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SOLID WASTE MANAGEMENT COMMITTEE/
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May 15, 2012

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 INFORMAL WORKSHOP ON DRAFT REGULATORY REVISIONS
TO TITLE 14 AND 27 REGARDING COMPOSTABLE MATERIALS AND
PROCESSING FACILITIES**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on CalRecycle's Title 14 and 27, Regulatory Issues regarding composting activities (copy enclosed), and its informal workshops. The Task Force commends and supports CalRecycle in its efforts to streamline the existing regulations regarding compostable materials and transfer/processing facilities. Regarding the 14 issues discussed during the workshops, the Task Force, in concert with its letters of February 8, 2012, to CalRecycle, and November 15, 2011, to the State Water Resources Control Board (copies enclosed), has reviewed the subject regulatory issues that were identified at the workshops and would like to offer the following:

Issue 1

"Current food waste definition is general and does not distinguish between various food waste types. All food waste composting requires a full permit."

Comment:

- As previously indicated by the Task Force, there is a clear need to define "food waste" as well as other relevant composting definitions including, but not limited to: "organic waste, compostable organic waste, agricultural waste, biomass, green waste, composting operation, composting facility, and composting product," to have uniform meaning among the applicable state regulatory

agencies and local air districts to eliminate ambiguity and regulatory overlap. Additionally, the proposal uses the term “waste” and “material” interchangeably throughout the discussion. This needs to be avoided or each type of materials must be defined uniformly for use by state regulatory agencies.

- Instead of focusing on the allowable ratio of food waste to green waste in an Enforcement Agency (EA) Notification Tier, find the optimum nitrogen to carbon ratio through documented published research.
- Pilot projects should have a limit or termination date followed by an environmental assessment done by a third party to determine its effectiveness with regard to public health and safety.
- The definition of “Vegetative Food Material” is defined without any discussion on the type of regulatory measures that would ensure that the vegetative material sent to these newly defined facilities are of their “natural state” with “no salts, preservatives, fats, or oils, or other adulterants.” There may be cross contamination issues where animal food material comes into contact with vegetative food material with little to no regulatory oversight.

Issue 2

“Current regulations identify application of compostable materials, compost, and ash to agricultural land as beneficial use if it meets California Department of Food and Agriculture (CDFA) requirements. Need a clearer way to determine when land application is disposed and not beneficially used.”

Comment:

- The approach such as “the compostable material shall not be applied more than once per year, at time of application, the compostable material shall not exceed an average of 12 inches in total depth...” appears more reasonable to achieve. Additionally, CalRecycle proposes to use 0.1% physical contamination level. Not only is the 0.1% extremely difficult to measure, but the proposal also fails to define the term “physical contamination” since the term “organic” includes materials other than “compostable organic.”

Issue 3

“Agricultural material and green material composting operations are limited to 12,500 cubic yards of off-site-generated green material being stored on-site at any one time.”

Comment:

- If stored stable compost is to be excluded from the storage criteria calculation of the 12,500 cubic yards for EA Notification sites, both of CalRecycle’s proposed approaches should be combined and include all of the following requirements: A standardized requirement for pile size, temperature monitoring, pile separation,

and pile setback from the facilities boundaries and a Fire Prevention, Control, and Mitigation Plan which must be reviewed and approved by the Local Enforcement Agency (LEA).

- Redefine agricultural material and green material to have uniform meaning among the applicable regulatory agencies to eliminate ambiguity and regulatory overlap.

Issue 4

“Approaches to verification of odor complaints at compost sites are not consistent statewide.”

Comment:

- The proposed approach is to develop an odor verification and complaint protocol for operators to be included in Odor Impact Minimization Plans (OIMP). This process is subjective and will be extremely difficult to establish due to the ambiguities associated with measuring odors. Considering individuals have varying thresholds in experiencing and tolerating odors, any standards by which to evaluate odor complaints and apply mitigation measures may be challenging.
- Each facility could be required to monitor odor strengths on a daily basis for reference purposes. Point, area, and volume emission sources can be sampled and tested for odor parameters using standard practices published by the American Society of Testing and Materials (ASTM E679 and E544). Again, recognizing that individuals have varying odor thresholds, establishing a standard (especially a numeric system) is extremely challenging. Thus an odor mitigating measure must be flexible and sensitive to the health and well-being of the facility’s neighboring citizens and communities.

Issue 5

“Publicly Owned Treatment Works are adding food waste and fats, oils, and grease in the treatment system downstream from the headworks. There may be duplication of regulatory efforts between the LEA, Regional Water Quality Control Board, air districts, and CDFA.”

Comment:

- Again, there is a great need for these agencies to work together to establish a new set of regulations to replace the existing fragmented regulatory system that, at times, is confusing, overlapping, and conflicting.

Issue 6

“Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.”

Comment:

- Increasing maximum inorganic contaminant may also increase the level of pollution (metal content) that may undermine the Water Board efforts to reduce the level of water contaminant for surface/storm water runoff and leachate.

Issue 7

“Anaerobic digestion (AD) is currently regulated under the compostable materials handling or transfer/processing regulations, depending on the nature of the feedstock and how it was handled.”

Comment:

- Due to the nature of AD processing, there is a need to have clear and consistent guidelines related to the nature of the feedstock and how it is handled. Likewise, the regulations surrounding it should not become less stringent by redefining AD as a transfer processing activity or compostable material handling.

Issue 8

“CalRecycle is working with CDFA to reduce regulatory overlap in regulating the handling of meat, poultry, and fish waste.”

Comment:

- We concur. Again, there is a great need for state agencies to work together to establish a new set of regulations to replace the existing fragmented regulatory system that, at times, is confusing, overlapping, and conflicting.

Issue 9

“Maximum Metal Concentrations in current regulations do not match US Environmental Protection Agency biosolids regulations (503 CFR).”

Comment:

- It is recommended to work towards reconciling the differences.

Issue 10

“The current definition of Agricultural Material is not clear relative to the term “processing.”

Comment:

- Redefine “Agricultural Material” to have a clearer meaning with respect to the term “processing.” The definition should clearly make a distinction between “product” and “waste,” and identify the precise point at which “waste” becomes “product.” Once the definition is established, it should be acknowledged on a widespread basis beyond these regulations.

Issue 11

“Current regulations do not address small-scale composting of food material at community gardens, restaurants, cafeterias, and other businesses that provide food service to employees.”

Comment:

- The proposed approach should include provisions for proper monitoring, maintenance, and inspection protocols to protect the health and safety of the public and the environment.

Issue 12

“Directions for completion of the Solid Waste Facility Permit (SWFP) Application are vague and unclear, specifically the term “permitted maximum tonnage” used in section B.1(a) of the permit application (Form E 1-77).”

Comment:

- Concur that clarity regarding the directions for completing SWFP Applications is necessary. It is recommended that “permitted maximum tonnage” for each type of waste management process (composting, recycling, other beneficial uses, disposal, etc.) at a facility needs to be specified in the SWFP.

Issue 13 (December 21, 2011, Workshop)

“The current definition of vermicomposting is general which may make it difficult for LEAs to determine vermicomposting activities.”

Comment:

- Redefine vermicomposting to have clear definition of what is being regulated. LEAs may also need to be trained or retrained to be able to distinguish vermicomposting activities from other types of activities.

Issue 14

“Revisions to Enforcement Agency Notification Inspection Frequency Language.”

Comment:

- At this time we have no comment with the proposed revisions to the EA Notification inspection frequency language.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended) and Chapter 3.67 of the Los Angeles County Code, 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 and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also

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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: State Water Resources Control Board (Charles Hoppin, Thomas Howard, Lisa Babcock, Roger Mitchell)
California Air Resources Board (Mary D. Nichols)
CalRecycle (Caroll Mortensen, Mark Leary, Howard Levenson, Mark De Bie, Brenda Smyth)
California Department of Food and Agriculture (Annete M. Whiteford)
Each Member of the Los Angeles County Integrated Waste Management Task Force and Facility & Plan Review Subcommittee

Issue 1. Food Waste Definition

5/1/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION – Revise definition of Food Material and Create a Subcategory called “vegetative food material”.

The current food material definition is general and does not distinguish between various food waste types. Food material composting requires Compostable Materials Handling Permit. Staff proposes to expand the definition of a food material and create a subcategory called “vegetative food material”. CalRecycle is considering allowing green material composting operations to accept vegetative food material. A green material operation (up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time) would be required to obtain a Registration Permit to accept vegetative food material and would be permitted as “Green/Vegetative Food Material Composting Facility”. A facility handling food material will still be required to obtain a Compostable Materials Handling Facility Permit.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

ARTICLE 1. GENERAL

§ 17852. Definitions.

(a) For the purposes of this Chapter:

(20) “Food Material” means ~~any a material that was acquired for~~ resulting from the production or processing of food for animal or human consumption, but is no longer intended for such consumption, that is separated from the municipal solid waste stream, and that does not meet the definition of “agricultural material.”. Food material ~~may includes, without limitation, material food waste~~ from food facilities (as defined in Health and Safety Code section ~~113785-113789~~), food processing establishments (as defined in Health and Safety Code section 111955), grocery stores, institutional cafeterias (such as prisons, schools and hospitals), restaurants, ~~or~~ and residential food scrap collection. Notwithstanding anything to the contrary herein, food material does not include... [concept: as defined in Title 3 CCR 1180(b)(9)] or materials that are required to be disposed only by

Issue 1. Food Waste Definition

*renderers, pet food processors or other approved methods pursuant to the California Food and Agriculture Code.]**

(A) "Vegetative Food Material" means food material resulting from the production or processing of food for animal or human consumption, but is no longer intended for such consumption, that is derived solely from plants and is separated from the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise remain in its essentially natural state and no salts, preservatives, fats or oils, or other adulterants shall have been added.

