

Comment Code	Category	Sub-Category	Submit Method	Commenter Name	Commenter Affiliation	Comment/Comment Summary	CalRecycle's Response
I-1-1	Ch. 3.1. Article 1. General	Section 17852. Definitions.	Website	Wendy Ring		Biosolids are concentrated sources of PFAS, which has been shown to accumulate in agricultural soils after land application. PFAS enters the food chain via root uptake from food crops, dairy products from animals grazed on PFAS contaminated pasture land, and from water contaminated by agricultural runoff. Testing of biosolids for PFAS should be required prior to land application and there should be limits on allowable concentrations or requirements for mitigation such as combination with biochar. <a href="https://kffhealthnews.org/news/article/pfas-toxic-forever-chemicals-drinking-water-rural-california/">https://kffhealthnews.org/news/article/pfas-toxic-forever-chemicals-drinking-water-rural-california/</a> <a href="https://www.ars.usda.gov/pacific-west-area/riverside-ca/agricultural-water-efficiency-and-salinity-research-unit/research/mitigation-and-remediation-of-pfas/">https://www.ars.usda.gov/pacific-west-area/riverside-ca/agricultural-water-efficiency-and-salinity-research-unit/research/mitigation-and-remediation-of-pfas/</a>	CalRecycle rejects this comment. CalRecycle does not have the statutory authority to regulate PFAS therefore CalRecycle defers the regulation of PFAS as it relates to water quality to the State Water Resources Control Board. Statute 40055 (b) requires that CalRecycle does not adopt regulations, plans, permits, or standards or take any enforcement actions that are duplicative or in conflict with any determination relating to water quality control made by the state water board or regional water boards including requirements in regulations adopted or under the authority of the state water board.
I-2-1	General Support		Website	Sheng Su		As a California-based innovator specializing in organic waste conversion and zero-waste technologies, I appreciate the opportunity to submit comments on the proposed permanent regulations addressing illegal disposal. I fully support CalRecycle's mission to curb illegal dumping and safeguard California's environment and communities.	CalRecycle rejects this comment. With regard to "fully supporting CalRecycle's mission to curb illegal dumping and safeguard California's environment and communities," this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
I-2-2	Ch. 3. Article 6.0. Transfer/Processing Operations & Facilities Reg. Req.	Section 17402. Definitions.	Website	Sheng Su		To further enhance this critical effort, I offer the following detailed suggestions with an emphasis on advanced technology deployment and systemic waste management transformation: 1. Reframe Waste as a Strategic Asset Illegal dumping is often the symptom of gaps in infrastructure and awareness. We encourage CalRecycle to adopt a holistic resource management vision that treats waste as an untapped asset—a source of renewable raw materials, economic opportunity, and environmental benefit—rather than a liability. This paradigm shift will foster innovation, create local jobs, and stimulate sustainable economic growth through circular economy practices.	CalRecycle rejects this comment. With regard to "adopting a holistic resource management vision that treats waste as an untapped asset—a source of renewable raw materials, economic opportunity, and environmental benefit—rather than a liability," this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
I-2-3	Ch. 3. Article 6.0. Transfer/Processing Operations & Facilities Reg. Req.	Section 17402. Definitions.	Website	Sheng Su		2. Prioritize Investment in Advanced Organic Waste Conversion Technologies We recommend targeted funding and support for deployment of high-efficiency, rapid organic waste conversion systems, such as the GaiaCal System, which Sustain You has developed and piloted. GaiaCal System Technical Overview: Process: Utilizes a precision-controlled microbial fermentation consortium (including proprietary Effective Microorganisms) to convert diverse organic feedstocks—including food scraps, agricultural residues, and green waste—into high-quality, nutrient-rich animal feed and organic fertilizer within 24 hours. Technology: The system operates under closed-loop fermentation conditions with: Automated environmental controls (temperature, pH, oxygen levels) to optimize microbial metabolism and ensure rapid biomass conversion. Advanced sensors and IoT integration for real-time monitoring and data-driven process adjustments. No wastewater discharge or harmful emissions, aligning with strict environmental regulations. Compact modular design enabling deployment in decentralized locations close to waste generation points, reducing transportation and logistical costs. Benefits in Illegal Dumping Prevention: Provides immediate, local processing capacity, lowering the incentive for illegal dumping. Converts waste into valuable products with established markets, creating economic drivers for waste segregation and collection. Reduces landfill dependency, methane emissions, and leachate production.	CalRecycle rejects this comment. With regard to "prioritizing investment in advanced organic waste conversion technologies," this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
I-2-4	Ch. 3. Article 6.0. Transfer/Processing Operations & Facilities Reg. Req.	Section 17402. Definitions.	Website	Sheng Su		3. Launch Regional Pilot Programs for Technology-Enabled Waste Transformation Zones To complement enforcement efforts, we propose that CalRecycle establish pilot "Technology-Enabled Waste Transformation Zones" targeting regions with high incidences of illegal dumping, especially in rural and underserved communities. These zones would: Deploy decentralized GaiaCal units and other rapid conversion technologies. Enable closed-loop waste processing locally to minimize illegal disposal. Produce marketable animal feed, compost, and bioenergy feedstock. Include community education and stakeholder engagement to build trust and participation. Incorporate data collection and reporting frameworks for transparent performance evaluation.	CalRecycle rejects this comment. With regard to "launching regional pilot programs for technology-enabled waste transformation zones," this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.

