

# Questions and Answers: Compostable Materials Regulations

## Agricultural Activities

**Question 1:** The enforcement agency recently received an enforcement agency notification from a farmer regarding a chicken carcass and chicken manure drying operation. It was inspected in late March and the average temperature was about 100 degrees Fahrenheit. The farmer spreads chicken manure and carcasses separately on the ground to dry out. Depending on the weather and temperature it takes from 2 days to a week to dry. The thickness of the material is from couple of inches to a foot. They stockpile dried manure and ship them out to different buyers on daily basis. There is no screening, bagging operation, or any windrows at this location. They are not adding anything or importing anything from outside for this operation. My questions are:

- Is this operation considered composting or not?
- What does the enforcement agency need from the operator- tonnage reports, laboratory results for pathogen reduction, special occupancies, etc.
- Does the enforcement agency enforce odor impact?
- Is there any time limit to process the feedstock and finished product?
- Does any or all of the things on form DRRR-93 (Rev 4/30) apply to this type of operation?

**Answer 1:** If the materials are generated on the farm site and are processed on the farm site and the accumulated dried avian tissue and manure does not exceed 121 degrees Fahrenheit this operation is not composting, and is not covered by 14 CCR, Division 7, Chapter 3.1. Therefore, it does not need an enforcement agency notification per the Compostable Materials Handling Operations and Facilities Regulatory Requirements. However, this operation may be regulated per the Agricultural Solid Waste Management Standards in 14 CCR, Division 7, Chapter 3, Article 8.

## Biosolids

**Question 1:** If both the publicly operated treatment works (POTW) and the biosolids composting site are located on the military base but not adjacent to each other would the permitting tier be, notification?

**Answer 1:** The immediate surrounding land use (proximity to receptors) and the authority/responsibility that the POTW exerts over the composting facility's operations and control are the key factors. If both the POTW and the associated composting facility are remotely located without receptors between the two, and any odor generation would be

controlled by the responsible parties associated with the POTW, then an enforcement agency notification may be the appropriate way to go.

The enforcement agency in this case must make a determination of what constitutes “composting... on-site at a POTW.” As guidance, the rationale for granting this enforcement agency notification at the POTW is the level of regulatory oversight given to the POTW. Therefore, if the composting site is miles away with adjacent receptors, as described in the potential odor impact minimization plan, it would be hard to employ this rationale. But even if a substantial topographic barrier existed between the POTW processing areas and the composting site, if the POTW were remotely located it might very well satisfy the rationale and reasonably be considered “composting... on-site at a POTW.” A viable argument exists for enforcement agency notification of a biosolids composting at a large, remotely located military base, but the argument is stronger when the surrounding land use is restricted to prevent encroachment that would compromise the determination of the enforcement agency. If it is possible to designate the land use between the POTW and the composting site as “restricted” or “open space / buffer for compostable materials management,” the enforcement agency’s determination would be better supported.

**Question 2:** A private firm is proposing to develop a regional biosolids processing facility in a city that will convert sewage sludge into a renewable energy fuel (E-fuel). The facility will be located at the city’s wastewater treatment plant and possibly at another location other than the publicly operated treatment works (POTW). The design capacity of the facility will initially be 125 tons per day. The facility will have a storage capacity of 375 dry tons of biosolids (3-4 day capacity). What regulatory tier does this fall?

**Answer 2:** Assuming that “transformation” (as defined in Public Resources Code section 40201) or “gasification” (as defined in Public Resources Code section 40117) of the biosolids is not occurring on-site then the storage of the biosolids at the POTW is an excluded activity pursuant to 14 CCR 17855(a)(5)(B). However, if the piles reach a temperature of 122 degrees Fahrenheit then an enforcement agency notification will be required pursuant to 14 CCR 17859.1. If the biosolids are stored at a site other than the POTW and reach a temperature of 122 degrees Fahrenheit then a compostable materials handling facility permit is required pursuant to 14 CCR 17854.

If transformation of the biosolids is occurring on site, then the facility is considered a “transformation facility” and is regulated as a “large volume transfer/processing facility” pursuant to 14 CCR 17402(a)(8) and (30) and will require a full solid waste facilities permit pursuant to 14 CCR 17403.7 and must comply with Public Resources Code sections 44016 and 44017.

If gasification of the biosolids is occurring on-site, the facility may be subject in the future to proposed regulations for conversion technologies.

