

# Enforcement Agency Duties and Responsibilities Related to Inspections and Enforcement

As a result of SB 1383 (Lara, Chapter 395, Statutes of 2014), Title 14 and 27 California Code of Regulations (CCR) have been updated to include new regulations and amendments to existing regulations. The Enforcement Agency (EA) is required to inspect and enforce state minimum standards, solid waste facility permit terms and conditions, and the administration of solid waste facilities permits and their operating documents. This document summarizes the duties and responsibilities of the EA for implementing the new and amended state minimum standards that go into effect starting January 1, 2022.

## SB 1383 Updates to Inspections

SB 1383 added new requirements to 14 CCR for [transfer/processing](#), [composting](#), and [in-vessel digestion](#) operations and facilities. These new requirements include measurements for organic waste recovery, organic waste disposal and gray container waste, and new recordkeeping and reporting requirements. The EA will have additional duties and responsibilities when conducting routine inspections [see [14 CCR, Sections 17409.5.12](#), [17869\(j\)](#), [17896.45\(k\)](#)]. The new state minimum standards will be added to the appropriate inspection report forms. The following is a description of these new requirements and suggested guidance:

1. **Consolidation Sites.** A consolidation site is a type of transfer/processing facility and operation that receives solid waste for the purpose of storing/transporting waste but does not conduct any processing activities on site [see [14 CCR Section 17402\(a\)\(0.5\)](#)]. The facility does not need to comply with Sections 17409.5.1–17409.5.9 and Section 17414.2 as described in [14 CCR, Section 17409.5.10](#). However, these transfer sites will need to keep source separated organic waste streams (SSO) separate from other solid wastes and must transfer materials to transfer/processing facilities or operations that comply with 14 CCR [Section 17409.5.1](#).

### **EA roles and responsibilities may include:**

- Verifying if a transfer/processing operation or facility in their jurisdiction meets the definition of a consolidation site.
- Observing how material is handled at a consolidation site to ensure SSO is kept separate from the mixed waste collection stream (MO) and other solid waste streams.
- Verifying that material is sent only to a transfer/processor that complies with 14 CCR, Section 17409.5.1 and is not going directly to another type of solid waste facility.

2. **Solid Waste Facility Measurements:** Transfer/processing ([14 CCR, Sections 17409.5.1 through 17409.5.5](#)), composting ([14 CCR, Section 17867 \(a\)\(16\)](#)) and in-vessel digestion ([14 CCR, Section 17896.44.1](#)) facilities and operations must perform applicable measurements as described in the regulations. Published measurement guides are available [here](#).

**EA roles and responsibilities may include:**

- Observing measurements at the required frequency to ensure they accurately reflect records and are being performed as described in the measurement requirements. Observations may include:
  - Ensuring samples taken are randomly selected and are representative of the material stream being sampled.
  - Ensuring sampling data is being analyzed and recorded accurately.
  - Ensuring material is measured accurately (organic vs incompatible, or organics vs non-organics).
- Increasing sampling frequency or revising the measurement protocol if the measurements do not accurately reflect records.
- Requesting operators to perform measurements in presence of EA.

3. **Incompatible Materials Limit (IML):** Transfer/Processing facilities and operations shall only send organics recovered after processing from MO or SSO if the percentage of incompatibles is no more than 20 percent (10 percent on or after January 1, 2024) (see [14 CCR, Section 17409.5.8](#)).

**EA roles and responsibilities may include:**

- Observing measurements to ensure measurements accurately reflect records and are being performed in accordance with the specific regulations. Observations may include:
  - Ensuring sampling data is being analyzed and recorded accurately.
  - Ensuring material is classified correctly (organic vs incompatible).
- Ensuring the organic waste material that is being sent off-site to the appropriate facilities for end-use, further processing, or recovery meet the IML [see 14 CCR, Section 17409.5.8(c)].
- Increasing sampling frequency or revising the measurement protocol if the measurements do not accurately reflect records.
- Requesting operators to perform measurements in presence of EA.

4. **Alternative Measurement Protocol (AMP) Proposals:** EAs may approve, with CalRecycle concurrence, alternatives to measurement protocols as long as the AMP is as accurate as the regulations (see [14 CCR, Section 17409.5.9 for transfer / processing](#), [14 CCR, Section 17867\(a\)\(16\)\(E\) for Compost](#) or [14 CCR, Section 17896.44.1\(d\) for In-Vessel Digestion](#) ). Published guidance for AMPs is available [here](#).

**EA roles and responsibilities may include:**

- Reviewing AMPs submitted by operators.
- Submitting a written approval letter to CalRecycle for concurrence once the AMP is deemed as representative and accurate as SB1383 standards.
- Ensuring the AMP is incorporated into the operating document by directing the operator to submit an application for a RFI Amendment or revised Facility Plan (if applicable) or as a minor change and incorporated as a part of changes during the next permit application or permit review.
- Ensuring the AMP continues to be effective once approved and fully implemented. If not, the EA may direct the operator to modify or discontinue the AMP.

5. **Recordkeeping and Reporting Requirements:** New recordkeeping and reporting requirements have been added to the regulations for transfer/processing ([14 CCR, Section 17414.2](#)), composting ([14 CCR, Section 17869](#)) and in-vessel digestion ([14 CCR, Section 17896.45](#)) operations and facilities.

**EA roles and responsibilities may include:**

- Reviewing records for accuracy and completeness.
- Conducting a visual, on-site inspection of compostable material that records indicate is sent off site to any destination other than an authorized permitted facility/operation to ensure it meets physical contamination limits [see [14 CCR, Section 17852\(a\)\(24.5\)\(A\)\(1\)](#)].

6. **Gray Container Collection Stream:** Transfer/processing facilities or operations that receive waste from the gray container collection stream [see [14 CCR, Section 17402\(a\)\(6.5\)](#)] and more than 500 tons from a single jurisdiction must conduct gray container waste evaluations [see [14 CCR, Section 17409.5.7](#)]. Published guidance is available [here](#).

**EA roles and responsibilities may include:**

- Observing measurements at the required frequency to ensure measurements accurately reflect records and are being performed in accordance with the regulations. Observations may include:
  - Ensuring samples are randomly selected and are representative of the incoming material stream(s) being sampled.
  - Ensuring sampling data is being analyzed and recorded accurately.
- Increasing the frequency or revising the evaluation protocol if evaluations do not accurately reflect records.
- Ensuring material is not processed prior to transfer if evaluations are conducted off-site at an alternative, permitted, or authorized solid waste facility or operation.

7. **Organic Waste Handling:** Transfer/processing facilities and operations are required to keep the SSO separate from other solid waste streams, including MO and other streams such as construction and demolition (C&D) debris (see [14 CCR, Section 17409.5.6](#)).

**EA roles and responsibilities may include:**

- Observing how material is handled at a transfer/processing facility or operation that accept waste from multiple waste streams. Observations include:
  - Ensuring waste receiving areas keep material streams separate.
  - Ensuring material streams are processed separately.

8. **Organic Waste Recovery Activities:** This section requires operators of new or expanding landfills to implement an organic waste recovery activity [specified in [14 CCR, Section 18983.1\(b\)](#)] as approved by the EA ([27 CCR, Section 20750.1](#)).

**EA roles and responsibilities may include:**

- Ensuring any new or revised permit application packages for landfills include how this requirement is being met or written justification showing why it is not required [see 27 CCR, Section 20750.1(a)(1)].
- Verifying the proposed activity meets the requirements that it constitutes a reduction in landfill disposal (See 14 CCR Section 18983.1).

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