 Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
41 pesticides and other materials capable of causing public health or safety problems shall not be
42 salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
43 the EA.

44
45 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
46 Sections 40053, 43020 and 43021, Public Resources Code.

47
48 **§ 17896.27. Nuisance Control.**

49 Each in-vessel digestion operation and facility shall be conducted and maintained to prevent the
50 creation of a nuisance.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
53 Sections 40053, 43020 and 43021, Public Resources Code.

54
55 **§ 17896.28. Odor Minimization Plan.**

56 (a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
57 specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
58 Notification or permit application.

1 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
2 describing, at a minimum, the following items. If the operator will not be implementing any of these
3 procedures, the plan shall explain why it is not necessary.

4 (1) an odor monitoring protocol which describes the proximity of possible odor receptors and a
5 method for assessing odor impacts at the locations of the possible odor receptors; and,

6 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
7 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
8 described; and,

9 (3) a complaint response protocol; and,

10 (4) a description of design considerations and/or projected ranges of optimal operation to be
11 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
12 feedstock characteristics, airborne emission production, process water distribution, pad and site
13 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
14 service interruptions, and site specific concerns as applicable; and,

15 (5) a description of operating procedures for minimizing odor, including aeration, moisture
16 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
17 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
18 power, and personnel), bio filtration, and tarping as applicable.

19 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
20 provided to the EA, within 30 days of those changes.

21 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
22 revisions are necessary.

23 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
24 operation or facility is following the procedures established by the operator. If the EA determines that
25 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
26 (pursuant to section 18304) to require the operator to either comply with the odor impact
27 minimization plan or to revise it.

28 (f) If the odor impact minimization plan is being followed, but odor impacts are still occurring, the EA
29 may issue a Notice and Order (pursuant to section 18304) requiring the operator to take additional
30 reasonable and feasible measures to minimize odors.

31
32 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
33 Reference: Sections 43020, 43021 and 43209.1,

34 **§ 17896.29. Parking.**

35 Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
36 with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
37 conditional use permit or CEQA mitigation measures, shall be considered compliance with this
38 standard.

39
40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
42 Sections 40053, 43020 and 43021, Public Resources Code.

43 **§ 17896.30. Personnel Health and Safety.**

44 The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
45 section 3203, shall be available for review by local and state inspectors during normal business hours.
46 Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

47
48
49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
50 Sections 40053, 43020 and 43021, Public Resources Code.

51 **§ 17896.31. Prohibitions.**

52 The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
53 where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

54 (a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
55 organs, hide, blood, bone and marrow is prohibited, except when received from the food service
56 industry, grocery stores, or residential food scrap collection, or as part of a research activity for the
57 purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or
58 environmental concerns in accordance with section 17862.
59

- 1 (b) The in-vessel digestion of medical waste is prohibited.
2 (c) The in-vessel digestion of hazardous waste is prohibited.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
5 Sections 43020 and 43021, Public Resources Code.

6
7 **§ 17896.32. Protection of Users.**

8 An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so
9 that contact between the public and solid wastes is minimized. This may be accomplished through the
10 use of railings, curbs, grates, fences, and/or spotters.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
13 Sections 40053, 43020 and 43021, Public Resources Code.

14
15 **§ 17896.33. Roads.**

16 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
17 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
18 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
19 all-weather access to the site.

20
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
22 Sections 40053, 43020 and 43021, Public Resources Code.

23
24 **§ 17896.34. Sanitary Facilities.**

25 The operator shall maintain all sanitary and hand-washing facilities which may be required, by
26 applicable state or local requirements, in a reasonably clean and adequately supplied condition.

27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
29 Sections 40053, 43020 and 43021, Public Resources Code.

30
31 **§ 17896.35. Scavenging and Salvaging.**

32 Each in-vessel digestion operation or facility shall meet the following requirements:

33 (a) scavenging shall be prohibited;

34 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
35 of the operation, subject to conditions established by the EA, the local land use authority, or other
36 approving agencies.

37 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
38 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
39 entry and exit of vehicles delivering waste to the transfer or processing operation or facility. Salvaging
40 activities conducted at a transfer/processing operation or facility shall be confined to specified, clearly
41 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
42 or nuisance problems;

43 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
44 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
45 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
46 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
47 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a
48 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
49 Digestion Facility Plan, or In-vessel Digestion Facility Report.

50
51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
52 Sections 40053, 43020 and 43021, Public Resources Code.

53
54 **§ 17896.36. Signs.**

55 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
56 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
57 facility name and location of nearest public operation or facility.

58 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
59 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,

1 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
2 or (2) WILL NOT be accepted.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
5 Sections 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.37. Site Restoration.**

8 All in-vessel digestion operations and facilities shall meet the following requirements:

9 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
10 days prior to beginning site restoration.

11 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
12 safety, and the environment.

13 (c) The operator shall ensure that the following site restoration procedures are performed upon
14 completion of operations and termination of service:

15 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
16 including, but not limited to, **digestate**, compost materials, construction scraps, and other materials
17 related to the operations, and these residues legally recycled, reused, or disposed.

18 (2) All machinery shall be cleaned and removed or stored securely.

19 (3) All remaining structures shall be cleaned of **digestate**, compost materials, dust, particulates, or
20 other residues related to the site restoration operations.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
23 Sections 43020 and 43021, Public Resources Code.

24
25 **§ 17896.38. Pre-Digestion Solid Waste Handling.**

26 (a) **Putrescible** wastes shall be injected into the in-vessel digester or stored in a **sealed container or**
27 **sealed structure** within 8 hours or removed from the site within 48 hours from the time of receipt.

28 (b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
29 of receipt or at an alternate frequency approved by the EA.

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
32 Sections 40053, 43020 and 43021, Public Resources Code.

33
34 **§ 17896.39. Supervision and Personnel.**

35 The operator shall provide adequate supervision and a sufficient number of qualified personnel to
36 ensure proper operation of the site in compliance with all applicable laws, regulations, permit
37 conditions and other requirements. The operator shall notify the EA in writing of the name, address
38 and telephone number of the operator or other person responsible for the operation. A copy of the
39 written notification shall be placed in the operating record.

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
42 Sections 40053, 43020 and 43021, Public Resources Code.

43
44 **§ 17896.40. Training.**

45 Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site
46 solid waste operations and maintenance, hazardous materials recognition and screening, use of
47 mechanized equipment, environmental controls, emergency procedures and the requirements of this
48 Article. A record of such training history shall be maintained and made available for inspection.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
51 Sections 40053, 43020 and 43021, Public Resources Code.

52
53 **§ 17896.41. Vector, Bird and Animal Control.**

54 The operator shall take adequate steps to control or prevent the propagation, harborage and
55 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

56
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
58 Sections 40053, 43020 and 43021, Public Resources Code.

1
2 **Article 4. Record Keeping Requirements**
3

4 **§ 17896.42. Record Keeping Requirements.**

5 Each operator shall meet the following requirements:

6 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
7 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
8 submitted to the EA or **the Department** upon request; be adequate for overall planning and control
9 purposes; and, be as current and accurate as practicable;

10 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
11 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
12 agencies during normal working hours.

13 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
14 approved by the EA;

15 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
16 operations and methods used to resolve problems arising from these events, including details of all
17 incidents that required implementing emergency procedures. Special occurrences shall include but are
18 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
19 prohibited wastes, lack of sufficient number of personnel pursuant to section 17410.2, flooding,
20 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
21 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
22 unless the EA determines that a less immediate form of notification will be sufficient to protect public
23 health and safety and the environment;

24 (e) The operator shall record any written public complaints received by the operator, including:

25 (1) the nature of the complaint,

26 (2) the date the complaint was received,

27 (3) if available, the name, address, and telephone number of the person or persons making the
28 complaint, and

29 (4) any actions taken to respond to the complaint;

30 (f) The operator shall maintain a copy of the written notification to the EA and local health agency of
31 the name, address and telephone number of the operator or other person(s) responsible for the
32 operations as required by section 17896.39.;

33 (g) The operator shall maintain records of employee training as required by section 17896.40;

34 (h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809
35 et seq.

36 (i) The operator shall record all test results generated by compliance with Article 6 of this Chapter,
37 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
38 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

39 (1) The operator shall retain records detailing pathogen reduction methods.
40

41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
42 Sections 40053, 43020 and 43021, Public Resources Code.
43

44 **§ 17896.43. Documentation of Enforcement Agency Approvals, Determinations, and**
45 **Requirements.**

46 Approvals, determinations, and other requirements the EA is authorized to make under this Chapter
47 shall be provided in writing to the operator and placed in the operating record by the operator.
48

49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
50 Sections 40053, 43020 and 43021, Public Resources Code.
51

52 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**
53

54 **§ 17896.44. Communications Equipment.**

55 Each in-vessel digestion facility shall have adequate communication equipment available to site
56 personnel to allow quick response to emergencies.
57
58

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
2 Sections 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.45. Equipment.**

5 Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-
6 vessel digestion facility to meet all requirements of this Chapter.

