

Department of Resources Recycling and Recovery
Illegal Disposal Permanent Regulations

INITIAL STATEMENT OF REASONS

INTRODUCTION

The Department of Resources Recycling and Recovery (CalRecycle) administers Title 14, Natural Resources; Division 7, Department of Resources Recycling and Recovery, Chapters 1, 2, 3, 3.1, 3.2, 3.5, 4, 5, 5.9, 6, 7, 9, 9.1, 10, 11 and 12, of the California Code of Regulations (14 CCR) for the implementation and enforcement of nonhazardous waste management regulations in California, including regulations that pertain to land application.

Existing regulations (14 CCR, section 17852(a)(24.5)) allow for the final deposition of compostable material or digestate on land (also known as land application), provided that the application meets certain criteria related to environmental health standards, including requirements related to contamination, metal concentrations, and pathogen density limits. Additionally, the material when applied cannot exceed 12 inches in accumulated depth on the land surface. If the land application requirements in existing regulations are not met (exceptions may apply), then the compostable material can be deemed to be waste that has been illegally disposed of pursuant to 14 CCR section 17852(a)(15). In the existing land application legal framework, solid waste enforcement agencies (EA) are allowed to request records from property owners to prove compliance with the pathogen, heavy metals, and physical contamination testing requirements. However, there is no additional recordkeeping of any kind provided for in 14 CCR. There is no record of where the waste came from, how the waste was delivered, or whether the waste met the above mentioned criteria. Nor is there any requirement that a person engaged in the land application of compostable material affirmatively notify the EA of the land application either before or after it occurs. These limitations have made it impossible for EAs, in particular the EAs where jurisdictions fall within the Antelope Valley Region (Antelope Valley LEAs), to know where the waste is generated, who is transporting the waste, and who is disposing the waste on the land. Without knowing who is generating or transporting the waste, the Antelope Valley LEAs have no way to determine whether the waste is coming from within their respective jurisdictions or from some other jurisdiction within or outside of California.

This has made it extraordinarily challenging for EAs to monitor and regulate the disposition or land application of this waste. It has also left the Antelope Valley LEAs to rely on bringing enforcement actions solely against the property owners themselves, and not the bad actors who are illegally disposing of the waste. Many of these property owners are unaware that this waste has been disposed on their land, thus leaving them with a cleanup order issued by the EA and expensive cleanup bills (if and when the disposal is discovered).

Additionally, even if the EAs could identify the parties that were arranging illegal disposition of this waste, they would be limited in bringing an enforcement action against them. The existing notice and order regulations only allow for notices and orders to be issued to “owners” and “operators”, not the other individuals that facilitate this illegal disposal. This conflicts with Public Resource Code (PRC) section 45005, which provides that an EA can issue a cease-and-desist order against any person who has violated, is violating, or proposes to violate section 44000.5. By amending regulations related to the issuance of a notice and order to include individuals in violation of 44000.5, the Antelope Valley LEAs will be empowered to enforce the California Integrated Waste Management Act of 1989 (IWMA) against those individuals who are illegally disposing of waste in Antelope Valley.

Given the severity of the illegal disposal issue (brought to CalRecycle’s attention by members of the public on October 16, 2024 and subsequently verified by CalRecycle staff on November 17 and 18, 2024), CalRecycle determined that there was insufficient time to conduct a nonemergency rulemaking, in accordance with the provisions of Article 5 of the Government Code, to mitigate this emergency and its serious harm to the environment, public peace, health, safety, or general welfare. The illegal disposal emergency regulations were submitted to the Office of Administrative Law (OAL) on February 4, 2024, beginning the 10-day calendar emergency rulemaking process. The 5-day calendar day public comment period began on February 4, 2025, and ended on February 10, 2025. On February 14, 2025, the Office of Administrative Law approved the illegal disposal emergency regulations on February 14, 2025, which will expire on August 14, 2025. CalRecycle can request to the OAL an extension of the deadline up to an additional 180 days.

PROBLEM STATEMENT

CalRecycle finds that an emergency exists due to significant illegal disposal of organic waste and construction and demolition waste occurring in the Antelope Valley region in Los Angeles, San Bernardino, and Kern Counties. This illegal disposal is occurring in large part because of significant limitations within the regulations implementing the IWMA that are inhibiting or preventing the EAs from addressing the generation, transportation, and disposition of the solid waste at issue. This waste has caused fires and nuisances and created a significant risk of harm to public health and safety and to the environment. Currently, the cost of cleaning up this waste is estimated to be in the tens of millions of dollars.

Limitations within the existing regulatory framework have made it extremely challenging if not impossible for the EAs to enforce provisions related to illegal disposal within the IWMA.

IWMA provisions mandate CalRecycle to adopt and revise regulations which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal in accordance with Division 30 of the PRC. Assembly Bill 2679 (Chapter 500,

Statutes of 2008) added PRC section 44000.5 to Part 5 of Division 30 prohibiting a person from disposing, transporting, or arranging for the disposal of solid waste except at a permitted solid waste disposal facility, and authorizes CalRecycle or the EA to issue a cease-and-desist order to any person who violates this provision.

These proposed regulations will make permanent the illegal disposal emergency regulations to allow EAs to use the authority granted in PRC section 44000.5 to bring enforcement actions against any person who causes solid waste to be disposed of, arranges for solid waste to be disposed of, transports solid waste for the purpose of disposal, or accepts solid waste for the purpose of disposal, except for at a solid waste disposal facility for which a permit has been issued. Existing regulations only allow EAs to bring an enforcement action against facility operators or the owners of the property where the waste is disposed, not the other actors that facilitate its disposal.

Additionally, these proposed regulations will regulate the land application of organic waste, bringing the activity into the permitting tier structure, thereby further bolstering an EA's ability to regulate the waste and protect the public and environment from harm from illegal disposal.

SPECIFIC PURPOSE AND NECESSITY OF THE PROPOSED REGULATIONS

TITLE 14. NATURAL RESOURCES

DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CHAPTER 3. MINIMUM STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL

ARTICLE 6.0. TRANSFER/PROCESSING OPERATIONS AND FACILITIES REGULATIONS REQUIREMENTS

Section 17402. Definitions

Subsection (a)(0.4)

The purpose of this amendment is to add the term for compostable material which has the same meaning as section 17852(a)(11).

This amendment is necessary because this term is referenced in section 17410.5 of Chapter 3 regarding material sent offsite for land application. This term is defined so that they can be interpreted and applied consistently with the other proposed regulations to distinguish between permissible land application and illegal disposal.