I-2-5	Ch. 5. Article 4. Enforcement by EA and Review by Department		Website	Sheng Su		<p>4. Integrate Cutting-Edge AI, Drone, and Satellite Technologies for Monitoring and Enforcement We urge CalRecycle to incorporate emerging digital technologies into the illegal dumping mitigation toolkit:</p> <p>AI-Powered Sorting and Tracking: Using machine learning algorithms and sensor arrays to optimize waste stream segregation, contamination detection, and material recovery rates. Unmanned Aerial Vehicles (Drones): Routine aerial surveys and hotspot monitoring to detect illegal dumping sites in real-time, especially in remote or inaccessible areas. Satellite and Space Data Integration: Leveraging satellite imagery and geospatial analytics for macro-level monitoring trends, illegal dumping pattern recognition, and predictive hotspot identification. Predictive Analytics Platforms: Combining multi-source data streams (sensor, drone, satellite, community reports) with AI to forecast dumping risk zones and optimize enforcement resource allocation. These technologies enable proactive, data-driven enforcement that increases effectiveness while reducing costs.</p>	CalRecycle rejects this comment. With regard to "integrating cutting-edge AI, drone, and satellite technologies for monitoring and enforcement," this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
I-2-6	Ch. 5. Article 4. Enforcement by EA and Review by Department		Website	Sheng Su		<p>5. Foster Cross-Sector Partnerships to Accelerate Innovation and Adoption We encourage CalRecycle to build partnerships among: Private sector innovators (technology providers like Sustain You Inc.), Local governments and jurisdictions, State agencies and research institutions. Such collaborations can pilot new models, co-develop scalable solutions, and accelerate grant-supported adoption aligned with SB 1383 goals and California's broader circular economy vision</p>	CalRecycle rejects this comment. With regard to "fostering cross-sector partnerships to accelerate innovation and adoption," this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
I-2-7	Ch. 5. Article 4. Enforcement by EA and Review by Department		Website	Sheng Su		<p>Conclusion Addressing illegal disposal is a complex challenge that demands innovation beyond enforcement. By embracing high-tech organic waste conversion systems, leveraging AI and remote sensing, and redefining waste as a valuable resource, California can transform its waste management paradigm—achieving environmental justice, economic vitality, and zero waste resilience. I appreciate CalRecycle's leadership and welcome opportunities to collaborate on pilot projects or further discuss technology-driven strategies.</p>	CalRecycle rejects this comment. With regard to the statement that "addressing illegal disposal is a complex challenge that demands innovation beyond enforcement," this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
I-3-1	Non-Regulatory Comment		Website	Sally McGaughey		[comment code not used]	[Intentionally left blank]
I-3-2	Ch. 3. Article 6.2. Operating Standards	Section 17410.5 Material Sent for Land Application.	Website	Sally McGaughey		<p>Article 6.2. Operating Standards (1) Increase testing requirements – one sample per 5,000 cubic yards is not adequate. Revise to one sample per 100 cubic yards (2) Sampling results should be provided to the appropriate LEA for review and tracking (3) Facility to keep records of how many times material was reprocessed onsite</p>	<p>CalRecycle rejects these comments.</p> <p>With regard to the sampling frequency for material sent for land application, no sampling requirements for these materials existed prior to the implementation of this emergency regulations. The 5,000 cubic yard sampling frequency for the illegal disposal regulations mirrors existing environmental health minimum standards for compost and digestate. CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore CalRecycle rejects this comment as the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking. Furthermore, the comment proposes to make changes without supporting data for the change.</p> <p>Regarding providing records to the LEA for review and tracking, this has already been addressed in the record keeping requirements described in 14 CCR Section 17414 (b) and (c). Therefore the change is unnecessary and this comment is rejected.</p> <p>With regard to tracking the amount of times material is processed on-site, this is unnecessary as the material sent for land application is sampled prior to leaving the site. CalRecycle is not proposing to make any changes to this existing regulatory language. Furthermore, the comment proposes to make changes without justification or reason for the change. This comment is rejected.</p>
I-3-3	Ch. 3. Article 6.3. Record Keeping Requirements	Section 17414. Record Keeping Requirement s.	Website	Sally McGaughey		<p>Article 6.3. Record Keeping (i) The operator should keep records of where the material originated, date received, which hauler brought it in, what company hauled it away, location of final destination (cradle to grave recordkeeping). Records should be kept indefinitely.</p>	<p>CalRecycle rejects this comment. With regard to recordkeeping, existing regulations require the operator to maintain records of incoming weights or volumes in a form and manner approved by the EA. Further, the proposed regulations require the operator to maintain total volume in cubic yards and weights of material sent offsite each day, the delivery date, volume in cubic yards and weight, and the destination address of where material was sent. Therefore, the proposed changes address their comment specific to recordkeeping.</p> <p>With regard to the length of time records are kept, existing regulations require the operator to maintain records for three years and be made available for inspection by the EA. The comment is requesting to make changes that are outside the scope of these regulations as CalRecycle is not proposing to make changes specific to the length of time records of kept.</p>

I-3-4	Ch. 3. Article 6.3. Record Keeping Requirements	Section 17414.2. Recordkeeping and Reporting Requirements – Organic Waste Recovery.	Website	Sally McGaughey		Section 17414.2 Recordkeeping and Reporting Requirements – Organic Waste Recovery (b) The operator should keep records of where material originated, date received, and which hauler brought it in, what company hauled it away, location of final destination (cradle to grave recordkeeping). Records should be kept indefinitely.	CalRecycle rejects this comment. With regard to recordkeeping, existing regulations require the operator to maintain records of incoming weights or volumes in a form and manner approved by the EA. Further, the proposed regulations require the operator to maintain total volume in cubic yards and weights of material sent offsite each day, the delivery date, volume in cubic yards and weight, and the destination address of where material was sent. Therefore, the proposed changes address their comment specific to recordkeeping. With regard to the length of time records are kept, existing regulations require the operator to maintain records for three years and be made available for inspection by the EA. The comment is requesting to make changes that are outside the scope of these regulations as CalRecycle is not proposing to make changes specific to the length of time records of kept.
I-3-5	Ch. 3.1. Article 1. General	Section 17852. Definitions.	Website	Sally McGaughey		(24.5) "Land Application" means: (B) (2) Remove. (because this IS land application).	CalRecycle rejects this comment. With regard to subdivision (B)(2) of section 17852(a)(24.5), CalRecycle added a 4,040 cubic yard material threshold to the existing gardening/landscaping use to clarify what is land application as described in section 17852(a)(24.5)(A) that is required to comply with section 17862.4.
I-3-6	Ch. 3.1. Article 2. Regulatory Tiers for Composting Operations & Facilities	Section 17862.3. Land Application Activity	Website	Sally McGaughey		Section 17862.3. Land Application Activity (a) Reduce the number of cubic yards of compostable materials or digestate to less than 100 cubic yards (b) Landowner should also provide evidence of what facilities the material came from and the hauler who delivered it info (d) The landowner shall maintain, and provide the EA upon request, a record of the following: (7) Business name and address of who delivered the material (f) Reduce the land application inspection time to 45 days	CalRecycle rejects these comments. With regard to the reducing the volume of compostable material and/or digestate at land application activities, this regulatory tier does not have a limit to the amount of compostable material and/or digestate. However, these material at the land application activity shall meet the application/removal requirements described in 14 CCR Section 17852.3(c). CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking. Furthermore, the comment proposes to make changes without supporting data for the change. With regard to requiring the landowner to provide information of the material being land applied, it has been addressed in 14 CCR Section 17862.3(d) but does not include the hauler information. The intent of the regulations is 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). CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking. Furthermore, the comment proposes to make changes without supporting data for the change. With regard to reducing the inspection frequency, 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. CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking. Furthermore, the comment proposes to make changes without supporting data for the change.
I-3-7	Ch. 3.1. Article 7. Environmental Health Standards	Section 17868.1. Sampling Requirements.	Website	Sally McGaughey		Article 7. Environmental Health Standards Reduce the amount of all composting operations that sell or give away greater than 100 cubic yards annually	CalRecycle rejects this comment. With regards to the selling or giving away limit of 1,000 cubic yards, CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking. Furthermore, the comment proposes to reduce the sell or give away limit but does not provide justification or reasoning for the change.
I-3-8	Ch. 3.1. Article 7. Environmental Health Standards	Section 17868.6. Material Sent for Land Application.	Website	Sally McGaughey		Section 17868.6. Material Sent for Land Application. (1) Increase testing requirements – one sample per 5,000 cubic yards is not adequate. Revise to one sample per 100 cubic yards (2) Sampling results should also be provided to the appropriate LEA for review and tracking (3) Facility to keep records of how many times material was reprocessed onsite	CalRecycle rejects these comments. With regard to increasing the sampling frequency for material sent for land application, no sampling requirements for these materials existed prior to the implementation of this emergency regulations. The 5,000 cubic yard sampling frequency for the illegal disposal regulations mirrors existing environmental health minimum standards for compost and digestate. CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking. Furthermore, the comment proposes to make changes without supporting data for the change. Regarding providing records to the LEA for review and tracking have been addressed in the record keeping requirements described in 14 CCR Section 17869(d) and (k). With regard to tracking the amount of times material is processed on-site is unnecessary as the material sent for land application is sampled prior to leaving the site. CalRecycle is not proposing to make any changes to this existing regulatory language. Furthermore, the comment proposes to make changes without justification or reason for the change.
