

Department of Resources Recycling and Recovery
Illegal Disposal Emergency Regulations

Economic and Fiscal Impact Statement Supplemental Information

Background of Regulations

These regulations define Land Application Activities and place them within CalRecycle's Regulatory Tiers so that these activities are subject to the appropriate approvals to operate, state minimum standards, land application, record keeping and inspection requirements if they are land applying compostable material, digestate, and/or mulch. These regulations are being promulgated to ensure that the statewide land application infrastructure can continue to operate in compliance with regulatory requirements while ensuring that those activities which are land applying compostable material, digestate, and/or mulch, are under Local Enforcement Agency (LEA) regulatory oversight as necessary to prevent or mitigate the illegal final disposition of material onto land for the protection of public health and safety and the environment. In the absence of these regulations, the LEA does not have the authority to inspect and provide enforcement to land application activities or to monitor the end destination, quantity, and quality of material sent offsite for land application from regulated solid waste facilities and operations.

Additionally, these regulations amend the sampling and record keeping requirement for solid waste facilities, operations, and activities to ensure that any facility and operation sending material to a location for use as land application are sampling to ensure the material is suitable for land application, consistent with section 17852(a)(24.5), and the sampling test results, material quantity, and end destination for each load sent offsite for land application are included in their records. These amended regulations allow enforcement agencies to review this new recordkeeping data to track, investigate, and enforce land application activities thus preventing unlawful disposal of material.

Provisions of the California Integrated Solid Waste Management Act of 1989 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 Public Resources Code (PRC) (PRC Section 40502, 43020, and 43021). Furthermore, 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 LEA to issue a cease and desist order to any person who violates this provision. These provisions authorize CalRecycle to promulgate regulations and achieve the goals mentioned in this section.

Assumptions, Data Sources, and Calculation

The estimate of costs associated to local and state government includes assumptions about the number of land application activities that would be subject to regulation by local government and state government agencies upon the effective date of the proposed regulations which is based on CalRecycle staff's level of knowledge and experience regarding active and ongoing illegal land application activities. The mean hourly compensation for an affected local government employee conducting the tasks described in Table 1 is based on the statistical data provided by the United States Bureau of Labor Statistics. The mean hourly compensation for an affected state government employee conducting the tasks described in Table 2 is based on recent data for an Environmental Scientist position within CalRecycle. The cost per mileage rate of \$0.67 in Tables 1 and 2 are based on the current state vehicle mileage rate for expense reimbursement. The rows which include the language "for FY 24-25 only" means that these one-time duties and their associated costs only apply to the first fiscal year and not the subsequent fiscal years.

STD. 399: Economic and Fiscal Impact Statement

Methodologies for Individual Answers – Fiscal Impact Statement

A. Fiscal Effects on Local Government

As shown in Table 1 below, estimated expenditures would be:

FY 2024-2025: \$54,732.68

FY 2025-2026: \$50,795.88

FY 2026-2027: \$50,795.88

Additional expenditures to local government enforcement agencies in the current and two subsequent State Fiscal Years (SFYs) would not be reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and

Sections 17500 et seq. of the Government Code because they will be fully financed from fees or other charges authorized by Public Resources Code sections 43213 and 44006.

Table 1 – Costs to Local Government

Duties	Number of Sites Affected ¹	Cost/Hour ²	Hours/Miles	Total Costs
Land application activity inspections: Inspection-related costs incurred by local enforcement agencies associated with the addition of a land application activity type in the Enforcement Agency Notification regulatory tier found in Title 14, California Code of Regulations, Compostable Material Handling Regulations.	100	\$49.21	4.00	\$19,684.00
Land application inspections travel: Travel costs incurred by local enforcement agencies associated with the addition of a land application activity type in the Enforcement Agency Notification regulatory tier found in Title 14, California Code of Regulations, Compostable Material Handling Regulations. (This cost is calculated by multiplying the cost per mileage by the total number of inspections by the average roundtrip mileage)	100	\$0.67	150.00	\$10,050.00
Land Application Activity document filings and records review: Costs incurred by the local enforcement agencies to review documents and records associated with new land application activities.	100	\$49.21	1.00	\$4,921.00

Composting facilities and operations records review: Costs incurred by the local enforcement agencies to review new recordkeeping documents associated with composting facilities and operations.	360	\$49.21	0.25	\$4,428.90
In-vessel digestion facilities and operations records review: Costs incurred by the local enforcement agencies to review new recordkeeping documents associated with in-vessel digestion facilities and operations.	17	\$49.21	0.25	\$209.14
Construction/Demolition Transfer/Processing and Solid Waste Transfer/Processing facilities and operations records review: Costs incurred by the local enforcement agencies to review new recordkeeping documents associated with construction/demolition transfer/processing and solid waste transfer/processing facilities and operations.	735	\$49.21	0.25	\$9,042.34
Laboratory test results review: Costs incurred by the local enforcement agencies to review laboratory records associated with new land application activities.	100	\$49.21	0.50	\$2,460.50
Issue Notice and Orders (FY 24-25 only): Costs incurred by the local enforcement agencies to review, develop, and issue notice and orders to remediate illegal land application activities. These one-time duties apply only to fiscal year 2024-2025.	10	\$49.21	4.00	\$1,968.40

