



Proposed Regulation Text

Initial comment period changes are denoted by the following:

~~Strikethrough~~ = deletions of existing text

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Changes for the second comment period are denoted by:

~~Strikethrough~~ = deletions of the initial proposal

Underline = additions to the initial proposal

1 California Code of Regulations

2
3 Title 14. Natural Resources
4 Division 7. Department of Resources Recycling and Recovery

5
6
7 **Chapter 1. General Provisions**

8
9
10 **Article 1. ~~Emergency Waiver of Standards~~ Definitions**

11
12 **§ 17017. Definitions.**

13 As used in this division:

14 (a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
15 the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
16 Integrated Waste Management Board (board).

17 (b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
18 January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
19 of Resources Recovery and Recycling (Department).

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21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
22 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

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24
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

26
27
28 **Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities**
29 **Regulatory Requirements**

30
31 **§ 17362.2. Contaminated Soil Transfer/Processing Operations.**

32 All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
33 comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
34 Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
35 operations shall be inspected by the enforcement agency at least once ~~quarterly~~ every three (3)
36 months unless the enforcement agency approves, with Department concurrence, a reduced inspection
37 frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
38 pose an additional risk to public health and safety or the environment but in no case shall the
39 frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
40 enforcement agency and Department requirements regarding the approval or denial of requests for
41 reducing the frequency of inspections.]

42
43 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 43020 and 43021, Public Resources Code.

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46
47 **Article 5.8. Nonhazardous Ash Regulatory Tier Requirements**

48
49 **§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

50 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
51 this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
52 California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
53 18103).

54 (b) In addition to the requirements of subdivision (a), the following statement shall be included in the
55 enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
56 perjury that the information in this document and all attachments are true and correct to the best of
57 my knowledge, and is being executed in accordance with the requirements of the California Code of
58 Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
59 that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

1 defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
2 there are significant penalties for submitting false or misleading information in this certification,
3 including the possibility of fine or imprisonment, or both.”

4 (c) A new Enforcement Agency Notification is required any time there are changes to information
5 required by this section.

6 (d) These operations ~~may shall~~ be inspected by the enforcement agency ~~as necessary for the~~
7 ~~protection of public health, safety and the environment every three (3) months unless the~~
8 ~~enforcement agency approves, with Department concurrence, a reduced inspection frequency. The~~
9 ~~enforcement agency may approve a reduced inspection frequency only if it will not pose an additional~~
10 ~~risk to public health and safety or the environment but in no case shall the frequency be less than~~
11 ~~once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and~~
12 ~~Department requirements regarding the approval or denial of requests for reducing the frequency of~~
13 ~~inspections.]~~

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code.

17 18 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory** 19 **Requirements**

20 21 **§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris** 22 **Regulatory Requirements.**

23 (a) A site that receives only construction and demolition debris and inert debris (CDI) and which
24 meets the requirements of this section shall be classified as a CDI recycling center. A site that receives
25 only inert debris and which meets the requirements of this section shall be classified as an inert debris
26 recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any
27 other requirements of this Article except as specified in this section.

28 (1) The CDI debris that a CDI recycling center receives shall have been separated at the point of
29 generation.

30 (A) For the purposes of this section, “separated at the point of generation” means that the
31 material has been separated from the solid waste stream by the generator of that material or by a
32 processor prior to receipt at a CDI recycling center and has not been commingled with other solid
33 waste or recyclable materials. For example, each material type must be transferred in separate
34 containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled
35 in a single container.

36 (2) An inert debris recycling center shall receive only Type A inert debris that is source separated or
37 separated for reuse. The inert debris may be commingled in a single container.

38 (b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

39 (1) The residual shall be less than 10% by weight of the amount of debris received at the site,
40 calculated on a monthly basis. Recycling center operators may report their residual percentage to the
41 EA and the ~~board~~ Department on Form CIWMB 607 (see Appendix A).

42 (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by
43 volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible
44 wastes shall not constitute a nuisance, as determined by the EA.

45 (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited
46 at CDI recycling centers.

47 (d) The following storage time limits apply to CDI recycling centers:

48 (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or
49 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
50 including the use of a Notice and Order as provided in section 18304.

51 (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site
52 for more than ~~one year~~ 90 days, shall be deemed to have been unlawfully disposed and therefore
53 subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

54 (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism
55 pursuant to section 17384(c) has been approved by the ~~board~~ Department.

56 (4) At the EA's discretion, storage time limits for sorted and processed materials may be extended
57 to the time specified in a land use entitlement for the site that has an express time limit for the
58 storage of materials.
59

1 (5) CDI recycling center storage time limits may be extended for a specified period, if the operator
2 submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of
3 substantial evidence, that the additional time does not increase the potential harm to public health,
4 safety and the environment. The EA may consult with other public agencies in making this
5 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
6 findings shall be in writing.

7 (e) The following storage limits apply to inert debris recycling centers:

8 (1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or
9 reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
10 including the use of a Notice and Order as provided in section 18304.

11 (2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on-site
12 for more than ~~18-12~~ months, shall be deemed to have been unlawfully disposed and therefore subject
13 to enforcement action, including the use of a Notice and Order as provided in section 18304.

14 (3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an
15 inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material
16 production facility.

17 (4) Storage time limits do not apply to Type A inert debris recycling centers where a financial
18 assurance mechanism pursuant to section 17384(c) has been approved by the ~~board~~ Department.

19 (5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the
20 time specified in a land use entitlement for the site that has an express time limit for the storage of
21 materials.

22 (6) Inert debris recycling center storage limits may be extended for a specified period, if the
23 operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the
24 basis of substantial evidence, that the additional time does not increase the potential harm to public
25 health, safety and the environment. The EA may consult with other public agencies in making this
26 determination. The extended storage term, any applicable conditions the EA imposes and the EA's
27 findings shall be in writing.

28 (f) Nothing in this section precludes the EA or the ~~board~~ Department from inspecting a site to verify
29 that it is and has been operating in a manner that meets the requirements of this section, or from
30 taking any appropriate enforcement action, including the use of a Notice and Order as provided in
31 section 18304.

32 (g) In evaluating whether or not a particular site is in compliance with this section, the EA shall,
33 among other things, do the following:

34 (1) If the EA has reason to believe that each load of debris received at a recycling center is not
35 separated at the point of generation, is not source separated or is not separated for reuse, as
36 applicable, or that the residual exceeds 10% of the total debris received per month, or that the
37 amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or
38 material is being stored in excess of the applicable storage limits, or that upon request no evidence is
39 provided by the owner and operator that the stored debris is being accumulated for viable reuse, or
40 that the site is not in compliance with any other requirement in this section, the EA may require the
41 owner or operator to provide evidence that the recycling center is in compliance. The burden of proof
42 shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

43 (2) At the time that the EA requires a recycling center to provide evidence that it is in compliance
44 with this section, the EA shall provide the owner and operator of the recycling center a written
45 description of the information that has caused the EA to believe that the recycling center is not in
46 compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying
47 information regarding any person(s) who has complained about the recycling center.

48 (h) Sites which do not meet the applicable requirements of this section do not qualify as recycling
49 centers and shall comply with this Article and all laws and regulations applicable to them. The burden
50 of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are
51 not subject to the requirements of this Article.

52
53 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.**

57 (a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
58 activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
59 compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.

1 The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier
2 requirements.

3 (1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA
4 Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing
5 at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless
6 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
7 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
9 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
10 of requests for reducing the frequency of inspections.]

11 (2) A medium volume C&D wood debris chipping and grinding operation shall comply with the
12 Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0,
13 commencing at section 18100 et seq.

14 (3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit
15 tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with
16 section 21563.

17 (4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
18 irregular intervals.

19 (5) Except as otherwise specified in this section, small volume C&D wood debris chipping and
20 grinding activities shall comply with all requirements applicable to small volume CDI debris processing
21 operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all
22 requirements applicable to medium volume CDI processing facilities, and large volume C&D wood
23 debris chipping and grinding facilities shall comply with all requirements applicable to large volume
24 CDI debris processing facilities.

25 ...

26
27 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
28 40053, 43020, 43021, Public Resources Code.

29 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

30 All small volume CDI debris processing operations shall comply with the EA Notification requirements
31 set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These
32 operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify
33 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
34 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
35 additional risk to public health and safety or the environment but in no case shall the frequency be
36 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
37 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

38 To the greatest extent possible, all inspections shall be unannounced and shall be conducted at
39 irregular intervals. The operator shall specify the operation's boundary area in the operating record.

40 ...

41
42
43 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
44 40053, 43020, 43021, Public Resources Code.

45 **§ 17383.7. Inert Debris Type A Processing Operations.**

46 ...

47
48 (f) These operations shall be inspected by the EA at least once every three (3) months to verify
49 compliance with minimum standards unless the EA approves, with Department concurrence, a reduced
50 inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an
51 additional risk to public health and safety or the environment but in no case shall the frequency be
52 less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department
53 requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

54 ~~Inspections shall be conducted quarterly.~~ To the greatest extent possible, all inspections shall be
55 unannounced and shall be conducted at irregular intervals.

56 ...

57
58 Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020, 43021, Public Resources Code.

1
2
3 **Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory**
4 **Requirements**

5
6 **§ 17388.3. Inert Debris Engineered Fill Operations.**
7

8 ...
9 (b) Inert debris engineered fill operations shall be inspected ~~as necessary~~ by the EA at least once
10 every three (3) months to verify compliance with State Minimum Standards unless the EA approves,
11 with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
12 inspection frequency only if it will not pose an additional risk to public health and safety or the
13 environment but in no case shall the frequency be less than once per calendar year. [Note: See
14 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
15 of requests for reducing the frequency of inspections.] ~~Inspections shall be conducted quarterly, unless~~
16 ~~the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less~~
17 ~~than annual.~~
18 ...

19 Note: Authority cited: Sections 40502, 43020, and 43021, and 48007.5, Public Resources Code.
20 Reference: Sections 40053, 43020, and 43021, and 48007.5, Public Resource Code.
21
22

23 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**

24
25 **§ 17403.1. Excluded Operations.**

26 (a) The following operations do not constitute transfer operations or facilities for the purposes of these
27 Articles and are not required to meet the requirements set forth herein:
28 ...

29 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
30 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
31 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
32 Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).
33 ...

34
35 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
36 40053, 43020, and 43021, Public Resource Code.
37

38 **§ 17403.2. Sealed Containers Transfer Operations.**

39 All sealed container transfer operations subject to this Article shall comply with the Enforcement
40 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
41 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
42 ~~as necessary~~ at least once every three (3) months to verify compliance with minimum standards
43 unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may
44 approve a reduced inspection frequency only if it will not pose an additional risk to public health and
45 safety or the environment but in no case shall the frequency be less than once per calendar year.
46 [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the
47 approval or denial of requests for reducing the frequency of inspections.] ~~Inspections shall be~~
48 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~
49 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the
50 operating record.
51

52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.
54

55 **§ 17403.3. Limited Volume Transfer Operations.**

56 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
57 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
58 Code of Regulations (commencing with section 18100). These operations shall be inspected by EA ~~as~~
59 ~~necessary~~ at least once every three (3) months to verify compliance with minimum standards unless

1 the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
2 a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
3 the environment but in no case shall the frequency be less than once per calendar year. *[Note: See*
4 *section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial*
5 *of requests for reducing the frequency of inspections.]* ~~Inspections shall be conducted quarterly,~~
6 ~~unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less~~
7 ~~than annual.~~ The operator shall specify the operation's boundary area in the operating record.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11 12 13 **Article 6.2. Operating Standards**

14 **§ 17409.2. Sanitary Facilities.**

15 The operator shall maintain all sanitary and hand-washing facilities ~~which may be required, by~~
16 ~~applicable state or local requirements,~~ in a reasonably clean and adequately supplied condition.

17
18
19 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
20 40053, 43020 and 43021, Public Resources Code.

21 22 23 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory** 24 **Requirements**

25 26 27 **Article 1. General**

28 **§ 17852. Definitions.**

29 (a) For the purposes of this Chapter:

30 (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed
31 and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122
32 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15
33 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

34 (2) "Additives" means material mixed with feedstock or active compost in order to adjust the
35 moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include,
36 but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost
37 feedstock.

38 (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either
39 blow or draw air through the pile. Little or no pile agitation or turning is performed.

40 (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the
41 presence of oxygen.

42 (4.5) "Agricultural By-Product Material" means post-harvest agricultural by-products separated at a
43 processing facility.

44 (A) Agricultural By-product Material includes, but is not limited to, solid or semi-solid materials
45 from fruit, nut, cotton, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and
46 shells, peels, and off-grade, over-ripe, or under-ripe produce.

47 (B) Agricultural By-product Material does not contain packaging material, physical contaminants,
48 or hazardous materials, and does not include wastewater, sludges, or additives.

49 (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from
50 the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture,
51 viticulture and similar activities undertaken for the production of food or fiber for human or animal
52 consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural,
53 silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of
54 generation, and which contains no other solid waste. With the exception of grape pomace, agricultural
55 material has not been processed except at its point of generation and has not been processed in a way
56 that alters its essential character as a waste resulting from the production of food or fiber for human
57 or animal consumption or use. Material that is defined in this section 17852 as "food material" or
58

1 "vegetative food material" is not agricultural material. Agricultural material includes, including but is
2 not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

3 (6) "Agricultural Material Composting Operation" means an operation that produces compost from
4 green or agricultural material, additives, and/or amendments.

5 (7) "Amendments" means materials added to stabilized or cured compost to provide attributes for
6 certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
7 Amendments do not include septage, biosolids, or compost feedstock.

8 (8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the
9 absence of oxygen.

10 (9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic
11 sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
12 scum or solids removed in primary, secondary, or advanced wastewater treatment processes.

13 Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material
14 with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a
15 sewage sludge incinerator or grit and screenings generated during the preliminary treatment of
16 domestic sewage in a treatment works.

17 (10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not
18 produce compost, that mechanically reduces the size or otherwise engages in the handling, of
19 compostable material and:

20 (A) The site does the following:

21 1. The site handles only material, excluding manure, allowed at a green material composting
22 operation or facility as set forth in section 17852(a)(22); and,

23 2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
24 allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
25 time does not increase the potential for violations of this Chapter.

26 (B) If the site fails to meet the definition of green material because it exceeds the contamination
27 limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
28 Regulatory requirements (commencing at section 17400).

29 (C) If the site fails to meet the definition of this section because the green material remains on-
30 site for a longer period of time than is allowed, then the site shall be regulated as a compostable
31 material handling operation or facility, as set forth in this Chapter.

32 (11) "Compostable Material" means any organic material that when accumulated will become active
33 compost as defined in section 17852(a)(1).

34 (12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that
35 processes, transfers, or stores compostable material. Handling of compostable materials results in
36 controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
37 and storage activities related to the production of compost, compost feedstocks, and chipped and
38 ground materials. "Compostable Materials Handling Operation or Facility" does not include activities
39 excluded from regulation in section 17855. "Compostable Materials Handling Operation or Facility" also
40 includes:

41 (A) agricultural material composting operations;

42 (B) green material composting operations and facilities;

43 (C) vegetative food material composting facilities;

44 (D) research composting operations; and,

45 (E) chipping and grinding operations and facilities.

46 (13) "Curing" means the final stage of the composting process that occurs after compost has
47 undergone pathogen reduction, as described in section 17868.3, and after most of the readily
48 metabolized material has been decomposed and stabilized.

49 (13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material
50 has been processed in an in-vessel digester, as defined in section 17896.2(a)(~~1214~~). Digestate
51 intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained
52 a Compostable Materials Handling Facility Permit pursuant to section 17854.

53 (14) "Domestic Sewage" means waste and wastewater from humans or household operations that is
54 discharged to or otherwise enters a treatment works.

55 (15) "Disposal of compostable material and/or digestate" means:

56 (A) 1. the final deposition of compostable material and/or digestate on land, unless excluded from
57 this Chapter 3.1 pursuant to ~~S~~section 17855;

58 2. storing or stockpiling more than 200 cubic yards of compostable material, other than
59 stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration

1 requirements of section 17868.2, ~~onto~~ on land for a combined period of time greater ~~more~~ than six
2 months ~~30 days~~, except as provided in subdivision (A) 3.; or

3 3. storing or stockpiling more than 200 cubic yards of agricultural material and, green material,
4 or compost for more than twelve months on prime land that is zoned for agricultural land uses as
5 defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA
6 applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that
7 storing or stockpiling the material more than 12 months will not adversely affect the public health and
8 safety or the environment may remain within the operations area for a period of time greater than
9 specified.

10 (B) ~~d~~Disposal of compostable material does not include the use of compostable material ~~for~~:

11 1. ~~alternative daily cover material for beneficial reuse~~ at a solid waste landfill pursuant to Title
12 27, California Code of Regulations, section 20686; or

13 2. ~~for~~ mine reclamation in accordance with applicable law. ~~Notwithstanding this section, use of~~
14 ~~compostable organic material as a alternative daily cover material shall still require approval for use~~
15 ~~pursuant to Title 27, California Code of Regulations, section 20680 and may require additional~~
16 ~~approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.~~

17 ~~(C 3.) disposal does not include for land application of compostable organic material as defined~~
18 ~~in section 17852(a)(24.5). "Land Application" means the application of compostable material,~~
19 ~~excluding food material or mixed solid waste for the following applications: to forest, agricultural, and~~
20 ~~range land at agronomic rates; in accordance with California Department of Food and Agriculture~~
21 ~~(CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et~~
22 ~~seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.~~

23 (4) as specified in section 17852(a)(24.5)(B).

24 ~~(D C)~~ Should the EA have ~~information~~ reason to believe that a person ~~compostable material~~
25 ~~handler~~ is engaging in ~~other~~ activities that meet the definition of disposal of compostable material or
26 authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall
27 be on each person engaging in or authorizing such activities ~~the land owner or operator to~~
28 demonstrate otherwise.

29 ~~(E D)~~ If the activities at a site meet the definition of disposal of compostable material and/or
30 digestate, the site shall be regulated as set forth in the Consolidated Regulations for Treatment,
31 Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of
32 Regulations, section 20005).

33 (16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a
34 constant mass; that results in essentially 100 percent solids content.

35 (17) "Enclosed Composting Process" means a composting process where the area that is used for
36 the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed
37 sides and rests on a stable surface with environmental controls for moisture and air-borne emissions
38 present.

39 (18) "EA" means enforcement agency.

40 (19) "Feedstock" means any compostable ~~organic~~ material used in the production of compost or
41 chipped and ground material including, but not limited to, agricultural material, green material,
42 vegetative food material, food material, biosolids, and mixed ~~solid waste material~~. Feedstocks shall
43 not be considered as either additives or amendments.

44 (19.5) "Film plastic" means sheet plastic 10 mil or less in thickness.

45 (20) "Food Material" means ~~any a waste material of plant or animal origin that was acquired for~~
46 results from the preparation or processing of food for animal or human consumption, and that is
47 separated from the municipal solid waste stream, and that does not meet the definition of "agricultural
48 material." Food material ~~may~~ includes, but is not limited to, material ~~food waste~~ from food facilities
49 as defined in Health and Safety Code section ~~113785-113789~~ (such as restaurants), food processing
50 establishments as defined in Health and Safety Code section 111955, grocery stores, institutional
51 cafeterias (such as prisons, schools and hospitals), ~~or and~~ residential food scrap collection. Food
52 material does not include any material that is required to be handled only pursuant to the California
53 Food and Agricultural Code and regulations adopted pursuant thereto.

54 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
55 material and is separated from other food material and the municipal solid waste stream. Vegetative
56 food material may be processed or cooked but must otherwise retain its essential natural character
57 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
58 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and

1 spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent
2 physical contaminants by dry weight, and meets the requirements of section 17868.5.

3 (21) "Green Material" means any plant material except food material and vegetative food material
4 that is separated at the point of generation, contains no greater than 1.0 of percent physical
5 contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes,
6 but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood
7 waste from silviculture and manufacturing, and construction and demolition wood waste. Green
8 material does not include food material, vegetative food material, biosolids, mixed solid waste
9 material, material processed separated from commingled solid waste collection or processing, wood
10 containing lead-based paint or wood preservative, or mixed construction or mixed and demolition
11 debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of
12 "green material" may be handled as either agricultural material or green material.

13 (22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts
14 green material, additives, and/or amendments. A green material composting operation or facility may
15 also handle manure and paper products. An operation or facility that handles a feedstock that is not
16 green material, manure, or paper products, shall not be considered a green material composting
17 operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
18 excluded from regulation in section 17855.

19 (23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
20 compostable materials results in controlled biological decomposition. Handling includes composting,
21 screening, chipping and grinding, and storage activities related to the production of compost, compost
22 feedstocks, and chipped and ground materials.

