

CalRecycle Responses to CEQA Negative Declaration, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
CEQA A1	Self	Kathy	Housel	Page 12, III. Air Quality: Amend standards under III. Air Quality - each and every - to “No Impact”. Reasoning: Page 11 - each and every item for Aesthetics specifies “ <u>No</u> Impact”; yet a lower standard continues to apply for Air Quality on Page 12. Air Quality must be a higher priority - at least equal to aesthetics.	The comment addresses the wording of the CEQA Initial Study checklist rather than addressing environmental effects of the project. The checklist language is the standard model language in Appendix G of the CEQA Guidelines. Changing the wording of this language would not alter the conclusions of the Initial Study for this project.
CEQA A2	Self	Kathy	Housel	Page 12, III. Air Quality, reword these items: b. Violate any air quality standard or contribute substantially to an existing or projected air quality standard? d. Expose sensitive receptors to substantial the increase of identifiable pollution concentrations? e. Create objectionable odors and dust affecting a substantial number of sensitive receptors? Reasoning: Self-explanatory based on prior discussions, my belief.	The comment addresses the wording of the CEQA Initial Study checklist rather than addressing environmental effects of the project. The checklist language is the standard model language in Appendix G of the CEQA Guidelines. Changing the wording of this language would not alter the conclusions of the Initial Study for this project.
CEQA A3	Self	Kathy	Housel	Please revisit and strengthen Air Quality standards related to odor (dust too) because state agency AQMD has limited jurisdiction over odor. “No Impact” is a clear standard, and that’s what is needed.	The comment addresses the wording of the CEQA Initial Study checklist rather than addressing environmental effects of the project. The checklist language is the standard model language in Appendix G of the CEQA Guidelines. Changing the wording of this language would not alter the conclusions of the Initial Study for this project.
CEQA B1	Self	Joyce	Dillard	We disagree that a Negative Declaration can be issued.	In accordance with California Environmental Quality Act Guidelines, a Negative Declaration should be prepared if the proposed project will not have a significant effect on the environment. Based on the available evidence in the record and the environmental analysis presented in the Initial Study/Negative Declaration, CalRecycle determined there is no substantial evidence that the proposed project would have a significant effect on the environment. The comment letter provides no substantial evidence to alter this determination.
CEQA B2	Self	Joyce	Dillard	<u>You state under Greenhouse Gas Emissions:</u> <i>Furthermore, these regulations will help ensure the continued effective operation of compostable material handling operations and facilities which are an important organics management alternative to landfilling that results in significant greenhouse gas emission reductions (0.42 MTCO_{2e} per ton of material composted) and avoided methane emissions at landfills. ...</i> <i>The in-vessel digestion portion of the regulations require operators to take adequate measures to prevent the uncontrolled release of biogas.</i>	The statements made in the Initial Study/Negative Declaration are accurate statements about the potential impacts of the project on greenhouse gas emissions.
CEQA B3	Self	Joyce	Dillard	Methane and its related gases become HAZARDS AND HAZARDOUS MATERIALS. You make to reference and/or mitigation measure for methane emissions at the operation site or facility site level.	Although it does not change the conclusions in the Initial Study, CalRecycle will add the following language to the explanations in response to VIII. Hazards and Hazardous Materials, subsections a) and b): “The in-vessel digestion portion of the regulations require operators to take adequate measures to prevent the uncontrolled release of biogas.”
CEQA B4	Self	Joyce	Dillard	Hydrology and Water Quality could be affected. Degradation issues have not been addressed. LA Regional Water Quality Control Board issued Municipal Separate Storm Sewer Systems Permit ORDER NO. R4-2012-0175 NPDES PERMIT NO. C. Each sub-watershed has compliance requirements for TOTAL	The proposed project (Compostable Materials and Transfer/Processing regulations) cannot and do not address water quality issues as it is not within CalRecycle’s authority to address water quality concerns as these are within the authority of the State Water Resources Control Board and Regional Water Quality Control Boards. Nothing in

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				DAILY MAXIMUM LOADS TMDLs. This permit is planned to be the initial sample for the Regional Boards in the rest of the State.	the regulations limits or restricts the State Water Resources Control Board and Regional Water Quality Control Board ability to fully address water quality issues associated with solid waste handling.