I-3-9	Ch. 3.1. Article 8. Composting Operation and Facility Records	Section 17869. General Record Keeping and Reporting Requirements.	Website	Sally McGaughey		Article 8. Composting Operation and Facility Records (e) (2) include name and location of disposal site (4) include where material originated	CalRecycle rejects these comments. With regard to the name and location of the disposal site, this has been addressed in the Recycling and Disposal Reporting System requirement pursuant to 14 CCR Section 18815.7. Enforcement Agencies can reach out to CalRecycle point of contact to acquire access to the reporting system. With regard to requiring the operation/facility to record where the material accepted originates from, it is not necessary as the Report of Composting Site Information and/or permit conditions require the operation/facility to perform load check and permits the acceptance of specific waste types. Additionally, CalRecycle is not proposing to make any changes to this existing regulatory language, and this change is therefore outside the scope of the rulemaking. Furthermore, the comment proposes to make changes without justification or reason for the change.

I-3-10	Ch. 3.2. Article 6. Digestate Handling Standards	Section 17896.58. Sampling Requirements.	Website	Sally McGaughey	Article 6. Digestate Handling Standards (b) (1) Composite sampling reduce to every 100 cubic yards. Sampling once every 12 months is not acceptable even if the facility produces less than 5,000 cubic yards. Increase to sampling every 60 days minimum.	CalRecycle rejects this comment. With regards to the sampling frequency for compost produced, CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking. Furthermore, the comment proposes to make changes without justification or reasoning for the change.
I-3-11	Ch. 3.2. Article 6. Digestate Handling Standards	Section 17896.62. Material Sent for Land Application.	Website	Sally McGaughey	Section 17896.62 Material Sent for Land Application (1) Increase testing requirements – one sample per 5,000 cubic yards is not adequate. Revise to one sample per 100 cubic yards (2) Sampling results should also be provided to the appropriate LEA for review and tracking (3) Facility to keep records of how many times material was reprocessed onsite	CalRecycle rejects these comments. With regard to the sampling frequency for material sent for land application, no sampling requirements for these materials existed prior to the implementation of this emergency regulations. The 5,000 cubic yard sampling frequency for the illegal disposal regulations mirrors existing environmental health minimum standards for compost and digestate. CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking. Furthermore, the comment proposes to make changes without supporting data for the change. Regarding providing records to the LEA for review and tracking have been addressed in the record keeping requirements described in 14 CCR Section 17896.45(a)-(c). With regard to tracking the amount of times material is processed on-site is unnecessary as the material sent for land application is sampled prior to leaving the site. CalRecycle is not proposing to make any changes to this existing regulatory language. Furthermore, the comment proposes to make changes without justification or reason for the change.
I-3-12	Ch. 3.2. Article 4. Record Keeping Requirements	Section 18302. Written Complaints of Alleged Violations.	Website	Sally McGaughey	Article 4. Enforcement by EA and Review by Department (c) EA shall review a complaint within 7 days. (d) Define time frame for EA response. Acceptable time frame would be as soon as possible but no later than 3 days after receipt of the complaint.	CalRecycle rejects this comment. With regard to the length of time for the EA to review a complaint, CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, this comment is proposing to make changes that are outside the scope of this proposing rulemaking. With regard to the timeframe for the EA's response, CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, this comment is proposing to make changes that are outside the scope of this proposing rulemaking.
I-4-1	Ch. 3.1. Article 2. Regulatory Tiers for Composting Operations & Facilities	Section 17862.3. Land Application Activity	Email	Melissa Koshlaychuk	Hi Claire, I am looking for some clarity on the Illegal Disposal Permanent Regulations. Who is responsible for compliance with Section 17862.3. Land Application Activity? I can't tell if it is the solid waste operation that supplies the compost material to the farm, or the farm that receives the compost? The following section 17862.4 seems fairly clear that farms are responsible for complying with (d)(2). Thank you! Melissa Koshlaychuk CA Government Affairs Analyst, State Government Affairs	The commentor is not proposing a specific change to the regulations but requesting clarification. CalRecycle rejects these comments. With regard to who is responsible to comply with 14 CCR Section 17862.3, it would be any activity (parcel of land where a landowner) that receives greater than 4,040 cubic yards of any combination of compostable material or digestate during a 12-month period with the intention of land application of the compostable material or digestate received. With regard to solid waste operations that supply the compostable material, the solid waste operations are subject to operating standards (material sent for land application requirements) and record keeping requirements based on type of solid waste operation. Solid waste operations deemed as a transfer processing operation are subject to 14 CCR Section 17410.5 and 17414. Solid waste operations deemed as a compostable material handling operation are subject to 14 CCR Section 17868.6 and 17869. Solid waste operation deemed as an in-vessel digestion operation are subject to 14 CCR 17896.45 and 17896.62. Solid waste operations that are deemed as transfer processing operation, compostable material handling operation, and/or compostable material handling operations are not subject to the land application requirements pursuant to 14 CCR Section 17862.3 unless the operation receives greater than 4,040 cubic yards of any combination of compostable material or digestate on the same permitted boundary (described in their governing document) during a 12-month period with the intention of land application of the compostable material or digestate received. With regard to whether a farm that receives compost is subject to 14 CCR Section 17862.3, the farm is subject to this requirement if that activity receives any combination of compostable material or digestate greater than the threshold as described in the beginning of this response and pursuant to 14 CCR Section 17862.3 (a). Please note that compost from a solid waste operation that meets the environmental health standards pursuant to 17868.1, 17868.3.1, 17896.58, and/or 17896.61. Compost from a solid waste operation that meets the environmental health standards pursuant to 17868.1, 17868.3.1, 17896.58, and/or 17896.61 is not deemed as compostable material or digestate. An activity that receives and/or uses any amount of compost meeting the environmental health standards as previously mentioned is not subject to the land application activity requirements unless it receives any combination of compostable material or digestate greater than the threshold described in 14 CCR Section 17862.3. However, if the farm is deemed as a land application activity, the landowner of the farm is responsible to acquire evidence prior to the accepting of the compostable material and digestate from any solid waste operation/facility or any entity that is a not solid waste operation or facility, verifying that the accepted materials meet the land application conditions and requirements pursuant to 14 CCR Section 17862.3(b). With regard to comment, "seems fairly clear that farms are responsible for complying with (d)(2)," the comment is a statement and not an inquiry or proposing a change. No response is necessary from CalRecycle for this comment.

