

Enforcement Advisory Council

Solid Waste Management through Partnership

Meeting Minutes

February 9, 2022

Virtual/ Teleconference

Meeting Called to Order at 9:00 A.M

I. Introductions:

Kim Haas	Chair, Northern Roundtable
Dorcas Hanson-Lugo	Co-Vice Chair, Southwestern Roundtable
Beronica Slattengren	Co-Vice Chair, Bay Area Roundtable
Suzie Dawley	North Central Roundtable
Esther Canal	South Central Roundtable
Michael Condon	Southern Roundtable
Paul Harden	Northern City LEAs
Daron Warkentin	Southern City LEAs
Absent	CCLHO
Jeffrey Marshall	CCDEH
Mark de Bie	CalRecycle
Paulina Lawrence	CalRecycle
Martin Perez	CalRecycle
Cathy Blair	CalRecycle
MaryKay Shafer	CalRecycle
Leta Forland	CalRecycle

II. Agenda Review (Late Additions)

Street sweeper waste management

III. Approval of Previous EAC Minutes

The November 10, 2021 meeting minutes are being reviewed and will be available for the next (April 20th) meeting.

IV. EAC Resolutions, Status, & Updates

A. Senate Bill 1383 Organics Sampling Procedures: Safety Standards

Southern Region LEA: questions regarding safety standards required at transfer stations during sampling of food waste which is bagged and placed in the green waste bin. Potential risks

involved for operators cutting open the bags. Comparison was made to load checking: there is not a prescriptive approach to safely conducting a load check. CalRecycle: sampling occurs after processing of the material, therefore the transfer station's process should tear the bag apart. Clarification of the question; regarding front-end material management at processing sites not consolidation sites. The facility would not be a consolidation site with that degree of processing.

A reasonable approach is to make sure that LEAs are aware of our role in the workers' health and safety. The operators have their own incident injury and prevention plan under OSHA, their process needs to be consistent with their operations plan. The facilities are required to remove material sent for recovery as well as incompatible material that the receiving facility can't process. Operators can apply for an alternative measurement protocol. Operators stating they won't perform sampling measurements due to a safety concern is not an alternative. If the LEA identifies any risks factors or health and safety issues, a referral can be sent to OSHA, who will investigate and work with the operator.

Southern Region LEA: question raised regarding safety concerns during processing of street sweeping material. Sweeper waste is known to contain high levels of heavy metals (zinc, copper, lead), medical waste, or other hydrocarbons and organic waste during the fall. Comment was shared during recent Roundtable regarding a document from the Regional Water Board to the City of Ukiah indicating that this material should not go for recovery. CalRecycle reached out to the Water Board asking is this letter a regional policy or addressed to an individual? Water Board: they are not aware of any regional policies but understand that the material can have high levels of metals and some composters may have Waste Discharge Requirements (WDR) indicating the material should not be composted. CalRecycle indicated that there have been discussions about this type of solid waste. There are some analyses of the content of the material, with a determination to be solid waste. LEAs can research the regulations to determine the requirements for this type of material if it does not come from a direct haul or collection route. It may be up to the operator to try to get organics out of that material. CalRecycle: more guidance may be forthcoming. An example was given of street sweeping being consolidated with greenwaste at a consolidation site, then sent to a landfill for consolidation by another company who transfers the material to their facility for further processing. Question: Is this an allowed practice; is it even possible to separate the street sweepings from the greenwaste? Southern Cities LEA: have a Limited Volume Transfer Operation (LVTO) that collects street sweeping as well as stormwater clean out waste and sewer clean out waste. Is the operation allowed to send material out for disposal or do they need to transfer material to another location for organics recovering; do LEAs feel comfortable requiring those types of streams to go for sorting? CalRecycle provided guidance: Title 14, Section 17409.5.10, all materials shall be transferred to a facility that conducts measurements. Further guidance will be provided.