CEQA B5	Self	Joyce	Dillard	Air Quality is an issue in the SIP State Implementation Plan for the South Coast Air Quality Management District and compliance and mitigation and monitoring should be addressed. Other Air Quality districts in the SIP should be addressed.	The Initial Study/Negative Declaration evaluates the potential for environmental effects directly attributable to compliance with the project (proposed Compostable Materials and Transfer/Processing regulations). It is not a document meant to evaluate environmental effects attributable to the general design, operation, geographic siting, feedstock, and other attributes of individual compostable material handling operations and facilities or in-vessel digestion operations and facilities throughout the State. Such projects will foreseeably be subject to project-specific California Environmental Quality Act analysis. With that in mind, nothing in the proposed regulations obligates compostable material handling operations and facilities or in-vessel digestion operations and facilities to have a particular design or operational parameters that would cause air quality impacts other than the indirect effects described in the Initial Study/Negative Declaration. Further, nothing in the proposed regulations relieves owners or operators of compostable material handling operations and facilities or in-vessel digestion operations and facilities from the obligation to obtain all required permits, licenses, or other clearances and complying with all orders, laws, regulations, reports, or other requirements of an Air Quality Management District/Air Pollution Control District permit.
CEQA C1	LA County SWMC	Mike	Mohajer	An EIR or Mitigated Negative Declaration would identify the potential negative impacts of these types of projects and would enlist potential mitigating measures that when implemented may reduce the negative impact to insignificant.	Based on the available evidence in the record and the environmental analysis presented in the Initial Study/Negative Declaration, CalRecycle determined there is no substantial evidence that the regulations would have a significant effect on the environment. The comment letter provides no substantial evidence to alter this determination.
CEQA C2	LA County SWMC	Mike	Mohajer	The Task Force also feels than any open-air composting operation should require a full Environmental Impact Report and/or at minimum a Mitigated Negative Declaration.	The project would not have an effect on CEQA determinations for proposed composting operations. The determination on the appropriate level of CEQA review is the responsibility of the lead agency for the proposed composting project.
CEQA C3	LA County SWMC	Mike	Mohajer	CalRecycle should revise the subject Initial Study/Negative Declaration to take into consideration the Water Board Draft EIR and its analysis.	The draft EIR developed by the State Water Resources Control Board to support the Board's approval of the General Order for composting sites was considered in developing the draft initial study.
CEQA D1	CASA	Greg	Kester	CASA concurs with CalRecycle's conclusion that the proposed regulations will not have a significant adverse impact on the environment.	CalRecycle staff has noted the comment.
CEQA D2	CASA	Greg	Kester	Section 2.3 in the Regulatory Coordination section the paragraph on the POTW exemption is mis-stated. We believe in the first sentence "exempt" should be used instead of "define". The paragraph seems generally confusing and we recommend replacing it with the following language for clarity: ...	The comment does not address environmental effects of the project. However, for clarity, CalRecycle staff replaced the description of the Publically Owned Treatment Works exclusion in Section 2.3 with the language consistent with language suggested by the commenter.
CEQA D3	CASA	Greg	Kester	Section 2.3 in the Max Metals section –It is stated that requirements now match federal standards, but this is not true unless Molybdenum is added, as we have suggested in previous comments. Please add the limit of 75 mg/kg dry weight for molybdenum to the regulations, which will make this statement valid.	The comments does not address environmental effects of the proposed project. Nevertheless, CalRecycle notes that §§17862.2 and 17896.59 of the proposed regulations do not match but are consistent with Code of Federal Regulations, Title 40, Table 3 of §503.13–Pollutant Concentrations. Molybdenum is not listed in 40 CFR, Table 3 of §503.13.