

Questions and Answers: 2025 Illegal Disposal Emergency Regulations

General

Question 1: What is the distinction between applying material to land and incorporating material into soil?

Land application is defined in Title 14 of the California Code of Regulations (T14 CCR), [Section 17852\(a\)\(24.5\)](#) and means the final deposition of compostable material and/or digestate spread on a parcel of land that meet the conditions for physical contamination, metals concentrations, pathogen levels, application frequency and depth, and includes the act of incorporating material into soil. Incorporating material into soil can be accomplished by tilling.

Question 2: Is there a difference between incorporating material and tilling material?

Incorporating material can be accomplished by tilling.

Land Application Activities

Question 1: The land application requirements of [T14 CCR, Section 17852\(a\)\(24.5\)\(A\)\(4\)](#) state that material must be incorporated into soil within 30 days but [T14 CCR, Section 17862.3\(c\)](#) state that land application activities have 48 hours to land apply material. What is the distinction between these two requirements?

Land application activities that fall under the Enforcement Agency notification tier are required to land apply within 48 hours of receipt. Note that the Local Enforcement Agency (LEA) can approve an alternative land application timeline provided the alternative timeline does not pose a risk to public health and safety and the environment. If the material is not applied in 48 hours the activity will not qualify as land application. Once spread onto land, the landowner must incorporate the material into the soil within 30 days. If the material is not applied in 48 hours and incorporated within 30 days, it can be considered illegally disposed.

Question 2: The regulations require LEAs to inspect a land application activity within 90 days of receiving evidence that the material meets requirements for pathogen levels, metal concentrations, and physical contamination. The regulations also require this evidence to be sent to the LEA before the material is received. Can the LEA request the landowner to notify them when the material is delivered so they don't show up after the evidence is received but before the material arrives on site?

Yes, the LEA can request that the landowner provide records as described in [T14, Section 17862.3\(d\)](#). The LEA can utilize the records to determine when to perform their inspections and may also choose to perform additional inspections consistent with subdivision (f).

Question 3: The stockpiling limit for compostable material on land not zoned for agricultural use is seven days [\[T14 CCR, Section 17852\(a\)\(15\)\(A\)\(2\)\]](#), but [Section 17862.3\(c\)](#) states that it must be land applied within 48 hours. What is the distinction between these two timelines?

The stockpiling limit of seven days applies to all composting activities including those that receive and store greater than 200 cubic yards of compostable material. Land application activities that receive more than 4,040 cubic yards of material and fall under the Enforcement Agency notification tier are required to land apply or remove material from the site within 48 hours of receipt. Note that the LEA can approve an alternative land application timeline provided the alternative timeline does not pose a risk to public health and safety and the environment.

Question 4: How often is the LEA required to inspect land application activities?

Per [T14 CCR, §17862.3\(f\)](#), the EA shall inspect a land application activity within 90 days of receipt of the evidence required by subdivision (b) of Section 17862.3. The EA may perform additional inspections to ensure compliance with this section and to protect public health and safety and the environment.

Solid Waste Facilities

Question 1: The environmental health standards for material sent for land application ([T14 CCR, Section 17868.6](#)) refer to sampling by a facility or operation. What if the entity producing the material is not under the solid waste regulatory tier?

If the material did come from a regulated solid waste activity, then the landowner is responsible for providing evidence that the material meets the land application requirements when requested by the LEA. Note that uses listed under section [T14 CCR, Section 17852\(a\)\(24.5\)\(B\)](#) are not subject to the land application requirements, such as the use of compostable material for gardening or landscaping on land 5 acres or less that receives less than 4,040 cubic yards of material during a 12-month period, and need not have evidence that the material meets the requirements for land application.

Question 2: Solid waste facilities are required to sample material for physical contamination, metal concentrations, and pathogen levels prior to it being sent for land application. Who is responsible for meeting the land application depths and frequencies?

It is the responsibility of the landowner who is land applying material to meet the requirements for application frequencies and depth as described in [T14 CCR, Section 17852\(a\)\(24.5\)\(A\)\(4\)](#).

Question 3: Is the operator of a solid waste facility required to immediately include the new operating and recordkeeping standards as part of the RFI amendment process, or can the change be included during the next permit review?

The operator should take steps to implement the new requirements. If the operator proposes to change the design or operation of a facility to address the new standards, then the operator should work with the LEA. For full solid waste facility permits, the operator should submit an application to the LEA for a determination under [Title 27 CCR, Section 21620](#) as to whether the change qualifies as a minor change, an RFI amendment, or as a modified or revised permit action.

Enforcement

Question 1: What type of evidence and documentation is needed to pursue an enforcement action against a person transporting solid waste?

The [California Public Resource Code \(PRC\), Section 44000.5](#) provides the LEA with the authority to find persons that transport solid waste for disposal at a facility that does not have a solid waste permit in violation of [Division 30 of the PRC](#). Title 14 CCR allows the LEA to use the same enforcement tools and processes to take enforcement to correct the violation. The LEA should consult with their legal counsel regarding required evidence and documentation.