



**WESTERN PLACER**  
WASTE MANAGEMENT AUTHORITY

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December 3, 2014

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

**SUBJECT: NOTICE OF PROPOSED RULEMAKING – PROPOSED AMENDMENTS TO  
COMPOSTABLE MATERIAL, TRANSFER / PROCESSING REGULATIONS**

Dear Mr. Decio,

The Western Placer Waste Management Authority (Authority) appreciates the opportunity to comment on the above proposed regulation. The Authority is a regional agency comprised of Placer County and the cities of Roseville, Rocklin and Lincoln. The Authority provides recycling and waste disposal services to these communities as well as to the City of Auburn, the City of Colfax and the Town of Loomis. Together, the agencies that utilize the Authority's facility are referred to as the "Participating Agencies".

Mixed solid waste collected in western Placer County is processed at the Authority's Materials Recovery Facility (MRF). Residents and businesses within our service area are not required to separate their recyclables prior to delivery to our facility. Our MRF is designed to separate, process and market recyclable materials removed from the mixed solid waste stream. The residuals are disposed at the Western Regional Sanitary Landfill, also owned and operated by the Authority. Greenwaste is processed and composted at our 75,000 cubic yard capacity compost facility which produces high quality, OMRI-certified compost. The regional MRF and compost facility have proven to be highly successful and cost-effective in assisting the Participating Agencies to meet and exceed California's current diversion mandates.

The Authority respectfully submits the following comments on the proposed regulation:

1. Section 17863.4(f) – Odor Best Management Feasibility Report

We request section (f) be amended to say "...the EA shall may direct the operator to prepare an Odor Best Management Feasibility Report..." This would give the EA discretion to determine what efforts are necessary, based on the specific circumstances, such as targeted best management practices when odor sources are known, or of a temporary nature, as opposed to a full site wide feasibility report. This would be consistent with other sections (e.g. Section (e)) that provide such EA discretion.

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2. Section 17863.4(f)(3) – Odor Impact Minimization Plan and Nuisances

Section (f)(3) states that an EA may issue a Notice and Order if a public nuisance (as defined) has occurred. Nuisance is defined in 17852(a)(27.5) as anything which: (A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and (B) affects at the same time an entire community, neighborhood or any considerable number of persons.

A public nuisance is very difficult to define; what constitutes offensive or indecent can be very subjective. Often, solid waste related operations that are in full compliance with their permits are subjected to odor complaints as a result of encroaching development that is beyond the control of the operator. For that reason, we recommend that this section be amended to offer some protection for otherwise compliant solid waste management facilities. Specifically, we believe the regulation should provide that no compostable material handling operation or facility conducted in a manner consistent with applicable regulations and permits, shall be considered a nuisance due to any changed condition in local land use (e.g. encroaching development) if it was not a nuisance at the time it began. Current law provides this protection to other industries, such as agriculture. It is logical that similar protection should be provided to essential public facilities such as solid waste facilities.

3. Section 17863.4.1 – Odor Best Management Practice Feasibility Report

The proposed regulation permits an operator to voluntarily prepare an Odor Best Management Practice Feasibility Report. The regulation states the EA shall determine the components to be implemented - for both the EA required and voluntarily provided reports. If a Report has not been required by the EA, and the operator submits one voluntarily, as a good faith effort, and is not currently in violation, we believe the operator should not be automatically required to implement all of the components identified in the Report. Therefore, we request Section (d) be amended to clarify that, in the absence of any compliance issues, implementation of voluntary reports is not mandatory, and that the operator shall have the discretion of implementing specific measures according to site specific conditions and operational considerations.

4. Section 17868.3.1 – Contamination standards

The above section proposes stricter physical contamination standards for compostable material handling operations. The standards would also apply to food waste composting and composting of digestate from an anaerobic digestion facility, since these activities would require a full Compostable Material Handling Facility Permit. These stricter standards may inadvertently result in a conflict with the State's goal to divert more organics. When composting foodwaste or digestate, there inherently will be higher contamination levels than typical compost feedstock. The stricter standard could result in operators only processing the cleanest product, rather than targeting and diverting a broader range of organic material which would

result in higher overall diversion levels and a greater reduction in emissions of greenhouse gases.

This problem is discussed in CalRecycle's own Food Waste Composting Regulations White Paper (2009 White Paper), which acknowledges that compliance with a full compost permit may be too stringent and that stakeholders indicated that even the current permit requirements have discouraged food waste composting in the state. The 2009 White Paper provides options to address this, such as placing green material compost operations that compost food waste into the Registration Permit Tier. With food waste being a large component of landfill organics, we encourage revisions to the regulation to prevent unintentional barriers to the expansion of organics diversion programs.

5. Section 18302(d) – Issuance of violation.

The section (d) reads as if, once an odor complaint is received by the EA, issuance of a violation is predetermined. We request this section be clarified to state the EA will investigate the complaint as soon as practical to determine whether the operator has failed to minimize odor and that, after investigation, the EA may issue violation at their discretion. Again, this will give the EA the discretion they are afforded throughout the regulation.

Thank you for considering our proposed revisions. Should you have any questions, please feel free to contact Eric Oddo of my staff at [eoddo@placer.ca.gov](mailto:eoddo@placer.ca.gov) or (916) 543-3984.

Sincerely,



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Mary Dietrich, Executive Director

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