Subsection (a)(6.1)

The purpose of this amendment is to add the term for fines which means material of a soil or sand consistency remaining after processing of solid waste that cannot be sorted further and includes a variety of organics or inorganic material.

This amendment is necessary because this term is referenced in section 17410.5 of Chapter 3 regarding material prohibited from being sent offsite for land application. Commonly used industry terms synonymous with this term include material recovery facility (MRF) fines and construction and demolition (C&D) fines. This term is defined so that they can be interpreted and applied consistently with the other proposed regulations to distinguish between permissible land application and illegal disposal.

Subsection (a)(7.6)

The purpose of this amendment is to add the term for land application activity which has the same meaning as section 17852(a)(24.5.1).

This amendment is necessary because this term is referenced in section 17410.5 of Chapter 3 regarding material sent offsite for land application. This term is defined so that they can be interpreted and applied consistently with the other proposed regulations to distinguish between permissible land application and illegal disposal.

ARTICLE 6.2. OPERATING STANDARDS

Section 17410.5. Material Sent for Land Application

Subsection (a), (a)(1), and (a)(2)

The purpose of this adoption is to ensure materials produced from transfer/processing facilities and operations, including construction and demolition transfer/processing are sampled to meet the requirements of section 17852(a)(24.5)(A) prior to being sent offsite for land application. The purpose of subsection (a)(1) is to establish a sampling frequency requirement by conducting one composite sample for every 5,000 cubic yards of material sent offsite for land application. If a facility or operation produces less than 5,000 cubic yards of material in a 12-month period, the operator shall conduct at least one sample of material sent for land application.

This adoption is necessary because currently there are no sampling requirements for producers to comply with prior to sending material offsite for land application. This adoption is necessary for CalRecycle and EAs to verify that material sent offsite for land application meets the requirements of section 17852(a)(24.5) and to support the EAs in performing their enforcement duties.

The purpose of subsection (a)(2) is to require the producer to provide the person receiving the material for land application with results demonstrating that the material meets the requirements of Section 17852(a)(24.5).

This adoption is necessary to allow CalRecycle and EAs to verify that materials produced from in-vessel digestion facilities and operations sent offsite for land application are meeting the requirements of section 17852(a)(24.5) and not illegally disposed.

Subsection (b)

The purpose of this adoption is to prohibit the land application of fines produced from transfer/processing facilities and operations, including construction and demolition transfer/processing.

This adoption is necessary to provide clarity to the regulated community that fines being sent for land application do not meet the land application requirements pursuant to section 17852(a)(24.5). Fines generally do not meet the land application requirements pursuant to section 17852(a)(24.5) because as defined fines include a variety of organic and inorganics which would not meet the physical contamination limit of land application.

Subsection (c)

The purpose of this adoption is to require that material produced from transfer/processing facilities and operations, including construction and demolition transfer/processing, that do not meet the land application requirements of section 17852(a)(24.5) is not sent offsite for land application. Further, this subsection requires the facility or operation to reprocess the material onsite, send it offsite for further processing, or send it to disposal.

This adoption is necessary to clarify the alternatives to manage material that does not meet the land application requirements. This material does not meet land application requirements because as defined fines include a variety of organic and inorganics which would not meet the physical contamination limit of land application.

ARTICLE 6.3. RECORD KEEPING REQUIREMENTS

Section 17414. Record Keeping Requirements

Subsection (i)(1)

The purpose of this amendment is to add recordkeeping requirements for material sent offsite for land application to include the total volumes and weights of material sent offsite each day from the facility or operation.

This amendment is necessary to allow CalRecycle and EAs to review the specific facts in the records to verify that material sent offsite for land application is meeting the requirements of section 17852(a)(24.5), to track the flow of material from solid waste facilities and operations to land application for each operating day, and to support the EAs in performing their enforcement duties based on those facts. Because “volume in cubic yards and weights” are commonly used measurement standards in the industry for transportation, CalRecycle selected these characteristics as a means of identifying material that is sent offsite in total for a day. This requirement coupled with subsection (i)(3) will assist CalRecycle and EAs in assessing whether a particular load sent offsite could have come from the operator. Because material is constantly moving through an operator’s location, it would be impossible and an immense burden for an operator to hold the material for inspection by CalRecycle and EAs, CalRecycle and EAs will have to review documentation about the material instead of the material itself. Without these

records CalRecycle and EAs will not be able to trace or verify the nature of the material that is sent offsite for land application.

Subsection (i)(2)

The purpose of this amendment is to add recordkeeping requirements for material sent offsite to land application to include the test results showing that the material that is sent offsite for land application meets the physical contamination limits, maximum metal concentrations, and pathogen density limits described in section 17852(a)(24.5)(A).

This amendment is necessary to allow CalRecycle and EAs to review the specific facts in the records to verify that material sent offsite for land application is meeting the requirements of section 17852(a)(24.5) regarding physical contamination, pathogen reduction, and maximum metal concentrations, and to support the EAs in performing their enforcement duties based on those facts. By requiring the operator to have the test results showing the material met the contamination standard, CalRecycle can quickly review whether the requirements of section 17852(a)(24.5)(A) are being met, and also validate the test results that were received by the consumer at the destination. Because material is constantly moving through an operator's location, it would be impossible and an immense burden for an operator to hold the material for inspection by CalRecycle and EAs, CalRecycle and EAs will have to review documentation about the material instead of the material itself. Without these records CalRecycle and EAs will not be able to trace or verify the nature of the material that is sent offsite for land application.

Subsection (i)(3)

The purpose of this amendment is to add recordkeeping requirements for material sent offsite for land application to include the delivery date, volume, weight, and destination address where the material was sent.

This amendment is necessary to allow CalRecycle and EAs to review the specific facts in the records to verify that material sent offsite for land application is meeting the requirements of section 17852(a)(24.5), to track the flow of material from solid waste facilities and operations to land application for each load, and to support the EAs in performing their enforcement duties based on those facts. CalRecycle needs the date of shipment and the volume and weight characteristics to be able to identify a particular load of material has having originated from a particular operator. Because material is constantly moving through an operator's location, it would be impossible and an immense burden for an operator to hold the material for inspection by CalRecycle and EAs, CalRecycle and EAs will have to review documentation about the material instead of the material itself. Without these records CalRecycle and EAs will not be able to trace or verify the nature of the material that is sent offsite for land application.