Note: "Biomass conversion" [as defined in Public Resources Code section 40106(b)] excludes materials that contain sewage sludge.

**Question 3:** Biosolids composters are required to take at least one monthly sample for pathogens and metals. The quantity of compost produced doesn't really matter.

Other types of composters are required to take a sample for each 5,000 yards of compost produced. If a biosolids facility takes in other waste streams (such as food waste from a prison) does that alter their sampling frequency for that portion of their composting? I noted that in the JTD for a compost site noted two different frequencies for sampling depending on the feedstock type.

**Answer 3:** Yes, biosolids facilities receive their regulatory status with reduced oversight in 14 CCR, Division 7, Chapter 3.1 due to the regulatory requirements of other agencies and the consistent nature of their feedstock. The addition of non-publicly operated treatment works-generated materials (such as food waste from a state or federal prison) negates the rationale for reduced oversight. As stated above, an "operator who composts green material, food material, or mixed solid waste shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced."

**Question 4:** If a compost facility permitted by the LEA utilizes biosolids and other compostable materials as feedstock and meets the requirements under 14 CCR, Division 7, Chapter 3.1, is the finished product considered compost or biosolids? Can the finished product be land applied?

**Answer 4:** Regardless of the feedstock (biosolids, food material, green material, manure, etc.), if the finished compost meets 14 CCR, Division 7, Chapter 3.1, including the requirements for pathogen reduction limits (17868.3), maximum metal concentrations (17868.2), and physical contamination limits (operative January 1, 2018 [§17868.3.1]), then it can be sold, given away, or otherwise used without further restriction under CalRecycle's regulations. The finished product would be considered compost, not biosolids. The restrictions on land application under 14 CCR

17852(a)(24.5) do not apply to finished compost. However, this does not relieve an operator or owner from obtaining all other permits or approvals and complying with any other federal, state or local requirements.

### **Chipping and Grinding**

**Question 1:** If a green material chipping and grinding activity has more than 1 percent contamination, i.e., tar paper and miscellaneous roofing material, should they apply for a transfer/processing facility permit? How much time do they have to apply? Will they follow the same time frame, 120 days or two years?

**Answer 1:** Yes, they should apply for a permit. The enforcement agency should prepare and issue a written notice to the operator indicating the determination that the activity is a transfer/processing activity as the facility receives more than 1 percent contamination [14 CCR 17852(a)(21)], and [14 CCR 17862.1(f)]. The enforcement agency should instruct the operator to immediately apply for a transfer/processing solid waste facilities permit. The 120 days or two year period cannot be utilized in this case because it does not qualify as a compostable material operation or facility. The enforcement agency should take the appropriate enforcement action addressing the portion of the operation that requires a solid waste facility permit.

**Question 2:** Could a chipping and grinding activity that is located on a permitted landfill but does not qualify as an excluded activity be excluded under the provision of 14 CCR 17855(5)(J) -the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the enforcement agency?

**Answer 2:** Yes, a chipping and grinding activity could qualify for exclusion under 14 CCR 17855(5)(J), but because it is located at a landfill, the activity should be identified and described in the landfill's joint technical document.

**Question 3:** What is the enforcement agency inspection frequency for a green material chipping and grinding operation that is regulated as an enforcement agency notification?

**Answer 3:** 14 CCR, Section 18083(a)(3) requires all operations under the EA Notification Tier with the exception of operations specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9, be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a 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.

**Question 4:** 14 CCR 17842(a)(10)(C)–What specifically does it mean to regulate a chipper/grinder as a compostable material handling operation if only chipping and grinding will be conducted? Please include comment on the following:

- Mulch doesn't require sampling/testing, as no compost will be produced or sold then operator will not have to sample/test?
- A chipper/grinder receives up to 200 tons per day and falls into the notification tier for chipping and grinding. Material will be on-site for more than 7 days but only chipping and grinding will be taking place; is this operator a composter or a chipper/grinder under notification?
- With regard to chipping/grinding, what is the difference between a green material handling operation/facility and a green material composting operation [17862.1(f) and 17857.1]. Is the 'difference' intended to take into account that there will be

chip/grinders who will not produce/sell compost but also not conform to the 48 hour/7 day throughput?