* Note: The last sentence of the food material definition is incomplete. CalRecycle intends the sentence to clearly indicate that certain materials regulated by the California Department of Food and Agriculture (CDFA) are not included in this definition of food material. CDFA is currently considering changes to their regulations that address to these types of materials. CalRecycle will complete the sentence once CDFA's regulations are further developed. In the mean time, this discussion draft includes concept language as a placeholder.

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION- Establish criteria for determining when use of compostable material and compost is considered disposal.

Current regulations identify application of compostable materials to agricultural land as beneficial use if the use meets CDFA requirements. There is a need to better determine when use of compostable materials and compost are considered disposal and not beneficially used. Staff proposes to establish criteria (based in part on the Ventura County Ordinance Code Pertaining to the Regulation of Solid Waste) for determining when use of compostable material and compost is considered disposal. Criteria include limits on storage time, application depth, application frequency, and physical contaminants.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

ARTICLE 1. GENERAL

§ 17852. Definitions.

(a) For the purposes of this Chapter:

(15) "Disposal of compostable material" means:

(A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1 pursuant to Section 17855;

2. storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost that meets the requirements of section 17868.2, on land for a combined period of time greater than six months-72 hours, except as provided in paragraph (3) of this subdivision; or

3. storing or stockpiling more than 200 cubic yards of agricultural material and/or green material, other than stabilized compost that meets the requirements of section 17868.2, for more than twelve months on prime agricultural land, as defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA-applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) ~~Disposal of compostable material~~ does not include the use of compostable material for alternative daily cover material at a solid waste landfill in accordance with applicable law. Notwithstanding this section, use of compostable organic material as a alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(C) ~~Disposal of compostable material~~ does not include land application of compostable organic material. "Land Application of Compostable Material" means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates. The compostable material shall not be applied more than once per

~~year. At the time of application, the compostable material shall not exceed an average of 12 inches in total depth and shall contain no more than 0.1% physical contaminants by volume (*should it be weight?*). The EA, in consultation with a certified professional agronomist, a certified crop advisor, or other qualified person, as determined by the EA, may approve alternative application depths and frequencies if the EA determines that the alternatives will not adversely affect public health and safety or the environment. ; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.~~

~~(D) Should the EA have information reason to believe that a person compostable material handler is engaging in other activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.~~

~~(E) If the activities at a site meet the definition of disposal of compostable material, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).~~

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

ARTICLE 2. REGULATORY TIERS FOR COMPOSTING OPERATIONS AND FACILITIES

§ 17855. Excluded Activities.

~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to, land application of compostable material; alternative daily cover in accordance with applicable law; slope stabilization, weed suppression, ~~alternative daily cover,~~ and similar uses, as determined by the EA; ~~land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.;~~ and use of compostable materials for reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.~~

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

DRAFT LANGUAGE FOR DISCUSSION – Amend maximum allowable metal concentrations in compost to match federal regulations for biosolids applied to land.

The US Environmental Protection Agency (EPA) regulates the application of sewage sludge (biosolids) to land through its implementation of the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA). When it adopted regulations governing compost and compost handling in 1993 (Register 93, No. 29), CalRecycle's predecessor California Integrated Waste Management Board adopted certain of the federal standards applicable to biosolids and applied them to compost. Some years ago, EPA revised the maximum concentrations of certain metals allowed in biosolids that are land-applied (60 FR 54769, Oct. 25, 1995, codified at 40 CFR, Part 503, § 503.13(b)(3)(Table 3)). At that time, EPA eliminated chromium from the list of regulated metals and increased the amount of selenium allowed in biosolids applied to land. CalRecycle proposes to revise its regulations limiting the maximum concentrations of metals allowed in compost to reflect the changes adopted by EPA.

Proposed language:

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 7. Environmental Health Standards

§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction.

Table 2 -Maximum Acceptable Metal Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 <u>100</u>
Zinc (Zn)	2800

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.

Issue 14. Revisions to Enforcement Agency Notification Inspection Frequency Language

5/1/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION – Include consistent language in each state minimum standard reference

In CalRecycle regulations there are 15 types of solid waste handling activities which are regulated as "operations" under the EA Notification tier. The requirements for LEA inspection at operations are not entirely consistent. Staff proposes to clarify and standardize the requirement for LEA inspections by deleting existing conflicting provisions and adding a new provision to the regulations for each EA Notification activity. By specifying the inspection requirement together with the other requirement for operations, we hope to assist operators to understand the requirements that apply to their sites.

Proposed language:

"These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year."

ADD NON-REGULATORY NOTE: See Section 18083(a)(3) for additional EA and CalRecycle requirements regarding the approval or denial of requests for reducing the frequency of inspections.

A. The new language would be added to each of the following sections:

- § 17859.1. Biosolids Composting at POTWs.(Article 2, Chapter 3.1)
- § 17862. Research Composting Operations. (Article 2, Chapter 3.1)
- § 17862.1. Chipping and Grinding Operations and Facilities. (Article 2, Chapter 3.1)

B. For these sections, the existing reference to inspection frequency would be deleted and replaced by the new language:

- § 17362.2. Contaminated Soil Transfer/Processing Operations. (Article 5.6, Chapter 3)
- § 17377.2 Nonhazardous Ash Transfer/Processing Operations. (Article 5.8, Chapter 3)
- § 17383.3 (a) C&D Wood Debris Chipping and Grinding Operations and Facilities.(Article 5.9, Chapter 3)
- § 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations. (Article 5.9, Chapter 3)
- § 17383.7.(f) Inert Debris Type A Processing Operations. (Article 5.9, Chapter 3)
- § 17388.3.(b) Inert Debris Engineered Fill Operations. (Article 5.95, Chapter 3)
- § 17403.2. Sealed Containers Transfer Operations. (Article 6, Chapter 3)
- § 17403.3. Limited Volume Transfer Operations. (Article 6, Chapter 3)
- § 17856.(b) Agricultural Material Composting Operations. (Article 2, Chapter 3.1)
- §17857.1.(b) Green Material Composting Operations and Facilities.(Article 2, Chapter 3.1)

In order to incorporate these requirements governing the frequency of LEA inspections to the duties of the LEAs, staff proposes the following modification of Section 18083, LEA Duties and Responsibilities for Inspections, subd. (a), para. (3):

"(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9 and 17403.5. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless

Issue 14. Revisions to Enforcement Agency Notification Inspection Frequency Language

the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the operator request and the EA-proposed approval to CalRecycle. CalRecycle shall concur in the request only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. CalRecycle shall concur or deny the request within thirty (30) days from receipt.

Issue 1

Current food waste definition is general & does not distinguish between various food waste types. All food waste composting requires a full permit.

Potential Approach

- Define sub-categories of food waste
- Establish varying degrees of handling protocols
- Allow some types of food waste to be co-composted at Notification tiered sites

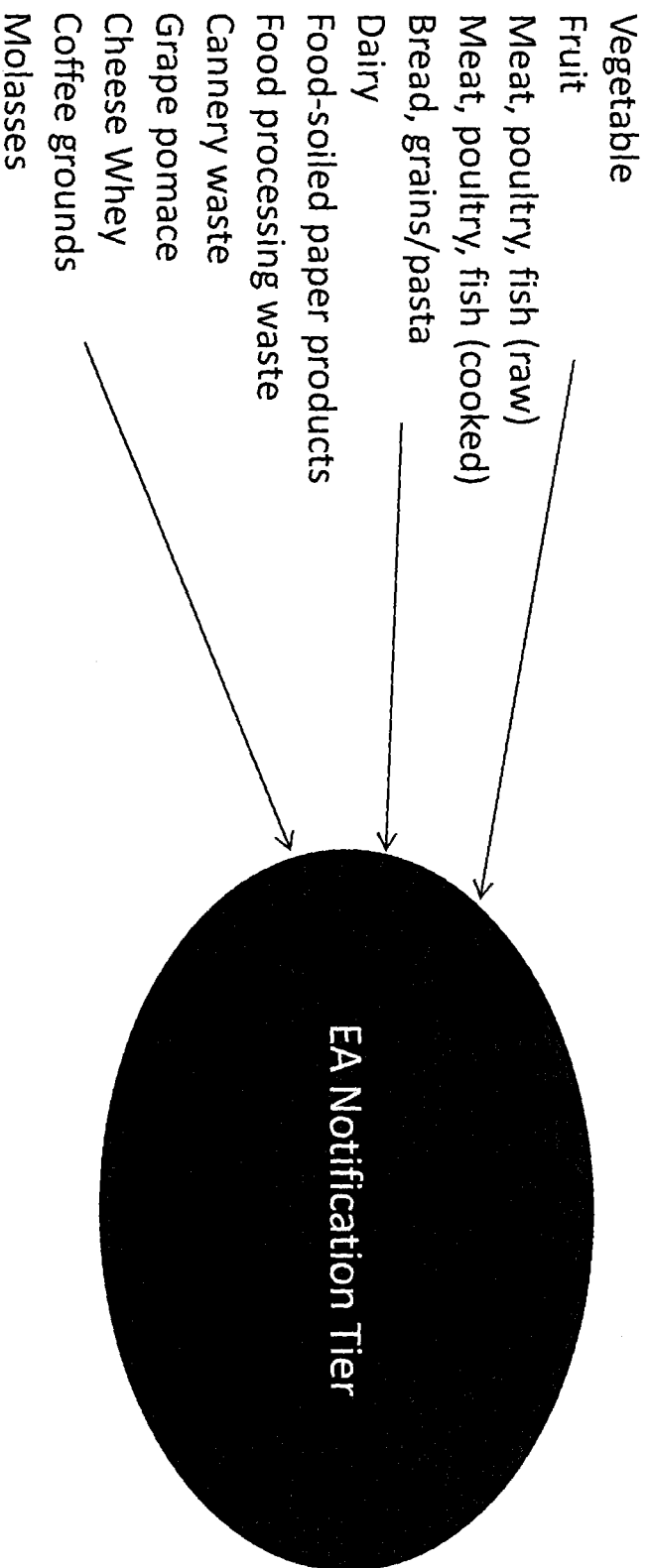
Define Potential Food Material Subcategories?

