

NOTICE OF PROPOSED ACTION

ILLEGAL DISPOSAL PERMANENT RULEMAKING DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY TITLE 14. NATURAL RESOURCES

DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CHAPTER 3. MINIMUM STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

CHAPTER 3.2. IN-VESSEL DIGESTION OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

CHAPTER 5. ENFORCEMENT OF SOLID WASTE STANDARDS AND ADMINISTRATION OF SOLID WASTE FACILITY PERMITS; LOAN GUARANTEES

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (CalRecycle) proposes to amend sections 17402, 17414, 17414.2, 17852, 17854.1, 17868.1, 17869, 17896.45, 17896.58, 18302, 18303, 18304, and 18304.1, and adopt sections 17410.5, 17862.3, 17862.4, 17868.6, and 17896.62 of the California Code of Regulations, Title 14, Division 7, Chapter 3, 3.1, 3.2, and 5, Article 1, 2, 4, 6, 7, 8, 6.0, 6.2, and 6.3. The proposed regulations define Land Application Activities and place these activities within CalRecycle's Compostable Material Handling Facilities and Operations Regulatory Tiers and subject these activities to the appropriate operator filing requirements, state minimum standards, recordkeeping, and Enforcement Agency (EA) inspection requirements. The proposed regulations ensure that these activities which are land applying compostable material or digestate are appropriately regulated by the EA to ensure protection of public health and safety and the environment. Additionally, these proposed 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 to be land applied are sampling to ensure the material is suitable for land application, consistent with section 17852(a)(24.5), and the sampling test results, weights, and end destination for each load sent offsite are included in the operator records. These proposed regulations allow EAs to review this new recordkeeping data to track the flow of material, investigate, and enforce land

application activities to prevent unlawful disposal of material. After considering all comments, objections, and recommendations regarding the proposed action, CalRecycle may adopt the proposals substantially as described in the below Informative Digest or may modify such proposals if such modifications are sufficiently related to the original text.

PUBLIC HEARING

CalRecycle will hold a hybrid public hearing starting at 10:00 AM (PDT) on September 2, 2025, and concluding upon submission of any public hearing comments. The public hearing will be accessible in person in the Byron Sher Auditorium located on the 2nd floor of the CalRecycle headquarters at 1001 I Street, Sacramento, California. The Byron Sher room is wheelchair accessible. The public hearing will also be accessible virtually via Zoom for direct participation and via Webcast for observation only. Instructions for how to access the Zoom public hearing (registration required) or Webcast (no registration required), can be found on CalRecycle's website at <https://calrecycle.ca.gov/Laws/Rulemaking/>.

Please note that Webcast participants will not be able to provide comments during the public hearing. To participate remotely and provide comments, it is recommended to join via Zoom, or to email any comments to regulations@calrecycle.ca.gov. No registration is necessary to view the Webcast.

At the public hearing, any person may present statements or arguments, orally, in writing, or in the chat of the Zoom meeting, relevant to the proposed action. CalRecycle requests, but does not require, that any person who makes oral comments also submit a written copy of their testimony at the hearing. All comments at the public hearing will be collected and recorded.

INTERPRETATION SERVICES

Interpretación simultánea del inglés al español será disponible para todos los participantes al taller, sea en persona, o remotamente a través de Zoom, o por transmisión en vivo en línea. Para los participantes en persona que requieren servicios de interpretación del inglés al español, habrá audífonos disponibles que serán proporcionados por el personal de CalRecycle antes o durante el taller.

If interpretation services are needed in a language other than Spanish, contact CalRecycle at regulations@calrecycle.ca.gov by August 25, 2025, and CalRecycle staff will do their best to accommodate this request.

WRITTEN COMMENT PERIOD

The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendments to CalRecycle. Written comments, which offer a recommendation and/or objection, or

support the proposed amendments, should indicate the amended section to which the comment or comments are directed. CalRecycle will only consider written comments sent to CalRecycle and received during the written comment period, which begins on July 18, 2025, and ends on September 2, 2025. Written comments received by CalRecycle after the close of the public comment period are considered untimely. CalRecycle may, but is not required to, respond to untimely comments, including those raising significant environmental issues. Comments submitted in writing must be addressed to one of the following:

Postal mail:

Claire Derksen
Illegal Disposal Permanent Regulations
Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" St., MS-24B, Sacramento, CA 95814

Electronic submittal: [Illegal Disposal Permanent Regulations \(45-Day Comment Period\)](#)

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone number, email address, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCES

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) 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 EA 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. The following is a list of references cited in this proposed regulation: Public Resources Code Sections 40053, 42652.5, 43020, 43021, and 44000.5; and Health and Safety Code Section 39730.6.

