

CalRecycle Informal Workshop on Draft Regulatory Revisions to Title 14 and 27

Tuesday, February 21, 2012

Cal/EPA Building, Byron Sher Auditorium
1001 I Street
Sacramento, CA 95812

AGENDA

Introductions

Overview of Workshop Objectives

Staff & Stakeholder Discussion - Issues and Potential Approaches

- Issue 1 - Food waste definition

- Issue 2 - Land application

- Issue 4 – Odor

Next Steps

- Informal Workshops – March 2012

Adjourn

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

Current Food Material Definition

"Food Material" means any material that was acquired for animal or human consumption, is separated from the municipal solid waste stream, and that does not meet the definition of "agricultural material." Food material may include material from food facilities as defined in Health and Safety Code section 113785, grocery stores, institutional cafeterias (such as, prisons, schools and hospitals) or residential food scrap collection.

Proposed Food Material Definition

"Food Material" means any material that was acquired for animal or human consumption, is separated from the ~~municipal~~ solid waste stream, and that does not meet the definition of "agricultural material." Food material may include material from food facilities as defined in Health and Safety Code section ~~113785~~ 113789, grocery stores, institutional cafeterias (such as, prisons, schools and hospitals) or residential food scrap collection.

Food material may also include material from food processing establishments that is commercially stored, packaged, made, cooked, mixed, processed, bottled, canned, packaged, slaughtered or otherwise prepared.

(similar to H&S code section 111955)

Proposed Approach

1a. Pilot Project for Co-Composting

Operator develops a food material pilot project proposal and submits to LEA

Project will include all BMPs required to meet SMS including a revised OIMP

Project will be for no more than two years and can not exceed “X” ratio of food to green material

LEA must approve proposal prior to commencement of the pilot

Operator submits final report to LEA to review and approve

If pilot is successful and final report is approved the site can be reclassified as a “Green/Food Material EA Notification” and can continue to operate consistent with what was done during the pilot project

Proposed Approach

1b. Registration Tier for Co-Composting

Registration tier would be for food and green material co-composting

Food material would be capped at a maximum ratio “X”

Total amount of all material on site would be capped at 12,500 cubic yards

BMPs would be added to SMS for sites with a registration permit.

Potential BMPs

Process and incorporate food material daily

Contain delivered food material with berms

Maximum size of feedstock storage piles

Mix food material with high carbon material

Additional litter controls, litter fences

Apply compost blanket or compost “overs” to windrows

OIMP specifically addresses potential odor from food material handling

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 Ventura County Ordinance)

Organic material exceeds 0.1% physical contamination

Organic material stored or stockpiled on land for greater than six months

Organic material application exceeds an average of 12 inches in total depth

More than one application per calendar year

Organic material that could pose public health impact (pathogens, metals, vectors, chemicals)

Exception - LEA after consultation could determine that the application is not disposal

Proposed Approach (cont.)

Additional Exceptions

Does not apply to excluded activities related to storage of mulch as described Section 17852 (a)(10)(A)(2)

Application of compostable material on Agricultural Land may exceed average depths of 12 inches upon receipt of prior written approval by LEA , local fire district, and county agricultural commissioner

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

(CDFA regulates bulk soil amendments and certified organic)

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

Continue with current OIMP and also allow an Alternative OIMP (A-OIMP) approach

A-OIMP would include:

- Site specific baseline odor threshold established through site monitoring

- Monitoring would include specific criteria

- Baseline would be used to determine compliance using the same criteria

- Baseline would be used to determine effectiveness of mitigations using the same criteria

Proposed Approach

Operator may select current OIMP standard or an A-OIMP

Baseline Odor Threshold A-OIMP

Operator proposes a baseline odor threshold as part of A-OIMP which is reviewed and approved by the LEA

Each complaint evaluated against the baseline odor threshold

If odor is below baseline threshold, operator is in compliance, & complaint is “unconfirmed”

If odor that resulted in a complaint is above baseline threshold, then additional evaluation is required

Each complainant is allocated “X” number of “unconfirmed” complaints each calendar year

Odor Baseline Criteria

Number of complaints received during a specific time period

Odor Characteristic

Odor Intensity

Duration of odor

Weather Conditions

Source

Example of A-OIMP Process

- A-OIMP is proposed by operator based on monitoring data and approved by LEA.
- Example criteria in an approved A-OIMP:
 - Intensity of 7 by Nasal Ranger device at specific receptor location(s)
 - Duration of 1 hour or more
 - Odor characteristic other than piney or sweet
 - Wind from site toward complaint location
 - 3 confirmed odor complaints within one month
- If baseline threshold is surpassed, operator begins monitoring and data collection cycle as described in A-OIMP

Example Process (cont.)

- Odor monitoring & investigation occurs during “X”, days, weeks, months
- If no odor above baseline is found during monitoring, no design or operational changes need to be implemented
- If odor persists, monitoring continues. Operator uses C-CORP list of BMPs and implements design and operational changes to bring odor below baseline threshold
- Monitoring period to determine if changes are effective in bringing odor below baseline. If odor persist, implement additional BMPs
- Continue until odor is below baseline threshold
- Operator may provide evidence that all reasonable and feasible measures have been taken and new baseline is established
- If odor remains, issues can be referred to the local governing body for resolution to either establish a new baseline or require additional measures to reduce nuisances.

Next Steps

Informal workshops in March 2012

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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/Listservs/>

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

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