7
8 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
9 Sections 40053, 43020 and 43021, Public Resources Code.

10
11 **§ 17896.46. Fire Fighting Equipment.**

12 Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly
13 maintained and located as required by the local fire authority.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
16 Sections 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.47. Housekeeping.**

19 The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility
20 equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap,
21 and similar items.

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
24 Sections 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.48. Lighting.**

27 The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either
28 through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of
29 operations, and public health, safety and the environment.

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
32 Sections 40053, 43020 and 43021, Public Resources Code.

33
34 **§ 17896.49. Site Attendant.**

35 An in-vessel digestion facility open to the public shall have an attendant present during public
36 operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as
37 approved by the EA to ensure that it meets all of the requirements of this Chapter.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
40 Sections 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.50. Site Security.**

43 The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and
44 vehicles through the use of either a perimeter barrier or topographic constraints.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
47 Sections 40053, 43020 and 43021, Public Resources Code.

48
49 **§ 17896.51. Traffic Control.**

50 (a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
51 (1) interference with or creation of a safety hazard on adjacent public streets or roads,
52 (2) on-site safety hazards, and
53 (3) interference with operations.

54
55 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
56 Sections 40053, 43020 and 43021, Public Resources Code.

57
58 **§ 17896.52. Visual Screening.**

1 The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create
2 and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if
3 none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening
4 in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be
5 considered compliance with this standard.

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
8 Sections 40053, 43020 and 43021, Public Resources Code.

9
10 **§ 17896.53. Water Supply.**

11 A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use
12 (e.g., fire protection, first aid) shall be available.

13
14 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
15 Sections 40053, 43020 and 43021, Public Resources Code.

16
17
18 **Article 6. Digestate Handling Standards**

19
20 **§ 17896.54. Digestate Handling.**

21 (a) Digestate not contained in an in-vessel digester, sealed container, or sealed structure, shall, within
22 8 hours, be:

23 (1) Removed from the site and delivered as solid waste to another solid waste facility or operation
24 for disposal, additional processing, or other use as approved by local, state, and federal agencies
25 having appropriate jurisdiction, or

26 (2) Incorporated in an on-site aerobic compost process. On-site aerobic composting of digestate is
27 allowable only at large volume in-vessel digestion facilities that have obtained a Full Solid Waste
28 Facilities Permit pursuant to section 17896.10.

29 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.56,
30 pathogen concentration pursuant to section 17896.57(b)(1), and physical contaminants pursuant to
31 section 17896.58 or are known to contain any metal in amounts that exceed the maximum metal
32 concentrations described in section 17896.56, pathogens that exceed the maximum acceptable
33 pathogen concentrations described in section 17896.57(b)(1), or physical contaminants that exceed
34 the maximum physical contamination limits described in section 17896.58 shall be designated for
35 disposal, additional processing, or other use as approved by local, state agencies having appropriate
36 jurisdiction.

37 (c) All in-vessel digestion operations and facilities that compost on-site shall comply with the sampling
38 requirements of section 17896.55, maximum metal concentrations requirements of section 17896.56,
39 the maximum acceptable pathogen concentrations requirements of section 17896.57(b)(1), and
40 physical contamination limits of section 17896.58.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
43 Sections 40053, 43020 and 43021, Public Resources Code.

44
45 **§ 17896.55. Sampling Requirements.**

46 (a) The sampling of compost produced at an in-vessel digestion facility shall occur at the point where
47 the compost is removed from the site, bagged for sale, given away for beneficial use and removed
48 from the site or otherwise beneficially used. Analytical results indicating compliance with sections
49 17896.56, 17896.57, and 17896.58 shall be received by the operator prior to the sampled compost
50 leaving the site. Sample results must be received by the operator prior to removing compost from the
51 in-vessel digestion facility where it was produced.

52 (b) This sampling shall be performed by taking and analyzing at least one composite sample, following
53 the requirements of this section as follows:

54 (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
55 compost produced.

56 (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
57 17896.56, shall be conducted at a laboratory certified by the California Department of Public Health,
58 pursuant to the Health and Safety Code.

1 (c) A composite sample shall be representative and random, and may be obtained by taking twelve
 2 (12) mixed samples as described below.
 3 (1) The twelve samples shall be of equal volume.
 4 (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
 5 follows:
 6 (A) Four samples from one-half the width of the pile, each at a different cross-section;
 7 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
 8 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.
 9 (d) The EA may approve alternative methods of sampling for an in-vessel digestion facility that
 10 ensures the maximum metal concentration requirements of section 17896.56, the pathogen reduction
 11 requirements of section 17896.57, and the physical contamination requirements of section 17896.58,
 12 as applicable, are met.

13
 14 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
 15 Sections 43020 and 43021, Public Resources Code.

16 **§ 17896.56. Maximum Metal Concentrations.**

17 (a) Compost produced at an in-vessel digestion facility shall not exceed the maximum acceptable
 18 metal concentrations shown in Table 2. Compost that contains any metal in amounts that exceed the
 19 maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal,
 20 additional processing, or other use as approved by local, state and federal agencies having appropriate
 21 jurisdiction. Sample results must be received by the operator prior to removing compost from the in-
 22 vessel digestion facility where it was produced.

23
 24
 25 Table 2 - Maximum Acceptable Metal Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	0 (see subdivision (a)(1) below)
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	100
Zinc (Zn)	2800

26
 27
 28 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
 29 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
 30 produce to be determined in connection with the analysis of other metals. Operators shall maintain
 31 records of all chromium concentrations together with their records of other metal concentrations.
 32 (b) Alternative methods of compliance to meet the requirements of subdivision (a) of this section,
 33 including but not limited to sampling frequencies, may be approved by the EA for in-vessel digestion
 34 operations and facilities if the EA determines that the alternative method will ensure that the
 35 maximum acceptable metal concentrations shown in Table 2 are not exceeded.

36
 37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
 38 Sections 43020 and 43021, Public Resources Code.

39 **§ 17896.57. Pathogen Reduction.**

40 (a) Compost produced at an in-vessel digestion facility shall not exceed the maximum acceptable
 41 pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any
 42 pathogens in amounts that exceed these pathogen reduction requirements shall be designated for
 43 disposal, additional processing, or other use as approved by local, state and federal agencies having
 44 appropriate jurisdiction. Sample results must be received by the operator prior to removing compost
 45 from the in-vessel digestion facility where it was produced.
 46 (b) Operators of in-vessel digestion facilities that produce compost shall ensure that:
 47

1 (1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less
2 than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
3 Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4)
4 grams of total solids (dry weight basis). Sample results must be received by the operator prior to
5 removing product from the site.

6 (2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active
7 compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or
8 higher for a pathogen reduction period of 3 days.

9 (A) Due to variations among enclosed and within-vessel composting system designs, including
10 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
11 application to meet the requirements of subdivision (b)(2) of this section.

12 (3) If the facility uses a windrow composting process, active compost shall be maintained under
13 aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
14 pathogen reduction period of 15 days or longer. During the period when the compost is maintained at
15 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

16 (4) If the facility uses an aerated static pile composting process, all active compost shall be covered
17 with 6 to 12 inches of insulating material, and the active compost shall be maintained at a
18 temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period
19 of 3 days.

20 (c) In-vessel digestion facilities that produce compost shall be monitored as follows to ensure that the
21 standards in subdivision (b) of this section are met:

22 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
23 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
24 fraction thereof.

25 (2) Temperature measurements for pathogen reduction shall be measured as follows:

26 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
27 four (24) inches below the pile surface;

28 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
29 inches from the point where the insulation cover meets the active compost.

30 (d) Alternative methods of compliance to meet the requirements of this section may be approved by
31 the EA if the EA determines that the alternative method will provide equivalent temperature
32 measurements.

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
35 Sections 43020 and 43021, Public Resources Code.

36 **§ 17896.58. Physical Contamination Limits.**

37 (a) Compost produced at an in-vessel digestion facility shall not contain more than 0.1% by weight of
38 physical contaminants greater than 4 millimeters. Compost that contains more than 0.1% by weight of
39 physical contaminants greater than 4 millimeters shall be designated for disposal, additional
40 processing, or other use as approved by local, state and federal agencies having appropriate
41 jurisdiction. Sample results must be received by the operator prior to removing compost from the in-
42 vessel digestion facility where it was produced.

43 (b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one
44 representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at
45 which physical contaminants greater than 4 millimeters shall be collected and weighed, and the
46 percentage of physical contaminants determined.

47
48
49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
50 Sections 43020 and 43021, Public Resources Code.

