

Approval to Formally Notice Proposed Compostable Material Handling and In-Vessel Digestion Regulations

Department of Resources Recycling and Recovery
Monthly Public Meeting

CalEPA Building,
1001 I Street, Sacramento, CA

October 15, 2013

Regulatory Review

Department staff continue to review regulations to ensure they are:

- grounded in the best available science
- address changing market conditions
- take advantage of developing technologies

2008

Staff surveyed all solid waste facility regulations to assess which regulations would benefit from a full review

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

2009

Staff developed white papers on:

- Alternative Daily Cover
- Food Waste Composting
- Agricultural Land Application of Compostable Material
- Compostable Materials Storage Volume Limitations

2010

Contracted with California Polytechnic State University San Luis Obispo and published a report on issues related to the Three-Part Test

2011

- Developed Program Environmental Impact Report for Anaerobic Digestion Facilities
- Held stakeholder workshops to review and obtain input on these topics and discuss other issues

Revision to Title 14 and Title 27 – 14 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
- Max. 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

Stakeholder Workshops and Initial Discussion Draft Text

- Staff held 12 workshops from October 2011 through November 2012 to obtain stakeholder input on these 14 regulatory issues
- Staff completed initial discussion draft regulatory text in November 2012 based on stakeholder input at workshops and written stakeholder comments

Consolidated Set of Draft Regulations

- Staff developed a consolidated set of draft regulations in February 2013 in response to comments received on initial discussion draft regulatory text
- Written comments 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

Consolidated Set of Draft Regulations (cont.)

- Staff completed revisions to the consolidated set of draft regulations based on written stakeholder in August 2013
- Proposed text changes for consideration:
 - § 17852(a)(24.5). “Land Application” definition
 - § 17855(a)(1). “Agricultural Material” exclusion

Request for Approval

- Staff requests approval to:
 - Begin the formal rulemaking process
 - Formally notice the proposed Compostable Material Handling and In-Vessel Digestion Regulations with OAL

Next Steps

- Economic & Fiscal Analysis
- Initial Statement of Reasons
- Submit proposed regulations to OAL

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/>

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Send comments to Ken Decio at Ken.Decio@CalRecycle.ca.gov