GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyswimtf.org

November 21, 2012

Mr. Ken Decio
Senior Integrated Waste Management Specialist
Department of Resources Recycling and Recovery
1001 I Street
PO Box 4025
Sacramento, CA 95812-4025

Dear Mr. Decio:

CALRECYCLE'S DRAFT REGULATORY REVISIONS TO TITLE 14 AND 27 REGARDING COMPOSTABLE MATERIALS AND PROCESSING FACILITIES DRAFT TEXT FOR ISSUES 4, 5, AND 7

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on CalRecycle's regulatory revisions to Title 14 and 27 of the California Code of Regulations, regarding compostable materials and processing facilities. The Task Force recognizes and appreciates CalRecycle's efforts to revise and adopt new regulations in order to manage compostable materials within the State in a manner that protects the public's health and safety. Based on the discussions at the October 23, 2012, and October 31, 2012, informal workshops on Issue 4 – Odor Complaints; Issue 5 - Regulatory Coordination of Publicly Owned Treatment Works (POTWs) Accepting Food Wastes, Fats, Oils, and Grease (FOG); and Issue 7 - Anaerobic Digestion (AD) Facility Permitting; we would like to offer the following comments:

General Comment:
As previously indicated by the Task Force on several occasions starting with our letter of August 13, 2008 (copy enclosed), there is a clear need for CalRecycle to define the terms "organics," "compostable organics," "non-compostable organics," and "inorganics." These terms are being used by CalRecycle throughout the regulatory revisions to Titles 14 and 27 without defining these terminologies. Again, the Task Force

respectfully requests CalRecycle to either define these terms through the regulatory process or avoid further use of these undefined terminologies. Failure to do so would further create confusion among stakeholders and elected officials while furthering the local governments' cost in their attempt to comply with CalRecycle regulations.

Issue 4
"Provide operators and LEA's with an objective mechanism to address chronic odor complaints and identify sources of odor."

Comment:

- All composting operations generate odor. The odor may negatively impact individuals' breathing, and as such, it is critical that each composting facility have a well-designed and operated odor impact mitigating plan in place at all times. Additionally, an odor mitigating plan must be flexible and sensitive to the health and well-being of the facility's neighboring citizens and communities.

- The proposed approach as provided at the October 31, 2012, workshop (copy enclosed) requires each composting facility operator to have an Odor Impact Minimization Plan (OIMP) in place in concert with a Standard Threshold Odor Mitigation Plan (STOMP). The STOMP provides for the use of an olfactometer to measure Standard Odor Dilution-to-Threshold (SODT) ratio, which is proposed to be 7 Dilution-to-Threshold (D/T) when the facility is located in a non-agricultural zoned area and 15 D/T in an agricultural zoned area. The proposal may be reasonable but the process is subjective and will be extremely difficult to implement due to the ambiguities associated with measuring odors because individuals have varying thresholds in experiencing and tolerating odors. As such, it is strongly recommended that CalRecycle conduct a pilot program to verify the adequacy of the proposal for a period of 12 months before promulgation of the proposal. Due to numerous odor complaints, Sunshine Canyon Landfill may be a good candidate for conducting the recommended pilot program.

- When using the field olfactometer or similar device, there should be specific guidelines regarding the instrument's calibration and replacement of odor-filtered cartridges consistent with the manufacturer's specifications to ensure all measurements are consistent and accurate.

- The Air Quality Management Districts (AQMD) and Air Pollution Control Districts would also play a role in monitoring any odor complaints, and therefore, it is imperative that their input be incorporated into the draft proposal prior to the finalization of the draft regulation.

Issue 5
"Exclude POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater from CalRecycle transfer/processing and in-vessel digestion regulations."

Comment:

- Please provide a distinction between anaerobically digestible materials and anaerobically digestible wastes (emphasis added).

- Section 17896.5, Subsection (a)(1)(C), Subparagraph 1.a.v – The proposed requirements need to be expanded to require a description of how the waste residuals remaining after the treatment are managed and/or disposed of. Additionally, for the purpose of AB 939 waste disposal reduction mandate, the remaining waste residuals destined to disposal facilities need to be quantified and appropriately allocated to the jurisdiction of "waste origin."

Issue 7
"Apply the transfer/processing and compostable material handling and design and operational requirements to all types of in-vessel digestion activities, including anaerobic digestion."

Comment:

- Section 17896.1, Subsection (d) – In part, this Subsection states "…..However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter," (emphasis added). Such an authority is far reaching and may negatively impact a local jurisdiction's land use decision. As such the term "conflict" needs to be defined OR the statement should be revised to read "….However, no city, no county, no city and county or special district may promulgate or enforce laws which are less restrictive than the provision of this Chapter."

- Section 17896.15, "Drainage Control" – The proposed requirements should be expanded to prohibit any off-site drainage without a NPDES Permit.

- Section 17896.52, "Post Digestion Solids Handling" – As recognized by CalRecycle not all in-vessel digestion technologies utilize anaerobic digestion. However, the proposed requirements under this section disregard this by requiring that all post-digested solid waste be "disposed" of without recognizing that depending on the type of in-vessel technology, post-digested solid wastes may be used as feedstock for other processes such as gasification to produce "renewable" products. Accordingly, provisions of this Section need to be revised to provide for the above.

- 17896.53, "Sampling Requirements" – Combine (a) and (b) as both relate to time and location requirements regarding samplings of post-digested solids.

- We recommend adding general verbiage describing consequences and compliance requirements on the facility when there is an observed violation.

- Due to the hazardous byproducts (methane and hydrogen sulfide) of AD, the regulations surrounding it should not become less stringent by redefining AD as a transfer processing activity. Typical transfer processing facilities do not keep transfer materials onsite as long as AD facilities and do not allow for biological and biodegradable organic matter to be decomposed by bacteria onsite to create byproducts. Therefore, they do not have the same hazards as an AD operation.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended) and Chapter 3.67 of the Los Angeles County Code, the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

We appreciate you considering our comments and look forward to working with you in developing an effective statewide order for composting facilities. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

WT:ts
P:\eppub\ENGPLAN\ENVIRO. AFFAIRS\TASK FORCE\Task Force\Letters\2012\CalRecycle Title 14 and 27-Issues 4_5_7_11-21-12.docx

Encs.

cc: CalEPA (Matt Rodriquez, Secretary)
State Water Resources Control Board (Charles Hoppin, Chair)
State Water Resources Control Board (Thomas Howard, Scott Couch, Lisa Babcock, Roger Mitchell)
CalRecycle (Caroll Mortensen, Mark De Bie, Howard Levenson, Scott Smithline, Brenda Smyth, Robert Holmes, Georgjan Turner)
California Air Resources Board (Mary Nichols)
California Department of Food and Agriculture (Annete Whitford)
Each Member of the Los Angeles County Integrated Waste Management Task Force

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyswimtf.org

GAIL FARBER, CHAIR
MARGARET CLARK, VICE -CHAIR

October 9, 2012

Mr. Ken Decio
Senior Integrated Waste Management Specialist
Department of Resources Recycling and Recovery
1001 I Street
PO Box 4025
Sacramento, CA 95812-4025

Dear Mr. Decio:

CALRECYCLE'S DRAFT REGULATORY REVISIONS TO TITLE 14 AND 27 REGARDING COMPOSTABLE MATERIALS AND PROCESSING FACILITIES DRAFT TEXT FOR ISSUES 5, 6, 7, AND 12

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on CalRecycle's regulatory revisions to Title 14 and 27 of the California Code of Regulations, regarding compostable materials and processing facilities. The Task Force recognizes and appreciates CalRecycle's efforts to revise and adopt new regulations in order to manage compostable materials within the State in a manner that protects the public's health and safety. Based on our review of the draft text and discussions at the October 3, 2012, Informal Workshop on Issues 5 - Regulatory Coordination of Publicly Owned Treatment Works (POTWs) Accepting Food Wastes, Fats, Oils, and Grease (FOG); Issue 6 - Green Material Contamination; Issue 7 - Anaerobic Digestion (AD) Facility Permitting; and Issue 12 - Clarify "permitted maximum tonnage," dated September 12, and 13, 2012 (copy enclosed), we would like to offer the following comments:

General Comment:
As previously indicated by the Task Force on several occasions starting with our letter of August 13, 2008 (copy enclosed), there is a clear need for CalRecycle to define the terms "organics," "compostable organics," "non-compostable organics," and "inorganics." These terms are being used by CalRecycle throughout the regulatory revisions to Titles 14 and 27 and, as such, need to be clearly defined by regulation.

Issue 5
"Exclude POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater from CalRecycle transfer/processing and in-vessel digestion regulations."

Comment:

- Please provide a distinction between anaerobically digestible materials and anaerobically digestible wastes (emphasis added).

- Section 17896.5, Subsection (a)(1)(C) – The term "organic materials" needs to be defined.

- Section 17896.5, Subsection (a)(1)(C), Subparagraph 1.a.v – The proposed requirements need to be expanded to require a description of how the waste residuals remaining after the treatment are managed and/or disposed of. Additionally, for the purpose of AB 939 waste disposal reduction mandate, the remaining waste residuals destined to disposal facilities need to be quantified and appropriately allocated to the jurisdiction of "waste origin."

Issue 6
"Increase visual inspections of incoming green waste loads to reduce physical contaminants, require compostable material products to meet a 0.1% physical contaminant limit by weight, and make clarifying changes regarding sampling and sampling report protocols."

Comment:

- Section 17852, Definition – Expand to address concern listed under the "General Comment."

- Section 17852, Subsection (a)(26), "Mixed Solid Waste." – The existing definition refers to "non-organics" and "plastic." These terms need to be clearly defined. Also, see the "General Comment."

- Section 17852, Subsection (a)(32), "Physical Contamination" or "Contaminants" – Clearly define the terms of "hard plastic" and "film plastic" in concert with the "General Comment."

- We recommend adding verbiage describing consequences and compliance requirements on the facility when there is an observed violation.

Issue 7
"Apply the transfer/processing and compostable material handling and design and operational requirements to all types of in-vessel digestion activities, including anaerobic digestion."

Comment:

- Sections 17896.1 and 17896.2 – Numerous references have been made to the term "organic material." Please see "General Comment" and define the term "organic material."

- Section 17896.1, Subsection (d) – In part, this Subsection states "…..However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter," (emphasis added). Such an authority is far reaching and may negatively impact a local jurisdiction's land use decision. As such the term "conflict" needs to be defined OR the statement should be revised to read "….However, no city, no county, no city and county, or special district may promulgate or enforce laws which are less restrictive than the provision of this Chapter."

- Section 17896.15, "Drainage Control" – The proposed requirements should be expanded to prohibit any off-site drainage without a NPDES Permit.

- Section 17896.35, "Pre-Digestion Solid Waste", Subsection (a)(1) – states, "in-vessel digestion operations shall remove solid wastes not placed in tanks for digestion within 7 days from the date of receipt" and (a)(2), states, "solid wastes shall be injected into the digester tanks or other water and air tight enclosed storage vessel within 8 hours from the time of receipt."