23 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
24 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
25 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

26 (24.5) "Land Application" means ~~either subdivision (A) or (B):~~

27 (A) The final deposition of compostable material and/or digestate spread on any land, including
28 land zoned only for agricultural uses, under the following conditions:

29 1. On and after January 1, 2018, ~~the~~ the compostable material and/or digestate does not contain
30 more than ~~0-10.5%~~ 0.5% by dry weight of physical contaminants greater than 4 millimeters (no more than
31 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters), as specified in section
32 17868.3.1, at the time of land application;

33 2. The compostable material and/or digestate meets the maximum metal concentrations, as
34 specified in section 17868.2, at the time of land application;

35 3. The compostable material and/or digestate meets the pathogen density limits, as specified in
36 section 17868.3(b)(1), at the time of land application; and

37 4.

38 a. On land not zoned for agricultural uses, ~~the~~ the compostable material and/or digestate is not
39 applied more frequently than once during a 12 month period, and, at the time of the land application,
40 the compostable material shall not exceed an average of 12 inches in total, accumulated depth on the
41 land surface. The EA, in consultation with the Regional Water Quality Control Board, may approve
42 alternative application frequencies and depths, if the EA after such consultation determines that the
43 alternatives will not adversely affect public health and safety or the environment.

44 b. On land zoned only for agricultural uses, the compostable material and/or digestate is not
45 applied more frequently than three times during a 12 month period, and, at the time of the land
46 application, the compostable material shall not exceed 12 inches in total, accumulated depth on the
47 land surface. The EA, in consultation with the California Department of Food and Agriculture to
48 determine if the land application is agronomically beneficial and with the Regional Water Quality
49 Control Board regarding water quality, may approve alternative frequencies and depths, if the EA after
50 such consultation determines that the alternative will not adversely affect public health and safety or
51 the environment. The Department shall coordinate all EA requests for consultation with the California
52 Department of Food and Agriculture.

53 5. Verification of compliance with this subdivision must be provided to the EA upon request.

54 (B) ~~The final deposition of compostable material spread on land zoned only for agricultural uses~~
55 ~~under the following conditions:~~

56 1. ~~The compostable material does not contain more than 0.1% by weight of physical~~
57 ~~contaminants greater than 4 millimeters; and~~

58 2. ~~Prior to land application, the California Department of Food and Agriculture (CDFA) has~~
59 ~~determined that the land application is in compliance with all applicable requirements established by~~

~~CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land application is agronomically beneficial; and~~

~~3. Prior to land application, the EA has received confirmation that CDFA has made the determination specified in (B)2. above.~~

~~[Note: (B) This subdivision (a)(24.5) does not apply to:~~

~~1. the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division,~~

~~2. the use of compostable material for gardening or landscaping on a parcel of land 5 acres or less in size,~~

~~3. the final deposition of compostable material spread on land by a Federal, State, or local government entity, provided the material is applied in accordance with applicable law,~~

~~4. the final deposition of agricultural by-products material spread on land as authorized by the State Water Resources Control Board or a Regional Water Quality Control Board pursuant to Waste Discharge Requirements, a Waiver of Waste Discharge Requirements, or a Resolution, provided this final deposition does not adversely affect public health and safety or the environment.~~

~~4.5. the beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686, or~~

~~5.6. the beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction.~~

~~[Note: In addition, as specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.]~~

(25) "Manure" is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(26) "~~Mixed Solid Waste Material~~" means any compostable material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed demolition or mixed construction debris, or plastics. A feedstock that is not source separated or contains 1.0% or more of physical contaminants by dry weight is mixed solid waste material. ~~Compostable material that contains mixed demolition or mixed construction debris shall be considered mixed solid waste.~~

(27) "Mushroom Farm" means an activity that produces mushrooms. The handling of compostable material at a mushroom farm prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered mushroom farming.

(27.5) "Nuisance" includes 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. The extent of annoyance or damage inflicted upon an individual may be unequal.

(28) "Operations Area" means the following areas within the boundary of a compostable material handling operation or facility:

(A) equipment cleaning, maintenance, and storage areas;

(B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

(C) process water and stormwater drainage control systems.

(29) "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, becomes legally responsible for the following:

(A) complying with regulatory requirements set forth in this Chapter;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the site; and

(D) site restoration.

(30) "Owner" means the person or persons who own, in whole or in part, a compostable material handling operation or facility, or the land on which these operations or facilities are located.

(31) "Pathogenic Organism" means disease-causing organisms.

(32) "Physical Contamination" or "Contaminants" means human-made inert ~~products-material~~ contained within ~~feedstocks-compostable material, digestate, or compost~~, including, but not limited to, glass, metal, and plastic.

1 (33) "Process Water" means liquid that is generated during or used in the production of compost or
2 chipped and ground materials.

3 (34) "Research Composting Operation" means a composting operation, that is operated for the
4 purpose of gathering research information on composting.

5 (35) "Separated At The Point of Generation" includes material separated from the solid waste
6 stream by the generator of that material. It may also include material from a centralized facility as
7 long as that material was kept separate from the waste stream prior to receipt by that facility and the
8 material was not commingled with other materials during handling.

9 (36) "Stabilized Compost" means any organic material that has undergone the Process to Further
10 Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced
11 biological activity as indicated by reduced temperature and rate of respiration below that of active
12 compost.

13 (37) "Static Pile" means a composting process that is similar to the aerated static pile except that
14 the air source may or may not be controlled.

15 (38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting
16 the causative agents of human disease.

17 (38.5) "Vegetative Food Material Composting Facility" is a facility that composts agricultural
18 material, green material, vegetative food material, additives, and/or amendments. A vegetative food
19 material composting facility may also handle manure and paper products. An operation or facility that
20 handles a feedstock that is not agricultural material, green material, vegetative food material,
21 manure, or paper products, shall not be considered a vegetative food material composting facility.
22 "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in
23 section 17855.

24 (39) "Vermicomposting" means an activity that produces worm castings through worm activity. The
25 EA may determine whether an activity is or is not vermicomposting. The handling of compostable
26 material prior to and after use as a growth medium is subject to regulation pursuant to this chapter
27 and is not considered vermicomposting.

28 (40) "Windrow Composting Process" means the process in which compostable material is placed in
29 elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

30 (41) "Within-vessel Composting Process" means an aerobic process in which compostable material is
31 enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost,
32 maintained under uniform conditions of temperature and moisture where air-borne emissions are
33 controlled.

34 (42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated
35 from the manufacturing or production of wood products, harvesting, processing or storage of raw
36 wood materials, or construction and demolition activities.

37 (43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public,
38 commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree
39 trimmings, prunings, brush, and weeds.

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 43020 and 43021, Public Resources Code.

43 44 45 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 46 **Facilities**

47 48 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

49 Except as specified in this Article, all compostable materials handling activities shall obtain a
50 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California
51 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles
52 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

53
54 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
55 43020 and 43021, Public Resources Code.

56 57 **§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations** 58 **and Facilities.**

1 Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7,
 2 Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter
 3 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
 4 Regulations) for compostable material handling operations and facilities. These requirements are
 5 summarized in Table 1.
 6

7 Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers
 8

<u>Excluded Tier</u>	<u>Enforcement Agency Notification Tier</u>	<u>Registration Permit Tier</u>	<u>Full Solid Waste Facility Permit</u>
<u>Refer to Section 17855</u>	<u>Agricultural Material Composting Operations (all) Section 17856.</u>		<u>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</u>
	<u>Green Material Composting Operations (≤ 12,500 yd³) Section 17857.1(a)</u>	<u>Vegetative Food Material Composting Facilities (≤ 12,500 yd³) Section 17857.2</u>	<u>Green Material Composting Facilities (> 12,500 yd³) Section 17857.1 (c)</u>
	<u>Biosolids Composting Operations at POTWs (all) Section 17859.1</u>		<u>Vegetative Food Material Composting Facilities (> 12,500 yd³) Section 17857.2</u>
	<u>Research Composting Operations (≤ 5,000 yd³) (Within-vessel > 5,000 yd³ with EA determination) Section 17862.</u>		
	<u>Chipping and Grinding Operations (≤ 200 tpd) Section 17862.1(a)</u>	<u>Chipping and Grinding Facilities (> 200 tpd and ≤ 500 tpd) Section 17862.1(b)</u>	<u>Chipping and Grinding Facilities (> 500 tpd) Section 17862.1(c)</u>

9
 10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
 11 43020 and 43021, Public Resources Code.
 12

13 **§ 17855. Excluded Activities.**

14 (a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute
 15 compostable material handling operations or facilities for the purposes of this Chapter and are not
 16 required to meet the requirements set forth herein. Nothing in this section precludes the EA or the
 17 ~~board~~ Department from inspecting an excluded activity to verify that the activity is being conducted in
 18 a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

19 (1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and
 20 returns a similar amount of the material produced to that same agricultural site, or an agricultural site
 21 owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
 22 incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

23 (2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after
 24 its use as a growth medium during the vermicomposting process is not an excluded activity and is

1 subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
2 ~~vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it~~
3 ~~complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
4 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
5 ~~whichever is applicable, as follows:~~

6 ~~(A) when the compostable material is active compost or is likely to become active compost, as~~
7 ~~determined by the EA, the requirements of this chapter apply;~~

8 ~~(B) at all other times when it is not being used as a growth medium during vermicomposting, the~~
9 ~~compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory~~
10 ~~Requirements.~~

11 (3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
12 after its use as a growth medium during the mushroom farming process is not an excluded activity
13 and is subject to the requirements of this chapter. ~~Handling of agricultural material on the site of a~~
14 ~~mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies~~
15 ~~with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory~~
16 ~~Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),~~
17 ~~whichever is applicable, as follows:~~

18 ~~(A) when the compostable material is active compost or is likely to become active compost, as~~
19 ~~determined by the EA, the requirements of this chapter apply;~~

20 ~~(B) at all other times when it is not being used as a growth medium during mushroom farming,~~
21 ~~the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory~~
22 ~~Requirements.~~

23 (4) ~~Handling of green material, feedstock, additives, amendments, compost, or chipped and ground~~
24 ~~material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable~~
25 ~~materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or~~
26 ~~given away annually. The compostable material may also include up to 10% food material by volume.~~
27 ~~Composting green material, food material, and vegetative food material is an excluded activity if the~~
28 ~~total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and~~
29 ~~500-750 square feet.~~

30 ~~[Note: Persons handling compostable material under the above exclusion are obligated to obtain all~~
31 ~~permits, licenses, or other clearances that may be required by other regulatory agencies including, but~~
32 ~~not limited to local health entities and local land use authorities.]~~

33 (5) The handling of compostable materials is an excluded activity if:

34 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
35 or full permit as defined in section 18101,

36 1. has a Report of Facility Information which is completed and submitted to the EA that
37 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,
38 2. will only use the material on the facility site; ~~or~~

39 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated
40 Owned Treatment Works (POTW); ~~or~~

41 (C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
42 defined in Public Resources Code section 40106; or

43 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product
44 manufacturing operation; or

45 (E) the activity is part of an agricultural operation and is used to temporarily store or process
46 agricultural material not used in the production of compost or mulch; or

47 (F) the activity is part of an operation used to chip and grind materials derived from and applied
48 to lands owned or leased by the owner, parent, or subsidiary of the operation; or

49 (G) the activity is part of an agricultural operation used to chip and grind agricultural material
50 produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
51 for use in biomass conversion; or

52 (H) the activity is part of a ~~an~~ licensed animal food manufacturing or a licensed rendering operation.

53 (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
54 lot clearing necessary for fire protection provided that the public agency designating the site has
55 notified the fire protection agency; or

56 (J) the materials are handled in such a way to preclude their reaching temperatures at or above
57 122 degrees Fahrenheit as determined by the EA; ~~or~~

58 (6) ~~Non-commercial composting with less than one cubic yard of food material is excluded provided~~
59 ~~that all compostable material is generated and used on-site.~~

1 (76) Storage of bagged products from compostable material is an excluded activity provided that
2 such bags are no greater than 5 cubic yards.

3 ~~(8) Within vessel composting process activities with less than 50 cubic yard capacity are excluded.~~

4 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not~~
5 ~~limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as~~
6 ~~determined by the EA; land application in accordance with California Department of Food and~~
7 ~~Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section~~
8 ~~14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine~~
9 ~~Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770~~
10 ~~et seq.~~

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 43020 and 43021, Public Resources Code.

14 15 **§ 17855.2. Prohibitions.**

16 The following activities are prohibited at all compostable materials handling operations and facilities
17 and at all sites where compostable materials handling activities that are excluded from regulation
18 under this Chapter occur:

19 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
20 hide, blood, bone and marrow ~~is prohibited~~, except when received:

21 (1) from the a food service industry facility as defined in Health and Safety Code section 113789,
22 grocery stores, or residential food scrap collection; or

23 (2) as part of a research composting operation for the purpose of obtaining data on pathogen
24 reduction or other public health, animal health, safety, or environmental concern, in accordance with
25 section 17862-; or

26 (3) from a source approved by the Department in consultation with the State Water Resources
27 Control Board and the California Department of Food and Agriculture.

28 (b) The composting of treated or untreated medical waste ~~is prohibited~~.

29 (c) The composting of hazardous waste ~~is prohibited~~.

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
32 43020 and 43021, Public Resources Code.

33 34 **§ 17855.3. Permit Name.**

35 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
36 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 43020 and 43021, Public Resources Code.

40 41 ~~**§ 17855.4. Pre Existing Permits and Notifications-**~~

42 ~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the~~
43 ~~regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its~~
44 ~~permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~
45 ~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is~~
46 ~~required. If the EA makes such a determination, the operator shall comply with the Compostable~~
47 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
48 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
49 ~~(commencing with section 21450) within two years of that determination.~~

50 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~
51 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~
52 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~
53 ~~Materials Handling Facility Permit is required. The EA shall make this determination no sooner than~~
54 ~~120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable~~
55 ~~Materials Handling Facility Permit is required, the operator shall comply with the Compostable~~
56 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~
57 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~
58 ~~(commencing with section 21450) within two years of that determination.~~

1 (c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
2 that activity may continue to operate in accordance with its regulatory exclusion until the EA
3 determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
4 determination no sooner than 120 days and no later than two years from April 4, 2003. If EA
5 determines that a Compostable Materials Handling Facility Permit is required, the operator shall
6 comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
7 California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
8 Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

9 (d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently
10 operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate
11 in accordance with its regulatory authorization until the EA determines that a different authorization is
12 required. The EA shall make this determination within 120 days from April 4, 2003.

13 —(1) If the EA determines that the activity is required to comply with the EA Notification
14 requirements, the operator shall comply with the EA Notification requirements set forth in Title 14,
15 California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100),
16 within 120 days from that determination.

17 —(2) If the EA determines that the activity is required to comply with the Registration requirements,
18 the operator shall comply with the Registration requirements set forth in Title 14, California Code of
19 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days
20 from that determination.

21 —(3) If the EA determines that the activity is required to comply with the Compostable Materials
22 Handling Facility Permit requirements, the operator shall comply with the Compostable Materials
23 Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2,
24 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
25 section 21450) within two years from that determination.

26
27 —Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
28 Sections 43020 and 43021, Public Resources Code.

29 **§ 17856. Agricultural Material Composting Operations.**

30 (a) ~~All~~ Agricultural material composting operations and chipping and grinding operations shall comply
31 with the Enforcement Agency Notification requirements set forth in Title 14, California Code of
32 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), ~~except as~~
33 ~~otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only~~
34 ~~be subject to the requirements of section 17863.4 if the EA makes a written determination that the~~
35 ~~operation has violated the requirements for odor impacts of section 17867 and the requirements of~~
36 ~~this Chapter.~~

37 (b) ~~Compost produced by an~~ Agricultural material composting operations are subject to the
38 requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation ~~or has~~
39 ~~caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the~~
40 ~~violation~~ a chipping and grinding operation which uses only agricultural material may be sold or given
41 away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.

42 (c) If their feedstock is limited to agricultural material, agricultural material composting operations
43 may handle an unlimited quantity of agricultural material on the site and may sell or give away any or
44 all compost they produce. These operations shall be inspected by the EA at least once each calendar
45 year at a time when compostable material on the site is active compost. Compost produced by an
46 agricultural material composting operation which uses agricultural material and/or green material, as
47 specified in section 17852(a)(21), may be sold or given away in accordance with the following
48 restrictions:

49 (1) Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall
50 be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic
51 yards of green material, including feedstock, compost, or chipped and ground material, is to be
52 handled on site of productive farmland as defined in Government Code section 51201, the operator
53 shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional
54 materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose
55 an additional risk to public health and safety and the environment. The EA shall forward a copy of the
56 request and approval to the Board.

57 (2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall
58 have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped
59

1 and ground material, on-site at any one time and shall be inspected by the EA once every three (3)
2 months.

3 (3) These sites shall record the quantity received of green material.

4 (d) Agricultural material composting operations whose feedstock is both green material and
5 agricultural material are subject to the following requirements:

6 (1) Producers located on Agricultural Land:

7 (A) Operations located on land that is zoned for agricultural uses that sell or give away less than
8 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
9 green material on the site; provided, however, the EA may limit the amount of green material
10 feedstock on-site to 12,500 cubic yards upon making a written finding that handling the excess
11 material may pose a risk to public health and safety or the environment.

12 (B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
13 calendar year at a time when compostable material on the site is active compost.

14 (2) Other Producers:

15 (A) Operations located on land that is not zoned for agricultural uses and operations that sell or
16 give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
17 agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
18 on the site at any time.

19 (B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
20 three (3) months unless the EA approves, with Department concurrence, a reduced inspection
21 frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
22 risk to public health and safety or the environment but in no case shall the frequency be less than
23 once per calendar year. At least one of the required inspections each year shall occur at a time when
24 compostable material on the site is active compost.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 43020 and 43021, Public Resources Code.

28 **§ 17857.1. Green Material Composting Operations and Facilities.**

29 (a) A green material composting operation that has up to may have no more than 12,500 cubic yards
30 of feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
31 stabilized compost on-site at any one time. Green material composting operations shall comply with
32 the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
33 Chapter 5.0, Article 3.0 (commencing with section 18100) and with the applicable requirements
34 specified in this Chapter.

35 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
36 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
37 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
38 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
39 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
40 of requests for reducing the frequency of inspections.]

41 (2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
42 users and other consumers, the operator may request in writing that the EA authorize it to temporarily
43 exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
44 on-site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request
45 within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
46 determines it will not adversely affect public health and safety or the environment. The EA may
47 impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
48 seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
49 day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

50 (A) With its request for a seasonal storage adjustment, the operator shall submit the following to
51 the EA:

52 1. A description of the storage capacity at the operation and the maximum and average lengths
53 of time the compostable material will be stored.

54 2. A schematic drawing showing the general layout of the operation and the location(s) where
55 all materials at the site are stored with specific identification of the proposed location of the excess
56 material.
57

1 3. A description of any additional fire prevention, protection and control measures needed to
2 minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
3 such fires, which measures shall be approved by the local fire authority.

4 4. Where applicable, any revisions to the odor impact minimization plan necessary to address
5 the storage of the additional material or a statement, with supporting information, that no revisions
6 are necessary.

7 (b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,
8 or chipped and ground material on site at any one time shall be inspected by the EA at least once
9 every three (3) months, unless an operator request for a reduced inspection frequency of no less than
10 annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA
11 finds that it will not pose an additional risk to public health and safety and the environment. The EA
12 shall forward a copy of the request and approval to the Board.

13 (b) If a green material composting operation or facility exceeds any combination of the following
14 requirements three (3) or more times within any two (2) year period, which the EA determines
15 constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this
16 section:

17 (1) Receipt of material that contains greater than 1.0% physical contaminants by dry weight as
18 specified in section 17852(a)(21);

19 (2) Failure to comply with the processing requirements set forth in section 17868.5;

20 (3) Failure to comply with the maximum volume on-site at any one time limit set forth in
21 subdivision (a) above.

22 Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
23 qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
24 Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
25 and desist order pursuant to section 18304 directing, among other things, that the operator
26 immediately cease accepting material at the site until the operator has demonstrated to the EA that it
27 has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
28 any time take any additional enforcement action the EA deems appropriate.

29 (c) A site that handles green material composting facility that has more than 12,500 cubic yards of
30 feedstock, ~~compost, or~~ chipped and ground material, amendments, additives, active compost, and
31 stabilized compost on-site at any one time is a green material composting facility, excepting green
32 material composting operations which the EA has authorized a seasonal storage adjustment pursuant
33 to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials
34 Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,
35 Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
36 (commencing with section 21450) prior to commencing operations. Green material composting
37 facilities shall comply with the applicable requirements specified in this Chapter 3.1.