INFORMATIVE DIGEST

Summary Of Existing Laws

Prior to the adoption of emergency regulations, existing regulations within 14 CCR, section 17852(a)(24.5) do allow for the final deposition of compostable material or digestate on land (also known as land application), provided that the application meets

certain criteria, 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 regulation are not met, then, with some exceptions, the compostable material is 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, EAs are allowed to request records from property owners to prove compliance with the pathogen and heavy metals testing requirements. However, there is no additional recordkeeping of any kind provided for in Title 14. There is no record of where the waste came from, how the waste was delivered, or whether the waste met the 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 the EAs, in particular the EAs having jurisdiction within the Antelope Valley region (Antelope Valley LEAs), to know where the waste is generated, who is transporting the waste, and who is disposing of 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 California.

This has made it extraordinarily challenging for the Antelope Valley LEAs to monitor and regulate the disposition or land application of this waste. It has also left the Antelope Valley LEAs relying 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, leaving them with very expensive cleanup bills if and when the disposal is discovered, and the EA issues a cleanup order.

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. By amending regulations related to the issuance of notices and order to include individuals in violation of 44000.5, the Antelope Valley LEAs will be empowered to enforce the IWMA against those individuals who are illegally disposing of waste in Antelope Valley.

Given the severity of the illegal disposal issue as 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 is 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 public peace, health, safety, or general welfare.

Effect of the Proposed Action

These proposed regulations define Land Application Activities and place those activities within CalRecycle's Regulatory Tiers. This ensures that Land Application Activities are subject to appropriate approvals, inspections requirements, and operate within state minimum standards, including operational and record keeping requirements. The proposed regulations will regulate land application of compostable material and digestate. The proposed regulations will 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 and digestate, are under EA regulatory oversight to prevent or mitigate the impacts of the illegal final disposition of material onto land to protect public health and safety and the environment. Without these proposed regulations, EAs would not have the authority to inspect and take enforcement on land application activities and to monitor the end destination, quantity, and quality of material sent from solid waste facilities and operations for land application.

Additionally, these proposed regulations amend the sampling and record keeping requirement for solid waste facilities, operations, and activities to ensure that any facility and operations ending material to a location for use as land application are sampled 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 the facility's records. These proposed regulations allow EAs to review this new recordkeeping data to track, investigate, and enforce land application activities to prevent unlawful disposal of material. These proposed regulations are consistent and compatible with CalRecycle's existing Tier regulations as they would place these activities within the appropriate level of oversight for the type of activity involved.

Policy Statement Overview and Anticipated Benefits of the Proposed Regulations

The goal of this permanent 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 California Integrated 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 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 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.

There is no substantial difference from an existing, comparable federal regulation or statute because there are no federal regulations or statutes in this subject area.

Consistency With State Regulations

PRC section 43020 mandates CalRecycle with establishing the minimum standards for solid waste handling, transfer, composting, and disposal. The enforcement of these standards is the responsibility of EAs (PRC sections 43200.5, 43209). This includes EAs which are designated by a jurisdiction and certified by CalRecycle (PRC section 43200.5), or where there is no EA, CalRecycle assumes the powers and duties of the EA (PRC section 43205). When the EA is exercising its authority and duties, it is performing a state function (PRC section 43200.5(b)).

Pursuant to Government Code Section 11346.5(a)(3)(D), CalRecycle conducted an evaluation of existing state regulations. CalRecycle determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations and that CalRecycle is the only agency that can implement this proposed regulation.

INCORPORATION BY REFERENCE

No documents or forms are incorporated by reference in the proposed regulation.

EXISTING COMPARABLE FEDERAL REGULATION OR STATUTE

CalRecycle has determined that the proposed regulations do not significantly differ from federal law because there are no existing comparable federal statutes or regulations in this subject area.

OTHER STATUTORY REQUIREMENTS (GOVERNMENT CODE SECTION 11346.5(a)(4))

CalRecycle has determined that no other matters, as prescribed by statute, need to be addressed.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CalRecycle has determined that the proposed regulations do not impose a mandate on school districts.

CalRecycle has determined that the proposed regulations would impose a mandate on those local agencies which act as CalRecycle's EAs where these facilities exist, but reimbursement would not be required as these agencies are authorized to impose fees pursuant to PRC sections 43213 and 44006.

FISCAL IMPACT

Costs to Any Local Agencies or School Districts Requiring Reimbursement

CalRecycle has determined that the proposed regulations do not result in costs to any local agency or school district that must be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 of Division 4 of the Government Code Section 17500 et seq. Additional expenditures to local government enforcement agencies in the current and two subsequent fiscal years will be fully financed from fees or other charges authorized by PRC sections 43213 and 44006.

Cost or Savings to Any State Agency

CalRecycle has determined that adoption of these regulations does have a cost to state agencies.

Based on the results of a Fiscal Analysis prepared pursuant to Government Code section 11346.3(c)(1), CalRecycle estimates the fiscal impact of this regulation is \$26,950 in FY 2025-26, \$26,950 in FY 2026-27, and \$26,950 in FY 2027-28.

Non-Discretionary Cost or Savings Imposed Upon Local Agencies

CalRecycle has determined that there are not non-discretionary costs or savings imposed upon any local agencies.