I-5-1	Ch. 5. Article 4. Enforcement by EA and Review by Department		Website	Kirk McGaughey	<p>Require waste haulers, processors, and brokers to track all organic loads (cradle to grave records) there should be no question where material originated, where it was processed, and where it ended up. Mandate immediate fines and penalties for non-compliance. Testing standards are very weak, increase sampling frequency. Mandate a cleanup plan from violators (haulers, processors, brokers, trucking companies)</p>	<p>CalRecycle rejects these comments.</p> <p>With regard to requiring "waste haulers, processors, and brokers to track where material (organic waste) originated, where it was processed, and where it ended up," the proposed regulations address this by requiring the landowner of the land application activity to acquire and maintain records of the date material was received, business name and address of who produced the material, volume of material received in cubic yards and evidence of compliance with conditions described in 14 CCR Section 17852(24.5)(A) pursuant to 14 CCR Section 17862.3(d). The intention of the proposed regulations is to have the landowner verify that the material accepted to be land applied meet the conditions pursuant to 14 CCR Section 17852(a)(24.5), preventing the receipt of unpermitted materials from any entity.</p> <p>Additionally, material hauled directly from a generator to land application by a contract hauler must report to the department the tons of each material type sent by region pursuant to 14 CCR Section 18815.4. Existing regulations require haulers providing residential, commercial, or industrial organic waste collection that received approval by the jurisdiction to transport the organic waste to a facility, operation, activity or property that recovers (including land application activity) organic waste pursuant to a facility, operation, activity or property that recovers organic waste as 14 CCR Section 18988.2(a)(1).</p> <p>Generators who are self-haulers of organic waste are required to keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste, including delivery receipts and weight tickets from the entity accepting the waste pursuant to 14 CCR Section 18988.3(b)(3).</p> <p>With regard to "processors and brokers" responsibilities to track, the proposed regulations address this by requiring the landowner to maintain records as previously described and those processors and brokers that are deemed as a transfer processing operation or facility are subject to 14 CCR Section 17410.5 and 17414, deemed as a compostable material handling operation or facility are subject to 14 CCR Section 17868.6 and 17869, deemed as an in-vessel digestion operation or facility are subject to 14 CCR 17896.45 and 17896.62.</p> <p>With regard to mandating "immediate fines and penalties for non-compliance," CalRecycle does not have statutory authority to do so. Article 3 of Chapter 1 of Part 5 of Division 30 of the Public Resources Code provides the statutory framework for the imposition of civil penalties. Section 45010 provides that civil penalties may be imposed only after giving notice and a reasonable opportunity for violators to be brought into compliance.</p> <p>With regard to the comment that "testing standards are very weak" and the comment to "increase the sampling frequency" for material sent for land application, no sampling requirements for these materials existed prior to the implementation of this emergency regulations. The 5,000 cubic yard sampling frequency for the illegal disposal regulations mirrors existing environmental health minimum standards for compost and digestate. CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking.</p> <p>Furthermore, the comment proposes to make changes without supporting data for the change.</p> <p>With regard to mandating a "cleanup plan from violators," this regulations package includes amendments to 14 CCR section 18304.1, which will allow enforcement agencies to bring enforcement actions against anyone that violates Public Resources Code section 44000.5. This includes cease and desist orders and corrective action orders.</p>
I-6-1	Ch. 3. Article 6.2. Operating Standards	Section 17410.5 Material Sent for Land Application.	Website	Rachel Gillis	<p>Proposed 14 CCR 17410.5 Material Sent for Land Application 17410.5(a) Material that is sent offsite for land application must be sampled to verify it meets the requirements of section 17852(a)(24.5) prior to the material leaving the site. Comment: The LEA recommends deleting or changing the wording "prior to the material leaving the site" to something that will give a permitted transfer station an option to remove the material to an offsite staging area until lab results are obtained. Lab results for pathogens and metals usually take about 7 days to obtain, and some transfer stations are under a 48-hour green waste removal requirement required by their permit. Allowing them to remove the product on a daily basis while awaiting lab results could eliminate the need for a permit revision and could free up space at a transfer station that was not originally designed to stockpile green waste beyond 48 hours.</p>	<p>CalRecycle rejects this comment. With regard to changing the language "prior to the material leaving the site," the proposed regulations only requires a sample to be taken prior to the material leaving any transfer processing operation or facility to verify that the is consistent with land application requirements pursuant to 14 CCR Section 17862.4. Retaining the material destined for land application until the transfer processing operation or facility receives the lab results is not required pursuant to 14 CCR Section 17410.5(a). With regard to removal frequency for green waste, the Local Enforcement Agency can approve an alternative removal frequency for this waste pursuant to the existing regulations, 14 CCR Section 17410.1(a).</p>

I-6-2	Ch. 3. Article 6.3. Record Keeping Requirements	Section 17414. Record Keeping Requirements.	Website	Rachel Gillis	Proposed 14 CCR 17414 Record Keeping Requirements Section 17414(i) prescribes record keeping requirements for transfer stations when sending material offsite for land application. Section 17414.2(b)(3) duplicates the language for the record keeping requirements. Comment: Having both sections may not be necessary.	CalRecycle rejects this comment. With regard to sections 17414(i) and 17414.2(b)(3) having duplicate language, the proposed regulations in Section 17414(i) will capture and require the operator to record information on any material that is sent off-site for land application, including the new land application activity regulatory tier. The proposed regulations in Section 17414.2(b) will capture and require the operator to record information on any compostable material sent off-site to any destination(s), that is not under a solid waste regulatory tier and do not meet the threshold specified under land application activity requirement (such as a landscaper), for land application. 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.
I-6-3	Ch. 3. Article 6.3. Record Keeping Requirements	Section 17414.2. Recordkeeping and Reporting Requirements-- Organic Waste Recovery.	Website	Rachel Gillis	Proposed 14 CCR 17414.2 Recordkeeping and Reporting Requirements—Organic Waste Recovery 17414.2(b) The operator shall record and maintain the following records regarding compostable material that is sent offsite to any destination(s) other than an authorized permitted solid waste facility or operation: Comment : Is an EA Notification Land Application Activity considered "an authorized permitted solid waste facility or operation?"	CalRecycle rejects this comment. This comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. With regard to whether "an EA Notification Land Application Activity is considered an authorized permitted solid waste facility or operation," Land Application Activities under the Enforcement Agency Notification regulatory tier are not permitted and are separate from permitted solid waste facility or operation.
I-6-4	Ch. 3.1. Article 2. Regulatory Tiers for Composting Operations & Facilities		Website	Rachel Gillis	14 CCR 17855 Excluded Activities This section was not amended but contains the following language in 17855(a)(5)(J): "the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA..." Comment : Since the sections for Land Application Activity are in Chapter 3.1 Article 2, this excluded activity may be confusing when determining if the land application activity requirements are applicable to compostable material that does not reach composting temperatures.	This comment is rejected. This comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that suggests that the existing language in 14 CCR section 17855(a)(5)(J) may cause confusion with respect to Land Application Activities are subject to EA notification requirements but are not subject to Articles 3 through 9 of this Chapter (unless applicable) pursuant to 14 CCR Section 17862.3(a) and (g).
