



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.lacountyiswmtf.org

February 8, 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. Dicio:

**CALRECYCLE'S INFORMAL WORKSHOP ON DRAFT REGULATORY REVISIONS
TO TITLE 14 AND 27 REGARDING COMPOSTABLE MATERIALS AND
PROCESSING FACILITIES**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on CalRecycle's Title 14 and 27 Regulatory Issues regarding composting activities (copy enclosed) and its Informal Workshop conducted on December 21, 2011. The Task Force commends and supports CalRecycle in its efforts to streamline the existing regulations regarding compostable materials and transfer/processing facilities. Regarding the nine issues discussed during the workshop, the Task Force, in concert with its letter to the State Water Resources Control Board dated November 15, 2011 (copy enclosed), has reviewed the subject Regulatory Issues including Issue No. 13 that was identified at the December 21, 2011, Workshop and would like to offer the following:

Issue 2

"Current regulations identify application of compostable materials, compost, and ash to agricultural land as beneficial use if it meets California Department of Food CDFA requirements. Need a clearer way to determine when land application is disposed and not beneficially used."

Comment:

CalRecycle proposes to use 0.1% physical contamination level. The proposal fails to define the term “physical contamination” since the term “organic” includes materials other than “compostable organic.” Additionally, the proposed approach of defining disposal rather than beneficial use for compost materials that contain “compostable organics” exceeding 0.1% (by total volume) is extremely difficult to accurately measure. Other approaches such as using the 12 inches in total depth or storing material for longer than six months to be defined as disposal appears more reasonable to achieve.

Issue 6

“Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.”

Comment:

Increasing maximum inorganic contaminant may also increase the level of pollution (metal content) that may undermine the Water Board’s efforts to reduce the level of water contaminant.

Issue 13 (December 21, 2011 Workshop)

“The current definition of vermicomposting is general which may make it difficult for LEAs to determine vermicomposting activities.”

Comment:

Redefine vermicomposting to have clear definition of what is being regulated. Local Enforcement Agencies may also need to be trained or retrained to be able to identify the vermicomposting activities from other types of activities.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 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.

Mr. Ken Decio
February 8, 2012
Page 3

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

WT:ts

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Enc. (2)

cc: CalRecycle (Caroll Mortensen, Director; Mark Leary; Howard Levenson; Brenda Smyth)
State Water Resources Control Board (Charles Hoppin, Chair; Thomas Howard;
Lisa Babcock; Roger Mitchell)
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each Member of the Los Angeles County Integrated Waste Management Task Force
and Facility & Plan Review Subcommittee



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GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

November 15, 2011

Mr. Roger Mitchell, P.G., Engineering Geologist
State Water Resources Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Mr. Mitchell:

**COMMENTS REGARDING DRAFT CONCEPTS
FOR A PROPOSED STATEWIDE ORDER FOR COMPOSTING FACILITIES**

The Los Angeles County Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the State Water Resources Control Board's (SWRCB) "Draft Concepts for a Proposed Statewide Order for Composting Facilities" (Draft Concepts), which was released for public review and comments on August 24, 2011. The Task Force has been involved with the SWRCB's stakeholder workgroup meetings, and at the meeting of October 19, 2011, Mr. Mike Mohajer, a member of the Task Force, provided the enclosed electronic correspondence regarding Appendix A of the Draft Concept while indicating that formal comments would be forthcoming from the Task Force. We have now completed our review of the Draft Concepts in concert with our August 13, 2008, comments to the Department of Resources Recycling and Recovery (CalRecycle, formerly CIWMB) regarding Strategic Directive 6.1 Discussion of Potential Options for the Organic Diversion Facilities Siting Project (copy enclosed). The Task Force would like to offer the following:

General

As provided by the State, composting is limited to the **aerobic** decomposition process of solid waste (emphasis added). As proposed, the solid waste materials used in the composting process include, but are not limited to, vegetative waste, paper/pulp, food waste, compostable municipal solid waste, animal carcasses, biosolids, and manure.