B. Organic Waste Handling Requirements: Landfills

Southern Region LEA: LA County asked about the gray container evaluation at landfills; after additional research it was identified as confusion on the part of a consultant and evaluations are not required at a landfill as of January 1st. The confusion began because some landfills receive gray container waste directly from the cities and it was thought that there would be a need for evaluation. Question: Is the landfill required to do any reporting in the following scenario:

Landfill receives bagged food waste in the green waste container; the operator separates the bags and transfers them to another facility which has equipment that can further process the food waste. Greenwaste is also transported to another facility for further processing.

CalRecycle: New language in Title 27 mentions recovering activities for a new or revised landfill. Some of those activities could be considered a transfer activity since the material is being sent out for processing. If the landfill is conducting transferring activities, then they would need to comply with measurement requirements. Also, there are some situations where a transfer processing activity is situated within the boundaries of a landfill. Some sites have different activities at a landfill, and even though removing bags is a low level, it is considered a transfer activity. We also need to look at how long that material sits in that location before it moves, transfer station regulations would apply. The landfill permit would need to be amended to add a potential composting station and transfer station activity. Question: Could the activity be a Limited Volume Transfer Operation, or would it need to be a full transfer station activity? CalRecycle: Look at the volume of material; it would need to be addressed in the landfill permit as a separate regulated activity. Clarification provided: a consolidation site within the landfill can't dispose of any material, material has to be sent to a transfer station for processing, otherwise the activity would be considered a transfer station and measurements would be required. If a landfill has a consolidation site, does the landfill have to amend their Joint Technical Document (JTD)? It can be included in the landfill permit, or they can permit the transfer station separately, in that case, the landfill permit has to identify the new activity.

C. Mixed Material Management at Full Composting Sites

Title 14, Section 17409.5.8 cited, and question raised: full permit compost facilities in the South/ Southwestern Region are not permitted to receive green material with greater than 1% contamination by weight and incompatible material; Senate Bill 1383 allows for transfer stations to send material with less 20% -10% to recovery sites. CalRecycle and San Bernardino County LEA discussion regarding mixed material management led to the following approach: Adding a mixed material processing operation. This approach would need evaluation of three elements: 1) review the current CEQA analysis for that facility to see if there were no restrictions to the level of contamination; 2) review the site's permit to make sure that there are no conflicts in the terms and conditions or prohibitions for this type of mixed material; 3) review the Reports of Facility Information (RFI), Odor Impact Minimization Plan (OIMP) or Report of Compost Site Information (RCSI) to see the description of the types of waste being received. If all requirements are met, this could be addressed through an RFI amendment. If not, for example the CEQA had restrictions, then additional CEQA could be undertaken by the lead agency to add this type of material. CalRecycle: the intent of that requirement was not to give permission to send out contaminated loads but to ensure that transfer facilities were making efforts to remove organics from the contaminants. Also for facilities to transfer out material with very low incompatibles. The prescriptive standard is an effort to ease transfer stations towards greater efficiency. It is ultimately incumbent upon the receiving facility to receive the type of material that they are permitted to receive. Question: is there feedback regarding the approach in the permitting process? CalRecycle: the pathways are defined. Each site would be different depending on what they can or want to be based on land use restrictions. Northern Region LEA jurisdiction has a full permit composting site that only takes greenwaste from the orchards and refuse to take food waste. North Central Region LEA: Yolo Central Landfill has

disposal and compost operations and are working on an audit to determine the contamination amount. All curbside organics are going to Yolo Central operation. CalRecycle: do they still have the anaerobic digester on top of the landfill. Yes, they are screening the harvested material from the digester and hauling offsite. South Central Region LEA jurisdiction has a biosolids composting site, only receiving small quantities of greenwaste; no food waste. Also, City of Merced water treatment facility is proposing converting one of their anaerobic digesters for food waste.