I-6-5	Ch. 3.1. Article 2. Regulatory Tiers for Composting Operations & Facilities	Section 17862.3. Land Application Activity	Website	Rachel Gillis	Proposed 14 CCR 17862.3 Land Application Activity 17862.3(b) Prior to receipt of the material, the landowner shall provide to the EA evidence that the material is in compliance with conditions described in section 17852(a)(24.5)(A). Comment: The LEA recommends changing "prior to receipt" to "prior to land application" to allow transfer stations/brokers/green waste producers the ability to stockpile material at the land application site while they await laboratory results. See rationale in 17410.5(a) comment above.	CalRecycle rejects this comment. With regard to requesting changing the language "prior to receipt" to "prior to land application" in 14 CCR Section 17862.3, the intent of the proposed language is to ensure land application activities verify that the material meets the land application requirements pursuant to 14 CCR Section 17862.4 before being received at the land application activity. This removes any uncertainty with the quality of the material that is accepted, discouraging contaminated or unauthorized material from being accepted, unloaded on-site, and/or applied to the land. With respect to the concerns expressed regarding 17410.5(a) in I-6-1, above, section 17410.1 allows enforcement agencies to set alternative frequencies for waste removal.
I-6-6	Ch. 3.1. Article 7. Environmental Health Standards	Section 17868.6. Material Sent for Land Application.	Website	Rachel Gillis	Proposed 14 CCR 17868.6 Material Sent for Land Application 17868.6(a) Material that is sent offsite for land application must be sampled to verify it meets the requirements of section 17852(a)(24.5) prior to the material leaving the site. Comment : The LEA recommends deleting or changing the wording "prior to the material leaving the site" to something that will give a permitted transfer station an option to remove the material to an offsite staging area until lab results are obtained. Lab results for pathogens and metals usually take about 7 days to obtain, and some transfer stations are under a 48-hour green waste removal requirement required by their permit. Allowing them to remove the product on a daily basis while awaiting lab results could eliminate the need for a permit revision and could free up space at a transfer station that was not originally designed to stockpile green waste beyond 48 hours.	CalRecycle rejects this comment. With regard to changing the language "prior to the material leaving the site," the proposed regulations only requires a sample to be taken prior to the material leaving any compostable material handling operation or facility to verify that the is consistent with land application requirements pursuant to 14 CCR Section 17862.4. Retaining the material destined for land application until the compostable material handling operation or facility receives the lab results is not required pursuant to 14 CCR Section 17868.5(a). With regard to removal frequency for green waste, the Local Enforcement Agency may allow the green material that undergo chipping and grinding at any compostable material handling operation or facility to be kept on-site for up to 7 days after making their determination pursuant to the existing regulations, 14 CCR Section 17410.1(a).
I-6-7	Ch. 3. Article 6.0. Transfer/Processing Operations & Facilities Reg. Req.	Section 17852. Definitions.	Website	Rachel Gillis	Several Proposed Sections Several sections refer to 14 CCR 17852(a)(24.5) or 17852(a)(24.5)A for land application requirements or conditions. Comment: In the proposed amended regulations, land application conditions/requirements were moved from section 17852(a)(24.5) to section 17862.4. For ease of reading and interpretation, the LEA recommends referencing 17862.4 instead of 17852(a)(24.5) or 17852(a)(24.5)(A).	CalRecycle accepts this comment. With regard to easing the reading and interpretation of the language in the proposed regulations by referencing 14 CCR Section 17862.4 instead of 17852(a)(24.5) or 17852(a)(24.5)(A), the proposed regulations relocated the land application requirements from 14 CCR Section 17852(a)(24.5)(A) to a stand-alone section in 14 CCR Section 17862.4 under Chapter 3.1 Compostable Material Handling Operation and Facilities Regulatory Requirements. Thus, the regulatory text that references to the land application requirements in the land application definition specified in Section 17852(a)(24.5) has been updated in proposed regulation. The change to replace Section 17852(a)(24.5) and 17852(24.5)(A) with Section 17862.4 to reference the Land Application Requirements have been made to 14 CCR Sections 17410.5(a), 17410.5(c), 17414(i)(2), 17414.2(b)(3)(B), 17852(a)(15)(B)(3), 17862.3(b), 17862.3(d)(6), 17868.6(a), 17868.6(b), 17896.62(a), and 17896.62(b).

C-1-1	Ch. 3. Article 6.2. Operating Standards	Section 17410.5 Material Sent for Land Application.	Website	Sally McGaughey	L.A. County Public Works	Article 6.2. Operating Standards (1)Increase testing requirements – one sample per 5,000 cubic yards is not adequate. This is only one sample for every 63, 80-cubic yard truck loads or one sample from a football field playing surface covered with 3 feet of mulch. Revise to one sample per 100 cubic yards (2)Sampling results should be provided to the appropriate LEA for review and tracking (3)Facility to keep records of how many times material was reprocessed onsite	Please see comment code I-3-2.
C-1-2	Ch. 3. Article 6.3. Record Keeping Requirements	Section 17414. Record Keeping Requirement s.	Website	Sally McGaughey	L.A. County Public Works	Article 6.3. Record Keeping (i) The operator should keep records of where the material originated, date received, which hauler brought it in, what company hauled it away, location of final destination (cradle to grave recordkeeping). Records should be kept indefinitely.	Please see comment code I-3-3.
C-1-3	Ch. 3. Article 6.3. Record Keeping Requirements	Section 17414.2. Recordkeeping and Reporting Requirements s-- Organic Waste Recovery.	Website	Sally McGaughey	L.A. County Public Works	Section 17414.2 Recordkeeping and Reporting Requirements – Organic Waste Recovery (b) The operator should keep records of where material originated, date received, and which hauler brought it in, what company hauled it away, location of final destination (cradle to grave recordkeeping). Records should be kept indefinitely. (24.5) "Land Application" means: (B) (2) Remove. (because this IS land application).	Please see comment code I-3-4 and I-3-5.
C-1-4	Ch. 3.1. Article 2. Regulatory Tiers for Composting Operations & Facilities	Section 17862.3. Land Application Activity	Website	Sally McGaughey	L.A. County Public Works	Section 17862.3. Land Application Activity (a) Reduce the number of cubic yards of compostable materials or digestate to less than 100 cubic yards (b) Landowner should also provide evidence of what facilities the material came from and the hauler who delivered it info (d) The landowner shall maintain, and provide the EA upon request, a record of the following: (7) Business name and address of who delivered the material (f) Reduce the land application inspection time to 45 days	Please see comment code I-3-6.
C-1-5	Ch. 3.1. Article 7. Environmental Health		Website	Sally McGaughey	L.A. County Public Works	Article 7. Environmental Health Standards Reduce the amount of all composting operations that sell or give away greater than 100 cubic yards annually	Please see comment code I-3-7.
C-1-6	Ch. 3.1. Article 7. Environmental Health Standards	Section 17868.6. Material Sent for Land Application.	Website	Sally McGaughey	L.A. County Public Works	Section 17868.6. Material Sent for Land Application. (1) Increase testing requirements – one sample per 5,000 cubic yards is not adequate. This is only one sample for every 63, 80-cubic yard truck loads or one sample from a football field playing surface covered with 3 feet of mulch. This is only one sample for every 63, 80-cubic yard truck loads or one sample from a football field playing surface covered with 3 feet of mulch. Revise to one sample per 100 cubic yards (2) Sampling results should also be provided to the appropriate LEA for review and tracking (3) Facility to keep records of how many times material was reprocessed onsite	Please see comment code I-3-8.
