

# Frequently Asked Questions (FAQs) – 1383 Solid Waste Facilities Implementation

Note the effective date of the solid waste facilities portion of the regulations is January 1, 2022 unless the section(s) specifies otherwise.

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## Transfer/Processing Facilities and Operations (14 CCR, Division 7, Chapter 3, Article 6.0)

### Source Separated Organic Waste Handling (Section 17409.5.6)

**Question:** Does Section 17409.5.6(b) imply a general ban on sending recovered organics to disposal?

**Answer:** No. This section only describes requirements for how source separated organics will be handled at a transfer/processing facility or operation and indicates where source separated organics can be transported from the facility/operation.

**Question:** Can source separated organics be processed with other solid waste streams?

**Answer:** No. Source separated organics and mixed waste organics are to be stored and processed separately. However, the recovered organic waste from both waste streams can be combined once measurements have been performed (see Section 17409.5.6).

**Question:** Is a source separated organics stream required to meet the 75 percent organic waste recovery efficiency described in Section 17409.5.1?

**Answer:** No. Facilities that receive only source separated organic waste collection streams would not be subject to the organic waste recovery efficiency requirement.

## Mixed Waste Organic and Source Separate Organic Measurements (Sections 17409.5.2 through 17409.5.5, 17409.5.7, and 17409.5.8)

**Question:** What organic material types are operators expected to measure?

**Answer:** Operators are required to measure all organic material types that are separated from the waste stream at the facility.

**Question:** What are the measurement requirements for transfer/processing facilities and operations?

**Answer:** The measurement requirements are to determine the amount of organic waste sent for disposal. For details on how to perform the measurement protocol see Section 17867(a)(16)”

**Question:** The regulation states that the sampling shall be accomplished by each organic waste type. An operator could handle roughly 20 paper types. Are operators expected to conduct measurements by each paper type.

**Answer:** In this example, the operator would take a sample that is representative of the loads going to the same paper recycler. If the operator sends specific paper types to different end-use destinations, then the operator must sample those specific paper types.

**Question:** Is the operator required to measure each organic waste type?

**Answer:** Yes, the regulation requires a measurement of each organic waste type after processing.

**Question:** How will an operator measure mixed organics such as drywall nailed to lumber, or carpet stapled to wood strips?

**Answer:** If the organic material cannot be separated, then the operator may determine that the mixed material is incompatible material and report it as such.

**Question:** How should operators consider difficult-to-handle materials such as food-soiled paper or biodegradable or compostable product when calculating the incompatible material measurement?

**Answer:** Incompatible material means any human-made inert material and any waste for which the receiving end-user, facility, operation, property, or activity is not designed, permitted, or authorized to process, as defined in Section 17402(a)(7.5). Therefore, if the receiving facility is not permitted or designed to process that material it would be counted as incompatible material for the facility sending the material.

**Question:** What is the sampling measurement frequency for facilities open fewer than 10 consecutive days (e.g., 2 times a week)?

**Answer:** The requirement is for the operator to take samples for 10 consecutive operating days per reporting period, and there are four reporting periods per year (one per quarter). If the facility were open two days a week, then the operator would take samples for five consecutive weeks. The sampling is still required once per quarter. In addition, the regulations allow the operator to propose an alternate sampling frequency to the EA for approval, with concurrence by the Department,

provided that it will be as accurate as the requirements.

**Question:** Can measurements occur prior to processing?

**Answer:** No. An operator must take samples after processing and prior to sending material to a destination for end-use, recovery, or further processing.

**Question:** How are Material Recovery Facility (MRF) fines handled during the measurement requirements?

**Answer:** MRF fines are not defined in the regulations. Processed material fines can consist of organic and non-organic materials. Transfer/processors that send processed material fines for further processing or disposal must sample the material to determine the organic fraction of that material.

**Question:** How can operators measure organic material that is completely containerized? For example, a slurry produced using a screw press processing method that is containerized and sent either to a wastewater treatment plant or an anaerobic digestion facility.

