



## Consolidated Draft Regulation Text

(Revisions to initial discussion draft text based on comments received)

~~Strikethrough~~ = deletion of existing text

Underline = addition to existing text

**Red Font** = revision to initial discussion draft text released in summer or fall of 2012

1 California Code of Regulations

2  
3 Title 14. Natural Resources  
4 Division 7. California Integrated Waste Management Board

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

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

11  
12 **§ 17017. Definitions.**

13 As used in this division:

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

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

20  
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
22 Sections 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

23  
24  
25 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ...

#### 26 **§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

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

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

37 ...

#### 38 **§ 17383.7. Inert Debris Type A Processing Operations.**

39 ...

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

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

48 ...

### 51 **Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory** 52 **Requirements**

#### 53 **§ 17388.3. Inert Debris Engineered Fill Operations.**

54 ...

55 (b) Inert debris engineered fill operations shall be inspected ~~as necessary~~ by the EA at least once  
56 every three (3) months to verify compliance with State Minimum Standards unless the EA approves,  
57

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

8 ...  
9

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

### 11 **§ 17403.1. Excluded Operations.**

12  
13 (a) The following operations do not constitute transfer operations or facilities for the purposes of these  
14 Articles and are not required to meet the requirements set forth herein:

15 ...

16  
17 (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in  
18 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid  
19 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW  
20 Treatment Plant wastewater, in accordance with Section 17896.5(a)(1)

21 ...

### 22 **§ 17403.2. Sealed Containers Transfer Operations.**

23 All sealed container transfer operations subject to this Article shall comply with the Enforcement  
24 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California  
25 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,  
26 ~~as necessary at least once every three (3) months to verify compliance with minimum standards~~  
27 ~~unless the EA approves, with **Department** concurrence, a reduced inspection frequency. The EA may~~  
28 ~~approve a reduced inspection frequency only if it will not pose an additional risk to public health and~~  
29 ~~safety or the environment but in no case shall the frequency be less than once per calendar year.~~  
30 *[Note: See section 18083(a)(3) for additional EA and **Department** requirements regarding the*  
31 *approval or denial of requests for reducing the frequency of inspections.]* ~~Inspections shall be~~  
32 ~~conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall~~  
33 ~~the frequency be less than annual.~~ The operator shall specify the operation's boundary area in the  
34 operating record.  
35

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

### 39 **§ 17403.3. Limited Volume Transfer Operations.**

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

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

## 55 56 57 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory** 58 **Requirements** 59

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## 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).

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

- 8 (A) agricultural material composting operations;
- 9 (B) green material composting operations and facilities;
- 10 (C) research composting operations; and,
- 11 (D) chipping and grinding operations and facilities.

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

15 (13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material  
16 has been processed in an in-vessel digester, as defined in section 17896.2(a)(10). Digestate intended  
17 to be composted pursuant to this Chapter may only be handled at a facility that has obtained a  
18 Compostable Materials Handling Facility Permit pursuant to section 17854.

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

21 (15) "Disposal of compostable material" means:

22 (A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1  
23 pursuant to Section 17855;

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

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

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

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

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

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

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

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

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

58 (17) "Enclosed Composting Process" means a composting process where the area that is used for  
59 the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed

1 sides and rests on a stable surface with environmental controls for moisture and air-borne emissions  
2 present.

3 (18) "EA" means enforcement agency.

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

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

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

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

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

39 (22.5) "Green Material/Vegetative Food Material Composting Facility" is a facility that composts  
40 green material, vegetative food material, additives, and/or amendments. A green material/vegetative  
41 food material composting facility may also handle manure and paper products. An operation or facility  
42 that handles a feedstock that is not green material, vegetative food material, manure, or paper  
43 products, shall not be considered a green material/vegetative food material composting facility.  
44 "Green Material/Vegetative Food Material Composting Facility" does not include activities excluded  
45 from regulation in section 17855.

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

50 (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a  
51 compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section  
52 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

53 (24.5) "Land Application" includes either scenario listed below and means:

54 (A) In the case of any land, including land zoned for agricultural purposes, land application means  
55 the final deposition of compostable material spread on land, under the following conditions:

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

58 2. The compostable material meets the maximum metal concentrations as specified in section  
59 17868.2;

1 3. The compostable material meets the pathogen density limits as specified in section  
2 17868.3(b)(1); and

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

8 (B) In the case of land zoned for agricultural purposes only, land application also means the final  
9 deposition of compostable material spread on agricultural land under the following conditions:

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

12 2. Prior to application, the California Department of Food and Agriculture (CDFA) has  
13 determined that the land application is in compliance with all applicable requirements established by  
14 CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land  
15 application is agronomically beneficial; and

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

18 (C) Verification of compliance with the subsections (A) and (B) above must be provided to the EA  
19 upon request.

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

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

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

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

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

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

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

40 (C) process water and stormwater drainage control systems.

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

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

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

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

46 (D) site restoration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 30 **Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and** 31 **Facilities**

### 33 **§ 17854. Compostable Materials Handling Facility Permit Requirements.**

34 Except as specified in this Article, all compostable materials handling activities shall obtain a  
35 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California  
36 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles  
37 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

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

#### 41 **§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations** 42 **and Facilities.**

43 Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7,  
44 Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter  
45 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of  
46 Regulations) for compostable material handling operations and facilities. These requirements are  
47 summarized in Table 1.

48  
49 Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers  
50  
51

<b><u>Excluded Tier</u></b>	<b><u>Enforcement Agency</u></b> <b><u>Notification Tier</u></b>	<b><u>Registration</u></b> <b><u>Permit Tier</u></b>	<b><u>Full Solid Waste</u></b> <b><u>Facility Permit</u></b>
<u>Refer to Section</u> <u>17855</u>	<u>Agricultural Material Composting</u> <u>Operations (all)</u> <u>Section 17856.</u>		<u>Composting Facilities (all)</u> <u>(e.g. biosolids, food</u> <u>material, mixed solid</u> <u>waste)</u> <u>Section 17854.</u>

Green Material Composting Operations (< 12,500 yd<sup>3</sup>)  
Section 17857.1(a)

Green/Vegetative Food Material Facilities (< 12,500 yd<sup>3</sup>)  
Section 17857.2

Green Material Composting Facilities (> 12,500 yd<sup>3</sup>)  
Section 17857.1 (c)

Biosolids Composting Operations at POTWs (all)  
Section 17859.1

Green/Vegetative Food Material Facilities (> 12,500 yd<sup>3</sup>)  
Section 17857.2

Research Composting Operations (< 5,000 yd<sup>3</sup>) (Within-vessel > 5,000 yd<sup>3</sup> with EA determination)  
Section 17862.

Chipping and Grinding Operations (< 200 tpd)  
Section 17862.1(a)

Chipping and Grinding Facilities (200 tpd < x < 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, the 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) Small-scale compostable material handling:

1 *[Note: Persons handling compostable material under the following exclusions are obligated to obtain*  
2 *all permits, licenses, or other clearances that may be required by other regulatory agencies including,*  
3 *but not limited to local health entities and local land use authorities. These exclusions can be applied*  
4 *to backyard composting, as appropriate.]*

5 (A) Composting Handling of green material, and a limited amount of food material and vegetative  
6 food material, feedstock, additives, amendments, compost, or chipped and ground material is an  
7 excluded activity if the total amount of feedstock and compost on-site at any one time does not  
8 exceed 500 cubic yards or less is on-site at any one time, the compostable materials are feedstock is  
9 generated on-site, and if no more than 1,000 cubic yards of compost materials are either is sold or  
10 given away annually. For the purposes of this exclusion, the compostable material feedstock may  
11 also include contain any combination of up to 10% food material and vegetative food material not  
12 exceeding 20% of the feedstock on-site at any time, calculated by volume.

13 *[Note: This exclusion is intended to apply to larger-scale activities such as those conducted at parks,*  
14 *universities, business parks, hospitals, golf courses, prisons, and to other similar uses.]*

15 (B) Within-vessel composting process activities with less than 50 cubic yards of material on site  
16 are excluded.