C-1-7	Ch. 3.1. Article 8. Composting Operation and Facility Records	Section 17869. General Record Keeping and Reporting Requirement s.	Website	Sally McGaughey	L.A. County Public Works	Article 8. Composting Operation and Facility Records (e) (2) include name and location of disposal site (4) include where material originated	Please see comment code I-3-9.
C-1-8	Ch. 3.2. Article 6. Digestate Handling Standards	Section 17896.58. Sampling Requirement s.	Website	Sally McGaughey	L.A. County Public Works	Article 6. Digestate Handling Standards (b) (1) Composite sampling reduce to every 100 cubic yards. Sampling once every 12 months is not acceptable even if the facility produces less than 5,000 cubic yards. Increase to sampling every 60 days minimum.	Please see comment code I-3-10.
C-1-9	Ch. 3.2. Article 6. Digestate Handling Standards	Section 17896.62. Material Sent for Land Application.	Website	Sally McGaughey	L.A. County Public Works	Section 17896.62 Material Sent for Land Application (1) Increase testing requirements – one sample per 5,000 cubic yards is not adequate. This is only one sample for every 63, 80-cubic yard truck loads or one sample from a football field playing surface covered with 3 feet of mulch. Revise to one sample per 100 cubic yards (2) Sampling results should also be provided to the appropriate LEA for review and tracking (3) Facility to keep records of how many times material was reprocessed onsite	Please see comment code I-3-11.

C-1-10	Ch. 5. Article 4. Enforcement by EA and Review by Department	Section 18302. Written Complaints of Alleged Violations.	Website	Sally McGaughey	L.A. County Public Works	Article 4. Enforcement by EA and Review by Department (c) EA shall review a complaint within 7 days. (d) Define time frame for EA response. Acceptable time frame would be as soon as possible but no later than 3 days after receipt of the complaint.	Please see comment code I-3-12.
C-2-1	Ch. 5. Article 4. Enforcement by EA and Review by Department		Oral	Mitchell Miller	L.A. Sanitation	I'm Mitchell Miller. I work for L.A. Sanitation in the City of Los Angeles. And my comment is about the required documentation for land application activities. We work with a lot of construction and demolition recyclers that sometimes send material up to the Antelope Valley in Southern California. And in order for the local enforcement agencies to accurately find these locations and ensure that they're meeting the six-inch requirement for land application, I think we should add the requirement -- that the land application activity records the exact address or coordinates of the location because a lot of these locations where they do land application are farm fields or engineering companies that work with many different farmers. So in order to find that specific location, I think it's important to have the exact coordinates or address for the local enforcement agencies. And, also, I think we should record the anchorage that the material was applied because, that way, we can back-calculate using the total cubic yards material and sort of make an estimation of the thickness of the material applied to ensure that it's less than six inches. That's it. Thank you.	CalRecycle rejects this comment. With regard to requiring the land application activity record the exact address/coordinate location and/or acreage size of the land application, this is addressed when the local enforcement agency (LEA) inspects the land application activity within 90-days of receipts of the evidence pursuant to 14 CCR Section 17862.3(f). The due diligence of the LEA can identify the exact location where material was applied with the cooperation of the owner of the land application activity. The inspection report recorded by the LEA can include the exact location and acreage size (if necessary). Additionally, land application activities must provide their address to the EA at the time they comply with the EA notification requirements.
C-3-1	Ch. 5. Article 4. Enforcement by EA and Review by Department		Oral	Kwincy Little	Waste Management (WM)	MS. LITTLE: Okay. Great. My name is Kwincy Little. I am with WM Weight Management. I am the local recycling representative out in the Antelope Valley. And I just wanted to touch on a comment -- so I was rereading the regulations and what's supposed to be done, obviously, before this mulch is taken and spread. But I think the problem that lies in the Antelope Valley is that there's no process being taken at all, and this mulch is just being dumped on people's properties where they don't know. And then it's kind of being just put on the property owner, so that's the kind of biggest problem that we have out in the AV, so I just wanted to reiterate that.	CalRecycle rejects this comment. With regard to this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
O-1-1	General Support		Website	Neil Edgar	California Compost Coalition	CCC would like to thank CalRecycle for the opportunity to submit comments on the proposed Illegal Disposal Permanent Regulations.	CalRecycle rejects this comment. With regard to this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
O-1-2	Ch. 3.1. Article 8. Composting Operation and Facility Records	Section 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.	Website	Neil Edgar	California Compost Coalition	CCC is fully supportive of the current rulemaking related to illegal disposal, believing the practice needs further restrictions beyond what is currently prescribed in California Code of Regulations, Title 14. Not only does it cause impacts from fires and other nuisances on the surrounding communities, the land application of organic materials continues to undermine potential feedstock sources for composting, while increasing the potential for spreading pathogens, physical contamination, and invasive pests throughout the state. Land application of green materials is widespread in Southern California; it is the primary reason for the significant lack of composting infrastructure in that part of the state, due to the lower cost of managing those materials, often in an irresponsible and environmentally suspect manner. We are hopeful that enforcement of these new regulations will lead to improved circular outcomes for organic materials.	CalRecycle rejects this comment. With regard to this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
O-2-1	Ch. 5. Article 4. Enforcement by EA and Review by Department	Section 18302. Written Complaints of Alleged Violations.	Website	Catherine Dean	County of San Diego LEA	General: Resource Limitations and Funding The expanded scope of LEA authority under these permanent regulations, particularly the inclusion of "land application activities" within the regulatory tiers and the broadened definition of "illegal disposal" to include generators and transporters, will increase LEA workload. Specifically, increased inspection, investigation, enforcement, and administration burdens associated with these new responsibilities. Without adequate resources, consistent and effective statewide enforcement will be challenging.	CalRecycle rejects this comment. This comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. The proposed regulations strengthen the Local Enforcement Agency's 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. Additionally, the ability to perform investigation and enforcement duties were limited in the existing regulations when determining the information, including generator and quality) of those materials that are intended to be land applied or have been land applied.
O-2-2	Ch. 3.1. Article 8. Composting Operation and Facility Records	Section 17852. Definitions.	Website	Catherine Dean	County of San Diego LEA	Section 17852 13.5 Digestate "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)(14). However, the proposed regulatory thresholds for land application only address solid compostable material. Clarification on land application of liquid digestate should be added.	CalRecycle rejects this comment. With regard to only compostable material is addressed in the land application requirements, digestate in the form of solid or liquid is subject to the land application requirements pursuant to 14 CCR Section 17852(a)(24.5)(A) and the any material sent from an in-vessel digestion operation or facility for land application is subject to 14 CCR Section 17896.62. In-vessel digestion operations or facilities are required to record the delivery date, weight, and destination address where material was sent pursuant to 14 CCR Section 17896.45(a)(7).

