Proposed Regulation Text

~~Strikethrough~~ = deletion of existing text
Underline = addition to existing text

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

Chapter 1. General Provisions

Article 1. ~~Emergency Waiver of Standards~~ Definitions

§ 17017. Definitions.
As used in this division:
(a) "Department" means the Department of Resources Recycling and Recovery, which is vested with the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California Integrated Waste Management Board (board).
(b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department of Resources Recovery and Recycling (Department).

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

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These operations shall be inspected by the enforcement agency at least once ~~quarterly~~ every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. *[Note: See section 18083(a)(3) for additional enforcement agency and* Department *requirements regarding the approval or denial of requests for reducing the frequency of inspections.]*

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

Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the enforcement agency notification and signed by the operator: "The undersigned certify under penalty of perjury that the information in this document and all attachments are true and correct to the best of my knowledge, and is being executed in accordance with the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

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

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

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

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

Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected ~~quarterly~~ by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. *[Note: See section 18083(a)(3) for additional EA and* Department *requirements regarding the approval or denial of requests for reducing the frequency of inspections.]* To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation's boundary area in the operating record.

…

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

§ 17383.7. Inert Debris Type A Processing Operations.

…

(f) These operations shall be inspected by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. *[Note: See section 18083(a)(3) for additional EA and* Department *requirements regarding the approval or denial of requests for reducing the frequency of inspections.]* ~~Inspections shall be conducted quarterly.~~ To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

…

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

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.

…

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

…

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

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.

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

…

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

…

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

§ 17403.2. Sealed Containers Transfer Operations.

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

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

§ 17403.3. Limited Volume Transfer Operations.

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

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

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

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.

(a) For the purposes of this Chapter:

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

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

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

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

(5) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, ~~silviculture,~~ vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use ~~production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products~~, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, ~~including~~ but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

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

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

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

(9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.

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

(A) The site does the following:

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

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

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

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

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

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

(A) agricultural material composting operations;

(B) green material composting operations and facilities;

(C) vegetative food material composting facilities;

(D) research composting operations; and,

(~~D~~E) chipping and grinding operations and facilities.

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

(13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)(12). Digestate intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854.

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

(15) "Disposal of compostable material" means:

(A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1 pursuant to Section17855;

2. storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration requirements of section 17868.2, ~~onto~~ on land for ~~a combined period of time greater~~ more than ~~six months~~ 30 days, except as provided in subdivision (A) 3.; or

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

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

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

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

~~(C~~ 3.~~)~~ ~~disposal does not include~~ land application ~~of compostable organic material~~ as defined in section 17852(a)(24.5). ~~"Land Application" means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA)~~

~~requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.~~

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

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

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

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

(18) "EA" means enforcement agency.

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

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

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

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

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

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

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

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

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

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1;

2. The compostable material meets the maximum metal concentrations as specified in section 17868.2;

3. The compostable material meets the pathogen density limits as specified in section 17868.3(b)(1); and

4. The compostable material is not applied more frequently than once during a 12 month period, and, at the time of the application, the compostable material shall not exceed an average of 12 inches in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board, may approve alternative application frequencies and depths, if the EA after such consultation determines that the alternatives will not adversely affect public health and safety or the environment.

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

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

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

2. Prior to application, the California Department of Food and Agriculture (CDFA) has 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 application, the EA has received confirmation that CDFA has made the determination specified in (B)2. above.

[*Note: 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) beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686, or 5) 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. 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 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, including, but not limited to, glass, metal, and plastic.

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

§ 17854. Compostable Materials Handling Facility Permit Requirements.
Except as specified in this Article, all compostable materials handling activities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

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

§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.
Sections 17854 through 17862.1 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) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

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

Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Refer to Section 17855	Agricultural Material Composting Operations (all) Section 17856.		Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.
	Green Material Composting Operations (≤ 12,500 yd^3) Section 17857.1(a)	Vegetative Food Material Composting Facilities (≤ 12,500 yd^3) Section 17857.2	Green Material Composting Facilities (> 12,500 yd^3) Section 17857.1 (c)
	Biosolids Composting Operations at POTWs (all) Section 17859.1		Vegetative Food Material Composting Facilities (> 12,500 yd^3) Section 17857.2
	Research Composting Operations (≤ 5,000 yd^3) (Within-vessel > 5,000 yd^3 with EA determination) Section 17862.		
	Chipping and Grinding Operations (≤ 200 tpd) Section 17862.1(a)	Chipping and Grinding Facilities (> 200 tpd and ≤ 500 tpd) Section 17862.1(b)	Chipping and Grinding Facilities (> 500 tpd) Section 17862.1(c)

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

§ 17855. Excluded Activities.

(a) Except as provided otherwise in this Chapter, t~~T~~he activities listed in this section do not constitute compostable material handling operations or facilities ~~for the purposes of this Chapter~~ and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the ~~board~~ 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) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

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

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

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

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

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

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

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

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

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

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

1. has a Report of Facility Information which is completed and submitted to the EA that identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

2. will only use the material on the facility site~~,~~; or

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

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

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

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

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

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

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

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

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

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

(~~7~~6) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

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

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

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

§ 17855.2. Prohibitions.

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

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

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

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

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

(b) The composting of medical waste ~~is prohibited~~.

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

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

§ 17855.3. Permit Name.

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

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

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

~~(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,~~

~~sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is required. If the EA makes such a determination, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.~~

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

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

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

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

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

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

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

§ 17856. Agricultural Material Composting Operations.

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

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

(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. These operations shall be inspected by the EA at least once each calendar

year at a time when compostable material on the site is active compost. ~~Compost produced by an agricultural material composting operation which uses agricultural material and/or green material, as specified in section 17852(a)(21), may be sold or given away in accordance with the following restrictions.~~

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

~~(2) Those operations that sell or give-away more than 1,000 cubic yards of material per year, shall have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, on-site at any one time and shall be inspected by the EA once every three (3) months.~~

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

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

(1) Producers located on Agricultural Land:

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

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

(2) Other Producers:

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

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

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

§ 17857.1. Green Material Composting Operations and Facilities.

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

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

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural users and other consumers, the operator may request in writing that the EA authorize it to temporarily exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed on site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request

within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA determines it will not adversely affect public health and safety or the environment. The EA may impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 17857.2. Vegetative Food Material Composting Facilities.