As recognized by the Draft Concepts, it is the policy of the State (CalRecycle) to reduce the amount of **organic** matter being landfilled by 50% by the year 2020 (emphasis added). It is also the State's "policy goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020 and thereafter" (AB 341, Chapter 476 of the 2011 State statute). As such, composting (as defined) must play a major role if we are to achieve the State "policy goal" as well as the goal established by CalRecycle. However, in achieving these goals, one cannot disregard the impact of composting operations on public health and safety and our environment due to potential surface and groundwater pollution, odor, criteria air pollutant emissions, etc. The Draft Concepts attempts to identify potential negative impacts on surface and groundwater under the purview of SWRCB as well as recognizing potential mitigating measures. The Task Force is in general support of the proposed mitigating measures identified in the Draft Concepts, especially in regard to their use in the urbanized areas of California such as Los Angeles County.

Water Quality Protection Measures

Considering the type of solid waste materials that are proposed to be processed at the subject composting facilities, the use of the proposed pad, pond, berm, and drainage system seems to be appropriate depending on the facility location. For example in an area such as Los Angeles County, any discharge from a composting facility to a storm drain and/or a Publicly Owned Treatment Works (POTW) is extremely prohibitive due to the requirements of the storm water permit (National Pollutant Discharge Elimination System (NPDES)) issued to the jurisdictions in Los Angeles County by the Los Angeles Region Water Quality Control Board (RWQCB) as well as the capacity limitation of the existing POTWs. Thus, the requirement for construction of a pond, berm, and drainage system is a must. However, the same may not be appropriate for a facility that is located in a rural area or at a landfill with an existing Waste Discharge Requirement Permit and a NPDES Permit. This must be recognized by the Draft Concept with appropriate needed provisions.

Definitions

The Task Force is concerned that some of the definitions and terminologies used in the Draft Concepts are inconsistent with those used by CalRecycle. Specifically, we have the following comments:

1. Under the heading "Background" on page 1, sixth paragraph, it has been stated that "The development of the statewide order is being done in coordination with other composting related activities. Assembly Bill 939 (Integrated Waste Management Act) directed every jurisdiction to a waste diversion rate of 50

percent on and after the year 2000. The CalRecycle's Strategic Directive 6.1 calls for a 50 percent reduction of organics within the waste stream by the year 2020. Also the California Code of Regulations Title 14 adopted by CalRecycle includes definitions and threshold sizes of composting facilities that the proposed statewide order attempts to consider for some consistency." However, the definitions and terminologies on Appendix A of the Draft Concepts are generally inconsistent with those used by CalRecycle as listed in the California Code of Regulations, Title 14, Section 17852. Maintaining consistency throughout the terminologies applied to composting processes by the two agencies, as well as those by the California Air Resources Board (CARB), the Department of Food and Agriculture (CDFA), Department of Public Health (CDPH), and Air Pollution Control Districts (APCDs)/Air Quality Management Districts (AQMDs), is essential in order for the proposal to be comprehensive and effective among the impacted entities and stakeholders.

2. The definition of "Nuisance" in Appendix A should be expanded by inserting the word "human" within the first bullet to read "Is injurious to human health, or is indecent or offensive..." Furthermore, considering the potential difficulties in substantiating the existence of a nuisance, as described in the definition in connection with facility operations, the matter should be further discussed and be revised as an element of the proposed "regulation" in concert with CalRecycle, CARB, CDFA, CDPH, APCDs/AQMDs and the working group.
3. The definitions listed in the Appendix A needs to be expanded to include definitions for "organic waste" and "compostable organic waste" materials.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 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 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, 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.

Mr. Roger Mitchell, P.G., Engineering Geologist
November 15, 2011
Page 4

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

WT:ts

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Enc. (2)

cc: Mr. John Laird, Secretary, California Natural Resource Agency
Mr. Matt Rodriguez, Secretary, CalEPA
Mr. Charles Hoppin, Chair, SWRCB
State Water Resources Control Board (Thomas Howard and Lisa Babcock)
Ms. Caroll Mortensen, Director, CalRecycle
CalRecycle (Mark Leary, Howard Levenson and Brenda Smyth)
Mr. Jared Blumenfeld, Administrator, EPA Pacific Southwest Region (Region 9)
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each Member of the Los Angeles County Integrated Waste Management Task Force

CalRecycle Informal Workshop on Draft Regulatory Revisions to Title 14 and 27

Wednesday, December 21, 2011
Cal/EPA Building,
Conference Room 550
1001 I Street
Sacramento, CA

Issue 1

Current food waste definition is general & does not distinguish between various food waste types. All food waste composting requires a full permit.