O-2-3	Ch. 3.1. Article 8. Composting Operation and Facility Records	Section 17852. Definitions.	Website	Catherine Dean	County of San Diego LEA	Section 17852.24.5.1 Land Application Activity This section excludes land application of processed poultry mortality material as a "land application activity" when overseen by the California Department of Food and Agriculture (CDFA), implying that the LEA is responsible for regulating land application of poultry mortality material that is not overseen by CDFA. However, current regulations in CCR Title 14 Article 8, Agricultural Solid Waste Management Standards limits the LEAs enforcement authorities. Clarification is needed on the intent and roles and responsibilities of the LEA and CDFA in management of poultry mortality material. Specifically, will this require the LEAs to regulate agricultural operations that have previously been excluded.	CalRecycle rejects this comment. With regard to requesting additional clarification to the intent and roles and responsibilities of the Local Enforcement Agency and CDFA in management of poultry mortality material, 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, described in 14 CCR Section 17852(a)(24.5.1). This exception makes it abundantly clear that the requirements for land application activities do not apply when processed poultry mortality material is disposed in a way that could be determined to be land application. With regard to will this whether the LEAs is required to regulate agricultural operations that have previously been excluded, the Local Enforcement Agencies are not required to regulate the operations that are under the exceptions as described above. However, Local Enforcement Agencies have the primary responsibility for ensuring the correct operation of solid waste operations and facilities, including the activities is within the land application activity regulatory tier pursuant to 14 CCR Section 17862.3. Any agricultural site that are receiving compostable material and/or digestate with the intention to land apply these materials consistent with 14 CCR Section 17862.3 and not meeting the exclusion described in 14 CCR Section 17852(a)(24.5.1), that agricultural site would be deemed as a land application activity, subject to the land application activity requirements, and regulated by the Local Enforcement Agency.
O-3-1	Ch. 3.1. Article 2. Regulatory Tiers for Composting Operations & Facilities	Section 17862.4 Land Application Requirements	Website	Stephen Opot	City of Los Angeles Sanitation and Environment (LASAN)	§ 17862.4 – Definition of "Fines" LASAN requests clarification of the definition of "fines" as material of soil or sand consistency remaining after processing. In C&D processing, fines are sometimes characterized as "beneficial reuse" or "land application." Without clarification, inconsistent practices may occur across jurisdictions. Recommendation: CalRecycle should clearly define what constitutes "fines" and expressly prohibit their use for land application to ensure consistent reporting, compliance, and enforcement.	CalRecycle rejects this comment. With regard to define what constitutes "fines", section 17402(a)(6.1) of the proposed regulations defines fines as "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." The definition would capture fines from the processing of any solid waste including the C&D waste stream. 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. With regard to prohibiting the use of fines in land application, the proposed regulations requiring transfer/processing operations and facilities, including C&D operations and facilities subject to transfer/processing operations and facilities regulatory requirements, that fines shall not be sent offsite for land application pursuant to 14 CCR Section 17410.5(b).
O-3-2	Ch. 3.1. Article 2. Regulatory Tiers for Composting Operations & Facilities	Section 17862.4 Land Application Requirements	Website	Stephen Opot	City of Los Angeles Sanitation and Environment (LASAN)	§ 17862.4(d) – Land Application Depth Limit LASAN supports stricter environmental protections but is concerned with the proposed reduction in allowable land application depth from 12 inches (emergency regulations) to 6 inches. This change may discourage compost use, create storage challenges, and reduce outlets for surplus compost. Recommendation: CalRecycle should conduct a comprehensive economic impact analysis of the proposed limits to evaluate impacts on facilities, operators, farmers, and diversion goals, ensuring that compost markets remain viable.	CalRecycle rejects this comment. With regard to the concern with changing the depth from 12 inches to 6 inches that may discourage compost use, create storage challenges, and reduce outlets for surplus compost, the proposed regulations do not restrict the use of compost through land application, at land application activities, or by other entities who wish to use compost. Section 17852(a)(24.5)(B)(1) makes clear that the use of compost produced in compliance with Chapters 3.1 and 3.2 is not land application. Compost depth and usage is not included when determining whether land application is complying with the six inch depth maximum.
O-3-3	Ch. 3.1. Article 2. Regulatory Tiers for Composting Operations & Facilities	Section 17862.3. Land Application Activity	Website	Stephen Opot	City of Los Angeles Sanitation and Environment (LASAN)	§ 17862.3(a) – Landowner Notification Threshold Under the proposal, land application activities receiving more than 4,040 cubic yards annually must file an EA Notification, maintain records, and be subject to inspections. LASAN is concerned that this requirement may discourage farmers and agricultural partners from accepting compost in larger volumes, reducing outlets for facilities such as LASAN's Lopez Canyon Composting Facility. Recommendation: CalRecycle should clarify the EA Notification process for agricultural land applications to avoid deterring farmers from accepting larger volumes of compost while still ensuring oversight and compliance.	CalRecycle rejects this comment. With regard to deterring farmers from accepting larger volumes of compost, the proposed regulations do not restrict the use of compost at land application activities and/or other entities who wish to use compost. Section 17852(a)(24.5)(B)(1) makes clear that the use of compost produced in compliance with Chapters 3.1 and 3.2 is not land application, and therefore would not be subject to the land application activity requirements.
O-3-4	Ch. 3.1. Article 7. Environmental Health Standards	Section 17868.6. Material Sent for Land Application.	Website	Stephen Opot	City of Los Angeles Sanitation and Environment (LASAN)	§ 17868.6 – Operator Compliance Responsibilities The proposed regulations assign compliance obligations, including sampling and certification, specifically to operators. LASAN agrees that responsibility should rest with the operator of a composting or digestion facility, not with customer agencies that contract for services. Recommendation: CalRecycle should clearly distinguish between "Operators" and "Customer Agencies" and define both terms to prevent unintended liability for public agencies that are customers.	CalRecycle rejects this comment. With regard to distinguish between "Operators" and "Customer Agencies," the proposed regulations only apply to the operations and facilities within regulatory tier and/or solid waste that fall under 14 CCR Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements. Therefore, distinguishing the operators and customer agencies are not necessary as the section 17862.3 only applies to compostable material handling operations and facilities that must verify material sent for land application meets the land application requirements pursuant to 14 CCR Section 17862.4. However, land application activity requirements require the landowner provide to the EA evidence that the material is in compliance with conditions described in section 17862.4 prior to the receipt of material, including materials provided by any entity (i.e. landscaper, persons not under solid waste regulatory tier, etc.) pursuant to Section 17868.6. The landowner of a land application activity shall not accept material not meeting the land application requirements.

O-3-5	Ch. 3.1. Article 2. Regulatory Tiers for Composting Operations & Facilities	Section 17862.3. Land Application Activity	Website	Stephen Opot	City of Los Angeles Sanitation and Environment (LASAN)	§ 17862.3(d) – Landowner Recordkeeping The proposed recordkeeping requirements for landowners are appropriate but incomplete. Recommendation: In addition to the required records, CalRecycle should require landowners to also record (1) the parcel address or GPS coordinates, and (2) the acreage of the application site. These additions will enable enforcement agencies to verify compliance with the six-inch application depth limit.	CalRecycle rejects this comment. With regard to requiring the land application activity include the GPS coordinates and acreage of the application site, this is addressed when the local enforcement agency (LEA) inspects the land application activity within 90-days of receipts of the evidence pursuant to 14 CCR Section 17862.3(f). The due diligence of the LEA can identify the exact location where material was applied with the cooperation of the owner of the land application activity. The inspection report recorded by the LEA can include the exact location and acreage size (if necessary). Additionally, 17862.3 requires land application activities to comply with the EA Notification process set forth in section 18100 et seq. Section 18103.1 specifically requires that the address of the proposed operation be included with the notification.