51 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility** 52 **Permits; Loan Guarantees.**

53 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities** 54 55 56 57 58 59

1 **§ 18083. LEA Duties and Responsibilities for Inspections.**

2 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3
3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and
4 investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal
5 sites and equipment to verify compliance with the state minimum standards, solid waste facilities
6 permits, and related state solid waste laws and regulations within their purview for the protection of
7 the environment and the public health and safety. The LEA/EA shall perform these inspections and
8 related duties as required below, and forward inspection reports to the operator and/or owner, and the
9 ~~board-Department~~ within 30 days of the inspection:

10 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

11 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
12 abatement by enforcement action(s);

13 (3) at the frequency required by the state minimum standards for each type of operation specified in
14 14 CCR Sections 17383.9., 17403.5., and 17896.7. All other operations regulated under the EA
15 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
16 approves, with ~~Department~~ concurrence, a reduced inspection frequency. The EA may approve a
17 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
18 the environment, and in no case shall the inspection frequency be less than once per calendar year.
19 The EA shall submit a copy of the operator request and the EA-proposed approval to ~~the Department~~.
20 ~~The Department~~ shall concur in the request only if it finds that the reduced inspection frequency will
21 not pose an additional risk to public health and safety or the environment in light of the specific
22 circumstances at the operation in question. ~~The Department~~ shall concur or deny the request within
23 thirty (30) days from receipt.

24 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
25 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
26 safety or the environment. This determination shall be subject to ~~board-Department~~ approval. For the
27 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
28 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
29 closure requirements;

30 (A) the ~~board-Department~~ may approve an alternate inspection frequency for these sites where
31 such an action will not result in adverse impact on public health and safety and the environment.

32 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
33 with the ~~board-Department~~ through a grant program to inspect waste tire facilities, major waste tire
34 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
35 every two and a half years pursuant to 14 CCR Section 18443;

36 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

37 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
38 revision, review, RFI amendment, or closure/postclosure plan; and

39 (8) pursuant to the EPP, for solid waste handling and collection equipment.

40 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
41 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
42 days, during normal business hours or the site's operating hours.

43
44 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
45 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

46
47
48 **Article 3.2. Reports of Facility Information**

49
50 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

51 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
52 Permit, as set forth in section 17896.7 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing
53 with section 18100) shall, at the time of application, file an In-vessel Digestion Facility Plan ("Plan")
54 with the EA as required in section 17896.9 of this Title. In order to maintain the permit, the operator
55 must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack
56 thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan
57 shall contain the following:

58 (a) name(s) of the operator, owner, and the company they represent, if applicable;

- 1 (b) schematic drawing of the building and other structures showing layout and general dimensions of
2 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
3 (c) descriptive statement of the manner in which activities are to be conducted at the facility;
4 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
5 material processing, each set of hours may be stated. For facilities with continuous operations,
6 indicate the start of the operating day for purpose of calculating amount of waste received per
7 operating day. The operator may also indicate whether or not, and when, other activities, such as
8 routine maintenance will take place, if those activities will occur at times other than those indicated
9 above;
10 (e) total acreage contained within the operating area;
11 (f) facility design capacity including the assumptions, methods, and calculations performed to
12 determine the total capacity;
13 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
14 was figured from records of cubic yards, include the conversion factor used;
15 (h) description of the methods used by the facility to comply with each state minimum standard
16 contained in sections 17896.12 through 17896.56;
17 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
18 of any wastewater;
19 (j) description of provisions to handle unusual peak loading;
20 (k) description of transfer, recovery and processing equipment, including classification, capacity and
21 the number of units;
22 (l) planned method for final disposal of the solid waste;
23 (m) planned method for the storage and removal of salvaged material;
24 (n) resume of management organization which will operate the facility.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
27 Sections 40053, 43020 and 43021, Public Resources Code.
28

29 **§ 18221.6.1. In-Vessel Digestion Report.**

30 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
31 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
32 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
33 Digestion Report ("Report") with the EA as required in section 17896.10 of this Title. In order to
34 maintain an existing permit, the operator must file amendments as required in section 17896.10 of
35 this Title and re-title the document as a Transfer/Processing Report. Such amendments, or lack
36 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
37 shall contain the following:

- 38 (a) name(s) of the operator, owner, and the company they represent, if applicable;
39 (b) facility specifications or plans, to include: a site location map, a site map, and identification of
40 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
41 of the facility property line;
42 (c) schematic drawing of the building and other structures showing layout and general dimensions of
43 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
44 (d) descriptive statement of the manner in which activities are to be conducted at the facility;
45 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
46 material processing, each set of hours may be stated. For facilities with continuous operations,
47 indicate the start of the operating day for purpose of calculating amount of waste received per
48 operating day. The operator may also indicate whether or not, and when, other activities, such as
49 routine maintenance will take place, if those activities will occur at times other than those indicated
50 above;
51 (f) total acreage contained within the operating area;
52 (g) facility design capacity including the assumptions, methods, and calculations performed to
53 determine the total capacity;
54 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage
55 was figured from records of cubic yards, include the conversion factor used;
56 (i) description of the methods used by the facility to comply with each state minimum standard
57 contained in sections 17896.12 through 17896.56;
58 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
59 of any wastewater;

- 1 (k) description of provisions to handle unusual peak loading;
- 2 (l) description of transfer, recovery and processing equipment, including classification, capacity and
- 3 the number of units;
- 4 (m) planned method for final disposal of the solid waste;
- 5 (n) planned method for the storage and removal of salvaged material;
- 6 (o) resume of management organization which will operate the facility;
- 7 (p) list of permits already obtained, and the date obtained or last revised.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
10 Sections 40053, 43020 and 43021, Public Resources Code

11 **§ 18227. Report of Composting Site Information.**

12 Each operator of a compostable material handling facility that is required to obtain a Compostable
13 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
14 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
15 section 21450), or a Registration Permit for a Green Material/Vegetative Food Material Composting
16 Facility, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
17 (commencing with section 18104) shall, at the time of application, file a Report of Composting Site
18 Information with the EA as required by section 17863 of this Title. A Report of Composting Site
19 Information shall contain the following:

- 20 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
21 and amendments.
- 22 (b) A descriptive statement of the operations conducted at the facility.
- 23 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
24 in the production of compost including, but not limited to, unloading, storage, processing, parking,
25 and loading areas.
- 26 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
27 insects, for example, how the operator will store, process and incorporate food material and
28 vegetative food material into windrows or static piles, timeframes for inclusion of material, physical
29 barriers to control liquids, passive and active vector controls, methods to monitor effectiveness of
30 control measures.
- 31 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
- 32 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
33 length of time compostable materials will be stored at the facility.
- 34 (g) A description of compostable materials handling equipment used at the facility including type,
35 capacity, and number of units.
- 36 (h) Anticipated annual operation capacity for the facility in cubic-yards.
- 37 (i) A description of provisions to handle unusual peak loadings.
- 38 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
39 nonmarketable residues.
- 40 (k) A description of the water supplies for process water required.
- 41 (l) Identification of person(s) responsible for oversight of facility operations.
- 42 (m) A description of the proposed site restoration activities, in accordance with section 17870.
- 43 (n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator
44 to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as
45 food material or vegetative food material.

46
47
48 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
49 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste

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 ~~a~~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.] ~~a~~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:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

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 ~~a~~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 ~~a~~Application by ~~CIWMB-CalRecycle/LEA/RWQCB staff.~~

Date Received: The date the ~~EA or RWQCB receives the a~~Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts ~~the a~~Application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA ~~rejects~~ determines that the ~~a~~Application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete ~~a~~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 ~~a~~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 foot print, 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)(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. 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.

1 7. **Contaminated Soil:** ~~Waste which contains designated or nonhazardous concentrations and has~~
2 ~~been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency~~ Soil
3 that the RWQCB or the Local Oversight Agency has classified as a designated waste.

4 8. **Dead Animals:** Animal carcasses requiring disposal that have **not** been previously used for
5 medical purposes and are not known to have been infected or with known infectious diseases.

6 9. **Industrial:** Solid or semi-solid wastes resulting from industrial processes and manufacturing
7 operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste
8 water treatment facility, etc.

9 10. **Inert:** Solid waste and recyclable materials that are source separated or separated for reuse,
10 do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water
11 quality objectives and do not contain significant quantities of decomposable waste. Inert debris may
12 not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the
13 putrescible wastes do not constitute a nuisance, as determined by the EA.

14 11. **Liquids:** Wastes which are not ~~spadeable-spadable~~, usually containing less than 50% solids.
15 These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler
16 blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings,
17 rendering plant byproducts, some sewage sludge, etc.

18 12. **Mixed/ or Municipal Solid Waste (MSW):** Solid waste generated primarily by rResidential
19 and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts
20 of other solid waste that, when mixed together, is all handled as MSW. ~~Residential waste is commonly~~
21 ~~thought of as household garbage, commercial wastes contain less putrescible waste and more paper~~
22 ~~and cardboard.~~

23 13. **Sewage Sludge:** Human (not industrial) residue, excluding grit or screenings, removed from a
24 wastewater treatment facility or septic tank, whether in a dry or semidry form.