Pre-consumer - material that does not meet the definition of “agricultural material” and is generated at farmers markets, food manufacturing facilities (canneries, coffee production, wine production, etc.), grocery stores, retail stores, and restaurants during the process to produce food for human or animal consumption. Primarily vegetative material.

Postconsumer - material generated at residences, restaurants, retail stores, grocery stores, and institutions after being provided for human consumption. May include meat scraps, fish and poultry, and dairy.

Animal-Derived - material that does not meet the definition of “agricultural material”, generated at residences, grocery stores, retail stores, restaurants, cheese and dairy production, institutions, but not at slaughter houses or meat processing facilities, during the process to produce meat, fish, poultry and dairy products for human or animal consumption.

Allow Certain Types of Food Material to be Co-Composted with Green Material in EA Notification Tier



Food Material Type Subcategories

Example: Vegetables

Raw

Cooked

Fresh (not putrefying)

Old (putrefying)

Food processing by-products

Farmers Market (with fruits, nuts, flowers, etc.)

Residential curbside (with green & other food material, soiled paper, soiled paper, contaminants)

Restaurant (with other food material, soiled paper, plastics, biodegradable plastics, contaminants)

Institutions (with other food material, soiled paper, plastics, biodegradable plastics, contaminants)

Grocery Stores (with other food material, waxy cardboard, shrink wrap, etc.)

**Allowable Food to Green Material
Ratio Options
in EA Notification Tier**

10:90 food to green

20:80 food to green

25: 75 food to green

30:70 food to green

Proposed Approach

Types of food waste allowed in EA Notification Tier

Maximum allowable ratio of food (pre- and post-consumer, not animal derived) to green material

Require additional design & operating standards (potential BMPs)

- Process incoming food material loads daily
- Temporarily cover food material feedstock with tarps
- Construct smaller feedstock storage piles
- Spread green material or wood chips on ground, surround area with horseshoe-shaped berm of green material/wood chips, dump incoming food material directly into area
- Incorporate food material into windrows the same day
- Incorporate food material with high carbon material
- Apply compost blanket or compost “overs”
- Revise OIMP to address new food waste stream
- Install litter fences
- Other?

Issue 2

Current regulations identify application of compostable materials, compost, and ash to agricultural land as beneficial use if it meets CDFA requirements. Need a clearer way to determine when land application is disposal and not beneficially used.

Potential Approach

- Work with agencies to establish criteria for determining disposal.
- Criteria could include: area, application depth, frequency, storage time, contaminant limits,
- Also allow case by case determinations.

Proposed Approach

Defining Disposal

(Based on concepts from Ventura County Ordinance
& does not refer to fertilizers)

Application of organic material that exceeds an average of 12 inches in total depth

Application of organic material that exceeds 0.1% physical contamination level

Storing or stockpiling of organic material onto land for greater than six months

LEA may consult with other agencies to determine if application of organic material is disposal

Proposed Approach (cont.)

Exceptions

Application of organic material on land may exceed average depths of 12 inches upon receipt of prior written approval by a local fire district, county agricultural commissioner, or LEA.

Does not apply to the storage and application of organic materials in quantities of less than 200 cubic yards per parcel

Issue 3

Agricultural material and green material composting operations are limited to 12,500 cubic yards of off-site-generated green material being stored on-site at any one time.

Potential Approach

Exclude stable compost from calculation of the 12,500 cubic yard for Notification sites that meet storage criteria

1a. Proposed Approach

Stored stable compost that has undergone PFRP is excluded from

12,500 cubic yards calculation for EA Notification sites if:

Proscribed requirements are met, the requirements would include :

- Pile size,
- Temperature monitoring,
- Pile separation,
- Pile setback from facility boundary.

1b. Proposed Approach

Operator submits a Fire Prevention, Control and Mitigation Plan for review and approved by the LEA.

Issue 4

Approaches to verification of odor complaints at compost sites are not consistent statewide.

Potential Approach

- Develop an odor verification/complaint protocol for operators to be included in OIMP.
- Use similar protocols employed by other regulatory entities and include verification and complaint protocols and possibly utilize odor measuring technologies.

Proposed Approach

1. Establish odor baseline/threshold in OIMP for each site
2. If an odor event causes the facility to exceed the baseline/threshold, the operator is required to implement additional monitoring and data collection
3. Based on monitoring and data, design and/or operational changes are proposed, and if approved, implemented

Baseline and Monitoring

Operator monitors and logs the following :

1. Complaints
 - Number and summary of complaints within given time frame (day, month)
 - Date, time, complaint was received and complaints were investigated
2. Intensity of odors
 - Site specific methods and scale
 - Odor instruments
3. Odor characteristic spectrum

Floral Fruity Vegetable Earthy Medicinal Chemical Fishy Offensive

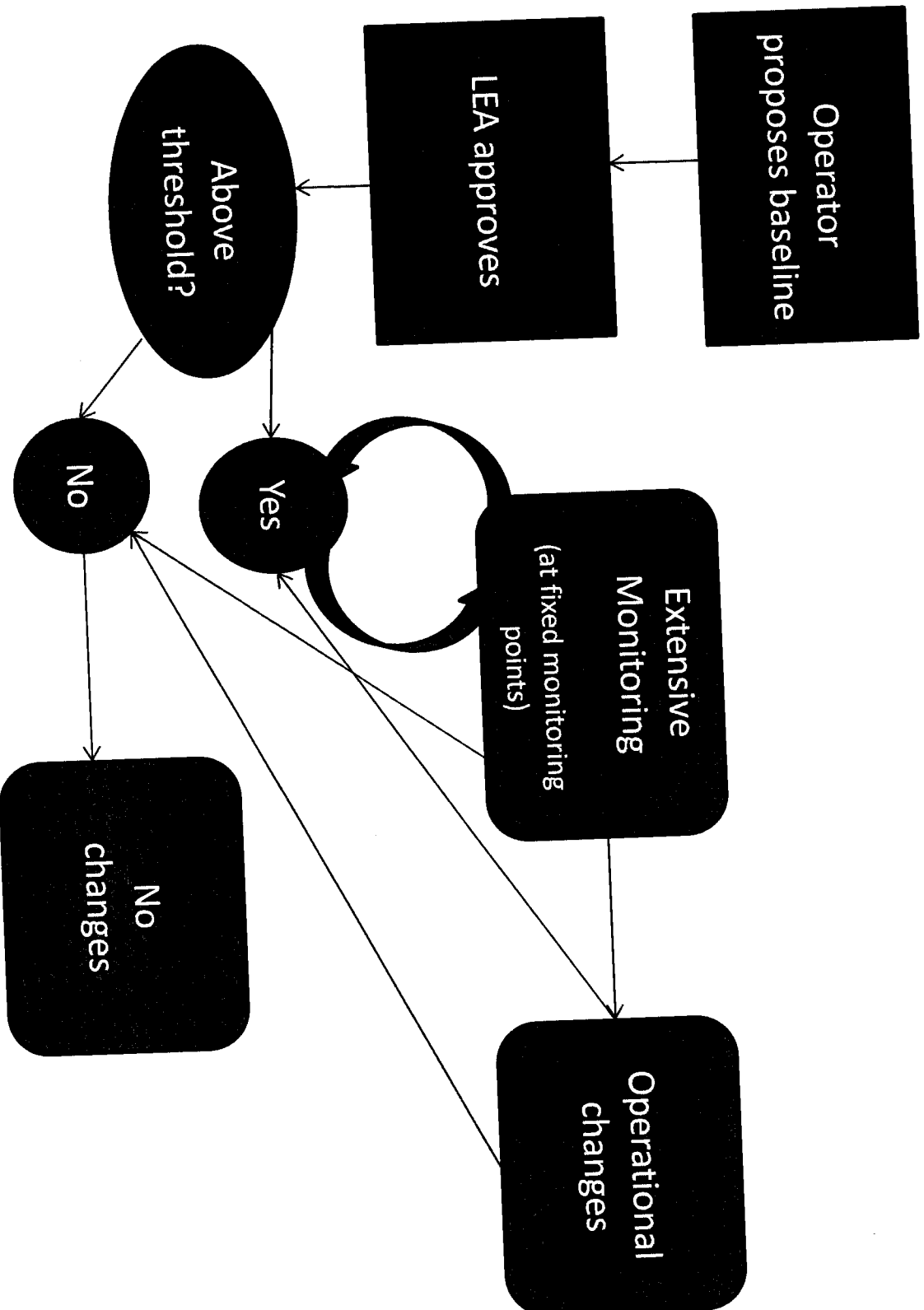
(Putrid, Rancid, Fecal, Garbage)

4. Duration of odors (hours, days, weeks, months)
5. Changes to design and operation during monitoring and data collection

LEA & operators use same criteria to evaluate and document odors & complaints

Operator provides data & proposed operational changes quarterly to LEA, or other designated timeframe in OIMP

OIMP Monitoring Flowchart



Issue 6

Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.