  The proposed language and time frames need to be clarified to provide clear and non-conflicting regulatory restrictions for the facility operator. Additionally, any outside storage of solid wastes containing putrescible materials in excess of 8 hours from the time of receipt needs to be prohibited.

- Section 17896.52, "Post Digestion Solids Handling" – As recognized by CalRecycle, not all in-vessel digestion technologies utilize anaerobic digestion. However, the proposed requirements under this section disregard this by requiring that all post-digested solid waste be "disposed" of without recognizing that, depending on the type of in-vessel technology, post-digested solid wastes may be used as feedstock for other processes such as gasification to produce "renewable" products. Accordingly, provisions of this Section need to be revised to provide for the above.

- Section 17896.53, Sampling Requirements – Combine (a) and (b) as both relate to time and location requirements regarding samplings of post-digested solids.

- We recommend adding general verbiage describing consequences and compliance requirements on the facility when there is an observed violation.

- Due to the hazardous byproducts (methane and hydrogen sulfide) of AD, the regulations surrounding it should not become less stringent by redefining AD as a transfer processing activity. Typical transfer processing facilities do not keep transfer materials on-site as long as AD facilities and do not allow for biological and biodegradable organic matter to be decomposed by bacteria on-site to create byproducts. Therefore, they do not have the same hazards as an AD operation.

Issue 12
"Update Solid Waste Facility Permit (SWFP) and Waste Discharge Requirements (WDR) Form and Instructions, and 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."

Comment:
We strongly recommend that provisions be made stating that the "maximum amount of waste material that is expected to be received per day at a facility is limited to those quantities specified by the facility's CEQA analysis or the facility's host jurisdiction allocated tonnages, whichever is less." The general public is not aware of the various types of permits that a solid waste facility operates under. The recommended provision would assist in having a limited consistency between the host jurisdiction permit and the CalRecycle issued solid waste facility permit thus enhancing communication with the facility's neighboring communities.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 9369], as amended) and Chapter 3.67 of the Los Angeles County Code, the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

We appreciate your consideration our comments and look forward to working with you in developing an effective statewide order for composting facilities. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or at (909)592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste management Task Force and
Council Member, City of Rosemead

WT:ts
P:\eppub\ENGPLAN\Wu_T\Composting\CalRecycle Title 14 and 27 - TF letter 101112.docx

Enclosures

cc: Mr. Matt Rodriquez, Secretary, CalEPA
Mr. Charles Hoppin, Chair, State Water Resources Control Board
State Water Resources Control Board (Thomas Howard, Lisa Babcock, Scott Couch, Roger Mitchell)
CalRecycle (Caroll Mortensen, Mark Leary, Mark De Bie, Howard Levenson, Brenda Smyth, Robert Holmes)
California Air Resources Board (Mary Nichols)
California Department of Food and Agriculture (Annete Whitford)
Each Member of the Los Angeles County Integrated Waste Management Task Force

9/12/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION – Exclude POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater from CalRecycle transfer/processing and in-vessel digestion regulations.

Managers of POTWs increasingly are considering the addition of organic material such as food waste, fats, oils and grease into their anaerobic digesters to increase the volume of methane and other biogases for energy production. Regional Water Quality Control Board (RWQCB) regulatory oversight of POTWs may adequately address the receipt, handling, anaerobic digestion and residual solids management of specific types of organic material for co-digestion with wastewater that historically have only been accepted in limited volume through an enclosed sewer system.

CalRecycle proposes to exclude from its solid waste transfer/ processing and in-vessel digestion regulations POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater.

Proposed language:

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

Article 6.0 Transfer/Processing Operations and Facilities Regulatory Requirements

§17403.1. Excluded Operations.
(a) The following operations do not constitute transfer operations or facilities for the purposes of these Articles and are not required to meet the requirements set forth herein:
…
(8) A Publicly Owned Treatment Works Treatment Plant that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW wastewater in accordance with Section 17896.5(a)(1).

Chapter 3.2 In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.5 Excluded Activities.
(a) The following activities do not constitute in-vessel digestion operations and facilities (Title 14, Division 7, Chapter 3.2) for the purpose of this Chapter and are not required to meet the requirements set forth herein:

(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.39(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an

anaerobically digestible material for the purpose of anaerobic co-digestion with POTW wastewater, under the following conditions:

(A) The POTW Treatment Plant is in compliance with the POTW Treatment Plant Waste Discharge Requirements or NPDES Standard Provision in accordance with the State Water Resources Control Board and their Regional Water Quality Control Board.

(B) For the purpose of this exclusion, "anaerobically digestible material" means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Chapter 3.1, Article 1, Section 17582(a) (2) and vegetative food material as defined in Title 14, CCR, Chapter 3.1, Article 1, Section 17582(A).

(C) For the purpose of this exclusion, CalRecycle, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential "anaerobically digestible material" beyond those specified in section 17896.5(B) in accordance with the following:

1. Receipt of a written request to CalRecycle from the General Manager or designee of a POTW Treatment Plant.

a. The written request must contain the following information:

i. The purpose of the request.

ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.

iii. Types of organic material requested for classification as an anaerobically digestible material.

iv. The source(s) of the waste material.

v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).

vi. A map identifying all proposed physical changes proposed at the POTW to accommodate the new waste materials.

vii. Available laboratory test results, engineering reports, pilot study results to support the request.

viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.

ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.

b. Upon receipt of the written request, CalRecycle will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:

i. Within XX days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate CalRecycle staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;

ii. Within XX days of receipt of the letter, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;

iii. Prior to the meeting, CalRecycle staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;

iv. Within XX days of receipt of the letter, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by CalRecycle up to close of business on day XX of the review process;

v. Within XX days of receipt of the letter, CalRecycle will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:

I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to Section 17896.5(a)(1)) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8)):

II. The agencies, based on the information provided, were unable to reach a determination and additional information is required before a determination can be made; or

III. The agencies have determined that a pilot study will need to be conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information or if pilot study is necessary, CalRecycle will consult with the General Manager or designee of the POTW, the State Water Resources Control Board and California Department of Food and Agriculture contacts, for the purpose of developing a timeline for either reviewing the additional information or for reviewing a proposed scope of work and timeline for a pilot study.

2. For the purpose of this exclusion, if an organic waste material is determined by CalRecycle to be an anaerobically digestible material for the purpose of co-digestion with the POTW wastewater, the POTW Treatment Plant must comply with 17896.5 (a)(1)(A) prior to receipt of the material at the POTW.

9/13/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION – Increase visual inspections of incoming green waste loads to reduce physical contaminants; require compostable material products to meet a 0.1% physical contaminant limit by weight; and make clarifying changes regarding sampling and sampling report protocols.

Existing regulations require green material to contain no greater than 1.0% physical contaminants by weight. Stakeholders have indicated that green material can exceed the 1.0% physical contaminant limit because of issues with collection processes; it is difficult for operators and LEAs to visually evaluate physical contaminants in incoming green material loads; and therefore, the 1.0% physical contaminant limit is hard to enforce. Staff proposes to:

- keep the 1.0% physical contaminant limit by weight specified in existing regulation;
- require operators to increase visual inspections of incoming green material loads;
- upon request by the EA, require operators to take samples of incoming loads;
- upon request by the EA, require compostable material handling operations to take a representative sample of product and send to a laboratory to measure physical contaminants;
- require compostable material handling facilities to take a representative sample for every 5,000 cubic yards of compost produced and send to a laboratory to measure physical contaminants;
- require all compostable material products (compost and chipping & grinding) to meet a 0.1% physical contaminants by weight limit.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

§ 17852. Definitions.
(a) For the purposes of this Chapter:

(21) “Green Material” means any plant material that is separated at the point of generation, contains no greater than 1.0 percent physical contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green material does not include food material, vegetative food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris.

(32) “Physical Contamination” or “Contaminants” means human-made inert ~~products~~ material contained within feedstocks, including, but not limited to, glass, metal, hard plastic, and film plastic.

...

ARTICLE 7. ENVIRONMENTAL HEALTH STANDARDS

17868.1. Sampling Requirements.

All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:

(a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2~~,~~ and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:

(1) An operator who composts agricultural material, green material, food material, vegetative food material, or mixed solid waste shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.

...

§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing product from the site.

...

§ 17868.3. Pathogen Reduction.

(a) Compost products derived from compostable materials~~,~~ that contain~~s~~ pathogens in amounts that exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing product from the site.

...

§ 17868.3.1. Physical Contamination Limits

(a) Products derived from compostable materials shall not contain more than 0.1% physical contaminants greater than 4 millimeters by weight. Products that contain more that 0.1% physical contaminants greater than 4 millimeters by weight shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing product from the site.

(b) Upon request of the EA, a compostable material handling operation shall take a representative sample of product derived from compostable material and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of product derived from compostable material and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

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

§ 17868.5. Green Material Processing Requirements.

~~In order for a feedstock to be considered green material~~ Composting operations and composting facilities that receive green material, as defined in section 17852(a)(21), as a feedstock must satisfy the following requirements~~ shall be met~~:

(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste loads and load sorting to quantify the percentage of ~~contaminating materials~~ physical contaminants and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green material).

(1) A minimum of ~~one~~ ten percent of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definition of green material in section 17852(a)(21).

(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.

(c)~~ Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.~~

~~(d)~~ Facility personnel shall be adequately trained to perform the activities specified in this section.

~~(e)~~(d) Any operation or facility using this feedstock shall maintain records demonstrating compliance with this section.

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

9/13/2012

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION – Apply the transfer/processing and compostable material handling and design and operational requirements to all types of in-vessel digestion activities, including anaerobic digestion.

Anaerobic digestion is currently regulated under the compostable materials handling regulations or the transfer/processing regulations, depending on the nature of the feedstock and how it is handled. If the feedstock is compostable material, the facility is regulated as a compostable material handling facility; if feedstock is not compostable material, the activity is regulated as a transfer and processing facility. Staff intended to develop initial discussion draft regulatory text for anaerobic digestion but became aware of several in-vessel digestion technologies that do not utilize anaerobic digestion. Consequently, staff decided to broaden the scope of the regulations to cover other types of "in-vessel digestion" activities, including anaerobic digestion.

Several approaches to regulating this emerging technology have been discussed at informal CalRecycle workshops in 2011 and 2012. The main operational phases of in-vessel digestion are pre-processing, digestion, and post-digestion handling. CalRecycle staff feels the pre-processing and post-digestion handling phases present the greatest need for regulatory oversight. Activities that would occur during the pre-processing phase at an in-vessel digestion operation or facility are similar to the activities that occur at a transfer/processing operation or facility; activities that would occur during the post-digestion handling phase at an in-vessel operation or facility are similar to those that occur at a compostable material handling operation or facility. Consequently, staff believes the most feasible approach to develop "in-vessel digestion" regulations is to utilize applicable transfer/processing and compostable material handling design and operational requirements. Staff offers the following three options for developing in-vessel digestion regulations:

Option 1 (as provided in "Proposed language" below): A stand-alone, fully-contained set of regulations containing imported transfer/processing and compostable materials handling standards applicable to in-vessel digestion.