Cost or Savings in Federal Funding to the State

CalRecycle has determined that adoption of these regulations will not have an impact on costs or savings in federal funding to the State.

HOUSING COSTS

CalRecycle has determined that adoption of these regulations will not have a significant effect on housing cost.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

CalRecycle has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. CalRecycle relied on the following information to support this determination:

- Attachment 1: Economic and Fiscal Impact Statement (STD 399)
- 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)

This proposal is not intended to create, expand, or eliminate businesses within the State of California. The scope of the proposed regulations is limited to sampling and recordkeeping requirements for solid waste facilities and operations and for the newly created land application activities that are subject to new requirements associated with operating standards and recordkeeping.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs within the State of California

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 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. Note that solid waste facilities and operations are already required to comply with recordkeeping requirements.

Creation of New Businesses or Elimination of Existing Businesses within California

CalRecycle has determined that the proposed action will not create new businesses or eliminate existing businesses within California.

Expansion of Businesses Doing Business 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 or cause the expansion of businesses doing business within the State because the proposed regulations only add an operating standard relative to sampling and amending recordkeeping standards for affected solid waste facilities and operations. Note that solid waste facilities and operations are already required to comply with recordkeeping requirements.

Benefits to the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

CalRecycle has determined that the proposed action will provide benefits to the health and welfare of California residents, worker safety, and the state's environment. The proposed amendments in these regulations will achieve the following benefits to the health and welfare of California residents, worker safety, and the environment:

- 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.
- 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.

COST IMPACTS TO REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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 regulations. 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 proposed regulation will have an impact on solid waste facility and operation businesses and the costs incurred are associated with sampling material sent to land application, recordkeeping, and amendments to the operating documentation to incorporate the new operating standards. The solid waste facilities and operations that are potentially impacted by these 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). The estimated annual total costs range from \$99,017.42 (low) to \$5,984,510.89 (high).

The proposed regulation will have an impact on individuals operating as land application activities that are subject to the new requirements described in Title 14, California Code of Regulations, section 17862.3. The costs incurred are associated with applicable EA filing fees and equipment fees needed to land apply and incorporate material and the estimated annual total costs range from \$90,852.45 (low) to \$2,624,524.50 (high).

The total costs associated with businesses and individuals range from \$189,869.87 (low) to \$8,609,035.39 (high).

BUSINESS REPORT

The proposed regulation does not require a report, nor does the report requirement apply to businesses. It is necessary for the health, safety, and welfare of the people of the state that the regulations and reporting requirements apply to businesses.

DETERMINATION OF EFFECT ON SMALL BUSINESS

An estimated total of 1,112 solid waste facility and operation businesses could be potentially impacted by the 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 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 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).

The solid waste activities identified as small businesses will incur costs associated with sampling material sent to land application, recordkeeping, and amendments to the operating documentation to incorporate the new operating standards. The estimated total costs range from \$18,961.83 (low) to \$1,146,033.83 (high).

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), CalRecycle must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CalRecycle invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period, or at the scheduled public hearing.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Claire Derksen
Illegal Disposal Permanent Regulations
Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" St., MS-24B, Sacramento, CA 95814
Phone: (916) 327-0089
Email: regulations@calrecycle.ca.gov

The backup contact person is:

Craig Castleton
Illegal Disposal Permanent Regulations
Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" St., MS-24B, Sacramento, CA 95814
Phone: (916) 327-0089
Email: regulations@calrecycle.ca.gov

AVAILABILITY STATEMENTS

Availability of Initial Statement of Reasons, Text of Proposed Regulations, Information Upon Which this Proposal is Based, and Rulemaking File

CalRecycle will have the entire rulemaking file, the express terms of the proposed regulations, and all information that provides the basis for the proposed action, available for public inspection and copying during normal business hours at the address provided above and on <https://calrecycle.ca.gov/Laws/Rulemaking/>. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the text of the proposed regulations, the Initial Statement of Reasons (ISOR), the documents relied upon for the proposed action, and the economic and fiscal impact statement. Copies may be obtained by contacting the contact persons at the address, email, or phone number listed above.

Availability of Modified Text

CalRecycle may adopt the proposed regulations substantially as described in this Notice. If CalRecycle makes substantial changes to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least fifteen (15) days before CalRecycle adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. CalRecycle will transmit any modified text to all persons who testify at the scheduled public hearing, all persons who submit a written comment at the scheduled public hearing, all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. CalRecycle will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

Availability of the Final Statement of Reasons

Upon its completion, copies of the Final Statement of Reasons may be obtained by request from the contact persons identified in this Notice or accessed through CalRecycle's website at <https://calrecycle.ca.gov/Laws/Rulemaking/>.

INTERNET ACCESS

For more timely access to the rulemaking file, and in the interest of waste prevention, interested parties are encouraged to access CalRecycle's Internet webpage for the rulemaking at <https://calrecycle.ca.gov/Laws/Rulemaking/>. All rulemaking files can be accessed from the website.