17 *[Note: This exclusion is intended to apply to restaurants and to other similar uses.]*

18 (C) Composting green material and vegetative food material at a school or a community garden  
19 space is an excluded activity if the total amount of material on-site at any time does not exceed ten  
20 cubic yards, and all of the resulting compost is used at the shared, community garden or at the  
21 school.

22 *[Note: This exclusion applies to schools and community garden space.]*

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

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

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

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

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

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

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

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

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

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

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

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

46 (J) the materials are handled in such a way to preclude their reaching temperatures at or above  
47 122 degrees Fahrenheit as determined by the EA.

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

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

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

53 ~~(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not~~  
54 ~~limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as~~  
55 ~~determined by the EA; land application in accordance with California Department of Food and~~  
56 ~~Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section~~  
57 ~~14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine~~  
58 ~~Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770~~  
59 ~~et seq.~~

1  
2 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
3 Sections 43020 and 43021, Public Resources Code.  
4

5 **§ 17855.2. Prohibitions.**

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

9 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,  
10 hide, blood, bone and marrow is prohibited, except when from the food service industry, grocery  
11 stores, or residential food scrap collection, or as part of a research composting operation for the  
12 purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or  
13 environmental concern, in accordance with section 17862.

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

15 (c) The composting of hazardous waste is prohibited.  
16

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

20 **§ 17855.3. Permit Name.**

21 Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and  
22 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."  
23

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

27 ~~**§ 17855.4. Pre-Existing Permits and Notifications-**~~

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

36 ~~(b) If an operation had previously been operating pursuant to an EA Notification in accordance with~~  
37 ~~the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance~~  
38 ~~with its EA Notification or regulatory authorization until the EA determines that a Compostable~~  
39 ~~Materials Handling Facility Permit is required. The EA shall make this determination no sooner than~~  
40 ~~120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable~~  
41 ~~Materials Handling Facility Permit is required, the operator shall comply with the Compostable~~  
42 ~~Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,~~  
43 ~~Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1~~  
44 ~~(commencing with section 21450) within two years of that determination.~~

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

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

57 ~~—(1) If the EA determines that the activity is required to comply with the EA Notification~~  
58 ~~requirements, the operator shall comply with the EA Notification requirements set forth in Title 14,~~

1 ~~California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100),~~  
2 ~~within 120 days from that determination.~~

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

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

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

### 15 16 **§ 17856. Agricultural Material Composting Operations.**

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

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

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

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

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

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

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

51 (1) ~~Producers located on Agricultural Land:~~

52 (A) ~~Operations located on land that is zoned for agricultural uses that sell or give away less than~~  
53 ~~1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and~~  
54 ~~green material on the site; provided, however, the EA may limit the amount of green material~~  
55 ~~feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess~~  
56 ~~material may pose a risk to public health and safety or the environment.~~

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

59 (2) ~~Other Producers:~~

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

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

11  
12 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
13 Sections 43020 and 43021, Public Resources Code.  
14

### 15 **§ 17857.1. Green Material Composting Operations and Facilities.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22  
23 [Note: See section 17868.5 for green material processing requirements.]

24  
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
26 Sections 43020 and 43021, Public Resources Code.

27  
28 **§ 17857.2. Green Material/Vegetative Food Material Composting Facilities.**

29 (a) A green material/vegetative food material composting facility may have up to 12,500 cubic yards  
30 of feedstock, compost, and chipped and ground material on-site at any one time and shall obtain a  
31 Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division  
32 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable  
33 requirements of this Chapter.

34 (b) A green material/vegetative food material composting facility that has more than 12,500 cubic  
35 yards of feedstock, compost, and chipped and ground material on-site at any one time shall obtain a  
36 Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California  
37 Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,  
38 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.

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

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

43  
44 **§ 17859.1. Biosolids Composting at POTWs.**

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

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

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

56  
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
58 Sections 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503,  
59 Code of Federal Regulations.

1  
2 **§ 17862. Research Composting Operations.**  
3 ...

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

10  
11 **§ 17862.1. Chipping and Grinding Operations and Facilities.**

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

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

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

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

34 (d) A chipping and grinding operation or facility shall not be subject to the provisions of sections  
35 17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be  
36 land applied must meet the requirements of section 17852(a)(24.5).

37 (e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section  
38 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements  
39 (commencing at section 17400).

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

43  
44 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
45 Sections 43020 and 43021, Public Resources Code.  
46  
47

48 **Article 3. Report of Facility Information**

49  
50 **§ 17863. Report of Composting Site Information.**

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

57 ~~(m) A description of the proposed site restoration activities, in accordance with Section 17870.~~  
58

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

## 3 4 5 **Article 7. Environmental Health Standards**

### 6 7 **§ 17868.1. Sampling Requirements.**

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

10 (a) Operators shall verify that compost meet the maximum acceptable metal concentration limits  
11 specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.  
12 Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall  
13 occur at the point where compost is sold and removed from the site, bagged for sale, given away for  
14 beneficial use and removed from the site or otherwise beneficially used. Sample results must be  
15 received by the operator prior to removing compost from the composting operation or facility where it  
16 was produced. This verification shall be performed by taking and analyzing at least one composite  
17 sample of compost, following the requirements of this section as follows:

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

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

23  
24 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

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

27 (3) Composite sample analysis for maximum acceptable metal concentrations, specified in section  
28 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health  
29 Services, pursuant to the Health and Safety Code.

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

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

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

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

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

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

37 (c) The EA may approve alternative methods of sampling ~~for a green material composting operation or~~  
38 ~~facility that, which~~ ensures the maximum metal concentration requirements of section 17868.2 and  
39 the pathogen reduction requirements of section 17868.3 are met, for compostable material handling  
40 operations or facilities handling agricultural material, green material, vegetative food material, or food  
41 material.

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

1  
2 **§ 17868.2. Maximum Metal Concentrations.**

3 (a) Compost ~~products derived from compostable materials that contain any metal in amounts that~~  
4 ~~shall not contain metals in excess exceed of~~ the maximum acceptable metal concentrations shown in  
5 Table 2. ~~Compost that contains any metal in excess of any maximum metal concentrations~~ shall be  
6 designated for disposal, additional processing, or other use as approved by local, state or ~~and~~ federal  
7 agencies having ~~appropriate~~ jurisdiction. Sample results must be received by the operator prior to  
8 removing compost from the composting operation or facility where it was produced.  
9

Table 23 -Maximum Acceptable Metal Concentrations

<i>Constituent</i>	<i>Concentration (mg/kg)</i>
	<i>on dry weight basis</i>
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	<del>1200-0</del> (see subdivision (a)(1) below)
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	<del>36-100</del>
Zinc (Zn)	2800

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

14 (b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section,  
15 including but not limited to sampling frequencies, may be approved by the EA for compostable  
16 material handling operations or facilities handling agricultural material, green material, vegetative food  
17 material, and-or food materials ~~composting operations and facilities~~, if the EA determines that the  
18 alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2  
19 are not exceeded.

20  
21 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
22 Sections 43020 and 43021, Public Resources Code.  
23

24 **§ 17868.3. Pathogen Reduction.**

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

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

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

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

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

42 (3) If the operation or facility uses a windrow composting process, active compost shall be  
43 maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit)

1 or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is  
2 maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the  
3 windrow.

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

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

11 ~~(d)~~ Compost operations and facilities shall be monitored as follows to ensure that the standards in  
12 Subdivision (b) of this section are met:

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

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

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

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

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

24  
25 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
26 Sections 43020 and 43021, Public Resources Code.

### 27 **§ 17868.3.1. Physical Contamination Limits.**

28 (a) ~~Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4  
29 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4  
30 millimeters shall be designated for disposal, additional processing, or other use as approved by local,  
31 state or federal agencies having appropriate jurisdiction. Sample results must be received by the  
32 operator prior to removing compost from the composting operation or facility where it was produced.~~

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

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

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

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

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

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

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

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

47 (e) ~~The EA may approve alternative methods of sampling, which ensure the physical contaminant  
48 requirements of this section are met.~~

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

### 53 **§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.**

54 ~~In order for a feedstock to be considered Composting operations and facilities that receive green  
55 material, as defined in section 17852(a)(21), and/or vegetative food material, as defined in section  
56 17852(a)(20)(A), as a feedstock must satisfy the following requirements shall be met:~~

57 (a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater  
58 than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste  
59

1 loads and load sorting to quantify the percentage of contaminating materials physical contaminants  
2 and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green  
3 material or vegetative food material).