**Answer:** The regulations allow the operator to propose to the Enforcement Agency an alternative measurement protocol for determining the organic waste quality standard for approval, with concurrence by the Department, provided it will be as accurate as the requirements.

**Question:** If a facility is only processing non-organic recyclables, is the facility required to conduct sampling measurements?

**Answer:** No. The sampling measurement requirements are only for facility operators that receive mixed waste organic collection streams or source separated organic waste streams for processing. It is not required for facilities that are only receiving and processing non-organic recyclables.

**Question:** What is the definition of a high diversion organic waste processing facility?

**Answer:** A high diversion organic waste processing facility refers to transfer/processing facilities and operations that meet the 50 percent (by 2022) or 75 percent (by 2025) mixed waste organic recovery rates set forth in Section 18815.5(e).

## Incompatible Material Limits in Recovered Organic Wastes (Section 17409.5.8)

**Question:** What is the definition of incompatible material?

**Answer:** Incompatible material means any human-made inert material, including, but not limited to, glass, metal, plastic, and also include waste for which the receiving end-user, facility, operation, property, or activity is not designed, permitted, or authorized to perform organic waste recovery activities, as defined in Section 17402(a)(7.5).

**Question:** What constitutes end-use, further recovery, or further processing in the definition of incompatible material?

**Answer:** An activity that performs organic waste recovery activities such as recycling centers, composting, and in-vessel digestion activities [see Section 18983.1(b)].

**Question:** Will operators have flexibility on how to implement the measurement?

**Answer:** Yes. The regulations allow the operator to propose an alternative measurement such as a different sampling frequency and/or weight, or a different methodology for determining organic waste quality standard provided it will be as accurate as the requirements to the Enforcement Agency for approval, with concurrence by the Department, provided it meets the requirements within the Section (see Section 17409.5.9).

**Question:** Is the determination of incompatible materials calculated on a per-load basis or aggregated over a period of time?

**Answer:** The incompatible material is calculated by averaging all of the measurements collected over the 10 consecutive operating days.

**Question:** How does a facility operator determine a material is incompatible?

**Answer:** Incompatible material means any human-made inert material and any waste for which the receiving end-user, facility, operation, property, or activity is not designed, permitted, or authorized to process [see Section 17402(a)(7.5)].

**Question:** Does the incompatible materials limit apply to remnant organic material?

**Answer:** No. This requirement is only for source separated organic streams and mixed waste organic streams sent for recovery. Remnant organic material is defined in Section 17402(a)(23.5) and only applies to the organic material collected in a gray container collection system.

### [Alternative to Measurement Protocols \(Section 17409.5.9\)](#)

**Question:** Can an operator apply for a lesser sampling frequency?

**Answer:** Yes. The regulations allow the operator to propose an alternative to the sampling frequency to the Enforcement Agency for approval, with concurrence by CalRecycle, provided the operator can demonstrate that the measurement will be as accurate.

**Question:** For materials like fiber that have third-party inspection processes, can an operator establish an alternative to the measurement protocols?

**Answer:** Yes. The regulations allow for a substitute or waiver of requirements of the measurement protocols, provided that the Enforcement Agency can verify that the person, entity, or solid waste facility accepting that organic material type imposes quality standards on the operator [see Sections 17409.5.9(c)]. The receiving facility shall demonstrate that the sampling protocol they use is designed to accurately reveal the percentage of incompatible material by weight present in their samples. This is necessary to allow the operator the flexibility to use the receiving entity's quality standard in-lieu of the sampling requirement if the quality standard meet or exceed the levels established in the proposed regulations.

**Question:** How should an operator conduct measurements on residuals that are in slurry form?

**Answer:** The regulations allow for the Enforcement Agency to approve, with concurrence from CalRecycle, an alternative measurement to determine how much organic waste is recovered and sent for disposal, as long as the method proposed by the operator is as accurate as the prescribed protocol (see Section 17409.5.9).