25 14. **Waste Tires:** Discarded tire casings ~~Tires that are no longer mounted on a vehicle and are no~~
26 longer suitable for use as a vehicle tire due to wear, damage, or deviation for the manufacturer's
27 original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not
28 organized for inspection in a rack or a stack.

29 15. **Other:** Any allowable wastes not included in the above.
30

31 Part 3. FACILITY INFORMATION

32 **A. Proposed Change:** Check the box that identifies the type of change proposed. Briefly
33 describe the proposed change in the space provided.

34 —1. **Design Change:** A design change would include but is not limited to: change in footprint,
35 acreage, additional capacity, site improvements, etc.

36 —2. **Operation:** A change in operation would include but is not limited to: change in hours or days of
37 operation, the addition of an activity, tonnage changes, etc.

38 —3. **Owner, Operator, Address, and/or Facility Name Change:** Complete if there is a change in
39 the owner, operator, address, or facility name.

40 —4. **Other:** This type of change includes, but is not limited to: change in emergency contact list, etc.
41 For an application for permit review, if there are no changes, so indicate.

42 **AB. Facility Information**

43 1. **Information Applicable To All Existing Facilities:** This portion of Part 3 ~~the Application~~ must
44 be filled out by every applicant regardless of the type of facility.

45 a. **Peak Maximum Daily Tonnage or Cubic Yards:** The peak (maximum) total amount of solid
46 waste and other material the facility applicant is permitted ~~authorized by the EA~~ to receive through the
47 gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-
48 to-day operations (include information on all other material authorized by the EA to receive in the
49 Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not
50 available or not applicable provide this specify the amount in cubic yards with a conversion factor. This
51 will be referred to as the "permitted maximum tonnage" and is considered the facility maximum
52 tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of
53 Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance
54 documentation and/or within the scope of the analysis in a CEQA review, if any, that was being
55 conducted at the time the application was submitted. Volume figures should be converted to tons and
56 the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP
57
58

1 and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
2 must equal the maximum daily tonnage.

3 1. **Disposal/Transfer:** The amount of ~~material solid waste~~ that comes through the gate and is
4 disposed of on-site or transferred off-site as waste; and

5 2. **Other:** That amount of all other material received at the site, including, but not limited to,
6 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
7 other on-site projects), stored or processed. ~~Note: 1 and 2 should equal the peak daily tonnage or~~
8 ~~cubic yards.~~

9 b. **As-Designed Daily ~~Design~~ Tonnage (TPD) or Cubic Yards:** For landfills, the maximum
10 ~~daily tonnage amount~~ of solid waste and other material that the facility is designed to receive and
11 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
12 month) based on appropriate factors including, but not limited to, size of ~~working face~~ the operating
13 areas, vehicle traffic ~~considerations,~~ hours of operation, personnel, equipment operational limits, etc.
14 For other facilities, ~~it is~~ the maximum amount of solid waste and other material the facility is designed
15 to ~~handle receive and process at any one time on an ongoing bases over an extended period of time~~
16 ~~(e.g., on a daily basis over a calendar month)~~ based on appropriate factors including, but not limited
17 to, vehicle traffic ~~consideration,~~ facility size, hours of operations, length of material storage, type of
18 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
19 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
20 factor. The as-~~D~~designed ~~tonnage-value~~ may be equal to or greater than the ~~peak~~ maximum daily
21 tonnage-value.

22 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
23 activities are authorized by the EA to occur and are permitted. ~~This includes~~ the area of the facility in
24 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
25 managing equipment management area, or any area that is required to maintain compliance with the
26 design and operating parameters of the facility. The facility size is the same as "operating area" for
27 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
28 boundaries" for transfer/processing facilities and landfills.

29 d. **Peak-Maximum Traffic Volume Per Day (vpd):** The ~~estimated~~ maximum number of
30 vehicles ~~that will~~ authorized by the EA to enter the facility on a daily basis. This number ~~should~~
31 ~~include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including~~
32 ~~vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or~~
33 ~~material intended for beneficial reuse.~~ This number must be consistent with the approved RFI and any
34 CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
35 any, that was being conducted at the time the application was submitted.

36 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
37 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
38 of operation. This information must be consistent with the approved RFI and any CEQA existing
39 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
40 being conducted at the time the application was submitted. Any activities that are limited to
41 prescribed days and/or hours should be fully described in the RFI.

42 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
43 of the Application must be filled out by every applicant requesting a change to any item(s) listed
44 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
45 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
46 submitted as part of the Application. The EA will review the requests and establish the terms and
47 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
48 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
49 WDRs for those requests that are supported by documents submitted by the applicant. Use the
50 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

51 23. **Additional Information Required For Compostingable Materials Handling Facilities**
52 **Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
53 out by the applicant if composting handling compostable materials is part of this Application.

54 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
55 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
56 any one time.

57 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, in
58 addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of
59 this the Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for

1 *emphasis.*] sections of the aApplication must be filled out completely [*Note to OAL and publisher: No*
2 *proposed change. Existing text underlined for emphasis.*].

3 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
4 ~~received-placed in a waste management unit~~ for each operating day on a yearly basis (calendar year)
5 for the next five years. Do not use non-operating days in ~~estimated~~-calculating the average daily
6 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~-maximum daily
7 tonnage. Report as tons per day (TPD).

8 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
9 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
10 the top of the final cover) taking into consideration design slopes, benches, and other design features,
11 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
12 Capacity.

13 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
14 or potentially resulting from this permit aApplication.

15 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
16 used to date. See Date of Capacity Information below.

17 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
18 remaining, not including any proposed site capacity. If the remaining capacity information provided is
19 based on estimates of capacity used since the last physical site survey, please explain the
20 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
21 etc. See Date of Capacity iInformation below.

22 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
23 capacities in Part 3 were determined. This date may predate the aApplication date by no more than
24 three months. Amendments of the aApplication including more current capacities may be required.

25 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
26 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
27 Part 6, Section B for more details).

28 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
29 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
30 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
31 (e.g., conditional use permit date, etc.)

32 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
33 will be referred to as "permitted disposal area."

34 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
35 based upon any planned expansions not currently proposed, whether within or outside the current
36 permitted boundary.

37 k. Provide oOne of the following:

38 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
39 density is the estimated or measured density of in-place waste material achieved by mechanical or
40 other means in the development of the current lift of the current operating waste cell, and

41 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
42 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
43 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
44 should include only soil or approved daily or intermediate alternative cover that is not considered a
45 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
46 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
47 ~~CIWMB-CalRecycle~~ is reported, or

48 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
49 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
50 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
51 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
52 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.

54
55 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

56
57 **A. Municipal or Utility Service**: Give name and address of the water purveyor.

58 **B. Individual Wells**: Identify those wells that are not part of a municipal or utility service.

59 **C. Surface Supply**:

- 1 1. Provide the name of any stream, lake, spring, etc, if identified.
- 2 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
- 3 3. If a state permit or license has been granted, give identification number.

4 **D. Other:** Enter any water source(s) not identified above.

6 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

7
8
9 **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.

10
11 1. If an environmental document was prepared:

- 12 • If an environmental document has already been prepared and circulated through the SCH and there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box that is checked.
- 13 • 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#."
- 14 • 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.

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21
22 2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

23 EXAMPLE ONLY:

24 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.

25
26
27 **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.

- 28 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

29
30
31
32
33 EXAMPLE ONLY:

34 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."

40 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

41
42
43 All attachments are necessary parts of the Application and are incorporated herein.

44
45 **A.** Section A ~~of Part 6~~ must be completed by all applicants regardless of the type of facility.

46 **B.** Section B ~~of Part 6~~ ~~is additional documents required~~ must be completed only by ~~landfill~~ applicants only for disposal facilities.

