

**Informal Workshop To Discuss Potential Changes  
To Proposed Compostable Materials,  
Transfer/Processing Regulations  
in Response to Stakeholder Comments**

Tuesday, March 3, 2015  
1:00 p.m. – 3:00 p.m.

Cal/EPA Headquarters  
Training Room 1 East/West  
1001 I Street  
Sacramento, California

# Workshop Agenda

1. Workshop Objectives
2. Formal Rulemaking Process Update
3. Overview of Comments/Options for Response
4. Discussion/Q&A
5. Next Steps
6. Adjourn

# Workshop Objectives

Provide overview of stakeholder comments on key issues

Discuss options for changes to proposed regulations in response those comments

# Formal Rulemaking Process

- Economic and Fiscal Impact Analysis
- Initial Statement of Reasons
- 45 day comment period
- Public Hearing
- Text Changes in Response to Comments
- Comment Period(s)
- Adoption
- Prepare Final Rulemaking File
- Office of Administrative Law Review & Approval (October 2015)
- Regulations Become Operative



# **Overview of Comments/ Options for Response**

# 17868.3.1. & 17896.61.

## Physical Contamination Limits

- Commenter's suggested options:
  - Remove % limit; let market decide what is acceptable
  - Phase in
  - Different limits for [compostable material applied to land] and [compost]
  - Separate limits for [film plastic] and [glass, metal, hard plastic]
  - Workgroup
  - Labels ("The percentage of physical contaminants in this material exceeds X limit")
- Other Issues:
  - Sampling and analysis concerns (reproducible; confidence level)

# 17852.(a)(24.5) Land Application

- Commenter's suggested options:
  - Add definition of “Food Processing By-Product” and exclude from disposal and land application definitions
  - Place responsibility for meeting metals, pathogen, and contamination limits on specific party
  - Move “Note” language in the regulation
  - Clarify depth limit applies to “surface” depth
  - On agricultural land, allow more flexibility for alternate frequencies and depths

# 17868.1. & 17896.58.

## Sampling Requirements

- Commenter's suggested options:
  - Mandate testing but do not require lab results prior to material leaving the site
  - If material leaves site prior to receipt of lab results, operator liable if results indicate non-compliance
  - Clarify verification of environmental health standards occurs once compost is removed from site or beneficially used on-site

# 17852.(a)(5) Agricultural Material

- Commenter's suggested options:

*“Food processing byproducts include solid or semi-solid materials from fruit, nut, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and shells, peels, and off-grade or over-ripe or under-ripe produce that could not be used in the finished products. The byproducts may have incidental amounts of residual soil but do not include packaging material, trash, metal, glass, or toxic materials other than in de minimis amounts. Food processing solid byproducts do not include wastewater.”*

# 17852.(a)(15) Disposal

- Commenter's suggested options:
  - Clarify storage limitations
  - Clarify subdivisions 2 and 3 apply to material stored on land other than at the point of generation

# 17852.(a)(20) Food Material

- Commenter's suggested options:
  - Remove proposed definition (including vegetative food material) and keep existing food material definition

## 17852.(a)(27.5) Nuisance

- Commenter's suggested options:
  - Remove “entire community or neighborhood” language from the definition
  - Define the term “entire community”
  - Revise definition to make consist with Health and Safety code 41700

# 17863.4.1. Odor Best Management Practice Feasibility Report

- Commenter's suggested options:
  - Clarify timeframe for the submittal of the Report, associated plan, and schedule
  - Specify a timeframe for the EA to review the results of the Odor Best Management Practice Feasibility Report
  - Increase the timeframe for the operator to submit the Report, associated plan, and schedule to the EA

# 18302. Written Complaints and Alleged Violations

- Commenter's suggested options:
  - Specify subdivision (d) applies only to odor complaints from compostable material handling operations and facilities

# 17862. & 17896.8. Research Composting and In-Vessel Digestion Operations

- Commenter's suggested options:
  - Allow additional extensions to research operations as determined by the EA
  - Increase the limit of two year research periods

# 17855. Excluded Activities

- Commenter's suggested options:
  - Increase allowable square footage for small scale, excluded activities
  - Allow excluded agricultural activities to import some food material or vegetative food material

## 17896.2. Definitions

- Commenter's suggested options:
  - Add definition of "Rendering"

## 17896.6. Excluded Activities

- Commenter's suggested options:
  - Add exclusion for Dairy In-vessel Digesters w/ WDRs that import agricultural material and/or vegetative food material; limit pre-processing

# Discussion/Q&A

# Next Steps

# Information on Rulemaking Process

**Compostable Materials, Transfer/Processing Rulemaking**

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

**Compostable Materials, Transfer/Processing Rulemaking Listserv**

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

Send comments to Ken Decio at [Ken.Decio@CalRecycle.ca.gov](mailto:Ken.Decio@CalRecycle.ca.gov)

**Adjourn**