## Solid Waste Handling at Consolidation Sites (Section 17409.5.10)

**Question:** What is the definition of a consolidation site?

**Answer:** Consolidation sites are facilities or operations that receive solid waste for the purpose of storing the waste prior to transfer directly from one container to another or from one vehicle to another for transport and which do not conduct processing activities. [Therefore, a transfer/processing facility or operation whose sole purpose is to receive solid waste for storing only and does not conduct any processing regardless of the amount or type of waste received would be considered a consolidation site.] Consolidation activities can include limited volume transfer operations, sealed container transfer operations, direct transfer facilities, and activities that do not conduct any processing as part of their operations. The term “consolidation site” is used to identify which transfer/processing solid waste facilities and operations are not subject to measurements or record keeping requirements.

**Question:** Are consolidation sites newly created sites that only receive source separated recyclable material?

**Answer:** No. Consolidation sites are sites that have and continue to receive waste but do not do any processing of the waste. An example is a transfer operation that only reloads waste. The term is used to differentiate between sites that conduct processing from those that do not in order to determine if the activity is subject to the measurement and reporting requirements.

**Question:** Are Enforcement Agencies expected to conduct measurements at consolidation sites if they are deemed to be a recycling center?

**Answer:** A consolidation site is used to clarify which activities are not subject to measurement or record keeping requirements. Consolidation sites store and transfer solid waste and do not conduct processing as defined in Section 17402(a)(20).

**Question:** Could the solid waste material sent to a transfer/processing operation or facility from a consolidation site include any organics?

**Answer:** Yes. The material transported from a consolidation site may include organic waste. The material would have to be transported to a transfer/processing operation or facility for further processing.

**Question:** Can a consolidation site transport waste directly to a landfill for disposal?

**Answer:** No. The regulations state that the material be transported only to a transfer/processing facility or operation that comply with the organic waste recovery efficiency requirements found in Section 17409.5.1. However, it can go to an organic waste recovery activity located on a landfill.

**Question:** Are Enforcement Agencies expected to inspect the consolidated sites?

**Answer:** Yes. Consolidation sites is another term for transfer/processing operations or facilities that do not conduct processing, and include, but are not limited to, limited volume transfer operations, sealed container transfer operations, and direct transfer facilities.

**Question:** Is there a restriction for consolidation sites to receive and handle bagged organics in a single-container service?

**Answer:** No. However, no level of processing shall occur at consolidation sites, such as removing the bags from the loads.

## Transfer/Processing Enforcement Agency Verification Requirements (Section 17409.5.12)

**Question:** How many measurements should the Enforcement Agency oversee to verify a facility is in compliance with measurement requirements?

**Answer:** The Enforcement Agency should observe as many measurements as necessary to ensure that the operator is compliant with the requirements.

**Question:** Who is responsible for monitoring and enforcing solid waste facilities' compliance with the Title 14 regulations?

**Answer:** Enforcement Agencies will be responsible for enforcing compliance at solid waste facilities and operations.

**Question:** How will an Enforcement Agency verify the incompatible material measurements conducted by a facility operator?

**Answer:** The Enforcement Agency will review the records as described in Section 17414.2(a)(8) and may request for the operator to conduct a measurement in the presence of the Enforcement Agency to ensure that measurements are accurate.

**Question:** How does the Enforcement Agency determine if the measurements do not accurately reflect the records?

**Answer:** Reviewing the records in combination with observing measurements will help the Enforcement Agency determine if the measurements are accurate and representative of the waste stream.

**Question:** What measurements should the Enforcement Agency observe?

**Answer:** The Enforcement Agency must observe all the types of measurements to ensure compliance with state minimum standards.

**Question:** What are the Enforcement Agency requirements for verifying measurements?

**Answer:** The regulations require the Enforcement Agency to verify the measurements conducted by the operator through review of records as well as through periodic, direct observation of the measurements.

## Recordkeeping and Reporting Requirements (Section 17414.2)

**Question:** Can conversion factors be used if a scale is not used to record weights?

**Answer:** If scales are not accessible, the regulations allow the Enforcement Agency to approve, with written notification to the Department, an alternative method including, but not be limited to:

- If an operator records self-haul load by volume, then they may estimate disposal tonnage by using volume-to-weight conversion factors.
- If an operator records self-haul loads by vehicle size and/or type, then they may estimate disposal tonnage using the weights estimates for each vehicle size and/or type. [See Sections 17409.5.9(b), 18815.9(g).]