- Considering the above implications, from a Title 14 regulatory stand point, is the only difference between a notification chipper/grinder (greater than 48 hours/7 days) and a notification composter that the chipper/grinder does not have to comply with Article 7 because no compost is being produced?
- Regarding 14 CCR §17855.4(c), if a previously excluded facility/operation requires a compostable materials handling facility permit, then this facility has 2 years from the time the enforcement agency makes the determination and 'permit' means a full solid waste facility permit? But if a facility/operation comes under notification or registration, how soon must an operator comply after the enforcement agency makes a determination?

**Answer 4:** If the chipped and ground material does not reach temperatures of 122 degrees Fahrenheit, the activity is not subject to the Compostable Materials Handling Operations and Facilities Regulatory Requirements per 14 CCR 17855(a)(5)(J). If a chipping and grinding operation/facility does reach temperatures greater than 122 degrees Fahrenheit, and the operator cannot comply with 14 CCR

17852(a)(10)(C) because the green material remains on-site for a longer period of time than allowed in 17852 (a)(10)(A)(2) (Each load of green material must be removed from the site within 48 hours of receipt, or the enforcement agency may allow for up to 7 days), then the site shall be regulated as a compostable material handling operation/facility. This means that the operation/facility is placed into the correct tier under 14 CCR 17857.1 green material composting operations and facilities, and 14 CCR 17862.1 chipping and grinding operations does not apply.

For example, if a chipper/grinder receives up to 200 tons per day and falls into the enforcement agency notification tier for chipping and grinding and material will be on-site for more than 7 days but only chipping and grinding will be taking place this operator is still considered a composter and must comply with more requirements. In this example the chipping and grinding facility would be regulated per 14 CCR 17857.1, not 14 CCR 17862.1. However, the enforcement agency has flexibility in applying the sampling requirements [17868.1(c)], the metals requirements [17868.2(b)], the pathogen reduction requirements 8 (17868.3.1).

If the activity has greater than 12,500 cubic yards of feedstock, compost, or chipped and ground material on site at any given time, the operator must comply with:

1. §17863 Report of Composting Site Information
2. §17863.4 Odor Impact Minimization Plan
3. §17865 Siting on Landfills (if applicable)
4. §17866 General Design Requirements

5. §17867 General Operating Standards
6. §17868.1 Sampling Requirements (the enforcement agency can approve alternative methods of sampling)
7. §17868.2 Maximum Metal Concentrations (the enforcement can approve alternative methods of sampling)
8. §17868.3 Pathogen Reduction (the enforcement agency can approve alternative methods of sampling)
9. §17868.5 Green Material Processing Requirements
10. §17869 General Record Keeping Requirements
11. §17870 Site Restoration

If it is determined that the activity falls into the notification tier per 14 CCR 17857.1 and has less than 12,500 cubic yards of feedstock, compost, or chipped and ground material on site at any given time it must comply with:

1. §17863.4 Odor Impact Minimization Plan
2. §17865 Siting on Landfills (if applicable)
3. §17866 General Design Requirements
4. §17867 General Operating Standards
5. §17868.1 Sampling Requirements (the enforcement agency can approve alternative methods of sampling)
6. §17868.2 Maximum Metal Concentrations (the enforcement can approve alternative methods of sampling)
7. §17868.3 Pathogen Reduction (the enforcement agency can approve alternative methods of sampling)
8. §17868.5 Green Material Processing Requirements
9. §17869 General Record Keeping Requirements
10. §17870 Site Restoration

Requirements for chipping/grinding activities:

1. §17863 Report of Composting Site Information (only for those that receive greater than 500 tons per day)
2. §17863.4 Odor Impact Minimization Plan
3. §17865 Siting on Landfills (if applicable)
4. §17866 General Design Requirements
5. §17867 General Operating Standards
6. §17868.5 Green Material Processing Requirements
7. §17869 General Record Keeping Requirements
8. §17870 Site Restoration

14 CCR 17855.4(c) states that if a previously excluded facility/operation requires a “Compostable Materials Handling Facility Permit”, then this facility has 2 years from the time the enforcement agency makes the written determination. The “permit” referred to in the regulations is the full solid waste facility permit. Per 14 CCR 17855.3 the label for a solid waste facility permit is “Compostable Materials Handling Facility Permit.” Lastly, if a facility/operation that had previously been excluded before the regulations now requires an enforcement agency notification or registration tier as a result of the enforcement agency’s written determination, the operator of the activity/facility has 120 days to comply.

