



# County of San Diego

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December 5, 2014

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## COMMENTS ON CALRECYCLE PROPOSED REVISIONS TO TITLES 14 AND 27 REGULATIONS REGARDING COMPOSTABLE MATERIALS, TRANSFER/PROCESSING, PERMIT APPLICATION FORM AND PERMIT EXEMPTIONS.

Dear Mr. Decio:

The County of San Diego Solid Waste Local Enforcement Agency (LEA) appreciates the opportunity to comment on the proposed regulatory package regarding compostable materials, transfer/processing, permit application form, and permit exemptions and respectfully submits the following comments regarding specific sections in California Code Of Regulations, Title 14 (14CCR):

### 1. Enforcement Agency (EA) Notifications

Title 14 sections referring to the operation types eligible for the EA Notification tier now each state:

“...operation...shall be inspected by the EA at least once every three (3) months unless the EA approves, **with Department concurrence**, a reduced inspection frequency.”

The LEA finds the addition of the condition of obtaining “Department Concurrence” on inspection frequency reductions for EA Notifications unnecessary and duplicative. The EA Notification is not a solid waste facility “permit” and activities operating under the Notification tier are not required to obtain concurrence from CalRecycle in order to initially operate. As the LEA is in the best position to know the site conditions, operational practices and potential impacts on public health, safety and the environment, it should be solely at the discretion of the LEA to determine appropriate inspection frequencies for these operations.

(Applicable to 14CCR Sections: 17362.2, 17377.2, 17383.3, 17383.4, 17383.7, 17388.3, 17403.2, 17403.3, 17856, 17857.1, 17859.1, 17862, 17862.1, 17896.8, 17896.9, 17896.10, 17896.11 and 18083)

2. Section 17381.1(d)(2)

The proposed regulations reduce the storage time for processed CDI debris which has been sorted for resale or reuse from one year to 90 days. This significant storage time reduction may be difficult for many CDI Recycling Centers to meet. It is understood that the storage time can currently be

extended in accordance with existing regulations (i.e. with the submission of a "storage plan" or, if applicable, to the time specified in a land use entitlement for the site), however, these requirements place additional undue burden on both operators and the LEA for materials that may not pose a threat to public health, safety or the environment. The County of San Diego LEA believes 90 days is too short a storage limit for this type of material and recommends either maintaining the one year limit or providing for additional LEA discretion to extend the storage time.

In addition, the LEA notes that no changes are proposed for storage times of processed debris/materials at Small Volume, Medium Volume or Large Volume CDI/Inert Debris Processing Operations/Facilities. Processed material at these operations and facilities may remain onsite for up to one year pursuant to current regulations. This discrepancy presents an issue with consistency of application of standards.

3. Section 17857.1(b)

This section will require a prescriptive enforcement response by the LEA for Green Material Composting Operations. The proposed "three strikes" rule mirrors that of 14CCR Section 14383.5(k) for Medium Volume Construction and Demolition/Inert Debris Processing Facilities which are in a Registration permit tier. While the LEA is generally supportive of this "three strikes" approach, it is suggested that if adopted for the EA Notification tier operations, these same conditions should likewise be included for the "Vegetative Food Material Composting Facilities" operating under a Registration Tier. There is a potentially greater public health, safety & environmental risk with this type of feedstock. There should be consistency for required enforcement for all compost operations and facilities that are operating at a less than full permit tier.

4. Section 17863.4.1

The Odor Best Management Practice Feasibility Report requires approval by the LEA "in consultation with" CalRecycle (17863.4.1(d)). It is unclear what criteria or training the LEA will employ in order to evaluate this new report and it is likewise unclear what form "consultation" with CalRecycle should take. Will the consultation require formal concurrence or documentation of approval from CalRecycle, or is verbal discussion adequate? This section needs to be clarified and appropriate guidelines or training on report adequacy should be made available to LEAs for consistency of implementation.

5. Section 17857.2(a)

The list of what may be included in the up to 12,500 cubic yards of material onsite for Vegetative Food Material Composting Facility includes "compost" without specifying active and/or stabilized. In contrast, the description in 17857.1(a) for Green Material Composting Operations specifies compost as both active and stabilized. These two descriptions should be consistent. The LEA recommends specifying both active compost and stabilized compost in both sections to provide further clarity on which materials are included in the 12,500 cubic yard limit.

6. Section 17868.5

This section is entitled Green Materials and Vegetative Food Material Processing Requirements, however it contains no specific processing requirements other than load checks and related activities. The LEA suggests that CalRecycle take the opportunity with this regulatory package to define processing timelines for compostable materials. There should be some consideration of a mandated maximum time these materials may be held on-site prior to physical processing, mixing/blending, placement within a windrow or pile or covered to prevent vector breeding or impacts, odor or dust impacts. There are such requirements in regulation pertaining to operational standards for Construction and Demolition and Inert Debris Transfer/Processing and Municipal Solid Waste Transfer/Processing activities. The LEA suggests processing of green materials within 96 hours of receipt with the option for the LEA to grant up to 7 days with conditions, and processing of vegetative food materials within 48 hours of receipt with the option for the LEA to grant up to 96 hours with conditions.

7. Section 17868.1(a)(1)

As written, the proposed changes to the sampling criteria are vague and procedurally awkward. Some composting operations or facilities may take several months to generate 5,000 cubic yards of compost. As such, these operators may be sampling very infrequently which would present issues of compliance with the new proposed requirement in Section 17868.1(a) that "Sample Results must be received by the operator prior to removing compost from the composting operation or facility where it was produced." This requirement does not lend itself to a standard procedure for frequency of sampling. The LEA suggests that CalRecycle consider modifying the language to potentially include a specified sampling frequency adequate to ensure material that moves offsite has been tested and results received prior to shipment of that material. This may include a first sampling once a specified amount of material has been produced, with subsequent sampling frequencies or volume limits to be identified based on the material outputs.

In addition, the LEA has the following comment on the proposed change to the Solid Waste Facility Permit application (CalRecycle E-1-77):

Section D. "Identification of Facility in CIWMP" (Conformance Finding) - The LEA does not support the removal of the second checkbox indicating that the "Facility is not required to be identified in the Siting Element or Non-disposal Facility Element." Pursuant to Public Resources Code (PRC), Section 50001(b), some facility types are not required to comply with PRC 50001.

Thank you again for the opportunity to provide comments and input on the regulatory process. If you have any questions, please call me at (858) 495-5799 or Pamela Raptis at 858-495-5093.

Sincerely,



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Solid Waste Local Enforcement Agency

ec: Rebecca Lafreniere, Chief, Community Health Division  
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