Other options considered but not developed include –

Option 2: A stand-alone set of regulations containing cross-references to transfer/processing and compostable materials handling standards applicable to in-vessel digestion. (If Option 2 is selected, staff will edit the proposed language below to replace repeated regulatory requirements with cross-references.)

Option 3: Option 2 plus provide, upon completion of the rulemaking, a fully-contained, non-regulatory guidance document that includes the full text of any cross-referenced standard.

Option 1 - Proposed language:

Chapter 3.2 In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.

(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.8 are not applicable to operations and facilities that are subject to regulations elsewhere in this Chapter. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.

(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.

(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel aerobic and anaerobic digestion.

(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.

(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local heath agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.2. Definitions.

(a) For the purposes of this Chapter:

( ) **"**Anaerobic Digestion" is the biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.

( )"Aerobic Digestion" is the biological decomposition of organic material in the presence of oxygen.

( ) "Agricultural material" means material of plant or animal origin, which result from the production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, including manures, orchard and vineyard prunings, and crop residues

( ) "Agricultural site" means activities located on land that is zoned for agricultural uses.

( ) "Biogas" is a gas resulting from the decomposition of organic material under anaerobic conditions that is composed primarily of methane and carbon dioxide.

( ) "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated

at a centralized facility.

( ) "Contact Water" means water that has come in contact with waste and may include leachate.

( ) "DTSC" means the California Department of Toxic Substances Control.

( ) **"**Digestate" means the solid and/or liquid residual material remaining after organic material has been processed by means of in-vessel digestion.

( ) "Digestion" means pursuant to PRC 40116.1 the controlled biological decomposition, of organic solid waste that are separated from the municipal waste stream or which are separated at a centralized facility, and that proceeds through one or more of the stages of hydrolysis, acidogenesis, acetogenesis, methanogenesis, and glycolysis. Digestion includes:

(A) anaerobic digestion

(B) fermentation

(C) aerobic digestion

( ) "EA" means enforcement agency as defined in PRC section 40130.

( ) "Fermentation" means the biological conversion of carbohydrates into acids or alcohol in the absence of oxygen.

( ) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq.

( ) **"**In-vessel digester" is one or more fully enclosed structures in which the entire digestion process occurs, such as in tanks or other sealed containers.

( ) "Large Volume In-Vessel Digestion Facility" means an in-vessel digestion activity that receives 100 tons or more of solid waste per operating day.

( ) "Limited Volume In-Vessel Digestion Operation" means an in-vessel digestion activity that receives no more than 60 cubic yards and no more than 15 tons of solid waste per operating day.

( ) "Litter" means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

( ) "Medium Volume In-Vessel Digestion Facility" means an in-vessel digestion activity that receives more than 15 tons and less than 100 tons of solid waste per operating day.

( ) "Nuisance" includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

( ) "On-site" means located within the boundary of the operation or facility.

( ) “Operating day” means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

( ) “Operating Record” means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the Facility Plan or Transfer/Processing Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

( ) “Operations Area” means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:

(i) equipment management area, including cleaning, maintenance, and storage areas; and

(ii) material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.

(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.

( ) “Operator” means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:

(A) complying with regulatory requirements set forth in these Articles;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the operations area;

(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

( ) “Owner” means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the “Land Owner” and the owner of the operation or facility shall be identified as the “Facility Owner.”

() “Post digestion solids” means the solid residual material remaining after organic material has been processed by means of in-vessel digestion.

( ) “RWQCB” means the Regional Water Quality Control Board. “SWRCB” means the State Water Resources Control Board.

( ) “Salvaging” means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to transfer activities.

( ) “Scavenging” means the uncontrolled and/or unauthorized removal of solid waste materials.

( ) “Special Waste” includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

( ) "Spotter" means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.

( ) "Store" means to stockpile or accumulate for later use.

( ) "Storage tank" is an impervious concrete, metal or other tank designed to temporarily store feedstock and wastewater

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.3. Regulatory Tiers Requirements for In-Vessel Anaerobic Digestion Operations and Facilities.

Sections XXXX.X through XXXX.X set forth the regulatory tier requirements (Title 14, Division 7, Chapter 3.2, Article X.X, commencing with section XXXXX of the California Code of Regulations (commencing with section 21570) that apply to specified types of In-Vessel Digestion Operations and Facilities. These requirements are summarized in Table 1

Table 1 In-Vessel Anaerobic Digestion Operations and Facilities Placement into the Regulatory Tiers

Excluded Tier	**Enforcement Agency Notification Tier**	**Registration Permit Tier**	**Full Solid Waste Facility Permit**
Anaerobically digestible materials at POTW's	Limited Volume In-Vessel Digestion Operation Section XXXXX.X	Medium Volume In-Vessel Digestion Facility Section XXXXX.X	Large Volume In-Vessel Digestion Facility Section XXXXX.X
Ag material derived from ag site & returned to same site	Research digestion operations		
In-vessel digestion activities with less than 50 cubic yard capacity			

Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.4. Excluded Activities.

(a)The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the CalRecycle from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

PLACEHOLDER*…(see Issue 5 for complete initial discussion draft regulatory text) (1) A Publicly Owned Treatment Works Treatment Plant that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW wastewater, under the following conditions*

(2) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of post-digested solids or compost to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the agricultural site that on which the in-vessel digestion activity is located. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually. No post-digested solids that are not compost may be given away or sold.

(3) In-vessel digestion activities with less than a total of 50 cubic yards of solid waste, feedstock, and digestate on site are excluded

§ 17896.5. Research Digestion Operations

(A) An operator conducting research digestion operation shall not have more than xxxxx cubic yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any one time, and shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

(B) An operator conducting research composting operations utilizing may exceed xxxx cubic-yards of feedstock, additives, amendments, chipped and ground material and compost, if the EA determines that such increased volume will not pose additional risk to the public health, safety and the environment.

(C) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, section 18103.1(a)(3), the operator shall provide a description of the research to be performed, research objectives, methodology/protocol to be employed, data to be gathered, analysis to be performed, how the requirements of this subchapter will be met, and the projected timeframe for completion of the research operation.

(D) The EA Notification for a research digestion operation shall be reviewed after each two year period of operation. Review criteria shall include the results and conclusions drawn from the research.

(E) Research digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, shall satisfy the following additional requirements:

1. Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-site.

2. The operator shall prepare, implement and maintain a site-specific, research digestion operation site security plan. The research digestion site security plan shall include a description of the methods and facilities to be employed for the purpose of limiting site access and preventing the movement of unauthorized material on to or off of the site.

3. The EA Notification for the research digestion operation using unprocessed mammalian tissue as feedstock and documentation of additional requirements of this section shall be reviewed after each six month period of operation.

(f) The operator shall submit all additional documentation required by subsections (C) and (E)2. to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA

Notification for research digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

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

§ 17896.6. Limited Volume In-Vessel Digestion Operations.
All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to CalRecycle.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.7. Medium Volume In-Vessel Digestion Facilities
All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104). These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.8. Large Volume In-Vessel Digestion Facility
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-Vessel Digestion Report required by section 17869.11 shall constitute the Report of Facility Information required by section 21570(f)(2) of Title 27. These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.9. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-Vessel Digestion Facility, as defined in section 17896.2 (x) shall file with the EA an "In-Vessel Digestion Facility Plan" (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 178969.10 In-Vessel Digestion Report.
(a) Each operator of a Large Volume In-Vessel Digestion Facility, as defined in section 17896.2(x) shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility's operations, or to change the solid waste facility permit shall do one of the following:

(1) submit the updated information as an amendment to the existing In-Vessel Digestion Report; or

(2) submit a complete In-Vessel Digestion Report as described in section 18221.6.1.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.11. Applicability of State Minimum Standards

(a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in Section 17896.1.(a).

(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to In-Vessel Digestion facilities.

(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17414 and 17414.1.

(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

Article 2. Siting and Design

§ 17896.12. Siting On Landfills.

(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.

(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.

(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.13. General Design Requirements.

(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.

(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and

other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.

(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.

(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities.

§ 17896.14. Cleaning.

(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:

(1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;

(2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.

(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.15. Drainage Control.

(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

(1) minimize the creation of contact water outside of the tanks;

(2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;

(3) protect the integrity of roads and structures;

(4) protect the public health; and

(5) prevent safety hazards and interference with operations.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.16. Dust Control.

(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:

(1) safety hazards due to obscured visibility; or

(2) irritation of the eyes; or

(3) hampered breathing;

(4) migration of dust off-site.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.17. Hazardous, Liquid, and Special Wastes.

(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility,

(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and sludges wastes in a manner to protect public health, safety, and the environment.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.18. Litter Control

Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given existing weather conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.19. Load checking.

(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Article. This program must include at a minimum:

(1) the number of random load checks to be performed;

(2) a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;

(3) records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking

records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.20. Maintenance Program.
All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair. The operator shall implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.21. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code), shall not be accepted at an in-vessel digestion operation or facility, unless approved by the appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.22. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise include but are not limited to: posting of warning signs that recommend or require hearing protection; separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise transmission. Compliance with specific provisions regarding noise control in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.23. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles, pesticides and other materials capable of causing public health or safety problems shall not be salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and the EA.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.24. Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained to prevent the creation of a nuisance..

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.25. Odor Minimization Plan
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.

(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

(1) an odor monitoring protocol which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,

(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,

(3) a complaint response protocol; and,

(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,

(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), bio filtration, and tarping as applicable.

(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.

(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed, but odor impacts are still occurring, the EA may issue a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors.

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference: Sections 43020, 43021 and 43209.1,

§ 17896.26. Parking.

Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.27. Personnel Health and Safety.

The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations, section 320 …shall be available for review by local and state inspectors during normal business hours. Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.28. Prohibitions.

(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received from the food service

industry, grocery stores, or residential food scrap collection, or as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concerns in accordance with section 17862.

(b) The in-vessel digestion of medical waste is prohibited.

(c) The in-vessel digestion of hazardous waste is prohibited.

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

§ 17896.29. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.30. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.31. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.32. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:

(a) scavenging shall be prohibited;

(b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies.

(c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the transfer or processing operation or facility. Salvaging activities conducted at a transfer/processing operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;

(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-Vessel Digestion Facility Plan or In-Vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, In-Vessel Digestion Facility Plan, or In-Vessel Digestion Facility Report.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.33. Signs.

(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.

(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.34. Site Restoration

All in-vessel digestion operations and facilities shall meet the following requirements:

(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.

(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.

(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:

(1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.

(2) All machinery shall be cleaned and removed or stored securely.

(3) All remaining structures shall be cleaned of compost materials, dust, particulates, or other residues related to the composting and site restoration operations.