Enforcement-related compliance inspections (FY 24-25 only): Inspection-related costs incurred by the local enforcement agencies associated with enforcement orders to address illegal land application activities. These one-time duties apply only to fiscal year 2024-2025.	10	\$49.21	4.00	\$1,968.40
			FY24-25	\$54,732.68
			FY25-26	\$50,795.88
			FY26-27	\$50,795.88

¹Duty count is an estimate based on the state's level of knowledge and experience regarding active, illegal land application activities under enforcement.

²Mean hourly compensation for a local government worker conducting this task according to the United States Bureau of Labor Statistics.
https://www.bls.gov/oes/current/oes_ca.htm#19-0000

B. Fiscal Effects on State Government

As shown in the Table below, estimated expenditures would be:

FY 2024-2025: \$35,590.00

FY 2025-2026: \$26,950.00

FY 2026-2027: \$26,950.00

It is anticipated that CalRecycle will be able to absorb these additional costs within its existing budget and resources.

Table 2 – Costs to State Government

Duties	Number of Affected Sites ³	Cost/Hour ⁴	Hours/Miles	Total Costs
--------	---------------------------------------	------------------------	-------------	-------------

Land application activity inspections: Inspection-related costs including travel incurred by the state acting as the enforcement agency associated with the addition of a land application activity type in the Enforcement Agency Notification regulatory tier found in Title 14, California Code of Regulations, Compostable Material Handling Regulations.	50	\$54.00	6.00	\$16,200.00
Land application inspections travel: Travel costs incurred by the state acting as the enforcement agency associated with the addition of a land application activity type in the Enforcement Agency Notification regulatory tier found in Title 14, California Code of Regulations, Compostable Material Handling Regulations. (This cost is calculated by multiplying the cost per mileage by the total number of inspections by the average roundtrip mileage)	50	\$0.67	200	\$6,700.00
Document filing and records review: Costs incurred by the state acting as the enforcement agency to review documents and records associated with new land application activities.	50	\$54.00	1.00	\$2,700.00
Laboratory test results review: Costs incurred by the state acting as the enforcement agency to review laboratory records associated with new land application activities.	50	\$54.00	0.50	\$1,350.00

Solid waste system database update (FY 24-25 only): Costs incurred by the state to update the state's online solid waste information system database to add land application activities and to review documents submitted by the local enforcement agencies through the database. These one-time duties apply only to fiscal year 2024-2025.	100	\$54.00	1.00	\$5,400.00
Issue Notice and Orders (FY 24-25 only): Costs incurred by the state acting as the enforcement agency to develop and issue notice and orders to remediate illegal land application activities and to assist with the review of notice and orders developed by local enforcement agencies. These one-time duties apply only to fiscal year 2024-2025.	5	\$54.00	4.00	\$1,080.00
EA Notice and Order reviews (FY 24-25 only): Costs incurred by the state to assist with the review of notice and orders developed by local enforcement agencies. These one-time duties apply only to fiscal year 2024-2025.	10	\$54.00	1.00	\$540.00
Enforcement-related compliance inspections (FY 24-25 only): Inspection-related costs incurred by the state acting as the enforcement agency associated with enforcement orders to address illegal land application activities. These one-time duties apply only to fiscal year 2024-2025.	5	\$54.00	6.00	\$1,620.00
			FY24-25	\$35,590.00
			FY25-26	\$26,950.00

FY26-27	\$26,950.00
----------------	--------------------

³The count of sites affected is an estimate based on the state's level of knowledge and experience regarding active, illegal land application activities under enforcement. This count is different from local government count in table 1 because CalRecycle is the enforcement agency for a small number of jurisdictions therefore the duty workload would be less than local government.

⁴Mean hourly compensation for an affected state government worker conducting this task.

	FY24-25	FY25-26	FY26-27
Fiscal Costs to Local Government	\$54,732.68	\$50,795.88	\$50,795.88
Fiscal Costs to State Government	\$35,590.00	\$26,950.00	\$26,950.00
Total Cost to Local and State Government	\$90,322.68	\$77,745.88	\$77,745.88

C. Fiscal Effects on Federal Funding of State Programs

No fiscal impact exists. This regulation does not affect any federally funded State Agency or program.