(a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter

5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.
(b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.
[*Note: See section 17868.5 for green material and vegetative food material processing requirements.*]

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

§ 17859.1. Biosolids Composting at POTWs.
(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly ~~Operated~~ Owned Treatment Works (POTW) shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100).
(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. *[Note: See section 18083(a)(3) for additional EA and* Department *requirements regarding the approval or denial of requests for reducing the frequency of inspections.]*
(b) All other composting of biosolids shall comply with section 17854.

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

§ 17862. Research Composting Operations.
(a) An operator conducting research composting operations shall not have more than 5,000 cubic yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any one time, and shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.
(b) An operator conducting research composting operations utilizing within-vessel processing, may exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and compost, if the EA determines that such increased volume will not pose additional risk to the public health, safety and the environment.
(c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of the research to be performed, research objectives, methodology/protocol to be employed, data to be gathered, analysis to be performed, how the requirements of this subchapter will be met, and the projected timeframe for completion of the research operation.
(d) ~~The EA Notification for a research composting operation shall be reviewed a~~ After ~~each each~~ no more than a two year period of operation~~. Review criteria~~ the operator of a research composting operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.
(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, shall satisfy the following additional requirements:
(1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-site.

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

(3) After no more than a six-month period of operation ~~T~~the ~~EA Notification for~~ the operator of a research composting operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section ~~shall be reviewed after each six month period of operation~~. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.

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

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

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

§ 17862.1. Chipping and Grinding Operations and Facilities.

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

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

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

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

(d) A chipping and grinding operation or facility shall not be subject to the provisions of sections 17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be land applied must meet the requirements of section 17852(a)(24.5).

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

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

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

Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.

Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of Composting Site Information with the EA. If the operator intends to alter the permitted feedstock, these changes must be reported to the EA for maintenance of permit status. Such changes may become the basis for revisions to the permit or for revocation of the permit.
~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~

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

§ 17863.4. Odor Impact Minimization Plan.

(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
(1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
(3) a complaint response and recordkeeping protocol; and,
(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,
(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed~~, but~~ and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA ~~may issue~~ shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors~~,~~ unless:
(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
(2) there is an imminent threat to public health and safety and the environment; or
(3) a public nuisance has occurred.

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

§ 17863.4.1. Odor Best Management Practice Feasibility Report

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

(b) The Report shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 6. Composting Operating Standards

§ 17867. General Operating Standards.

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

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

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

(~~2~~3) All handling activities shall be conducted in a manner that minimizes vectors, ~~odor impacts,~~ litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.

(~~3~~4) Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted.

(~~4~~5) Contamination of compostable material that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

(~~5~~6) Unauthorized human or animal access to the facility shall be prevented.

(~~6~~7) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe manner.

(~~7~~8) All compostable materials handling operations and facilities~~,~~ that are open for public business~~,~~ shall post legible signs at all public entrances. These signs shall include the following information:

(A) name of the operation or facility,
(B) name of the operator,
(C) facility hours of operation,
(D) materials that will and will not be accepted, if applicable,
(E) schedule of charges, if applicable, and
(F) phone number where operator or designee can be reached in case of an emergency.

(~~8~~9) The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided to allow fire control equipment access to all operation areas.

(~~9~~10) The operator shall provide telephone or radio communication capability for emergency purposes.

(~~10~~11) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground material shall be removed from the site within 7 days and transported to an appropriate facility.

(~~11~~12) Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.

(~~12~~13) The operator shall ensure that leachate is controlled to prevent contact with the public.

(~~13~~14) The operator shall prevent or remove physical contaminants in compost and chipped and ground materials that may cause injury to humans.

(~~14~~15) An attendant shall be on duty during business hours if the operation or facility is open to the public.

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

Article 7. Environmental Health Standards

§ 17868.1. Sampling Requirements.

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

(a) Operators shall verify that compost meet the maximum acceptable metal concentration limits specified in section 17868.2~~,~~ and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it

was produced. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:

(1) An operator who composts agricultural material, green material, food material, vegetative food material, or mixed ~~solid waste~~ material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.

(2) An operator who composts biosolids shall meet the sampling schedule described in Table ~~1~~2 below.

Table ~~1~~2- Frequencies of Compost Sampling for Biosolids Composting Facilities

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

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

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

(b) 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 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.

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

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

§ 17868.2. Maximum Metal Concentrations.

(a) Compost ~~products derived from compostable materials that contain any metal in amounts that~~ shall not contain metals in excess ~~exceed~~ of the maximum acceptable metal concentrations shown in Table ~~2~~3. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, or other use as approved by local, state ~~or~~ and federal agencies having ~~appropriate~~ jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

Table ~~2~~3 -Maximum Acceptable Metal Concentrations

Constituent	*Concentration (mg/kg) 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) 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.

(b) Alternative methods of compliance to meet the requirements ~~of Subdivision (a)~~ of this section~~, including but not limited to sampling frequencies,~~ may be approved by the EA ~~for green and food materials composting operations and facilities~~ if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table ~~2~~3 are not exceeded.

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

§ 17868.3. Pathogen Reduction.

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

(b) Operators that produce compost shall ensure that:

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

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

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

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

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

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

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

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

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

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

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.
(d) Alternative methods of compliance to meet the pathogen reduction requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

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

§ 17868.3.1. Physical Contamination Limits.
(a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.
(b) Upon request of the EA, a compostable material handling operation shall take a representative sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(d) Any sampling conducted to comply with this section shall require a composite sample. 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 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.
(e) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contamination limits requirements of this section are met.

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

§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.
~~In order for a feedstock to be considered g~~Green material, as defined in section 17852(a)(21), and vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following requirements~~ shall be met~~:
(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste loads and load sorting to quantify the percentage of ~~contaminating materials~~ physical contaminants and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green material or vegetative food material).
(1) A minimum of ~~one~~ ten percent of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in section 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).
(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.

(c)~~ Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.~~
~~(d)~~ Facility personnel shall be adequately trained to perform the activities specified in this section.
~~(e)~~(d) Any operation or facility using this feedstock shall maintain records demonstrating compliance with this section.