O-3-6	Ch. 5. Article 4. Enforcement by EA and Review by Department	Section 18304. Notices and Orders.	Website	Stephen Opot	City of Los Angeles Sanitation and Environment (LASAN)	§ 18302–18304 – Enforcement LASAN supports expanded enforcement authority for local enforcement agencies (LEAs), including the ability to investigate complaints, address odor issues, and issue corrective orders. Recommendation: CalRecycle should clarify whether notices or orders for non-compliance will be made publicly available (e.g., through the SWIS database) to promote transparency and accountability.	CalRecycle rejects this comment. With regard to requiring clarification on whether notices or orders for non-compliance will be made publicly available, existing law (the Public Records Act, and 14 CCR section 17042) allows any person to request to inspect public records. Local enforcement agencies and any persons that have permission to access the Solid Waste Information System (SWIS) database will be able to observe documents uploaded to this database.
O-3-7	Ch. 5. Article 4. Enforcement by EA and Review by Department	Section 18304.1. Types of Notices and Orders; Enforcement Thereof.	Website	Stephen Opot	City of Los Angeles Sanitation and Environment (LASAN)	§ 18304.1 – Hauler and Broker Liability LASAN seeks clarification on whether the regulations expand enforcement authority to allow LEAs to cite haulers and brokers that knowingly transport waste to unpermitted sites, consistent with PRC § 44000.5. Recommendation: CalRecycle should confirm that haulers and brokers may be held responsible under these provisions and that enforcement orders will apply to all parties who knowingly contribute to illegal disposal.	CalRecycle rejects this comment. The regulations make clear in section 18304 that an EA may bring an enforcement action against any person in violation of Public Resources Code section 44000.5, which could include haulers and brokers depending on the facts of a given case. This is reiterated in section 18304.1.
O-3-8	Ch. 3.1. Article 1. General		Website	Stephen Opot	City of Los Angeles Sanitation and Environment (LASAN)	LASAN supports CalRecycle's overall objective of strengthening illegal disposal enforcement and ensuring consistent statewide implementation. At the same time, LASAN urges CalRecycle to clarify key definitions, refine land application provisions, and carefully assess economic impacts to avoid unintended barriers to compost use, C&D recycling, and SB 1383 compliance.	CalRecycle rejects these comments. With regard to urging CalRecycle to "clarify key definitions, refine land application provisions, and carefully assess economic impacts to avoid unintended barriers to compost use, C&D recycling, and SB 1383 compliance," this comment is not specifying any specific changes nor providing support to perform any of the actions mentioned in this comment.  With regard to "unintended barriers to compost use," the proposed regulations are not pertinent to compost as finished compost meeting the environmental health standards is no longer deemed as solid waste would not fall under the definition of compostable material and/or digestate that are referenced in the proposed regulations. Compost used on-site will not apply to the land application depth requirement. See 14 CCR section 17852(a)(24.5)(B)(1).
O-4-1	General Support		Website	Jose Centeno	Association of Rural Town Councils	The Association of Rural Town Councils (ARTC) is in full support of making the current illegal disposal emergency regulations permanent.	CalRecycle rejects this comment. With regard to this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
O-4-2	General Support		Website	Jose Centeno	Association of Rural Town Councils	The goal of our members from various rural areas of the Antelope Valley is to continue preserving, promoting and protecting our rural lifestyle as well as our diverse natural landscape. All this illegal solid waste dumping has negatively impacted our quality of life and beautiful desert landscape. We want to thank the five individuals from CalRecycle who visited the Antelope Valley in November of last year to see firsthand the devastating amounts of illegal waste being dumped. Their findings are what lead to the emergency regulations being put in place. Certainly a great step in the right direction.	CalRecycle rejects this comment. With regard to this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
O-4-3	Ch. 5. Article 4. Enforcement by EA and Review by Department		Website	Jose Centeno	Association of Rural Town Councils	We would like CalRecycle to go even further and look into adopting a system that would track all mulch, discouraging illegal dumping of solid waste disguised as mulch.	CalRecycle rejects this comment. CalRecycle does not have the statutory authority to create a system that would track all mulch. CalRecycle's authority is limited to the regulation of solid waste and solid waste facilities. All mulch is not necessarily solid waste. With regard to adopting a system that would track all mulch to discourage illegal dumping of solid waste disguised as mulch, the proposed regulations addressed this comment as the solid waste operations are subject to operating standards (material sent for land application requirements) and record keeping requirements based on type of solid waste operation. Solid waste operations deemed as a transfer processing operation are subject to 14 CCR Section 17410.5 and 17414. Solid waste operations deemed as a compostable material handling operation are subject to 14 CCR Section 17868.6 and 17869. Solid waste operation deemed as an in-vessel digestion operation are subject to 14 CCR 17896.45 and 17896.62. Additionally, material sent from these sites are sampled prior to the material leaving will verify the material meets the land application requirements. However, land application activity requirements require the landowner provide to the EA evidence that the material is in compliance with conditions described in Section 17862.4 prior to the receipt of material, including mulch provided by any entity (i.e. landscaper, persons not under solid waste regulatory tier, etc.) pursuant to Section 17868.6. The landowner of a land application activity shall not accept material not meeting the land application requirements.

O-4-4	Ch. 5. Article 4. Enforcement by EA and Review by Department		Website	Jose Centeno	Association of Rural Town Councils	<p>CalRecycle requires beverage recyclers and processors (operators) to be certified and requires a shipping report for every shipment, and also uses a web platform called DORIS which allows for online submissions of shipment reports. We need the Organic Materials Management program to have the same level of tracking (at least the certification and shipment tracking), so that mulch operators are certified and each shipment is tracked. The tracking system would give the state and local authorities the ability to check if trucks carrying shipments are coming from a certified entity and going to the proper destination.</p>	<p>CalRecycle rejects this comment. With regard to having "the same level of tracking for mulch as the tracking system for the Organic Materials Management program," the proposed regulations require transfer processing operations and facilities, compostable material handling operations and facilities, and in-vessel digestion operations and facilities to maintain records of the total volume in cubic yards and weights of material sent offsite each day, the delivery date, volume in cubic yards and weight, and the destination address of where material was sent. Therefore, the proposed changes address their comment specific to recordkeeping. The proposed regulations require the land application activities to maintain records of the date material was received, date material was applied to the land, date the material was incorporated into the soil, or date the EA authorized an alternative, business name and address of who produced the material, volume of material received in cubic yards., and evidence of compliance with conditions described in Section 17862.4.</p> <p>The intent of the regulations is 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). CalRecycle is not proposing to make any changes to this existing regulatory language. Therefore, the comment is proposing to make changes to regulatory language that is outside of the scope of the proposed rulemaking. Furthermore, the comment proposes to make changes without supporting data for the change.</p>
O-4-5	Ch. 5. Article 4. Enforcement by EA and Review by Department		Website	Jose Centeno	Association of Rural Town Councils	<p>Doing the cradle to grave tracking will provide the state with a similar level of reporting to the Beverage Container Recycling Program, and will help ensure that no more illegal landfills are created. Thank you for your time and consideration.</p>	<p>Addressed in comment code O-4-4.</p>