Potential Approach

- Define sub-categories of food waste
- Establish varying degrees of handling protocols
- Allow some types of food waste to be co-composted at Notification tiered sites

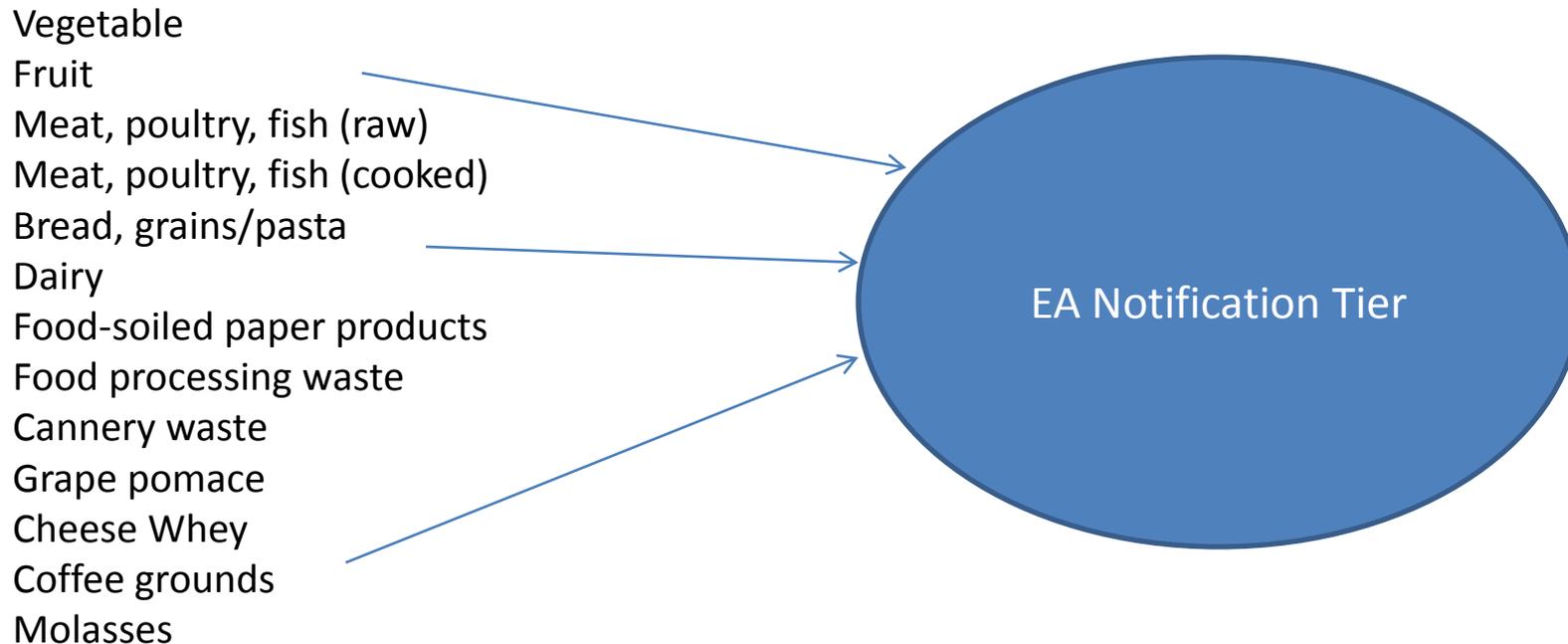
Define Potential Food Material Subcategories?

Pre-consumer - material that does not meet the definition of “agricultural material” and is generated at farmers markets, food manufacturing facilities (canneries, coffee production, wine production, etc.), grocery stores, retail stores, and restaurants during the process to produce food for human or animal consumption. Primarily vegetative material.

Postconsumer - material generated at residences, restaurants, retail stores, grocery stores, and institutions after being provided for human consumption. May include meat scraps, fish and poultry, and dairy.