**Question 5:** A business is operating in the county is a mobile green material chipping and grinding business. Agricultural property owners hire the company to chip and grind the trees from their orchards to clear them for new trees or crops. These are one-time jobs. At some job sites the mulch is returned to the same property as soil amendment; in other cases the mulch is hauled away to co-generation plants. The volumes of agricultural green material varies from job to job (depending on acreage). The typical job takes from one to five days.

The operations that return mulch to the same agricultural field appear to fit into the exclusion under 14 CCR 17855(a)(1).

The operations where the mulch is hauled off-site to a co-generation plant do not appear to fall into any of the exclusions under section 14 CCR 17855.

What tier of permit is required? 14 CCR 17862.1 delineates the specific tiers by amount of material “received.” These sites do not “receive” any material.

**Answer 5:** The business would be excluded whether they returned the chipped and ground material to the same agricultural field [14 CCR 17855(a)(1)] or transported it off-site to a co-generation facility [14 CCR 17855(a)(5)(E) or 14 CCR 17855(a)(5)(G)].

**Question 6:** The scenario is a chipper/grinder who will be regulated as a green material handling operation due to material remaining on-site greater than 7 days and consistently reaching temperature above 122 degrees Fahrenheit. The material will actively compost however the operator will continue to sell his product as mulch.

What are acceptable alternative methods of compliance with the Environmental Standards of Title 14, Chapter 3.1, Article 7? Are there ‘Best Management Practices’ which the California Department of Resources Recycling and Recovery (CalRecycle) endorses as viable alternatives? Are there alternative methods that are scientifically based that CalRecycle endorses? Where does the burden of proof lay for verifying that an alternative method for pathogen reduction or an alternate sampling method is indeed a sound alternative? Are there existing studies of various alternative methods that have scientific data backing them up?

Is a Process to Further Reduce Pathogens (Fed 503) a ‘standard’? Or, are the standards pursuant to 14 CCR §17868.3(c) the meeting of the limit concentrations for coliform,

Salmonella and metals? If a compost feedstock (chipped and ground material) already meets limit concentration standards as determined through sampling and testing, then is there a need to 'further reduce pathogens'?

**Answer 6:** Alternative methods provides the flexibility to accommodate differences in feedstock, composting methods and site location. There are no currently "approved" alternative methods for pathogen/metals reduction; they would be approved on a case by case basis. The burden of proof would be on the operator to demonstrate that their process was reducing pathogen/metals under the conditions at their site [14 CCR 17868.39(d)]. The enforcement agency would be responsible for reviewing the process, with technical assistance from CalRecycle, if desired.

**Question 7:** 14 CCR 17852(a)(21) identifies untreated wood waste as a "green material" and 14 CCR 17852(a)(10) defines "chipping and grinding" if "each load of green material is removed from the site within 48 hours of receipt." However, 14 CCR §17383.3 allows for the storage of construction & demolition wood debris up to 30 days prior to processing and removal of the finished product within 90 days of processing. Does the Notification tier green material chipping and grinding 48-hour limitation apply to all tree trimmers and landscapers who chip and grind between 500 cubic yards and 200 tons per day at a central location and does the clock run from the time the material comes in the gate to processing and removal of the finished product? How should an activity be regulated if it accepts construction & demolition wood debris, green material wood wastes and lumber mill wood waste?

**Answer 7:** Question 1: Yes, the 48-hour limit applies to all green material chipping and grinding. If the green material remains on-site longer than 48 hours and the enforcement agency has not approved a longer timeframe (up to 7 days) then the site will need to be regulated as a green material composting activity. The 30-day timeframe only applies to woody material that is not compostable. Green material is compostable so the 48-hour limit applies. The operation must meet the requirements of the enforcement agency notification tier and all material on-site counts from the time it enters to the time it leaves.

Question 2: The activity should be regulated as multiple wood debris chipping and grinding activities in accordance with 14 CCR 17383.1, shall be deemed a single site, and shall comply with the permitting requirements of Chapter 3, Article 5.9, Article 6 or Chapter 3.1, as determined by the enforcement agency. Each pile shall comply with the appropriate state minimum standard which applies to the type of material.