- 47 • 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.
- 48 • 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.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
- 2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
- 4 corrective action cost estimate and a copy of the non-water release corrective action cost
- 5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal ~~sites-facilities~~ permitted for to receive more than 20
- 7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
- 8 frequently as determined by the ~~enforcement agency-EA.~~ For disposal ~~sites-facilities~~ permitted for
- 9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
- 10 ten years. If not previously submitted, survey results must be included with this aApplication.
- 11 Survey results must be submitted as a CADD or vector graphics data file including at least two
- 12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
- 13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
- 14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
- 15 be included. For each stratum the following information shall be included: site name, stratum
- 16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
- 17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
- 18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
- 19 surface is uncertain, the operator is allowed to provide the best available information as a
- 20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
- 21 provide an explanation of the basis for using the substitute base ground surface.
- 22

23 For the purposes of this section the following definitions apply:

- 24 ~~A~~1. "base ground surface" - the best available excavation plan surface that existed prior to the
- 25 placement of any waste;
- 26 ~~B~~2. "CADD" -computer aided design and drafting;
- 27 ~~C~~3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
- 28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
- 29 provided for the basis of the volumetric correction;
- 30 ~~D~~4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
- 31 upper surface;
- 32 ~~E~~5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 ~~F~~6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
- 34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
- 35 provided for the basis of the volumetric correction;
- 36 ~~G~~7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 ~~H~~8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
- 38 the disposal site;
- 39 ~~I~~9. "net volume" - the fill volume less the cut volume;
- 40 ~~J~~10. "site name" - the name of the disposal site for which the survey information is being
- 41 submitted;
- 42 ~~K~~11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
- 43 upper and lower surfaces;
- 44 ~~L~~12. "stratum name" - a descriptive name for the stratum for which volumetric information is being
- 45 submitted, e.g., total volume including proposed expansion;
- 46 ~~M~~13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
- 47 ground surface and proposed finished ground surface;
- 48 ~~N~~14. "survey" -a comprehensive examination of the disposal site under the direction of a registered
- 49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
- 50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 ~~O~~15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
- 52 direction, thickness, color and other attributes;
- 53 ~~P~~16. "volume calculation method" - grid, composite, section or other method approved by the
- 54 ~~enforcement agency-EA;~~
- 55 **C.** Section C ~~of Part 6 specifies~~ is additional documents required only if applicable for the type of
- 56 facility to be covered under this ~~aApplication as required by the EA or RWQCB. Under "Other,"~~ identify
- 57 and list any other necessary documents not included-specified above but that are required by the EA
- 58 or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or
- 59 franchise-other agreement documenting the operator's interest in and right to use the site as a solid

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business~~ owner of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government~~ public agency.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part,~~ the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility ~~where legal notice may be served.~~

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business~~ operator filing this Application is a sole proprietorship,
22 partnership, corporation, or ~~government~~ public agency.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an~~ a facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility ~~where legal notice may be served.~~

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** The ~~A~~ person(s) ~~or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** The ~~A~~ person(s) ~~or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.

45
46 **Part 10. OTHER:**

47
48 Attach additional sheets to explain any responses that need clarification.

APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

CIWMB-CALRECYCLE E-1-77 (Rev. 8-04-X-XX)

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 5-4. AMENDMENT OF APPLICATION

REVISION MODIFICATION OTHER (As authorized by law)

3- EXEMPTION and/or WAIVER 6-5. 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 3. TRANSFORMATION 5. C&D/INERT DEBRIS PROCESSING

a. TYPE : _____

2. COMPOSTING/ABLE MATERIALS HANDLING 4. TRANSFER/PROCESSING-FACILITY 6. IN-VESSEL DIGESTION

a. TYPE: _____ CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.

5-Z. 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 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): _____

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 _____

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): _____

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:

<input type="checkbox"/> RFI/JTD _____	<input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S):
<input checked="" type="checkbox"/> LOCAL USE/PLANNING PERMITS _____	<input type="checkbox"/> EIR _____
<input type="checkbox"/> LOCATION MAP _____	<input type="checkbox"/> MND/ND _____
<input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG _____	<input type="checkbox"/> EXEMPTION _____
<input type="checkbox"/> LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____	<input type="checkbox"/> ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR **LANDFILLS DISPOSAL FACILITIES ONLY:**

<input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____	<input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____
<input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN	<input checked="" type="checkbox"/> KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES
<input type="checkbox"/> PRELIMINARY _____	<input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____
<input type="checkbox"/> FINAL _____	

C. IF APPLICABLE:

<input type="checkbox"/> REPORT OF WASTE DISCHARGE _____	<input checked="" type="checkbox"/> DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT
<input checked="" type="checkbox"/> CONTRACT AGREEMENTS _____	<input type="checkbox"/> SWAT (Air and water) _____
<input type="checkbox"/> STORMWATER PERMIT APPLICATION _____	<input type="checkbox"/> WETLANDS PERMITS _____
<input type="checkbox"/> NPDES PERMIT APPLICATION _____	<input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____
<input type="checkbox"/> 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 _____ 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).

Issue 4. Odor Complaints

§ 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~~ and the EA determines, in a manner consistent with section 18077(a)(14), that odor impacts are still occurring, the EA ~~may issue~~ shall direct 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.

Issue 1. Food Waste Definition

5/1/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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 ~~any 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, or 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.

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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, on 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 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 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 than 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.

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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 ~~or~~ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 17857.1. Green Material Composting Operations and Facilities.

(a) A green material composting operation ~~that has up to~~ may have no more than 12,500 cubic yards of feedstock, compost, ~~or and~~ 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.~~

(e)(b) A site that handles green material composting facility that has more than 12,500 cubic yards of feedstock, compost, or and 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 17862.1. Chipping and Grinding Operations and Facilities.

(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~~ ~~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 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 it~~ shall be regulated as a green material handling 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.

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 will 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 complaint and includes all complaints received during the next 24

Issue 4 – Odor Complaints

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:

$$D/T = \frac{\text{Volume of Carbon-Filtered Air}}{\text{Volume of Odorous Air}}$$

** 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:

- o *The Science of Smell Part 3: Odor detection and measurement*, Iowa State University, University Extension, 2004, <http://www.extension.iastate.edu/Publications/PM1963C.pdf>
- o *Measuring Composting Odors for Decision Making*, St. Croix Sensory, Inc., 2005, <http://www.fivesenses.com/Documents/Library/46%20Measuring%20Composting%20Odors%20for%20Decision%20Making.pdf>

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 olfactometer 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.

Issue 4 – Odor Complaints

- 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.
 - 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).
 - 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).
 - During this time the operator is making changes based on data and monitoring the result of each operational change.
 - 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

Issue 4 – Odor Complaints

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 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.

Issue 4 – Odor Complaints

- 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?

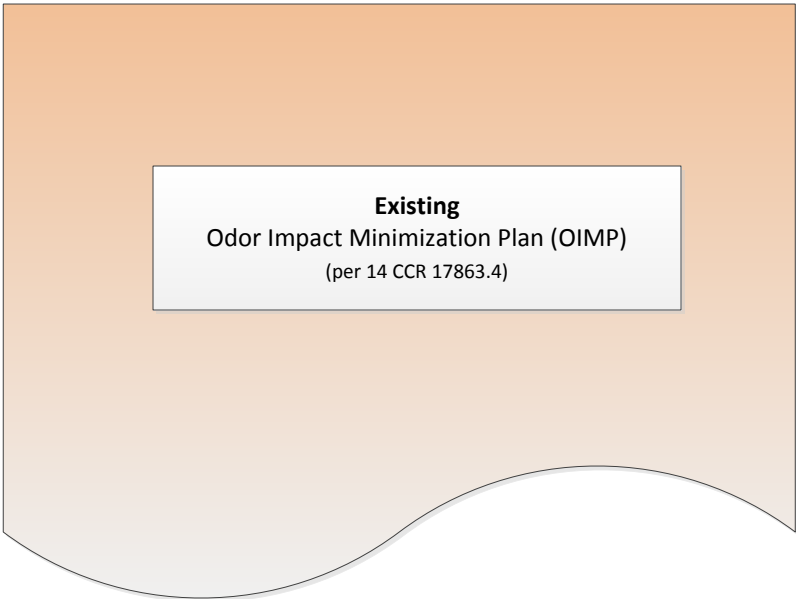
As currently proposed the LEA would have 15 days provide comments or deny the Enhanced Monitoring, Operations and Reporting Report (EMOR Report - the Operation Plan and the report at the end of the 90 days) for the initial submittal and any subsequent revisions. The LEA's actions would be based on very 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?