38
39 [Note: See section 17868.5 for green material processing requirements.]

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 43020 and 43021, Public Resources Code.

44 **§ 17857.2. Vegetative Food Material Composting Facilities.**

45 (a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
46 compost, and chipped and ground material, amendments, additives, active compost, and stabilized
47 compost on-site at any one time and shall obtain a Registration Permit pursuant to the requirements
48 of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing
49 operations and shall comply with the applicable requirements of this Chapter.

50 (b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
51 compost, and chipped and ground material on-site at any one time shall obtain a Compostable
52 Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of
53 Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and
54 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the
55 applicable requirements of this Chapter.

56 [Note: See section 17868.5 for green material and vegetative food material processing requirements.]

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 43020 and 43021, Public Resources Code.

1
2 **§ 17859.1. Biosolids Composting at POTWs.**

3 (a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
4 ~~Operated-Owned~~ Treatment Works (POTW) shall comply with the EA Notification requirements set
5 forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
6 section 18100).

7 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
8 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
9 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
10 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
11 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
12 of requests for reducing the frequency of inspections.]

13 (b) All other composting of biosolids shall comply with section 17854.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503, Code of
17 Federal Regulations.

18
19 **§ 17862. Research Composting Operations.**

20 (a) An operator conducting research composting operations shall not have more than 5,000 cubic
21 yards of feedstock, chipped and ground material, additives, amendments, additives, chipped and
22 ground material, active compost, and stabilized compost on-site at any one time, and shall comply
23 with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7,
24 Chapter 5.0, Article 3.0 (commencing with section 18100), except as otherwise provided by this
25 Chapter.

26 (b) An operator conducting research composting operations utilizing within-vessel processing, may
27 exceed 5,000 cubic-yards of feedstock, chipped and ground material, additives, amendments, chipped
28 and ground material, active compost, and stabilized compost, if the EA determines that such increased
29 volume will not pose additional risk to the public health, safety and the environment.

30 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
31 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
32 the research to be performed, research objectives, methodology/protocol to be employed, data to be
33 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
34 projected timeframe for completion of the research operation.

35 (d) ~~The EA Notification for a research composting operation shall be reviewed a~~ After each each no
36 more than a two year period of operation. Review criteria the operator of a research composting
37 operation shall submit to the EA a report that includes the results and conclusions drawn from the
38 research. If the EA determines based on the report that there are further research objectives to be
39 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
40 two years. If the EA determines based on the report that there are no further research objectives to
41 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
42 section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to
43 continuing operations.

44 (e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock
45 for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety,
46 or environmental protection concern, shall satisfy the following additional requirements:

47 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
48 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
49 site.

50 (2) The operator shall prepare, implement and maintain a site-specific, research composting
51 operation site security plan. The research composting site security plan shall include a description of
52 the methods and facilities to be employed for the purpose of limiting site access and preventing the
53 movement of unauthorized material on to or off of the site.

54 (3) After no more than a six-month period of operation ~~The EA Notification for the operator of a~~
55 research composting operation using unprocessed mammalian tissue as feedstock shall submit to the
56 EA a report that includes the results and conclusions drawn from the research and documentation of
57 additional requirements of this section shall be reviewed after each six month period of operation. If
58 the EA determines based on the report that there are further research objectives to be met or data to
59 be gathered, the EA may extend the research for a specified time period not to exceed two years. If

1 the EA determines based on the report that there are no further research objectives to be met or data
2 to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or
3 obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing
4 operations.

5 (f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
6 the EA with the Notification and prior to the composting of any feedstock. The EA shall determine that
7 the EA Notification for research composting operations is complete and correct only if the additional
8 documentation requirements of this section have been met.

9 (g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
10 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
11 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
12 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
13 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
14 of requests for reducing the frequency of inspections.]

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 43020 and 43021, Public Resources Code.
18

19 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

20 (a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
21 handled by a green material composting operation shall comply with the EA Notification requirements
22 set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
23 with section 18100), ~~except as otherwise provided by and the applicable requirements specified in this~~
24 Chapter.

25 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
26 EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
27 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
28 the environment but in no case shall the frequency be less than once per calendar year. [Note: See
29 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
30 of requests for reducing the frequency of inspections.]

31 (b) A chipping and grinding facility that receives more than 200 tons per day ~~but not more than, and~~
32 ~~up to~~ 500 tons per day of material that may be handled by a green material composting operation
33 shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
34 Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
35 with the applicable requirements of this Chapter.

36 (c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
37 handled by a green material composting operation shall obtain a Compostable Materials Handling
38 Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
39 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with
40 section 21450) prior to commencing operations and shall comply with the applicable requirements of
41 this Chapter.

42 (d) On and after January 1, 2018, a chipping and grinding operation or facility shall sample every
43 5,000 cubic-yards of chipped and ground material produced and determine the percentage of physical
44 contaminants greater than 4 millimeters in the sample using a method that provides accurate results
45 and has been approved by the EA. If the chipping and grinding operation or facility produces less than
46 5,000 cubic-yards of chipped and ground material in a 12 month period, the operator shall analyze at
47 least one composite sample of compost produced every 12 month period. The determination of the
48 percentage of physical contaminants shall occur prior to the point where material is removed from the
49 site. Any chipped and ground material that will be land applied must meet the physical contamination
50 requirements of section 17852(a)(24.5).

51 ~~(de)~~ A chipping and grinding operation or facility shall not be subject to the provisions of sections
52 17868.1 through 17868.3~~±~~ of this Chapter, however, any chipped and ground material that will be
53 land applied must meet the maximum metal concentration and pathogen reduction requirements of
54 section 17852(a)(24.5).

55 ~~(ef)~~ If a chipping and grinding operation or facility exceeds the contamination limits specified in
56 section 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory
57 requirements (commencing at section 17400).

1 (~~fg~~) If a chipping and grinding operation or facility stores material for a longer period of time than is
2 allowed by section 17852 (a)(10)(A)(2), ~~then the site it shall be regulated as a green material~~
3 ~~handling-composting~~ operation or facility, as set forth in this Chapter.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 43020 and 43021, Public Resources Code.

7 8 9 **Article 3. Report of Facility Information**

10 11 **§ 17863. Report of Composting Site Information.**

12 Each operator of a compostable material handling facility that is required to obtain a Compostable
13 Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting
14 Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of
15 Composting Site Information with the EA. If the operator intends to alter the permitted feedstock,
16 these changes must be reported to the EA for maintenance of permit status. Such changes may
17 become the basis for revisions to the permit or for revocation of the permit.

18 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~

19
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
21 43020 and 43021, Public Resources Code.

22 23 **§ 17863.4. Odor Impact Minimization Plan.**

24 (a) All compostable material handling operations and facilities shall prepare, implement and maintain
25 a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
26 EA Notification or permit application.

27 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
28 describing, at a minimum, the following items. If the operator will not be implementing any of these
29 procedures, the plan shall explain why it is not necessary.

30 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
31 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
32 possible odor receptors; and,

33 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
34 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
35 described; and,

36 (3) a complaint response and recordkeeping protocol; and,

37 (4) a description of design considerations and/or projected ranges of optimal operation to be
38 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
39 feedstock characteristics, airborne emission production, process water distribution, pad and site
40 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
41 service interruptions, and site specific concerns as applicable; and,

42 (5) a description of operating procedures for minimizing odor, including aeration, moisture
43 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
44 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
45 power, and personnel), biofiltration, and tarping as applicable.

46 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
47 provided to the EA, within 30 days of those changes.

48 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
49 revisions are necessary.

50 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
51 operation or facility is following the procedures established by the operator. If the EA determines that
52 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
53 (pursuant to section 18304) to require the operator to either comply with the odor impact
54 minimization plan or to revise it.

55 (f) If the odor impact minimization plan is being followed, ~~but~~ and the EA determines, in a manner
56 consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct
57 the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)
58 as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a

1 Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and
2 feasible measures to minimize odors; unless:
3 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
4 (2) there is an imminent threat to public health and safety and the environment; or
5 (3) a public nuisance has occurred.
6

7 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
8 Sections 43020, 43021 and 43209.1, Public Resources Code.
9

10 **§ 17863.4.1. Odor Best Management Practice Feasibility Report**

11 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
12 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
13 violations as determined pursuant to section 17863.4(f).

14 (b) The Report shall:

15 (1) Present representative and correlating odor data for each potential onsite odor source including
16 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
17 collected, description of operations associated with the source, and any odor impacts or complaints
18 received;

19 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
20 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
21 order of impact;

22 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

23 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
24 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
25 has used to minimize odor and analyze each BMP for the following:

26 1. The effectiveness of the BMP in reducing odor impacts;

27 2. The potential for more extensive use of the BMP to minimize odor impacts described by
28 complainants;

29 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
30 operationally practical;

31 4. The approximate cost to implement a more extensive use of the BMP;

32 5. Any permits or permit changes necessary to use the BMP more extensively;

33 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
34 the BMP is recommended; and

35 7. If the BMP has been found to be ineffective (include supporting data).

36 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
37 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
38 operator has not used and analyze each potential BMP to determine:

39 1. The potential for the BMP to reduce odor impacts described by complainants;

40 2. If the BMP is operationally practical;

41 3. The approximate cost to implement the BMP;

42 4. Any permits or permit changes necessary to use the BMP; and

43 5. Overall recommendation and ranking of implementing the BMP.

44 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
45 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

46 (c) The operator shall submit the **Report required by subdivisions (a) and (b), and the plan and**
47 schedule required by subdivision (b)(3)(C), to the EA and the Department for review. If the EA has
48 required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the
49 plan and schedule within 14 days or other timeframe approved by the EA.

50 (d) The EA, in consultation with the Department, shall within 30 days:

51 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
52 in whole or in part; and/or

53 (2) direct the operator in writing to submit specific changes or additional information within a
54 timeframe specified by the EA.

55 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
56 (d)(1) or (d)(2).
57

58 Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
59 Sections 43020, 43021 and 43209.1, Public Resources Code.

1
2
3 **Article 6. Composting Operating Standards**
4

5 **§ 17867. General Operating Standards.**

6 (a) All compostable materials handling operations and facilities shall meet the following requirements:

7 (1) All handling activities are prohibited from composting any material specified in section 17855.2
8 of this Chapter.

9 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
10 cause a nuisance.

11 ~~(23)~~ All handling activities shall be conducted in a manner that minimizes vectors, ~~odor impacts,~~
12 litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
13 ingestion, and transportation of dust, particulates, and pathogenic organisms.

14 ~~(34)~~ Random load checks of feedstocks, additives, and amendments for contaminants shall be
15 conducted.

16 ~~(45)~~ Contamination of compostable material that has undergone pathogen reduction, pursuant to
17 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
18 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

19 ~~(56)~~ Unauthorized human or animal access to the facility shall be prevented.

20 ~~(67)~~ Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
21 manner.

22 ~~(78)~~ All compostable materials handling operations and facilities, that are open for public business,
23 shall post legible signs at all public entrances. These signs shall include the following information:

24 (A) name of the operation or facility,

25 (B) name of the operator,

26 (C) facility hours of operation,

27 (D) materials that will and will not be accepted, if applicable,

28 (E) schedule of charges, if applicable, and

29 (F) phone number where operator or designee can be reached in case of an emergency.

30 ~~(89)~~ The operator shall provide fire prevention, protection and control measures, including, but not
31 limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
32 and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
33 to allow fire control equipment access to all operation areas.

34 ~~(910)~~ The operator shall provide telephone or radio communication capability for emergency
35 purposes.

36 ~~(1011)~~ Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
37 material shall be removed from the site within 7 days and transported to an appropriate facility.

38 ~~(1112)~~ Enclosed operations and facilities shall provide ventilation to prevent adverse public health
39 effects from decomposition gases.

40 ~~(1213)~~ The operator shall ensure that leachate is controlled to prevent contact with the public.

41 ~~(1314)~~ The operator shall prevent or remove physical contaminants in compost and chipped and
42 ground materials that may cause injury to humans.

43 ~~(1415)~~ An attendant shall be on duty during business hours if the operation or facility is open to the
44 public.

45
46 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
47 43020 and 43021, Public Resources Code.
48
49

50 **Article 7. Environmental Health Standards**

51 **§ 17868.1. Sampling Requirements.**

52 All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
53 and all composting facilities shall meet the following requirements:

54 (a) Operators shall verify that compost meets s the maximum acceptable metal concentration limits
55 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.

56 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
57 occur at-prior to the point where compost is ~~sold and~~ removed from the site, ~~bagged for sale, given~~
58 ~~away for beneficial use and removed from the site~~ or ~~otherwise~~ beneficially used on-site. Sample-Test
59

1 results of samples must be received by the operator prior to removing compost from the composting
2 operation or facility where it was produced. This verification shall be performed by taking and
3 analyzing at least one composite sample of compost, following the requirements of this section as
4 follows:

5 (1) An operator who composts agricultural material, green material, food material, vegetative food
6 material, or mixed solid waste material shall take and analyze one composite sample for every 5,000
7 cubic-yards of compost produced. If the compostable material handling operation or facility produces
8 less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one
9 composite sample of compost produced every 12 month period.

10 (2) An operator who composts biosolids shall meet the sampling schedule described in Table ~~±2~~
11 below.

12
13 Table ~~±2~~- Frequencies of Compost Sampling for Biosolids Composting Facilities
14

Amount of Biosolids Compost Feedstock (metric tons per 365 day period)	Frequency
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

15 (A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

16 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section
17 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health
18 Services, pursuant to the Health and Safety Code.

19 (b) A composite sample shall be representative and random, and may be obtained by taking twelve
20 (12) mixed samples as described below.

21 (1) The twelve samples shall be of equal volume.

22 (2) The twelve samples shall be extracted from within the compost pile as follows:

23 (A) Four samples from one-half the width of the pile, each at a different cross-section;

24 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

25 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

26 (c) The EA may approve alternative methods of sampling ~~for a green material composting operation or~~
27 ~~facility~~ that ensures the maximum metal concentration requirements of section 17868.2 and the
28 pathogen reduction requirements of section 17868.3 are met.
29

30
31 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
32 43020 and 43021, Public Resources Code.
33

34 **§ 17868.2. Maximum Metal Concentrations.**

35 (a) ~~Compost products derived from compostable materials that contain any metal in amounts that~~
36 shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in
37 Table ~~±3~~. Compost that contains any metal in excess of any maximum metal concentrations shall be
38 designated for ~~disposal~~, additional processing, disposal, or other use as approved by local, state or
39 and federal agencies having appropriate jurisdiction. ~~Sample Test~~ results of samples must be received
40 by the operator prior to removing compost from the composting operation or facility where it was
41 produced.
42

Table ~~±3~~ -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg)</i>
--------------------	------------------------------

on dry weight basis

Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200 (see subdivision (a)(1) below)
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 100
Zinc (Zn)	2800

1 (1) Although there is no maximum acceptable metal concentration for chromium in compost,
2 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
3 produce to be determined in connection with the analysis of other metals. Operators shall maintain
4 records of all chromium concentrations together with their records of other metal concentrations.

5 (b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section,
6 including but not limited to sampling frequencies, may be approved by the EA for green and food
7 materials composting operations and facilities if the EA determines that the alternative method will
8 ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.

9
10 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
11 43020 and 43021, Public Resources Code.

12 **§ 17868.3. Pathogen Reduction.**

13 (a) ~~Compost products derived from compostable materials, that contains pathogens in amounts that~~
14 ~~shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this~~
15 ~~section. Compost that contains any pathogens in amounts that exceed these pathogen reduction~~
16 ~~requirements shall be designated for disposal, additional processing, disposal, or other use as~~
17 ~~approved by local, state or federal agencies having appropriate jurisdiction. Sample Test results of~~
18 ~~samples must be received by the operator prior to removing compost from the composting operation~~
19 ~~or facility where it was produced.~~

20 (b) Operators that produce compost shall ensure that:

21 (1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be
22 less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
23 Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4)
24 grams of total solids (dry weight basis).

25 (2) At enclosed or within-vessel composting process operations and facilities, active compost shall
26 be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
27 pathogen reduction period of 3 days.

28 (A) Due to variations among enclosed and within-vessel composting system designs, including
29 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
30 application to meet the requirements of Subdivision (b)(2) of this section.

31 (3) If the operation or facility uses a windrow composting process, active compost shall be
32 maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit)
33 or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is
34 maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the
35 windrow.

36 (4) If the operation or facility uses an aerated static pile composting process, all active compost
37 shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained
38 at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
39 period of 3 days.

40 ~~(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may~~
41 ~~be approved by the EA if the EA determines that the alternative method will provide equivalent~~
42 ~~pathogen reduction.~~

43 ~~(d) Compost operations and facilities that utilize a windrow composting process or an aerated static~~
44 ~~pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b)~~
45 ~~of this section are met:~~

1 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
2 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
3 fraction thereof.

4 (2) Temperature measurements for pathogen reduction shall be measured as follows:

5 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
6 four (24) inches below the pile surface;

7 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
8 inches from the point where the insulation cover meets the active compost.

9 (d) Alternative methods of compliance to meet the pathogen reduction requirements of this section
10 may be approved by the EA if the EA determines that the alternative method will provide equivalent
11 pathogen reduction.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020 and 43021, Public Resources Code.

15
16 **§ 17868.3.1. Physical Contamination Limits.**

17 **This section shall become operative January 1, 2018.**

18 (a) Compost shall not contain more than ~~0.1-0.5%~~ by dry weight of physical contaminants greater than
19 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4
20 millimeters. Compost that contains ~~more than 0.1% by weight of physical contaminants greater than 4~~
21 ~~millimeters in excess of either one or both of these limits shall be designated for disposal,~~ additional
22 processing, disposal or other use as approved by local, state or federal agencies having appropriate
23 jurisdiction. Verification of physical contamination limits shall occur ~~at-prior to~~ the point where
24 compost is ~~sold and~~ removed from the site, ~~bagged for sale, given away for beneficial use and~~
25 ~~removed from the site or otherwise~~ or beneficially used on-site. ~~Sample-Test results of samples must~~
26 be received by the operator prior to removing compost from the composting operation or facility
27 where it was produced.

28 ~~(b) Upon request of the EA, a compostable material handling operation shall take a sample of compost~~
29 ~~and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected~~
30 ~~and weighed, and the percentage of physical contaminants determined.~~

31 ~~(c) All compostable material handling facilities shall take one representative sample for every 5,000~~
32 ~~cubic yards of compost and send to a laboratory at which physical contaminants greater than 4~~
33 ~~millimeters shall be collected and weighed, and the percentage of physical contaminants determined.~~

34 (b) The operator of a compostable material handling operation or facility shall sample every 5,000
35 cubic-yards of compost produced and determine the percentage of physical contaminants greater than
36 4 millimeters in the sample using a method that provides accurate results and has been approved by
37 the EA. If the compostable material handling operation or facility produces less than 5,000 cubic-yards
38 of compost in a 12 month period, the operator shall analyze at least one composite sample of compost
39 produced every 12 month period.

40 (c) If the EA has reason to believe, based on the EA's visual observation or otherwise, that a
41 determination of percent physical contaminants made pursuant to section 17868.3.1(b) is not
42 accurate, the EA may require an operator of a compostable material handling operation or facility to
43 take a composite sample of compost in the presence of the EA and send the sample to a laboratory at
44 which physical contaminants greater than 4 millimeters shall be collected and weighed to determine
45 the percentage of physical contaminants by dry weight using the following protocol:

46 (1) Determine the total dry weight of the composite sample as obtained in section 17868.3.1(d);

47 (2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
48 determine the dry weight of the physical contaminants;

49 (3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
50 contaminants by the total dry weight of the composite sample.

51 (d) Any sampling conducted to comply with this section shall require a composite sample. A
52 composite sample shall be representative and random, and may be obtained by taking twelve (12)
53 mixed samples as described below.

54 (1) The twelve samples shall be of equal volume.

55 (2) The twelve samples shall be extracted from within the compost pile as follows:

56 (A) Four samples from one-half the width of the pile, each at a different cross-section;

57 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

58 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

1 (e) Alternative methods of compliance to meet the requirements of this section may be approved by
2 the EA if the EA determines that the alternative method will ensure the physical contamination limits
3 requirements of this section are met.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 43020 and 43021, Public Resources Code.

7
8 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

9 In order for a feedstock to be considered ~~g~~Green material, as defined in section 17852(a)(21), and
10 vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
11 requirements shall be met:

12 (a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
13 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
14 loads and load sorting to quantify the percentage of contaminating materials physical contaminants
15 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
16 material or vegetative food material).