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

Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.
Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:
(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the~~ board~~ Department, EA local health entity, and other duly authorized regulatory and EAs during normal working hours.
(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.
(c) The operator shall record any public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the complaint, and
(4) any actions taken to respond to the complaint.
(d) The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site.
(e) The operator shall record the number of load checks performed and loads rejected.
(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
(1) The operator shall retain records detailing pathogen reduction methods.
(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.
(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.

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

Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.

(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.
(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.
(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.
(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.

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

§ 17896.2. Definitions.
(a) For the purposes of this Chapter:
(1) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.
(2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.
(3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.
(4) "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.
(5) "Contact Water" means water that has come in contact with waste and may include leachate.
(6) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.
(7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic solid wastes. Digestion includes:
(A) Aerobic digestion - the controlled biological decomposition of organic material in the presence of oxygen.
(B) Anaerobic digestion - the controlled biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.
(C) Other controlled biological decomposition processes.
(8) "Dairy In-vessel Digestion Operation" means a dairy that receives, for purposes of co-digestion in an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.
(9)"Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent. All unsold products shall be collected and processed in covered, leak-proof containers,

and remain in the custody of the owner at all times. All putrescible material shall be refrigerated at the retail store and during transport to the operation.

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

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

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

(13) "Large Volume In-vessel Digestion Facility" means a facility that receives 100 tons or more of solid waste per operating day for digestion in an in-vessel digester.

(14) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives shall not exceed 105 tons (or 420 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(15) "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.

(16) "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.

(17) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of 15 tons (or 60 cubic yards) 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 shall be less than 700 tons (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(18) "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.

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

(20) "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.

(21) "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.

(22) "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.

(23) "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.

(24) "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."

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

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

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

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

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

(30) "Special Waste" includes but is not limited to:

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

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

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

(32) "Store" means to stockpile or accumulate for later use.

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

§ 17896.3. Pre-Existing Permits and Notifications.

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

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

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

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

§ 17896.4. Permit Name.

Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall 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 (≥ 60 yd3 or 15 tpd and < 100 tpd) Section 17896.12	Large Volume In-Vessel Digestion Facilities (≥ 100 tpd) 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		
In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)	Distribution Center In-Vessel Digestion Operations Section 17896.10		
Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)	Limited Volume In-Vessel Digestion Operations (< 60 yd^3 or 15 tpd) Section 17896.11		

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

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

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

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

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

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

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

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

a. The written request must contain the following information:

i. The purpose of the request.

ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.

iii. Types of organic material requested for classification as an anaerobically digestible material.

iv. The source(s) of the waste material.

v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).

vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant to accommodate the new waste materials.

vii. Available laboratory test results, engineering reports, research or study to support the request.

viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.

ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 17896.7. Prohibitions.

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

(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow, except when received:

(1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or residential food scrap collection; or

(2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

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

(b) The in-vessel digestion of medical waste.

(c) The in-vessel digestion of hazardous waste.

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

§ 17896.8. Research In-Vessel Digestion Operations.

(a) An operator conducting research in-vessel digestion operations shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

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

(c) After no more than a two year period of operation, the operator of a research in-vessel digestion operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines, based on the report, that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41.

(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, shall satisfy the following additional requirements:

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

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

(3) After no more than a six-month period of operation the operator of a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41.

(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2). to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA Notification for research in-vessel digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

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

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

§ 17896.9. Dairy In-Vessel Digestion Operations.

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

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

Department *requirements regarding the approval or denial of requests for reducing the frequency of inspections.]*

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

§ 17896.10. Distribution Center In-Vessel Digestion Operations.

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

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

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

§ 17896.11. Limited Volume In-Vessel Digestion Operations.

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

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

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

§ 17896.12. Medium Volume In-Vessel Digestion Facilities.

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

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

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

§ 17896.13. Large Volume In-Vessel Digestion Facilities.

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

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

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

§ 17896.14. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(17) shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

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

§ 17896.15. In-Vessel Digestion Report.
(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(13) shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility's operations, or to change the solid waste facility permit shall do one of the following:
(1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
(2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

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

§ 17896.16. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in Section 17896.1.(a).
(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel digestion facilities.
(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17896.45 and 17896.46.
(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).

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

Article 2. Siting and Design

§ 17896.17. Siting On Landfills.
(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.
(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.
(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.

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

§ 17896.18. General Design Requirements.

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

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

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

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

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

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

Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

§ 17896.19. Biogas Control.

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

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

§ 17896.20. Cleaning.

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

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

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

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

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

§ 17896.21. Drainage and Spill Control.

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

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

(2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;
(3) protect the integrity of roads and structures;
(4) protect the public health; and
(5) prevent safety hazards and interference with operations.
(b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.

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

§ 17896.22. Dust Control.
(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:
(1) safety hazards due to obscured visibility; or
(2) irritation of the eyes; or
(3) hampered breathing;
(4) migration of dust off-site.

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

§ 17896.23. Hazardous, Liquid, and Special Wastes.
(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and sludge wastes in a manner to protect public health, safety, and the environment.

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

§ 17896.24. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given existing weather conditions.

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

§ 17896.25. Load Checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Chapter. This program must include at a minimum:
(1) the number of random load checks to be performed;
(2) a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;
(3) records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.

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

§ 17896.26. Maintenance Program.
All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair. The operator shall implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions.

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

§ 17896.27. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code), shall not be accepted at an in-vessel digestion operation or facility, unless approved by the appropriate regulatory agencies.

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

§ 17896.28. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise include but are not limited to: posting of warning signs that recommend or require hearing protection; separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise transmission. Compliance with specific provisions regarding noise control in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.

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

§ 17896.29. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles, pesticides and other materials capable of causing public health or safety problems shall not be salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and the EA.

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

§ 17896.30. Odor Best Management Practice Feasibility Report.
(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17896.31(f).
(b) The Report shall:
(1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;
(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
1. The effectiveness of the BMP in reducing odor impacts;

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

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

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

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

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

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

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

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

2. If the BMP is operationally practical;

3. The approximate cost to implement the BMP;

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

5. Overall recommendation and ranking of implementing the BMP.

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

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

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

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

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

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

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

§ 17896.31. Odor Minimization Plan.

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

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

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

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

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

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

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

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

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors unless:
(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
(2) there is an imminent threat to public health and safety and the environment; or
(3) a public nuisance has occurred.

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

§ 17896.32. Odor and Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained:
(a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
(b) to otherwise prevent the creation of a nuisance.