**Question 8:** In the compost regulations questions and answers at LEA Central, response #3 states that if a green material chipping and grinding operation receives 200 tpd, material does not remain on-site for more than 2 days and does not reach 122 degrees F., the operation is excluded from regulatory requirements. Wouldn't a green material operation notification be required if more than 500 cy of green material was on-site at any one time, regardless of temperature? At 200 tpd x 2 days = 400 tons. 400 tons divided by 500 cy = 0.8 tons/cy.



According to LEA advisory 23 Appendix C, the large limbs and stumps conversion factor is 0.54 tons/cy and green waste prunings are 0.02 tons/cy. Even at 200 tpd for one day and using the 0.54 tons/cy conversion factor, this translates to 370 tons on-site for one day. Why were tons rather than cy used for the chipping and grinding operation regulatory tier determination?

**Answer 8:** The handling of compostable material is a regulated activity. Green material will “go to temperature” so it is a compostable material. If however, the material is handled in such a way as to preclude it from reaching 122 degrees Fahrenheit, the handling of that material would not be regulated under the compostable material handling requirements found in 14 CCR, Division 7, Chapter 3.1 [see 14 CCR

17855(a)(5)(J)]. This does not mean that other regulations might not apply.

If the green material is handled for a short time, less than 48 hours (or up to 7 days with approval of the enforcement agency) then it is a chipping and grinding activity and the appropriate level of regulation (tier permit) is based on the amount of material received per day, measured in tons because the regulatory tier is based upon throughput. If the material is held longer than 48 hours (or longer than 7 days with approval of the enforcement agency) then it is a compostable material handling activity and the level of regulatory oversight is based on the amount of material held on-site measured in cubic yards.

**Question 9:** At a landfill, compostable material (green waste) is chipped and ground on a daily basis. Part of the material is used as ADC and the rest is hauled off-site. The material end use is primarily agricultural land application in three counties. Some chipped material may be transported to a landfill for use as ADC.

The following questions have come up that need some clarification on how to apply the regulations.

1. CCR14, Section 17855(5)(J) –If the chipped and ground stockpile material that is being hauled off within 48 hours goes to temperature will that facility need to fall under the tier process based upon the daily tonnage (a separate permit)?
2. CCR 14, Section 17855(5)(J)–If the compostable material comes in hot will the operator have time to spread/screen the material to bring the temperature down.(especially grass chippings)?
3. CCR 14, Section 17852(10)(A)2–If the site removes green material within 48 hours of receipt and the material does not reach temperature will the site need a separate permit based on tonnage as a chipping and grinding facility?
4. CCR 14, Section 17852(10)(B)–If the green material fails to meet the definition because it exceeds the contamination limits must the load go straight to the disposal area? (I put this in because I was asked what is done about the contaminated load).
5. CCR 14, Section 17863.4(a)–The site/facility shall prepare, implement and maintain a site-specific odor impact minimization plan. Should the plan be a standalone plan

or should it be a part of the JTD or RDSI. The OIMP is a guidance to on-site operation to personnel.

6. CCR 14, Section 17863.4(5)(c)(d)—If the plan needs to be revised to reflect any changes it states to make the changes and a copy shall be provided to the EA, within 30 days of those changes. If the plan is incorporated in the permit will that require an owner/operator to submit an application to make revision to the plan?

**Answer 9:** Landfills under a full permit should not be required to obtain another permit (chipping and grinding) if the sole purpose is to process the green material for alternative daily cover and the rest to be haul off as beneficial use. Process is identified in the joint technical document/report of disposal site information with the projected average amount being received annually.

Transfer/Processing facilities under a full permit also should not be required to obtain another permit (chipping and grinding) if the material is hauled-off as beneficial use. Same as above.

- a) 14 CCR 17855(5)(J)—If the chipped and ground stockpile material that is being hauled off within 48 hours goes to temperature will that facility need to fall under the tier process based upon the daily tonnage (a separate permit)?

Assuming the author of the question has taken into account that the operation described above does not use all the material on-site, it does not qualify for an exclusion per 14 CCR 17855(a)(5)(A). In order to qualify for the exclusion outlined in 14 CCR

17855(a)(5)(J), the operator must be able to handle the materials so that they do not reach 122 degrees Fahrenheit. If this cannot occur the operator has to either include the chipping and grinding operation in the landfill permit or apply for a separate permit. Unless the operator could show that the chipping and grinding operation is completely separate from the landfill operation, the chipping and grinding operation would be a separate unit under the existing landfill permit. The chipping and grinding unit would be inspected separate per the chipping and grinding state minimum standards. If the operation is separate from the landfill operations, placement in the correct tier will be dependent on the daily total amount of green waste accepted at the site.