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

§ 17896.35. Pre-Digestion Solid Waste

(a) All solid wastes not placed in tanks for digestion shall be removed at the following frequencies or at an alternate frequency approved by the EA, in order to prevent the propagation or attraction of flies, rodents or other vectors:

(1) in-vessel digestion operations shall remove solid wastes not placed in tanks for digestion within 7 days from the date of receipt;

(2) solid wastes shall be injected into the digester tanks or other water and air tight enclosed storage vessel within 8 hours from the time of receipt.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.36. Supervision and Personnel.

The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address

and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.37. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.38. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

Article 4. Record Keeping Requirements.

§ 17896.39. Record Keeping Requirements.
Each operator shall meet the following requirements:

(a) each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be: submitted to the EA or CalRecycle upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;

(b) all records required by this Article shall be kept by the operator in one location and accessible for three (3) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.

(c) the operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;

(d) the operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17410.2, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;

(e) the operator shall record any written public complaints received by the operator, including:

(1) the nature of the complaint,

(2) the date the complaint was received,

(3) if available, the name, address, and telephone number of the person or persons making the complaint, and

(4) any actions taken to respond to the complaint;

(f) the operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.37.;

(g) The operator shall maintain records of employee training as required by section 17896.38;

(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.40. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.
Approvals, determinations, and other requirements the EA is authorized to make under this Chapter shall be provided in writing to the operator and placed in the operating record by the operator.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only.

§ 17896.41. Communications Equipment.
Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.42. Equipment.
Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.43. Fire Fighting Equipment.
Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.44. Housekeeping.
The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.45. Lighting.

The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.46. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.47. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.48. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:

(1) interference with or creation of a safety hazard on adjacent public streets or roads,

(2) on-site safety hazards, and

(3) interference with operations.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.49. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.50. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

Article 6. Post Digestion Solids

§ 17896.52 Post Digestion Solids Handling

(a) Post digestion solids removed from the in-vessel digester or an air-tight and water-tight enclosed storage container shall be removed from the site within 8 hours and delivered as solid waste to

another solid waste facility or operation for disposal unless the post-digested solids have been incorporated in an aerobic compost process on-site.

(b) Post-digested solids that have not been analyzed for metal concentration pursuant to section 17896.54, pathogen concentration pursuant to section 17896.55(a), and physical contaminants pursuant to section 17896.56 or are known to contain any metal in amounts that exceed the maximum metal concentrations described in section 17896.54, pathogens that exceed the maximum acceptable pathogen concentrations described in section 17896.55(a), or physical contaminants that exceed the maximum physical contamination limits described in section 17896.56 shall be designated for disposal, additional processing through digestion or composting, or other use as approved by state or federal agencies having jurisdiction.

(c) All in-vessel digestion operations and facilities that compost on-site shall comply with the maximum metal concentrations requirements of section 17896.54, the maximum acceptable pathogen concentrations requirements of section 17896.55(a), and physical contamination limits of section 178968.56.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.53. Sampling Requirements.

(a) The sampling of post-digested solids, to determine compliance with section 17896.52(a)(1), shall occur within twenty-four (24) hours of the solids being removed from the in-vessel digester.

(b) The sampling of compost produced from post-digested solids at an in-vessel digestion operation or facility shall occur at the point where the compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Analytical results indicating compliance with sections 17896.54, 17896.55, and 17896.56 shall be received by the operator prior to the sampled compost leaving the site.

(c) This sampling shall be performed by taking and analyzing at least one composite sample, following the requirements of this section as follows:

(1) An operator who digests green material, food material, vegetative food material or mixed solid waste shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.

(2) An operator who digests biosolids shall meet the sampling schedule described in Table 1 below.

Table 1- Frequencies of Compost Sampling for Biosolids at In-Vessel Digestion Facilities

Amount of Biosolids Feedstock *(metric tons per 365 day period*	*Frequency*
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

(A) The amount of biosolids feedstock shall be calculated in dry weight metric tons.

(3) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17896.54, shall be conducted at a laboratory certified by the California Department of Health Services, pursuant to the Health and Safety Code.

(d) A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as follows:

(A) Four samples from one-half the width of the pile, each at a different cross-section;

(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

(C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(e) The EA may approve alternative methods of sampling for a green material in-vessel digestion operation or facility that ensures the maximum metal concentration requirements of section 17896.54 and the pathogen reduction requirements of section 17896.55, as applicable, are met.

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

§ 17896.54. Maximum Metal Concentrations.

(a) Compost produced from post-digested solids at an in-vessel digestion operation or facility that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. These maximum metal concentrations standards may also be applied to post-digested solids pursuant to section 17896.52(a)(1). Sample results must be received by the operator prior to removing product from the site.

Table 2 -Maximum Acceptable Metal Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	100
Zinc (Zn)	2800

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials in-vessel digestion operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.

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

§ 17896.55. Pathogen Reduction.

(a) The density of fecal coliform in compost produced from post-digested solids at an in-vessel digestion operation or facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). These pathogen reductions standards may also be applied to post-digested solids pursuant to section 17896.52(a)(1). Sample results must be received by the operator prior to removing product from the site.

(1) Compost products derived from compostable materials, that contain pathogens in amounts that exceed the maximum acceptable pathogen concentrations described in Subdivision (a) of this section shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction.

(b) Operators of in-vessel digestion operation and facilities that produce compost from post-digested solids shall ensure that:

(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.

(3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

(d) In-vessel digestion operations and facilities that compost post-digestion solids shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:

(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

(2) Temperature measurements for pathogen reduction shall be measured as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(3) Alternative methods of compliance to meet the requirements of Subdivision (d) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent temperature measurements. (Gore parking lot issue)

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

§ 17896.56. Physical Contamination Limits

(a) Products derived from compostable materials shall not contain more than 0.1% physical contaminants greater than 4 millimeters by weight. Products that contain more that 0.1% physical contaminants greater than 4 millimeters by weight shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing product from the site.

(b) Upon request of the EA, a compostable material handling operation shall take a representative sample of product derived from compostable material and send to a laboratory at which physical

contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of product derived from compostable material and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

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

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

Article 3.2 Reports of Facility Information

§ 18221.5.1 In-Vessel Digestion Facility Plan.

Each operator of a Medium Volume In-Vessel Digestion Facility, ~~or Direct Transfer Facility~~ that is required to obtain a Registration Permit, as set forth in sections 17403.4 and 17403.6 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing with section 18100) shall, at the time of application, file an In-Vessel Digestion Facility Plan ("Plan") with the EA as required in section 17403.8 of this Title. In order to maintain the permit, the operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;

(b) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

(c) descriptive statement of the manner in which activities are to be conducted at the facility;

(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;

(e) total acreage contained within the operating area;

(f) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;

(g) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;

(h) description of the methods used by the facility to comply with each state minimum standard contained in sections 17406.1 through 17419.2;

(i) anticipated volume of quench or process water and the planned method of treatment, and disposal of any wastewater;

(j) description of provisions to handle unusual peak loading;

(k) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;

(l) planned method for final disposal of the solid waste;

(m) planned method for the storage and removal of salvaged material;

(n) resume of management organization which will operate the facility.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

§ 18221.6.1 In-Vessel Digestion Report.

Each operator of a Large Volume In-Vessel Digestion Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-Vessel Digestion Report ("Report") with the EA as required in section 17403.9 of this Title. In order to maintain an existing permit, the operator must file amendments as required in section 17403.9 of this Title and re-title the document as a Transfer/Processing Report. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. A Report shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;

(b) facility specifications or plans, to include: a site location map, a site map, and identification of adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet of the facility property line;

(c) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

(d) descriptive statement of the manner in which activities are to be conducted at the facility;

(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;

(f) total acreage contained within the operating area;

(g) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;

(h) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;

(i) description of the methods used by the facility to comply with each state minimum standard contained in sections 17406.1 through 17419.2;

(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal of any wastewater;

(k) description of provisions to handle unusual peak loading;

(l) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;

(m) planned method for final disposal of the solid waste;

(n) planned method for the storage and removal of salvaged material;

(o) resume of management organization which will operate the facility;

(p) list of permits already obtained, and the date obtained or last revised.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources Code.

~~NEW~~

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR SOLID WASTE FACILITY PERMIT~~/~~AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the ~~California Integrated Waste Management Board (CIWMB)~~ Department of Resources Recycling and Recovery (CalRecycle)~~/~~ and ~~Local~~ Enforcement Agency~~ies~~ (~~L~~EA~~s~~) ~~and the~~ or California Regional Water Quality Control Boards (RWQCB~~s~~), and for related purposes. The ~~a~~Application is to be used for ~~both~~ new and ~~revised permits~~ changes to existing SWFPs, WDRs, and supporting documents (e.g. Reports of Facility Information, Reports of Waste Discharge), and ~~expansions~~ for SWFP Reviews. All [*Note to OAL and publisher: No proposed change. Existing text underlined for emphasis*.] ~~a~~Applications must be filled out completely [*Note to OAL and publisher: No proposed change. Existing text underlined for emphasis*.] and correctly [*Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis*.]. Check with ~~local or county enforcement agency~~ the applicable EA or RWQCB for specific permit requirements and~~/or~~ exemptions. ~~This form~~ Submit the Application and ~~the~~ filing fee~~s should be sent~~ to the appropriate agency(ies) indicated below:

FORM TYPE / USE	APPROPRIATE AGENCY
Application for a Solid Waste Facility Permit	~~CIWMB/L~~EA
Report of Waste Discharge ~~/~~and WDRs	RWQCB

If you have any questions on ~~the completion of~~ how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the ~~CIWMB~~ CalRecycle website at ~~http://www.ciwmb.ca.gov/LEACentral~~ http://www.calrecycle.ca.gov.

NOTE: For direct discharge (point source discharge) to surface waters, a different application form is required in place of this form. Please contact the appropriate ~~Regional Water Quality Control Board~~ RWQCB for a National Pollutant Discharge Elimination System (NPDES) application form to apply for a permit for ~~this type of~~ a direct discharge.

Upon receipt by the applicable RWQCB, ~~The~~ this Application ~~for Solid Waste Facility Permit/Waste Discharge Requirements~~ provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 ½ "X 11" paper. Submit two copies of the completed ~~form~~ Application ~~and of any required report(s),~~ and filing fee to the ~~Enforcement Agency (~~EA~~)~~. Submit one copy of the ~~form~~ Application and any additional reports required by the RWQCB ~~report~~ and filing fee to the RWQCB. The agency(ies) will advise you of any additional information that may be required to complete this ~~a~~Application ~~and waste disposal report~~.

~~You will be notified of the effective date of the application by each agency.~~

The Applicant shall submit this Application in a form and format required by the EA.

AMOUNT OF FILING FEES

- EA - ~~The enforcement agencies shall determine the exact fee~~ Contact the EA for fee information.
- RWQCB - Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule).