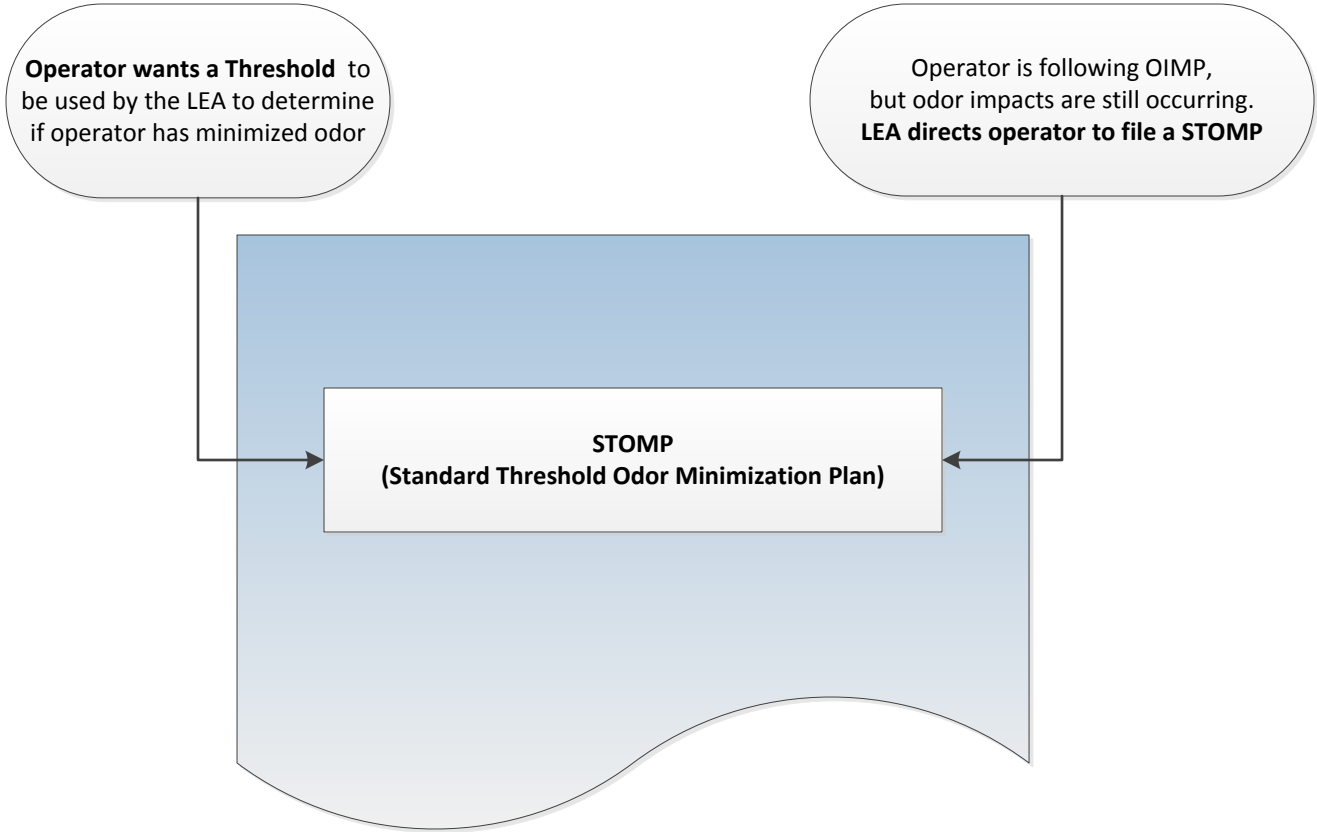
The intent is to allow the LEA to approve alternative timeframes (shorten or lengthen) to implement a particular BMP.

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.



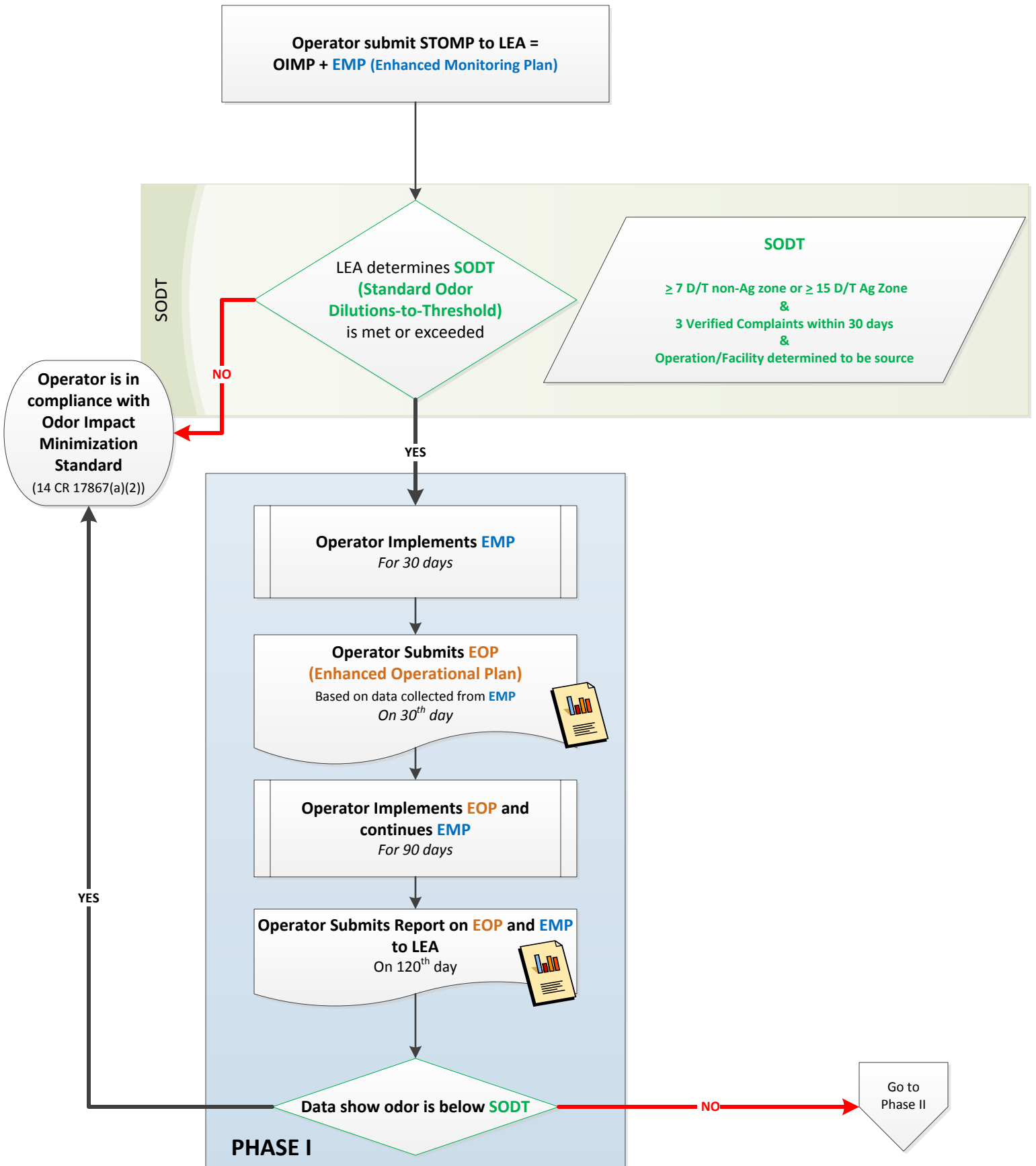
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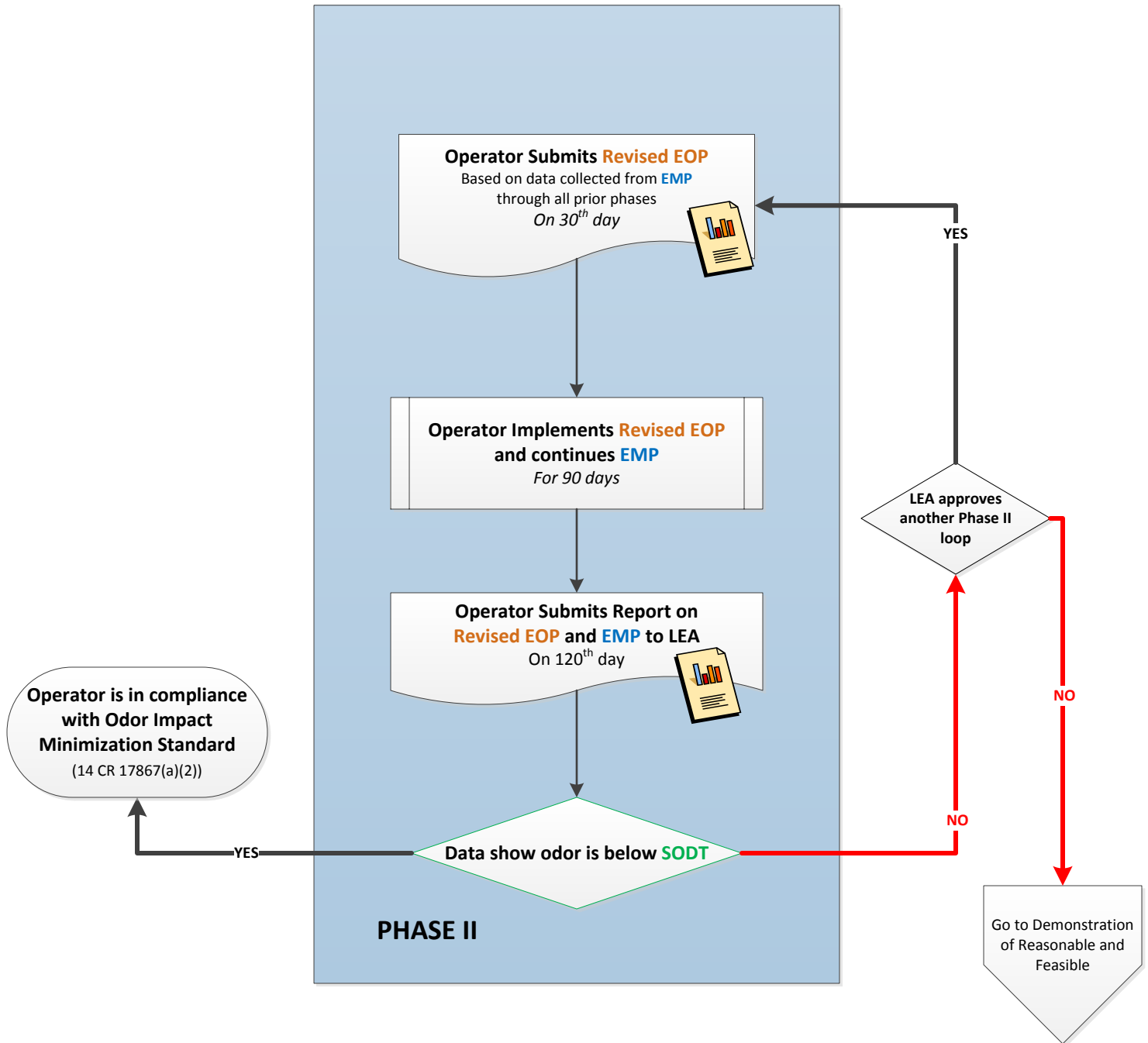