17 (1) A minimum of ~~one-ten~~ percent of daily incoming feedstock volume or at least one truck per day,
18 whichever is greater, shall be inspected visually. If a visual load check indicates a physical
19 contamination level greater than 1.0 percent, a representative sample shall be taken, physical
20 contaminants shall be collected and weighed, and the percentage of physical contaminants
21 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
22 weight or if the load contains materials that do not meet the definitions of green material in section
23 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

24 (b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative
25 sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of
26 physical contaminants determined.

27 ~~(c) Any agricultural material handling operation using this material shall ensure the feedstock meets~~
28 ~~the metal concentration limits specified in Table 2 of section 17868.2.~~

29 ~~(d)~~ Facility personnel shall be adequately trained to perform the activities specified in this section.

30 ~~(e)~~(d) Any operation or facility using this feedstock shall maintain records demonstrating compliance
31 with this section.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
34 43020 and 43021, Public Resources Code.

35
36
37 **Article 8. Composting Operation and Facility Records**

38
39 **§ 17869. General Record Keeping Requirements.**

40 Except as provided in subsection (d), all compostable materials handling operations and facilities shall
41 meet the following requirements:

42 (a) All records required by this Chapter shall be kept in one location and accessible for five (5) years
43 and shall be available for inspection by authorized representatives of the ~~board~~ Department, EA local
44 health entity, and other duly authorized regulatory and EAs during normal working hours.

45 (b) The operator shall record any special occurrences encountered during operation and methods used
46 to resolve problems arising from these events, including details of all incidents that required
47 implementing emergency procedures.

48 (c) The operator shall record any public complaints received by the operator, including:

49 (1) the nature of the complaint,

50 (2) the date the complaint was received,

51 (3) if available, the name, address, and telephone number of the person or persons making the
52 complaint, and

53 (4) any actions taken to respond to the complaint.

54 (d) The operator shall record the quantity and type of feedstock received and quantity of compost and
55 chipped and ground material produced. Agricultural compostable materials handling operations shall
56 maintain records only for compostable material accepted from off-site.

57 (e) The operator shall record the number of load checks performed and loads rejected.

1 (f) The operator shall record all test results generated by compliance with Article 7 of this Chapter,
2 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
3 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

4 (1) The operator shall retain records detailing pathogen reduction methods.

5 (g) The operator shall record and retain records of any serious injury to the public occurring on-site
6 and any complaint of adverse health effects to the public attributed to operations. Serious injury
7 means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which
8 a member of the public suffers a loss of any member of the body or suffers any degree of permanent
9 disfigurement.

10 (h) The operator shall retain a record of training and instruction completed in accordance with section
11 17867.5.

12
13 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
14 43020 and 43021, Public Resources Code.

15 16 17 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

18 19 20 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

21 22 **§ 17896.1. Authority and Scope.**

23 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel
24 digestion operations and facilities that receive and process by means of in-vessel digestion solid
25 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of
26 sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to
27 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of
28 this Division, may still be subject to the regulatory requirements specified in this Chapter.

29 (b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated
30 Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code,
31 as amended. These regulations should be read together with the Act.

32 (c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This
33 Chapter establishes standards and regulatory requirements for the intentional processing of organic
34 material by means of in-vessel digestion.

35 (d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage,
36 handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and
37 facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to
38 enforce any provision of law that it is authorized or required to enforce or administer, nor limits or
39 restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than
40 the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws
41 which otherwise conflict with the provisions of this Chapter.

42 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from
43 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,
44 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including
45 but not limited to, local health agencies, regional water quality control boards, Department of Toxic
46 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and
47 Health, air quality management districts or air pollution control districts, local land use authorities, and
48 fire authorities.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 40053, 43020 and 43021, Public Resources Code.

52 53 **§ 17896.2. Definitions.**

54 (a) For the purposes of this Chapter:

55 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from
56 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and
57 similar activities undertaken for the production of food or fiber for human or animal consumption or
58 use, which is separated at the point of generation, and which contains no other solid waste. With the
59 exception of grape pomace, agricultural material has not been processed except at its point of

1 generation and has not been processed in a way that alters its essential character as a waste resulting
2 from the production of food or fiber for human or animal consumption or use. Material that is defined
3 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.
4 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape
5 pomace, and crop residues.

6 (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

7 (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion
8 operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

9 (4) "Compost" means the product resulting from the controlled biological decomposition of organic
10 solid wastes that are source separated from the municipal solid waste stream, or which are separated
11 at a centralized facility.

12 (5) "Contact Water" means water that has come in contact with waste and may include leachate.

13 (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has
14 been processed in an in-vessel digester.

15 (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic
16 solid wastes. Digestion includes:

17 (A) Aerobic digestion - the controlled biological decomposition of organic material in the presence
18 of oxygen.

19 (B) Anaerobic digestion - the controlled biological decomposition of organic material in the
20 absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a
21 residual digestate.

22 (C) Other controlled biological decomposition processes.

23 (8) "Dairy In-vessel Digestion Operation" means, ~~except as otherwise specified in section~~
24 ~~17896.6(a)(3), a dairy that receives imported solid waste feedstock, for purposes of co-digestion, with~~
25 ~~manure in an in-vessel digester, imported solid waste feedstock with manure and other agricultural~~
26 ~~materials in accordance with Waste Discharge Requirements issued by a Regional Water Quality~~
27 ~~Control Board. The Dairy In-vessel Digestion Operation may also co-digest agricultural material.~~

28 (9) "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of
29 digestion in an in-vessel digester, unsold products from retail stores to which the products were
30 originally sent. All unsold products shall be collected and processed in covered, leak-proof containers,
31 and remain in the custody of the owner at all times. All ~~unsold products that are putrescible material~~
32 shall be refrigerated at the retail store and during transport to the operation.

33 (10) "EA" means enforcement agency as defined in PRC section 40130.

34 (11) "Film plastic" means sheet plastic 10 mil or less in thickness.

35 (12) "Food Material" means a waste material of plant or animal origin that results from the
36 preparation or processing of food for animal or human consumption and that is separated from the
37 municipal solid waste stream. Food material includes, but is not limited to, food waste from food
38 facilities as defined in Health and Safety Code section 113789 (such as restaurants), food processing
39 establishments as defined in Health and Safety Code section 111955, grocery stores, institutional
40 cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material
41 does not include any material that is required to be handled only pursuant to the California Food and
42 Agricultural Code and regulations adopted pursuant thereto.

43 (A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant
44 material and is separated from other food material and the municipal solid waste stream. Vegetative
45 food material may be processed or cooked but must otherwise retain its essential natural character
46 and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
47 material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
48 spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent
49 physical contaminants by dry weight, and meets the requirements of section 17896.61.

50 ~~(13)~~ "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22,
51 section 66261.3, et seq.

52 ~~(14)~~ "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire
53 digestion process occurs.

54 ~~(15)~~ "Large Volume In-vessel Digestion Facility" means a facility that receives ~~an average greater~~
55 ~~than 100 tons or more~~ of solid waste per operating day ~~or greater than 700 tons (2,800 cubic yards)~~
56 ~~per week of solid waste~~ for digestion in an in-vessel digester.

57 ~~(16)~~ "Limited Volume In-vessel Digestion Operation" means an operation that receives less than
58 an average of 15 tons (or 60 cubic yards) of solid waste per operating day ~~for digestion in an in-vessel~~
59 ~~digester. The amount of solid waste the operation receives but~~ shall not exceed 105 tons (or 420 cubic

yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the operation shall not exceed ~~or the~~ solid waste quantity storage capacity limitations of the general design of the operation ~~(whichever is less).~~

~~(1517)~~ "Litter" means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

~~(1618)~~ "Manure" is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

~~(1719)~~ "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of between 15 tons (or 60 cubic yards) and or more but less than 100 tons of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives but shall not exceed be less than 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the facility shall not exceed or the solid waste quantity storage capacity limitations of the general design of the operation facility ~~(whichever is less).~~

~~(1820)~~ "Nuisance" includes 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. The extent of annoyance or damage inflicted upon an individual may be unequal.

~~(1921)~~ "On-site" means located within the boundary of the operation or facility.

~~(2022)~~ "Operating Day" means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

~~(2123)~~ "Operating Record" means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

~~(2224)~~ "Operations Area" means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:

1. equipment management area, including cleaning, maintenance, and storage areas; and
2. material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.

(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.

~~(2325)~~ "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:

- (A) complying with regulatory requirements set forth in these Articles;
- (B) complying with all applicable federal, state and local requirements;
- (C) the design, construction, and physical operation of the operations area;
- (D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

~~(2426)~~ "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

~~(27)~~ "Physical Contamination" or "Contaminants" means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

1 ~~(2528)~~ "Putrescible Wastes" include wastes that are capable of being decomposed by micro-
2 organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other
3 offensive conditions, and include materials such as, but not limited to food wastes, offal and dead
4 animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible
5 wastes.

6 ~~(29)~~ "Rendering" means all recycling, processing, and conversion of animal and fish materials and
7 carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the
8 animal, poultry, and pet food industries and other industries, as defined in Food and Agricultural Code
9 section 19213.

10 ~~(2630)~~ "Salvaging" means the controlled separation of solid waste material which do not require
11 further processing, for reuse or recycling prior to in-vessel digestion activities.

12 ~~(2731)~~ "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

13 ~~(2832)~~ "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids
14 and air-borne emissions during the entire digestion process to control odors or other nuisance
15 conditions.

16 ~~(2933)~~ "Sealed Structure" means a fully enclosed building capable of containing liquids and
17 controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other
18 nuisance conditions.

19 ~~(3034)~~ "Special Waste" includes but is not limited to:

20 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as
21 defined in Title 22, section 66260.10.

22 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

23 ~~(3135)~~ "Spotter" means an employee who conducts activities that include, but are not limited to,
24 traffic control, hazardous waste recognition and removal for proper handling, storage and transport or
25 disposal, and protection of the public from health and/or safety hazards.

26 ~~(3236)~~ "Store" means to stockpile or accumulate for later use.

27
28 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
29 40053, 43020 and 43021, Public Resources Code.

30 **§ 17896.3. Pre-Existing Permits and Notifications.**

31
32 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to
33 [operative date of these regulations], that facility may continue to operate in accordance with its
34 permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
35 sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA
36 makes such a determination, the operator shall comply with this Chapter within two years of that
37 determination.

38 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with
39 regulations in effect prior to [operative date of these regulations], that operation may continue to
40 operate in accordance with its EA Notification or regulatory authorization until the EA determines that
41 regulation under this Chapter is required. The EA shall make this determination no sooner than 120
42 days and no later than two years from [operative date of these regulations]. If the EA determines that
43 regulation under this Chapter is required, the operator shall comply with this Chapter within two years
44 of that determination.

45 (c) If an activity had previously been excluded from regulations in effect prior to [operative date of
46 these regulations], that activity may continue to operate in accordance with its regulatory exclusion
47 until the EA determines that regulation under this Chapter is required. The EA shall make this
48 determination no sooner than 120 days and no later than two years from [operative date of these
49 regulations]. If the EA determines that regulation under this Chapter is required, the operator shall
50 comply with this Chapter within two years of that determination.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 43020 and 43021, Public Resources Code.

54 **§ 17896.4. Permit Name.**

55
56 Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall
57 be entitled: "In-vessel Digestion Facility Permit."

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.

Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Anaerobically digestible materials at POTWs Section 17896.6(a)(1)	Research In-Vessel Digestion Operations Section 17896.8	Medium Volume In-Vessel Digestion Facilities ↔ [average between 15 tpd (60 yd ³) or 15 tpd and <100 tpd, <u>not to exceed 700 tpd (2,800 yd³)</u>] Section 17896.12	Large Volume In-Vessel Digestion Facilities ↔ [average > 100 tpd, average > 700 tpd (2,800 yd ³)] Section 17896.13
Ag material derived from ag site & returned to same site Section 17896.6(a)(2)	Dairy In-Vessel Digestion Operations Section 17896.9		
	Distribution Center In-Vessel Digestion Operations Section 17896.10		
In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)	Limited Volume In-Vessel Digestion Operations ↔ [average < 15 tpd (60 yd ³) or 15 tpd <u>not to exceed 105 tpd (420 yd³)</u>] Section 17896.11		
Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)			

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.6. Excluded Activities.

(a)The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

1 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
2 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
3 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
4 Treatment Plant wastewater, is excluded under the following conditions:

5 (A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant.
6 Once on-site, the anaerobically digestible material must be pumped or off-loaded directly into a
7 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
8 digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be
9 screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and
10 conveyed in a contained system. Any separated material at the POTW that is not suitable for
11 anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

12 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance
13 of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality
14 Control Board that those Standard Operating Procedures are being implemented, and a Standard
15 Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

16 1. has been incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
17 National Pollutant Discharge Elimination System permit; or

18 2. will be incorporated into the POTW Treatment Plant's Waste Discharge Requirements or
19 National Pollutant Discharge Elimination System permit no later than the next permit renewal.

20 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen
21 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title
22 14, CCR, ~~Section 17852(a)(20)-17896.2(a)(12)~~ and vegetative food material as defined in Title 14,
23 CCR, ~~Section 17852(a)(20)(A)-17896.2(a)(12)(A).~~

24 (D) For the purpose of this exclusion, the Department, in consultation with the State Water
25 Resources Control Board and the California Department of Food and Agriculture, will on a case-by-
26 case basis, review and consider approval of additional types of organic materials as potential
27 "anaerobically digestible material" beyond those specified in section 17896.6(a)(1)(C) in accordance
28 with the following:

29 1. Receipt of a written request to the Department from the General Manager or designee of a
30 POTW Treatment Plant.

31 a. The written request must contain the following information:

- 32 i. The purpose of the request.
33 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
34 organic waste material with the POTW wastewater.
35 iii. Types of organic material requested for classification as an anaerobically digestible
36 material.
37 iv. The source(s) of the waste material.
38 v. A description of how the waste material will be handled, processed, stored and
39 transported (before and after receipt at the POTW Treatment Plant).
40 vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
41 to accommodate the new waste materials.
42 vii. Available laboratory test results, engineering reports, research or study to support the
43 request.
44 viii. Data and/or reports if this waste material has been used without incident at a different
45 POTW Treatment Plant.
46 ix. The name, addresses and phone numbers for the General Manager and designee of the
47 POTW Treatment Plant.

48 b. Upon receipt of the written request, the Department will communicate and coordinate the
49 request with and between the State Water Resources Control Board and the California Department of
50 Food and Agriculture and will complete the following actions:

51 i. Within 10 days of receipt, send written confirmation to the General Manager and designee
52 of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate
53 Department staff, as well as to the State Water Resources Control Board and California Department of
54 Food and Agriculture staff contacts for review;

55 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board
56 and California Department of Food and Agriculture staff contacts;

57 iii. Prior to the meeting, Department staff will review the letter and identify questions
58 and/or issues with the request and make a list of recommendations;

1 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
2 representative does not attend the meeting, comments will be accepted by the Department up to
3 close of business on the 45th day after receipt;

4 v. Within 60 days of receipt, the Department will provide a written decision to the General
5 Manager and designee of the POTW Treatment Plant stating one of the following:

6 I. The waste type has or has not been determined to be an anaerobically digestible
7 material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory
8 Requirements (pursuant to ~~S~~section 17896.6(a)(1)(C) and the Transfer/Processing Operations and
9 Facility Regulatory Requirements (pursuant to ~~S~~section 17403.1(a)(8));

10 II. The agencies, based on the information provided, were unable to reach a
11 determination and additional information is required before a determination can be made; or

12 III. The agencies have determined that additional research or study will need to be
13 conducted and the results analyzed prior to a determination made by the agencies.

14 IV. If additional information, research or study is necessary, the Department will consult
15 with the General Manager or designee of the POTW, the State Water Resources Control Board and
16 California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
17 either reviewing the additional information or for reviewing a proposed scope of work and timeline for
18 additional research or study.

19 2. For the purpose of this exclusion, if an organic waste material is determined by the
20 Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
21 wastewater, the POTW Treatment Plant must comply with section 17896.6(a)(1)(A) prior to receipt of
22 the material at the POTW Treatment Plant.

23 (2) In-vessel digestion of agricultural material ~~is an excluded activity if the agricultural material is~~
24 derived from an agricultural site and the digestate or compost produced from digestate is returned to
25 that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary
26 of the agricultural site on which the in-vessel digester is located. No more than an incidental amount
27 of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.
28 Digestate that is not composted may not be given away or sold.

29 (3) In-vessel digestion at a dairy involving the co-digestion of manure with agricultural material
30 derived on-site, imported agricultural material, and/or imported vegetative food material in
31 accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

32 (A) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a
33 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
34 digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise
35 separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained
36 system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no
37 beneficial use shall be further managed as a solid waste.

38 (B) No more than an incidental amount of up to 1,000 cubic yards of compost produced from
39 digestate may be given away or sold annually. Digestate that is not composted may not be given
40 away or sold.

41 (34) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock,
42 and digestate on-site are excluded.

43 [Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits,
44 licenses, or other clearances that may be required by other regulatory agencies including, but not
45 limited to local health entities and local land use authorities.]

46 (5) Rendering activities, authorized by the California Department of Food and Agriculture pursuant
47 to section 19300 of the Food and Agricultural Code, in which no solid waste feedstock bypasses the
48 rendering process.

49 (46) Other discrete handling activities that are already subject to more stringent handling
50 requirements under Federal or State law, as determined by the EA in consultation with the
51 Department, are excluded.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

56 **§ 17896.7. Prohibitions.**

57 The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
58 where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

- 1 (a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
2 organs, hide, blood, bone and marrow, except when received:
3 (1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or
4 residential food scrap collection; or
5 (2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other
6 public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or
7 (3) from a source approved by the Department in consultation with the State Water Resources
8 Control Board and the California Department of Food and Agriculture.
9 (b) The in-vessel digestion of **treated or untreated** medical waste.
10 (c) The in-vessel digestion of hazardous waste.

11
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
13 40053, 43020 and 43021, Public Resources Code.

14
15 **§ 17896.8. Research In-Vessel Digestion Operations.**

- 16 (a) An operator conducting research in-vessel digestion operations shall comply with the EA
17 Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0,
18 Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.
19 (b) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
20 Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of
21 the research to be performed, research objectives, methodology/protocol to be employed, data to be
22 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
23 projected timeframe for completion of the research operation.
24 (c) After no more than a two year period of operation, the operator of a research in-vessel digestion
25 operation shall submit to the EA a report that includes the results and conclusions drawn from the
26 research. If the EA determines, based on the report, that there are further research objectives to be
27 met or data to be gathered, the EA may extend the research for a specified time period not to exceed
28 two years. If the EA determines based on the report that there are no further research objectives to
29 be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
30 section 17896.41, **or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior**
31 **to continuing operations.**
32 (d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
33 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
34 health, safety, or environmental protection concern, shall satisfy the following additional
35 requirements:
36 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
37 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
38 site.
39 (2) The operator shall prepare, implement and maintain a site-specific, research in-vessel digestion
40 operation site security plan. The research in-vessel digestion site security plan shall include a
41 description of the methods and facilities to be employed for the purpose of limiting site access and
42 preventing the movement of unauthorized material on to or off of the site.
43 (3) After no more than a six-month period of operation the operator of a research in-vessel
44 digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report
45 that includes the results and conclusions drawn from the research and documentation of additional
46 requirements of this section. If the EA determines based on the report that there are further research
47 objectives to be met or data to be gathered, the EA may extend the research for a specified time
48 period not to exceed two years. If the EA determines based on the report that there are no further
49 research objectives to be met or data to be gathered, the operator shall conduct site restoration at the
50 facility pursuant to section 17896.41, **or obtain other appropriate authorization pursuant to Article 1 of**
51 **this Chapter prior to continuing operations.**
52 (e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2). to
53 the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that
54 the EA Notification for research in-vessel digestion operations is complete and correct only if the
55 additional documentation requirements of this section have been met.
56 (f) These operations shall be inspected by the EA at least once every three (3) months unless the EA
57 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
58 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
59 the environment but in no case shall the frequency be less than once per calendar year. [Note: See

1 section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
2 of requests for reducing the frequency of inspections.]

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 43020 and 43021, Public Resources Code.

6
7 **§ 17896.9. Dairy In-Vessel Digestion Operations.**

8 (a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth
9 in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with
10 section 18100).

11 (1) These operations shall be inspected by the EA at least once a month for the first 12 months of
12 operation. After the first 12 months of operation the EA may approve, with Department concurrence, a
13 reduced inspection frequency of once every three months. After the first 24 months of operation the
14 EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar
15 year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to
16 public health and safety or the environment. *[Note: See section 18083(a)(3) for additional EA and*
17 *Department requirements regarding the approval or denial of requests for reducing the frequency of*
18 *inspections.]*

19 (2) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a
20 covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-
21 digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise
22 separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained
23 system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no
24 beneficial use shall be further managed as a solid waste.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 43020 and 43021, Public Resources Code.