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

§ 17896.33. Parking.
Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.

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

§ 17896.34. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations, section 3203, shall be available for review by local and state inspectors during normal business hours. Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

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

§ 17896.35. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or sealed structure or removed from the site within 48 hours from the time of receipt. This requirement does not apply to putrescible waste stored in a sealed bag, bottle, or can.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date of receipt or at an alternate frequency approved by the EA.

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

§ 17896.36. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.

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

§ 17896.37. Roads.

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

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

§ 17896.38. Sanitary Facilities.

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

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

§ 17896.39. Scavenging and Salvaging.

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

(a) scavenging shall be prohibited;

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

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

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

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

§ 17896.40. Signs.

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

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

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

§ 17896.41. Site Restoration.

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

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

(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.
(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:
(1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.
(2) All machinery shall be cleaned and removed or stored securely.
(3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.

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

§ 17896.42. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.

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

§ 17896.43. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.

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

§ 17896.44. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

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

Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Each operator shall meet the following requirements:
(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be: submitted to the EA or the Department upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;
(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.
(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;
(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,

earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;

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

(1) the nature of the complaint,

(2) the date the complaint was received,

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

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

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

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

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

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

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

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

§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.

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

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

Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.

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

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

§ 17896.48. Equipment.

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

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

§ 17896.49. Fire Fighting Equipment.

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

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

§ 17896.50. Housekeeping.

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

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

§ 17896.51. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.

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

§ 17896.52. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.

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

§ 17896.53. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.

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

§ 17896.54. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
(1) interference with or creation of a safety hazard on adjacent public streets or roads,
(2) on-site safety hazards, and
(3) interference with operations.

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

§ 17896.55. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.

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

§ 17896.56. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.

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

Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

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

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

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

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

(3) removed from the site and either:

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

(B) used or disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction.

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

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

§ 17896.58. Sampling Requirements.

(a) The sampling of compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at 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. 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 results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) This 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.

(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, 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, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results 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

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

(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.

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

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

§ 17896.60. Pathogen Reduction.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

(1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). Sample results must be received by the operator prior to removing product from the site.

(2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

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

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

(4) If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a

temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
(c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in subdivision (b) of this section are met:
(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.
(2) Temperature measurements for pathogen reduction shall be measured as follows:
(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;
(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.
(d) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

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

§ 17896.61. Physical Contamination Limits.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more that 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.
(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(c) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contaminant requirements of this section are met.

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

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.
(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health and safety. The LEA/EA shall perform these inspections and related duties as required below, and forward inspection reports to the operator and/or owner, and the ~~board~~ Department within 30 days of the inspection:
(1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;
(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);

(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. The Department shall concur or deny the EA-proposed approval within thirty (30) days from receipt.

(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to ~~board~~ Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;

(A) the ~~board~~ Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.

(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the ~~board~~ Department through a grant program to inspect waste tire facilities, major waste tire facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;

(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and

(8) pursuant to the EPP, for solid waste handling and collection equipment.

(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site's operating hours.

Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference: Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

Article 3.0. Regulatory Tier Requirements

§ 18100. Scope.

(a) This Article sets forth the method of application for a tiered solid waste facilities permit, procedures for review and action on an application package, and other requirements associated with regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance and other requirements associated with solid waste handling operations. Similar provisions regarding a full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

(b) The provisions of this Article shall apply only to those operations and facilities as specified in the minimum standards set forth in Chapters 3.0, ~~or~~ 3.1, or 3.2 of Division 7 of this Title.

(c) The submittal of an enforcement agency notification (in accordance with section 18103) or issuance of a tiered permit supersedes any previously submitted enforcement agency notification or issued tiered permit.

(d) Specific provisions relating to the different types of regulatory tiers may be found below as follows:

(1) Excluded	section 18102
(2) Notification of Enforcement Agency	sections 18103 – 18103.3
(3) Registration Permit	sections 18104 – 18104.9; and
(4) Standardized Permit	sections 18105 – 18105.11.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020, 43021 and 43000-45802, Public Resources Code.

§ 18102. Excluded Solid Waste Handling.
Operators of excluded operations designated by the minimum standards set forth in Division 7 of this Title are not required to notify the enforcement agency or submit an application for a solid waste facilities permit. Nothing in this section precludes the enforcement agency or the ~~board~~ Department from inspecting an excluded operation to verify that the operation is being conducted in a manner that qualifies as an excluded operation or taking any appropriate enforcement action.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

§ 18103. Enforcement Agency Notification.
(a) The enforcement agency notification provisions of this Article shall apply only to operations as specified in the minimum standards set forth in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of this Title.
(b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement agency notification as follows:
(1) Filing Requirements section 18103.1;
(2) Record Keeping Requirements section 18103.2; and
(3) Termination of Operation section 18103.3.
(c) Operations authorized to use the enforcement agency notification tier are required to operate in accordance with the minimum standards set forth in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 applicable to that operation.
(d) Nothing in this section precludes the enforcement agency or the ~~board~~ Department from the following: inspecting an operation to verify that the operation is being conducted in a manner that qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in compliance with the minimum standards; or, taking any appropriate enforcement action, including the use of a 'notice and order.'

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code

§ 18103.1. Filing Requirements.
(a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate in writing prior to commencing operations. This written notification shall be legible and include the following information:
(1) The name, address, and phone number of the proposed operation; the name, address, and phone number where the operator can be contacted if these differ from the operation site; and, the name, address, and phone number of the owner if these differ from the operator.
(2) The section in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier and a description of the facility's operations, including but not limited to, volume and hours of wastes/material handled, peak and annual loading, and hours of operation.
(3) Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include~~,~~ proof of compliance with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator's intent to commence operations.
(4) A statement by the owner and operator certifying under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.
(b) The notification shall be mailed to the enforcement agency "return receipt requested."

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

§ 18103.2. Record Keeping Requirements.
The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the ~~board~~ Department within five days of receipt. The enforcement agency shall retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations.

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

§ 18104. Registration Permit.