Animal-Derived - material that does not meet the definition of “agricultural material”, generated at residences, grocery stores, retail stores, restaurants, cheese and dairy production, institutions, but not at slaughter houses or meat processing facilities, during the process to produce meat, fish, poultry and dairy products for human or animal consumption.

Allow Certain Types of Food Material to be Co-Composted with Green Material in EA Notification Tier



Food Material Type Subcategories

Example: Vegetables

Raw

Cooked

Fresh (not putrefying)

Old (putrefying)

Food processing by-products

Farmers Market (with fruits, nuts, flowers, etc.)

Residential curbside (with green & other food material, soiled paper, contaminants)

Restaurant (with other food material, soiled paper, plastics, biodegradable plastics, contaminants)

Institutions (with other food material, soiled paper, plastics, biodegradable plastics, contaminants)

Grocery Stores (with other food material, waxy cardboard, shrink wrap, etc.)

Allowable Food to Green Material Ratio Options in EA Notification Tier

10:90 food to green

20:80 food to green

25: 75 food to green

30:70 food to green

Proposed Approach

Types of food waste allowed in EA Notification Tier

Maximum allowable ratio of food (pre- and post-consumer, not animal derived) to green material

Require additional design & operating standards (potential BMPs)

- Process incoming food material loads daily
- Temporarily cover food material feedstock with tarps
- Construct smaller feedstock storage piles
- Spread green material or wood chips on ground, surround area with horseshoe-shaped berm of green material/wood chips, dump incoming food material directly into area
- Incorporate food material into windrows the same day
- Incorporate food material with high carbon material
- Apply compost blanket or compost “overs”
- Revise OIMP to address new food waste stream
- Install litter fences
- Other?

Issue 2

Current regulations identify application of compostable materials, compost, and ash to agricultural land as beneficial use if it meets CDFA requirements. Need a clearer way to determine when land application is disposal and not beneficially used.

Potential Approach

- Work with agencies to establish criteria for determining disposal.
- Criteria could include: area, application depth, frequency, storage time, contaminant limits,
- Also allow case by case determinations.

Proposed Approach

Defining Disposal

(Based on concepts from Ventura County Ordinance
& does not refer to fertilizers)

Application of organic material that exceeds an average of 12 inches in total depth

Application of organic material that exceeds 0.1% physical contamination level

Storing or stockpiling of organic material onto land for greater than six months

LEA may consult with other agencies to determine if application of organic material is disposal

Proposed Approach (cont.)

Exceptions

Application of organic material on land may exceed average depths of 12 inches upon receipt of prior written approval by a local fire district, county agricultural commissioner, or LEA.

Does not apply to the storage and application of organic materials in quantities of less than 200 cubic yards per parcel

Issue 3

Agricultural material and green material composting operations are limited to 12,500 cubic yards of off-site-generated green material being stored on-site at any one time.

Potential Approach

Exclude stable compost from calculation of the 12,500 cubic yard for Notification sites that meet storage criteria

1a. Proposed Approach

Stored stable compost that has undergone PFRP is excluded from 12,500 cubic yards calculation for EA Notification sites if:

Proscribed requirements are met, the requirements would include :

- Pile size,
- Temperature monitoring,
- Pile separation,
- Pile setback from facility boundary.

1b. Proposed Approach

Operator submits a Fire Prevention, Control and Mitigation Plan for review and approved by the LEA.

Issue 4

Approaches to verification of odor complaints at compost sites are not consistent statewide.

Potential Approach

- Develop an odor verification/complaint protocol for operators to be included in OIMP.
- Use similar protocols employed by other regulatory entities and include verification and complaint protocols and possibly utilize odor measuring technologies.