SECTION 17414.2. RECORDKEEPING AND REPORTING REQUIREMENTS— ORGANIC WASTE RECOVERY

Subsection (b)(3)(A)

The purpose of this amendment is to add recordkeeping requirements for material sent offsite for land application to include the total volumes and weights of material sent offsite each day from the facility or operation.

This amendment is necessary to allow CalRecycle and EAs to review the specific facts in the records to verify that material sent offsite for land application is meeting the requirements of section 17852(a)(24.5), to track the flow of material from solid waste facilities and operations to land application each operating day, and to support the EAs in performing their enforcement duties based on those facts. Because “volume in cubic yards and weights” are commonly used measurement standards in the industry for transportation, CalRecycle selected these characteristics as a means of identifying material that is sent offsite in total for a day. This requirement coupled with subsection (i)(3) will assist CalRecycle and EAs in assessing whether a particular load sent offsite could have come from the operator. Because material is constantly moving through an operator’s location, it would be impossible and an immense burden for an operator to hold the material for inspection by CalRecycle and EAs, CalRecycle and EAs will have to review documentation about the material instead of the material itself. Without these records CalRecycle and EAs will not be able to trace or verify the nature of the material that is sent offsite for land application.

Subsection (b)(3)(B)

The purpose of this amendment is to add recordkeeping requirements for material sent offsite to land application to include the test results showing that the material that is sent offsite for land application meets the physical contamination limits, maximum metal concentrations, and pathogen density limits described in section 17852(a)(24.5)(A).

This amendment is necessary to allow CalRecycle and EAs to review the specific facts in the records to verify that material sent offsite for land application is meeting the requirements of section 17852(a)(24.5) regarding physical contamination, pathogen reduction, and maximum metal concentrations, and to allow EAs to perform their enforcement duties based on those facts. By requiring the operator to have the test results showing the material met the contamination standard, CalRecycle can quickly review whether the requirements of section 17852(a)(24.5)(A) are being met, and also validate the test results that were received by the consumer at the destination. Because material is constantly moving through an operator’s location, it would be impossible and an immense burden for an operator to hold the material for inspection by CalRecycle and EAs, CalRecycle and EAs will have to review documentation about the material instead of the material itself. Without these records CalRecycle and EAs will not be able to trace or verify the nature of the material that is sent offsite for land application.

Subsection (b)(3)(C)

The purpose of this amendment is to add recordkeeping requirements for material sent offsite for land application to include the delivery date, volume, weight, and destination address where the material was sent.

This amendment is necessary to allow CalRecycle and EAs to review the specific facts in the records to verify that material sent offsite for land application is meeting the requirements of section 17852(a)(24.5), to track the flow of material from solid waste facilities and operations to land application for each load, and to support the EAs in performing their enforcement duties based on those facts. CalRecycle needs the date of shipment and the volume and weight characteristics to be able to identify a particular load of material has having originated from a particular operator. Because material is constantly moving through an operator's location, it would be impossible and an immense burden for an operator to hold the material for inspection by CalRecycle and EAs, CalRecycle and EAs will have to review documentation about the material instead of the material itself. Without these records CalRecycle and EAs will not be able to trace or verify the nature of the material that is sent offsite for land application.

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

ARTICLE 1. GENERAL

Section 17852. Definitions

Subsection (a)(15)

The purpose of this amendment is to revise the definition of disposal of compostable material and/or digestate to clarify that disposal of compostable material and/or digestate includes compostable material or digestate that is commingled with inorganic or non-compostable material.

The storage limit of more than 200 cubic yards of compostable material was revised from 30 days to 7 days. The boundary of land referenced in subsections (A)(2) and (3) was clarified to mean a parcel of land.

Subsection (B) lists the type of activities that do not constitute disposal of compostable material and (B)(3) was revised to clarify that land application activities as described in section 17862.3 are included in this list.

These amendments are necessary to prevent the final deposition of compostable material and/or digestate with inorganic or non-compostable material and reduce risks associated with stockpiling of material. The amendments in section 17852 address the emergency as there is inconsistency in terminology used between parties involved with land application resulting in gaps in information, lengthy response times from EAs, and/or in limited enforcement actions. Defining these terms will ensure they are interpreted and applied consistently along with the other proposed regulations to distinguish between permissible land application and illegal disposal. CalRecycle selected 7 days instead of 30 days to reduce the risks to the environment associated with the uncontrolled decomposition of material stockpiled for that length of time.....CalRecycle needed to specify "a parcel of land" as opposed to "land" to be

consistent with the usage of the term parcel in the existing language in section 17852(B)2.

Subsection (a)(24.5)

The purpose of this amendment is to move the language described in subsections (A)(1) through (5) into the newly created regulatory section 17862.4. The language that moved to section 17862.4 includes further amendments which are described in the section purpose and necessity below.

This amendment is necessary because the language includes requirements for land application which are more appropriate under a separate regulatory section rather than in the definitions section. This promotes clarity to the regulated community by consolidating all requirements for land application of material in one section.

Subsection (a)(24.5)(B)

The purpose of this amendment is to add language that the list provided within the subdivision does not constitute land application and is not required to meet the conditions of section 17852(a)(24.5)(A) and to add that the list provided is not illegal disposal.

This amendment is necessary to clarify that the list of uses and final deposition is neither land application nor illegal disposal.

Subsection (a)(24.5)(B)(1)

Subdivision (B)(1) was amended to clarify that the use of compost in compliance with Chapter 3.1 and/or 3.2 includes amendments and additives.

This amendment is necessary to distinguish between land application and illegal disposal. This amendment is necessary to add clarity between legal final deposition and illegal disposal. CalRecycle chose to clarify “compost produced” to include amendments and additives because amendments and additives are commonly incorporated during the compost process and any compost produced in compliance with Chapter 3.1 or 3.2 of the Division would also meet the land application requirements.

Subsection (a)(24.5)(B)(2)

Subsection (B)(2) was amended to place a 4,040 cubic yard limit on the amount of compostable material and/or digestate used for gardening or landscaping.

This amendment is necessary to distinguish between an activity that falls under subsection (B)(2) and a land application activity as described in Section 17862.3 that would require regulatory oversight by the EA. CalRecycle selected 4,040 cubic yards of material during a 12 month period because that equals the density of material spread across 5 acres at six inches in depth. CalRecycle selected six inches as the standard of depth to reduce the occurrence of fires associated with depths greater than six inches as observed during the illegal disposal site visits.