(a) The registration permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of this Title.
(b) A registration permit shall be deemed to incorporate~~d~~ by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Chapters 3, ~~or~~ 3.1, or 3.2, of Division 7.
(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:
(1) Filing Requirements section 18104.1;
(2) Enforcement Agency Processing Requirements section 18104.2;
(3) Record Keeping Requirements section 18104.3;
(4) Completeness Appeal section 18104.4;
(5) Change in Operation section 18104.5;
(6) Change in Owner section 18104.6;
(7) Permit Review & Reissuance section 18104.7;
(8) Suspend/Revoke section 18104.8, and
(9) Voiding of a Registration Permit section 18104.9.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

§ 18104.1. Filing Requirements.

Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated herein by reference, with the enforcement agency. The application shall be accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See Appendix A.) This application shall contain the following information:
(a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to name, location, site map, and location map.
(c) Facility information, including, but not limited to, volume and type of waste/material; handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) Conformance finding information as follows:
(1) Until a countywide or regional agency integrated waste management plan has been approved by the ~~board~~ Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.
(2) After a countywide or regional agency integrated waste management plan has been approved by the ~~board~~ Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code Section 50001.
(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.
(g) Evidence that the application form was provided to the director of the local agency that oversees local use planning for the jurisdiction in which the site is located.
(h) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

§ 18104.2. Enforcement Agency Processing Requirements.

…
(g) The enforcement agency shall provide a copy of the registration permit to the ~~board~~ Department and to any person who has so requested in writing.
…

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021, and 43000-45802, Public Resource Code.

§ 18104.3. Record Keeping Requirements.
…
(c) The enforcement agency shall forward copies of any written public comments received on an application to the ~~board~~ Department with the registration permit submitted pursuant to section 18104.2(f).
(d) Subsequent to the transmittal of the registration permit to the ~~board~~ Department, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the ~~board~~ Department unless the comment clearly states that a copy has already been provided to the ~~board~~ Department.
(e) If an application is denied, the enforcement agency shall retain public comments received on that application for a period of 2 years. If a previously denied permit is approved, all comments received shall be forwarded to the ~~board~~ Department with the copy of the registration permit submitted under subsection (c) above.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resource Code.

§ 18104.6. Change in Owner.
(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department within five days of receipt.
…

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section 6255, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

§ 18104.9. Voiding of a Registration Permit.
Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary operational shutdowns which are seasonal or intermittent in nature.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 43000-45802, Public Resources Code.

§ 18105. Standardized Permit.
(a) The standardized permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of the Title.
(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.
(c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:
(1) Filing Requirements section 18105.1;
(2) Enforcement Agency Processing Requirements section 18105.2;
(3) Record keeping Requirements section 18105.3;

(4) Completeness Appeal section 18105.4;
(5) ~~Board~~ Department Processing Requirements section 18105.5;
(6) Appeal of Decision section 18105.6;
(7) Change in Operation section 18105.7;
(8) Change in Owner section 18105.8;
(9) Permit Review section 18105.9;
(10) Suspend/Revoke section 18105.10; and
(11) Voiding of a Standardized Permit section 18105.11.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 43000-45802, Public Resources Code.

§ 18105.1. Filing Requirements.

Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, ~~or~~ 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.

(f) One of the following:

(1) Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

(2) Information on the status of the application's compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.

(g) Conformance finding information as follows:

(1) Until a countywide or regional agency integrated waste management plan has been approved by the ~~board~~ Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by the ~~board~~ Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant Public Resources Code Section 50001.

(h) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.

(i) Evidence that the application form was provided to the director of the local agency that oversees local use planning for jurisdiction in which the site is located.

(j) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

§ 18105.2. Enforcement Agency Processing Requirements.

…

(g) Within fifteen days of acceptance of an application for filing:

(1) The enforcement agency shall evaluate the information provided in the application and the proposed facility to determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized solid waste facilities permit terms and conditions.

(2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

(3) If the enforcement agency finds that the application and facility meet the requirements set forth in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the ~~board~~ Department. The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the ~~board~~ Department. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.

(4) If the enforcement agency finds that the application or facility do not meet the requirements set forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this requirement~~s~~ has been demonstrated. Unless waived by the applicant pursuant to Public Resources Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not been submitted within 120 days of the application's acceptance for filing, the enforcement agency shall reject the application and not issue the standardized permit.

(i) Once the ~~board~~ Department has concurred in the issuance of the proposed standardized permit, pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the ~~board~~ Department objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the ~~board~~ Department's decision, and the reasons for that decision, within five days of receipt of that decision.

…

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021, and 43000-45802, Public Resource Code.

§ 18105.3. Record Keeping Requirements.

…

(c) The enforcement agency shall forward copies of any written public comments received on a pending application to the ~~board~~ Department with the proposed standardized permit submitted pursuant to section 18105.2(g).

(d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the ~~board~~ Department, unless the comment clearly states that a copy has already been provided to the ~~board~~ Department.

…

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021, and 43000-45802, Public Resource Code.

§ 18105.5. ~~Board~~ Department Processing Requirements.

(a) The ~~board~~ Department shall mark the proposed standardized permit with the date of receipt.

(b) The ~~board~~ Department shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

(c) Within 30 days of receipt of a proposed standardized permit, the ~~board~~ Department shall either concur in or object to the issuance of the proposed standardized permit.

(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards and the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken. The ~~board~~ Department shall concur in the edited standardized permit.

(e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the ~~board~~ Department shall notify the enforcement agency of its determination in writing. If the ~~board~~ Department objects, the reasons for the objection shall be provided to the enforcement agency.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 43000-45802, Public Resources Code

§ 18105.6. Appeal of Decision.
(a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section 18105.2(g)(3) or of the ~~Board~~ Department taken pursuant to section 18105.5 to the enforcement agency within 15 days of the date that the decision was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the applicant's appeal.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 43000-45802, Public Resources Code

§ 18105.8. Change in Owner.
(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the ~~board~~ Department within five days of receipt.
…

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Section 6225, Government Code; and Sections 43020, 43021, and 43000-45802, Public Resource Code.

§ 18105.9. Permit Review and Reissuance.
…
(d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections 18105.2 and 18105.3 and the ~~board~~ Department shall follow the procedures set forth in Section 18105.5.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020, 43021, and 44015, Public Resource Code.

§ 18105.11. Voiding of a Standardized Permit.
Every standardized permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the ~~board~~ Department within 7 days. "Cessation of operations" does not include temporary operational shutdowns which are seasonal or intermittent in nature.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 43000-45802, Public Resources Code.

Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit, the operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;

(b) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(c) descriptive statement of the manner in which activities are to be conducted at the facility;
(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(e) total acreage contained within the operating area;
(f) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(g) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(h) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(i) anticipated volume of quench or process water and the planned method of treatment, and disposal of any wastewater;
(j) description of provisions to handle unusual peak loading;
(k) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(l) planned method for final disposal of the solid waste;
(m) planned method for the storage and removal of salvaged material;
(n) resume of management organization which will operate the facility;
(o) An Odor Impact Minimization Plan pursuant to section 17896.31.

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

§ 18221.6.1. In-Vessel Digestion Report.

Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to maintain an existing permit, the operator must file amendments as required in section 17896.15 of this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. A Report shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;

(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal of any wastewater;
(k) description of provisions to handle unusual peak loading;
(l) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised;
(q) An Odor Impact Minimization Plan pursuant to section 17896.31.

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

§ 18227. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18104) shall, at the time of application, file a Report of Composting Site Information with the EA as required by section 17863 of this Title. A Report of Composting Site Information shall contain the following:
(a) A description of the processes to be used, including estimated quantities of feedstocks, additives, and amendments.
(b) A descriptive statement of the operations conducted at the facility.
(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized in the production of compost including, but not limited to, unloading, storage, processing, parking, and loading areas.
(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and insects, for example, how the operator will store, process and incorporate food material and vegetative food material into windrows or static piles, timeframes for inclusion of material, collection and containment of leachate, passive and active vector controls, methods to monitor effectiveness of control measures.
(e) A description of the proposed emergency provisions for equipment breakdown or power failure.
(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average length of time compostable materials will be stored at the facility.
(g) A description of compostable materials handling equipment used at the facility including type, capacity, and number of units.
(h) Anticipated annual operation capacity for the facility in cubic-yards.
(i) A description of provisions to handle unusual peak loadings.
(j) A description of the proposed method for storage and final disposal of nonrecoverable or nonmarketable residues.
(k) A description of the water supplies for process water required.
(l) Identification of person(s) responsible for oversight of facility operations.
(m) A description of the proposed site restoration activities, in accordance with section 17870.
(n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as food material or vegetative food material.

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

Article 4. Enforcement by EA and Review by ~~Board~~ Department

§ 18302. Written Complaints of Alleged Violations.
(a) Any person having information alleging a facility or operation is being operated without a required permit or notification, in violation of one or more terms or conditions of a permit, in violation of the

state minimum standards, or in violation of any related state solid waste laws or regulations, or that a permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may file a complaint regarding such allegation in writing to the EA. The ~~compliant~~ complaint shall include the following:

(1) The name, address and telephone number of the person making the complaint, however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;

(2) The identity and location, if known, of the facility or operation and the names and addresses, if known, of the persons responsible for the violation;

(3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

(4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.

(b) The person making the complaint may forward a copy to the ~~board~~Department.

(c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine whether its allegations, if true, would constitute a violation of a state minimum standard, permit term or condition or any related state solid waste law or regulation. The EA shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint's technical compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege facts constituting a violation of a state minimum standard, permit term or condition or related state solid waste law or regulation, it shall so advise the reporting party in writing at the address given in the complaint if an address is given and place a copy in its files.

(d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the following:

(1) The date and time the EA arrived and departed within the complaint area.

(2) Observations of wind direction and speed, and general weather conditions such as clouds, fog, high wind speed, humidity, and temperature.

(3) If odor is detected, the EA shall:

(A) Record the location where odor was observed, such as the street address, latitude/longitude, tax parcel number, etc.

(B) Verify the odor event at the complainant’s location and ascertain if the odor is interfering with the complainant’s use and enjoyment of the property.

(C) Document odor characteristics, intensity, and duration at the complainant’s location, the solid waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

(D) Identify activities conducted at the solid waste facility/operation at the time of the odor event. The EA should consult with the operator to determine if there were unusual operational changes or atypical feedstocks accepted during the time of the complaint(s).

(~~d~~e) The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on that ground, it shall so advise the complaining party in writing at the address given in the complaint if an address is given and place a copy in its files.

(~~e~~f) Except as provided in subsection (c) or subsection (~~d~~e) of this section, the EA shall commence an investigation of the facts alleged in the complaint.

(~~f~~g) If an LEA has a complaint review and investigation initiation procedure that contains substantially the same basic requirements as this section, and accomplishes the intended purposes of this section within its ~~board~~ Department-approved EPP, it may follow that equivalent process in lieu of subsections (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or her complaint will receive appropriate attention.

(~~g~~h) If the ~~board~~ Department receives a complaint in a jurisdiction where it is not the EA, the complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has already received a copy from the complaining party.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43209, 44012, 44015 and 45000-45024, Public Resources Code.

California Code of Regulations

Title 27. Environmental Protection

Division 2. Solid Waste

Appendix 1 Joint Permit Application Form

~~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 Agenc~~y~~ies (~~L~~EAs) ~~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/L~~EA
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 ½ "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/~~L~~EA/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/~~L~~EA/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)).
Date Rejected: The date the EA rejects ~~determines that~~ the ~~a~~Application ~~package is rejected~~ (Title 27, section 21650(d)).
Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete ~~a~~Application ~~package as incomplete~~ (Title 27, section 21580).
~~**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 ~~a~~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.

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 incinerate~~s~~d~~,~~ 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,~~ (Y~~y~~ou 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 ~~a~~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~~ classifie~~d~~s 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 r~~R~~esidential 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.~~

A~~B~~. 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 m~~M~~ust 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 the conversion factor should be documented in the accompanying RFI~~. Applicants for new SWFP

and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below must equal the maximum daily tonnage.