- b) 14 CCR 17855(a)(5)(J)—If the compostable material comes in hot will the operator have time to spread/screen the material to bring the temperature down (especially grass chippings)?

The operation could be excluded per 14 CCR 17855(a)(5)(J) if all the materials are

“handled” in such a way that preclude their reaching 122 degrees Fahrenheit as determined by the enforcement agency. The enforcement agency determines how the materials need to be handled to keep the temperatures below 122 degrees. The operator should be discouraged from accepting “hot” materials. If the materials are excluded from 14 CCR 17855(a)(5)(J) they could be regulated per the construction & demolition multiple wood debris chipping and

grinding activities, per 14 CCR 17383.1. Also see 14 CCR 17383.2 for information regarding activities at solid waste facilities.

c) 14 CCR 17852(a)(10)(A)(2)—If the site removes green material within 48 hours of receipt and the material does not reach temperature will the site need a separate permit based on tonnage as a chipping and grinding facility?

Assuming the question above is related to the same scenario and some of the material is shipped off-site, the operation would not be excluded from being regulated as discussed in the answer provided above. If compostable materials do not reach 122 degrees Fahrenheit, an operation can be excluded from the compostable materials handling regulations. If the operator cannot handle the materials and the temperature reaches 122 degrees Fahrenheit, see answer to (a) & (b) above. Also note that per 14 CCR 17852(a)(10)(A)(2) the enforcement agency can allow a site to keep green material on-site for up to 7 days if the enforcement agency determines that the additional time does not increase the potential for violations.

d) 14 CCR 17852(a)(10)(B)—If the green material fails to meet the definition because it exceeds the contamination limits must the load go straight to the disposal area?

Yes, this is correct. The operator must reject the load and send it to the landfill for disposal to remain as a chipping and grinding operation.

e) 14 CCR 17863.4(a)—The site/facility shall prepare, implement and maintain a site-specific odor impact minimization plan. Should this plan be a stand-alone plan or should it be a part of the joint technical document or report of disposal site information? The odor impact management plan is guidance to on-site operation to personnel.

Per 14 CCR 17863.4(a) the odor impact management plan is required to be submitted as part of the enforcement agency notification or permit application. For facilities that are required to submit a report of composting site information, the odor impact management plan is required to be included in that report of composting site information and, therefore, is not a stand-alone plan. If an odor impact management plan is required for an operation or facility at a landfill, the odor impact management plan is required to be included in the joint technical document/report of disposal site information and, therefore, is not a stand-alone plan. Any changes to the odor impact management plan would require a report of facility information amendment. For all operations, and chipping and grinding facilities that are in the Registration tier, the odor impact management plan is a stand-alone document.

f) 14 CCR 17863.4(c) & (d) —If the plan needs to be revised to reflect any changes the regulations state to make the changes and a copy shall be provided to the enforcement agency, within 30 days of those changes. If the plan is incorporated in the permit will that require an owner/operator to submit an application to make revision to the plan?

14 CCR 17863.4(c) & (d) require the operator to update the plan when changes occur and annually. For facilities that have the odor impact management plan included in the report of composting site information, transfer/processing report or joint technical document/report of disposal site information, changes to the odor impact management plan would require a report of facility information amendment. For all operations, and chipping and grinding facilities that are in the registration tier, the odor impact management plan is a stand-alone document, therefore, changes in the odor impact management plan do not require an report of facility information amendment.

**Question 10:** The enforcement agency has received an application for a registration permit for a facility that receives between 200 and 500 TPD of curbside collected green waste to chip into mulch. The green waste has some contamination. The operator conducted a green material contamination study on a random number of the incoming loads and found on average there was approximately 0.8 percent contamination. However, the enforcement agency reviewed the monthly tonnage reports and found on average there was approximately 3.3 percent outgoing residual, monthly. It appears to the enforcement agency that the incoming material is below the 1 percent limit, but during the sorting process the operator is disposing of some material and the outgoing material has greater than the 1 percent contamination limit. Is this facility still eligible to be classified as a chipping and grinding facility? Also, is an operator of a chipping and grinding facility required to prepare a report of composting site information per 14 CCR 17863?