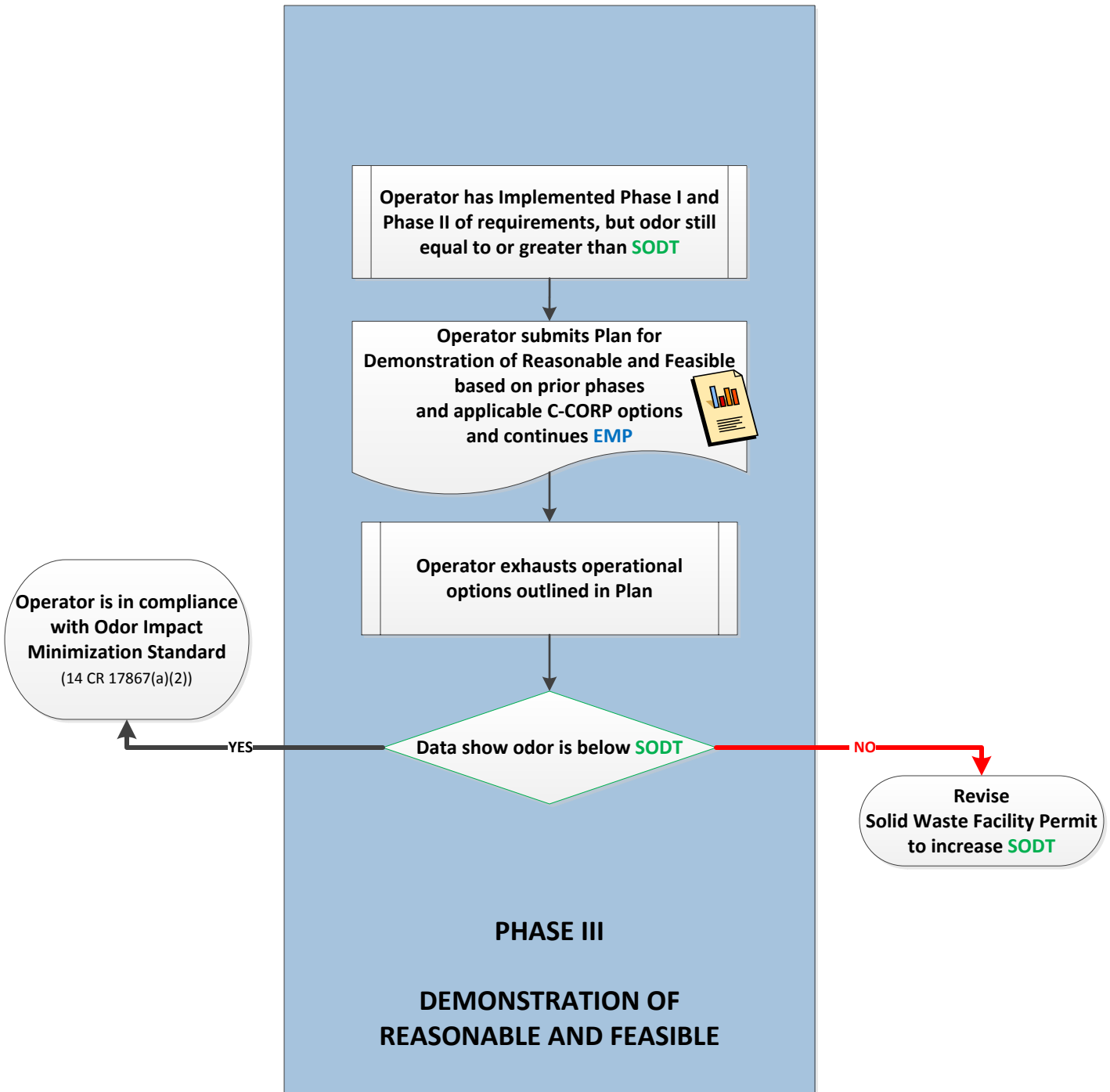
Issue 4: Odor

October 2012

(Select Here for Text Description of Flow Chart)







Issue 5 – Regulatory Coordination of Publicly Owned Treatment Works (POTWs)
Accepting Food Waste, Fats, Oils and Grease (FOG)

9/12/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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

Issue 5 – Regulatory Coordination of Publicly Owned Treatment Works (POTWs)
Accepting Food Waste, Fats, Oils and Grease (FOG)

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;

Issue 5 – Regulatory Coordination of Publicly Owned Treatment Works (POTWs)
Accepting Food Waste, Fats, Oils and Grease (FOG)

v. 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.

9/13/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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 composts 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 contains 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 than 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 17868.5. Green Material Processing Requirements.

Issue 6: Green Material Contamination

~~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)~~(d) 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.

Issue 6: Green Material Contamination
OPTIONS

‘Green Material’ and ‘Chipping & Grinding’ Feedstock (incoming)

1. Contamination Limit (feedstock that contains physical contaminants in excess of these limits would be Mixed Solid Waste)	a. 1% glass, metal, and plastic (by weight) [status quo per 14 CCR 17852(a)(32)] 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 vegetative food material.	✓
	b. 1% glass, hard plastic, and metal; 0.1% film plastic (by weight)	
	c. 5% glass, metal, and plastic (by weight)	
	d. 5% glass, hard plastic, and metal; 0.1% film plastic (by weight)	
	e. None (do not limit contamination in feedstock)	
	f. Other*:	
2. Visual Observations	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)]	
	b. 10% of daily incoming feedstock volume or at least one truck per day, whichever is greater	✓
	c. None	
	d. Other*:	
3. Contamination Sampling and Analysis	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)]	
	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	✓
	d. None	
	e. Other*:	

‘Compost’ and ‘Chipping & Grinding’ Product (outgoing)

4. Contamination Sampling and Analysis	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	
	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	
	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	
	d. 4.b for operations; 4.c. for facilities	✓
	e. None	
	f. Other*:	
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

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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

Issue 7: Anaerobic Digestion Facility Permitting

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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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

Issue 7: Anaerobic Digestion Facility Permitting

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.

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(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

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
<u>Anaerobically digestible materials at POTW's</u>	<u>Limited Volume In-Vessel Digestion Operation Section XXXXX.X</u>	<u>Medium Volume In-Vessel Digestion Facility Section XXXXX.X</u>	<u>Large Volume In-Vessel Digestion Facility Section XXXXX.X</u>
<u>Ag material derived from ag site & returned to same site</u>	<u>Research digestion operations</u>		
<u>In-vessel digestion activities with less than 50 cubic yard capacity</u>			

Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

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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

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Notification for research digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

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Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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).

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

§ 17896.12. 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.13. 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

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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.

§ 17896.14. 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.

§ 17896.15. 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.

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Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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 sludges 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.

§ 17896.18. 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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

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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.

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(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,

§ 17896.26. 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.

§ 17896.27. 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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

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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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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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Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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

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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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

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.

§ 17896.41. 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.

§ 17896.42. 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.45. Lighting.

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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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

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

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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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 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 1- Frequencies of Compost Sampling for Biosolids at In-Vessel Digestion Facilities

<u>Amount of Biosolids Feedstock</u> <u>(metric tons per 365 day period)</u>	<u>Frequency</u>
<u>Greater than zero but fewer than 290</u>	<u>annually</u>
<u>Equal to or greater than 290 but fewer than 1,500</u>	<u>quarterly</u>
<u>Equal to or greater than 1,500 but fewer than 15,000</u>	<u>bimonthly</u>
<u>Equal to or greater than 15,000</u>	<u>monthly</u>

(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.

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(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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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

<u>Constituent</u>	<u>Concentration</u> <u>(mg/kg)</u> <u>on dry weight basis</u>
<u>Arsenic (As)</u>	<u>41</u>
<u>Cadmium (Cd)</u>	<u>39</u>
<u>Copper (Cu)</u>	<u>1500</u>
<u>Lead (Pb)</u>	<u>300</u>
<u>Mercury (Hg)</u>	<u>17</u>
<u>Nickel (Ni)</u>	<u>420</u>
<u>Selenium (Se)</u>	<u>100</u>
<u>Zinc (Zn)</u>	<u>2800</u>

(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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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 (3) 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.