Potential Approach

- Increase the maximum inorganic physical contamination limit for green material received
- Add maximum inorganic physical contamination limit for material leaving site

Proposed Approach

Increase maximum inorganic physical contamination limit for green material received from 1.0% by weight to 2.0 % by weight

Operator samples finished product before material leaves site

Illinois Pollution Control Board method

-Material dried 24 hours

-Measure contamination level in sample:

Weigh each sample and pass through a four millimeter screen.

Inspect material remaining on the screen, and separate and weigh man-made materials. Calculate percent man-made materials relative to the total dry weight of the sample prior to screening.

Maximum physical contaminant level by weight = 0.1%, or other 2%

If sample is above 0.1% maximum physical contamination level, finished product must be reprocessed or disposed

Issue 7

Anaerobic digestion is currently regulated under the compostable materials handling or transfer/processing regulations, depending on the nature of the feedstock and how it is handled.

Potential Approach

Revise regulations to identify AD as a type of transfer processing activity.

Proposed Approach

PRC 40116.1 “Composting means the controlled or uncontrolled biological decomposition of organic wastes. Anaerobic Digestion is composting by statute.

CalRecycle proposes to define AD as a type of compostable material handling

- Change definition of Anaerobic Decomposition in Compostable Materials Handling Operations and Facilities Regulatory Requirements in 17852 (a)(8), **OR**
- Add definition of Anaerobic Digestion Operation and Anaerobic Digestion Facility in 17852

Compostable material handling and transfer/processing design and operational requirements would be applied

AD Operations & Facilities

Chapter 3.1: Compostable Materials Handling Operations and Facilities
Regulatory Requirements
17855.2. Prohibitions
17863.4 Odor Impact Minimization Plan

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal
Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements.
Article 6.1. Siting and Design Sections 17406.1-17406.2
Article 6.2 Operating Standards Sections 17407.1-17413
Article 6.3 Record Keeping Requirements Section 17414-17414.1
Article 6.35 Additional Operating Requirements for Facilities Only
Sections 17415.1-17419.2

Issue 9

Maximum Metal Concentrations in current regulations do not match US EPA biosolids regulations (503 CFR).

Regulations are not clear on when an operator must ensure that a compost product meets the required limits for metals and pathogens.

Potential Approach

- Revise Maximum Metal Concentrations in current regulations to match Maximum Metal Concentrations in 503 CFR.
- Require composters to obtain test results showing the material meets requirements prior to materials leaving the site.

Proposed Approach

Revise Maximum Metal Concentrations in § 17868.2 to match
Maximum Metal Concentrations in 503 CFR

Table 2
Maximum Acceptable Metal Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36
Zinc (Zn)	2800



Table 3 of §503.13—Pollutant Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 <u>100</u>
Zinc (Zn)	2800

Proposed Approach (cont.)

Revise § 17868.1 to ensure metals & pathogen test results are received by operator *before* compost leaves the site.

a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentration limits and pathogen reduction requirements shall occur before the ~~at the point where~~ compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used

Issue 11

Current regulations do not address small-scale composting of food material at community gardens, or associated with restaurants, cafeterias, and other businesses that provide food service to employees.

Potential Approach

Revise the excluded tier to address newly identified activities that are similar to existing excluded activities.

Proposed Approach

Revise exclusion language in 17854(a)(5)(4) to allow small-scale composting of food material.

Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume generated on-site or off-site.

Issue 13

The current definition of vermicomposting is general which may make it difficult for LEAs to determine vermicomposting activities.

Potential Approach

Consult with vermicomposters and other stakeholders to determine how regulations need to be adjusted to better determine what is or is not vermicomposting.

Information on the Rulemaking Process

Compostable Materials, Transfer/Processing Rulemaking

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm>

CalRecycle: Compostable Materials, Transfer/Processing Rulemaking Listserv

<http://www.calrecycle.ca.gov/Listserv/>

Send Written Comments to: compost.transfer.regs@calrecycle.ca.gov.

Staff contact: Ken Decio at (916) 341-6313 or Ken.Decio@CalRecycle.ca.gov



GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
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www.lacountyiswmtf.org

February 8, 2012

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

Dear Mr. Dicio:

**CALRECYCLE'S INFORMAL WORKSHOP ON DRAFT REGULATORY REVISIONS
TO TITLE 14 AND 27 REGARDING COMPOSTABLE MATERIALS AND
PROCESSING FACILITIES**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on CalRecycle's Title 14 and 27 Regulatory Issues regarding composting activities (copy enclosed) and its Informal Workshop conducted on December 21, 2011. The Task Force commends and supports CalRecycle in its efforts to streamline the existing regulations regarding compostable materials and transfer/processing facilities. Regarding the nine issues discussed during the workshop, the Task Force, in concert with its letter to the State Water Resources Control Board dated November 15, 2011 (copy enclosed), has reviewed the subject Regulatory Issues including Issue No. 13 that was identified at the December 21, 2011, Workshop and would like to offer the following:

Issue 2

"Current regulations identify application of compostable materials, compost, and ash to agricultural land as beneficial use if it meets California Department of Food CDFA requirements. Need a clearer way to determine when land application is disposed and not beneficially used."

Comment:

CalRecycle proposes to use 0.1% physical contamination level. The proposal fails to define the term “physical contamination” since the term “organic” includes materials other than “compostable organic.” Additionally, the proposed approach of defining disposal rather than beneficial use for compost materials that contain “compostable organics” exceeding 0.1% (by total volume) is extremely difficult to accurately measure. Other approaches such as using the 12 inches in total depth or storing material for longer than six months to be defined as disposal appears more reasonable to achieve.

Issue 6

“Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.”

Comment:

Increasing maximum inorganic contaminant may also increase the level of pollution (metal content) that may undermine the Water Board’s efforts to reduce the level of water contaminant.

Issue 13 (December 21, 2011 Workshop)

“The current definition of vermicomposting is general which may make it difficult for LEAs to determine vermicomposting activities.”

Comment:

Redefine vermicomposting to have clear definition of what is being regulated. Local Enforcement Agencies may also need to be trained or retrained to be able to identify the vermicomposting activities from other types of activities.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended) and Chapter 3.67 of the Los Angeles County Code, 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.

Mr. Ken Decio
February 8, 2012
Page 3

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

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

WT:ts

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Enc. (2)

cc: CalRecycle (Caroll Mortensen, Director; Mark Leary; Howard Levenson; Brenda Smyth)
State Water Resources Control Board (Charles Hoppin, Chair; Thomas Howard;
Lisa Babcock; Roger Mitchell)
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each Member of the Los Angeles County Integrated Waste Management Task Force
and Facility & Plan Review Subcommittee



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GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

November 15, 2011

Mr. Roger Mitchell, P.G., Engineering Geologist
State Water Resources Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Mr. Mitchell:

**COMMENTS REGARDING DRAFT CONCEPTS
FOR A PROPOSED STATEWIDE ORDER FOR COMPOSTING FACILITIES**

The Los Angeles County Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the State Water Resources Control Board's (SWRCB) "Draft Concepts for a Proposed Statewide Order for Composting Facilities" (Draft Concepts), which was released for public review and comments on August 24, 2011. The Task Force has been involved with the SWRCB's stakeholder workgroup meetings, and at the meeting of October 19, 2011, Mr. Mike Mohajer, a member of the Task Force, provided the enclosed electronic correspondence regarding Appendix A of the Draft Concept while indicating that formal comments would be forthcoming from the Task Force. We have now completed our review of the Draft Concepts in concert with our August 13, 2008, comments to the Department of Resources Recycling and Recovery (CalRecycle, formerly CIWMB) regarding Strategic Directive 6.1 Discussion of Potential Options for the Organic Diversion Facilities Siting Project (copy enclosed). The Task Force would like to offer the following:

General

As provided by the State, composting is limited to the **aerobic** decomposition process of solid waste (emphasis added). As proposed, the solid waste materials used in the composting process include, but are not limited to, vegetative waste, paper/pulp, food waste, compostable municipal solid waste, animal carcasses, biosolids, and manure.