FOR OFFICIAL USE ONLY (~~CIWMB~~ CalRecycle/~~L~~EA/RWQCB staff)

SWIS Number: The Solid Waste Information System (SWIS) number assigned to the facility by ~~CIWMB~~ CalRecycle staff.
Filing Fee: The amount of filing fee submitted by the applicant.
Receipt Number: The number assigned to the ~~a~~Application by ~~CIWMB~~ CalRecycle/~~L~~EA/RWQCB staff.
Date Received: The date the EA receives the ~~a~~Application ~~package is received~~ from the applicant (Title 27, section 21650(a)).
Date Accepted: The date the EA accepts the ~~a~~Application ~~package~~ for filing (Title 27, section 21650(a)).
Date Rejected: The date the EA rejects ~~determines that~~ the ~~a~~Application ~~package is rejected~~ (Title 27, section 21650(d)).
Date ~~of~~ Acceptance of Incomplete Application: The date the EA accepts an incomplete ~~a~~Application ~~package as incomplete~~ (Title 27, section 21580).
~~**Due Date**: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).~~

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.
B. **County**: Enter the name of the county or counties in which the facility is located.
C. Type of Application: Check the box (one box only) that describes the reason the ~~a~~Application is being submitted, as follows~~.~~:

1. **New SWFP and/or WDRs**: A facility that does not have a current ~~full~~ SWFP or WDRs.
2. ~~**Revision of**~~ **Change to SWFP and/or WDRs**: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620)
3. ~~**Exemption and/or**~~ **Waiver**: ~~The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or~~ WDRs have been waived.
4. **Review**: To comply with the five-year permit review requirement (Title 27, section 21640).
5. **Amendment of Application**: If the applicant changes any of the information required in the Application after ~~the application package~~ it has been submitted and before the EA has acted on the Application ~~issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package~~. (Title 27, section 21610)
6. **RFI/ROWD/JTD Amendments**: ~~For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision.~~ A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name ~~as it is~~ to be listed on the SWFP and/or the WDRs.
B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor's Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.
2. Latitude and longitude ~~is to be submitted~~ in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS instrument is recommended. ~~It indicates the center of the waste foot print, existing or proposed, for disposal sites, and the office or gate for all other facilities (i.e. transfer, composting, etc.)~~

3. ~~Map or sketch should be to a scale adequate to show the precise location of the permitted boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity of disposal location to populated areas and must indicate all wells and drainage courses within 1,000 feet of any disposal point. The map must include approaches and/or access roads, streets, and/or highways.~~ The legal description shall include the applicable portions of the section(s) of the township, range, base, and meridian. The facility shall have permanent monuments or other physical features that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this ~~a~~Application ~~package~~.

1. **Disposal**: A facility that includes a place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for landfill disposal of solid waste~~; and~~.
   a. Type: The type of disposal facility, such as, ~~mono-fill~~ monofill, C&D/inert, municipal solid waste.
2. ~~**Composting**~~ **Compostable Material Handling**: ~~a~~ A facility that ~~is operated for the purpose of producing compost~~ handles compostable materials.~~; and~~
   ~~**a. Type**: The type of composting facility, e.g. green waste, food waste, biosolids, or MSW.~~
3. **Transformation**: A facility ~~that~~ at which solid waste is incinerate~~s~~d~~,~~ or subject to pyrolysis, distillation, or biological conversion other than composting. Transformation does not include composting, gasification, or biomass conversion.
4. **Transfer/Processing Facility**: A facility that receives, handles, stores, separates, converts or otherwise processes ~~materials in~~ solid waste~~; and/~~ or transfers solid waste directly from one container to another or from one vehicle to another for transport~~; and/or store solid waste. For Informational Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.~~
5. **Construction and Demolition/Inert Debris Processing**: A facility that receives Construction and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume reduction, or recycling.

6. **In-Vessel Digestion**: {*PLACE DESCRIPTION OF IN-VESSEL DIGESTION HERE*}

~~5~~ 7. **Other**: An activity authorized by law not listed above.

D. Identification of Facility in CIWMP [Conformance Finding Information] (~~CIWMP~~ Title 27, section 21570(f)(5)**)**:

1~~)~~. If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal Facility Element, check the appropriate box, and fill in the date of the document and the page on which the facility is identified. ~~If you do not currently have this information,~~ (Y~~y~~ou may obtain ~~it~~ this information from the jurisdiction in which the facility is located).

~~2) If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element and you should check the appropriate box.~~

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material covered under this ~~a~~Application package:

1. **Agricultural**: Wastes resulting directly from the ~~production and processing~~ conduct of ~~farm or~~ agricultural ~~products~~ activities, including, but not limited to, manures, prunings, and crop residues.
2. **Asbestos**: ~~A naturally occurring family of carcinogenic fibrous mineral substance.~~ The State Department of ~~Health Services~~ Toxic Substances Control ~~has~~ classifie~~d~~s friable wastes which contain ~~more than~~ one percent or more asbestos by weight as hazardous wastes. Friable means that the material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the asbestos is friable or non-friable by checking the appropriate box.
3. **Ash**: The residue from the incineration of solid wastes, including, but not limited to, municipal waste, ~~infectious~~ medical waste, woodwaste, sludge, and agricultural waste.
4. **Treated Auto Shredder Waste**: The "fluff" consisting of upholstery, paint, plastics, and other non-metallic substances that remains after the shredding of automobiles, discarded household major appliances, and ~~sheet metal~~ similar items. ~~The State Department of Health Services has classified untreated shredder wastes as hazardous.~~
5. **Compostable Material**: Any organic material that when accumulated will become active compost. Describe the types of compostable materials to be received.
6. **Construction/Demolition Waste**: Waste that results from construction, remodeling, repair, demolition or deconstruction of buildings, and other structures.

7. **Contaminated Soil**: ~~Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency~~ Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.
8. **Dead Animals**: Animal carcasses requiring disposal that have **not** been previously used for medical purposes and are not known to have been infected ~~or~~ with ~~known~~ infectious diseases.
9. **Industrial**: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.
10. **Inert:** Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.
11. **Liquids**: Wastes which are not spadeable, usually containing less than 50% solids. These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.
12. **Mixed~~/~~ or Municipal Solid Waste (MSW)**: Solid waste generated primarily by r~~R~~esidential and commercial ~~refuse~~ sources, ~~garbage and/or rubbish~~ although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. ~~Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.~~
13. **Sewage Sludge**: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.
14. **Waste Tires**: ~~Discarded tire casings~~ Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation for the manufacturer's original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.
15. **Other**: Any allowable wastes not included in the above.

Part 3. FACILITY INFORMATION

~~**A. Proposed Change**: Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.~~

~~1. **Design Change**: A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.~~
~~2. **Operation**: A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.~~
~~3. **Owner, Operator, Address, and/or Facility Name Change**: Complete if there is a change in the owner, operator, address, or facility name.~~
~~4. **Other**: This type of change includes, but is not limited to: change in emergency contact list, etc. For an application for permit review, if there are no changes, so indicate.~~

A~~B~~. Facility Information

1. **Information Applicable To All Existing Facilities**: This portion of ~~Part 3~~ the Application must be filled out by every applicant regardless of the type of facility.
   a. **~~Peak~~ Maximum Daily Tonnage or Cubic Yards**: The ~~peak (~~maximum~~)~~ ~~total~~ amount of solid waste and other material the ~~facility~~ applicant is ~~permitted~~ authorized by the EA to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day. This amount shall be expressed in tons~~,~~; if tonnage is not available ~~or not applicable provide this~~ specify the amount in cubic yards with a conversion factor. ~~This will be referred to as the "permitted maximum tonnage" and is considered the facility maximum tonnage limit.~~ This amount m~~M~~ust be consistent with the approved SWFP and the approved Report of Facility Information (RFI) ~~and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be~~

~~converted to tons and the conversion factor should be documented in the accompanying RFI~~. Applicants for new SWFP and/or WDRs enter zeros (0) in all items of this section.

1. **Disposal/Transfer**: The amount of ~~material~~ solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste; and
2. **Other**: That amount of all other material received at the site, including, but not limited to, material that is recycled, ~~or used for beneficial use~~ beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Note: ~~1 and 2~~ The two amounts in (1) and (2) ~~should~~ must equal the ~~peak~~ maximum daily tonnage ~~or cubic yards~~.

b. **Daily Design Tonnage ~~(TPD)~~**: For landfills, the maximum daily tonnage ~~of waste and material~~ that the facility is designed to receive on an ongoing basis over an extended period of time based on appropriate factors including, but not limited to, size of working face, vehicle traffic considerations, hours of operation, etc. For other facilities, it is the maximum amount of waste and material the facility is designed to handle at any ~~one~~ time based on appropriate factors including, but not limited to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of equipment and movement, etc. Design tonnage may be equal to or greater than the ~~peak~~ maximum daily tonnage.

c. **Facility Size**: The area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur ~~and are permitted~~. This includes ~~T~~the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment ~~management area~~, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as "operating area" for compost~~ing~~able material handling facilities, "permitted acreage" or the area within the "permitted boundar~~ies~~y" for transfer/processing facilities and landfills.

d. **Peak Traffic Volume Per Day (vpd)**: The ~~estimated~~ maximum number of vehicles ~~that will~~ authorized by the EA to enter the facility on a daily basis. This number ~~should~~ include~~s~~ ~~not only waste vehicles, but~~ all vehicles, laden or empty, entering the facility gate, including vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or material intended for beneficial reuse. This number must be consistent with the approved RFI ~~and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted~~.

e. **Days and Hours of Operation**: The days and hours that the facility is authorized by the EA to ~~in operation~~ operate and the hours of waste receipt authorized by the EA if different from the hours of operation. This information must be consistent with the approved RFI ~~and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted~~. Any activities that are limited to prescribed days ~~and/~~or hours should be fully described in the RFI.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs**: This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI submitted as part of the Application. The EA will review the requests and establish the terms and conditions of a proposed SWFP for those requests that are supported by documents submitted by the applicant. The RWQCB will review the requests and establish the terms and conditions of tentative WDRs for those requests that are supported by documents submitted by the applicant. Use the "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

~~2~~3. **Additional Information Required For Compost~~ing~~able Materials Handling Facilities Only**: This portion of ~~Part 3, section B2, in addition to Part 3, section B1,~~the Application must be filled out by the applicant if ~~composting~~ handling compostable materials is part of this ~~a~~Application.

a. **Site Storage Capacity**: The total capacity in tons or cubic yards of all ~~feedstock and compost (active, curing, and cured)~~ material that can be stored on-site at any one time.