4 (1) A minimum of ~~one ten~~ percent of daily incoming feedstock volume or at least one truck per day,  
5 whichever is greater, shall be inspected visually. If a visual load check indicates a physical  
6 contamination level greater than 1.0 percent, a representative sample shall be taken, physical  
7 contaminants shall be collected and weighed, and the percentage of physical contaminants  
8 determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total  
9 weight or if the load contains materials that do not meet the definitions of green material in section  
10 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

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

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

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

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

19  
20 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
21 Sections 43020 and 43021, Public Resources Code.  
22  
23

## 24 **Article 8. Composting Operation and Facility Records**

### 25 **§ 17869. General Record Keeping Requirements.**

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

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

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

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

35 (1) the nature of the complaint,

36 (2) the date the complaint was received,

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

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

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

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

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

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

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

53 (h) The operator shall retain a record of training and instruction completed in accordance with section  
54 17867.5.  
55

56  
57 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
58 Sections 43020 and 43021, Public Resources Code.  
59

1  
2 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**  
3  
4

5 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**  
6

7 **§ 17896.1. Authority and Scope.**

8 (a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel  
9 digestion operations and facilities that receive and process by means of in-vessel digestion solid  
10 wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of  
11 sections 17896.4 through 17896.12 are not applicable to operations and facilities that are subject to  
12 regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of  
13 this Division, may still be subject to the regulatory requirements specified in this Chapter.

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

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

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

27 (e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from  
28 obtaining all required permits, licenses, or other clearances and complying with all orders, laws,  
29 regulations, or reports, or other requirements of other regulatory or enforcement agencies, including  
30 but not limited to, local health agencies, regional water quality control boards, Department of Toxic  
31 Substances Control, California Department of Industrial Relations, Division of Occupational Safety and  
32 Health, air quality management districts or air pollution control districts, local land use authorities, and  
33 fire authorities.  
34

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

38 **§ 17896.2. Definitions.**

39 (a) For the purposes of this Chapter:

40 (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from  
41 the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and  
42 similar activities undertaken for the production of food or fiber for human or animal consumption or  
43 use, which is separated at the point of generation, and which contains no other solid waste. With the  
44 exception of grape pomace, agricultural material has not been processed except at its point of  
45 generation and has not been processed in a way that alters its essential character as a waste resulting  
46 from the production of food or fiber for human or animal consumption or use. Material that is defined  
47 in this section 17852 as "food material" or "vegetative food material" is not agricultural material.  
48 Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape  
49 pomace, and crop residues.

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

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

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

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

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

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

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

4 (B) Anaerobic digestion - the biological decomposition of organic material in the absence of  
5 oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual  
6 digestate.

7 (C) Fermentation - the biological conversion of carbohydrates into acids or alcohol in the absence  
8 of oxygen.

9 (D) Other biochemical processes.

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

11 (9) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section  
12 66261.3, et seq.

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

15 (11) "In-vessel Dairy Digestion Operation" means an in-vessel digester located at a dairy operating  
16 under Waste Discharge Requirements, issued by a Regional Water Quality Control Board, that  
17 specifically address the co-digestion of imported solid waste feedstock with manure and other  
18 agricultural materials.

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

21 (13) "Limited Volume In-vessel Digestion Operation" means an activity that receives no more than  
22 60 cubic yards and no more than 15 tons of solid waste per operating day for digestion in an in-vessel  
23 digester.

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

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

32 (16) "Medium Volume In-vessel Digestion Facility" means an activity that receives more than 15  
33 tons and less than 100 tons of solid waste per operating day for digestion in an in-vessel digester.

34 (17) "Nuisance" includes anything which:

35 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the  
36 comfortable enjoyment of life or property, and

37 (B) affects at the same time an entire community, neighborhood or any considerable number of  
38 persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

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

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

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

50 (21) "Operations Area" means:

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

53 1. equipment management area, including cleaning, maintenance, and storage areas; and

54 2. material and/or solid waste management area, including unloading, handling, transfer,  
55 processing, and storage areas.

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

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

4 (A) complying with regulatory requirements set forth in these Articles;

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

6 (C) the design, construction, and physical operation of the operations area;

7 (D) controlling the activities at an operation or facility as listed on the permit application or  
8 Enforcement Agency Notification.

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

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

17 (25) "Salvaging" means the controlled separation of solid waste material which do not require  
18 further processing, for reuse or recycling prior to transfer activities.

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

20 (27) "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids and  
21 controlling air-borne emissions that could contribute to odors or other nuisance conditions.

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

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

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

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

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

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

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

### 36 **§ 17896.3. Pre-Existing Permits and Notifications.**

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

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

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

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

1  
2 **§ 17896.4. Regulatory Tiers Requirements for In-Vessel Digestion Operations and**  
3 **Facilities.**

4 Sections 17896.5 through 17896.10 set forth the regulatory tier requirements (Title 14, Division 7,  
5 Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter  
6 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of  
7 Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These  
8 requirements are summarized in Table 1.

9  
10 Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers  
11

<b><u>Excluded Tier</u></b>	<b><u>Enforcement Agency Notification Tier</u></b>	<b><u>Registration Permit Tier</u></b>	<b><u>Full Solid Waste Facility Permit</u></b>
Anaerobically digestible materials at POTWs Section <a href="#">17896.5(a)(1)</a>	Research <a href="#">in-vessel</a> digestion operations Section <a href="#">17896.6</a>	Medium Volume In-Vessel Digestion Facility Section <a href="#">17896.9</a>	Large Volume In-Vessel Digestion Facility Section <a href="#">17896.10</a>
Ag material derived from ag site & returned to same site Section <a href="#">17896.5(a)(2)</a>	<a href="#">In-Vessel Dairy Digestion Operations</a> Section <a href="#">17896.7</a>		
In-vessel digestion activities with less than 50 cubic yard <a href="#">on-site</a> capacity Section <a href="#">17896.5(a)(3)</a>	<a href="#">Limited Volume In-Vessel Digestion Operation</a> Section <a href="#">17896.8</a>		
<a href="#">Handling activities that are already subject to more stringent handling requirements under Federal or State law</a> Section <a href="#">17896.5(a)(4)</a>			

12 *[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]*  
13

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

17 **§ 17896.5. Excluded Activities.**

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

22 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in  
23 section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid

1 waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW  
2 Treatment Plant wastewater, is excluded under the following conditions:

3 (A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant.  
4 Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a  
5 covered, leak-proof container and then pumped and co-digested in an anaerobic digester(s) at the  
6 POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior  
7 to anaerobic digestion, but must be processed and conveyed in a contained system.

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

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

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

16 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen  
17 grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title  
18 14, CCR, Section 17582(a)(20) and vegetative food material as defined in Title 14, CCR, Section  
19 17582(20)(A).

20 (D) For the purpose of this exclusion, the Department, in consultation with the State Water  
21 Resources Control Board and the California Department of Food and Agriculture, will on a case-by-  
22 case basis, review and consider approval of additional types of organic materials as potential  
23 "anaerobically digestible material" beyond those specified in section 17896.5(a)(1)(C) in accordance  
24 with the following:

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

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

28 i. The purpose of the request.

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

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

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

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

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

38 vii. Available laboratory test results, engineering reports, pilot study results to support the  
39 request.

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

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

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

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

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

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

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

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

1 I. The waste type has or has not been determined to be an anaerobically digestible  
2 material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory  
3 Requirements (pursuant to Section 17896.5(a)(1)(C) and the Transfer/Processing Operations and  
4 Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

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

7 III. The agencies have determined that a pilot study will need to be conducted and the  
8 results analyzed prior to a determination made by the agencies.

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

14 2. For the purpose of this exclusion, if an organic waste material is determined by the  
15 Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW  
16 wastewater, the POTW Treatment Plant must comply with 17896.5 (a)(1)(A) prior to receipt of the  
17 material at the POTW Treatment Plant.

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

25 (3) In-vessel digestion activities with less than a total of 50 cubic yards of solid waste, feedstock,  
26 and post-digested solids on site are excluded.

