



**County of Sacramento**

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May 4, 2015

Mr. Ken Decio  
California Department of Resources, Recycling, and Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025

Dear Mr. Decio:

**SUBJECT: COMMENTS ON THE REVISED PROPOSED COMPOSTABLE MATERIALS AND  
TRANSFER/PROCESSING REGULATIONS**

Thank you for the opportunity to comment on the revised proposed compostable materials and transfer/processing regulations. The Sacramento County Environmental Management Department is certified by the California Department of Resources, Recycling, and Recovery (CalRecycle) as the Local Enforcement Agency (LEA), which enforces the solid waste regulations contained in Title 14 and Title 27 of the California Code of Regulations (CCR) in the cities and County of Sacramento. The Sacramento County LEA previously commented on the proposed regulations in a letter dated November 26, 2014.

The Sacramento County LEA's comments are as follows:

- 1) 14 CCR 17852 (a) (24.5)(A)(2-3)** imposes restrictions on the contamination level of land applied material and requires the material to meet prescribed maximum metal and pathogen density limits at the time of application. The Sacramento County LEA agrees that there should be contamination, metals, and pathogen limits on land applied material. However, the revised regulations still do not specify whether the responsibility for conducting the metals and pathogens testing is on the land owner or the provider of the material, which may lead to violations of solid waste regulations, as noted in the Sacramento County LEA's previous comment letter.

**Recommendations:** The Sacramento County LEA recommends requiring the generator of the material to send off samples of the material for testing prior to shipping the material offsite for land application. We understand the concern that chip and grind facilities could be in violation of material holding time limits while awaiting lab results, however, the samples could be taken by the Operator and sent to the laboratory, then the material could be shipped offsite and the lab results forwarded to the land owner. This would reduce the time that the land owner would have to store the material while awaiting lab results and reduce the potential for violations. We also recommend the addition of a section requiring land appliers to maintain physical contamination, pathogen and metals records on site and make the records available to relevant regulatory agencies. Finally, we strongly recommend requiring the land owner to have a contingency plan or agreement with the material provider to ensure removal and proper disposal of any material that exceeds the metals and pathogen density limits.

- 2) **14 CCR 17852 (a)(24.5)(A)(4)** tasks the LEA with determining the zoning of parcels where land application is occurring, reviewing proposed alternative application frequencies and material depths for land applied material, and consulting with the Regional Board, CDFA, and CalRecycle to determine whether alternative agronomic rates adversely affect public health, safety, and the environment. As noted in the previous proposed regulation comment letter, this regulation imposes a burden on LEAs to regulate land application, which is defined as an excluded activity. The LEA's authority to regulate an excluded activity is limited and refusal to cooperate on the part of the landowner requires the issuance of an enforcement order, which is time consuming and costly. Cost recovery for time spent on document review, agency coordination, site visits, land owner education, and complaint response will be difficult, if not impossible. Further, LEAs do not have the expertise and training to make a determination as to what agronomic rates will impact public health, safety, or the environment.

**Recommendation:** We recommend deferring the responsibility for document review, approval of alternate land application methods, and enforcement at land application sites solely to CDFA and/or RWQCB. Alternatively, land application sites could be added to the regulatory tiers and additional regulations promulgated to impose State Minimum Standards.

- 3) **14 CCR 17862.1 (d)** requires Chip and Grind Operators to sample for physical contamination.

**Recommendation:** Require the Operator to provide the contamination sample results to the land owner(s) for any material intended for land application.

- 4) **14 CCR 17862.1 (e)** states that chipped and ground material that will be land applied must meet maximum metal concentration and pathogen reduction requirements.

**Recommendation:** We recommend requiring the Chip & Grind Operator to send off samples to the laboratory prior to shipping material offsite for land application and requiring the Operator to provide the land owner with the lab results. Additionally, we recommend a requirement that the Chip and Grind Operator must develop a contingency plan or an agreement with the land owner to ensure proper disposal of any material sent offsite for land application that exceeds the metals and pathogen density limits, as described in Comment 1.

Thank you again for the opportunity to comment on the proposed revised regulations. If you have any questions or wish to discuss the comments further, please contact me at (916) 875-8468 or [GibsonLea@saccounty.net](mailto:GibsonLea@saccounty.net).

Regards,



Lea Gibson  
Environmental Specialist, Sacramento County LEA

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