~~3~~4. **Additional Information Required For Landfills Only**: This portion of ~~Part 3, section B3, in addition to Part 3, section B1,~~the Application must be filled out by the applicant if a landfill is part of ~~this~~ the ~~a~~Application. All [*Note to OAL and publisher: No proposed change. Existing text underlined for emphasis*.] sections of the ~~a~~Application must be filled out completely [*Note to OAL and publisher: No proposed change. Existing text underlined for emphasis*.].

a. **Average Daily Tonnage (TPD)**: The estimated average waste tonnage expected to be ~~received~~ placed in a waste management unit for each operating day on a yearly basis (calendar year) for the next five

years. Do not use non-operating days in ~~estimated/~~calculating the average daily tonnage. This average daily tonnage can be equal to but may not exceed the peak daily tonnage. Report as tons per day (TPD).

b. **Site Capacity Currently Permitted (Airspace) (cu yds)**: The volume contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site Capacity.
c. **Site Capacity Proposed (Airspace) (cu yds)**: Additional site capacity (airspace) requested or potentially resulting from this permit ~~a~~Application.
d. **Site Capacity Used To Date (Airspace) (cu yds)**: The volume of permitted site capacity used to date. See Date of Capacity Information below.
e. **Site Capacity Remaining (Airspace) (cu yds)**: The total volume of permitted site capacity remaining, not including any proposed site capacity. If the remaining capacity information provided is based on estimates of capacity used since the last physical site survey, please explain the methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume, etc. See Date of Capacity ~~i~~Information below.
f. **Date Of Capacity Information (date)**: The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the ~~a~~Application date by no more than three months. Amendments of the ~~a~~Application including more current capacities may be required.
g. **Last Physical Site Survey (date)**: Date when the last aerial or ground survey was conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see Part 6, Section B for more details).
h. **Estimated Closure Date (month and year)**: The closure date estimated based on remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other appropriate factors. Please note if the closure date is controlled by factors other than waste capacity (e.g., conditional use permit date, etc.)
i. **Disposal Footprint (acres)**: The permitted area where waste will be or has been placed. This will be referred to as “permitted disposal area”.
j. **Site Capacity Planned (cu yds)**: The estimated additional site capacity (in cubic yards) based upon any planned expansions not currently proposed, whether within or outside the current permitted boundary.
k. Provide o~~O~~ne of the following:
    1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste)**. The in-place waste density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and
    (ii) **Waste-to-Cover Ratio (estimated) (volume:volume)**. The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to ~~the CIWMB~~ CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to ~~the CIWMB~~ CalRecycle is reported, or
    2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace)**. The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to ~~the CIWMB~~ CalRecycle is reported.

Part 4. SOURCE OF WATER SUPPLY (This is water used for any purpose at the facility)

A. Municipal or Utility Service: Give name and address of the water purveyor.
B. Individual Wells: Identify those wells that are not part of a municipal or utility service.
C. Surface Supply:
1. Provide the name of any stream, lake, spring, etc, if identified.

2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or is going to be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.
- If an environmental document has already been prepared and circulated through the SCH and there is ~~an~~ a SCH number, please write this number in the appropriate blank following the box that is checked.
- If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for "SCH#."
- If the "ADDENDUM TO (Identify environmental document)" box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.
  EXAMPLE ONLY:
  If the environmental document is an environmental impact report (EIR), write "EIR" and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the ~~appropriate~~ box to indicate why an environmental document is not required ~~for~~ under CEQA.
- If the "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.
  EXAMPLE ONLY:
  A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says "CATEGORICAL/STATUTORY EXEMPTION (CE/SE)" and write the following in the blank after the box: "CEQA Guidelines, Section 15301, Class I Categorical Exemption."

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.

B. Section B of Part 6 ~~is additional documents required~~ must be completed only by ~~landfill~~ applicants ~~only~~ for disposal facilities.
- Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle ~~CIWMB~~ 107) has an "effective date" identified on the certificate~~. This date should~~ and must be within the preceding twelve-month (annual renewal) period.
- Financial Responsibility Documentation: The financial mechanism ~~will be~~ is a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value ~~should~~ must be within the preceding twelve-month (annual renewal) period.
- Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, ~~S~~sections 21780 and 21865 as ~~appropriate~~ applicable.
- Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.
- Landfill Capacity Survey Results: For disposal ~~sites~~ facilities permitted ~~for~~ to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the ~~enforcement agency~~ EA. For disposal ~~sites~~ facilities permitted ~~for~~ to receive 20 tons per day or less,

a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this ~~a~~Application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

~~A~~1. "base ground surface" - the best available excavation plan surface that existed prior to the placement of any waste;
~~B~~2. "CADD" -computer aided design and drafting;
~~C~~3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
~~D~~4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;
~~E~~5. "existing ground surface" - the topography that exists at the time of the subject survey;
~~F~~6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
~~G~~7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
~~H~~8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the disposal site;
~~I~~9. "net volume" - the fill volume less the cut volume;
~~J~~10. "site name" - the name of the disposal site for which the survey information is being submitted;
~~K~~11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;
~~L~~12. "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;
~~M~~13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;
~~N~~14. "survey" -a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;
~~O~~15. "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;
~~P~~16. "volume calculation method" - grid, composite, section or other method approved by the ~~enforcement agency~~ EA;.

C. In Section C of Part 6, specify ~~is~~ additional documents required ~~only if applicable~~ for the type of facility to be covered under this ~~a~~Application as required by the EA or RWQCB. Under "Other,"~~:~~ identify and ~~L~~list any other necessary documents not ~~included~~ specified above but that are required by the EA or RWCB under applicable law, such as, ~~if the operator is different from landowner, attach~~ a lease or ~~franchise~~ other agreement documenting the operator's interest in and right to use the site as a solid waste facility ~~real property. Another example would be if there is a contract operator then a copy of the~~ or a contract between the permitted operator and contract operator ~~and etc~~.

Part 7. OWNER INFORMATION:

Type of Business: Specify if the ~~business~~ owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or ~~government~~ public agency.
Owner of Land: The person(s) that owns~~, in whole or in part,~~ the land on which the facility is located.
Address, City, State, Zip: Provide the address, city, state, and zip code for the facility owner(s).
SSN or Tax ID #: Provide the SSN or tax identification number for the land owner(s).
Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax #~~~~ number, and e-mail address, and print the contact name.
Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for each owner of the facility~~where legal notice may be served~~.

Part 8. OPERATOR INFORMATION:

Type of Business: Specify if the ~~business~~ operator filing this Application is a sole proprietorship, partnership, corporation, or ~~government~~ public agency.
Facility Operator: The person~~(s)~~ (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at ~~an~~ a facility.
Address, City, State, Zip: Provide the address, city, state, and zip code for the facility operator~~(s)~~.
SSN or Tax ID #: Provide the SSN or tax identification number for the operator~~(s)~~.
Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax # number, and e-mail address, and print the contact name.
Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for the operator of the facility~~where legal notice may be served~~.

Part 9. SIGNATURE BLOCK:

Signature (landowner or agent): ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf of the ~~above~~ owner.
Signature (lessee): A person(s) authorized to sign on behalf of the person leasing the land, if applicable.
Signature (facility operator ~~or agent~~): ~~The~~ A person(s) ~~or their agent~~ authorized to sign on behalf of the operator ~~above~~.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.

STATE OF CALIFORNIA
~~CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD~~DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
REGIONAL WATER QUALITY CONTROL BOARD

APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

~~CIWMB~ CALRECYCLE E-1-77 (Rev. ~~8-04~~ X-XX)

NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

FOR OFFICIAL USE ONLY

SWIS NUMBER:	FILING FEE:	RECEIPT NUMBER:	DATE RECEIVED:
DATE ACCEPTED:	DATE REJECTED:	ACCEPTANCE DATE OF INCOMPLETE APPLICATION: DATE DUE:	

Part 1. GENERAL INFORMATION

A. ENFORCEMENT AGENCY:

B. COUNTY:

C. TYPE OF APPLICATION (**Check one box only**):

☐ 1. NEW SWFP and/or WDRS

☐ 4. PERMIT REVIEW

2. ~~REVISION OF~~ CHANGE TO SWFP and/or WDRS

☐ 5. AMENDMENT OF APPLICATION

☐ REVISION ☐ MODIFICATION ☐ OTHER (As authorized by law)

☐ 3. EXEMPTION and/or WAIVER

☐ 6. RFI/ROWD/JTD AMENDMENTS

Part 2. FACILITY DESCRIPTION

A. NAME OF FACILITY:

B. LOCATION OF FACILITY:

1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE:

2. LATITUDE AND LONGITUDE:

3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED:

C. TYPE OF ACTIVITY: (Check applicable boxes):

☐ 1. DISPOSAL

a. TYPE :

☐ 2. COMPOST~~ING~~ABLE MATERIALS HANDLING

a. TYPE:

☐ 3. TRANSFORMATION

☐ 4. TRANSFER/PROCESSING FACILITY

~~☐ CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.~~

☐ 5. C&D/INERT DEBRIS PROCESSING

☐ 6. IN-VESSEL DIGESTION

☐ ~~5~~7. OTHER (describe):

D. IDENTIFICATION OF FACILITY IN CIWMP CONFORMANCE FINDING~~ INFORMATION (CIWMP)~~:

☐ 1. FACILITY IS IDENTIFIED IN (Check one):

☐ SITING ELEMENT DATE OF DOCUMENT PAGE #

☐ NONDISPOSAL FACILITY ELEMENT DATE OF DOCUMENT PAGE #

☐ ~~2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT~~

E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):

☐ 1. AGRICULTURAL

☐ 2. ASBESTOS o Friable o Non-friable

☐ 3. ASH

☐ 4. AUTO SHREDDER

☐ 5. COMPOSTABLE MATERIAL (describe):

☐ 6. CONSTRUCTION/DEMOLITION

☐ 7. CONTAMINATED SOILS

☐ 8. DEAD ANIMALS

☐ 9. INDUSTRIAL

☐ 10. INERT

☐ 11. LIQUIDS

☐ 12. ~~MIXED/~~MUNICIPAL SOLID WASTE (MSW)

☐ 13. SEWAGE SLUDGE

☐ 14. WASTE TIRES

☐ 15. OTHER (describe):

Part 3. FACILITY INFORMATION

~~A. PROPOSED CHANGE (Check applicable box(es)):~~

☐ ~~1. DESIGN (describe):~~ _____

☐ ~~2. OPERATION (describe):~~ _____

☐ ~~3. OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE (describe):~~ _____