1. **Disposal/Transfer**: The amount of ~~material~~ solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste; and

2. **Other**: That amount of all other material received at the site, including, but not limited to, material that is recycled, ~~or used for beneficial use~~ beneficially reused (such as ADC, road building or other on-site projects), stored or processed. ~~Note: 1 and 2 should equal the peak daily tonnage or cubic yards.~~

b. **As-Designed Daily ~~Design~~ Tonnage ~~(TPD)~~ or Cubic Yards**: For landfills, the maximum ~~daily tonnage~~ amount of solid waste and other material that the facility is designed to receive and process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, size of ~~working face~~ the operating areas, vehicle traffic ~~considerations~~, hours of operation, personnel, equipment operational limits, etc. For other facilities, ~~it is~~ the maximum amount of solid waste and other material the facility is designed to ~~handle~~ receive and process ~~at any one time~~ on an ongoing bases over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, vehicle traffic ~~consideration~~, facility size, hours of operations, length of material storage, type of equipment and movement, personnel, equipment operational limits, etc. This amount shall be expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion factor. The as-~~D~~designed ~~tonnage~~ value may be equal to or greater than the ~~peak~~ maximum daily ~~tonnage~~ value.

c. **Facility Size**: The area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur ~~and are permitted~~. This includes ~~T~~the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment ~~management area~~, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as "operating area" for compost~~ing~~able material handling facilities, "permitted acreage" or the area within the "permitted boundar~~ies~~y" for transfer/processing facilities and landfills.

d. **~~Peak~~ Maximum Traffic Volume Per Day (vpd)**: The ~~estimated~~ maximum number of vehicles ~~that will~~ authorized by the EA to enter the facility on a daily basis. This number ~~should~~ includes ~~not only waste vehicles, but~~ all vehicles, laden or empty, entering the facility gate, including vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or material intended for beneficial reuse. This number must be consistent with the approved RFI ~~and any 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~~.

e. **Days and Hours of Operation**: The days and hours that the facility is authorized by the EA to ~~in operation~~ operate and the hours of waste receipt authorized by the EA if different from the hours of operation. This information must be consistent with the approved RFI ~~and any 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~~. Any activities that are limited to prescribed days ~~and/~~or hours should be fully described in the RFI.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs**: This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI submitted as part of the Application. The EA will review the requests and establish the terms and conditions of a proposed SWFP for those requests that are supported by documents submitted by the applicant. The RWQCB will review the requests and establish the terms and conditions of tentative WDRs for those requests that are supported by documents submitted by the applicant. Use the "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

~~2~~3. **Additional Information Required For Compost~~ing~~able Materials Handling Facilities Only**: This portion of ~~Part 3, section B2, in addition to Part 3, section B1,~~the Application must be filled out by the applicant if ~~composting~~ handling compostable materials is part of this ~~a~~Application.

a. **Total Site ~~Storage~~ Capacity**: The total capacity in tons or cubic yards of all ~~feedstock and compost (active, curing, and cured)~~ material that is received, processed, and ~~can be~~ stored on-site at any one time.

~~3~~4. **Additional Information Required For Landfills Only**: This portion of ~~Part 3, section B3, in addition to Part 3, section B1,~~the Application must be filled out by the applicant if a landfill is part of ~~this~~ the ~~a~~Application. All [*Note to OAL and publisher: No proposed change. Existing text underlined for*

emphasis.] sections of the ~~a~~Application must be filled out completely [*Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.*].

a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be ~~received~~ placed in a waste management unit for each operating day on a yearly basis (calendar year) for the next five years. Do not use non-operating days in ~~estimated/~~calculating the average daily tonnage. This average daily tonnage can be equal to but may not exceed the ~~peak~~ maximum daily tonnage. Report as tons per day (TPD).

b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site Capacity.

c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested or potentially resulting from this permit ~~a~~Application.

d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity used to date. See Date of Capacity Information below.

e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity remaining, not including any proposed site capacity. If the remaining capacity information provided is based on estimates of capacity used since the last physical site survey, please explain the methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume, etc. See Date of Capacity ~~i~~Information below.

f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the ~~a~~Application date by no more than three months. Amendments of the ~~a~~Application including more current capacities may be required.

g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see Part 6, Section B for more details).

h. **Estimated Closure Date (month and year)**: The closure date estimated based on remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other appropriate factors. Please note if the closure date is controlled by factors other than waste capacity (e.g., conditional use permit date, etc.)

i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This will be referred to as "permitted disposal area."~~.~~

j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards) based upon any planned expansions not currently proposed, whether within or outside the current permitted boundary.

k. Provide o~~O~~ne of the following:

1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and

(ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to ~~the CIWMB~~ CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the CIWMB~~ CalRecycle is reported, or

2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to ~~the CIWMB~~ CalRecycle is reported.

Part 4. SOURCE OF WATER SUPPLY (This is water used for any purpose at the facility)

A. Municipal or Utility Service: Give name and address of the water purveyor.
B. Individual Wells: Identify those wells that are not part of a municipal or utility service.
C. Surface Supply:

1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

D. Other: Enter any water source(s) not identified above.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or ~~is going to~~ will be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

1. If an environmental document was prepared:

- If an environmental document has already been prepared and circulated through the SCH and there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box that is checked.
- If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be ~~prepared and~~ circulated through the SCH and write N/A in the appropriate blank for "SCH#."
- If the "ADDENDUM TO (Identify environmental document)" box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.

2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

EXAMPLE ONLY:
If the environmental document is an environmental impact report (EIR), write "EIR" and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the ~~appropriate~~ box to indicate why an environmental document is not required ~~for~~ under CEQA.

- If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

EXAMPLE ONLY:
A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" and write the following in the blank after the box: "CEQA Guidelines, Section 15301, Class I Categorical Exemption."

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A ~~of Part 6~~ must be completed by all applicants regardless of the type of facility.
B. Section B ~~of Part 6 is additional documents required~~ must be completed only by ~~landfill~~ applicants ~~only~~ for disposal facilities.

- Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle ~~CIWMB~~ 107) has an "effective date" identified on the certificate~~. This date should~~ and must be within the preceding twelve-month (annual renewal) period.
- Financial Responsibility Documentation: The financial mechanism ~~will be~~ is a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value ~~should~~ must be within the preceding twelve-month (annual renewal) period.

- Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, ~~S~~sections 21780 and 21865 as ~~appropriate~~ applicable.
- Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.
- Landfill Capacity Survey Results: For disposal ~~sites~~ facilities permitted ~~for~~ to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the ~~enforcement agency~~ EA. For disposal ~~sites~~ facilities permitted ~~for~~ to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this ~~a~~Application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

~~A~~1. "base ground surface" - the best available excavation plan surface that existed prior to the placement of any waste;

~~B~~2. "CADD" -computer aided design and drafting;

~~C~~3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

~~D~~4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;

~~E~~5. "existing ground surface" - the topography that exists at the time of the subject survey;

~~F~~6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

~~G~~7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;

~~H~~8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the disposal site;

~~I~~9. "net volume" - the fill volume less the cut volume;

~~J~~10. "site name" - the name of the disposal site for which the survey information is being submitted;

~~K~~11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;

~~L~~12. "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;

~~M~~13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;

~~N~~14. "survey" -a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;

~~O~~15. "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;

~~P~~16. "volume calculation method" - grid, composite, section or other method approved by the ~~enforcement agency~~ EA~~;~~.