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

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

### 33 **§ 17896.6. Research In-Vessel Digestion Operations.**

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

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

42 (c) The EA Notification for a research in-vessel digestion operation shall be reviewed after each two  
43 year period of operation. Review criteria shall include the results and conclusions drawn from the  
44 research.

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

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

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

56 (3) The EA Notification for the research in-vessel digestion operation using unprocessed mammalian  
57 tissue as feedstock and documentation of additional requirements of this section shall be reviewed  
58 after each six month period of operation.  
59

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

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

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

#### 14 **§ 17896.7. In-Vessel Dairy Digestion Operation.**

15 (a) In-vessel dairy digestion operation shall comply with the EA Notification requirements set forth in  
16 Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section  
17 18100).

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

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

#### 30 **§ 17896.8. Limited Volume In-Vessel Digestion Operations.**

31 All limited volume in-vessel digestion operations shall comply with the Enforcement Agency  
32 Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California  
33 Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA  
34 at least once every three (3) months unless the EA approves, with Department concurrence, a  
35 reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an  
36 additional risk to public health and safety and the environment but in no case shall the frequency be  
37 less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-  
38 proposed approval to the Department. *[Note: See section 18083(a)(3) for additional EA and*  
39 *Department requirements regarding the approval or denial of requests for reducing the frequency of*  
40 *inspections.]*

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

#### 45 **§ 17896.9. Medium Volume In-Vessel Digestion Facilities.**

46 All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements  
47 set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations  
48 (commencing with section 18104). These facilities shall be inspected monthly by the EA in accordance  
49 with PRC section 43218.

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

#### 54 **§ 17896.10. Large Volume In-Vessel Digestion Facility.**

55 All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in  
56 accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter  
57 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The  
58 In-vessel Digestion Report required by section 17869.12 shall constitute the Report of Facility  
59

1 Information required by section 21570(f)(2) of Title 27. These facilities shall be inspected monthly by  
2 the EA in accordance with PRC section 43218.

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

6  
7 **§ 17896.11. In-Vessel Digestion Facility Plan.**

8 Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(15)  
9 shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The  
10 information contained in the Plan shall be reviewed by the EA to determine whether it is complete and  
11 correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

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

15  
16 **§ 17896.12. In-Vessel Digestion Report.**

17 (a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(12)  
18 shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator  
19 of an existing facility who submits an application package to the EA, pursuant to Title 27, section  
20 21570, which proposes to change the facility's operations, or to change the solid waste facility permit  
21 shall do one of the following:

- 22 (1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or  
23 (2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

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

27  
28 **§ 17896.13. Applicability of State Minimum Standards.**

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

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

33 (c) Approvals, determinations and other requirements that the EA is authorized to make under Articles  
34 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator  
35 shall place a copy of each approval, determination and other requirement in the operating record  
36 together with those records identified in sections 17414 and 17414.1.

37 (d) Some of the standards contained in this Chapter authorize the EA to approve an alternative  
38 method of compliance with the standard. These provisions are not intended to allow the EA to change  
39 the particular standard, but are intended to allow the EA flexibility to approve, in advance, an  
40 alternative method of meeting the existing standard which provides equivalent protection of the public  
41 health and safety and the environment as the existing standard. For facilities that require a full solid  
42 waste facility permit, the EA may choose to include the approved alternative method of compliance as  
43 a term and condition of the solid waste facility permit, rather than in the manner authorized by  
44 subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to  
45 the method may require a revision to the solid waste facility permit in accordance with the procedures  
46 set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1  
47 (commencing with section 21570).

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

51  
52  
53 **Article 2. Siting and Design**

54  
55 **§ 17896.14. Siting On Landfills.**

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

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

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

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

### 11 **§ 17896.15. General Design Requirements.**

12  
13 (a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as  
14 appropriate, from persons competent in engineering, architecture, landscape design, traffic  
15 engineering, air quality control, water quality protection and design of structures.

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

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

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

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

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

## 39 40 41 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

### 42 **§ 17896.16. Biogas Control.**

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

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

### 49 **§ 17896.17. Cleaning.**

50  
51 (a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of  
52 containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,  
53 in order to prevent the propagation or attraction of flies, rodents, or other vectors:

54 (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;  
55 (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at  
56 least once every 24 hours.

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

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

3  
4 **§ 17896.18. Drainage and Spill Control.**

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

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

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

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

10 (4) protect the public health; and

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

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

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

17  
18 **§ 17896.19. Dust Control.**

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

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

26 (2) irritation of the eyes; or

27 (3) hampered breathing;

28 (4) migration of dust off-site.

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

32  
33 **§ 17896.20. Hazardous, Liquid, and Special Wastes.**

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

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

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

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

46  
47 **§ 17896.21. Litter Control.**

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

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

54  
55 **§ 17896.22. Load checking.**

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

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

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

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

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

10  
11 **§ 17896.23. Maintenance Program.**

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

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

18  
19 **§ 17896.24. Medical Wastes.**

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

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

27  
28 **§ 17896.25. Noise Control.**

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

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

38  
39 **§ 17896.26. Non-Salvageable Items.**

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

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

47  
48 **§ 17896.27. Nuisance Control.**

49 Each in-vessel digestion operation and facility shall be conducted and maintained to prevent the  
50 creation of a nuisance.

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

54  
55 **§ 17896.28. Odor Minimization Plan.**

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

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

4 (1) an odor monitoring protocol which describes the proximity of possible odor receptors and a  
5 method for assessing odor impacts at the locations of the possible odor receptors; and,

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

9 (3) a complaint response protocol; and,

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

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

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

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

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

28 (f) If the odor impact minimization plan is being followed, but odor impacts are still occurring, the EA  
29 may issue a Notice and Order (pursuant to section 18304) requiring the operator to take additional  
30 reasonable and feasible measures to minimize odors.

31  
32 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.  
33 Reference: Sections 43020, 43021 and 43209.1,

### 34 **§ 17896.29. Parking.**

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

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

### 43 **§ 17896.30. Personnel Health and Safety.**

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

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

### 51 **§ 17896.31. Prohibitions.**

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

54 (a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,  
55 organs, hide, blood, bone and marrow is prohibited, except when received from the food service  
56 industry, grocery stores, or residential food scrap collection, or as part of a research activity for the  
57 purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or  
58 environmental concerns in accordance with section 17862.  
59

- 1 (b) The in-vessel digestion of medical waste is prohibited.  
2 (c) The in-vessel digestion of hazardous waste is prohibited.

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

6  
7 **§ 17896.32. Protection of Users.**

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

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

14  
15 **§ 17896.33. Roads.**

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

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

23  
24 **§ 17896.34. Sanitary Facilities.**

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

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

30  
31 **§ 17896.35. Scavenging and Salvaging.**

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

33 (a) scavenging shall be prohibited;

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

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

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

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

53  
54 **§ 17896.36. Signs.**

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

58 (b) If the operation or facility is open to the public, there shall be an easily visible sign at all public  
59 entrances indicating the name of the operator, the operator's telephone number, schedule of charges.

1 hours of operation, and a listing of the general types of materials which either (1) WILL be accepted,  
2 or (2) WILL NOT be accepted.

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

6  
7 **§ 17896.37. Site Restoration.**

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

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

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

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

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

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

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

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

24  
25 **§ 17896.38. Pre-Digestion Solid Waste Handling.**

26 (a) **Putrescible** wastes shall be injected into the in-vessel digester or stored in a **sealed container or**  
27 **sealed structure** within 8 hours or removed from the site within 48 hours from the time of receipt.