As recognized by the Draft Concepts, it is the policy of the State (CalRecycle) to reduce the amount of **organic** matter being landfilled by 50% by the year 2020 (emphasis added). It is also the State's "policy goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020 and thereafter" (AB 341, Chapter 476 of the 2011 State statute). As such, composting (as defined) must play a major role if we are to achieve the State "policy goal" as well as the goal established by CalRecycle. However, in achieving these goals, one cannot disregard the impact of composting operations on public health and safety and our environment due to potential surface and groundwater pollution, odor, criteria air pollutant emissions, etc. The Draft Concepts attempts to identify potential negative impacts on surface and groundwater under the purview of SWRCB as well as recognizing potential mitigating measures. The Task Force is in general support of the proposed mitigating measures identified in the Draft Concepts, especially in regard to their use in the urbanized areas of California such as Los Angeles County.

Water Quality Protection Measures

Considering the type of solid waste materials that are proposed to be processed at the subject composting facilities, the use of the proposed pad, pond, berm, and drainage system seems to be appropriate depending on the facility location. For example in an area such as Los Angeles County, any discharge from a composting facility to a storm drain and/or a Publicly Owned Treatment Works (POTW) is extremely prohibitive due to the requirements of the storm water permit (National Pollutant Discharge Elimination System (NPDES)) issued to the jurisdictions in Los Angeles County by the Los Angeles Region Water Quality Control Board (RWQCB) as well as the capacity limitation of the existing POTWs. Thus, the requirement for construction of a pond, berm, and drainage system is a must. However, the same may not be appropriate for a facility that is located in a rural area or at a landfill with an existing Waste Discharge Requirement Permit and a NPDES Permit. This must be recognized by the Draft Concept with appropriate needed provisions.

Definitions

The Task Force is concerned that some of the definitions and terminologies used in the Draft Concepts are inconsistent with those used by CalRecycle. Specifically, we have the following comments:

1. Under the heading "Background" on page 1, sixth paragraph, it has been stated that "The development of the statewide order is being done in coordination with other composting related activities. Assembly Bill 939 (Integrated Waste Management Act) directed every jurisdiction to a waste diversion rate of 50

percent on and after the year 2000. The CalRecycle's Strategic Directive 6.1 calls for a 50 percent reduction of organics within the waste stream by the year 2020. Also the California Code of Regulations Title 14 adopted by CalRecycle includes definitions and threshold sizes of composting facilities that the proposed statewide order attempts to consider for some consistency." However, the definitions and terminologies on Appendix A of the Draft Concepts are generally inconsistent with those used by CalRecycle as listed in the California Code of Regulations, Title 14, Section 17852. Maintaining consistency throughout the terminologies applied to composting processes by the two agencies, as well as those by the California Air Resources Board (CARB), the Department of Food and Agriculture (CDFA), Department of Public Health (CDPH), and Air Pollution Control Districts (APCDs)/Air Quality Management Districts (AQMDs), is essential in order for the proposal to be comprehensive and effective among the impacted entities and stakeholders.

2. The definition of "Nuisance" in Appendix A should be expanded by inserting the word "human" within the first bullet to read "Is injurious to human health, or is indecent or offensive..." Furthermore, considering the potential difficulties in substantiating the existence of a nuisance, as described in the definition in connection with facility operations, the matter should be further discussed and be revised as an element of the proposed "regulation" in concert with CalRecycle, CARB, CDFA, CDPH, APCDs/AQMDs and the working group.
3. The definitions listed in the Appendix A needs to be expanded to include definitions for "organic waste" and "compostable organic waste" materials.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended) and Chapter 3.67 of the Los Angeles County Code, 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 and 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.

Mr. Roger Mitchell, P.G., Engineering Geologist
November 15, 2011
Page 4

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

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

WT:ts

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Enc. (2)

cc: Mr. John Laird, Secretary, California Natural Resource Agency
Mr. Matt Rodriguez, Secretary, CalEPA
Mr. Charles Hoppin, Chair, SWRCB
State Water Resources Control Board (Thomas Howard and Lisa Babcock)
Ms. Caroll Mortensen, Director, CalRecycle
CalRecycle (Mark Leary, Howard Levenson and Brenda Smyth)
Mr. Jared Blumenfeld, Administrator, EPA Pacific Southwest Region (Region 9)
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each Member of the Los Angeles County Integrated Waste Management Task Force

Issue 1. Food Waste Definition

5/1/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION – Revise definition of Food Material and Create a Subcategory called “vegetative food material”.

The current food material definition is general and does not distinguish between various food waste types. Food material composting requires Compostable Materials Handling Permit. Staff proposes to expand the definition of a food material and create a subcategory called “vegetative food material”. CalRecycle is considering allowing green material composting operations to accept vegetative food material. A green material operation (up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time) would be required to obtain a Registration Permit to accept vegetative food material and would be permitted as “Green/Vegetative Food Material Composting Facility”. A facility handling food material will still be required to obtain a Compostable Materials Handling Facility Permit.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

ARTICLE 1. GENERAL

§ 17852. Definitions.

(a) For the purposes of this Chapter:

(20) “Food Material” means ~~any a material that was acquired for~~ resulting from the production or processing of food for animal or human consumption, but is no longer intended for such consumption, that is separated from the municipal solid waste stream, and that does not meet the definition of “agricultural material.” Food material ~~may~~ includes, without limitation, material food waste from food facilities (as defined in Health and Safety Code section ~~113785-113789~~, 113789), food processing establishments (as defined in Health and Safety Code section 111955), grocery stores, institutional cafeterias (such as prisons, schools and hospitals), restaurants, ~~or~~ and residential food scrap collection. Notwithstanding anything to the contrary herein, food material does not include... [concept: as defined in Title 3 CCR 1180(b)(9)] or materials that are required to be disposed only by

Issue 1. Food Waste Definition

*renderers, pet food processors or other approved methods pursuant to the California Food and Agriculture Code.]**

(A) "Vegetative Food Material" means food material resulting from the production or processing of food for animal or human consumption, but is no longer intended for such consumption, that is derived solely from plants and is separated from the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise remain in its essentially natural state and no salts, preservatives, fats or oils, or other adulterants shall have been added.

* Note: The last sentence of the food material definition is incomplete. CalRecycle intends the sentence to clearly indicate that certain materials regulated by the California Department of Food and Agriculture (CDFA) are not included in this definition of food material. CDFA is currently considering changes to their regulations that address to these types of materials. CalRecycle will complete the sentence once CDFA's regulations are further developed. In the mean time, this discussion draft includes concept language as a placeholder.

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION- Establish criteria for determining when use of compostable material and compost is considered disposal.

Current regulations identify application of compostable materials to agricultural land as beneficial use if the use meets CDFA requirements. There is a need to better determine when use of compostable materials and compost are considered disposal and not beneficially used. Staff proposes to establish criteria (based in part on the Ventura County Ordinance Code Pertaining to the Regulation of Solid Waste) for determining when use of compostable material and compost is considered disposal. Criteria include limits on storage time, application depth, application frequency, and physical contaminants.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

ARTICLE 1. GENERAL

§ 17852. Definitions.

(a) For the purposes of this Chapter:

(15) "Disposal of compostable material" means:

(A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1 pursuant to Section 17855;

2. storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost that meets the requirements of section 17868.2, on land for a combined period of time greater than six months-72 hours, except as provided in paragraph (3) of this subdivision; or

3. storing or stockpiling more than 200 cubic yards of agricultural material and/or green material, other than stabilized compost that meets the requirements of section 17868.2, for more than twelve months on prime agricultural land, as defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA-applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) ~~Disposal of compostable material~~ does not include the use of compostable material for alternative daily cover material at a solid waste landfill in accordance with applicable law. Notwithstanding this section, use of compostable organic material as a alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(C) ~~Disposal of compostable material~~ does not include land application of compostable organic material. "Land Application of Compostable Material" means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates. The compostable material shall not be applied more than once per

~~year. At the time of application, the compostable material shall not exceed an average of 12 inches in total depth and shall contain no more than 0.1% physical contaminants by volume (*should it be weight?*). The EA, in consultation with a certified professional agronomist, a certified crop advisor, or other qualified person, as determined by the EA, may approve alternative application depths and frequencies if the EA determines that the alternatives will not adversely affect public health and safety or the environment. ; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.~~

~~(D) Should the EA have information reason to believe that a person compostable material handler is engaging in other activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.~~

~~(E) If the activities at a site meet the definition of disposal of compostable material, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).~~

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

ARTICLE 2. REGULATORY TIERS FOR COMPOSTING OPERATIONS AND FACILITIES

§ 17855. Excluded Activities.

~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to, land application of compostable material; alternative daily cover in accordance with applicable law; slope stabilization, weed suppression, alternative daily cover, and similar uses, as determined by the EA; land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; and use of compostable materials for reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.~~

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

DRAFT LANGUAGE FOR DISCUSSION – Amend maximum allowable metal concentrations in compost to match federal regulations for biosolids applied to land.

The US Environmental Protection Agency (EPA) regulates the application of sewage sludge (biosolids) to land through its implementation of the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA). When it adopted regulations governing compost and compost handling in 1993 (Register 93, No. 29), CalRecycle's predecessor California Integrated Waste Management Board adopted certain of the federal standards applicable to biosolids and applied them to compost. Some years ago, EPA revised the maximum concentrations of certain metals allowed in biosolids that are land-applied (60 FR 54769, Oct. 25, 1995, codified at 40 CFR, Part 503, § 503.13(b)(3)(Table 3)). At that time, EPA eliminated chromium from the list of regulated metals and increased the amount of selenium allowed in biosolids applied to land. CalRecycle proposes to revise its regulations limiting the maximum concentrations of metals allowed in compost to reflect the changes adopted by EPA.