Subsection (a)(24.5.1)

The purpose of this amendment is to add a definition for land application activity to mean a solid waste operation where a landowner accepts any combination of compostable material or digestate for land application onto their own parcel of land.

This amendment is necessary because this term is referenced in sections 17854.1 and 17862.3.

An exception to the definition of land application activity was included for the land application of certain agricultural material when overseen by the Department of Food and Agriculture. This exception makes it abundantly clear that the requirements for land application does not apply to when processed poultry mortality material is disposed in a way that could be determined to be land application.

This exception is necessary to preserve certain activities excluded under section 17855(a)(5)(E) from being subject to Enforcement Agency Notification Tier requirements as these activities are not part of the emergency being addressed. Without this exception, there is the potential for a conflict between these regulations and the important processes established by the Department of Food and Agriculture for how to address the issue of poultry mortality material and its potential impact on waste streams.

ARTICLE 2. REGULATORY TIERS FOR COMPOSTING OPERATIONS AND FACILITIES

SECTION 17854.1. REGULATORY TIER REQUIREMENTS FOR COMPOSTABLE MATERIAL HANDLING OPERATIONS AND FACILITIES

Subsection Table 1

The purpose of this amendment is to add the Land Application Activity type under the Enforcement Agency Notification Tier.

This amendment is necessary because it supports the effectuation of newly added section 17862.3 “Land Application Activity” which is a new compostable material handling activity type under the existing Enforcement Agency Notification regulatory tier. This identifies the new Enforcement Agency Notification Tier in the Compostable Material Handling Operations and Facilities chart and pertinent section number associated with Land Application Activity.

Section 17862.3. Land Application Activity

Subsection (a)

The purpose of this adoption is to specify that land application activities that receives greater than 4,040 cubic yards of compostable material or digestate during a 12-month period must comply with the Enforcement Agency notification requirements of Chapter 5.0, Article 3.0.

The 4,040 cubic yards limit was determined by multiplying 5 acres by 6 inches of depth and then converted to yards. Six inches of depth was selected by CalRecycle to reduce

the occurrence of fires associated with depths greater than six inches as observed during the illegal disposal site visits.

This adoption is necessary because this new regulatory tier clarifies the distinction between land application and illegal land disposal and to support regulatory oversight of these activities by the EA.

Subsection (b)

The purpose of this adoption is to specify that land application activities must provide to the EA evidence that material is in compliance with the physical contamination limits, maximum metal concentrations, and pathogen reduction limits described in Section 17852(a)(24.5)(A) prior to receipt of the material.

This adoption is necessary to ensure that material meets the requirements of land application prior to the landowner receiving material to prevent the illegal disposal of contaminated material onto land. This adoption allows the EA to distinguish between land application and illegal land disposal and to ensure the land application activity is operating in compliance with section 17862.3. By ensuring that the landowner shall provide the EA with this evidence prior to land application, the EA can rely on the landowner's compliance with this section to ensure that the material meets the requirements for land application.

Subsection (c)

The purpose of this adoption is to specify that land application activities are required to land apply material or remove material from the site within 48 hours or at an alternative timeline as approved by the EA provided it does not pose a risk to public health and safety and the environment or does not cause a nuisance.

This amendment is necessary to place stockpile limits for material that has been received but has not been land applied and for the EA to distinguish between land application and illegal land disposal and to ensure the land application activity is operating in compliance with section 17862.3. By requiring the timely land application of material, this will prevent the occurrences of spontaneous combustion, the build up of unstable mounds, or other potential dangers to the public safety and well being.

Subsections (d), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), and (d)(6)

The purpose of this adoption is to specify that land application activities must include recordkeeping requirements such as the date of material received, date material was land applied, date material was incorporated into the soil, business name and address of entity who produced the material, volume of material received, and evidence demonstrating compliance with section 17852(a)(24.5)(A) regarding physical contamination, maximum metal concentrations, and pathogen reduction limits.

This adoption is necessary to ensure that material meets the requirements of land application prior to the landowner receiving material to prevent the illegal disposal of contaminated material onto land. This adoption allows the EA to distinguish between

land application and illegal land disposal and to ensure the land application activity is operating in compliance with section 17862.3. The date the material was received is critical information to validate where the material came from. The date the material was applied to the land is necessary to validate compliance with subsection (c). The date the material was incorporated into the soil, or the date the EA authorized an alternative is to allow the EA to verify that material is being land applied consistent with the condition described in section 17862.4(d). The business name and address of who produced the material is necessary to validate where the material originated from and to validate sampling records at both locations to ensure veracity of the documents. The volume of the material received in cubic yards is necessary to verify whether the limits in subsection (a) apply. Evidence of compliance with conditions described in section 17852(a)(24.5)(A) is necessary so that the landowner, the EA, and CalRecycle can verify whether the material that was land applied was in fact suitable for land application.

Subsection (e)

The purpose of this adoption is to specify that land application activities shall not be mixed compostable material or digestate with non-organics on-site for use as land application.

This amendment is necessary to ensure that materials that are spread on land meet the requirements of section 17852(a)(24.5)(A). Mixing compostable material with non-compostable material would not meet the condition described in Section 17852(a)(24.5)(A)(1). This is necessary to provide clarity to the regulated community that the mixing of these two material types does not conform to the requirements of section 17852(a)(24.5)(A) and is made more explicit and repeated here in this section.

Subsection (f)

The purpose of this adoption is to specify that land application activities must be inspected by the EA within 90 days of receipt of the evidence required by subsection (b). The EA may perform additional inspections to ensure compliance with this section and to protect public health and safety and the environment.

This amendment is necessary to clarify the regulatory oversight of the EA regarding inspections to ensure that landowners are operating in compliance with section 17862.3. CalRecycle selected 90 days of receipt of the evidence required in subsection (b) to allow for sufficient time for the landowner to complete land application activities prior to the EA conducting the site inspection.

Subsection (g)

The purpose of this adoption is to specify that land application activities are not subject to Articles 3 through 9 of this Chapter.

This adoption is necessary because land application activities are not performing composting activities or other processing activities associated with the production of compost. Therefore, Articles 3 through 9 do not apply to a land application activity. This

is necessary to ensure clarity that the land application activity is not confused with composting activities which have different requirements.

Section 17862.4. Land Application Requirements

Subsection (a) through (e)

The purpose of this amendment is to move the conditions of section 17852(a)(24.5)(A)(1) through (5) to a new regulatory section and to further clarify the conditions for land application of compostable material and/or digestate so that it does not constitute illegal disposal.