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

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

33  
34 **§ 17896.39. Supervision and Personnel.**

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

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

43  
44 **§ 17896.40. Training.**

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

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

52  
53 **§ 17896.41. Vector, Bird and Animal Control.**

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

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

1  
2 **Article 4. Record Keeping Requirements**  
3

4 **§ 17896.42. Record Keeping Requirements.**

5 Each operator shall meet the following requirements:

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

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

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

15 (d) The operator shall maintain a daily log book or file of special occurrences encountered during  
16 operations and methods used to resolve problems arising from these events, including details of all  
17 incidents that required implementing emergency procedures. Special occurrences shall include but are  
18 not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of  
19 prohibited wastes, lack of sufficient number of personnel pursuant to section 17410.2, flooding,  
20 earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by  
21 telephone within 24 hours of all incidents requiring the implementation of emergency procedures,  
22 unless the EA determines that a less immediate form of notification will be sufficient to protect public  
23 health and safety and the environment;

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

25 (1) the nature of the complaint,

26 (2) the date the complaint was received,

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

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

30 (f) The operator shall maintain a copy of the written notification to the EA and local health agency of  
31 the name, address and telephone number of the operator or other person(s) responsible for the  
32 operations as required by section 17896.39.;

33 (g) The operator shall maintain records of employee training as required by section 17896.40;

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

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

39 (1) The operator shall retain records detailing pathogen reduction methods.  
40

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

44 **§ 17896.43. Documentation of Enforcement Agency Approvals, Determinations, and**  
45 **Requirements.**

46 Approvals, determinations, and other requirements the EA is authorized to make under this Chapter  
47 shall be provided in writing to the operator and placed in the operating record by the operator.  
48

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

52 **Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only**  
53

54 **§ 17896.44. Communications Equipment.**

55 Each in-vessel digestion facility shall have adequate communication equipment available to site  
56 personnel to allow quick response to emergencies.  
57  
58

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

3  
4 **§ 17896.45. Equipment.**

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

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

10  
11 **§ 17896.46. Fire Fighting Equipment.**

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

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

17  
18 **§ 17896.47. Housekeeping.**

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

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

25  
26 **§ 17896.48. Lighting.**

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

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

33  
34 **§ 17896.49. Site Attendant.**

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

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

41  
42 **§ 17896.50. Site Security.**

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

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

48  
49 **§ 17896.51. Traffic Control.**

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

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

57  
58 **§ 17896.52. Visual Screening.**

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

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

9  
10 **§ 17896.53. Water Supply.**

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

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

16  
17  
18 **Article 6. Digestate Handling Standards**

19  
20 **§ 17896.54. Digestate Handling.**

21 (a) Digestate not contained in an in-vessel digester, sealed container, or sealed structure, shall, within  
22 8 hours, be:

23 (1) Removed from the site and delivered as solid waste to another solid waste facility or operation  
24 for disposal, additional processing, or other use as approved by local, state, and federal agencies  
25 having appropriate jurisdiction, or

26 (2) Incorporated in an on-site aerobic compost process. On-site aerobic composting of digestate is  
27 allowable only at large volume in-vessel digestion facilities that have obtained a Full Solid Waste  
28 Facilities Permit pursuant to section 17896.10.

29 (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.56,  
30 pathogen concentration pursuant to section 17896.57(b)(1), and physical contaminants pursuant to  
31 section 17896.58 or are known to contain any metal in amounts that exceed the maximum metal  
32 concentrations described in section 17896.56, pathogens that exceed the maximum acceptable  
33 pathogen concentrations described in section 17896.57(b)(1), or physical contaminants that exceed  
34 the maximum physical contamination limits described in section 17896.58 shall be designated for  
35 disposal, additional processing, or other use as approved by local, state agencies having appropriate  
36 jurisdiction.

37 (c) All in-vessel digestion operations and facilities that compost on-site shall comply with the sampling  
38 requirements of section 17896.55, maximum metal concentrations requirements of section 17896.56,  
39 the maximum acceptable pathogen concentrations requirements of section 17896.57(b)(1), and  
40 physical contamination limits of section 17896.58.

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

44  
45 **§ 17896.55. Sampling Requirements.**

46 (a) The sampling of compost produced at an in-vessel digestion facility shall occur at the point where  
47 the compost is removed from the site, bagged for sale, given away for beneficial use and removed  
48 from the site or otherwise beneficially used. Analytical results indicating compliance with sections  
49 17896.56, 17896.57, and 17896.58 shall be received by the operator prior to the sampled compost  
50 leaving the site. Sample results must be received by the operator prior to removing compost from the  
51 in-vessel digestion facility where it was produced.

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

54 (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of  
55 compost produced.

56 (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section  
57 17896.56, shall be conducted at a laboratory certified by the California Department of Public Health,  
58 pursuant to the Health and Safety Code.

1 (c) A composite sample shall be representative and random, and may be obtained by taking twelve  
 2 (12) mixed samples as described below.  
 3 (1) The twelve samples shall be of equal volume.  
 4 (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as  
 5 follows:  
 6 (A) Four samples from one-half the width of the pile, each at a different cross-section;  
 7 (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,  
 8 (C) Four samples from one-eighth the width of the pile, each at a different cross-section.  
 9 (d) The EA may approve alternative methods of sampling for an in-vessel digestion facility that  
 10 ensures the maximum metal concentration requirements of section 17896.56, the pathogen reduction  
 11 requirements of section 17896.57, and the physical contamination requirements of section 17896.58,  
 12 as applicable, are met.

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

16 **§ 17896.56. Maximum Metal Concentrations.**

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

23  
 24  
 25 Table 2 - Maximum Acceptable Metal Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	0 (see subdivision (a)(1) below)
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	100
Zinc (Zn)	2800

26  
 27  
 28 (1) Although there is no maximum acceptable metal concentration for chromium in compost,  
 29 operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they  
 30 produce to be determined in connection with the analysis of other metals. Operators shall maintain  
 31 records of all chromium concentrations together with their records of other metal concentrations.  
 32 (b) Alternative methods of compliance to meet the requirements of subdivision (a) of this section,  
 33 including but not limited to sampling frequencies, may be approved by the EA for in-vessel digestion  
 34 operations and facilities if the EA determines that the alternative method will ensure that the  
 35 maximum acceptable metal concentrations shown in Table 2 are not exceeded.

36  
 37 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
 38 Sections 43020 and 43021, Public Resources Code.

39 **§ 17896.57. Pathogen Reduction.**

40 (a) Compost produced at an in-vessel digestion facility shall not exceed the maximum acceptable  
 41 pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any  
 42 pathogens in amounts that exceed these pathogen reduction requirements shall be designated for  
 43 disposal, additional processing, or other use as approved by local, state and federal agencies having  
 44 appropriate jurisdiction. Sample results must be received by the operator prior to removing compost  
 45 from the in-vessel digestion facility where it was produced.  
 46 (b) Operators of in-vessel digestion facilities that produce compost shall ensure that:  
 47

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

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

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

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

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

20 (c) In-vessel digestion facilities that produce compost shall be monitored as follows to ensure that the  
21 standards in subdivision (b) of this section are met:

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

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

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

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

30 (d) Alternative methods of compliance to meet the requirements of this section may be approved by  
31 the EA if the EA determines that the alternative method will provide equivalent temperature  
32 measurements.

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

### 36 **§ 17896.58. Physical Contamination Limits.**

37 (a) Compost produced at an in-vessel digestion facility shall not contain more than 0.1% by weight of  
38 physical contaminants greater than 4 millimeters. Compost that contains more than 0.1% by weight of  
39 physical contaminants greater than 4 millimeters shall be designated for disposal, additional  
40 processing, or other use as approved by local, state and federal agencies having appropriate  
41 jurisdiction. Sample results must be received by the operator prior to removing compost from the in-  
42 vessel digestion facility where it was produced.

43 (b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one  
44 representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at  
45 which physical contaminants greater than 4 millimeters shall be collected and weighed, and the  
46 percentage of physical contaminants determined.

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

## 51 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility** 52 **Permits; Loan Guarantees.**

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

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55  
56  
57  
58  
59

1 **§ 18083. LEA Duties and Responsibilities for Inspections.**

2 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3  
3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and  
4 investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal  
5 sites and equipment to verify compliance with the state minimum standards, solid waste facilities  
6 permits, and related state solid waste laws and regulations within their purview for the protection of  
7 the environment and the public health and safety. The LEA/EA shall perform these inspections and  
8 related duties as required below, and forward inspection reports to the operator and/or owner, and the  
9 ~~board-Department~~ within 30 days of the inspection:

10 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

11 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending  
12 abatement by enforcement action(s);

13 (3) at the frequency required by the state minimum standards for each type of operation specified in  
14 14 CCR Sections 17383.9., 17403.5., and 17896.7. All other operations regulated under the EA  
15 Notification tier shall be inspected by the EA at least once every three (3) months unless the EA  
16 approves, with ~~Department~~ concurrence, a reduced inspection frequency. The EA may approve a  
17 reduced inspection frequency only if it will not pose an additional risk to public health and safety or  
18 the environment, and in no case shall the inspection frequency be less than once per calendar year.  
19 The EA shall submit a copy of the operator request and the EA-proposed approval to ~~the Department~~.  
20 ~~The Department~~ shall concur in the request only if it finds that the reduced inspection frequency will  
21 not pose an additional risk to public health and safety or the environment in light of the specific  
22 circumstances at the operation in question. ~~The Department~~ shall concur or deny the request within  
23 thirty (30) days from receipt.