Proposed language:

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 7. Environmental Health Standards

§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction.

Table 2 -Maximum Acceptable Metal Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 <u>100</u>
Zinc (Zn)	2800

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.

Issue 14. Revisions to Enforcement Agency Notification Inspection Frequency Language

5/1/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION – Include consistent language in each state minimum standard reference

In CalRecycle regulations there are 15 types of solid waste handling activities which are regulated as "operations" under the EA Notification tier. The requirements for LEA inspection at operations are not entirely consistent. Staff proposes to clarify and standardize the requirement for LEA inspections by deleting existing conflicting provisions and adding a new provision to the regulations for each EA Notification activity. By specifying the inspection requirement together with the other requirement for operations, we hope to assist operators to understand the requirements that apply to their sites.

Proposed language:

"These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year."

ADD NON-REGULATORY NOTE: See Section 18083(a)(3) for additional EA and CalRecycle requirements regarding the approval or denial of requests for reducing the frequency of inspections.

A. The new language would be added to each of the following sections:

- § 17859.1. Biosolids Composting at POTWs.(Article 2, Chapter 3.1)
- § 17862. Research Composting Operations. (Article 2, Chapter 3.1)
- § 17862.1. Chipping and Grinding Operations and Facilities. (Article 2, Chapter 3.1)

B. For these sections, the existing reference to inspection frequency would be deleted and replaced by the new language:

- § 17362.2. Contaminated Soil Transfer/Processing Operations. (Article 5.6, Chapter 3)
- § 17377.2 Nonhazardous Ash Transfer/Processing Operations. (Article 5.8, Chapter 3)
- § 17383.3 (a) C&D Wood Debris Chipping and Grinding Operations and Facilities.(Article 5.9, Chapter 3)
- § 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations. (Article 5.9, Chapter 3)
- § 17383.7.(f) Inert Debris Type A Processing Operations. (Article 5.9, Chapter 3)
- § 17388.3.(b) Inert Debris Engineered Fill Operations. (Article 5.95, Chapter 3)
- § 17403.2. Sealed Containers Transfer Operations. (Article 6, Chapter 3)
- § 17403.3. Limited Volume Transfer Operations. (Article 6, Chapter 3)
- § 17856.(b) Agricultural Material Composting Operations. (Article 2, Chapter 3.1)
- §17857.1.(b) Green Material Composting Operations and Facilities.(Article 2, Chapter 3.1)

In order to incorporate these requirements governing the frequency of LEA inspections to the duties of the LEAs, staff proposes the following modification of Section 18083, LEA Duties and Responsibilities for Inspections, subd. (a), para. (3):

"(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9 and 17403.5. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless

Issue 14. Revisions to Enforcement Agency Notification Inspection Frequency Language

the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the operator request and the EA-proposed approval to CalRecycle. CalRecycle shall concur in the request only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. CalRecycle shall concur or deny the request within thirty (30) days from receipt.

Issue 1

Current food waste definition is general & does not distinguish between various food waste types. All food waste composting requires a full permit.

Potential Approach

- Define sub-categories of food waste
- Establish varying degrees of handling protocols
- Allow some types of food waste to be co-composted at Notification tiered sites

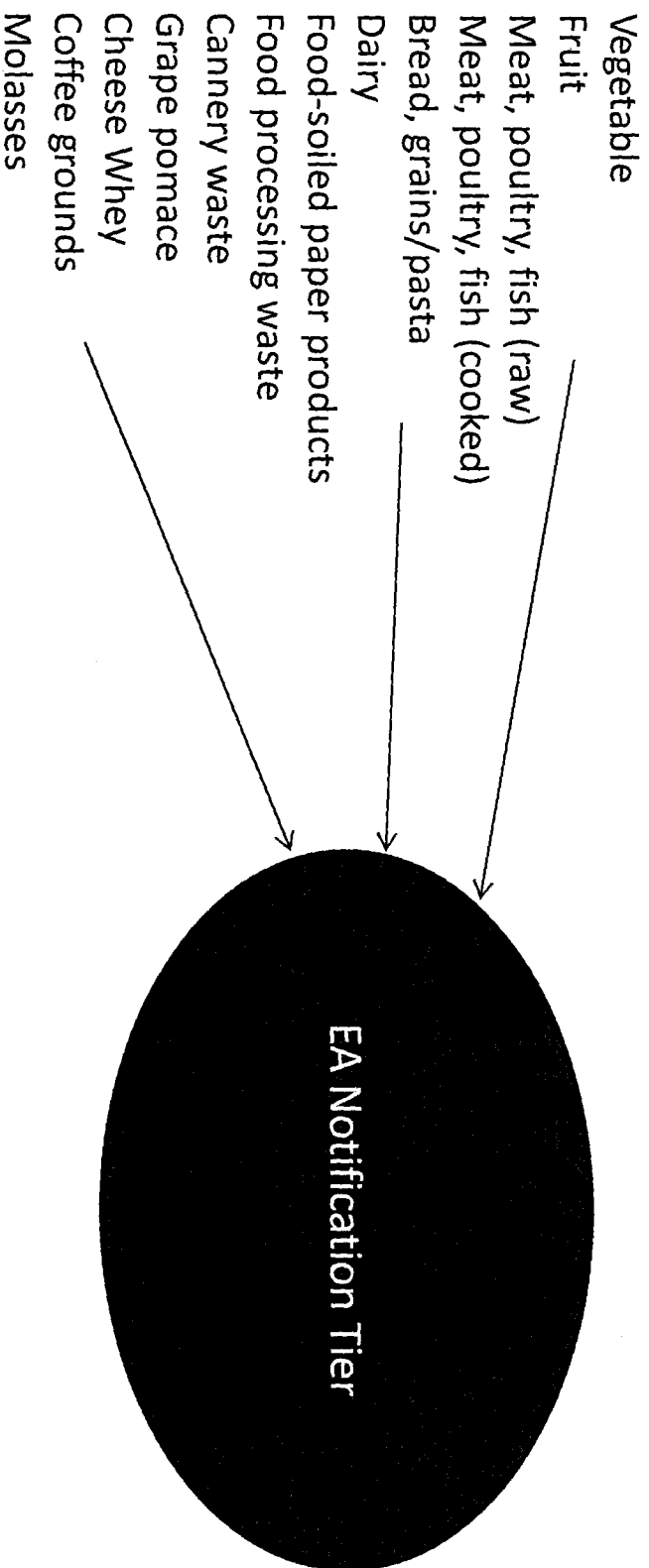
Define Potential Food Material Subcategories?

Pre-consumer - material that does not meet the definition of “agricultural material” and is generated at farmers markets, food manufacturing facilities (canneries, coffee production, wine production, etc.), grocery stores, retail stores, and restaurants during the process to produce food for human or animal consumption. Primarily vegetative material.

Postconsumer - material generated at residences, restaurants, retail stores, grocery stores, and institutions after being provided for human consumption. May include meat scraps, fish and poultry, and dairy.

Animal-Derived - material that does not meet the definition of “agricultural material”, generated at residences, grocery stores, retail stores, restaurants, cheese and dairy production, institutions, but not at slaughter houses or meat processing facilities, during the process to produce meat, fish, poultry and dairy products for human or animal consumption.

Allow Certain Types of Food Material to be Co-Composted with Green Material in EA Notification Tier



Food Material Type Subcategories

Example: Vegetables

Raw

Cooked

Fresh (not putrefying)

Old (putrefying)

Food processing by-products

Farmers Market (with fruits, nuts, flowers, etc.)

Residential curbside (with green & other food material, soiled paper, soiled paper, contaminants)

Restaurant (with other food material, soiled paper, plastics, biodegradable plastics, contaminants)

Institutions (with other food material, soiled paper, plastics, biodegradable plastics, contaminants)

Grocery Stores (with other food material, waxy cardboard, shrink wrap, etc.)

**Allowable Food to Green Material
Ratio Options
in EA Notification Tier**

10:90 food to green

20:80 food to green

25: 75 food to green

30:70 food to green

Proposed Approach

Types of food waste allowed in EA Notification Tier

Maximum allowable ratio of food (pre- and post-consumer, not animal derived) to green material

Require additional design & operating standards (potential BMPs)

- Process incoming food material loads daily
- Temporarily cover food material feedstock with tarps
- Construct smaller feedstock storage piles
- Spread green material or wood chips on ground, surround area with horseshoe-shaped berm of green material/wood chips, dump incoming food material directly into area
- Incorporate food material into windrows the same day
- Incorporate food material with high carbon material
- Apply compost blanket or compost “overs”
- Revise OIMP to address new food waste stream
- Install litter fences
- Other?

Issue 2

Current regulations identify application of compostable materials, compost, and ash to agricultural land as beneficial use if it meets CDFA requirements. Need a clearer way to determine when land application is disposal and not beneficially used.

Potential Approach

- Work with agencies to establish criteria for determining disposal.
- Criteria could include: area, application depth, frequency, storage time, contaminant limits,
- Also allow case by case determinations.