**Question:** Do scales have to be certified?

**Answer:** No, so long as entities using non-certified scales to measure a transaction by weight shall use that measurement and not an estimated based on volume when compiling and submitting their report.

**Question:** Can records be kept electronically or are paper records required?

**Answer:** All records shall be made available in a form and manner approved by the Enforcement Agency.

**Question:** What is the organic waste recovery reporting frequency for all facilities, including composting and in-vessel digestion activities?

**Answer:** The reporting frequency requirement is per “reporting period,” which is on a quarterly basis. The four reporting periods in each calendar year are:

- (A) Reporting Period 1- January 1 to March 31
- (B) Reporting Period 2 -April 1 to June 30
- (C) Reporting Period 3 - July 1 to September 30
- (D) Reporting Period 4 - October 1 to December 31

**Question:** Are MRF fines that contain organics included in the reported organics?

**Answer:** MRF fines are not defined in the regulations. Processed material fines can consist of organic and non-organic materials. Transfer/processors that send processed material fines for further processing or disposal must sample the material to determine the organic fraction of that material.

## Composting Facilities and Operations (14 CCR, Division 7, Chapter 3.1, Articles 2 & 6)

**Question:** What are the measurement requirements for composting facilities and operations?

**Answer:** The measurement requirements are to determine the amount of organic waste sent for disposal. For details on how to perform the measurement protocol see Section 17867(a)(16).

**Question:** How are composting operators expected to remove organics that are stuck to plastics?

**Answer:** The purpose of the regulations is to measure how much organic waste is sent for recovery and for disposal. The regulations do not describe all the methods a facility may use to remove all contamination in source separated organics or mixed waste organics.

**Question:** Are composters required to measure each organic waste type?

**Answer:** No. Composters only need to determine the amount of organic waste in materials sent to disposal.

**Question:** What measurements should the Enforcement Agency observe?

**Answer:** The Enforcement Agency will observe the operator conduct the measurements found in Section 17867(a)(16).

## In-Vessel Digestion Facilities and Operations (14 CCR, Division 7, Chapter 3.2, Articles 1, 3, 4, & 6)

**Question:** What are the measurement requirements for in-vessel digestion facilities and operations?

**Answer:** The measurement requirements are to determine the amount of organic waste sent for disposal. For details on how to perform the measurement protocol see Section 17896.44.1.

**Question:** How is a measurement performed on residuals in slurry form?

**Answer:** Section 17896.44.1(d) allows for the Enforcement Agency to approve, with concurrence from CalRecycle, an alternative measurement for determining the amount of organic waste contained in the residuals, provided that the method proposed will be as accurate as described in subdivision (a)(1) and (2).

**Question:** What measurements should the Enforcement Agency observe?

**Answer:** The Enforcement Agency will observe the operator conduct the measurements to determine the amount of organic content in the material sent for disposal (see Section 17896.44.1).

## Landfills (27 CCR, Division 2, Chapter 3 & 4)

## Alternative Daily Cover (Landfills Only)

**Question:** Would compost overs, with less than 10 percent organic content, that are used as beneficial reuse or alternative daily cover count as disposal?

**Answer:** Compost overs that meet the requirement of activities pursuant to 18983.1(b), such as land application or erosion control, are considered a reduction of disposal. However, the use of organics (compost overs) as an alternative daily cover would be considered disposal pursuant to Section 18983.1(a).

**Question:** Since MRF fines contain some measurable organics, are MRF fines used as daily or alternative intermediate cover included in the measurement of organic material sent for disposal?

**Answer:** MRF fines are not defined in the regulations. Processed material fines can consist of organic and non-organic materials, therefore yes. Since alternative daily cover (ADC) and alternative intermediate cover (AIC) are defined as disposal pursuant to Section 18983.1(a)(2)(A), transfer/processors must include these streams in their overall representative sample of the material sent to disposal. Therefore, only the organic fraction of the material used as ADC or AIC is measured as disposal of organic waste. [See Sections 17409.5.1, 17409.5.3, and 17409.5.5.]

