

**Title 14 and Title 27 Regulation Issues – Initial Draft
September – October 2011
For Discussion Purposes Only**

1. Issue. The current food waste definition is general and does not distinguish between various food waste types that are generated and handled as separate waste streams. All food waste composting requires a full permit.

Potential Approach. Define sub-categories of food waste that have unique characteristics, such as vegetative and animal-derived food waste, and establish varying degrees of handling protocols that will continue to prevent public health and environmental issues at compost sites, but will allow some types of food waste to be co-composted at Notification tiered sites if specified handling protocols are followed.

2. Issue. Current regulations identify application of compostable materials and ash to agricultural land as beneficial use if the use meets CDFA requirements. There is a need to better determine when use of compostable materials, compost, and ash are considered disposal and not beneficially used. Title 27 Section 21565 allows an EA to grant an exemption to permit requirements if a facility that disposes of cannery wastes, ashes and residues, agricultural wastes, and wastewater treatment sludge on agricultural land, meets explicit criteria.

Potential Approach. Continue working with CDFA on agricultural use issues. Coordinate with SWRCB and Air Districts to establish specific measurable criteria for determining when use of compostable material, compost, and ash is considered disposal. Focus criteria on parameters required to prevent odor, fire, litter, and dust, and protect public health and safety. Criteria could include size of plot, maximum application depth, frequency of application, incorporation times, pre-application storage time, inorganic contaminant limits, and 503 CFR requirements. Criteria could also allow LEA's to make case by case determinations after consultation with other regulatory agencies and/or experts, such as RWQCBs, CDFA, agronomists, certified crop advisors, and local air districts. Revise Title 27 Section 21565 so that it is consistent with Title 14 regarding disposal activities.

3. Issue. Agricultural material and green material composting operations are limited to 12,500 cubic yards of off-site-generated green material being stored on-site at any one time. These limits include stable compost.

Potential Approach. Exclude stable compost from calculation of the 12,500 cubic yard storage limit for all agricultural material and green material composting operations if specific storage criteria are followed, including pile size and others measures that prevent fire, odor, and cross contamination. Ensure criteria are not in conflict with controls for the prevention of water and air pollution.

4. Issue. Approaches to verification of odor complaints relative to compost sites are not consistent statewide.

Potential Approach. Develop an odor verification and complaint protocol for operators to be included in Odor Impact Minimization Plans (OIMP). Use protocols that are similar to existing methods employed by other regulatory entities and include verification and complaint protocols. The protocols could also utilize the use of odor measuring technologies.

5. Issue. POTW's are adding food waste and fats, oils, & grease (FOG) in the treatment system downstream from the headworks. Current regulations require LEA regulatory oversight of facilities that handle solid waste. There may be duplication of regulatory efforts between the LEA, RWQCB, air districts and CDFA (See Issue 8).

Potential Approach. Revise regulations to eliminate potential duplication with RWQCB and air districts requirements. Coordinate with SWRCB and air districts to identify specific requirements that adequately address issues within LEA authority and responsibility prior to making regulatory revisions.

6. Issue. Current regulations require green material to contain no greater than 1.0% physical contaminants by weight. Programs that collect urban green material may have higher levels of contamination.

Potential Approach. Increase the maximum inorganic physical contamination limit for green material received, and add a maximum inorganic physical contamination for material leaving compostable material handling sites.

Ensure contaminant levels for material leaving a site are consistent with requirements for determining disposal versus use of material (See Issue 2).

7. Issue. Anaerobic digestion is currently regulated under the compostable materials handling or transfer/processing regulations, depending on the nature of the feedstock and how it is handled.

Potential Approach. Revise regulations to identify AD as a type of transfer processing activity.

8. Issue. CalRecycle is working with CDFA to reduce regulatory overlap between the two agencies in regulating the handling of meat, poultry, and fish waste.

Potential Approach. Continue to work with CDFA to identify and include in regulation additional sampling requirements for composted or processed products resulting from meat, poultry and fish waste prior to the products leaving a solid waste facility. Use additional sampling to ensure that no additional processing is required for meat, poultry, and fish waste to prevent threats to animal and human health.

9. Issue. Maximum Metal Concentrations in current regulations do not match US EPA biosolids regulations (503 CFR). Regulations are not clear on when an operator must ensure that a compost product meets the required limits for metals and pathogens.

Potential Approach. Revise Maximum Metal Concentrations in current regulations to match Maximum Metal Concentrations in 503 CFR. Clarify in regulation that composters must receive test results showing the material meets requirements prior to materials leaving the site.

10. Issue. The current definition of Agricultural Material is not clear relative to the term “processing”.

Potential Approach. Clarify that the definition of Agricultural Material does not include materials removed from the ranch or farm, processed, and then returned to the farm or ranch.

11. Issue. Current regulations do not address small-scale composting of food material at community gardens, or associated with restaurants, cafeterias, and other businesses that provide food service to employees.

Potential Approach. Revise the excluded tier to address newly identified activities that are similar to existing excluded activities.

12. Issue. Directions for completion of the Solid Waste Facility Permit Application are not clear on the meaning of the term “permitted maximum tonnage” used in section B.1 a of the permit application (Form E 1-77).

Potential Approach. Clarify that the total tonnage indicated in the permit application is the maximum amount of waste material that is expected to be received per day.