Proposed Approach

Defining Disposal

(Based on concepts from Ventura County Ordinance
& does not refer to fertilizers)

Application of organic material that exceeds an average of 12 inches in total depth

Application of organic material that exceeds 0.1% physical contamination level

Storing or stockpiling of organic material onto land for greater than six months

LEA may consult with other agencies to determine if application of organic material is disposal

Proposed Approach (cont.)

Exceptions

Application of organic material on land may exceed average depths of 12 inches upon receipt of prior written approval by a local fire district, county agricultural commissioner, or LEA.

Does not apply to the storage and application of organic materials in quantities of less than 200 cubic yards per parcel

Issue 3

Agricultural material and green material composting operations are limited to 12,500 cubic yards of off-site-generated green material being stored on-site at any one time.

Potential Approach

Exclude stable compost from calculation of the 12,500 cubic yard for Notification sites that meet storage criteria

1a. Proposed Approach

Stored stable compost that has undergone PFRP is excluded from

12,500 cubic yards calculation for EA Notification sites if:

Proscribed requirements are met, the requirements would include :

- Pile size,
- Temperature monitoring,
- Pile separation,
- Pile setback from facility boundary.

1b. Proposed Approach

Operator submits a Fire Prevention, Control and Mitigation Plan for review and approved by the LEA.

Issue 4

Approaches to verification of odor complaints at compost sites are not consistent statewide.

Potential Approach

- Develop an odor verification/complaint protocol for operators to be included in OIMP.
- Use similar protocols employed by other regulatory entities and include verification and complaint protocols and possibly utilize odor measuring technologies.

Proposed Approach

1. Establish odor baseline/threshold in OIMP for each site
2. If an odor event causes the facility to exceed the baseline/threshold, the operator is required to implement additional monitoring and data collection
3. Based on monitoring and data, design and/or operational changes are proposed, and if approved, implemented

Baseline and Monitoring

Operator monitors and logs the following :

1. Complaints
 - Number and summary of complaints within given time frame (day, month)
 - Date, time, complaint was received and complaints were investigated
2. Intensity of odors
 - Site specific methods and scale
 - Odor instruments
3. Odor characteristic spectrum

Floral Fruity Vegetable Earthy Medicinal Chemical Fishy Offensive

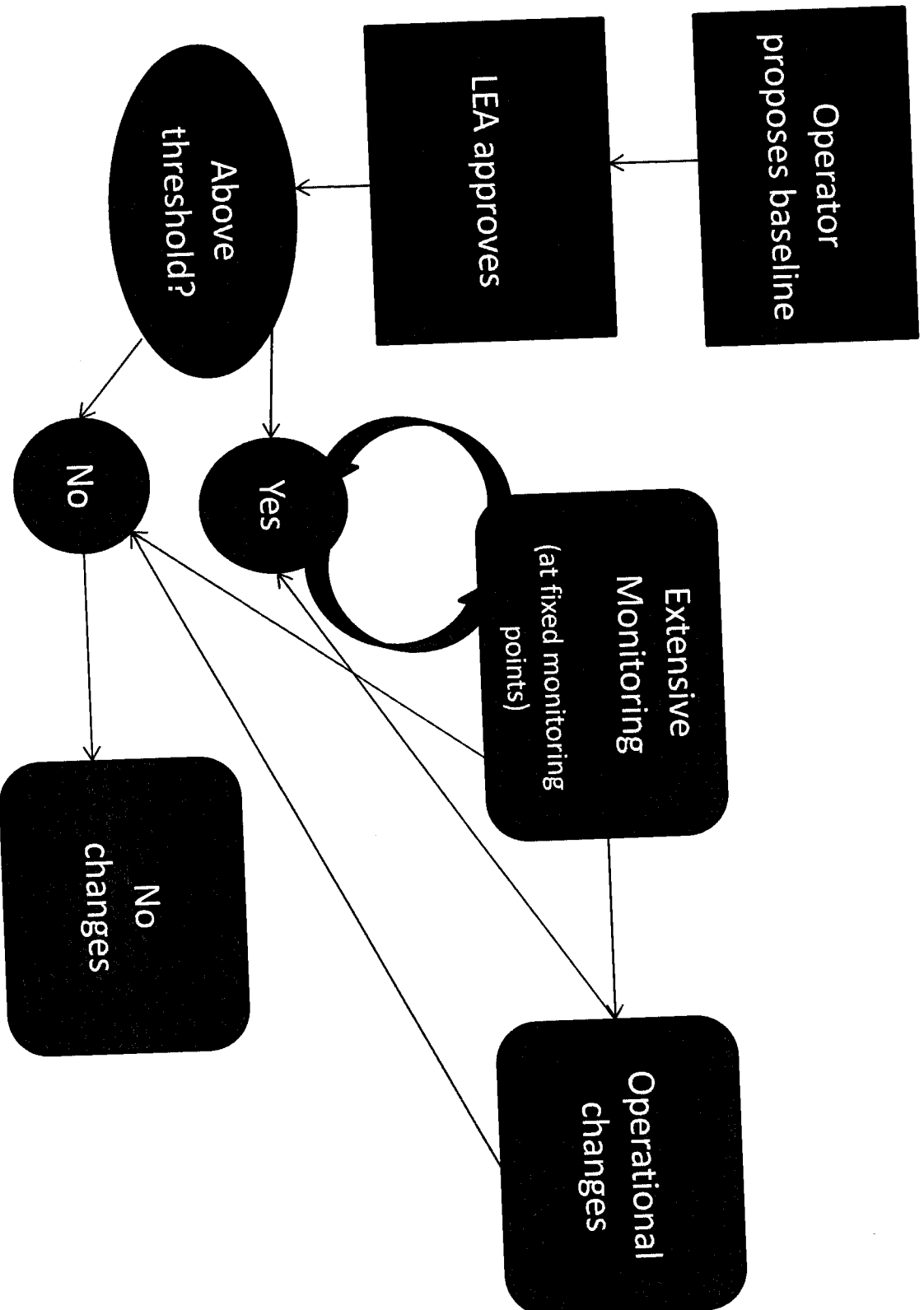
(Putrid, Rancid, Fecal, Garbage)

4. Duration of odors (hours, days, weeks, months)
5. Changes to design and operation during monitoring and data collection

LEA & operators use same criteria to evaluate and document odors & complaints

Operator provides data & proposed operational changes quarterly to LEA, or other designated timeframe in OIMP

OIMP Monitoring Flowchart



Issue 6

Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.

Potential Approach

- Increase the maximum inorganic physical contamination limit for green material received
- Add maximum inorganic physical contamination limit for material leaving site

Proposed Approach

Increase maximum inorganic physical contamination limit for green material received from 1.0% by weight to 2.0 % by weight

Operator samples finished product before material leaves site

Illinois Pollution Control Board method

-Material dried 24 hours

-Measure contamination level in sample:

Weigh each sample and pass through a four millimeter screen.

Inspect material remaining on the screen, and separate and weigh man-made materials. Calculate percent man-made materials relative to the total dry weight of the sample prior to screening.

Maximum physical contaminant level by weight = 0.1%, or other 2%

If sample is above 0.1% maximum physical contamination level, finished product must be reprocessed or disposed

Issue 7

Anaerobic digestion is currently regulated under the compostable materials handling or transfer/processing regulations, depending on the nature of the feedstock and how it is handled.

Potential Approach

Revise regulations to identify AD as a type of transfer processing activity.

Proposed Approach

PRC 40116.1 “Composting means the controlled or uncontrolled biological decomposition of organic wastes. Anaerobic Digestion is composting by statute.

CalRecycle proposes to define AD as a type of compostable material handling

- Change definition of Anaerobic Decomposition in Compostable Materials Handling Operations and Facilities Regulatory Requirements in 17852 (a)(8), **OR**
- Add definition of Anaerobic Digestion Operation and Anaerobic Digestion Facility in 17852

Compostable material handling and transfer/processing design and operational requirements would be applied

AD Operations & Facilities

Chapter 3.1: Compostable Materials Handling Operations and Facilities
Regulatory Requirements
17855.2. Prohibitions
17863.4 Odor Impact Minimization Plan

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal
Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements.
Article 6.1. Siting and Design Sections 17406.1-17406.2
Article 6.2 Operating Standards Sections 17407.1-17413
Article 6.3 Record Keeping Requirements Section 17414-17414.1
Article 6.35 Additional Operating Requirements for Facilities Only
Sections 17415.1-17419.2

Issue 9

Maximum Metal Concentrations in current regulations do not match US EPA biosolids regulations (503 CFR).

Regulations are not clear on when an operator must ensure that a compost product meets the required limits for metals and pathogens.

Potential Approach

- Revise Maximum Metal Concentrations in current regulations to match Maximum Metal Concentrations in 503 CFR.
- Require composters to obtain test results showing the material meets requirements prior to materials leaving the site.

Proposed Approach

Revise Maximum Metal Concentrations in § 17868.2 to match Maximum Metal Concentrations in 503 CFR

Table 2
Maximum Acceptable Metal Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36
Zinc (Zn)	2800



Table 3 of §503.13—Pollutant Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 <u>100</u>
Zinc (Zn)	2800

Proposed Approach (cont.)

Revise § 17868.1 to ensure metals & pathogen test results are received by operator *before* compost leaves the site.

a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentration limits and pathogen reduction requirements shall occur before the ~~at the point where~~ compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used

Issue 11

Current regulations do not address small-scale composting of food material at community gardens, or associated with restaurants, cafeterias, and other businesses that provide food service to employees.

