

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board***DRAFT LANGUAGE FOR DISCUSSION- Establish criteria for determining when use of compostable material and compost is considered disposal.***

Current regulations identify application of compostable materials to agricultural land as beneficial use if the use meets CDFA requirements. There is a need to better determine when use of compostable materials and compost are considered disposal and not beneficially used. Staff proposes to establish criteria (based in part on the Ventura County Ordinance Code Pertaining to the Regulation of Solid Waste) for determining when use of compostable material and compost is considered disposal. Criteria include limits on storage time, application depth, application frequency, and physical contaminants.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS**ARTICLE 1. GENERAL****§ 17852. Definitions.**

(a) For the purposes of this Chapter:

(15) "Disposal of compostable material" means:

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

2. storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost that meets the requirements of section 17868.2, on land for a combined period of time greater than six months-72 hours, except as provided in paragraph (3) of this subdivision; or

3. storing or stockpiling more than 200 cubic yards of agricultural material and or green material, other than stabilized compost that meets the requirements of section 17868.2, for more than twelve months on prime agricultural land, as defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) ~~Disposal of compostable material does not include the use of compostable material for alternative daily cover material at a solid waste landfill in accordance with applicable law. Notwithstanding this section, use of compostable organic material as a alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.~~

(C) ~~Disposal of compostable material does not include land application of compostable organic material. "Land Application of Compostable Material" means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates. The compostable material shall not be applied more than once per~~

year. At the time of application, the compostable material shall not exceed an average of 12 inches in total depth and shall contain no more than 0.1% physical contaminants by volume (**should it be weight?**). The EA, in consultation with a certified professional agronomist, a certified crop advisor, or other qualified person, as determined by the EA, may approve alternative application depths and frequencies if the EA determines that the alternatives will not adversely affect public health and safety or the environment. ~~; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.~~

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

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

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

ARTICLE 2. REGULATORY TIERS FOR COMPOSTING OPERATIONS AND FACILITIES

§ 17855. Excluded Activities.

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

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