☐ ~~4. OTHER (describe):~~ _____

~~B. FACILITY INFORMATION:~~

~~1. INFORMATION APPLICABLE TO ALL FACILITIES~~

~~a. PEAK DAILY TONNAGE OR CUBIC YARDS~~ _____

~~1) DISPOSAL/TRANSER (unit)~~ _____

~~2) OTHER (unit)~~ _____

~~b. DAILY DESIGN TONNAGE (TPD)~~ _____

~~c. FACILITY SIZE (acres)~~ _____

~~d. PEAK TRAFFIC VOLUME PER DAY (vpd)~~ _____

~~e. DAYS AND HOURS OF OPERATION~~ _____

A. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL EXISTING FACILITIES:

a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS

1) DISPOSAL/TRANSER (unit) _____

2) OTHER (unit) _____

b. DAILY DESIGN TONNAGE (TPD) _____

c. FACILITY SIZE (acres) _____

d. PEAK TRAFFIC VOLUME PER DAY (vpd) _____

e. DAYS AND HOURS OF OPERATION _____

2. PROPOSED CHANGE(S) OR INFORMATION APPLICABLE TO NEW SWFP and/or WDR:

a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS

1) DISPOSAL/TRANSER (unit) _____

2) OTHER (unit) _____

b. DAILY DESIGN TONNAGE (TPD) _____

c. FACILITY SIZE (acres) _____

d. PEAK TRAFFIC VOLUME PER DAY (vpd) _____

e. DAYS AND HOURS OF OPERATION _____

f. OTHER _____

~~2~~3. ADDITIONAL INFO. REQUIRED FOR COMPOST~~ING~~ABLE MATERIALS HANDLING FACILITIES ONLY:

a. SITE STORAGE CAPACITY (cu yds) _____

~~3~~4. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY

a. AVERAGE DAILY TONNAGE (TPD) _____

b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds) _____

c. SITE CAPACITY PROPOSED (Airspace) (cu yds) _____

d. SITE CAPACITY USED TO DATE (Airspace) (cu yds) _____

e. SITE CAPACITY REMAINING (Airspace) (cu yds) _____

f. DATE OF CAPACITY INFORMATION (Date) (See instructions): _____

g. LAST PHYSICAL SITE SURVEY (Date) _____

h. ESTIMATED CLOSURE DATE (month and year) _____

i. DISPOSAL FOOTPRINT (acres) _____

j. SITE CAPACITY PLANNED (cu yds) _____

k. 1. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste) _____

AND

(ii) WASTE-TO-COVER RATIO (Estimated) (v:v) _____

OR

2. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace) _____

Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

☐ A. MUNICIPAL OR UTILITY SERVICE: _____

☐ B. INDIVIDUAL (wells): _____

☐ C. SURFACE SUPPLY:

1. NAME OF STREAM, LAKE, ETC. : _____

2. TYPE OF WATER RIGHTS:

☐ RIPARIAN ☐ APPROPRIATION

3. STATE PERMIT OR LICENSE NUMBER , IF APPLICABLE: _____

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Check applicable boxes)

A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#):

☐ ENVIRONMENTAL IMPACT REPORT (EIR) SCH# _____

☐ NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH# _____

☐ ADDENDUM TO (Identify environmental document) _____ SCH# _____

B. IF ENVIRONMENTAL DOCUMENT(S) WAS NOT PREPARED, PLEASE PROVIDE THE FOLLOWING INFORMATION:

☐ CATEGORICAL/STATUTORY EXEMPTION (CE/SE)
EXEMPTION TYPE _____ GUIDELINE # _____

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

A. REQUIRED WITH ALL APPLICATION SUBMITTALS:

☐ RFI/JTD _____

☐ ~~LOCAL USE/PLANNING PERMITS~~ _____

☐ LOCATION MAP _____

☐ MITIGATION MONITORING ~~IMPLEMENTATION SCHEDULE~~& REPORTING PROG _____

☐ LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC _____

☐ ENVIRONMENTAL DOCUMENT(S):

☐ EIR _____

☐ MND/ND _____

☐ EXEMPTION _____

☐ ADDENDUM _____

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS ONLY:

☐ OPERATING LIABILITY FINANCIAL MECHANISM_____

☐ CLOSURE/POST CLOSURE MAINTENANCE PLAN

☐ PRELIMINARY _____
☐ FINAL _____

☐ FINANCIAL RESPONSIBILITY DOCUMENTATION _____

☐ KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES _____

☐ LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____

C. IF APPLICABLE:

☐ REPORT OF WASTE DISCHARGE _____

☐ ~~CONTRACT AGREEMENTS~~ _____

☐ STORMWATER PERMIT APPLICATION _____

☐ NPDES PERMIT APPLICATION _____

☐ OTHER _____

☐ DEPT. OF ~~HEALTH SERVICES~~ TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT _____

☐ SWAT (Air and water) _____

☐ WETLANDS PERMITS _____

☐ VERIFICATION OF FIRE DISTRICT COMPLIANCE _____

Part 7. OWNER INFORMATION (For disposal site, if operator is different from land owner, attach lease or other agreement)

TYPE OF BUSINESS:

☐ **SOLE PROPRIETORSHIP** ☐ **PARTNERSHIP** ☐ **CORPORATION** ☐ **GOVERNMENT AGENCY**

OWNER(S) OF LAND (Name):

SSN OR TAX ID #

ADDRESS, CITY, STATE, ZIP

TELEPHONE #:

FAX #:

E-MAIL ADDRESS:

CONTACT PERSON (Print Name):

Part 8. OPERATOR INFORMATION (For disposal site, if operator is different from land owner, attach lease or other agreement)

TYPE OF BUSINESS:

☐ **SOLE PROPRIETORSHIP** ☐ **PARTNERSHIP** ☐ **CORPORATION** ☐ **GOVERNMENT AGENCY**

FACILITY OPERATOR(S) (Name):	**SSN OR TAX ID #:**
ADDRESS, CITY, STATE, ZIP	**TELEPHONE #:**
	FAX #:
	E-MAIL ADDRESS:
	CONTACT PERSON (Print Name):

ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:

Part 9. SIGNATURE BLOCK

Owner:

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

PRINTED NAME:

TITLE: **DATE:**

Lessee:

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

PRINTED NAME:

TITLE: **DATE:**

Operator:

I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

PRINTED NAME:

TITLE: **DATE:**

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

DEAN D. EFSTATHIOU
CHAIRMAN

August 13, 2008

Ms. Margo Reid Brown, Chair
California Integrated Waste Management Board
1001 I Street
Sacramento, CA 95812-2815

Dear Ms. Brown:

DISCUSSION OF POTENTIAL OPTIONS FOR THE ORGANIC DIVERSION FACILITIES SITING PROJECT (STRATEGIC DIRECTIVE 6.1)

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force, I would like to commend the California Integrated Waste Management Board (Waste Board) for its efforts in promoting environmentally beneficial alternatives to reduce the disposal of organics. However, as listed below, we have a number of concerns regarding the Waste Board's Directive 6.1 and its staff report for Item 11 of the June 17, 2008, Waste Board meeting. On June 10, 2008, this item was considered by the Waste Board's Strategic Policy Development Committee without addressing concerns expressed by stakeholders.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities within Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities, and to ensure a coordinated and cost-effective and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

We would like to offer the following comments/concerns regarding your staff report on options for siting of organic diversion facilities as well as the Waste Board Strategic Directive 6.1.

1. The Waste Board needs to define the terms "Organic" and "Compostable Organic"

The term "organic" is not defined by statute or regulation. Webster's Dictionary defines the term "organic" as: *"of, relating to, or derived from living organisms"* and *"of, relating to, or containing carbon compounds."* As such, based on the Statewide Waste Characterization Study released by the Waste Board in December 2004, the "organic" fraction of solid waste disposed in California landfills ranges between 70 and 80 percent.

The June 17, 2008, Waste Board staff report states that *"Organic materials comprise over 30 percent of the waste stream disposed in California landfills."* This statement is inconsistent with the Waste Board's 2004 Statewide Waste Characterization Study as well as the staff report that was presented to the Waste Board on December 11, 2007. In that report, staff indicated that *"Compostable organic materials comprises approximately 25 percent, or about 10 million tons, of what is disposed in landfills annually, and paper and woody portion of Construction & Demolition debris constitute another 13 or so million tons."* Thus, it appears that Waste Board staff made a distinction between the terms "organic" and "compostable organic," but did not make an attempt to define the terms.

The terms "organic" and "compostable organic" materials need to be clearly defined to avoid confusion among the legislature and regulatory bodies, regulated communities, and local governments that ultimately have to bear the cost. Furthermore, there is a need for the Waste Board to reexamine its Strategic Directive 6.1, which calls for 50 percent reduction in the amount of "organics" being disposed in landfills by 2020. Based on the December 11, 2007, Agenda Item 15, it appears that the goal is focused on the composting/diverting of source separated streams, such as green waste, food waste, manure, etc., and not the total "organics" currently being disposed in landfills. If the latter is true, jurisdictions in California may be faced with achieving a mandatory diversion rate of approximately 85 percent by 2020.

2. The Waste Board needs to consider the findings of State and local efforts with regards to conversion technology

The June 17, 2008, Waste Board staff report indicates *"Organic diversion facilities include compost, conversion technology, chipping and grinding, and transfer stations."* The Task Force commends the Waste Board for its recognition and inclusion of conversion technology into the organic diversion facilities category. However, we are disappointed with the Waste Board's staff report and recommendations which fail to recognize the findings of (a) the Waste Board's own three-year study on conversion technologies conducted pursuant to AB 2770, Chapter 740 of the 2002 State Statutes;

(b) the conversion technology efforts by the County of Los Angeles; (c) the State Bioenergy Action Plan; and (d) the State Interagency Bioenergy Working Group. Unfortunately, these findings were not considered by the Strategic Policy Development Committee on June 10, 2008. We strongly believe that the Waste Board needs to consider these studies and efforts prior to any further action. This reevaluation will further substantiate that the Waste Board must place a greater reliance on the development and siting of conversion technology facilities rather than focusing on "soft" solutions such as forming more committees and conducting unnecessary duplicative studies.

We would appreciate your written response which would be of great interest to jurisdictions in Los Angeles County as well as those throughout the State. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

LL:kp
P:\SEC\Organics Facilities Letter.doc

cc: Governor Arnold Schwarzenegger
Cal EPA Secretary, Linda Adams
Each Member of the California Integrated Waste Management Board
California Integrated Waste Management Board (Mark Leary, Ted Rauh, Bobbie Garcia)
California State Association of Counties
The League of California Cities
The League of California Cities, Los Angeles County Division
Each Member of the County of Los Angeles' Board of Supervisors
Each City Mayor in Los Angeles County
South Bay Cities Counsel of Governments
San Gabriel Valley Counsel of Governments
Gateway Cities Counsel of Governments
Southern California Association of Governments
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force

Standard Threshold Odor Management Plan (STOMP) Concept

Problem Statement: The following have been noted by some of those associated with the operating and regulating composting sites:

1) The existing odor standard in California Code of Regulations, Title 14 does not distinguish between odors that are a part of the day to day operations of a well-run composting site and those associated with inappropriate design and operations. Furthermore, there is no specific mechanism in the standard for identifying complaints that maybe without factual support;
2) The existing Odor Impact Minimization Plan (OIMP) process works well for a majority of the odor issues. However, relative to chronic cases, the OIMP process can result in a continuous check-and-adjust loop of operational and design changes with no parameters relative to feasibility and reasonableness.

The concept below is meant to:

1) Allow operators to opt into the STOMP approach when there is a need to address chronic odor complaints;
2) Provide the local enforcement agency (LEA) and the operator a tool to:
    a. Document the operator's efforts to minimize odor
    b. Document changes in odor, i.e. that it has been minimized/improved
    c. Identify, implement, and analyze best management practices (BMPs) and their effectiveness
    d. Allow time to gather data on changes in operations and the associated changes in odor to make decisions on how best to proceed
    e. Determine which next steps are reasonable and feasible and which are not
    f. Adjust the method for evaluating odors at a site that has implemented all feasible and reasonable measures
3) Provide an objective mechanism to use to determine the source of the odor (e.g., the compost facility versus other adjacent or nearby sources).