28
29 **§ 17896.10. Distribution Center In-Vessel Digestion Operations.**

30 (a) All distribution center in-vessel digestion operations shall comply with the EA Notification
31 requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0
32 (commencing with section 18100).

33 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
34 EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a
35 lesser inspection frequency if it will not pose an additional risk to public health and safety and the
36 environment but in no case shall the frequency be less than annual. The EA shall submit, for
37 concurrence, a copy of the operator request and EA-proposed approval to the Department. *[Note:*
38 *See section 18083(a)(3) for additional EA and Department requirements regarding the approval or*
39 *denial of requests for reducing the frequency of inspections.]*

40
41 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
42 43020 and 43021, Public Resources Code.

43
44 **§ 17896.11. Limited Volume In-Vessel Digestion Operations.**

45 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
46 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
47 Code of Regulations (commencing with section 18100).

48 (1) These operations shall be inspected by the EA at least once every three (3) months unless the
49 EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a
50 lesser inspection frequency if it will not pose an additional risk to public health and safety and the
51 environment but in no case shall the frequency be less than annual. The EA shall submit, for
52 concurrence, a copy of the operator request and EA-proposed approval to the Department. *[Note:*
53 *See section 18083(a)(3) for additional EA and Department requirements regarding the approval or*
54 *denial of requests for reducing the frequency of inspections.]*

55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
57 40053, 43020 and 43021, Public Resources Code.

58
59 **§ 17896.12. Medium Volume In-Vessel Digestion Facilities.**

1 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
2 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
3 (commencing with section 18104).

4 (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

5
6 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
7 40053, 43020 and 43021, Public Resources Code.

8
9 **§ 17896.13. Large Volume In-Vessel Digestion Facilities.**

10 All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in
11 accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter
12 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The
13 In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility
14 Information required by section 21570(f)(2) of Title 27.

15 (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

16
17 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
18 40053, 43020 and 43021, Public Resources Code.

19
20 **§ 17896.14. In-Vessel Digestion Facility Plan.**

21 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section
22 17896.2(a)(~~1719~~) shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section
23 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it
24 is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.15. In-Vessel Digestion Report.**

30 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section
31 17896.2(a)(~~1315~~) shall file with the EA an "In-Vessel Digestion Report" (as specified in section
32 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant
33 to Title 27, section 21570, which proposes to change the facility's operations, or to change the solid
34 waste facility permit shall do one of the following:

35 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or

36 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

37
38 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
39 40053, 43020 and 43021, Public Resources Code.

40
41 **§ 17896.16. Applicability of State Minimum Standards.**

42 (a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
43 vessel digestion operations and facilities, except as noted in ~~S~~section 17896.1.(a).

44 (b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
45 digestion facilities.

46 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
47 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
48 shall place a copy of each approval, determination and other requirement in the operating record
49 together with those records identified in sections 17896.45 and 17896.46.

50 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
51 method of compliance with the standard. These provisions are not intended to allow the EA to change
52 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
53 alternative method of meeting the existing standard which provides equivalent protection of the public
54 health and safety and the environment as the existing standard. For facilities that require a full solid
55 waste facility permit, the EA may choose to include the approved alternative method of compliance as
56 a term and condition of the solid waste facility permit, rather than in the manner authorized by
57 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
58 the method may require a revision to the solid waste facility permit in accordance with the procedures

1 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
2 (commencing with section 21570).

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 40053, 43020 and 43021, Public Resources Code.

6 7 8 **Article 2. Siting and Design**

9 10 **§ 17896.17. Siting On Landfills.**

11 (a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
12 closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
13 California Code of Regulations, section 21190.

14 (b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
15 solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by
16 natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or
17 failure of pads or structural foundations.

18 (c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a
19 solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or
20 with the closure or postclosure maintenance of the landfill.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 40053, 43020 and 43021, Public Resources Code.

24 25 **§ 17896.18. General Design Requirements.**

26 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as
27 appropriate, from persons competent in engineering, architecture, landscape design, traffic
28 engineering, air quality control, water quality protection and design of structures.

29 (b) The design shall be based on appropriate data regarding the expected service area, anticipated
30 nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land
31 use (existing and planned), types and number of vehicles anticipated to enter the operation or facility,
32 adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
33 other pertinent information. If the operation or facility is to be used by the general public, the design
34 shall take account of safety features that may be needed to accommodate such public use.

35 (c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the
36 unloading area to as small an area as practicable, provide adequate control of windblown material,
37 minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances
38 by reason of solid wastes being handled at the operation. Other factors which shall be taken into
39 consideration are: dust control, noise control, public safety, and other pertinent matters related to the
40 protection of public health at the operation or facility.

41 (d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA
42 may require the applicant to describe how he or she has complied with applicable local and state
43 requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

44 (e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and
45 constructed to prevent loss of wastes from the container during storage. If such a container is used to
46 store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such
47 container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily
48 cleanable, designed for safe handling and constructed to prevent loss of wastes.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 40053, 43020 and 43021, Public Resources Code.

52 53 54 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

55 56 **§ 17896.19. Biogas Control.**

57 The operator of an in-vessel digestion operation or facility must take ~~precautions-adequate measures~~
58 to ~~minimize-prevent~~ the uncontrolled release of biogas that may have harmful effects on-site users
59 and the general public.

1
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
3 40053, 43020 and 43021, Public Resources Code.

4
5 **§ 17896.20. Cleaning.**

6 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
7 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
8 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

9 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;

10 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
11 least once every 24 hours.

12 (b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site
13 migration of waste materials.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.21. Drainage and Spill Control.**

19 (a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

20 (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;

21 (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
22 site migration of contact water;

23 (3) protect the integrity of roads and structures;

24 (4) protect the public health; and

25 (5) prevent safety hazards and interference with operations.

26 (b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
27 that occur.

28
29 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
30 40053, 43020 and 43021, Public Resources Code.

31
32 **§ 17896.22. Dust Control.**

33 (a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
34 excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
35 visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
36 the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
37 processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
38 following may be an indication that dust is excessive:

39 (1) safety hazards due to obscured visibility; or

40 (2) irritation of the eyes; or

41 (3) hampered breathing;

42 (4) migration of dust off-site.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.23. Hazardous, Liquid, and Special Wastes.**

48 (a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
49 including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
50 waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

51 (b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
52 discovered, control measures as are necessary to protect public health, safety and the environment,
53 such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
54 or removal from the operation or facility.

55 (c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
56 sludge wastes in a manner to protect public health, safety, and the environment.

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020 and 43021, Public Resources Code.

1
2 **§ 17896.24. Litter Control.**

3 Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
4 prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
5 possible given existing weather conditions.

6
7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 40053, 43020 and 43021, Public Resources Code.

9
10 **§ 17896.25. Load Checking.**

11 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
12 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
13 program must include at a minimum:

14 (1) the number of random load checks to be performed;

15 (2) a location for the storage of prohibited wastes removed during the load checking process that is
16 separately secured or isolated;

17 (3) records of load checks and the training of personnel in the recognition, proper handling, and
18 disposition of prohibited waste. A copy of the load checking program and copies of the load checking
19 records for the last year shall be maintained in the operating record and be available for review by the
20 appropriate regulatory agencies.

21
22 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
23 40053, 43020 and 43021, Public Resources Code.

24
25 **§ 17896.26. Maintenance Program.**

26 All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
27 The operator shall implement a preventative maintenance program to monitor and promptly repair or
28 correct deteriorated or defective conditions.

29
30 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
31 40053, 43020 and 43021, Public Resources Code.

32
33 **§ 17896.27. Medical Wastes.**

34 Medical waste, ~~unless treated and deemed to be solid waste, which is regulated pursuant to the~~
35 ~~Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code)~~
36 ~~whether treated or untreated,~~ shall not be accepted at an in-vessel digestion operation or facility,
37 unless approved by the appropriate regulatory agencies.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.28. Noise Control.**

43 Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
44 include but are not limited to: posting of warning signs that recommend or require hearing protection;
45 separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
46 transmission. Compliance with specific provisions regarding noise control in a local land use approval,
47 such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
48 this standard.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 40053, 43020 and 43021, Public Resources Code.

52
53 **§ 17896.29. Non-Salvageable Items.**

54 Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
55 pesticides and other materials capable of causing public health or safety problems shall not be
56 salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
57 the EA.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020 and 43021, Public Resources Code.

3
4 **§ 17896.30. Odor Best Management Practice Feasibility Report.**

5 (a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
6 (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
7 violations as determined pursuant to section 17896.31(f).

8 (b) The Report shall:

9 (1) Present representative and correlating odor data for each potential onsite odor source including
10 but not limited to: odor severity, odor characteristics, time and weather conditions when data was
11 collected, description of operations associated with the source, and any odor impacts or complaints
12 received;

13 (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
14 contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
15 order of impact;

16 (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

17 (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
18 Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
19 has used to minimize odor and analyze each BMP for the following:

- 20 1. The effectiveness of the BMP in reducing odor impacts;
- 21 2. The potential for more extensive use of the BMP to minimize odor impacts described by
22 complainants;
- 23 3. If the BMP has been operationally practical and if more extensive use of the BMP would be
24 operationally practical;
- 25 4. The approximate cost to implement a more extensive use of the BMP;
- 26 5. Any permits or permit changes necessary to use the BMP more extensively;
- 27 6. Overall recommendation if existing BMPs should be continued and if more extensive use of
28 the BMP is recommended; and
- 29 7. If the BMP has been found to be ineffective (include supporting data).

30 (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
31 Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
32 operator has not used and analyze each potential BMP to determine:

- 33 1. The potential for the BMP to reduce odor impacts described by complainants;
- 34 2. If the BMP is operationally practical;
- 35 3. The approximate cost to implement the BMP;
- 36 4. Any permits or permit changes necessary to use the BMP; and
- 37 5. Overall recommendation and ranking of implementing the BMP.

38 (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
39 the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

40 (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
41 the Department for review. If the EA has required the operator to prepare a Report pursuant to
42 subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
43 approved by the EA.

44 (d) The EA, in consultation with the Department, shall within 30 days:

45 (1) approve the Report and associated plan and direct the operator in writing to implement the plan
46 in whole or in part; and/or

47 (2) direct the operator in writing to submit specific changes or additional information within a
48 timeframe specified by the EA.

49 (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
50 (d)(1) or (d)(2).

51
52 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
53 Sections 43020, 43021 and 43209.1, Public Resources Code.

54
55 **§ 17896.31. Odor Minimization Plan.**

56 (a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
57 specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
58 Notification or permit application.

1 (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
2 describing, at a minimum, the following items. If the operator will not be implementing any of these
3 procedures, the plan shall explain why it is not necessary.

4 (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
5 proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
6 possible odor receptors; and,

7 (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
8 causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
9 described; and,

10 (3) a complaint response and recordkeeping protocol; and,

11 (4) a description of design considerations and/or projected ranges of optimal operation to be
12 employed in minimizing odor, including method and degree of aeration, moisture content of materials,
13 feedstock characteristics, airborne emission production, process water distribution, pad and site
14 drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
15 service interruptions, and site specific concerns as applicable; and,

16 (5) a description of operating procedures for minimizing odor, including aeration, moisture
17 management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
18 storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
19 power, and personnel), bio filtration, and tarping as applicable.

20 (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
21 provided to the EA, within 30 days of those changes.

22 (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
23 revisions are necessary.

24 (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
25 operation or facility is following the procedures established by the operator. If the EA determines that
26 the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
27 (pursuant to section 18304) to require the operator to either comply with the odor impact
28 minimization plan or to revise it.

29 (f) If the odor impact minimization plan is being followed and the EA determines, in a manner
30 consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
31 to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
32 in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
33 (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
34 measures to minimize odors unless:

35 (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

36 (2) there is an imminent threat to public health and safety and the environment; or

37 (3) a public nuisance has occurred.

38
39 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
40 Sections 43020, 43021 and 43209.1, Public Resources Code.

41 **§ 17896.32. Odor and Nuisance Control.**

42 Each in-vessel digestion operation and facility shall be conducted and maintained:

43 (a) in a manner that minimizes odor impacts so as to not cause a nuisance, and

44 (b) to otherwise prevent the creation of a nuisance.

45
46
47 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
48 40053, 43020 and 43021, Public Resources Code.

49 **§ 17896.33. Parking.**

50 Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
51 with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
52 conditional use permit or CEQA mitigation measures, shall be considered compliance with this
53 standard.

54
55
56 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
57 40053, 43020 and 43021, Public Resources Code.

58 **§ 17896.34. Personnel Health and Safety.**

59

1 The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
2 section 3203, shall be available for review by local and state inspectors during normal business hours.
3 Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 40053, 43020 and 43021, Public Resources Code.

7
8 **§ 17896.35. Pre-Digestion Solid Waste Handling.**

9 (a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
10 sealed structure or removed from the site within 48 hours from the time of receipt. This requirement
11 does not apply to putrescible waste stored in a sealed bag, bottle, or can.

12 (b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
13 of receipt or at an alternate frequency approved by the EA.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 40053, 43020 and 43021, Public Resources Code.

17
18 **§ 17896.36. Protection of Users.**

19 An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so
20 that contact between the public and solid wastes is minimized. This may be accomplished through the
21 use of railings, curbs, grates, fences, and/or spotters.

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 40053, 43020 and 43021, Public Resources Code.

25
26 **§ 17896.37. Roads.**

27 All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
28 and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
29 maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
30 all-weather access to the site.

31
32 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
33 40053, 43020 and 43021, Public Resources Code.

34
35 **§ 17896.38. Sanitary Facilities.**

36 The operator shall maintain all sanitary and hand-washing facilities ~~which may be required, by~~
37 ~~applicable state or local requirements,~~ in a reasonably clean and adequately supplied condition.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 40053, 43020 and 43021, Public Resources Code.

41
42 **§ 17896.39. Scavenging and Salvaging.**

43 Each in-vessel digestion operation or facility shall meet the following requirements:

44 (a) scavenging shall be prohibited;

45 (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part
46 of the operation, subject to conditions established by the EA, the local land use authority, or other
47 approving agencies.

48 (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with
49 other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious
50 entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging
51 activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly
52 identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety
53 or nuisance problems;

54 (d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation
55 or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-
56 site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in
57 the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize
58 risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a

1 specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel
2 Digestion Facility Plan, or In-vessel Digestion Facility Report.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.40. Signs.**

8 (a) For in-vessel digestion operations or facilities not open to the public, each point of access from a
9 public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or
10 facility name and location of nearest public operation or facility.

11 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public
12 entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
13 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,
14 or (2) WILL NOT be accepted.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 40053, 43020 and 43021, Public Resources Code.

18
19 **§ 17896.41. Site Restoration.**

20 All in-vessel digestion operations and facilities shall meet the following requirements:

21 (a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30
22 days prior to beginning site restoration.

23 (b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health,
24 safety, and the environment.

25 (c) The operator shall ensure that the following site restoration procedures are performed upon
26 completion of operations and termination of service:

27 (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues
28 including, but not limited to, digestate, compost materials, construction scraps, and other materials
29 related to the operations, and these residues legally recycled, reused, or disposed.

30 (2) All machinery shall be cleaned and removed or stored securely.

31 (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or
32 other residues related to the site restoration operations.

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
35 43020 and 43021, Public Resources Code.

36
37 **§ 17896.42. Supervision and Personnel.**

38 The operator shall provide adequate supervision and a sufficient number of qualified personnel to
39 ensure proper operation of the site in compliance with all applicable laws, regulations, permit
40 conditions and other requirements. The operator shall notify the EA in writing of the name, address
41 and telephone number of the operator or other person responsible for the operation. A copy of the
42 written notification shall be placed in the operating record.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 40053, 43020 and 43021, Public Resources Code.

46
47 **§ 17896.43. Training.**

48 Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site
49 solid waste operations and maintenance, hazardous materials recognition and screening, use of
50 mechanized equipment, environmental controls, emergency procedures and the requirements of this
51 Article. A record of such training history shall be maintained and made available for inspection.

52
53 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
54 40053, 43020 and 43021, Public Resources Code.

55
56 **§ 17896.44. Vector, Bird and Animal Control.**

57 The operator shall take adequate steps to control or prevent the propagation, harborage and
58 attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020 and 43021, Public Resources Code.

3 4 5 **Article 4. Record Keeping Requirements**

6 7 **§ 17896.45. Record Keeping Requirements.**

8 Each operator shall meet the following requirements:

9 (a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
10 residual weights or volumes in a form and manner approved by the EA. Such records shall be:
11 submitted to the EA or the Department upon request; be adequate for overall planning and control
12 purposes; and, be as current and accurate as practicable;

13 (b) All records required by this Chapter shall be kept by the operator in one location and accessible for
14 five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
15 agencies during normal working hours.

16 (c) The operator shall submit copies of specified records to the EA upon request or at a frequency
17 approved by the EA;

18 (d) The operator shall maintain a daily log book or file of special occurrences encountered during
19 operations and methods used to resolve problems arising from these events, including details of all
20 incidents that required implementing emergency procedures. Special occurrences shall include but are
21 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
22 prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
23 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
24 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
25 unless the EA determines that a less immediate form of notification will be sufficient to protect public
26 health and safety and the environment;

27 (e) The operator shall record any written public complaints received by the operator, including:

28 (1) the nature of the complaint,

29 (2) the date the complaint was received,

30 (3) if available, the name, address, and telephone number of the person or persons making the
31 complaint, and

32 (4) any actions taken to respond to the complaint;

33 (f) The operator shall maintain a copy of the written notification to the EA and local health agency of
34 the name, address and telephone number of the operator or other person(s) responsible for the
35 operations as required by section 17896.42;

36 (g) The operator shall maintain records of employee training as required by section 17896.43;

37 (h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809
38 et seq.

39 (i) The operator shall record all test results generated by compliance with Article 6 of this Chapter,
40 including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
41 Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

42 (1) The operator shall retain records detailing pathogen reduction methods.

43
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
45 40053, 43020 and 43021, Public Resources Code.

46 47 **§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and** 48 **Requirements.**

49 Approvals, determinations, and other requirements the EA is authorized to make under this Chapter
50 shall be provided in writing to the operator and placed in the operating record by the operator.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.

54 55 56 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**

57 58 **§ 17896.47. Communications Equipment.**

1 Each in-vessel digestion facility shall have adequate communication equipment available to site
2 personnel to allow quick response to emergencies.

3
4 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
5 40053, 43020 and 43021, Public Resources Code.

6
7 **§ 17896.48. Equipment.**

8 Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-
9 vessel digestion facility to meet all requirements of this Chapter.

10
11 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
12 40053, 43020 and 43021, Public Resources Code.

13
14 **§ 17896.49. Fire Fighting Equipment.**

15 Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly
16 maintained and located as required by the local fire authority.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 40053, 43020 and 43021, Public Resources Code.

20
21 **§ 17896.50. Housekeeping.**

22 The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility
23 equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap,
24 and similar items.

25
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
27 40053, 43020 and 43021, Public Resources Code.

28
29 **§ 17896.51. Lighting.**

30 The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either
31 through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of
32 operations, and public health, safety and the environment.

33
34 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
35 40053, 43020 and 43021, Public Resources Code.

36
37 **§ 17896.52. Site Attendant.**

38 An in-vessel digestion facility open to the public shall have an attendant present during public
39 operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as
40 approved by the EA to ensure that it meets all of the requirements of this Chapter.

41
42 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43 40053, 43020 and 43021, Public Resources Code.

44
45 **§ 17896.53. Site Security.**

46 The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and
47 vehicles through the use of either a perimeter barrier or topographic constraints.

48
49 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
50 40053, 43020 and 43021, Public Resources Code.

51
52 **§ 17896.54. Traffic Control.**

53 (a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
54 (1) interference with or creation of a safety hazard on adjacent public streets or roads,
55 (2) on-site safety hazards, and
56 (3) interference with operations.

57
58 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
59 40053, 43020 and 43021, Public Resources Code.

1
2 **§ 17896.55. Visual Screening.**

3 The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create
4 and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if
5 none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening
6 in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be
7 considered compliance with this standard.

8
9 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
10 40053, 43020 and 43021, Public Resources Code.

11
12 **§ 17896.56. Water Supply.**

13 A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use
14 (e.g., fire protection, first aid) shall be available.

15
16 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
17 40053, 43020 and 43021, Public Resources Code.

