

## REQUEST FOR ACTION

**To:** Carol Mortensen  
Director

**From:** \_\_\_\_\_  
Mark de Bie  
Deputy Director, Waste Permitting, Compliance, and Mitigation

**Request Date:** October 7, 2013

**Decision Subject:** Approval to Formally Notice Proposed Compostable Material Handling and In-Vessel Digestion Regulations

**Action By:** October 15, 2013

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**Summary of Request:** Staff requests approval to begin the formal rulemaking process and to formally notice the proposed Compostable Material Handling and In-Vessel Digestion Regulations.

**Recommendation:**  
Staff recommends approval of the "Proposed Compostable Material Handling and In-Vessel Digestion Regulations" so that the regulations may be submitted to the Office of Administrative Law to initiate the formal rulemaking process under the California Administrative Procedure Act.

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**Action:** On the basis of the information and analysis in this Request for Approval and the findings set out above, I hereby approve the "Proposed Compostable Material Handling and In-Vessel Digestion Regulations" and direct staff to submit the regulatory packet to the Office of Administrative Law to initiate the formal rulemaking process under the California Administrative Procedure Act.

**Dated:**

\_\_\_\_\_  
Carol Mortensen  
Director

**Attachments:** Proposed draft Compostable Material Handling and In-Vessel Digestion Regulations

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## **Background Information, Analysis, and Findings:**

1. Department staff continues to review regulations to ensure they are grounded in the best available science, address changing market conditions, and take advantage of developing technologies.
2. Staff surveyed all solid waste facility regulations in 2008 to assess which regulations would benefit from a full review.
3. In June 2009, staff determined that organics-related topics in the following areas should be fully reviewed:
  - Alternative Daily Cover
  - Food Waste Composting
  - Agriculture Land Application of Compostable Material
  - Compostable Materials Storage Volume Limitations
  - Three Part Test/Green Material Contamination
  - Emerging Technologies
4. In 2009, staff developed white papers on Alternative Daily Cover, Food Waste Composting, Agricultural Land Application of Compostable Material, and Compostable Materials Storage Volume Limitations, and contracted with California Polytechnic State University San Luis Obispo and published a report in May 2010 on issues related to the Three-Part Test, as well as developed a Program Environmental Impact Report (EIR) for Anaerobic Digestion Facilities in June 2011. Staff also held stakeholder workshops to review and obtain input on these issues.
5. Based on white papers, research, the Program EIR, and input from stakeholders, staff developed a draft document on regulatory issues and potential approaches for future revisions to Title 14 and Title 27 in September 2011 that focused on the following issues:
  - Food waste definition
  - Land application: disposal or beneficial use
  - On-site storage and 12,500 cubic yard limit
  - Odor complaints
  - Regulatory coordination of publicly owned treatment works accepting food waste and fats, oils and grease
  - Green waste contamination
  - Anaerobic Digestion facility permitting
  - Regulatory coordination of meat, fish, and poultry
  - Maximum metal concentrations consistency with federal regulations
  - Clarify “processing” in agricultural material definition
  - Small-scale composting exclusions
  - Clarify “permitted maximum tonnage” on Form E-1-77
  - Vermiculture
  - EA Notification Inspection frequency language
5. Staff held 12 workshops from October 2011 through November 2012 to obtain stakeholder input on these regulatory issues, and staff developed initial discussion draft regulatory text in November 2012 based on stakeholder input at workshops and written stakeholder comments.

6. Staff developed a consolidated set of draft regulations in February 2013 in response to comments received on initial discussion draft regulatory text. Written comments on the consolidated set of draft regulations were accepted until March 29, 2013. Staff held 4 workshops from March 2013 through May 2013 to obtain further stakeholder input on the consolidated set of draft regulations.
7. Staff completed revisions to the consolidated set of draft regulations based on written stakeholder in August 2013.
8. Staff have determined that the current informal proposed draft regulations are ready for the start of the formal rulemaking process with a formally notice of the proposed Compostable Material Handling and In-Vessel Digestion Regulations.