24 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section  
25 21565. For closed sites, inspections shall be made until no potential threat exists to public health and  
26 safety or the environment. This determination shall be subject to ~~board-Department~~ approval. For the  
27 purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site  
28 that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable  
29 closure requirements;

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

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

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

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

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

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

43  
44 Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:  
45 Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

46  
47  
48 **Article 3.2. Reports of Facility Information**

49  
50 **§ 18221.5.1. In-Vessel Digestion Facility Plan.**

51 Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration  
52 Permit, as set forth in section 17896.7 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing  
53 with section 18100) shall, at the time of application, file an In-vessel Digestion Facility Plan ("Plan")  
54 with the EA as required in section 17896.9 of this Title. In order to maintain the permit, the operator  
55 must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack  
56 thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan  
57 shall contain the following:

58 (a) name(s) of the operator, owner, and the company they represent, if applicable;

- 1 (b) schematic drawing of the building and other structures showing layout and general dimensions of  
2 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;  
3 (c) descriptive statement of the manner in which activities are to be conducted at the facility;  
4 (d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of  
5 material processing, each set of hours may be stated. For facilities with continuous operations,  
6 indicate the start of the operating day for purpose of calculating amount of waste received per  
7 operating day. The operator may also indicate whether or not, and when, other activities, such as  
8 routine maintenance will take place, if those activities will occur at times other than those indicated  
9 above;  
10 (e) total acreage contained within the operating area;  
11 (f) facility design capacity including the assumptions, methods, and calculations performed to  
12 determine the total capacity;  
13 (g) information showing the types and the daily quantities of solid waste to be received. If tonnage  
14 was figured from records of cubic yards, include the conversion factor used;  
15 (h) description of the methods used by the facility to comply with each state minimum standard  
16 contained in sections 17896.12 through 17896.56;  
17 (i) anticipated volume of quench or process water and the planned method of treatment, and disposal  
18 of any wastewater;  
19 (j) description of provisions to handle unusual peak loading;  
20 (k) description of transfer, recovery and processing equipment, including classification, capacity and  
21 the number of units;  
22 (l) planned method for final disposal of the solid waste;  
23 (m) planned method for the storage and removal of salvaged material;  
24 (n) resume of management organization which will operate the facility.

25  
26 Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:  
27 Sections 40053, 43020 and 43021, Public Resources Code.  
28

### 29 **§ 18221.6.1. In-Vessel Digestion Report.**

30 Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid  
31 Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,  
32 Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel  
33 Digestion Report ("Report") with the EA as required in section 17896.10 of this Title. In order to  
34 maintain an existing permit, the operator must file amendments as required in section 17896.10 of  
35 this Title and re-title the document as a Transfer/Processing Report. Such amendments, or lack  
36 thereof, may become the basis for changes in the permit or for revocation of the permit. A Report  
37 shall contain the following:

- 38 (a) name(s) of the operator, owner, and the company they represent, if applicable;  
39 (b) facility specifications or plans, to include: a site location map, a site map, and identification of  
40 adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet  
41 of the facility property line;  
42 (c) schematic drawing of the building and other structures showing layout and general dimensions of  
43 the operations area, including, but not limited to, unloading, storage, loading, and parking areas;  
44 (d) descriptive statement of the manner in which activities are to be conducted at the facility;  
45 (e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of  
46 material processing, each set of hours may be stated. For facilities with continuous operations,  
47 indicate the start of the operating day for purpose of calculating amount of waste received per  
48 operating day. The operator may also indicate whether or not, and when, other activities, such as  
49 routine maintenance will take place, if those activities will occur at times other than those indicated  
50 above;  
51 (f) total acreage contained within the operating area;  
52 (g) facility design capacity including the assumptions, methods, and calculations performed to  
53 determine the total capacity;  
54 (h) information showing the types and the daily quantities of solid waste to be received. If tonnage  
55 was figured from records of cubic yards, include the conversion factor used;  
56 (i) description of the methods used by the facility to comply with each state minimum standard  
57 contained in sections 17896.12 through 17896.56;  
58 (j) anticipated volume of quench or process water, and the planned method of treatment, and disposal  
59 of any wastewater;

- 1 (k) description of provisions to handle unusual peak loading;
- 2 (l) description of transfer, recovery and processing equipment, including classification, capacity and
- 3 the number of units;
- 4 (m) planned method for final disposal of the solid waste;
- 5 (n) planned method for the storage and removal of salvaged material;
- 6 (o) resume of management organization which will operate the facility;
- 7 (p) list of permits already obtained, and the date obtained or last revised.

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

### 11 **§ 18227. Report of Composting Site Information.**

12 Each operator of a compostable material handling facility that is required to obtain a Compostable  
13 Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,  
14 Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with  
15 section 21450), or a Registration Permit for a Green Material/Vegetative Food Material Composting  
16 Facility, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0  
17 (commencing with section 18104) shall, at the time of application, file a Report of Composting Site  
18 Information with the EA as required by section 17863 of this Title. A Report of Composting Site  
19 Information shall contain the following:

- 20 (a) A description of the processes to be used, including estimated quantities of feedstocks, additives,  
21 and amendments.
- 22 (b) A descriptive statement of the operations conducted at the facility.
- 23 (c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized  
24 in the production of compost including, but not limited to, unloading, storage, processing, parking,  
25 and loading areas.
- 26 (d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and  
27 insects, for example, how the operator will store, process and incorporate food material and  
28 vegetative food material into windrows or static piles, timeframes for inclusion of material, physical  
29 barriers to control liquids, passive and active vector controls, methods to monitor effectiveness of  
30 control measures.
- 31 (e) A description of the proposed emergency provisions for equipment breakdown or power failure.
- 32 (f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average  
33 length of time compostable materials will be stored at the facility.
- 34 (g) A description of compostable materials handling equipment used at the facility including type,  
35 capacity, and number of units.
- 36 (h) Anticipated annual operation capacity for the facility in cubic-yards.
- 37 (i) A description of provisions to handle unusual peak loadings.
- 38 (j) A description of the proposed method for storage and final disposal of nonrecoverable or  
39 nonmarketable residues.
- 40 (k) A description of the water supplies for process water required.
- 41 (l) Identification of person(s) responsible for oversight of facility operations.
- 42 (m) A description of the proposed site restoration activities, in accordance with section 17870.
- 43 (n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator  
44 to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as  
45 food material or vegetative food material.

46  
47  
48 Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.  
49 Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

California Code of Regulations  
Title 27. Environmental Protection  
Division 2. Solid Waste

**NEW**

**INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR SOLID WASTE FACILITY PERMIT ~~AND~~ WASTE DISCHARGE REQUIREMENTS**

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the ~~California Integrated Waste Management Board (CIWMB) Department of Resources Recycling and Recovery (CalRecycle)~~ and local Enforcement Agencies (LEAs) and the or California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The ~~a~~Application is to be used for ~~both~~ new and ~~revised permits~~ changes to existing SWFPs, WDRs, and supporting documents (e.g. Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] ~~a~~Applications must be filled out completely [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] and correctly [Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis.]. Check with ~~local or county enforcement agency~~ the applicable EA or RWQCB for specific permit requirements and ~~or exemptions~~ or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB. ~~This form~~ Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	CIWMB/LEA
Report of Waste Discharge <del>for</del> WDRs	RWQCB

If you have any questions on ~~the completion of~~ how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the ~~CIWMB-CalRecycle website at~~ LEACentral ~~http://www.calrecycle.ca.gov.~~

**NOTE:** For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required ~~in place of this form.~~ Please contact the appropriate Regional Water Quality Control Board ~~RWQCB~~ if seeking to discharge to surface water under the for a National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge.