**Question:** Do the regulations ban the use of digestate as alternative daily cover?

**Answer:** No. Nothing in the regulatory text prohibits the use of digestate as alternative daily cover. However, the use of organic waste as alternative daily cover constitutes landfill disposal of organic waste.

## Organic Disposal Reduction Status Impact Report (SIR) (Section 21695)

**Question:** Section 21695(c) requires that the waste types be identified. Is this the same as the waste types listed in the permit?

**Answer:** The Organic Disposal Reduction Status Impact Report should include any changes to the waste types listed in the solid waste facilities permit and in the Report of Disposal Site Information and/or the Joint Technical Document (JTD).

**Question:** Will the Air Resource Board landfill gas survey information be sufficient to meet requirements of subdivision (c)(3)(A)(4)?

**Answer:** Yes, as long as it is the most recent annual report filled under 17 CCR, Section 95470(b)(3).

**Question:** Is a description of the changes to the final grading plan acceptable or is a stamped drawing required?

**Answer:** Section 21695(b) requires that a Californian licensed civil engineer or licensed engineering geologist prepare the Organic Disposal Reduction Status Impact Report and certify changes to the final grading plans.

**Question:** How detailed and analytical should the Status Impact Report be?

**Answer:** The operator is required to submit an Organic Disposal Reduction Status Impact Report (SIR) that has been prepared by a Californian licensed civil engineer or licensed engineering geologist to determine any potential impacts from the reduction of waste flow to their landfill. The SIR should be detailed enough to assist operators with the reduction of waste flow to the landfill.

**Question:** Section 21695 involves the operator reporting to CalRecycle. What is the Enforcement Agency's role in the Organic Disposal Reduction Status Impact Report (SIR)?

**Answer:** The Enforcement Agency is not required to review or take any action in regards to the SIR itself but to direct the operator based on CalRecycle's review and determination. Subsections (g) and (h) explain the Enforcement Agency's role and responsibility if CalRecycle determines that an amendment to the Joint Technical Document is needed.

## Permitting

**Question:** Does measurement/auditing constitute processing?

**Answer:** No, performing the measurement protocol does not constitute processing as defined under Section 17402(a)(20). The purpose of the measurement is to determine the total weight of organic content contained in the waste stream that is sent for recovery and disposal.

**Question:** If specific areas for organics storage areas are not already in the Facility Plan or Transport Processing Report, will the operator need to apply for a permit action?

**Answer:** Yes. Section 21620 identifies the type of changes in a design or operation of a facility and the process to incorporate those changes into a solid waste facilities permit and/or the operating document as determined by the Enforcement Agency pursuant to Section 21665. For questions specific to an activity or permit, the operator should [contact the Enforcement Agency](#) in their jurisdiction.

**Question:** Will there be any changes to organics handling permits?

**Answer:** Most likely. If the operator proposes to change the design or operation of a facility to handle organic waste, an application would be submitted to the Enforcement Agency for a determination under Section 21620. For questions specific to an activity or permit, the operator [should contact the Enforcement Agency in their jurisdiction](#).

**Question:** Do the measurements need to be written and included in the Facility Plan or Transfer Processing Report (TPR)?

**Answer:** Yes. The incorporation of the methodology into the operating document may be handled through an application for a Report of Facility Information amendment. For questions specific to an activity or permit, the operator should [contact the Enforcement Agency](#) in their jurisdiction.

**Question:** If the Transfer Processing Report does not allow for processing of organics in specific facility buildings, how can measurements be taken?

**Answer:** The regulations do not specify where on the permitted boundary the measurements must be performed. If the building does not have adequate space to conduct the sampling methodology, the operator would be required to find another location within the permitted boundary to perform the measurements. Note that performing the measurement protocol does not constitute “processing” [see Section 17402(a)(20)].

## Miscellaneous

**Question:** Are there any penalties or restrictions on how much organic material the landfill can dispose?

**Answer:** There are no penalties or restrictions for the landfill operator.

Last updated: January 22, 2021