This amendment is necessary to clarify the requirements for land application under a separate regulatory section rather than under a definition.

Subsection (d)

The depth requirement was revised from 12 inches to six inches in total accumulated depth on the land surface at the time of the land application.

This amendment is necessary to clarify that a landowner can apply and incorporate up to six inches of material onto the land surface at the time of each land application. For land not zoned for agricultural use, the landowner can apply and incorporate up to six inches of material once during a 12-month period. For land zoned for agricultural use, the landowner can apply and incorporate up to six inches of material three times during a 12-month period. This amendment is necessary to mitigate risks to public health and safety and the environment.

The application frequency was clarified to include that no additional material can be delivered to the site until the previous application has been incorporated into the soil, unless otherwise approved by the EA. Further, any material delivered to the site that is not incorporated into the soil within thirty (30) days shall be deemed disposed.

This amendment is necessary to prevent the acceptance of additional material until the previous application of material has been conducted.

ARTICLE 7. ENVIRONMENTAL HEALTH STANDARDS

Section 17868.1. Sampling requirements

Subsection (a)(3)

The purpose of this amendment is to update the language require composite sample analysis of the environmental health standards of Article 7 of Chapter 3.0 to be conducted using a laboratory accredited by the State of California.

This amendment is necessary because the existing language referencing the California Department of Public Health is out of date as this department no longer certifies laboratories. On July 1, 2014, responsibility for California's operator certification program was transferred from the State Department of Public Health to the State Water Resources Control Board. The transfer was accomplished by means of the addition of a

new Section 116271 to the Health and Safety Code with the signing of SB 851 and SB 861. This change is being made because the environmental health standards are referenced in the conditions for land application as described in Section 17852(a)(24.5).

Section 17868.6. material sent for land application

Subsections (a), (a)(1), and (a)(2)

The purpose of this adoption is to ensure materials produced at compostable material handling facilities and operations will meet the requirements of section 17852(a)(24.5)(A) prior to being sent offsite for land application. The subsection includes a sampling frequency of one composite sample for every 5,000 cubic yards of material that is sent for land application. If a facility or operation produces less than 5,000 cubic yards of material in a 12-month period, the operator shall conduct at least one sample of material sent for land application.

This adoption is necessary because currently there are no sampling requirements for producers to comply with prior to sending material offsite for land application. This adoption is necessary for CalRecycle and EAs to verify that material sent offsite for land application meets the requirements of section 17852(a)(24.5) and allow EAs to perform enforcement duties. CalRecycle selected this sampling frequency because during the emergency rulemaking, OAL and CalRecycle received comments that this sampling frequency would still meet the goals of the program while ensuring that a facility or operation can in fact incorporate the sampling requirements with their operational needs.

The subsection requires the producer to provide the person with results demonstrating that the material meets the requirements of Section 17852(a)(24.5).

This adoption is necessary to allow CalRecycle and EAs to verify that materials produced from in-vessel digestion facilities and operations sent offsite for land application are meeting the requirements of section 17852(a)(24.5) and not illegally disposed. CalRecycle is mandating that the sampling results be provided to the person receiving the material to assist the person in verifying whether the material meets the requirements for land application.

Subsection (b)

The purpose of this adoption is to require that material produced from compostable material handling facilities and operations that do not meet the land application requirements of section 17852(a)(24.5) is not sent offsite for land application. Further, the subdivision requires the facility or operation to reprocess the material onsite, send it offsite for further processing, or send it to disposal.

This adoption is necessary to clarify the alternatives to manage material that does not meet the land application requirements, and to ensure that this material enters the proper waste stream and not illegally disposed by dumping.

Section 17869. General Record Keeping and Reporting Requirements

Subsection (e)(5)

The purpose of this amendment is to add the material volumes, delivery date, and destination address of where material is sent to the list of record keeping requirements for compostable material handling facilities and operations. Such destinations include land application.

This amendment is necessary for CalRecycle and EAs to review the specific facts in the records to verify that material sent offsite for land application meets the requirements of section 17852(a)(24.5) and allow EAs to perform enforcement duties based on those facts. The destination address is required because it will assist CalRecycle and EAs with verifying delivery location. The date is required because it will assist CalRecycle and EAs with being able to trace the load of material from operator to person receiving the material. The weight of the material is required because it will assist CalRecycle and EAs with being able to evaluate the amount of the material. The volume is required because it will assist CalRecycle and EAs with verifying the total amount actually sent to the person receiving the material. The volume and weight of the material will assist CalRecycle and EAs in identifying the amount of material land applied at a location.

CHAPTER 3.2. IN-VESSEL DIGESTION OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS**ARTICLE 4. RECORD KEEPING REQUIREMENTS****Section 17896.45. Record Keeping Requirements****Subsection (a)(5)**

The purpose of this amendment is to add the volume, delivery date and destination address of where material is sent to the list of record keeping requirements for in-vessel digestion facilities and operations.

This amendment is necessary for CalRecycle and EAs to review the specific facts in the records to verify that material sent offsite for land application meets the requirements of section 17852(a)(24.5) and allow EAs to perform enforcement duties based on those facts. The delivery date is required because it will assist CalRecycle and EAs with being able to trace the load of material from operator to person receiving the material. The volume is required because it will assist CalRecycle and EAs with verifying the total amount actually sent to the person receiving the material. The weight of the material is required because it will assist CalRecycle and EAs with being able to evaluate the amount of the material. The volume and weight of the material will assist CalRecycle and EAs in identifying the amount of material land applied at a location. The destination address is required because it will assist CalRecycle and EAs with verifying delivery location.

ARTICLE 6. DIGESTATE HANDLING STANDARDS.**Section 17896.58. Digestate Handling Standards****Subsection (b)(2)**

The purpose of this amendment is to update the language to require composite sample analysis of the environmental health standards of Article 7 of Chapter 3.0 to be conducted using a laboratory accredited by the State of California rather than the California Department of Public Health.

This amendment is necessary because the existing language referencing the California Department of Public Health is out of date as this department no longer certifies laboratories. On July 1, 2014, responsibility for California's operator certification program was transferred from the State Department of Public Health to the State Water Resources Control Board. The transfer was accomplished by means of the addition of a new Section 116271 to the Health and Safety Code with the signing of SB 851 and SB 861. This change is being made because the environmental health standards are referenced in the conditions for land application as described in Section 17852(a)(24.5).