~~The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 1/2 "X 11" paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application.~~ The agency(ies) will advise you of any additional information that may be required to complete this ~~a~~Application and waste disposal report.

~~You will be notified of the effective date of the application by each agency.~~

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

**AMOUNT OF FILING FEES**

- EA - ~~The enforcement agencies shall determine the exact fee~~ Contact the EA for fee information.

- ~~RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule). Contact the RWQCB for fee information.~~

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**FOR OFFICIAL USE ONLY** (CIWMB-CalRecycle/LEA/RWQCB staff)

**SWIS/WDID/Global ID Number:** The Solid Waste Information System (SWIS) number assigned to the facility by ~~CIWMB-CalRecycle staff.~~ The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQCB staff.

**Filing Fee:** The amount of filing fee submitted by the applicant.

**Receipt Number:** The number assigned to the ~~a~~Application by ~~CIWMB-CalRecycle/LEA/RWQCB staff.~~

**Date Received:** The date the ~~EA or RWQCB receives the a~~Application package is received from the applicant (Title 27, section 21650(a)).

**Date Accepted:** The date the EA accepts ~~the a~~Application package for filing (Title 27, section 21650(a)).

**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).

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**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.

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**Part 2. FACILITY DESCRIPTION**

**A. Name of Facility:** The name ~~as it is to be listed on the SWFP and/or the~~ WDRs.

**B. Location of Facility:**

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor's Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.

2. Latitude and longitude ~~is to be submitted~~ in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS

instrument is recommended. It indicates the center of the waste foot print, existing or proposed, for disposal sites, and the office or gate for all other facilities (i.e. transfer, composting, etc.)

3. Map or sketch should be to a scale adequate to show the precise location of the permitted boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity of disposal location to populated areas and must indicate all wells and drainage courses within 1,000 feet of any disposal point. The map must include approaches and/or access roads, streets, and/or highways. The legal description shall include the applicable portions of the section(s) of the township, range, base, and meridian. The facility shall have permanent monuments or other physical features that adequately delineate the permitted boundary in the field.

**C. Type Of Activity:** Check all that apply or will apply for the type of facility covered under this Application package.

1. **Disposal:** A facility that includes a place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for landfill disposal of solid waste; and

a. **Type:** The type of disposal facility, such as, ~~mono-fill~~ monofill, C&D/inert, municipal solid waste.

2. **Composting/Compostable Material Handling:** a facility that is operated for the purpose of producing compost handles compostable materials; and

~~a. Type:~~ The type of composting facility, e.g. green waste, food waste, biosolids, or MSW.

3. **Transformation:** A facility that at which solid waste is incinerated; or subject to pyrolysis, distillation, or biological conversion other than composting. Transformation does not include composting, gasification, or biomass conversion.

4. **Transfer/Processing Facility:** A facility that receives, handles, stores, separates, converts or otherwise processes materials in solid waste; and/or transfers solid waste directly from one container to another or from one vehicle to another for transport; and/or store solid waste. ~~For Informational Purposes Only:~~ Check the box if recyclable materials are recovered prior to transfer/processing.

5. **Construction and Demolition/Inert Debris Processing:** A facility that receives Construction and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume reduction, or recycling.

6. **In-vessel Digestion:** A facility that receives solid waste for digestion in an in-vessel digester.

~~5-7. Other:~~ An activity authorized by law not listed above.

**D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP Title 27, section 21570(f)(5)):**

1) If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal Facility Element, check the appropriate box, and fill in the date of the document and the page on which the facility is identified. ~~If you do not currently have this information, (You may obtain it this information from the jurisdiction in which the facility is located).~~

2) If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element and you should check the appropriate box.

**E. Type Of Permitted Wastes To Be Received:** Check all that apply for the type of material covered under this Application package:

1. **Agricultural:** Wastes resulting directly from the production and processing conduct of farm or agricultural products activities, including, but not limited to, manures, prunings, and crop residues.

2. **Asbestos:** A naturally occurring family of carcinogenic fibrous mineral substance. The State Department of Health Services Toxic Substances Control has classified friable wastes which contain more than one percent or more asbestos by weight as hazardous wastes. Friable means that the material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the asbestos is friable or non-friable by checking the appropriate box.

3. **Ash:** The residue from the incineration of solid wastes, including, but not limited to, municipal waste, infectious medical waste, woodwaste, sludge, and agricultural waste.

4. **Treated Auto Shredder Waste:** The "fluff" consisting of upholstery, paint, plastics, and other non-metallic substances that remains after the shredding of automobiles, discarded household major appliances, and sheet metal similar items. ~~The State Department of Health Services has classified untreated shredder wastes as hazardous.~~

5. **Compostable Material:** Any organic material that when accumulated will become active compost. Describe the types of compostable materials to be received.

6. **Construction/Demolition Waste:** Waste that results from construction, remodeling, repair, demolition or deconstruction of buildings, and other structures.

1 7. **Contaminated Soil:** ~~Waste which contains designated or nonhazardous concentrations and has~~  
2 ~~been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency~~ Soil  
3 that the RWQCB or the Local Oversight Agency has classified as a designated waste.

4 8. **Dead Animals:** Animal carcasses requiring disposal that have **not** been previously used for  
5 medical purposes and are not known to have been infected or with known infectious diseases.

6 9. **Industrial:** Solid or semi-solid wastes resulting from industrial processes and manufacturing  
7 operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste  
8 water treatment facility, etc.

9 10. **Inert:** Solid waste and recyclable materials that are source separated or separated for reuse,  
10 do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water  
11 quality objectives and do not contain significant quantities of decomposable waste. Inert debris may  
12 not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the  
13 putrescible wastes do not constitute a nuisance, as determined by the EA.

14 11. **Liquids:** Wastes which are not ~~spadeable-spadable~~, usually containing less than 50% solids.  
15 These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler  
16 blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings,  
17 rendering plant byproducts, some sewage sludge, etc.

18 12. **Mixed/ or Municipal Solid Waste (MSW):** Solid waste generated primarily by rResidential  
19 and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts  
20 of other solid waste that, when mixed together, is all handled as MSW. ~~Residential waste is commonly~~  
21 ~~thought of as household garbage, commercial wastes contain less putrescible waste and more paper~~  
22 ~~and cardboard.~~

23 13. **Sewage Sludge:** Human (not industrial) residue, excluding grit or screenings, removed from a  
24 wastewater treatment facility or septic tank, whether in a dry or semidry form.

25 14. **Waste Tires:** ~~Discarded tire casings~~ Tires that are no longer mounted on a vehicle and are no  
26 longer suitable for use as a vehicle tire due to wear, damage, or deviation for the manufacturer's  
27 original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not  
28 organized for inspection in a rack or a stack.

29 15. **Other:** Any allowable wastes not included in the above.  
30

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### 31 Part 3. FACILITY INFORMATION

32 **A. Proposed Change:** Check the box that identifies the type of change proposed. Briefly  
33 describe the proposed change in the space provided.

34 —1. **Design Change:** A design change would include but is not limited to: change in footprint,  
35 acreage, additional capacity, site improvements, etc.

36 —2. **Operation:** A change in operation would include but is not limited to: change in hours or days of  
37 operation, the addition of an activity, tonnage changes, etc.

38 —3. **Owner, Operator, Address, and/or Facility Name Change:** Complete if there is a change in  
39 the owner, operator, address, or facility name.

40 —4. **Other:** This type of change includes, but is not limited to: change in emergency contact list, etc.  
41 For an application for permit review, if there are no changes, so indicate.

#### 42 **AB. Facility Information**

43 1. **Information Applicable To All Existing Facilities:** This portion of Part 3 ~~the Application~~ must  
44 be filled out by every applicant regardless of the type of facility.