C. Section C ~~of Part 6~~ specifies ~~is~~ additional documents required ~~only if applicable~~ for the type of facility to be covered under this ~~a~~Application as required by the EA or RWQCB. Under "Other,"~~:~~ identify and ~~L~~list any other necessary documents not ~~included~~ specified above but that are required by the EA or RWCB under applicable law, such as, ~~if the operator is different from landowner, attach~~ a lease or ~~franchise~~ other agreement documenting the operator's interest in and right to use the site as a solid

waste facility ~~real property. Another example would be if there is a contract operator then a copy of the~~ or a contract between the permitted operator and contract operator~~ and etc~~.

Part 7. OWNER INFORMATION:

Type of Business: Specify if the ~~business~~ owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or ~~government~~ public agency.
Owner of Land: The person(s) that owns~~, in whole or in part,~~ the land on which the facility is located.
Address, City, State, Zip: Provide the address, city, state, and zip code for the facility owner(s).
SSN or Tax ID #: Provide the SSN or tax identification number for the land owner(s).
Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax ~~#~~ number, and e-mail address, and print the contact name.
Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for each owner of the facility~~where legal notice may be served~~.

Part 8. OPERATOR INFORMATION:

Type of Business: Specify if the ~~business~~ operator filing this Application is a sole proprietorship, partnership, corporation, or ~~government~~ public agency.
Facility Operator: The person~~(s)~~ (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at ~~an~~ a facility.
Address, City, State, Zip: Provide the address, city, state, and zip code for the facility operator~~(s)~~.
SSN or Tax ID #: Provide the SSN or tax identification number for the operator~~(s)~~.
Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax ~~#~~ number, and e-mail address, and print the contact name.
Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for the operator of the facility~~where legal notice may be served~~.

Part 9. SIGNATURE BLOCK:

Signature (landowner or agent): ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf of the ~~above~~ owner.
Signature (lessee): A person(s) authorized to sign on behalf of the person leasing the land, if applicable.
Signature (facility operator~~ or agent~~): ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf of the operator~~ above~~.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.

STATE OF CALIFORNIA
~~CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD~~DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
REGIONAL WATER QUALITY CONTROL BOARD

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**):

☐ 1. NEW SWFP and/or WDRS

2. ~~REVISION OF~~ CHANGE TO SWFP and/or WDRS
☐ REVISION ☐ MODIFICATION ☐ OTHER (As authorized by law)

☐ ~~3. EXEMPTION and/or WAIVER~~

☐ ~~4~~ 3. PERMIT REVIEW

☐ ~~5~~ 4. AMENDMENT OF APPLICATION

☐ ~~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):

☐ 1. DISPOSAL
a. TYPE :

☐ 2. COMPOST~~ING~~ABLE MATERIALS HANDLING
a. TYPE:

☐ 3. TRANSFORMATION

☐ 4. TRANSFER/PROCESSING ~~FACILITY~~
~~☐ CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.~~

☐ 5. C&D/INERT DEBRIS PROCESSING

☐ 6. IN-VESSEL DIGESTION

☐ ~~5~~ 7. OTHER (describe):

D. IDENTIFICATION OF FACILITY IN CIWMP CONFORMANCE FINDING~~] INFORMATION (CIWMP)~~:

☐ 1. FACILITY IS IDENTIFIED IN (Check one):

☐ SITING ELEMENT DATE OF DOCUMENT _____ PAGE # _____

☐ 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):

☐ 1. AGRICULTURAL
☐ 2. ASBESTOS o Friable o Non-friable
☐ 3. ASH
☐ 4. AUTO SHREDDER
☐ 5. COMPOSTABLE MATERIAL (describe):
☐ 6. CONSTRUCTION/DEMOLITION
☐ 7. CONTAMINATED SOILS
☐ 8. DEAD ANIMALS
☐ 9. INDUSTRIAL
☐ 10. INERT
☐ 11. LIQUIDS
☐ 12. ~~MIXED~~/MUNICIPAL SOLID WASTE (MSW)
☐ 13. SEWAGE SLUDGE
☐ 14. WASTE TIRES
☐ 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/TRANSER (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 _____

~~2~~3. ADDITIONAL INFO. REQUIRED FOR COMPOST~~ING~~ABLE MATERIALS HANDLING FACILITIES ONLY:

a. TOTAL SITE ~~STORAGE~~ CAPACITY (cu yds) _____

~~3~~4. 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:

☐ RFI/JTD _____

☐ ~~LOCAL USE/PLANNING PERMITS~~ _____

☐ LOCATION MAP _____

☐ MITIGATION MONITORING ~~IMPLEMENTATION SCHEDULE~~& REPORTING PROG _____

☐ LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____

☐ ENVIRONMENTAL DOCUMENT(S):

☐ EIR _____

☐ MND/ND _____

☐ EXEMPTION _____

☐ ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR ~~LANDFILLS~~ DISPOSAL FACILITIES ONLY:

☐ OPERATING LIABILITY FINANCIAL MECHANISM _____

☐ CLOSURE/POST CLOSURE MAINTENANCE PLAN

☐ PRELIMINARY _____
☐ FINAL _____

☐ FINANCIAL RESPONSIBILITY DOCUMENTATION _____

☐ KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____

☐ LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____

C. IF APPLICABLE:

☐ REPORT OF WASTE DISCHARGE _____

☐ ~~CONTRACT AGREEMENTS~~ _____

☐ STORMWATER PERMIT APPLICATION _____

☐ NPDES PERMIT APPLICATION _____

☐ OTHER _____

☐ DEPT. OF ~~HEALTH SERVICES~~ TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____

☐ SWAT (Air and water) _____

☐ WETLANDS PERMITS _____

☐ VERIFICATION OF FIRE DISTRICT COMPLIANCE _____

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).