Section 17896.62. Material Sent for Land Application

Subsections (a), (a)(1), and (a)(2)

The purpose of this adoption is to ensure materials produced at in-vessel digestion facilities and operations will meet the requirements of section 17862.4 prior to being sent offsite for land application. Subsection (a)(1) includes a sampling frequency of one composite sample for every 5,000 cubic yards of material that is sent for land application. If a facility or operation produces less than 5,000 cubic yards of material in a 12-month period, the operator shall conduct at least one sample of material sent for land application.

This adoption is necessary because currently there are no sampling requirements for producers to comply with prior to sending material offsite for land application. This adoption is necessary for CalRecycle and EAs to verify that material sent offsite for land application meets the requirements of section 17862.4 and allow EAs to perform enforcement duties. CalRecycle selected this sampling frequency because during the emergency rulemaking, OAL and CalRecycle received comments that this sampling frequency would still meet the goals of the program while ensuring that a facility or operation can in fact incorporate the sampling requirements with their operational needs.

The subsection requires the producer to provide the person receiving the material for land application with results demonstrating that the material meets the requirements of Section 17852(a)(24.5).

This adoption is necessary to allow CalRecycle and EAs to verify that materials produced from in-vessel digestion facilities and operations sent offsite for land application are meeting the requirements of section 17862.4 and not illegally disposed. CalRecycle is mandating that the sampling results be provided to the person receiving the material to assist the person in verifying whether the material meets the requirements for land application.

Subsection (b)

The purpose of this adoption is to require that material produced from in-vessel digestion facilities and operations that do not meet the land application requirements of section 17862.4 is not sent offsite for land application. Further, the subsection requires the facility or operation to reprocess the material onsite, send it offsite for further processing, or send it to disposal.

This adoption is necessary to clarify the alternatives to manage material that does not meet the land application requirements, and to ensure that this material enters the proper waste stream and not illegally disposed by dumping.

CHAPTER 5. ENFORCEMENT OF SOLID WASTE STANDARDS AND ADMINISTRATION OF SOLID WASTE FACILITY PERMITS; LOAN GUARANTEES**ARTICLE 4. ENFORCEMENT BY EA AND REVIEW BY DEPARTMENT****Section 18302. Written Complaints of Alleged Violations****Subsections (a), and (a)(2)**

The purpose of this amendment is to add the term “activity” to the list of alleged entities or locations that are in violation of any related solid waste laws or regulations.

This amendment is necessary to clarify the EA’s scope and authority to perform investigation and enforcement duties including action against a person or persons involved in an activity to address non-compliance with state solid waste laws and regulations with illegal disposal.

Subsection (c)

The purpose of this amendment is to change language from “examine the report” to “examine the complaint.”

This amendment is necessary to correct an incorrect reference. EAs do not examine reports filed as a result of the complaint, they examine the complaint itself..

Subsection (d)

The purpose of this amendment is to add the term “activity” to the list of alleged entities or locations that are in violation of any related solid waste laws or regulations.

This amendment is necessary to clarify the EA’s scope and authority to perform investigation and enforcement duties including action against a person or persons involved in an activity to address non-compliance with state solid waste laws and regulations with illegal disposal.

Subsection (g)

The purpose of this amendment is to change the language from “insure” to “ensure.”

This amendment is necessary to correct a typo.

Section 18303. Investigations

Subsection (a)

The purpose of this amendment is to include section 18103 and PRC section 44000.5 to the applicable related solid waste laws and regulations.

This amendment is necessary to clarify the EAs scope and authority to perform investigation and enforcement duties including action against a person or persons involved in an activity to address noncompliance with state solid waste laws and regulations with illegal disposal.

The purpose of this amendment is to correct the cross reference from subsection 18302(e) to 18303(d).

This is necessary because the cross-reference as currently written in the regulation is illogical because subsection 18302(e) is in regards to an EAs authority to decline to investigate a complaint. Subsection 18302(d) is the correct reference because it details the requirements for an EA when an “odor is detected”.

Subsection (c)

The purpose of this amendment is to change the language from “date ad location” to “date and location.”

This amendment is necessary to correct a typographical error.

Section 18304. Notice and Orders

Subsection (a)

The purpose of this amendment is to include PRC section 44000.5 on the list of statutes the EA can reference in their issuance of notices and orders.

This amendment is necessary to clarify the EAs authority and scope to perform investigation and enforcement duties including action against a person or persons involved in an activity to address non-compliance with state solid waste laws and regulations with illegal disposal. This amendment reduces confusion as to whether statute applies for the regulated community. However, CalRecycle views this change as a change without regulatory effect.

Subsection (a)(3)

The purpose of this amendment is to remove “any of” from the language.

This amendment is necessary for conciseness.

Subsection (a)(4)

The purpose of this amendment is to remove sentence structure.

This amendment is necessary for conciseness.

Subsection (b)(5)

The purpose of this amendment is to change the language from “permit term or conditions” to “permit term and conditions.”

This is necessary to correct a typographical error. As currently drafted, the regulation leaves the impression that “condition” could be interpreted separately from permit when the purpose of the regulation section is to combine permit terms and conditions and is not about any other “conditions” imposed by another authority.

Section 18304.1. Types of Notices and Orders; Enforcement Thereof

Subsections (a)(1) and (a)(2)

The purpose of this amendment is to add “person” to the list of entities and to add a reference to PRC section 44000.5.

This amendment is necessary to clarify the EAs authority and scope to perform investigation and enforcement duties including action against a person or persons involved in an activity to address non-compliance with state solid waste laws and regulations with illegal disposal. This amendment reduces confusion as to whether statute applies for a person not an owner or operator of a facility, disposal site or operation. However, CalRecycle views this change as a change without regulatory effect.

Subsection (a)(3)

The purpose of this amendment is to rearrange the reference to Public Resources Code 45011 in the language. This amendment is necessary for conciseness.

The purpose of this amendment is to add “person” to the list of entities and to add a reference to PRC section 44000.5.

This amendment is necessary to clarify the EAs authority and scope to perform investigation and enforcement duties including action against a person or persons involved in an activity to address non-compliance with state solid waste laws and regulations with illegal disposal. This amendment reduces confusion as to whether statute applies for a person not an owner or operator of a facility, disposal site or operation. However, CalRecycle views this change as a change without regulatory effect

Subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5)

The purpose of this amendment is to add “person” to the list of entities and to add a reference to PRC section 44000.5.

