



County of Sacramento

November 26, 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

Dear Mr. Decio:

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

Thank you for the opportunity to comment on the 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 provisions of Title 14 and Title 27 of the California Code of Regulations (CCR) in the cities and County of Sacramento.

The Sacramento County LEA's comments are as follows:

- 1) The Sacramento County LEA supports the creation of a separate regulatory tier for **In-Vessel Digestion**, as the current regulations do not provide a clear regulatory framework for this facility type.
- 2) **14 CCR 17403.1** would exclude co-digestion of anaerobically digestible materials and wastewater at Publicly Owned Treatment Works. The Sacramento County LEA concurs with the proposed exclusion, as these facilities are currently regulated by the Regional Water Quality Control Board.
- 3) **14 CCR 17852 (a) (24.5)** imposes restrictions on the contamination level of land applied material and requires the material to meet prescribed maximum metal and pathogen density limits. The Sacramento County LEA agrees with CalRecycle that there should be contamination, metals, and pathogen limits on land applied material. However, the inference of the proposed regulation is that the onus for conducting the testing is on the land owner, which may lead to inadvertent violations, as follows:
 - a. The stockpiled material may reach compostable temperatures while the land owner is waiting for the laboratory results, which would be a violation of the composting regulations.
 - b. If the lab results indicate that the material exceeds the contamination limits, the land owner would be in violation for accepting mixed solid waste at an unpermitted site.

- c. Once the material has been deposited on the land, it is unclear who is responsible for removal of the material to a permitted landfill, should the test results indicate it is inappropriate for land application. This may lead to illegal disposal if the material is stockpiled for longer than 6 months while the land owner and the supplier negotiate responsibility.

Recommendation: Require the generator of the material to complete the testing prior to sending the material offsite for land application. The Sacramento County LEA places a condition on all new solid waste facility permits that the Operator must verify that all outgoing waste streams are sent to businesses that are permitted or allowed by right to receive the material. In order for a solid waste facility to ensure that the material sent offsite is appropriate for land application, they must review the laboratory test results prior to sending out the material. The Sacramento County LEA recognizes that 14 CCR 17410.1 imposes limits on the amount of time that material may be stored at a transfer station, but the LEA also has the ability to grant extensions to the timeframe. 14 CCR 17852(a)(10)(A)(2) could also be altered to allow the LEA to grant storage extensions beyond seven days for material awaiting lab results at chip and grind facilities. It would be the Operator's responsibility to demonstrate to the LEA that the material could be stored and managed to prevent nuisance conditions and comply with the State Minimum Standards.

- 4) **14 CCR 17852 (a)(24.5)(A)(4)** places a responsibility on the LEA to review proposed alternative application frequencies and material depths for land applied material. This regulation imposes a burden on LEAs to regulate land application, as follows:
 - a. The LEA's authority to regulate an excluded activity is limited and requires the issuance of an enforcement order, which is time consuming, costly, and may be considered overly punitive by the land owner.
 - b. LEAs must cost recover for time spent on document review, site visits, and complaint response. There is likely to be strong opposition from land owners to pay for time spent on what is defined by regulation as an excluded activity.
 - c. LEAs do not have the expertise and training to evaluate agronomic rates for land application of material.

Recommendation: Remove the requirement for LEA review and defer the responsibility for document review, approval of alternate land application methods, and enforcement at land application sites to CDFA and/or RWQCB. CDFA has the appropriate expertise and training to evaluate proposed alternative agronomic rates. Alternatively, add land application sites to the regulatory tiers and promulgate additional regulations that will impose State Minimum Standards, instead of incorporating the standards into the definition of Land Application.

- 5) **14 CCR 17862.4.1 and 17896.30** establish the requirements for an Odor Best Management Practice Feasibility Report. The Sacramento County LEA supports the addition of the proposed regulatory sections, which will provide Operators and LEAs with guidance to address chronic odor violations.

- 6) **14 CCR 18302 (d)** adds documentation requirements for LEAs conducting complaint investigations, but it is unclear whether the LEAs will be required provide a separate complaint form to CalRecycle for each investigation, or if complaints about existing facilities can be documented on a routine or focused inspection report in the Solid Waste Information System (SWIS). Currently, complaints about unpermitted facilities could not be documented in the SWIS system, since there is no blank form available. EMD has developed a complaint form for use by our department, but it likely varies from other LEA's complaint forms, which may lead to inconsistency.

Recommendation: Develop a standard complaint form to facilitate submittal of complaint reports, ensure that all of the required information is provided, and guarantee state-wide uniformity. Ideally, a fill-in-the-blank complaint form would be made available on SWIS.

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

Regards,



Lea Gibson
Environmental Specialist, Sacramento County LEA

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