D. Addition of collections Manager from CalRecycle to Roundtable/EAC Discussions

CalRecycle commented: Jurisdictions are working hard to comply with the new Senate Bill 1383 (SB 1383) requirements. Across the state, jurisdictions are in different states of implementation. Some of this is due to the state of their processing infrastructure; some jurisdictions have fully implemented their collection programs for residential and commercial. Jurisdictions are rolling out edible food recovery programs and working on procurement and education. Some jurisdictions have part of their collection programs implemented, some communities are doing commercial collection programs but will implement residential food collection later this year. Some jurisdictions will not have their collection programs in place by summer—they have filed their Senate Bill 619 notice of intent to comply paperwork (was due March 1); which would allow jurisdictions more time without being subject to penalties. They're notifying CalRecycle by submitting an action plan with timelines to address compliance. Several jurisdictions are depending upon their processing infrastructure and when that processing infrastructure is going to be online, they are facing in implementation.

Example provided: Sacramento County's jurisdictions have informed residents that starting in July they should add food waste into the green container. Jurisdictions are providing a lot of ongoing education regarding when collection programs will start. North Central Region LEA asked what the deadlines for waivers are, and what the length of the waivers are. CalRecycle responded that jurisdictions can indicate timelines through the end of 2023, when they submit their applications. The statute allows CalRecycle to set a timeline beyond that timeframe. Example given: a jurisdiction that had a situation where their infrastructure is going to take longer than the end of 2023. CalRecycle's plan is to put that jurisdiction on a corrective action plan and as progress on their implementation is noted, CalRecycle would have the ability to extend that corrective action plan timeline for that particular task or activity. Timelines to the end of 2022 or 2023 are more typical. CalRecycle pointed out that there are 3 types of jurisdictions: unincorporated county, city and special district. Question: does CalRecycle anticipate any waivers being denied? CalRecycle: it is hard to say at this time. Waivers are an important compliance tool for jurisdictions that were unable to meet the January 1st deadline. The jurisdictions are self-notifying CalRecycle that they are in violation and creating an action plan. CalRecycle is focusing on assisting these jurisdictions and other entities to comply; any issues that can't be resolved through assistance will be addressed by the new JACE Branch. Question raised: how will waivers impact solid waste facilities in those jurisdictions in terms of them complying with Senate Bill 1383? CalRecycle: Senate Bill 619 waivers are different than the other waivers issued for: low population, rural, elevation, and collection frequency. Also, if an entire city is waived because they meet the rural exemption waiver, they will not be required

to provide organic waste collection service. The waivers don't change the requirements for facilities which will still need to meet measurement requirements. Jurisdictions that are not required to have certain collection programs are allowed to place material into grey containers for disposal. That material may not be processed at all or may be considered a mixed organic stream. Some organic waste will still go to the landfill based on the waivers but that the threshold is 5% statewide.

E. Food Waste Management at EA Notification Composting Operations

Southern Roundtable LEA posed a scenario about potential receipt of food waste at a composting operation (food waste added in the greenwaste bin). What qualifies as incidental food waste in the greenwaste bin? He compared a Construction/Demolition and Inert Debris (CDI) facility receiving incidental amount of treated wood waste. Northern Region LEA has two Enforcement Agency notification compost operations that do not accept any incidental food waste from the landscapers. CalRecycle indicated that the expectation is zero tolerance for food waste. If the facility wants to receive food waste, then they should get the appropriate permit. Greenwaste composting operations are in a tier with no additional requirements is because they are receiving clear, clean limited type material and not material with mixed contaminants. Southwest Roundtable LEA asked about identifying food waste at a composting operation that could be hiding it/ illegal receipt. CalRecycle recommended inspecting their logs to identify whether a hauler is bringing in questionable material, and conducting additional inspections.