18
19
20 **Article 6. Digestate Handling Standards**

21
22 **§ 17896.57. Digestate Handling.**

23 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

24 (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
25 alternative handling method after determining the alternative method will not pose an additional risk
26 to public health and safety or the environment; or

27 (2) incorporated in an on-site aerobic compost process.

28 (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
29 facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section
30 ~~17896.4~~17896.13.

31 (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
32 requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
33 the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
34 physical contamination limits of section 17896.61; or

35 (3) removed from the site and either:

36 (A) transported as solid waste to another solid waste facility or operation for disposal, composting,
37 or additional processing; or

38 (B) used ~~or disposed~~ in a manner approved by local, state, and federal agencies having
39 appropriate jurisdiction ~~Any digestate that will be land applied must meet the requirements of section~~
40 ~~17852(a)(24.5).~~

41 ~~(C) disposed in a manner approved by local, state, and federal agencies having appropriate~~
42 ~~jurisdiction.~~

43 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
44 pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
45 section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal
46 concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
47 pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
48 the maximum physical contamination limits described in section 17896.61 shall be designated for
49 disposal, additional processing, or other use as approved by local, state agencies having appropriate
50 jurisdiction.

51
52 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
53 40053, 43020 and 43021, Public Resources Code.

54
55 **§ 17896.58. Sampling Requirements.**

56 (a) ~~Operators shall verify that compost produced at an in-vessel digestion facility (pursuant to section~~
57 ~~17896.57(a)(2)) meets the maximum metal concentrations limits specified in section 17896.59, and~~
58 ~~the pathogen reduction requirements specified in section 17896.60. This verification shall be~~
59 ~~performed by taking and analyzing a composite sample.~~ The sampling of compost produced at an in-

vessel digestion facility ~~(pursuant to section 17896.57(a)(2))~~ shall occur ~~at prior to~~ the point where the compost is removed from the site, ~~bagged for sale, given away for beneficial use and removed from the site~~ or ~~otherwise~~ beneficially used ~~on site~~. ~~Analytical results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by the operator prior to the sampled compost leaving the site. Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.~~

(b) ~~This s~~Sampling shall be performed by taking and analyzing at least one composite sample, following the requirements of this section as follows:

(1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced. ~~If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample every 12 month period.~~

(2) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health, pursuant to the Health and Safety Code.

(c) A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as follows:

(A) Four samples from one-half the width of the pile, each at a different cross-section;

(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

(C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(d) The EA may approve alternative methods of sampling that ensures the maximum metal concentration requirements of section 17896.59, ~~and the pathogen reduction requirements of section 17896.60, and the physical contamination limits requirements of section 17896.61,~~ as applicable, are met.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

§ 17896.59. Maximum Metal Concentrations.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for ~~disposal,~~ additional processing, ~~disposal,~~ or other use as approved by local, state and federal agencies having appropriate jurisdiction. ~~Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.~~

Table 2 - Maximum Acceptable Metal Concentrations

<u>Constituent</u>	<u>Concentration (mg/kg) on dry weight basis</u>
Arsenic (As)	<u>41</u>
Cadmium (Cd)	<u>39</u>
Chromium (Cr)	<u>(see subdivision (a)(1) below)</u>
Copper (Cu)	<u>1500</u>
Lead (Pb)	<u>300</u>
Mercury (Hg)	<u>17</u>
Nickel (Ni)	<u>420</u>
Selenium (Se)	<u>100</u>
Zinc (Zn)	<u>2800</u>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

1 (b) Alternative methods of compliance to meet the requirements of this section may be approved by
2 the EA if the EA determines that the alternative method will ensure that the maximum acceptable
3 metal concentrations shown in Table 2 are not exceeded.

4
5 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
6 43020 and 43021, Public Resources Code.

7
8 **§ 17896.60. Pathogen Reduction.**

9 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
10 exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this
11 section. Compost that contains any pathogens in amounts that exceed these pathogen reduction
12 requirements shall be designated for ~~disposal~~, additional processing, ~~disposal~~, or other use as
13 approved by local, state and federal agencies having appropriate jurisdiction. ~~Sample-Test~~ results of
14 samples must be received by the operator prior to removing compost from the in-vessel digestion
15 facility where it was produced.

16 (b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

17 (1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less
18 than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of
19 Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4)
20 grams of total solids (dry weight basis). ~~Sample-Test~~ results of samples must be received by the
21 operator prior to removing product from the site.

22 (2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active
23 compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or
24 higher for a pathogen reduction period of 3 days.

25 (A) Due to variations among enclosed and within-vessel composting system designs, including
26 tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit
27 application to meet the requirements of subdivision (b)(2) of this section.

28 (3) If the facility uses a windrow composting process, active compost shall be maintained under
29 aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a
30 pathogen reduction period of 15 days or longer. During the period when the compost is maintained at
31 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

32 (4) If the facility uses an aerated static pile composting process, all active compost shall be covered
33 with 6 to 12 inches of insulating material, and the active compost shall be maintained at a
34 temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period
35 of 3 days.

36 (c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an
37 aerated static pile composting process shall be monitored as follows to ensure that the standards in
38 subdivision (b) of this section are met:

39 (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
40 per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
41 fraction thereof.

42 (2) Temperature measurements for pathogen reduction shall be measured as follows:

43 (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
44 four (24) inches below the pile surface;

45 (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
46 inches from the point where the insulation cover meets the active compost.

47 (d) Alternative methods of compliance to meet the requirements of this section may be approved by
48 the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 43020 and 43021, Public Resources Code.

52
53 **§ 17896.61. Physical Contamination Limits.**

54 **This section shall become operative January 1, 2018.**

55 (a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
56 contain more than ~~0-10.5%~~ by dry weight of physical contaminants greater than 4 millimeters; ~~no~~
57 more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost
58 that contains ~~more than 0.1% by weight of~~ physical contaminants ~~greater than 4 millimeters in excess~~
59 of either one or both of these limits shall be designated for ~~disposal~~, additional processing, ~~disposal~~, or

1 other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification
2 of physical contamination limits shall occur ~~at prior to~~ the point where compost is ~~sold and~~ removed
3 from the site, ~~bagged for sale, given away for beneficial use and removed from the site or otherwise~~
4 ~~or beneficially used on-site. Sample Test results of samples~~ must be received by the operator prior to
5 removing compost from the in-vessel digestion facility where it was produced.

6 ~~(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one~~
7 ~~representative sample for every 5,000 cubic yards of compost produced and send to a laboratory at~~
8 ~~which physical contaminants greater than 4 millimeters shall be collected and weighed, and the~~
9 ~~percentage of physical contaminants determined.~~

10 (b) The operator of an in-vessel digestion facility with an on-site aerobic compost process shall sample
11 every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants
12 greater than 4 millimeters in the sample using a method that provides accurate results and has been
13 approved by the EA. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
14 in a 12 month period, the operator shall analyze at least one composite sample of compost produced
15 every 12 month period.

16 (c) If the EA has reason to believe, based on the EA's visual observation or otherwise, that a
17 determination of percent physical contaminants made pursuant to section 17896.61(b) is not
18 accurate, the EA may require an operator of an in-vessel digestion facility to take a composite sample
19 of compost in the presence of the EA and send the sample to a laboratory at which physical
20 contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage
21 of physical contaminants by dry weight using the following protocol:

22 (1) Determine the total dry weight of the composite sample as obtained in section 17896.61(d);

23 (2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
24 determine the dry weight of the physical contaminants;

25 (3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
26 contaminants by the total dry weight of the composite sample.

27 (d) Any sampling conducted to comply with this section shall require a composite sample. A
28 composite sample shall be representative and random, and may be obtained by taking twelve (12)
29 mixed samples as described below.

30 (1) The twelve samples shall be of equal volume.

31 (2) The twelve samples shall be extracted from within the compost pile as follows:

32 (A) Four samples from one-half the width of the pile, each at a different cross-section;

33 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

34 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

35 (ee) Alternative methods of compliance to meet the requirements of this section may be approved by
36 the EA if the EA determines that the alternative method will ensure the physical contaminant
37 requirements of this section are met.

38
39 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40 43020 and 43021, Public Resources Code.

41 42 43 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility** 44 **Permits; Loan Guarantees.**

45 46 47 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

48 49 **§ 18083. LEA Duties and Responsibilities for Inspections.**

50 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3
51 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and
52 investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal
53 sites and equipment to verify compliance with the state minimum standards, solid waste facilities
54 permits, and related state solid waste laws and regulations within their purview for the protection of
55 the environment and the public health and safety. The LEA/EA shall perform these inspections and
56 related duties as required below, and forward inspection reports to the operator and/or owner, and the
57 ~~board~~ Department within 30 days of the inspection:

58 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

1 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
2 abatement by enforcement action(s);

3 (3) at the frequency required by the state minimum standards for each type of operation specified in
4 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
5 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
6 approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
7 reduced inspection frequency only if it will not pose an additional risk to public health and safety or
8 the environment, and in no case shall the inspection frequency be less than once per calendar year.
9 The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
10 concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
11 an additional risk to public health and safety or the environment in light of the specific circumstances
12 at the operation in question. The Department shall concur or deny the EA-proposed approval within
13 thirty (30) days from receipt.

14 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
15 21565. For closed sites, inspections shall be made until no potential threat exists to public health and
16 safety or the environment. This determination shall be subject to ~~board~~ Department approval. For the
17 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
18 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
19 closure requirements;

20 (A) the ~~board~~ Department may approve an alternate inspection frequency for these sites where
21 such an action will not result in adverse impact on public health and safety and the environment.

22 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
23 with the ~~board~~ Department through a grant program to inspect waste tire facilities, major waste tire
24 facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
25 every two and a half years pursuant to 14 CCR Section 18443;

26 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

27 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
28 revision, review, RFI amendment, or closure/postclosure plan; and

29 (8) pursuant to the EPP, for solid waste handling and collection equipment.

30 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
31 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
32 days, during normal business hours or the site's operating hours.

33
34 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
35 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.
36
37

38 **Article 3.0. Regulatory Tier Requirements**

39 **§ 18100. Scope.**

40 (a) This Article sets forth the method of application for a tiered solid waste facilities permit,
41 procedures for review and action on an application package, and other requirements associated with
42 regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
43 and other requirements associated with solid waste handling operations. Similar provisions regarding a
44 full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
45 Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

46 (b) The provisions of this Article shall apply only to those operations and facilities as specified in the
47 minimum standards set forth in Chapters 3.0, ~~or 3.1,~~ or 3.2 of Division 7 of this Title.

48 (c) The submittal of an enforcement agency notification (in accordance with section 18103) or
49 issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
50 issued tiered permit.

51 (d) Specific provisions relating to the different types of regulatory tiers may be found below as
52 follows:

- | | | |
|----|--|-------------------------------|
| 53 | | |
| 54 | (1) Excluded | section 18102 |
| 55 | (2) Notification of Enforcement Agency | sections 18103 – 18103.3 |
| 56 | (3) Registration Permit | sections 18104 – 18104.9; and |
| 57 | (4) Standardized Permit | sections 18105 – 18105.11. |
| 58 | | |

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 40053, 43020, 43021 and 43000-45802, Public Resources Code.

3
4 **§ 18102. Excluded Solid Waste Handling.**

5 Operators of excluded operations designated by the minimum standards set forth in Division 7 of this
6 Title are not required to notify the enforcement agency or submit an application for a solid waste
7 facilities permit. Nothing in this section precludes the enforcement agency or the ~~board~~Department
8 from inspecting an excluded operation to verify that the operation is being conducted in a manner that
9 qualifies as an excluded operation or taking any appropriate enforcement action.

10
11 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
12 44100(a), 44101(a) and 45200, Public Resources Code.

13
14 **§ 18103. Enforcement Agency Notification.**

15 (a) The enforcement agency notification provisions of this Article shall apply only to operations as
16 specified in the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title.

17 (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement
18 agency notification as follows:

- 19 (1) Filing Requirements section 18103.1;
20 (2) Record Keeping Requirements section 18103.2; and
21 (3) Termination of Operation section 18103.3.

22 (c) Operations authorized to use the enforcement agency notification tier are required to operate in
23 accordance with the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 applicable
24 to that operation.

25 (d) Nothing in this section precludes the enforcement agency or the ~~board~~Department from the
26 following: inspecting an operation to verify that the operation is being conducted in a manner that
27 qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in
28 compliance with the minimum standards; or, taking any appropriate enforcement action, including the
29 use of a 'notice and order.'

30
31 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020,
32 44100(a), 44101(a) and 45200, Public Resources Code

33
34 **§ 18103.1. Filing Requirements.**

35 (a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency
36 notification shall notify the enforcement agency of its intent to operate in writing prior to commencing
37 operations. This written notification shall be legible and include the following information:

38 (1) The name, address, and phone number of the proposed operation; the name, address, and
39 phone number where the operator can be contacted if these differ from the operation site; and, the
40 name, address, and phone number of the owner if these differ from the operator.

41 (2) The section in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title authorizing eligibility for this
42 tier and a description of the facility's operations, including but not limited to, volume and hours of
43 wastes/material handled, peak and annual loading, and hours of operation.

44 (3) Documentation that the operator has notified the local planning department with jurisdiction
45 over the site of its intent to commence operations. Documentation may include, proof of compliance
46 with CEQA, correspondence from the local planning department that compliance with the California
47 Environmental Quality Act is not required for the operation to obtain local land use approval or written
48 notice to the local planning department of the operator's intent to commence operations.

49 (4) A statement by the owner and operator certifying under penalty of perjury that the information
50 which they have provided is true and accurate to the best of their knowledge and belief.

51 (b) The notification shall be mailed to the enforcement agency "return receipt requested."
52

53 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
54 Public Resources Code.

55
56 **§ 18103.2. Record Keeping Requirements.**

57 The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall
58 be publicly available during normal business hours. The enforcement agency shall forward a copy of
59 the notification to the ~~board~~Department within five days of receipt. The enforcement agency shall

1 retain a copy of the notification for a minimum of one year after the facility is known to have ceased
2 operations.

3
4 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Section 43020,
5 Public Resources Code.

6
7 **§ 18104. Registration Permit.**

8 (a) The registration permit provisions of this Article shall apply only to solid waste facilities as
9 specified in the minimum standards set forth in Chapters 3, ~~or 3.1, or 3.2~~ of Division 7 of this Title.

10 (b) A registration permit shall be deemed to incorporated by reference, as terms and conditions of the
11 permit, all minimum standards applicable to it, as set forth in Chapters 3, ~~or 3.1, or 3.2~~, of Division 7.

12 (c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

- 13 (1) Filing Requirements section 18104.1;
14 (2) Enforcement Agency Processing Requirements section 18104.2;
15 (3) Record Keeping Requirements section 18104.3;
16 (4) Completeness Appeal section 18104.4;
17 (5) Change in Operation section 18104.5;
18 (6) Change in Owner section 18104.6;
19 (7) Permit Review & Reissuance section 18104.7;
20 (8) Suspend/Revoke section 18104.8, and
21 (9) Voiding of a Registration Permit section 18104.9.

22
23 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
24 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

25
26 **§ 18104.1. Filing Requirements.**

27 Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an
28 application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated
29 herein by reference, with the enforcement agency. The application shall be accompanied by the fee
30 specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See
31 Appendix A.) This application shall contain the following information:

32 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or 3.1, or 3.2~~ of
33 Division 7 of this Title authorizing eligibility for this tier.

34 (b) General description of the facility including, but not limited to name, location, site map, and
35 location map.

36 (c) Facility information, including, but not limited to, volume and type of waste/material; handled,
37 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

38 (d) Operator information, including identification of the land owner, his/her address and telephone
39 number; identification of the facility operator, his/her address and telephone number; and the
40 address(es) at which process may be served upon the operator and owner.

41 (e) Conformance finding information as follows:

42 (1) Until a countywide or regional agency integrated waste management plan has been approved by
43 the ~~Board~~ Department, the application shall include statements that: the facility is identified and
44 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
45 Public Resources Code Section 50000; and that the facility is consistent with the city or county
46 General Plan.

47 (2) After a countywide or regional agency integrated waste management plan has been approved by
48 the ~~Board~~ Department, the application shall include a statement that: the facility is identified in either
49 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
50 Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public
51 Resources Code Section 50001.

52 (f) The owner and operator shall each certify under penalty of perjury that the information which they
53 have provided is true and accurate to the best of their knowledge and belief.

54 (g) Evidence that the application form was provided to the director of the local agency that oversees
55 local use planning for the jurisdiction in which the site is located.

56 (h) List of all public hearings and other meetings open to the public that have been held or copies of
57 notices distributed that are applicable to the proposed solid waste facilities permit action.

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

3
4 **§ 18104.2. Enforcement Agency Processing Requirements.**

5 ...
6 (g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~Department
7 and to any person who has so requested in writing.

8 ...
9
10 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021,
11 and 43000-45802, Public Resource Code.

12
13 **§ 18104.3. Record Keeping Requirements.**

14 ...
15 (c) The enforcement agency shall forward copies of any written public comments received on an
16 application to the ~~board~~Department with the registration permit submitted pursuant to section
17 18104.2(f).

18 (d) Subsequent to the transmittal of the registration permit to the ~~board~~Department, the enforcement
19 agency shall within five days of receipt provide a copy of any additional written public comments to
20 the ~~board~~Department unless the comment clearly states that a copy has already been provided to the
21 ~~board~~Department.

22 (e) If an application is denied, the enforcement agency shall retain public comments received on that
23 application for a period of 2 years. If a previously denied permit is approved, all comments received
24 shall be forwarded to the ~~board~~Department with the copy of the registration permit submitted under
25 subsection (c) above.

26
27 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections
28 43020, 43021, and 43000-45802, Public Resource Code.

29
30 **§ 18104.6. Change in Owner.**

31 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
32 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
33 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
34 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
35 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
36 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~Department
37 within five days of receipt.

38 ...
39
40 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
41 6255, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

42
43 **§ 18104.9. Voiding of a Registration Permit.**

44 Every registration permit shall be void 30 days after cessation of operations. Any operator who intends
45 to cease operations shall notify the enforcement agency of his/her last proposed date of operation at
46 least 15 days in advance. The enforcement agency shall forward a copy of this notification to the
47 ~~board~~Department within 7 days. "Cessation of operations" does not include temporary operational
48 shutdowns which are seasonal or intermittent in nature.

49
50 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
51 43020, 43021 and 43000-45802, Public Resources Code.

52
53 **§ 18105. Standardized Permit.**

54 (a) The standardized permit provisions of this Article shall apply only to solid waste facilities as
55 specified in the minimum standards set forth in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of the Title.

56 (b) A standardized permit obtained pursuant to this Article shall contain only those terms and
57 conditions applicable to the type of facility receiving it as set out in the minimum standards for that
58 type of facility.

1 (c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as
2 follows:

- 3 (1) Filing Requirements section 18105.1;
- 4 (2) Enforcement Agency Processing Requirements section 18105.2;
- 5 (3) Record keeping Requirements section 18105.3;
- 6 (4) Completeness Appeal section 18105.4;
- 7 (5) ~~Board-Department~~ Processing Requirements section 18105.5;
- 8 (6) Appeal of Decision section 18105.6;
- 9 (7) Change in Operation section 18105.7;
- 10 (8) Change in Owner section 18105.8;
- 11 (9) Permit Review section 18105.9;
- 12 (10) Suspend/Revoke section 18105.10; and
- 13 (11) Voiding of a Standardized Permit section 18105.11.

14
15 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
16 43020, 43021 and 43000-45802, Public Resources Code.

17
18 **§ 18105.1. Filing Requirements.**

19 Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an
20 application in duplicate with the enforcement agency accompanied by the fee specified by the
21 enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall
22 contain the following information:

23 (a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or~~ 3.1, or 3.2 of
24 Division 7 of this Title authorizing eligibility for this tier.

25 (b) General description of the facility including, but not limited to name, location, site map, and
26 location map.

27 (c) Facility information, including, but not limited to, volume and types of waste/material handled,
28 peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

29 (d) Operator information, including identification of the land owner, his/her address and telephone
30 number; identification of the facility operator, his/her address and telephone number; and the
31 address(es) at which process may be served upon the operator and owner.

32 (e) A Report of Facility Information that contains all of the information required by the applicable
33 section(s) of Article 3.2, Chapter 5, of this Division.

34 (f) One of the following:

35 (1) Evidence that there has been compliance with the California Environmental Quality Act, Division
36 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

37 (2) Information on the status of the application's compliance with the California Environmental
38 Quality Act regarding the facility. Once there has been compliance with the California Environmental
39 Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement
40 agency.

41 (g) Conformance finding information as follows:

42 (1) Until a countywide or regional agency integrated waste management plan has been approved by
43 the ~~board~~ Department, the application shall include statements that: the facility is identified and
44 described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
45 Public Resources Code Section 50000; and that the facility is consistent with the city or county
46 General Plan.