45 a. **Peak Maximum Daily Tonnage or Cubic Yards:** The peak (maximum) total amount of solid  
46 waste and other material the facility applicant is permitted ~~authorized by the EA~~ to receive through the  
47 gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-  
48 to-day operations (include information on all other material authorized by the EA to receive in the  
49 Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not  
50 available or not applicable provide this specify the amount in cubic yards with a conversion factor. This  
51 will be referred to as the "permitted maximum tonnage" and is considered the facility maximum  
52 tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of  
53 Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance  
54 documentation and/or within the scope of the analysis in a CEQA review, if any, that was being  
55 conducted at the time the application was submitted. Volume figures should be converted to tons and  
56 the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP  
57  
58

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

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

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

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

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

29 d. **Peak-Maximum Traffic Volume Per Day (vpd):** The ~~estimated maximum number of~~  
30 ~~vehicles that will authorized by the EA to enter the facility on a daily basis. This number should~~  
31 ~~include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including~~  
32 ~~vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or~~  
33 ~~material intended for beneficial reuse. This number must be consistent with the approved RFI and any~~  
34 ~~CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if~~  
35 ~~any, that was being conducted at the time the application was submitted.~~

36 e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA  
37 to in operation operate and the hours of waste receipt authorized by the EA if different from the hours  
38 of operation. This information must be consistent with the approved RFI and any CEQA existing  
39 compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was  
40 being conducted at the time the application was submitted. Any activities that are limited to  
41 prescribed days and/or hours should be fully described in the RFI.

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

51 23. **Additional Information Required For Compostingable Materials Handling Facilities**  
52 **Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled  
53 out by the applicant if composting handling compostable materials is part of this Application.

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

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

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

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

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

13 c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested  
14 or potentially resulting from this permit aApplication.

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

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

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

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

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

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

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

37 k. Provide oOne of the following:

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

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

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

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54  
55 **Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

56  
57 **A. Municipal or Utility Service**: Give name and address of the water purveyor.

58 **B. Individual Wells**: Identify those wells that are not part of a municipal or utility service.

59 **C. Surface Supply**:

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

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

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

7  
8  
9 **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.

10  
11 1. If an environmental document was prepared:

- 12 • 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.
- 13 • 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#."
- 14 • 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.

15  
16  
17  
18  
19  
20  
21  
22 2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

23 EXAMPLE ONLY:

24 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.

25  
26  
27 **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.

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

29  
30  
31  
32  
33 EXAMPLE ONLY:

34 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."

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

41  
42 All attachments are necessary parts of the Application and are incorporated herein.

43  
44 **A.** Section A ~~of Part 6~~ must be completed by all applicants regardless of the type of facility.

45  
46 **B.** Section B ~~of Part 6~~ ~~is additional documents required~~ must be completed only by ~~landfill~~ applicants only for disposal facilities.

- 47 • 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.
- 48 • 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.

- 1 • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those  
2 plans required by Title 27, Sections 21780 and 21865 as appropriate-applicable.
- 3 • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release  
4 corrective action cost estimate and a copy of the non-water release corrective action cost  
5 estimate, as required by Title 27, sections 22100 through 22103.
- 6 • Landfill Capacity Survey Results: For disposal ~~sites-facilities~~ permitted for to receive more than 20  
7 tons per day, a ground or aerial survey is to be prepared at least every five years or more  
8 frequently as determined by the ~~enforcement agency-EA~~. For disposal ~~sites-facilities~~ permitted for  
9 to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every  
10 ten years. If not previously submitted, survey results must be included with this ~~a~~Application.  
11 Survey results must be submitted as a CADD or vector graphics data file including at least two  
12 strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum  
13 showing the existing and finished ground surfaces. For disposal sites where a change in permitted  
14 volume is proposed, a third stratum showing the base and proposed finished ground surfaces must  
15 be included. For each stratum the following information shall be included: site name, stratum  
16 name, surface1 name, surface2 name, volume calculation method (grid, composite, section),  
17 expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All  
18 volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground  
19 surface is uncertain, the operator is allowed to provide the best available information as a  
20 substitute for the actual as-built contours. If selecting this substitute method, the operator must  
21 provide an explanation of the basis for using the substitute base ground surface.  
22

23 For the purposes of this section the following definitions apply:

- 24 ~~A~~1. "base ground surface" - the best available excavation plan surface that existed prior to the  
25 placement of any waste;
- 26 ~~B~~2. "CADD" -computer aided design and drafting;
- 27 ~~C~~3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material;  
28 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be  
29 provided for the basis of the volumetric correction;
- 30 ~~D~~4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the  
31 upper surface;
- 32 ~~E~~5. "existing ground surface" - the topography that exists at the time of the subject survey;
- 33 ~~F~~6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface;  
34 this factor should normally be unity (one); if the factor is not unity (one), an explanation must be  
35 provided for the basis of the volumetric correction;
- 36 ~~G~~7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 37 ~~H~~8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for  
38 the disposal site;
- 39 ~~I~~9. "net volume" - the fill volume less the cut volume;
- 40 ~~J~~10. "site name" - the name of the disposal site for which the survey information is being  
41 submitted;
- 42 ~~K~~11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified  
43 upper and lower surfaces;
- 44 ~~L~~12. "stratum name" - a descriptive name for the stratum for which volumetric information is being  
45 submitted, e.g., total volume including proposed expansion;
- 46 ~~M~~13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base  
47 ground surface and proposed finished ground surface;
- 48 ~~N~~14. "survey" -a comprehensive examination of the disposal site under the direction of a registered  
49 civil engineer or a licensed land surveyor for purposes of determining the topography of the base,  
50 existing and finished ground surfaces, and the volumes bound by those surfaces;
- 51 ~~O~~15. "vector graphics" - computer generated images comprised of lines and shapes of given origin,  
52 direction, thickness, color and other attributes;
- 53 ~~P~~16. "volume calculation method" - grid, composite, section or other method approved by the  
54 ~~enforcement agency-EA~~;
- 55 **C.** Section C ~~of Part 6 specifies~~ is additional documents required only if applicable for the type of  
56 facility to be covered under this ~~a~~Application as required by the EA or RWQCB. Under "Other," identify  
57 and list any other necessary documents not included-specified above but that are required by the EA  
58 or RWQCB under applicable law, such as, ~~if the operator is different from landowner, attach a lease or~~  
59 ~~franchise-other agreement documenting the operator's interest in and right to use the site as a solid~~

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

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4  
5 **Part 7. OWNER INFORMATION:**

6  
7 **Type of Business:** Specify if the ~~business owner~~ of the facility that is the subject of the Application is  
8 a sole proprietorship, partnership, corporation, or ~~government public agency~~.

9 **Owner of Land:** The person(s) that owns, ~~in whole or in part,~~ the land on which the facility is  
10 located.

11 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

12 **SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

13 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #  
14 number, and e-mail address, and print the contact name.

15 **Address Where Legal Notice May Be Served:** Provide the name and address of the person  
16 authorized to accept service for each owner of the facility ~~where legal notice may be served.~~

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18  
19 **Part 8. OPERATOR INFORMATION:**

20  
21 **Type of Business:** Specify if the ~~business operator filing this Application~~ is a sole proprietorship,  
22 partnership, corporation, or ~~government public agency~~.

23 **Facility Operator:** The person(s) ~~(e.g., individual(s), partnership, corporation, or public agency)~~ to  
24 whom the approval to operate the facility is granted, and who is responsible for the overall operation  
25 of the facility including but not limited to, complying with regulatory requirements, complying with all  
26 applicable federal, state, and local requirements, and the design, construction, and physical operation  
27 of the operating area, and control the activities at ~~an a~~ facility.

28 **Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

29 **SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

30 **Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax #  
31 number, and e-mail address, and print the contact name.

32 **Address Where Legal Notice May Be Served:** Provide the name and address of the person  
33 authorized to accept service for the operator of the facility ~~where legal notice may be served.~~

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35  
36 **Part 9. SIGNATURE BLOCK:**

37  
38 **Signature (landowner or agent):** ~~The A person(s) or their agent~~ authorized to sign on behalf of the  
39 ~~above~~ owner.

40 **Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if  
41 applicable.

42 **Signature (facility operator or agent):** ~~The A person(s) or their agent~~ authorized to sign on behalf  
43 of the operator ~~above~~.

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45  
46 **Part 10. OTHER:**

47  
48 Attach additional sheets to explain any responses that need clarification.