



COUNTY OF ORANGE HEALTH CARE AGENCY

PUBLIC HEALTH SERVICES ENVIRONMENTAL HEALTH



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December 5, 2014

Mr. Ken Decio
Waste Permitting, Compliance, and Mitigation Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025

Sent via email to Ken.Decio@CalRecycle.ca.gov

Subject: Comments on the Proposed Compostable Materials and Transfer/Processing Regulations

Dear Mr. Decio:

The Orange County Local Enforcement Agency (OC LEA) is certified by the California Department of Resources, Recycling and Recovery (CalRecycle) as the LEA which enforces the provisions of Title 14 and 27 of the California Code of Regulations (CCR) in the cities and County of Orange.

The OC LEA has the following comments:

1. Title 14, §17852 (a)(27.5)(B) defines Nuisance as affects at the same time an entire community, neighborhood or any considerable number of persons. The underlined statement is too vague and not defined. It is recommended to state entire community or neighborhood even if it is consistent with §17402(a) (12).
2. Title 14, §18103.1(3) states "Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include, proof of compliance with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator's intent to commence operations."

The OC LEA respectful request that written notice to the local planning department in the last sentence of the regulation above, be changed to require written notice from the local

planning department. The OC LEA has had problems with local planning department's receiving notification. With 35 local planning departments including the County's and with personnel changes, it is difficult to ensure that proper notification is occurring; other Enforcement Agencies (EAs) are in similar situations. By requiring the writing notice from the local planning department, EAs can be assured that notification has occurred.

3. Title 27, Appendix 1, Instructions for Completing the Application for Solid Waste Facility Permit/Waste Discharge Requirements, Under Official use only, Date Received. The proposed regulation change states, "Date Received: The date the EA or RWQCB receives the Application from applicant (Title 27, section 21650(a))".

The OC LEA appreciates the clarification and removal of the term package from the current regulation however, the section still refers back to Title 27, section 21650(a) which has the term "package" within the section and further states "The EA shall examine the application package to determine whether it meets the requirements of §21570." In respect to Permit Review, the LEA's do not examine the application for permit review in accordance to §21570. Therefore, OC LEA respectfully request an additional change to this section: either remove citation of §21650(a) after the definition of "Date Received", or add language that excludes permit reviews.

The OC LEA appreciates the opportunity to comment on the proposed regulations. If you have any questions, please contact me at (714) 433-6270.

Sincerely,



Kathryn Cross
Supervising Hazardous Waste Specialist
Solid Waste Local Enforcement Agency
Orange County Environmental Health