EAC resolutions: A motion to thank Mike Condon as EAC Chair was made and seconded. EAC Resolution 2022-01: A resolution thanking Mike Condon for his service to the EAC as EAC Chair was passed by majority vote. A second motion to thank Dave Thompson for his services to the EAC was made and seconded. EAC Resolution 2022-02: A resolution thanking Dave Thompson for his service to the EAC as the Southern Cities Roundtable chair and EAC Co-Vice Chair was passed by majority vote.

V. CalRecycle Discussion Items

A. Deputy Director's Report

Department of Toxic Substances Control (DTSC) submitted emergency regulations for chemically treated metal shredder waste to the Office of Administrative Law (OAL) in November 2021. Proposed regulations would define chemically treated metal shredder waste otherwise known as CTMSR and also amend the California Hazardous Waste Exclusion regulations to provide a conditional limited exclusion with regards to the classification CTMSR as a hazardous waste. OAL approved the proposed emergency rulemaking on Dec 10th. The new regulations will establish uniform transportation and disposal procedures for metal shredding facilities which generate CTMS in California. Metal shredding facilities will be required to implement environmental and health protective conditions to continue to dispose of their waste at approved non-hazardous waste landfills. DTSC wants to ensure that facilities that generate CTMSR, transport and dispose of their waste in a manner which mitigates the environmental and public health threats. Any activities that occur on site prior to transportation and disposal such as storage and treatment are subject to these requirements, and they intend to

also make these regulations permanent.

B. Regulation/Legislative Updates

Assembly Bill 1634- Office of Just Transition to help people transition to carbon neutral jobs
Assembly Bill 1640- Office of Planning and Research to work on regional climate adaptation and resilience action plans.

Senate Bill 260- Climate Corporate Accountability Act, requires the California Air Resources Board to adopt regulations requiring any businesses in California that make in excess of a \$1,000,000 to start reporting their greenhouse gas emissions.

C. California Department of Food and Agriculture (CDFA):

CDFA will be hosting a demonstration and informational meeting on February 15th on Carcass Composting. Event will be held at UC Davis Veterinary Medicine Teaching and Research Center located in Tulare. Participants will be observing how grinding, composting and above ground burial may be used as tools for management of dead animals. Participants will have the opportunity to interact with subject matter experts that have been deployed during numerous catastrophic events. CalRecycle, CDFA and State Regional Water Control Board have been involved in a multi-agency task force, addressing the management of dead animals during an emergency event.

CalRecycle has begun developing a guidance document which would summarize regulatory pathways for use by LEAs and operators. This would include a set of Best Management Practices (BMP) that are readily available to people that need to conduct this activity as well as the LEAs that need to oversee it. Northern Region LEA: Chico State Farm is operating a carcass composting research operation, which has been an interesting learning experience for both the operator and the LEA. Clarity was requested on the carcass composting document: is the temporary activity under an emergency waiver considered a transfer processing operation or composting site. CalRecycle provided clarity; it is termed a temporary compostable material handling activity. Question: if the operator has an agricultural material composting operation, can they temporarily add animal mortalities? CalRecycle clarified if the operator has an existing compost activity and wanted to include carcasses, under the emergency they request a waiver. In that case, the LEA can require certain BMPs in the waiver. Northern Region LEA also commented that northern counties have to transport carcasses all the way down to a rendering facility in Sacramento. CalRecycle commented that the limited rendering capacity in the state and the lack of rendering sites in northern California is one reason CDFA is open to exploring an alternative outside of an emergency. Northern Region LEA commented that for the North Complex and Camp Fire landfill emergency waivers, there was a time crunch because disposing of animal carcasses was the first thing the landfill was looking to start handling. CalRecycle responded: for landfills, LEAs should work with the operators to include carcasses in the operating documents and potentially a permit condition that states the procedures and protocols on handling dead animal carcasses but only during an emergency. In this case they would not need to request and issue a waiver. Bay Area Region LEA commented that their Roundtable is a day after the CDFA training date; and questioned other roundtables meeting

dates. CalRecycle mentioned that the information was provided during the Roundtables and possibly through California Conference of Directors of Environmental Health (CCDEH). CalRecycle provided information for distribution.