Potential Approach

Revise the excluded tier to address newly identified activities that are similar to existing excluded activities.

Proposed Approach

Revise exclusion language in 17854(a)(5)(4) to allow small-scale composting of food material.

Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume generated on-site or off-site.

Issue 13

The current definition of vermicomposting is general which may make it difficult for LEAs to determine vermicomposting activities.

Potential Approach

Consult with vermicomposters and other stakeholders to determine how regulations need to be adjusted to better determine what is or is not vermicomposting.

Information on the Rulemaking Process

Compostable Materials, Transfer/Processing Rulemaking

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm>

CalRecycle: Compostable Materials, Transfer/Processing Rulemaking Listserv

<http://www.calrecycle.ca.gov/Listserv/>

Send Written Comments to: compost.transfer.regs@calrecycle.ca.gov.

Staff contact: Ken Decio at (916) 341-6313 or Ken.Decio@CalRecycle.ca.gov



GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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www.lacountyiswmtf.org

February 8, 2012

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

Dear Mr. Dicio:

**CALRECYCLE'S INFORMAL WORKSHOP ON DRAFT REGULATORY REVISIONS
TO TITLE 14 AND 27 REGARDING COMPOSTABLE MATERIALS AND
PROCESSING FACILITIES**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on CalRecycle's Title 14 and 27 Regulatory Issues regarding composting activities (copy enclosed) and its Informal Workshop conducted on December 21, 2011. The Task Force commends and supports CalRecycle in its efforts to streamline the existing regulations regarding compostable materials and transfer/processing facilities. Regarding the nine issues discussed during the workshop, the Task Force, in concert with its letter to the State Water Resources Control Board dated November 15, 2011 (copy enclosed), has reviewed the subject Regulatory Issues including Issue No. 13 that was identified at the December 21, 2011, Workshop and would like to offer the following:

Issue 2

"Current regulations identify application of compostable materials, compost, and ash to agricultural land as beneficial use if it meets California Department of Food CDFA requirements. Need a clearer way to determine when land application is disposed and not beneficially used."

Comment:

CalRecycle proposes to use 0.1% physical contamination level. The proposal fails to define the term “physical contamination” since the term “organic” includes materials other than “compostable organic.” Additionally, the proposed approach of defining disposal rather than beneficial use for compost materials that contain “compostable organics” exceeding 0.1% (by total volume) is extremely difficult to accurately measure. Other approaches such as using the 12 inches in total depth or storing material for longer than six months to be defined as disposal appears more reasonable to achieve.

Issue 6

“Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.”

Comment:

Increasing maximum inorganic contaminant may also increase the level of pollution (metal content) that may undermine the Water Board’s efforts to reduce the level of water contaminant.

Issue 13 (December 21, 2011 Workshop)

“The current definition of vermicomposting is general which may make it difficult for LEAs to determine vermicomposting activities.”

Comment:

Redefine vermicomposting to have clear definition of what is being regulated. Local Enforcement Agencies may also need to be trained or retrained to be able to identify the vermicomposting activities from other types of activities.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended) and Chapter 3.67 of the Los Angeles County Code, 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.

Mr. Ken Decio
February 8, 2012
Page 3

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

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

WT:ts

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Enc. (2)

cc: CalRecycle (Caroll Mortensen, Director; Mark Leary; Howard Levenson; Brenda Smyth)
State Water Resources Control Board (Charles Hoppin, Chair; Thomas Howard;
Lisa Babcock; Roger Mitchell)
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each Member of the Los Angeles County Integrated Waste Management Task Force
and Facility & Plan Review Subcommittee



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GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

November 15, 2011

Mr. Roger Mitchell, P.G., Engineering Geologist
State Water Resources Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Mr. Mitchell:

**COMMENTS REGARDING DRAFT CONCEPTS
FOR A PROPOSED STATEWIDE ORDER FOR COMPOSTING FACILITIES**

The Los Angeles County Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the State Water Resources Control Board's (SWRCB) "Draft Concepts for a Proposed Statewide Order for Composting Facilities" (Draft Concepts), which was released for public review and comments on August 24, 2011. The Task Force has been involved with the SWRCB's stakeholder workgroup meetings, and at the meeting of October 19, 2011, Mr. Mike Mohajer, a member of the Task Force, provided the enclosed electronic correspondence regarding Appendix A of the Draft Concept while indicating that formal comments would be forthcoming from the Task Force. We have now completed our review of the Draft Concepts in concert with our August 13, 2008, comments to the Department of Resources Recycling and Recovery (CalRecycle, formerly CIWMB) regarding Strategic Directive 6.1 Discussion of Potential Options for the Organic Diversion Facilities Siting Project (copy enclosed). The Task Force would like to offer the following:

General

As provided by the State, composting is limited to the **aerobic** decomposition process of solid waste (emphasis added). As proposed, the solid waste materials used in the composting process include, but are not limited to, vegetative waste, paper/pulp, food waste, compostable municipal solid waste, animal carcasses, biosolids, and manure.

As recognized by the Draft Concepts, it is the policy of the State (CalRecycle) to reduce the amount of **organic** matter being landfilled by 50% by the year 2020 (emphasis added). It is also the State's "policy goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020 and thereafter" (AB 341, Chapter 476 of the 2011 State statute). As such, composting (as defined) must play a major role if we are to achieve the State "policy goal" as well as the goal established by CalRecycle. However, in achieving these goals, one cannot disregard the impact of composting operations on public health and safety and our environment due to potential surface and groundwater pollution, odor, criteria air pollutant emissions, etc. The Draft Concepts attempts to identify potential negative impacts on surface and groundwater under the purview of SWRCB as well as recognizing potential mitigating measures. The Task Force is in general support of the proposed mitigating measures identified in the Draft Concepts, especially in regard to their use in the urbanized areas of California such as Los Angeles County.

Water Quality Protection Measures

Considering the type of solid waste materials that are proposed to be processed at the subject composting facilities, the use of the proposed pad, pond, berm, and drainage system seems to be appropriate depending on the facility location. For example in an area such as Los Angeles County, any discharge from a composting facility to a storm drain and/or a Publicly Owned Treatment Works (POTW) is extremely prohibitive due to the requirements of the storm water permit (National Pollutant Discharge Elimination System (NPDES)) issued to the jurisdictions in Los Angeles County by the Los Angeles Region Water Quality Control Board (RWQCB) as well as the capacity limitation of the existing POTWs. Thus, the requirement for construction of a pond, berm, and drainage system is a must. However, the same may not be appropriate for a facility that is located in a rural area or at a landfill with an existing Waste Discharge Requirement Permit and a NPDES Permit. This must be recognized by the Draft Concept with appropriate needed provisions.

Definitions

The Task Force is concerned that some of the definitions and terminologies used in the Draft Concepts are inconsistent with those used by CalRecycle. Specifically, we have the following comments:

1. Under the heading "Background" on page 1, sixth paragraph, it has been stated that "The development of the statewide order is being done in coordination with other composting related activities. Assembly Bill 939 (Integrated Waste Management Act) directed every jurisdiction to a waste diversion rate of 50

percent on and after the year 2000. The CalRecycle's Strategic Directive 6.1 calls for a 50 percent reduction of organics within the waste stream by the year 2020. Also the California Code of Regulations Title 14 adopted by CalRecycle includes definitions and threshold sizes of composting facilities that the proposed statewide order attempts to consider for some consistency." However, the definitions and terminologies on Appendix A of the Draft Concepts are generally inconsistent with those used by CalRecycle as listed in the California Code of Regulations, Title 14, Section 17852. Maintaining consistency throughout the terminologies applied to composting processes by the two agencies, as well as those by the California Air Resources Board (CARB), the Department of Food and Agriculture (CDFA), Department of Public Health (CDPH), and Air Pollution Control Districts (APCDs)/Air Quality Management Districts (AQMDs), is essential in order for the proposal to be comprehensive and effective among the impacted entities and stakeholders.

2. The definition of "Nuisance" in Appendix A should be expanded by inserting the word "human" within the first bullet to read "Is injurious to human health, or is indecent or offensive..." Furthermore, considering the potential difficulties in substantiating the existence of a nuisance, as described in the definition in connection with facility operations, the matter should be further discussed and be revised as an element of the proposed "regulation" in concert with CalRecycle, CARB, CDFA, CDPH, APCDs/AQMDs and the working group.
3. The definitions listed in the Appendix A needs to be expanded to include definitions for "organic waste" and "compostable organic waste" materials.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended) and Chapter 3.67 of the Los Angeles County Code, 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 and 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.

Mr. Roger Mitchell, P.G., Engineering Geologist
November 15, 2011
Page 4

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

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

WT:ts

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Enc. (2)

cc: Mr. John Laird, Secretary, California Natural Resource Agency
Mr. Matt Rodriguez, Secretary, CalEPA
Mr. Charles Hoppin, Chair, SWRCB
State Water Resources Control Board (Thomas Howard and Lisa Babcock)
Ms. Caroll Mortensen, Director, CalRecycle
CalRecycle (Mark Leary, Howard Levenson and Brenda Smyth)
Mr. Jared Blumenfeld, Administrator, EPA Pacific Southwest Region (Region 9)
California State Association of Counties
League of California Cities
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Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each Member of the Los Angeles County Integrated Waste Management Task Force