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(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.

(3) 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)

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 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 than 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

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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.

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 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;

Issue 7: Anaerobic Digestion Facility Permitting

(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 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;

Issue 7: Anaerobic Digestion Facility Permitting

(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.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

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

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 <u>100</u>
Zinc (Zn)	2800

(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.

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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.

...

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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, t~~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 is sold or given away annually. For the purposes of this exclusion, Tthe 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

CIWMB-CALRECYCLE E-1-77 (Rev. 8-04-X-XX)

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 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
 - REVISION
 - MODIFICATION
 - OTHER (As authorized by law)
- 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
a. TYPE: _____
- 2. COMPOSTING/ABLE MATERIALS HANDLING
a. TYPE: _____
- 3. TRANSFORMATION
- 4. TRANSFER/PROCESSING FACILITY
 CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.
- 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):

<input type="checkbox"/> SITING ELEMENT	DATE OF DOCUMENT _____	PAGE # _____
<input type="checkbox"/> 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/TRANSER (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
 - 1) DISPOSAL/TRANSER (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/TRANSER (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)(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#):

- 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:

- | | |
|---|---|
| <input type="checkbox"/> RFI/JTD _____ | <input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S): |
| <input type="checkbox"/> LOCAL USE/PLANNING PERMITS _____ | <input type="checkbox"/> EIR _____ |
| <input type="checkbox"/> LOCATION MAP _____ | <input type="checkbox"/> MND/ND _____ |
| <input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG _____ | <input type="checkbox"/> EXEMPTION _____ |
| <input type="checkbox"/> LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____ | <input type="checkbox"/> ADDENDUM _____ |

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS ONLY:

- | | |
|--|--|
| <input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____ | <input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____ |
| <input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN _____ | <input type="checkbox"/> KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____ |
| <input type="checkbox"/> PRELIMINARY _____ | <input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____ |
| <input type="checkbox"/> FINAL _____ | |

C. IF APPLICABLE:

- | | |
|--|---|
| <input type="checkbox"/> REPORT OF WASTE DISCHARGE _____ | <input type="checkbox"/> DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____ |
| <input type="checkbox"/> CONTRACT AGREEMENTS _____ | <input type="checkbox"/> SWAT (Air and water) _____ |
| <input type="checkbox"/> STORMWATER PERMIT APPLICATION _____ | <input type="checkbox"/> WETLANDS PERMITS _____ |
| <input type="checkbox"/> NPDES PERMIT APPLICATION _____ | <input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____ |
| <input type="checkbox"/> 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

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).

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 ~~a~~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.] ~~a~~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. ~~This form~~ Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge and WDRs	RWQCB

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> ~~http://www.calrecycle.ca.gov~~.

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 a~~ direct discharge.

Upon receipt by the applicable RWQCB, ~~The 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 ~~a~~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 aApplication by CIWMB-CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA receives the aApplication package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the aApplication package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA rejects determines that the aApplication package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete aApplication 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 aApplication 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 foot print, 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 ~~a~~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~~ 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:** *{PLACE DESCRIPTION OF IN-VESSEL DIGESTION HERE}*
- ~~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 ~~a~~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 rResidential 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 for 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 ~~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: ~~1 and 2~~ The two amounts in (1) and (2) ~~should must~~ 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~~ 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 Traffic Volume Per Day (vpd):** The ~~estimated~~ maximum number of vehicles that will authorized by the EA to enter the facility on a daily basis. This number ~~should includes~~ 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 in operation 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 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 ~~a~~ 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 the~~ a Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for 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 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 ~~estimated~~/calculating 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 ~~a~~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 ~~i~~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 ~~a~~Application date by no more than three months. Amendments of the ~~a~~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 ~~o~~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.

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 "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.
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 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 ~~a~~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;
- ~~O~~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. In Section C of Part 6, specify~~ is additional documents required ~~only if applicable~~ for the type of facility to be covered under this ~~a~~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 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~~.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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.

...

Issue 14. Revisions to Enforcement Agency Notification Inspection Frequency Language

5/1/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

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

Issue 14. Revisions to Enforcement Agency Notification Inspection Frequency Language

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 rendering (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.

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, rice hulls.

(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.

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.

(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.

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.

(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.

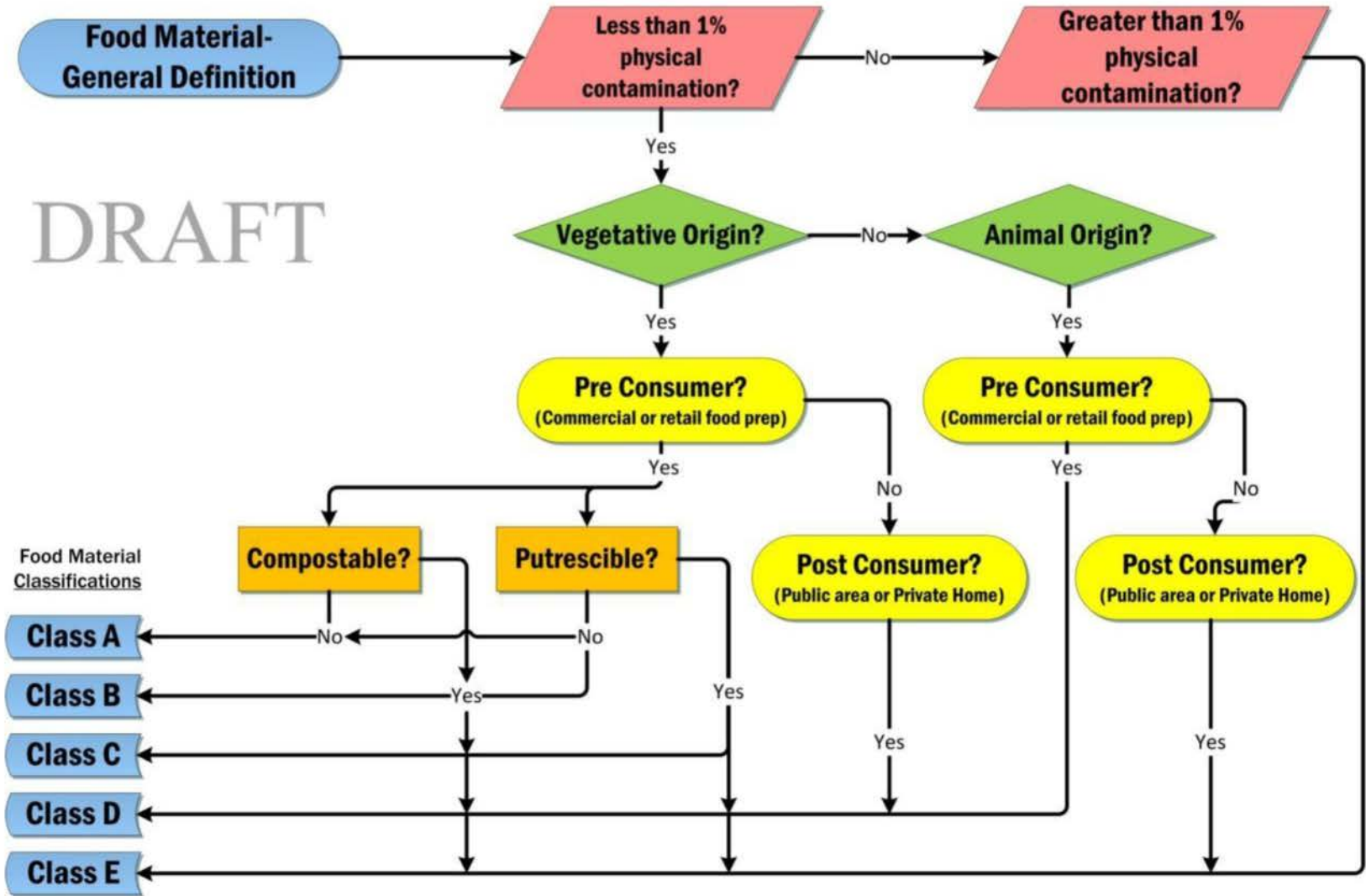
Comment [wep4]: Class D Food Material would require a Registration Tier Permit. Additional BMPs would be required and would be enforced as minimum standards. The registration tier would have capacity limits.

(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 [wep5]: Class E Food Material would always require a Full Solid Waste Facilities Permit.

Food Material Definition flow chart* (1/22/2012)

DRAFT




-For Discussion Purposes Only-

*To be used with DRAFT Food Material Definition and Classifications

Bill Prinz
City of San Diego LEA

State Water Resources Control Board

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

Caroll Mortensen

- 2 -

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
Executive Director
State Water Resources Control Board

Date: December 9, 2011

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.