47 (2) After a countywide or regional agency integrated waste management plan has been approved by
48 the ~~board~~ Department, the application shall include a statement that: the facility is identified in either
49 the countywide siting element, the nondisposal facility element, or in the Source Reduction and
50 Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be
51 identified in any of these elements pursuant Public Resources Code Section 50001.

52 (h) The owner and operator shall each certify under penalty of perjury that the information provided
53 is true and accurate to the best of their knowledge and belief.

54 (i) Evidence that the application form was provided to the director of the local agency that oversees
55 local use planning for jurisdiction in which the site is located.

56 (j) List of all public hearings and other meetings open to the public that have been held or copies of
57 notices distributed that are applicable to the proposed solid waste facilities permit action.
58

1 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
2 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

3
4 **§ 18105.2. Enforcement Agency Processing Requirements.**

5 ...
6 (g) Within fifteen days of acceptance of an application for filing:

7 (1) The enforcement agency shall evaluate the information provided in the application and the
8 proposed facility to determine whether or not the facility will be able to operate in compliance with the
9 applicable minimum standards and standardized solid waste facilities permit terms and conditions.

10 (2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

11 (3) If the enforcement agency finds that the application and facility meet the requirements set forth
12 in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed
13 standardized permit, application package, and the results of any analysis to the ~~board~~ Department.
14 The enforcement agency shall further provide the applicant with a copy of the proposed standardized
15 permit submitted to the ~~board~~ Department. In addition, the enforcement agency shall provide a copy
16 of the proposed standardized permit to any person who has so requested in writing.

17 (4) If the enforcement agency finds that the application or facility do not meet the requirements set
18 forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy
19 of the rejected application accompanied by an explanation shall be mailed to the applicant.

20 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
21 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
22 the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
23 requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
24 Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
25 been submitted within 120 days of the application's acceptance for filing, the enforcement agency
26 shall reject the application and not issue the standardized permit.

27 (i) Once the ~~board~~ Department has concurred in the issuance of the proposed standardized permit,
28 pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

29 (j) If the ~~board~~ Department objects to the proposed standardized permit, the enforcement agency
30 shall notify the applicant in writing of the ~~board~~ Department's decision, and the reasons for that
31 decision, within five days of receipt of that decision.

32 ...

33
34 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
35 43021, and 43000-45802, Public Resource Code.

36
37 **§ 18105.3. Record Keeping Requirements.**

38 ...
39 (c) The enforcement agency shall forward copies of any written public comments received on a
40 pending application to the ~~board~~ Department with the proposed standardized permit submitted
41 pursuant to section 18105.2(g).

42 (d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall
43 within five days of receipt provide a copy of any additional written public comments to the ~~board~~
44 Department, unless the comment clearly states that a copy has already been provided to the ~~board~~
45 Department.

46 ...

47
48 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
49 43021, and 43000-45802, Public Resource Code.

50
51 **§ 18105.5. ~~Board~~ Department Processing Requirements.**

52 (a) The ~~board~~ Department shall mark the proposed standardized permit with the date of receipt.

53 (b) The ~~board~~ Department shall evaluate the application package and the proposed standardized
54 permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

55 (c) Within 30 days of receipt of a proposed standardized permit, the ~~board~~ Department shall either
56 concur in or object to the issuance of the proposed standardized permit.

57 (d) If the proposed standardized permit contains terms and conditions not authorized by the minimum
58 standards and the permit is otherwise in conformance with these regulations, any additional

1 unauthorized terms and conditions shall be stricken. The ~~board~~ Department shall concur in the edited
2 standardized permit.

3 (e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the ~~board~~
4 Department shall notify the enforcement agency of its determination in writing. If the ~~board~~
5 Department objects, the reasons for the objection shall be provided to the enforcement agency.
6

7 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
8 43020, 43021 and 43000-45802, Public Resources Code
9

10 **§ 18105.6. Appeal of Decision.**

11 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
12 18105.2(g)(3) or of the ~~Board~~ Department taken pursuant to section 18105.5 to the enforcement
13 agency within 15 days of the date that the decision was received. Such an appeal must be in writing
14 and specify the grounds for the appeal. A final written determination on the appeal shall be made by
15 the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
16 Code, no later than 60 days after receipt of the applicant's appeal.
17

18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 43020, 43021 and 43000-45802, Public Resources Code
20

21 **§ 18105.8. Change in Owner.**

22 (a) An operator shall notify the enforcement agency in writing if a person, who owns property on
23 which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
24 property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
25 transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
26 such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
27 comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department
28 within five days of receipt.
29
30

31 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section
32 6225, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.
33

34 **§ 18105.9. Permit Review and Reissuance.**

35 ...
36 (d) If an operator files a certification as specified in subsection (c) above or a new application
37 pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
38 18105.2 and 18105.3 and the ~~board~~ Department shall follow the procedures set forth in Section
39 18105.5.
40

41 Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
42 43021, and 44015, Public Resource Code.
43

44 **§ 18105.11. Voiding of a Standardized Permit.**

45 Every standardized permit shall be void 30 days after cessation of operations. Any operator who
46 intends to cease operations shall notify the enforcement agency of his/her last proposed date of
47 operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
48 to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary
49 operational shutdowns which are seasonal or intermittent in nature.
50

51 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
52 43020, 43021 and 43000-45802, Public Resources Code.
53

54 **Article 3.2. Reports of Facility Information**

55 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

56 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
57 Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
58
59

1 (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
2 Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
3 the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
4 amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
5 permit. The Plan shall contain the following:

6 (a) name(s) of the operator, owner, and the company they represent, if applicable;

7 (b) schematic drawing of the building and other structures showing layout and general dimensions of
8 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

9 (c) descriptive statement of the manner in which activities are to be conducted at the facility;

10 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
11 material processing, each set of hours may be stated. For facilities with continuous operations,
12 indicate the start of the operating day for purpose of calculating amount of waste received per
13 operating day. The operator may also indicate whether or not, and when, other activities, such as
14 routine maintenance will take place, if those activities will occur at times other than those indicated
15 above;

16 (e) total acreage contained within the operating area;

17 (f) facility design capacity including the assumptions, methods, and calculations performed to
18 determine the total capacity;

19 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage
20 was figured from records of cubic yards, include the conversion factor used;

21 (h) description of the methods used by the facility to comply with each state minimum standard
22 contained in sections 17896.17 through 17896.61;

23 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal
24 of any wastewater;

25 (j) description of provisions to handle unusual peak loading;

26 (k) description of transfer, recovery and processing equipment, including classification, capacity and
27 the number of units;

28 (l) planned method for final disposal of the solid waste;

29 (m) planned method for the storage and removal of salvaged material;

30 (n) resume of management organization which will operate the facility;

31 (o) An Odor Impact Minimization Plan pursuant to section 17896.31.

32
33 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
34 40053, 43020 and 43021, Public Resources Code.

35
36 **§ 18221.6.1. In-Vessel Digestion Report.**

37 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
38 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
39 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
40 Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to
41 maintain an existing permit, the operator must file amendments as required in section 17896.15 of
42 this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack
43 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
44 shall contain the following:

45 (a) name(s) of the operator, owner, and the company they represent, if applicable;

46 (b) facility specifications or plans, to include: a site location map, a site map, and identification of
47 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
48 of the facility property line;

49 (c) schematic drawing of the building and other structures showing layout and general dimensions of
50 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

51 (d) descriptive statement of the manner in which activities are to be conducted at the facility;

52 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
53 material processing, each set of hours may be stated. For facilities with continuous operations,
54 indicate the start of the operating day for purpose of calculating amount of waste received per
55 operating day. The operator may also indicate whether or not, and when, other activities, such as
56 routine maintenance will take place, if those activities will occur at times other than those indicated
57 above;

58 (f) total acreage contained within the operating area;

- 1 (g) facility design capacity including the assumptions, methods, and calculations performed to
- 2 determine the total capacity;
- 3 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage
- 4 was figured from records of cubic yards, include the conversion factor used;
- 5 (i) description of the methods used by the facility to comply with each state minimum standard
- 6 contained in sections 17896.17 through 17896.61;
- 7 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
- 8 of any wastewater;
- 9 (k) description of provisions to handle unusual peak loading;
- 10 (l) description of transfer, recovery and processing equipment, including classification, capacity and
- 11 the number of units;
- 12 (m) planned method for final disposal of the solid waste;
- 13 (n) planned method for the storage and removal of salvaged material;
- 14 (o) resume of management organization which will operate the facility;
- 15 (p) list of permits already obtained, and the date obtained or last revised;
- 16 (q) An Odor Impact Minimization Plan pursuant to section 17896.31.

17
18 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
19 40053, 43020 and 43021, Public Resources Code

20
21 **§ 18227. Report of Composting Site Information.**

22 Each operator of a compostable material handling facility that is required to obtain a Compostable
23 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
24 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
25 section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
26 specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
27 with section 18104) shall, at the time of application, file a Report of Composting Site Information with
28 the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
29 contain the following:

- 30 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
31 and amendments.
- 32 (b) A descriptive statement of the operations conducted at the facility.
- 33 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
34 in the production of compost including, but not limited to, unloading, storage, processing, parking,
35 and loading areas.
- 36 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
37 insects, for example, how the operator will store, process and incorporate food material and
38 vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
39 and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
40 control measures.
- 41 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
- 42 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
43 length of time compostable materials will be stored at the facility.
- 44 (g) A description of compostable materials handling equipment used at the facility including type,
45 capacity, and number of units.
- 46 (h) Anticipated annual operation capacity for the facility in cubic-yards.
- 47 (i) A description of provisions to handle unusual peak loadings.
- 48 (j) A description of the proposed method for storage and final disposal of nonrecoverable or
49 nonmarketable residues.
- 50 (k) A description of the water supplies for process water required.
- 51 (l) Identification of person(s) responsible for oversight of facility operations.
- 52 (m) A description of the proposed site restoration activities, in accordance with section 17870.
- 53 (n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator
54 to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as
55 food material or vegetative food material.

56
57 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
58 Sections 43020, 43021 and 43209.1, Public Resources Code.
59

1
2 **Article 4. Enforcement by EA and Review by ~~Board~~Department**
3

4 **§ 18302. Written Complaints of Alleged Violations.**

5 (a) Any person having information alleging a facility or operation is being operated without a required
6 permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
7 state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
8 permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
9 file a complaint regarding such allegation in writing to the EA. The ~~compliant~~complaint shall include
10 the following:

11 (1) The name, address and telephone number of the person making the complaint, however nothing
12 in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
13 identity of the reporting party from the complaint;

14 (2) The identity and location, if known, of the facility or operation and the names and addresses, if
15 known, of the persons responsible for the violation;

16 (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

17 (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
18 investigating the complaint, including but not limited to information relating to witnesses and physical
19 evidence.

20 (b) The person making the complaint may forward a copy to the ~~board~~Department.

21 (c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
22 whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
23 or condition or any related state solid waste law or regulation. The EA shall make its determination on
24 the basis of the substance of the allegations rather than on the basis of the complaint's technical
25 compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
26 facts constituting a violation of a state minimum standard, permit term or condition or related state
27 solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
28 the complaint if an address is given and place a copy in its files.

29 (d) Upon receipt of an odor complaint related to a compostable material handling operation or facility,
30 the EA shall investigate the complaint as soon as practical prior to issuing a violation for failing to
31 minimize odor. The odor complaint investigation shall include the following:

32 (1) The date and time the EA arrived and departed within the complaint area.

33 (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
34 high wind speed, humidity, and temperature.

35 (3) If odor is detected, the EA shall:

36 (A) Record the location where odor was observed, such as the street address, latitude/longitude,
37 tax parcel number, etc.

38 (B) Verify the odor event at the complainant's location and ~~ascertain if document the~~
39 complainant's claim, if any, that the odor is interfering with the complainant's use and comfortable
40 enjoyment of life ~~the~~ or property.

41 (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid
42 waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

43 (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.

44 The EA should consult with the operator to determine if there were unusual operational changes or
45 atypical feedstocks accepted during the time of the complaint(s).

46 ~~(de)~~ The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
47 because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
48 that ground, it shall so advise the complaining party in writing at the address given in the complaint if
49 an address is given and place a copy in its files.

50 (ef) Except as provided in subsection (c) or subsection ~~(de)~~ of this section, the EA shall commence an
51 investigation of the facts alleged in the complaint.

52 (fg) If an LEA has a complaint review and investigation initiation procedure that contains substantially
53 the same basic requirements as this section, and accomplishes the intended purposes of this section
54 within its ~~board~~Department-approved EPP, it may follow that equivalent process in lieu of subsections
55 (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
56 complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
57 her complaint will receive appropriate attention.

1 (gh) If the ~~board~~Department receives a complaint in a jurisdiction where it is not the EA, the
2 complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
3 already received a copy from the complaining party.

4

5 Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43209,
6 44012, 44015 and 45000-45024, Public Resources Code.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste

NEW

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR SOLID WASTE FACILITY PERMIT ~~AND~~ WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the ~~California Integrated Waste Management Board (CIWMB) Department of Resources Recycling and Recovery (CalRecycle)~~ and Local Enforcement Agencies (LEAs) and the or California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The ~~a~~Application is to be used for ~~both~~ new and ~~revised permits~~ changes to existing SWFPs, WDRs, and supporting documents (e.g. Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] ~~a~~Applications must be filled out completely [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] and correctly [Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis.]. Check with ~~local or county enforcement agency~~ the applicable EA or RWQCB for specific permit requirements and ~~or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB.~~ This form ~~Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:~~

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge for WDRs	RWQCB

If you have any questions on ~~the completion of~~ how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the ~~CIWMB-CalRecycle website at~~ LEACentral ~~http://www.calrecycle.ca.gov.~~

NOTE: For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required ~~in place of this form.~~ Please contact the appropriate Regional Water Quality Control Board ~~RWQCB~~ if seeking to discharge to surface water under the for a National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge.

The ~~Application for Solid Waste Facility Permit/Waste Discharge Requirements~~ provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted ~~on 8 1/2 "X 11" paper.~~ Submit two copies of the completed form Application and of any required report(s), and filing fee to the ~~Enforcement Agency (EA).~~ Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this ~~a~~Application and waste disposal report.

~~You will be notified of the effective date of the application by each agency.~~

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

AMOUNT OF FILING FEES

- EA - ~~The enforcement agencies shall determine the exact fee~~ Contact the EA for fee information.

- ~~RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule) Contact the RWQCB for fee information.~~

FOR OFFICIAL USE ONLY (CIWMB-CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by ~~CIWMB-CalRecycle staff.~~ The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQB staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the ~~a~~Application by ~~CIWMB-CalRecycle/LEA/RWQCB staff.~~

Date Received: The date the ~~EA or RWQCB receives the a~~Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts ~~the a~~Application package for filing (Title 27, section 21650(a)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date Rejected: The date the EA ~~rejects~~ determines that the ~~a~~Application package is rejected (Title 27, section 21650(d)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete ~~a~~Application package as incomplete (Title 27, section 21580). Date Due: Within 180 days from the date the application was accepted as incomplete (Title 27, section 21580). Leave blank if Application is for a SWFP review (Title 27, section 21640).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the ~~a~~Application is being submitted, as follows:

1. **New SWFP and/or WDRs:** A facility that does not have a current full-SWFP or WDRs.
2. **Revision of Change to SWFP and/or WDRs:** Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)
3. **Exemption and/or Waiver:** The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.
4. **Review:** To comply with the five-year permit review requirement (Title 27, section 21640).
5. **Amendment of Application:** If the applicant changes any of the information required in the Application after the application package ~~it~~ has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)
6. **RFI/ROWD/JTD Amendments:** For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name ~~as it is~~ to be listed on the SWFP and/or the WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor's Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.

2. Latitude and longitude ~~is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees~~ identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS instrument is recommended. ~~It indicates the center of the waste foot print, existing or proposed, for disposal sites, and the office or gate for all other facilities (i.e. transfer, composting, etc.)~~

3. ~~Map or sketch should be to a scale adequate to show the precise location of the permitted boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity of disposal location to populated areas and must indicate all wells and drainage courses within 1,000 feet of any disposal point. The map must include approaches and/or access roads, streets, and/or highways.~~ The legal description shall include the applicable portions of the section(s) of the township, range, base, and meridian. The facility shall have permanent monuments or other physical features that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this Application package.

1. **Disposal:** A facility that includes a place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for landfill disposal of solid waste; ~~and~~

a. **Type:** The type of disposal facility, such as, ~~mono-fill monofill,~~ C&D/inert, municipal solid waste, or Engineered municipal solid waste conversion facility.

2. **Composting/Compostable Material Handling:** ~~a~~ A facility that is operated for the purpose of producing/compost handles compostable materials; ~~and~~

~~a.~~ **Type:** The type of composting facility, e.g. green waste, food waste, biosolids, or MSW.

3. **Transformation:** A facility ~~that at which solid waste is incinerated,~~ or subject to pyrolysis, distillation, or biological conversion other than composting. Transformation does not include composting, gasification, or biomass conversion.

4. **Transfer/Processing Facility:** A facility that receives, handles, stores, separates, converts or otherwise processes materials in solid waste; ~~and/or transfers solid waste directly from one container to another or from one vehicle to another for transport; and/or store solid waste.~~ For Informational Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.

5. **Construction and Demolition/Inert Debris Processing:** A facility that receives Construction and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume reduction, or recycling.

6. **In-vessel Digestion:** A facility that receives solid waste for digestion in an in-vessel digester.

~~5-7.~~ **Other:** An activity authorized by law not listed above.

D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP Title 27, section 21570(f)(5)):

1) ~~If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal Facility Element, check the appropriate box, and fill in the date of the document and the page on which the facility is identified. If you do not currently have this information, (You may obtain it this information from the jurisdiction in which the facility is located).~~

~~2) If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element and you should check the appropriate box.~~

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material covered under this Application package:

1. **Agricultural:** Wastes resulting directly from the ~~production and processing conduct of farm or agricultural products activities,~~ including, but not limited to, manures, prunings, and crop residues.

2. **Asbestos:** A naturally occurring family of carcinogenic fibrous mineral substance. The State Department of Health Services Toxic Substances Control has classified friable wastes which contain more than one percent or more asbestos by weight as hazardous wastes. Friable means that the material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the asbestos is friable or non-friable by checking the appropriate box.

3. **Ash:** The residue from the incineration of solid wastes, including, but not limited to, municipal waste, infectious-medical waste, woodwaste, sludge, and agricultural waste.

4. **Treated Auto Shredder Waste:** The "fluff" consisting of upholstery, paint, plastics, and other non-metallic substances that remains after the shredding of automobiles, discarded household major appliances, and ~~sheet metal similar items.~~ The State Department of Health Services has classified untreated shredder wastes as hazardous.

5. **Compostable Material:** Any organic material that when accumulated will become active compost. Describe the types of compostable materials to be received.

6. **Construction/Demolition Waste:** Waste that results from construction, remodeling, repair, demolition or deconstruction of buildings, and other structures.

7. **Contaminated Soil:** ~~Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency~~ Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals:** Animal carcasses requiring disposal that have **not** been previously used for medical purposes and are not known to have been infected ~~or with known~~ infectious diseases.

9. **Industrial:** Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert:** Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids:** Wastes which are not ~~spadeable~~ spadable, usually containing less than 50% solids. These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. ~~Mixed/ or Municipal Solid Waste (MSW):~~ Solid waste generated primarily by rResidential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. **Sewage Sludge:** Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. **Waste Tires:** ~~Discarded tire casings~~ Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other:** Any allowable wastes not included in the above.

Part 3. FACILITY INFORMATION

~~**A. Proposed Change:** Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.~~

~~—1. **Design Change:** A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.~~

~~—2. **Operation:** A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.~~

~~—3. **Owner, Operator, Address, and/or Facility Name Change:** Complete if there is a change in the owner, operator, address, or facility name.~~

~~—4. **Other:** This type of change includes, but is not limited to: change in emergency contact list, etc. For an application for permit review, if there are no changes, so indicate.~~

AB. Facility Information

1. **Information Applicable To All Existing Facilities:** This portion of Part 3 ~~the Application~~ must be filled out by every applicant regardless of the type of facility.

a. **Peak Maximum Daily Tonnage or Cubic Yards:** ~~The peak (maximum) total amount of solid waste and other material the facility applicant is permitted authorized by the EA to receive through the gate~~ to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not available or not applicable provide this specify the amount in cubic yards with a conversion factor. This will be referred to as the "permitted maximum tonnage" and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and

1 the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP
2 and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
3 must equal the maximum daily tonnage.