Summary of Proposed Concept:

What is the Standard Threshold Odor Management Plan (STOMP)?

- The STOMP *can* take the place of the OIMP
- STOMP = OIMP *and* a site specific ***Enhanced Monitoring Plan (EMP),*** which will be implemented when the operator meets or exceeds the Standard Odor Dilutions-to-Threshold (SODT)
- If, and only if, the operator has a STOMP, will the LEA will use the Standard Odor Dilutions-to-Threshold (SODT) to determine if the operator is complying with the odor standard (14 CCR 17867 (a)(2))

Who would get a STOMP?

- The operator will either choose to use the STOMP and the STOMP process; OR
- The LEA will direct the operator to file a STOMP in situations where the OIMP is being followed, but odor impacts are still occurring. The regulations would provide explicit authority to the LEA to make this directive outside an enforcement action, or the LEA could choose to use existing authority to include the directive in a Notice and Order, as referenced in 14 CCR 17863.4(f).

What is the Standard Odor Dilutions-to-Threshold (SODT)?

The Standard Odor Dilutions-to-Threshold (SODT) is measured by a field olfactometer*, which is used to measure odor intensity in dilutions of volume of filtered air to volume of odorous air it takes to no longer detect the odor. The olfactometer measures the lowest number of dilutions of filtered air it takes for the inspector to still detect and odor in a measurement of "Dilutions-to-Threshold (D/T)."

- CalRecycle proposes to set the Standard Odor Dilutions-to-Threshold (SODT) at equal or greater than:
    - 7 D/T** in non-agriculturally zoned areas and 15 D/T** in agriculturally zoned area, AND
    - 3 verified odor events with 30 days where there are equal or more than 7 D/T** (non-ag, or 15 D/T** (ag); AND
    - LEA determines verified odor is generated by compost operation or facility.
        - In determining the odor source is the composting site, the LEA will use the odor characteristic/nature of odor, wind direction, activity at the composting site prior to and during the odor complaint and to the extent possible trace the odor back to the site.
        - If the LEA determines that the odor was not caused by the composting site, then the LEA shall refer the complaint to the local Air District with in X time frame of its determination.
    - Odor event is defined as verified complaint(s) within a 24 hour period of time. The event begins with the first compliant and includes all complaints received during the next 24

hours. After 24 hours any new complaints received will be associated with a new odor event.

* Note: A Field Olfactometer creates a calibrated series of discrete dilutions by mixing the odorous ambient air with odor-free (carbon) filtered air. Field olfactometry defines each discrete dilution level as a "Dilution-to-Threshold," D/T, ratio. The "Dilution-to-Threshold" ratio is a measure of the number of dilutions needed to make the odorous ambient air "non-detectable". Field olfactometry calculates the "Dilution-to-Threshold" (D/T) ratio as:

$$D/T = \frac{\text{Volume of Carbon-Filtered Air}}{\text{Volume of Odorous Air}}$$

** Note: The D/T readings on the nasal ranger in order of strongest odor to lowest odor are 60, 30, 15, 7, 4, and 1

References:

- *The Science of Smell Part 3: Odor detection and measurement, Iowa State University, University Extension, 2004,* http://www.extension.iastate.edu/Publications/PM1963C.pdf
- *Measuring Composting Odors for Decision Making, St. Croix Sensory, Inc., 2005,* http://www.fivesenses.com/Documents/Library/46%20Measuring%20Composting%20Odors%20for%20Decision%20Making.pdf

Why is it called Dilutions-to-Threshold?

Between 1958 and 1960, the U.S. Public Health Service sponsored the development of an instrument and a procedure for field olfactometry. The U.S. Public Health Service method defines the dilution factor as Dilution-to-Threshold, D/T. The Dilution-to-Threshold ratio is a measure of the number of dilutions needed to make the odorous ambient air non detectable.

How and when will the Standard Odor Dilutions-to-Threshold (SODT) be applied?

If the operator has a STOMP (instead of an OIMP), and the LEA receives a complaint, then the Standard Odor Dilutions-to-Threshold (SODT) will be applied.

The Standard Odor Dilutions-to-Threshold (SODT) will be applied by the LEA measuring the D/T with a field olfactmeter AT THE COMPLAINANTS LOCATION. If the LEA notes readings at complainants locations that are equal to 7 D/T (non-ag zoned) or 15 D/T (ag zoned), associated with 3 odor events within 30 days, then the operator will be found in violation of the odor minimization standard and will be directed to implement its ***Enhanced Monitoring Plan (EMP)*** and a ***Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process.***

What is the "Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process"?

- The ***Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process*** is triggered by the LEA determining the Standard Odor Dilutions-to-Threshold (SODT) has been reached.
- The first step of ***Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process*** is for the operator to implement their ***Enhanced Monitoring Plan (EMP)*** for 30 days. During this time the operator will gather data about the odor, including making an assessment of the sources of odor, and identify and rank which sources are creating the most odor.

- After monitoring for 30 days, following the ***Enhanced Monitoring Plan (EMP)***, the operator will propose a plan (***Enhanced Operations Plan (EOP)***) describing/proposing operational enhancements/changes that they will put in place to address the most odorous sources onsite.
    - Example: The operator may note that the receiving and grinding area is the highest source of odor, and therefore propose to process incoming material in 7 days instead of the normal 15 days and use a misting system when grinding during specific weather conditions.
- The operator will implement the ***Enhanced Operations Plan (EOP)***, i.e. the processing of 7 days, for 90 days. The operator will continue to monitor the odor and collect data according to the ***Enhanced Monitoring Plan (EMP)***.
- During this time the LEA will continue to respond to complaints and collect the results of their investigations.
- At the end of the 90 days, the operator will compile and submit to the LEA (within X days) a final report on the data from the ***Enhanced Monitoring Plan (EMP)*** while implementing the ***Enhanced Operations Plan (EOP)*****.** The ***Enhanced Monitoring, Operations and Reporting Report (EMOR Report)*** will include odor trends, and show which, if any, of the operational changes reduced odor generation at the onsite sources.
- If odor has been reduced to below the Standard Odor Dilutions-to-Threshold (SODT) then the operator need not take any additional actions.
- If odor is equal to or greater than the Standard Odor Dilutions-to-Threshold (SODT, as determined by the LEA, then the operator would need to provide a revised ***Enhanced Operations Plan (EOP)*** to address the highest ranking odor source on site, including additional operational changes the operator will make and any operational change(s) they will abandon due to its failure to minimize odor (based on the data provided).
    - Example: The operator may note that the receiving area is still the highest source of odor but the grinding is not generating much odor now that the misting system is in place. The operator may then propose that the incoming material be covered instead of increasing the processing frequency from 7 days instead of the normal 15 days since this change showed little or no effect on the odor generation at that source. The operator would then continue to use a misting system when grinding during specific weather conditions, since the data supports there was a reduction in odor generated at that source.
- This approach will allow for several phases of the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) process. During this time the operator is building a record for what has been tried to reduce odor and if that operational change/BMP was effective (as determined by the operator and supported by data and concurred in by LEA).
    - During this time the operator is making changes based on data and monitoring the result of each operational change.
    - After two or more phases, the operator will be building a case for which operational changes (or BMPs) are working and which are not. It will also help identify the source of the odor, and the additional associated operational changes that would be appropriate

for each of the remaining odor sources. Based on this information the operator will be able to clearly identify what remaining operational change/BMP are possible and then evaluate if they are feasible and if they are reasonable for each of the remaining onsite odor sources, using the Comprehensive Compost Odor Response Project (C-CORP) as a guideline. At this point the operator will enter into **Phase III, Demonstration of Reasonable and Feasible,** which provides for an end point.

- See attached charts for for a demonstration of the basic flow of the STOMP process.

How does the operator demonstrate that measures are or are not reasonable and feasible?

- After two or more phases, the operator will document the following:
    - What are the onsite odor sources that are generating odor
    - What BMPs they have tried. Which ones worked (the operator may still be implementing these at the site), which ones did not work and the data collected by the ***Enhance Monitoring Plan (EMP***) to support these determinations.
    - Based on the above, there will be a list of BMPs listed in the C-CORP that have <u>not been tried</u> for the <u>odor source(s) that</u> remains to be a problem.
    - The operator will list each of these remaining BMPs, the operational feasibility of them, the potential cost of implementing them, and the potential benefit from implementing them.
        - Based on the above analysis, the operator will provide a list in priority of the BMPs that they will try. Of the remaining BMPs, the operator will explain which are not operationally feasible or reasonable, which are not economically feasible or reasonable, or which would provide little or no increased benefit and why.
        - The operator will implement the measures on the list of priority BMPs, and continue the ***Enhanced Monitoring, Operations and Reporting Report (EMOR Report)*** until the odor is reduced below the Standard Odor Dilutions-to-Threshold (SODT) for a period of time (for at least three monthly inspection periods and possible much longer, since we would want to establish that the operational changes did indeed address the impacts for during varied seasons and climate conditions at this point in the process) or until the list of appropriate BMPs has been exhausted.
        - If all of the reasonable and feasible BMPs on the list have been tried and odor is still equal to or exceeds the Standard Odor Dilutions-to-Threshold (SODT), then the operator has demonstrated reasonable and reasonable and may request a different D/T for the site.
            - It is expected that changing the D/T would necessitate new and/or revised site-specific permit conditions, which would require a permit revision.

- The operator will not have to address the BMPs in the C-CORP that are related to an odor source on site that is not causing a problem, as long as the data show that the source is insignificant to the generation of the offsite odor impacts (by testing odor intensity at those locations throughout their ***Enhanced Monitoring Plan (EMP)***).

While the operator is in the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process will they remain in violation of the odor minimization standard?

If the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) process is being implemented violations will not be noted as every effort is being made to minimize odors at the site. However, if the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) process is not being implemented the LEA can note a violation for the odor standard and begin enforcement to require complete implementation of the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) process. Failure to comply with enforcement could result in penalties. The LEA will still respond to complaints and document the result on the inspection report and/or the facility file.

What role will the LEA have to review the STOMP and associated Enhanced Monitoring, Operations and Reporting submittals?

As currently proposed the LEA would have 15 days provide comments or deny the Enhanced Monitoring, Operations and Reporting Report (EMOR Report - the Operation Plan and the report at the end of the 90 days) for the initial submittal and any subsequent revisions. The LEA's actions would be based on very specific criteria, such as it does not meet the proscriptive requirements or the operator's data do not support its proposed operational changes or conclusions. This would allow the process to continue, but allow the LEA to assure that the requirements was being met and that the Enhanced Operations Plan (EOP) legitimately addressed the actual problem and is supported by data collected.

Will there be any variances in timeframes associated with the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process?

The intent is to allow the LEA to approve alternative timeframes (shorten or lengthen) to implement a particular BMP.

Will there be any changes suggested to address "frivolous" complaints?

Discussions continue to address this question. One approach has been offered that suggests limiting the type of response to be taken after a number (to be determined) of non-verified complaints are received from specific complainants and/or during a specific timeframe.