

SB 1383 Facility Requirements Q&A Sessions

Jan 10/12 & Feb 2, 2023

Classifying Streams

Question: Can you please provide a definition of "Mixed Organics"?

Response: 14 CCR, Section 17402(a)(11.5) defines the mixed waste organic (MO) collection stream as organic waste collected in a container that is required by Section 18984.1, 18984.2, or 18984.3 to be transported to a high diversion organic waste processing facility. To be more specific, mixed waste includes an organics collection in gray containers that are part of a single, two or three container collection service that allows the placement of organic waste in those containers. Mixed waste can also include any self-hauled organic material that arrives at solid waste activities comingled or unsegregated.

Transfer/Processing Facility Measurements

Question: A transfer/processing activity was receiving MO based on the collection system in place, but it has recently changed to a gray container stream. Are there any approvals needed to implement this change? What are the steps?

Response: There regulations do not specify approvals needed to implement different measurement protocols resulting from a waste classification change. However, it is recommended that an operator notify the LEA of this change and work with the LEA to eventually incorporate these changes in the necessary operating documents through the appropriate permitting process.

Question: Can you please describe what is meant by "10 consecutive days"?

Response: Measurement requirements take place over 10-consecutive operating days each quarter. 14 CCR, Section 17402(a)(15) defines operating day as the hours of operation as set forth in the application, Enforcement Agency Notification and/or permit not exceeding 24 hours. A facility's 10-consecutive day period will depend on the hours of operation in which the facility operates. For example, for a facility that operates Monday through Friday, their 10-consecutive day period may include a Monday through Friday (Days 1-5), followed by another Monday-Friday (Days 6-10), skipping Saturday and Sunday, as they are not counted as operating days. This discussion begins at 25:09 in the [SB 1383 Facility Measurements training video](#).

Question: Since samples are to be taken after processing, how do you establish a baseline for measurement?

Response: There is no need to establish a baseline for measurements. The purpose of the measurements on SSO and MO streams at a transfer/processing facility is to determine:

1. The amount of organic material and incompatible material from the SSO and/or MO streams that are sent for further processing, recovery or end use.
2. The amount of organic material in material from the SSO and/or MO streams that is sent to disposal.

The quarterly data from these two sets of measurements will help CalRecycle determine the facility's SSO and/or MO annual recovery efficiency rate. Please refer to Section 1 and 2 of the [SB 1383 Facility Requirements training](#) for more information.

Question: If a facility implements a process to squeeze the organic fraction out of mixed waste (similar to anaerobic digestion), would the facility still be subject to these regulations?

Response: Yes, the transfer/processor is still subject to measurements. The use of a process or technology to extract organics is considered processing so the measurement requirements are taken after processing and prior to sending to a receiving facility for recovery.

Question: What are the requirements for a materials handling yard that is not open to the public and that handles green waste, trash, and recycling material? The yard is not regularly staffed and has bins/dumpsters for temporary storage that are serviced by a hauler 2-3 times per week.

Response: The operator should consult with the local enforcement agency assigned to their jurisdiction to discuss the applicable permitting requirements.

If a material handling yard or district maintenance yard is a low volume transfer operation (LVTO), then it is a solid waste sites/operation and as such is required to comply with the transfer processor requirements set forth in 14 CCR Sections 17409.5.1 – 17409.5.12 and 17414.2.

If the site receives source separated organic waste streams (SSO), the site must perform measurements on those SSO streams [Sections 17409.5.4 and 17409.5.5] unless the site is a consolidation site [Section 17409.5.10]. For example, organic material resulting from activities like trimmings road-side vegetation that is delivered to a LVTO is SSO. If SSO streams are combined with other material streams before entering the site, the combined stream is considered a mixed waste organic stream, and measurements required in Sections 17409.5.2 and 17409.5.3 shall be performed. Once on-site, SSO cannot be combined with other waste streams until after the material is measured, pursuant to Section 17409.5.6. Street sweeping waste is not subject to 1383 measurements. The site operator must also keep records as required in Section 17414.2. as well as reporting requirement found in Section 18815.5.