**Answer 10:** 14 CCR 17852(a)(21) limits contamination to no greater than 1.0 percent of physical contaminants by dry weight. 14 CCR 17868.5 defines what parameters a green material must meet in order to be a feedstock. One of the parameters is that the green material must undergo initial visual load checking and, if deemed necessary, additional evaluation to ensure that physical contaminants are no greater than 1.0 percent of total weight. Any loads with greater than 1.0 percent contamination shall be rejected by the operator.

14 CCR 17862.1(f) states that if a chipping and grinding operation or facility exceeds the contamination limit it shall be regulated as a transfer/processing operation or facility. From the description provided, a study was conducted and the results showed on average 0.8 percent contamination of incoming loads and records indicated that outgoing residual was about 3.3 percent. The regulations refer to physical contaminants in the green waste. It is not an average of loads for the day or month. If the operator does not reject the contaminated loads they would be receiving mixed solid waste thus operating as a transfer/processing operation or facility and would need to operate under the appropriate permit type and state minimum standards for transfer/processing. In this particular example the outgoing residual waste was 3.3 percent. However, it is understood that some of the residual was not contaminants but rather was green waste the operator chose not to process. The contamination level is determined from the incoming loads rather than the outgoing loads. Making a decision on this facility may be difficult. One idea is to have the operator put in writing his business practices for

remaining below the 1.0 percent contamination for every incoming load and monitor the implementation of the practice.

CalRecycle found chipping and grinding facilities to be exempt from the report of composting site information requirement as they are not producing compost. This was accomplished through regulation as indicated in 14 CCR 17855.3 which states that any permit issued in Article 2 (Regulatory Tiers for Composting Operations and Facilities) should be called a “compostable materials handling facility permit” except for the permit for chipping and grinding facilities that receive between 200-500 tons per day [14 CCR 17862.1(b)]. In 14 CCR 17863 it states that compostable material handling facilities required to get a compostable materials handling facility permits must file a report of composting site information with the application. The registration permit in this case is not considered a “compostable materials handling facility permit.” Although a report of composting site information is not required, per 14 CCR 18104.1, the regulatory tier requirements, the following items need to be included in the application package:

1. The name and address of the enforcement agency, and the section in Chapters 3, 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
2. General description of the facility including, but not limited to name, location, site map, and location map.
3. Facility information, including, but not limited to, volume and type of
  1. waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
4. Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
5. Conformance finding information as follows:
  1. Until a countywide or regional agency integrated waste management plan has been approved by CalRecycle, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code 50000; and that the facility is consistent with the city or county General Plan.
  2. After a countywide or regional agency integrated waste management plan has been approved by CalRecycle, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code 50001.
6. The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to best of their knowledge and belief.

**Question 11:**

1. Our jurisdiction has a chipping and grinding operation that grinds horse bedding materials (including manure), green waste, wood waste and accepts soil. About 50 cubic yards of soil (clean, no construction & demolition), about 2 tons per day clean wood and up to 25 tons per day of tree trimmings (utility tree trimming service brings previously ground materials). The materials are chipped. The product is sent on to a composting facility. The materials do not stay on-site very long. What permit tier does this fall into?
2. What if the facility chips only green waste then mixes it with horse bedding materials (including manure) afterwards? Would this be slotted in the “chipping and grinding permit tier” or a “composting operation/facility?”

**Answer 11:**

1. Assuming this material is handled in such a way that it is generating temperatures of at least 122 degrees Fahrenheit per the definition of “active compost” in 14 CCR 17852(a)(1), this type of operation cannot be slotted as a chipping and grinding operation [14 CCR 17852(a)(10)(A)(1)] because it accepts manure. With the information provided in question a), this operation/facility would fall into the green material composting operation/facility and need either a notification or a full permit depending on the volume of material on-site at any given time.
2. Assuming this material is handled in such a way that it is generating temperatures of at least 122 degrees Fahrenheit per the definition of “active compost” in 14 CCR 17852(a)(1), under the current version of the Compostable Materials Handling Operations and Facilities Regulatory Requirements there is no difference in scenario a) or b); both would fall into the green material composting operation/facility and need either a notification or a full permit depending on the volume of material on-site at any given time.