This amendment is necessary to clarify the EAs authority and scope to perform investigation and enforcement duties including action against a person or persons involved in an activity to address non-compliance with state solid waste laws and regulations with illegal disposal. This amendment reduces confusion as to whether statute applies for a person not an owner or operator of a facility, disposal site or

operation. However, CalRecycle views this change as a change without regulatory effect

ECONOMIC IMPACT FOR “MAJOR REGULATIONS” EXCEEDING \$50 MILLION (GOVERNMENT CODE SECTION 11342.548)

These proposed regulations do not meet the criteria for major regulations specified in Government Code section 11342.548 and therefore do not need a Standardized Regulatory Impact Assessment. The estimated economic impact amount is below the \$50 million threshold for major regulations. CalRecycle estimates the annual economic impact of this regulation will range from \$267,615.75 to \$8,686,781.27.

ECONOMIC IMPACT FOR “MAJOR REGULATIONS” EXCEEDING \$10 MILLION (HEALTH AND SAFETY CODE SECTION 57005)

These proposed regulations do not meet the criteria for major regulations specified in Health and Safety Code section 57005(b) for the California Environmental Protection Agency due to the economic impact amount not exceeding \$10 million.

ECONOMIC IMPACT ASSESSMENT

CalRecycle made an evaluation that the proposed regulations could potentially affect the following:

- 735 transfer/processing facilities and operations, including construction and demolition transfer/processing
- 360 compostable material handling facilities and operations
- 17 in-vessel digestion facilities and operations

An estimated total of 1,112 solid waste facility and operation businesses could be potentially impacted by the proposed regulations, and 213 of the 1,112 estimated total are identified as small businesses. This estimate assumes that all 87 chipping and grinding facilities and operations plus 20 percent of the transfer/processing, composting, and in-vessel digestion facilities and operations mentioned above produce material and send it offsite for land application. However, this assumption is highly unlikely as there are solid waste facilities and operations included in the total that are either not permitted to conduct processing, do not have the capacity to conduct processing, or are only in the business of consolidating and transferring material offsite to other solid waste sites for further processing. The solid waste facilities and operations that are potentially impacted by these proposed regulations are subject to either the Transfer/Processing Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.0), or the Compostable Material Handling Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.1), or the In-Vessel Digestion Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.2).

CalRecycle estimates that the annual economic impact of this proposed regulation to businesses and individuals range from \$189,869.87 (low) to \$8,609,035.39 (high).

Creation or Elimination of Jobs Within the State

CalRecycle has made an evaluation that the proposed regulations would not affect the creation or elimination of jobs or businesses, nor the expansion of existing businesses, within California. The impact of these proposed regulations is not sufficient to create or eliminate jobs or businesses because the proposed regulations only add an operating standard relative to sampling and amending recordkeeping standards for affected solid waste facilities and operations. Solid waste facilities and operations are already required to comply with existing recordkeeping requirements.

Creation of New Businesses or Elimination of Existing Businesses Within the State

CalRecycle made the determination that the proposed regulations would affect 213 small businesses in California (using the definition in Government Code section 1132.610). The proposed regulations would not have a significant statewide adverse economic impact directly affecting small businesses, including the ability of California small businesses to compete with small businesses in other states.

The impact of these regulations is not sufficient to create or eliminate jobs or businesses because the proposed regulations only add an operating standard relative to sampling and amending recordkeeping standards for affected solid waste facilities and operations. Solid waste facilities and operations are already required to comply with existing recordkeeping requirements.

Expansion of Businesses Currently Doing Business Within the State

CalRecycle made the determination that the impact of these proposed regulations is not sufficient to expand businesses currently doing business within California.

The impact of these proposed regulations is not sufficient to create or eliminate jobs or businesses because the proposed regulations only add an operating standard relative to sampling and amending recordkeeping standards for affected solid waste facilities and operations. Solid waste facilities and operations are already required to comply with existing recordkeeping requirements.

Anticipated Benefits of the Regulation

The proposed amendments in these regulations will also achieve the following additional benefits and objectives:

- Prevent and mitigate the illegal final deposition of material that does not meet the quality standards of land application onto lands of the state in order to protect public health and safety and the environment.

- Add a new enforcement agency notification regulatory tier, Land Application Activity, with requirements for land application, material storage time limits, record keeping, and inspection responsibilities for the EA.
- Ensure material produced from solid waste facilities and operations sent for land application meets the land application requirements by:
 - Establishing sampling requirements to test material quality prior to it leaving the site.
 - Amending recordkeeping requirements to include the test results, quantity, and end destination for each load of material sent for land application.
 - Provide records of test results to landowners upon receipt of material.
- Clarify and strengthen the EA's investigation and enforcement authority to prevent and mitigate the final deposition of material that does not meet the land application requirements onto lands of the state.
- Prohibit material types from being land applied that pose a risk to public health and safety and the environment.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT OR DOCUMENTS RELIED UPON

CalRecycle utilized the following sources in the development of the proposed regulations:

- Attachment 1: Economic and Fiscal Impact Statement (STD 399) signed on July 8, 2025
- Attachment 2: STD 399 Appendix A
- Attachment 3: STD 399 Appendix B
- Attachment 4: STD 399 Appendix C
- Attachment 5: Transcript from CalRecycle's October 2024 Monthly Public Meeting
- Attachment 6: Site Photographs from Tour of Antelope Valley
- Attachment 7: California – May 2023 State Occupational Employment and Wage Estimates, https://www.bls.gov/oes/current/oes_ca.htm#19-0000, accessed January 8, 2025
- Attachment 8: Visit Log, November 17-18, 2024 (Antelope Valley)

ANTICIPATED BENEFITS

The goal of this rulemaking is to ensure that land application activities which are applying compostable material or digestate are appropriately regulated by the EA and solid waste facilities and operations sending material offsite for land application are performing sampling, recording the quantity delivered, and documenting end destinations for the protection of public health and safety and the environment.

The proposed amendments in these regulations will achieve the objectives of the authorizing statute:

Provisions of the IWMA mandate CalRecycle to adopt and revise regulations which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal in accordance with Division 30 of the PRC. Assembly Bill 2679 (Chapter 500, Statutes of 2008) added PRC section 44000.5 to Part 5 of Division 30 prohibiting a person from disposing, transporting, or arranging for the disposal of solid waste except at a permitted solid waste disposal facility and authorizes CalRecycle or the EA to issue a cease-and-desist order to any person who violates this provision.

