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SOLID WASTE MANAGEMENT COMMITTEE/
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May 23, 2013

Mr. Ken Decio
Senior Integrated Waste Management Specialist
Department of Resources Recycling and Recovery
1001 I Street
Sacramento, CA 95812-4025

Dear Mr. Decio:

**CALRECYCLE'S DRAFT REGULATORY REVISIONS TO TITLE 14 AND 27
REGARDING COMPOSTABLE MATERIALS AND PROCESSING FACILITIES
DRAFT TEXT FOR THE PROPOSED ODOR CONCEPT**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on CalRecycle's regulatory revisions to Title 14 and 27 of the California Code of Regulations regarding compostable materials and processing facilities. The Task Force recognizes and appreciates CalRecycle's efforts to revise and adopt new regulations in order to manage compostable materials within the State in a manner that protects the public's health and safety. Based on the proposed odor concept released on February 28, 2013 (copy enclosed), and the informal workshop on May 14, 2013, we would like to offer the following comments:

Comments:

- Section 17863.4, Subsection (f) – Odor Impact Minimization Plan. We strongly recommend specifying a timeframe by which the Enforcement Agency (EA) is to direct the operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in Section 17863.4.1. We also strongly recommend specifying a timeframe within which the EA would review the results of the Report. If the foregoing measures are ineffective in addressing the odor nuisance then alternatives should be considered such as enclosing operations within a structure under negative pressure. As an another alternative, the facility's permitted daily waste intake can be incrementally reduced until such time the nuisance is eliminated or reduced to a level that does not unduly impact public health and safety.
- The terms "reasonable and feasible" were used frequently in the discussion during the May 14, 2013, workshop. These terms require further clarification so as not to be overly vague and ineffective in promptly resolving odor issues.

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- During the May 14, 2013, workshop, CalRecycle's staff mentioned the operator was only required to minimize the odor. Please provide clarification to this statement.
- What is the legal basis upon which CalRecycle's staff is indicating their authority is limited only to minimizing odors rather than eliminating them? What is the role of CEQA if CalRecycle is either the "lead" or "responsible" party?

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

We appreciate you considering our comments and look forward to working with you in developing an effective statewide order for composting facilities. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste management Task Force and
Council Member, City of Rosemead

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Enc.

cc: Mr. Matt Rodriguez, Secretary, CalEPA
CalRecycle (Caroll Mortensen, Ken DaRosa, Mark De Bie, Howard Levenson,
Brenda Smyth, Robert Holmes, Georgjan Turner)
Mr. Charles Hoppin, Chair, State Water Resources Control Board
State Water Resources Control Board (Thomas Howard, Leslie Graves, Scott Couch
Roger Mitchell)
California Air Resources Board (Mary Nichols)
California Department of Food and Agriculture (Annete Whitford)
Each Member of the Los Angeles County Integrated Waste Management Task Force

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§ 17863.4. Odor Impact Minimization Plan.

(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.

(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

(1) an odor monitoring and data collection protocol for onsite odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,

(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,

(3) a complaint response and recordkeeping protocol; and,

(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns; and,

(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping.

(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.

(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed, ~~but~~ and the EA determines, in a manner consistent with section 18077(a)(14), that odor impacts are still occurring, the EA ~~may issue~~ shall direct the operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors, unless:

(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

(2) there is an imminent threat to public health and safety and the environment; or

(3) a public nuisance has occurred that can be promptly remedied.

17863.4.1. Best Management Practice Feasibility Report (Report)

(a) The operator may voluntarily prepare a Report or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17863.4(f).

(b) The Report shall:

(1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;

(2) Identify, based on data required in subdivision (a), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;

(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:

1. The effectiveness of the BMP in reducing odor impacts;

2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;

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3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;

4. The approximate cost to implement a more extensive use of the BMP and overall financial feasibility of the BMP;

5. Any permits or permit changes necessary to use the BMP more extensively;

6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and

7. If the BMP has been found to be ineffective (include supporting data).

(B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) as a guideline, which the operator has not used and analyze each potential BMP to determine:

1. The potential for the BMP to reduce odor impacts described by complainants;

2. If the BMP is operationally practical;

3. The approximate cost to implement the BMP and overall financial feasibility of the BMP;

4. Any permits or permit changes necessary to use the BMP; and

5. Overall recommendation and ranking of implementing the BMP.

(C) Include a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

(c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and the Department for review on a schedule approved by the EA.

(d) The EA, in consultation with the Department, shall either:

(1) approve the Report and associated plan, and direct the operator to implement the plan in whole or in part through a revision to the Odor Impact Minimization Plan, pursuant to section 17863.4(c), or through a Notice and Order, pursuant to section 17863.4(f); or

(2) request specific changes or request additional information within a timeframe specified by the EA.

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.1. LEA Certification Requirements

§ 18077. Enforcement Program Plan (EPP)

(a) The LEA shall develop, adopt, and submit for board approval an EPP pursuant to Public Resources Code Section 43209(e). The EPP shall embody the designation and certification requirements and demonstrate that the LEA meets all the requirements pursuant to Public Resources Code Sections 43200, 43203, 43207, and 43209, 14 CCR Division 7, Chapters 3 and 5, and 27 CCR Division 2, Subdivision 1 (Section 20005 et seq.). At a minimum, the EPP shall include the following written components:

(1) a certification request letter;

(2) an accepted designation information package (DIP) pursuant to 14 CCR Section 18051;

(3) a statement of EPP goals and objectives;

(4) a copy of the enabling ordinance(s) or resolution(s) for the LEA jurisdictional authority;

(5) a copy of all local solid waste collection, handling, storage, and disposal statutes or ordinances;

(6) a comprehensive list of all types of solid waste facilities and disposal sites, and solid waste handling and collection vehicles within the jurisdiction;

(7) a time task analysis demonstrating the adequacy of staff resources pursuant to 14 CCR Section 18073;

(8) a demonstration of staff technical expertise;

(9) an operating budget demonstrating adequacy of budget resources pursuant to 14 CCR Section 18074;

(10) a detailed staff training procedure pursuant to 14 CCR Section 18075;

(11) a procedure manual for solid waste facility permitting and closure or postclosure;

(12) a procedure manual for random and unannounced inspection and investigation, compliance assurance, enforcement, and hearing panel or hearing officer utilization; and

(13) a procedure manual for disposal site identification, assessment, and corrective actions.

(14) if a jurisdiction has an operation or facility where the EA has odor enforcement authority, the EA must submit, by January 2015, a procedure manual on handling odor complaints, including methodologies used to verify the origin of the odor, the severity of the odor, and validity of the complaint.