D. Senate Bill 1383 Updates

There are new Frequently Asked Questions (FAQs) on the Questions and Answers Web Page. Senate Bill 1383 (SB 1383) new guidance documents on the LEA Central webpage include: Enforcement Agency duties and responsibilities for implementing the new and amended operating standards; Alternative Measurement Protocols (AMP) for reviewing the alternative measurement protocols. Documents should be uploaded through the Solid Waste Information System (SWIS) Agency Portal. The SWIS inspection forms have been updated with the new State Minimum Standards that are now in effect. A virtual training on the SWIS agency portal was held last October. The training was recorded and is available.

E. Introduction – Ashlee Yee

Ashlee was not present at the meeting; Martin provided a brief background. Ashlee will be the new Branch Chief overseeing the Jurisdiction and Agency Compliance and Enforcement Branch (JACE), which will evaluate jurisdiction and agency compliance with state laws and compliance with Senate Bill 1383. Ashlee has worked for CalRecycle for over nine years, previously working in the Local Assistance and Market Development, as well as a CalRecycle representative for jurisdictions in the Bay Area.

F. Statewide Illegal Dumping Technical Advisory Committee – update

The next Illegal Dumping Technical Advisory Committee (IDTAC) will be on Wednesday March 2, 2022. CalTrans will provide an update on their Clean California program. and we will be discussing will be discussing related topics from its four subcommittees. Join the meeting through Zoom or simply watch it through the live webcast. An email can be sent to their new email address: Illegaldumping@CalRecycle.ca.gov, for all illegal dumping related questions. There is also a new illegal dumping Listserv which will be used to send out notices for future IDTAC meetings. The IDTAC enforcement subcommittee held an illegal dumping enforcement training on February 1st. The training was for government agencies (ie: peace officers, prosecutors, enforcement officers, city attorneys and other government agencies pursuing illegal dumping enforcement). The training was free and there was a good turn out with over 250 participants. Next training will be the 2nd Annual Virtual Statewide Conference on illegal dumping from April 19-21. The free training will be hosted by Alameda County Supervisor Nate Miley and DARE illegal dumping task force.

G. Alternative Measurements Protocols

CalRecycle is seeking an update from the LEAs on alternative measurement protocol (AMP) proposals that have been submitted/ received as well as any upcoming proposals. Southern Cities LEA has an AMP proposal still being reviewed. Inquiry regarding no timelines in the

regulations, CalRecycle indicated they are working on internal timelines for reviews. LEAs should reach out to your CalRecycle Point of Contact (the sooner the better). Southern Region LEA has just received an AMP proposal and there are questions. Northern Region LEA has a composting site seeking an AMP. CalRecycle discussed one AMP submittal which included multiple facilities; submittal was difficult to review. Comment that it is better to submit one proposal per site.

H. LEA/CalRecycle Technical Training Series (TTS) – Update

The upcoming TTS will occur on March 29/30 and April 6/7. CalRecycle is working on the registration website. An Operator Listserv was added as of December 14, 2021, emails were sent to operators' email addresses inviting them to subscribe. CalRecycle asked about plaque availability for the Ralph Hunter Memorial Award recipient. Southern Region LEA and Enforcement Advisory Council (EAC) Chair will follow up. EAC Chair should prepare a short 10-minute video to present the Award.

Southern Cities LEA asked about the availability of the sessions after the training. Registrants will continue to have access to the recordings.

VI. Public Comment Period

No public comments.

Question raised about timeframes for the Ralph Hunter award application and nominations for 2022. CalRecycle will follow up with EAC Chair.

VII. Schedule Next EAC Meeting and Close Meeting

Next EAC meeting date: April 20, 2022 from 9 am to 1pm.