

ADDENDUM TO FINAL STATEMENT OF REASONS

NOVEMBER 2015

Title 14: Natural Resources

Division 7: Department of Resources Recycling and Recovery

Chapter 1: General Provisions

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

Chapter 3.1: Compostable Material Handling Operations and Facilities Regulatory Requirements

Chapter 3.2: In-Vessel Digestion Operations and Facilities Regulatory Requirements

Chapter 5: Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Title 27: Environmental Protection

Division 2: Solid Waste

Chapter 4: Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans

Article 2: CalRecycle – Applicant Requirements

Appendix 1 – Joint Permit Application Form and Instructions

SPECIFIC PURPOSE AND NECESSITY OF REGULATIONS

Title 14

Division 7

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.

Subdivision (a)(5)

A revision of the “agricultural material” definition is necessary to add clarity to the term “processing” used in the current ~~definition~~definition. The revision clarifies that agricultural material, with the exception of grape pomace or material generated during nut or grain hulling, shelling, and processing, is separated at the point of generation and has not been processed in

a way that alters its essential character as a waste resulting directly from the conduct of an agricultural activity. This clarification will reduce the likelihood of odorous materials, such as food processing waste, being composted at agricultural material composting operations, which will protect the public health and safety and the environment.

Subdivision (a)(6)

Comma added for grammatical correctness.

Subdivision (a)(10)

Comma was struck through for grammatical correctness.

Subdivision (a)(24.5)

Subdivision (A)1.

This subdivision specifies that the compostable material cannot contain more than 0.5% by dry weight of physical contaminants greater than 4 millimeters (no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters) as specified in § 17868.3.1. This ensures the compostable material that is land applied does not contain excessive amounts of physical contaminants which is necessary to protect public health and safety and the environment. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less than 0.5% by dry weight.

“Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage).” [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]

The physical contaminant limits of § 17852(a)(24.5)(A)(1) become operative on January 1, 2018. The operative date is delayed to allow time for the regulated community to adjust operations to meet the new percentage of physical contaminants standard and to allow time to develop a method for determining the percentage of physical contaminants.

Subdivision (a)(27.5)(A) and (B)

It is necessary to define nuisance in this Chapter so operators understand that all handling activities need to be conducted in a manner that minimizes odor impacts so as to not cause a nuisance, as specified in § ~~17687~~17867(a)(2). This definition is the same as the existing definition of “Nuisance” in Title 14, CCR, § 17402(a)(12) relating to Transfer/Processing Operations and Facilities.

§ 17868.3.1. Physical Contamination Limits.

This section shall become operative January 1, 2018. The operative date is delayed to allow time for the regulated community to adjust operations to meet the new percentage of physical contaminants standard and to allow time to develop a method for determining the percentage of physical contaminants.

§ 17896.61. Physical Contamination Limits.

This section shall become operative January 1, 2018. The operative date is delayed to allow time for the regulated community to adjust operations to meet the new percentage of physical contaminants standard and to allow time to develop a method for determining the percentage of physical contaminants.

Title 27

Division 2

Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans

Article 2. CalRecycle – Applicant Requirements

§ 21620. CIWMB – Changes in Design or Operation.

This addition of a cross-reference is non-substantive as it is a revision to a cross-reference and doesn't materially alter any existing requirements in the current regulations. The existing requirement in 21620(A)(1)(d) is to not conflict with the current design and operation of the facility as described in the current RFI (or "Report of Facility Information"). The requirement to have an RFI and to operate consistently with the RFI would not change. Instead, the revision would simply make complete the list of example regulatory sections reflecting the types of RFI's that apply to different types of solid waste facilities. The current rulemaking package adds a type of RFI in Section 18221.6.1 called an "In Vessel Digestion Report" and the revision of the list of cross-references is necessary to make complete the list of examples in this section.