4 1. **Disposal/Transfer:** The amount of material solid waste that comes through the gate and is
5 disposed of on-site or transferred off-site as waste; and

6 2. **Other:** That amount of all other material received at the site, including, but not limited to,
7 material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
8 other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or
9 cubic yards.

10 b. **As-Designed Daily Design Tonnage (TPD) or Cubic Yards:** For landfills, the maximum
11 daily tonnage amount of solid waste and other material that the facility is designed to receive and
12 process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
13 month) based on appropriate factors including, but not limited to, size of working face the operating
14 areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc.
15 For other facilities, it is the maximum amount of solid waste and other material the facility is designed
16 to handle receive and process at any one time on an ongoing bases over an extended period of time
17 (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited
18 to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of
19 equipment and movement, personnel, equipment operational limits, etc. This amount shall be
20 expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
21 factor. The as-Designed tonnage value may be equal to or greater than the peak maximum daily
22 tonnage value.

23 c. **Facility Size:** The area that encompasses the entire area on which solid waste facility
24 activities are authorized by the EA to occur and are permitted. This includes ~~the~~ the area of the facility in
25 acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
26 managing equipment management area, or any area that is required to maintain compliance with the
27 design and operating parameters of the facility. The facility size is the same as "operating area" for
28 compostingable material handling facilities, "permitted acreage" or the area within the "permitted
29 boundaries" for transfer/processing facilities and landfills.

30 d. **Peak-Maximum Traffic Volume Per Day (vpd):** The estimated maximum number of
31 vehicles that will authorized by the EA to enter the facility on a daily basis. This number should
32 include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including
33 vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or
34 material intended for beneficial reuse. This number must be consistent with the approved RFI and any
35 CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
36 any, that was being conducted at the time the application was submitted.

37 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA
38 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours
39 of operation. This information must be consistent with the approved RFI and any CEQA existing
40 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
41 being conducted at the time the application was submitted. Any activities that are limited to
42 prescribed days and/or hours should be fully described in the RFI.

43 2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion
44 of the Application must be filled out by every applicant requesting a change to any item(s) listed
45 under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
46 Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
47 submitted as part of the Application. The EA will review the requests and establish the terms and
48 conditions of a proposed SWFP for those requests that are supported by documents submitted by the
49 applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
50 WDRs for those requests that are supported by documents submitted by the applicant. Use the
51 "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

52 23. **Additional Information Required For Compostingable Materials Handling Facilities**
53 **Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
54 out by the applicant if composting handling compostable materials is part of this Application.

55 a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and
56 compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
57 any one time.

58 34. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, in
59 addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of

1 this the aApplication. All [Note to OAL and publisher: No proposed change. Existing text underlined for
2] sections of the aApplication must be filled out completely [Note to OAL and publisher: No
3 proposed change. Existing text underlined for emphasis.].

4 a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be
5 received placed in a waste management unit for each operating day on a yearly basis (calendar year)
6 for the next five years. Do not use non-operating days in ~~estimated~~/calculating the average daily
7 tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~-maximum daily
8 tonnage. Report as tons per day (TPD).

9 b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between
10 the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
11 the top of the final cover) taking into consideration design slopes, benches, and other design features,
12 as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
13 Capacity.

14 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested
15 or potentially resulting from this permit aApplication.

16 d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity
17 used to date. See Date of Capacity Information below.

18 e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity
19 remaining, not including any proposed site capacity. If the remaining capacity information provided is
20 based on estimates of capacity used since the last physical site survey, please explain the
21 methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
22 etc. See Date of Capacity Information below.

23 f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site
24 capacities in Part 3 were determined. This date may predate the aApplication date by no more than
25 three months. Amendments of the aApplication including more current capacities may be required.

26 g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was
27 conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
28 Part 6, Section B for more details).

29 h. **Estimated Closure Date (month and year)**: The closure date estimated based on
30 remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
31 appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
32 (e.g., conditional use permit date, etc.)

33 i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This
34 will be referred to as "permitted disposal area."

35 j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards)
36 based upon any planned expansions not currently proposed, whether within or outside the current
37 permitted boundary.

38 k. Provide one of the following:

39 1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste
40 density is the estimated or measured density of in-place waste material achieved by mechanical or
41 other means in the development of the current lift of the current operating waste cell, and

42 (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio
43 estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
44 volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
45 should include only soil or approved daily or intermediate alternative cover that is not considered a
46 waste material, i.e., payment of fees to ~~the CIWMB-CalRecycle~~ is not required. The waste portion of
47 the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the~~
48 ~~CIWMB-CalRecycle~~ is reported, or

49 2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The
50 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
51 recorded as the total weight of waste material passing over the landfill scales that is placed in a known
52 volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
53 waste material for which payment of fees to ~~the CIWMB-CalRecycle~~ is reported.
54

55
56 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

57
58 **A. Municipal or Utility Service:** Give name and address of the water purveyor.

59 **B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

1 **C. Surface Supply:**

- 2 1. Provide the name of any stream, lake, spring, etc, if identified.
3 2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
4 3. If a state permit or license has been granted, give identification number.

5 **D. Other:** Enter any water source(s) not identified above.
6

7
8 **Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**
9

10 **A.** Check the appropriate box(es) if an environmental document was, or ~~is going to will~~ be, prepared
11 and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

12 1. If an environmental document was prepared:

- 13 • If an environmental document has already been prepared and circulated through the SCH and
14 there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box
15 that is checked.
16 • If an environmental document has not yet been circulated through the SCH and no SCH
17 number has been assigned to the environmental document yet, please check the box for the
18 type of environmental document that is anticipated to be ~~prepared and~~ circulated through the
19 SCH and write N/A in the appropriate blank for "SCH#."
20 • If the "ADDENDUM TO (Identify environmental document)" box is checked, please provide the
21 type of environmental document that the addendum was prepared for along with the SCH
22 number.

23 2. If an environmental document will be prepared, enter the name of the lead agency for preparing
24 the document, if known.

25 EXAMPLE ONLY:

26 If the environmental document is an environmental impact report (EIR), write "EIR" and include the
27 dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH
28 number for the EIR.

29 **B.** If an environmental document was not, and is not planned to be, prepared because it is not
30 required to comply with the requirements of CEQA, please provide the requested information by
31 checking the ~~appropriate~~ box to indicate why an environmental document is not required ~~for~~ under
32 CEQA.

- 33 • If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA
34 Guidelines Section number and citation for the exemption.

35 EXAMPLE ONLY:

36 A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor
37 repair to an existing facility. Therefore, check the box that says "CATEGORICAL/STATUTORY
38 EXEMPTION (CE/SE)" and write the following in the blank after the box: "CEQA Guidelines, Section
39 15301, Class I Categorical Exemption."
40

41
42 **Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

43
44 All attachments are necessary parts of the Application and are incorporated herein.
45

46 **A.** Section A of Part 6 must be completed by all applicants regardless of the type of facility.

47 **B.** Section B of Part 6 ~~is additional documents required~~ must be completed only by landfill applicants
48 only for disposal facilities.

- 49 • Operating Liability Financial Mechanism: The date the demonstration was last modified or
50 renewed. That date must be within the preceding twelve-month (annual renewal) period. For
51 example, a Certificate of Insurance (CalRecycle CIWMB-107) has an "effective date" identified on
52 the certificate. ~~This date should and must~~ be within the preceding twelve-month (annual renewal)
53 period.
54 • Financial Responsibility Documentation: The financial mechanism ~~will be is~~ a document, (i.e.,
55 letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance)
56 statement, etc.) identifying the current dollar value of the demonstration and the date of the
57 stated value. The date of the stated value should must be within the preceding twelve-month
58 (annual renewal) period.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
4 corrective action cost estimate and a copy of the non-water release corrective action cost
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal sites-facilities permitted for to receive more than 20
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more
8 frequently as determined by the enforcement agency-EA. For disposal sites-facilities permitted for
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
10 ten years. If not previously submitted, survey results must be included with this aApplication.
11 Survey results must be submitted as a CADD or vector graphics data file including at least two
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
15 be included. For each stratum the following information shall be included: site name, stratum
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
19 surface is uncertain, the operator is allowed to provide the best available information as a
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must
21 provide an explanation of the basis for using the substitute base ground surface.
22

23 For the purposes of this section the following definitions apply:

- 24 ~~A~~1. "base ground surface" - the best available excavation plan surface that existed prior to the
25 placement of any waste;
- 26 ~~B~~2. "CADD" -computer aided design and drafting;
- 27 ~~C~~3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
29 provided for the basis of the volumetric correction;
- 30 ~~D~~4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the
31 upper surface;
- 32 ~~E~~5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 ~~F~~6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
35 provided for the basis of the volumetric correction;
- 36 ~~G~~7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 ~~H~~8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for
38 the disposal site;
- 39 ~~I~~9. "net volume" - the fill volume less the cut volume;
- 40 ~~J~~10. "site name" - the name of the disposal site for which the survey information is being
41 submitted;
- 42 ~~K~~11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified
43 upper and lower surfaces;
- 44 ~~L~~12. "stratum name" - a descriptive name for the stratum for which volumetric information is being
45 submitted, e.g., total volume including proposed expansion;
- 46 ~~M~~13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base
47 ground surface and proposed finished ground surface;
- 48 ~~N~~14. "survey" -a comprehensive examination of the disposal site under the direction of a registered
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 ~~O~~15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,
52 direction, thickness, color and other attributes;
- 53 ~~P~~16. "volume calculation method" - grid, composite, section or other method approved by the
54 enforcement agency-EA;
- 55 ~~C. Section C of Part 6 specifies is additional documents required only if applicable for the type of~~
56 ~~facility to be covered under this aApplication as required by the EA or RWQCB. Under "Other," identify~~
57 ~~and list any other necessary documents not included-specified above but that are required by the EA~~
58 ~~or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or~~
59 ~~franchise-other agreement documenting the operator's interest in and right to use the site as a solid~~

1 ~~waste facility real property. Another example would be if there is a contract operator then a copy of~~
2 ~~the or a contract between the permitted operator and contract operator and etc.~~
3

4
5 **Part 7. OWNER INFORMATION:**

6
7 **Type of Business:** Specify if the ~~business owner~~ of the facility that is the subject of the Application is
8 a sole proprietorship, partnership, corporation, or ~~government public agency~~.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part,~~ the land on which the facility is
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
16 authorized to accept service for each owner of the facility~~where legal notice may be served.~~
17

18
19 **Part 8. OPERATOR INFORMATION:**

20
21 **Type of Business:** Specify if the ~~business operator filing this Application~~ is a sole proprietorship,
22 partnership, corporation, or ~~government public agency~~.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation
25 of the facility including but not limited to, complying with regulatory requirements, complying with all
26 applicable federal, state, and local requirements, and the design, construction, and physical operation
27 of the operating area, and control the activities at ~~an a~~ facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person
33 authorized to accept service for the operator of the facility~~where legal notice may be served.~~
34

35
36 **Part 9. SIGNATURE BLOCK:**

37
38 **Signature (landowner or agent):** The ~~A~~ person(s) ~~or their agent~~ authorized to sign on behalf of the
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if
41 applicable.

42 **Signature (facility operator ~~or agent~~):** The ~~A~~ person(s) ~~or their agent~~ authorized to sign on behalf
43 of the operator ~~above~~.
44

45
46 **Part 10. OTHER:**

47
48 Attach additional sheets to explain any responses that need clarification.

APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

CIWMB-CALRECYCLE E-1-77 (Rev. 8-04-X-XX)

NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

FOR OFFICIAL USE ONLY

SWIS/WDID/Global ID NUMBER:	FILING FEE:	RECEIPT NUMBER:	DATE RECEIVED:
DATE ACCEPTED:	DATE REJECTED:	ACCEPTANCE DATE OF INCOMPLETE APPLICATION:	DATE DUE:

Part 1. GENERAL INFORMATION

A. ENFORCEMENT AGENCY: _____ B. COUNTY: _____

C. TYPE OF APPLICATION (Check one box only):

<input type="checkbox"/> 1. NEW SWFP and/or WDRS	<input type="checkbox"/> 4-3. PERMIT REVIEW
<input type="checkbox"/> 2. REVISION OF CHANGE TO SWFP and/or WDRS <input type="checkbox"/> REVISION <input type="checkbox"/> MODIFICATION <input type="checkbox"/> OTHER (As authorized by law)	<input type="checkbox"/> 5-4. AMENDMENT OF APPLICATION
<input type="checkbox"/> 3. EXEMPTION and/or WAIVER	<input type="checkbox"/> 6-5. RFI/ROWD/JTD AMENDMENTS

Part 2. FACILITY DESCRIPTION

A. NAME OF FACILITY: _____

B. LOCATION OF FACILITY:

1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE: _____

2. LATITUDE AND LONGITUDE: _____

3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED: _____

C. TYPE OF ACTIVITY: (Check applicable boxes):

<input type="checkbox"/> 1. DISPOSAL a. TYPE: _____	<input type="checkbox"/> 3. TRANSFORMATION	<input type="checkbox"/> 5. C&D/INERT DEBRIS PROCESSING
<input type="checkbox"/> 2. COMPOSTING/ABLE MATERIALS HANDLING a. TYPE: _____	<input type="checkbox"/> 4. TRANSFER/PROCESSING FACILITY <input type="checkbox"/> CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.	<input type="checkbox"/> 6. IN-VESSEL DIGESTION
		<input type="checkbox"/> 5-Z. OTHER (describe): _____

D. IDENTIFICATION OF FACILITY IN CIWMP [CONFORMANCE FINDING] INFORMATION (CIWMP):

1. FACILITY IS IDENTIFIED IN (Check one):

<input type="checkbox"/> SITING ELEMENT	DATE OF DOCUMENT	_____	PAGE #	_____
<input type="checkbox"/> NONDISPOSAL FACILITY ELEMENT	DATE OF DOCUMENT	_____	PAGE #	_____

2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT

E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):

<input type="checkbox"/> 1. AGRICULTURAL	<input type="checkbox"/> 6. CONSTRUCTION/DEMOLITION	<input type="checkbox"/> 11. LIQUIDS
<input type="checkbox"/> 2. ASBESTOS o Friable o Non-friable	<input type="checkbox"/> 7. CONTAMINATED SOILS	<input type="checkbox"/> 12. MIXED/MUNICIPAL SOLID WASTE (MSW)
<input type="checkbox"/> 3. ASH	<input type="checkbox"/> 8. DEAD ANIMALS	<input type="checkbox"/> 13. SEWAGE SLUDGE
<input type="checkbox"/> 4. AUTO SHREDDER	<input type="checkbox"/> 9. INDUSTRIAL	<input type="checkbox"/> 14. WASTE TIRES
<input type="checkbox"/> 5. COMPOSTABLE MATERIAL (describe): _____	<input type="checkbox"/> 10. INERT	<input type="checkbox"/> 15. OTHER (describe): _____

Part 3. FACILITY INFORMATION

A. PROPOSED CHANGE (Check applicable box(es)):

- 1. DESIGN (describe): _____
- 2. OPERATION (describe): _____
- 3. OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE (describe): _____
- 4. OTHER (describe): _____

B. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL FACILITIES

- a. PEAK DAILY TONNAGE OR CUBIC YARDS _____
 - 1) DISPOSAL/TRANSFER (unit) _____
 - 2) OTHER (unit) _____
- b. DAILY DESIGN TONNAGE (TPD) _____
- c. FACILITY SIZE (acres) _____
- d. PEAK TRAFFIC VOLUME PER DAY (vpd) _____
- e. DAYS AND HOURS OF OPERATION _____

A. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL EXISTING FACILITIES:

- a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS _____
- b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS _____
- c. FACILITY SIZE (acres) _____
- d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd) _____
- e. DAYS AND HOURS OF OPERATION _____

2. PROPOSED CHANGE(S) OR INFORMATION APPLICABLE TO NEW SWFP AND/OR WDRs

- a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS _____
- b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS _____
- c. FACILITY SIZE (acres) _____
- d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd) _____
- e. DAYS AND HOURS OF OPERATION _____
- f. OTHER _____

23. ADDITIONAL INFO. REQUIRED FOR COMPOSTINGABLE MATERIALS HANDLING FACILITIES ONLY:

- a. TOTAL SITE STORAGE CAPACITY (cu yds) _____

34. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY

- a. AVERAGE DAILY TONNAGE (TPD) _____
- b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds) _____
- c. SITE CAPACITY PROPOSED (Airspace) (cu yds) _____
- d. SITE CAPACITY USED TO DATE (Airspace) (cu yds) _____
- e. SITE CAPACITY REMAINING (Airspace) (cu yds) _____
- f. DATE OF CAPACITY INFORMATION (Date) (See instructions): _____
- g. LAST PHYSICAL SITE SURVEY (Date) _____
- h. ESTIMATED CLOSURE DATE (month and year) _____
- i. DISPOSAL FOOTPRINT (acres) _____
- j. SITE CAPACITY PLANNED (cu yds) _____
- k. 1. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste) AND
(ii) WASTE-TO-COVER RATIO (Estimated) (v:v) OR
2. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace) _____

Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

A. MUNICIPAL OR UTILITY SERVICE: _____

B. INDIVIDUAL (wells): _____

C. SURFACE SUPPLY:

1. NAME OF STREAM, LAKE, ETC. : _____

2. TYPE OF WATER RIGHTS:

RIPARIAN APPROPRIATION

3. STATE PERMIT OR LICENSE NUMBER , IF APPLICABLE: _____

D. OTHER: _____

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)(Check applicable boxes)

A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#): _____

1. ENVIRONMENTAL DOCUMENT WAS PREPARED:

ENVIRONMENTAL IMPACT REPORT (EIR) SCH# _____

NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH# _____

ADDENDUM TO (Identify environmental document) _____ SCH# _____

2. ENVIRONMENTAL DOCUMENT WILL BE PREPARED (Enter lead agency if known): _____

B. IF ENVIRONMENTAL DOCUMENT(S) WAS NOT PREPARED, PLEASE PROVIDE THE FOLLOWING INFORMATION:

CATEGORICAL/STATUTORY EXEMPTION (CE/SE)
EXEMPTION TYPE _____ GUIDELINE # _____

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

A. REQUIRED WITH ALL APPLICATION SUBMITTALS:

<input type="checkbox"/> RFI/JTD _____	<input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S):
<input type="checkbox"/> LOCAL USE/PLANNING PERMITS _____	<input type="checkbox"/> EIR _____
<input type="checkbox"/> LOCATION MAP _____	<input type="checkbox"/> MND/ND _____
<input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG _____	<input type="checkbox"/> EXEMPTION _____
<input type="checkbox"/> LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____	<input type="checkbox"/> ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS DISPOSAL FACILITIES ONLY:

<input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____	<input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____
<input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN	<input type="checkbox"/> KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____
<input type="checkbox"/> PRELIMINARY _____	<input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____
<input type="checkbox"/> FINAL _____	

C. IF APPLICABLE:

<input type="checkbox"/> REPORT OF WASTE DISCHARGE _____	<input type="checkbox"/> DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____
<input type="checkbox"/> CONTRACT AGREEMENTS _____	<input type="checkbox"/> SWAT (Air and water) _____
<input type="checkbox"/> STORMWATER PERMIT APPLICATION _____	<input type="checkbox"/> WETLANDS PERMITS _____
<input type="checkbox"/> NPDES PERMIT APPLICATION _____	<input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____
<input type="checkbox"/> OTHER _____	

Part 7. OWNER INFORMATION (For disposal site, if operator is different from land owner, attach lease or other agreement)

TYPE OF BUSINESS:

SOLE PROPRIETORSHIP

PARTNERSHIP

CORPORATION

GOVERNMENT AGENCY

OWNER(S) OF LAND
(Name):

SSN OR TAX ID #

ADDRESS, CITY, STATE, ZIP

TELEPHONE #:

FAX #:

E-MAIL ADDRESS:

CONTACT PERSON (Print Name):

Part 8. OPERATOR INFORMATION (For disposal site, if operator is different from land owner, attach lease or other agreement)

TYPE OF BUSINESS:

SOLE PROPRIETORSHIP

PARTNERSHIP

CORPORATION

GOVERNMENT AGENCY

FACILITY OPERATOR(S)
(Name):

SSN OR TAX ID #:

ADDRESS, CITY, STATE, ZIP

TELEPHONE #:

FAX #:

E-MAIL ADDRESS:

CONTACT PERSON (Print Name):

ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:

Part 9. SIGNATURE BLOCK

Owner:

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

PRINTED NAME:

TITLE: _____ **DATE:** _____

Lessee:

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

PRINTED NAME:

TITLE: _____ **DATE:** _____

Operator:

I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

PRINTED NAME:

TITLE: _____ **DATE:** _____

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).