Material collected from illegal disposal sites and homeless encampments that is brought to the LVTO and is kept separate from other streams is not subject to measurement requirements, pursuant to Section 18984.13.

Question: Should rugs/shoes/textiles be categorized as organic in a residue line being sent for disposal? If so, why?

Response: The definition of organic waste in the regulations is “solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges. [Section 18982(46)].

For measurements at a transfer/processing facility, measurements of material destined for disposal must include all items considered “organic.” If there are organic textiles and carpets in the disposal stream, these should be counted as organic.

For measurements taken on the disposal stream at compost facilities and in-vessel digestion facilities, textiles, carpet, hazardous wood waste, non-compostable paper, human or pet waste, and material subject to a quarantine on movement issued by a county agricultural commissioner, are not required to be measured as organic waste, per Section 17867(a)(16)(F) and Section 17896.44.1(e).

Question: How should an operator deal with material smaller than 2 inches during a sampling event?

Response: The regulations do not specify how to deal with material smaller than two inches. Facility operators are encouraged to work with their LEA to determine the best approach to performing the measurements.

Question: Is a high diversion facility expected to perform measurements?

Response: Yes. CalRecycle will determine if a facility receiving mixed waste organic streams (MO) is a high diversion facility using the quarterly measurement data reported to CalRecycle’s [Recycling and Disposal Reporting System](#).

Question: What are the applicable measurement requirements for facilities that receive material from a jurisdiction that has been waived or exempt from the collection requirements?

Response: Please review the [Gray Container Classification guide](#) as it clarifies the applicable measurements requirements based on the collection programs.

Question: Is there a list of a laboratories that can measure slurry material?

Response: Staff does not maintain a list of laboratories, but a list of recently approved AMPs is available at the [Alternative Measurement Protocol webpage](#).

Question: How soon must a facility revise their measurement protocols if the facility begins accepting different collection programs?

Response: If a facility anticipates an operational change, they should reach out to their local enforcement agency to discuss any applicable permitting requirements and timelines.

Question: Can a facility exclude a specific organic waste type from the measurement requirements?

Response: No.

Question: If a facility receives an organic material but does not process it and sends the material to a facility that can recover that material, what measurement requirements apply?

Response: The operator will perform a measurement of organics in the materials sent for recovery as described in 14 CCR Section 17409.5.2 (MO)/17409.5.4 (SSO).

Gray Container Waste Stream

Question: If a facility receives more than 500 tons per day of MSW from many jurisdictions, then should a facility sample for each of those jurisdictions?

Response: No. A facility performs only one evaluation (sample) that is representative of the material received on that day. The facility is not required to take a sample of waste from each jurisdiction that sends more than 500 samples annually.

Question: How is self-haul material accounted for in the gray container sampling evaluation?

Response: If the facility classifies self-haul material as part of the gray container stream, then that material should be included in the representative sample that is being collected that day.

Question: Will the frequency of gray container evaluations be increased?

Response: No, a rulemaking action is required prior to making any regulatory changes, including increasing the frequency of gray container evaluation samples required per quarter.

Consolidation Sites

Question: What is the process for an LEA to make a determination that a facility is a consolidation site. Is there a formal notification to the facility?

Response: While there is no formal process described in the regulations, the applicability of the regulations is determined by the local enforcement agency. Please consult with the local enforcement agency assigned to your jurisdiction to discuss the applicable regulatory requirements.

Question: We at X County are in the process of developing a Transloading facility, to move mixed organics out of our County as there is no mixed organics compost facility nearby. Why are we being required to inspect/evaluate the materials, as we will only be moving the material from small truck into a transfer trailer to lower the emissions of transferring out of our county, as well as costs associated with this program.