The proposed amendments in these regulations will also achieve the following additional benefits and objectives:

- Prevent and mitigate the illegal final deposition of material that does not meet the quality standards of land application onto lands of the state to protect public health and safety and the environment.
- Add a new enforcement agency notification regulatory tier, Land Application Activity, with requirements for land application, material storage time limits, record keeping, and inspection responsibilities for the EA.
- Ensure material produced from solid waste facilities and operations sent for land application meets the land application requirements by:
 - Establishing sampling requirements to test material quality prior to it leaving the site.
 - Amending recordkeeping requirements to include the test results, quantity, and end destination for each load of material sent for land application.
 - Provide records of test results to landowners upon receipt of material.
- Clarify and strengthen the EA's investigation and enforcement authority to prevent and mitigate the final deposition of material that does not meet the land application requirements onto lands of the state.
- Prohibit material types from being land applied that pose a risk to public health and safety and the environment.

REASONABLE ALTERNATIVES TO THE REGULATION AND CALRECYCLE'S REASON FOR REJECTING THOSE ALTERNATIVES

Set forth below are the reasonable alternatives which were considered and the reasons the alternatives were rejected:

ALTERNATIVE 1

Alternative 1 Discussion: Do not adopt regulations to make the illegal disposal regulations permanent and rely on existing statutory and regulatory language.

Reason for Rejecting Alternative 1: This alternative would not provide the benefits outlined in this economic impact statement. The illegal disposal regulations are necessary to ensure that land application activities are regulated by the EA, as well as solid waste facilities and operations sending material offsite for land application, perform

sampling, record the quantity delivered, and document end destinations to protect public health and safety and the environment. Without these regulations, there would be insufficient regulatory oversight by the EA to prevent and address the illegal disposal of material on state lands.

Additionally, this alternative would result in the property owners being responsible for the proper mitigation and funding the mitigation of the illegal final deposition of material on property that does not meet the quality standards of land application onto their property, under the discretion of applicable responsible agencies. The existing regulatory language would not prevent material that does not meet the quality standards of land application from being sent off-site from solid waste facilities and operations/generators that send material to a land application activity; thus, more material from these generators can potentially be land applied illegally. The estimated statewide costs associated with mitigating the illegal final disposition on land cannot be quantified since there is no ability to track land application activities or to identify the flow of materials sourced from solid waste facilities and operations and from other sources. However, CalRecycle staff has conducted an economic forecast in a hypothetical scenario that required cleanup of a 100,000 cubic-yard site in the Antelope Valley region, which included numerous assumptions, and estimated that such a project could cost approximately \$9,220,000 or \$92 dollars per cubic yard; therefore, it can be assumed that the costs associated with this alternative would be substantially greater. CalRecycle acknowledges that this is only an estimation and that each cleanup project would require a site-specific visit with a contractor to assess the property, the quantity of material, material types, field conditions, site location, and the contractor's plan of manpower, equipment, and subcontractors.

There would be no cost associated with this alternative and would neither lessen nor have any impact on businesses, including small businesses, and individuals.

ALTERNATIVE 2

Alternative 2 Discussion: Do not adopt the regulation related to sampling and recordkeeping requirements for solid waste facilities and operations who are sending material offsite for land application.

Reason for Rejecting Alternative 2: The regulations are necessary to ensure compliance with Section 17852(a)(24.5) when material is sent offsite to land application from solid waste facilities and operations. These regulations help prevent the illegal disposal of material sourced from solid waste facilities and operations. Without the regulations, solid waste facilities and operations would continue to send material offsite for land application, but the EA would lack the ability to verify that the material meets the requirements for land application and could not identify the quantity and end destination of the material being sent.

Additionally, even if the EAs could identify the parties that were arranging for the illegal disposition of this waste, they would be limited in bringing an enforcement action against them. The existing notice and order regulations only allow for notices and orders to be issued to “owners” and “operators”, not the other individuals that facilitate this illegal disposal. This conflicts with PRC section 45005, which provides that an EA can issue a cease-and-desist order against any person who has violated, is violating, or proposes to violate section 44000.5.

This alternative would result in no costs associated with businesses which include solid waste facilities and operations. Therefore, in this alternative, the total costs for businesses and individuals would be reflected as:

Costs	Initial FY (25-26)	Subsequent FYs
Businesses	\$99,017.42 - \$5,984,510.89 \$0	\$99,017.42 - \$5,984,510.89 \$0
Individuals (Land application activities)	\$90,852.45 - \$2,624,524.50	\$90,852.45 - \$2,624,524.50
Total Costs to Businesses and Individuals	\$90,852.45 - \$2,624,524.50	\$90,852.45 - \$2,624,524.50

ALTERNATIVES STATEMENT

No reasonable alternative has been identified to the regulatory proposal within this Initial Statement of Reasons that would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented or made specific by the proposed regulation. Furthermore, CalRecycle has determined that no alternative considered would be:

- 1) More effective in carrying out the purpose for which the regulation is proposed;
- 2) As effective and less burdensome to affected private persons than the adopted regulation; or,
- 3) More cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

SPECIFIC TECHNOLOGIES OR EQUIPMENT, OR SPECIFIC ACTIONS OR PROCEDURES

The proposed regulations do not mandate the use of specific technologies or equipment, nor specific actions or procedures. The regulations include a new operating standard for solid waste facilities and operations to sample material sent offsite for land application and include references to an existing regulatory requirement regarding land application.

INITIAL DETERMINATION THAT THE ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

Based on the Economic Impact Assessment discussed above, CalRecycle has made the initial finding that these proposed regulations will not have a significant adverse economic impact on businesses. The goal of the proposed regulatory action is to ensure that land application activities which are applying compostable material or digestate are appropriately regulated by the EA and solid waste facilities and operations sending material offsite for land application are performing sampling, recording the quantity delivered, and documenting end destinations for the protection of public health and safety and the environment.

DUPLICATION OR CONFLICT WITH THE CODE OF FEDERAL REGULATIONS

Pursuant to Government Code section 11346.2(b)(6), CalRecycle has evaluated this regulatory proposal and has determined that there are no federal laws or regulations addressing the same issues as the proposed regulations. The proposed regulations will not be duplicative of other existing regulations as the illegal disposal regulations are unique to the state of California and there are no Federal Regulations that are comparable to it nor any other agency outside of CalRecycle. Therefore, these proposed regulations do not duplicate or conflict with any existing federal law or regulation.