Response: If a transfer processing facility is transferring MO or SSO material to a compost or IVD facility, then the facility needs to perform measurements on that material per Sections 17409.5.2 and 17409.5.4. The transfer/processing facility does not meet the definition of a consolidation site because a consolidation site can only send MO and SSO material to another transfer processor that is performing measurements [please see [Consolidation site guide](#)].

Compost/IVD Measurements

Question: The recorded video stated material from IVDs sent for further processing (i.e. composting) do not need to be measured. Can you confirm?

Response: Correct, compost and in-vessel activities are not required to perform measurements on material they are sending for further processing and recovery.

Question: What are the measurement requirements for chipping and grinding facilities?

Response: Chipping and grinding facilities that are permitted as a compost activity are required to perform measurements to determine the amount of organic material in the material sent to disposal during the 10-day operating period ([Section 17867](#)).

Question: If a composting facility claims no residual disposal for a reporting quarter, how is that documented and reported to CalRecycle?

Response: If there is no material sent to disposal from a compost facility and therefore no material being measured, then the facility indicates "0" in the appropriate field in RDRS and provides a written justification (i.e. no material sent to landfill disposal).

Recordkeeping & Reporting

Question: Do LEAs have to review the RDRS reporting to CalRecycle?

Response: LEAs have authority to review records to verify information is being recorded and reported accurately.

Question: Are the RDRS reporting requirements the same as the Status Impact Report that was due January 1, 2023?

Response: No. Landfills, transfer processors, composters, and in-vessel digestors (and others) report in RDRS each quarter ([Article 9.25](#)), while the Status Impact Report was a one-time report that only landfills were required to submit ([Section 21695](#)).

Question: The language in the RDRS system has the total organics in waste sent for disposal for the quarter. What should be reported in RDRS for disposal volume? (The example shown seemed to say total disposal volume.)

Response: The RDRS Organics Measurement tab language was updated for clarity and as of the Q3 2022 reporting period the fields for quarterly reporting say “total outgoing weight of all material sent to disposal/recovered.”

Alternative Measurement Protocols

Question: At what point can a stream of material that is consistently organic (almost 100% mulch) be excused from sampling requirements? Would the LEA make this determination?

Response: Unless a transfer/processing activity is classified as a consolidation site, there are no exclusions from meeting applicable measurement requirements. However, if measurements (or previous studies) show trends or consistencies in data, operators would have the option to request an alternative measurement protocol to a reduced sampling frequency as described in 14 CCR, Section 17409.5.9.

Question: Can you please explain more about the AMP application process and what we can do to make it successful?

Response: The CalRecycle [Alternative Measurement Protocol webpage](#) has more information about submitting a successful proposal and offers examples of successful AMPs as well as an optional rubric to help operators understand what LEAs and CalRecycle will be looking for in an AMP.

Question: When an alternative sampling frequency is requested based on past sampling results, is it reasonable that the alternative account for any seasonal variations?

Response: The AMP must demonstrate that it is as accurate as the measurement requirements, so it is reasonable that the operator account for any seasonal variations. Furthermore, the LEA has discretionary approval to require more data before approving an AMP.

Question: Can CalRecycle staff conduct concurrent reviews of the AMP with the LEA during the draft phase?

Response: Yes.

Other

Question: If a hauler picks up loads of sludge from a POTW and transports it to either a landfill or a recovery facility, would this still be an incoming/outgoing organic waste stream?

Response: If the material is delivered to a composting or in-vessel digestion facility, then that receiving facility would be subject to the appropriate measurement requirements. A composting or in-vessel activity may also be co-located at a landfill.

Question: Where are the hauling requirements?

Response: Hauling requirements are found in [Article 7](#) of Chapter 12.

Question: Will the slides from the training video be posted on the implementation guidance web page?

Response: The [slides](#) have been posted to the [Regulation Implementation webpage](#).