Proposed Approach

1. Establish odor baseline/threshold in OIMP for each site
2. If an odor event causes the facility to exceed the baseline/threshold, the operator is required to implement additional monitoring and data collection
3. Based on monitoring and data, design and/or operational changes are proposed, and if approved, implemented

Baseline and Monitoring

Operator monitors and logs the following :

1. Complaints

- Number and summary of complaints within given time frame (day, month)
- Date, time, complaint was received and complaints were investigated

2. Intensity of odors

- Site specific methods and scale
- Odor instruments

3. Odor characteristic spectrum

Floral Fruity Vegetable Earthy Medicinal Chemical Fishy Offensive

(Putrid, Rancid, Fecal, Garbage)

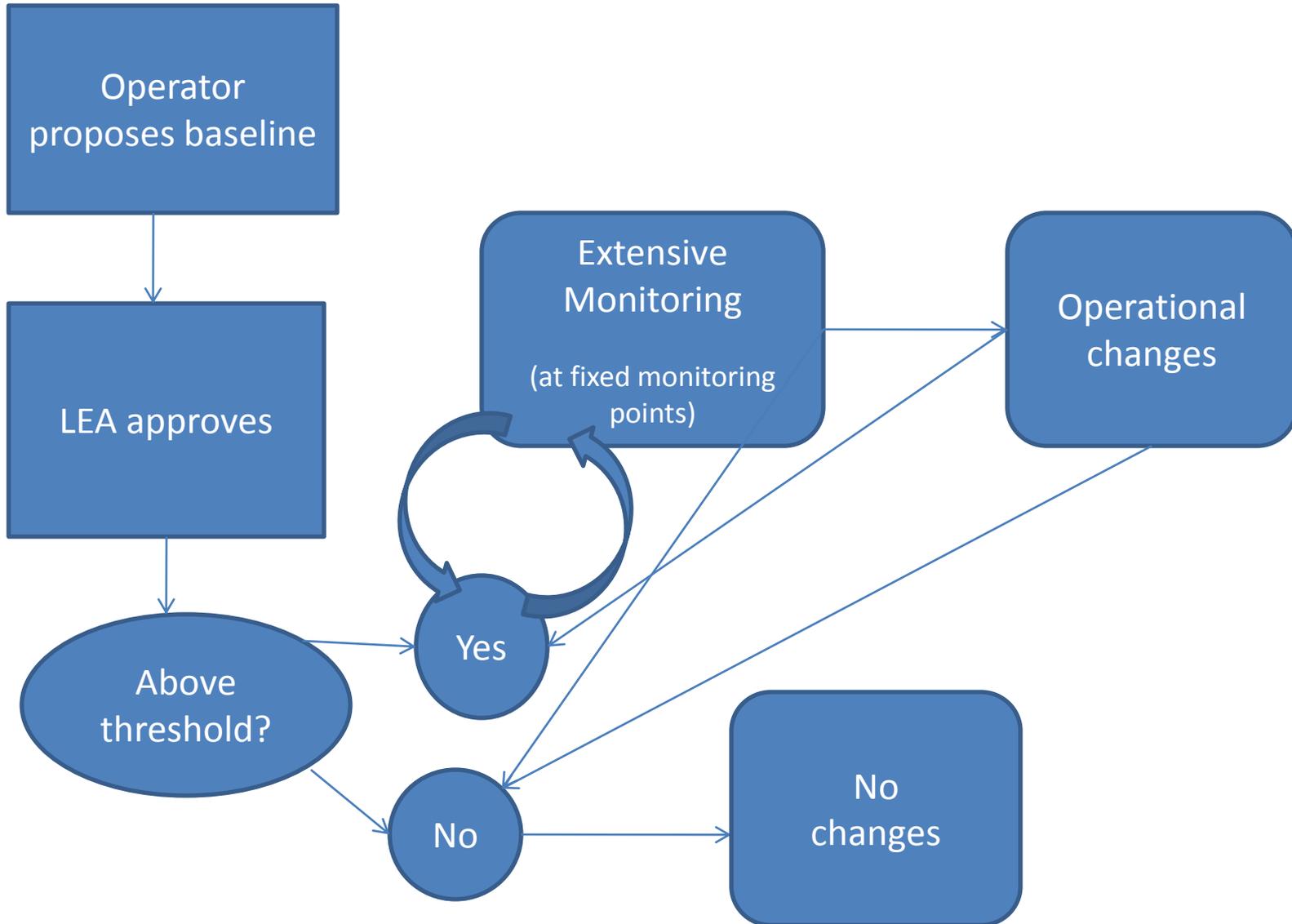
4. Duration of odors (hours, days, weeks, months)

5. Changes to design and operation during monitoring and data collection

LEA & operators use same criteria to evaluate and document odors & complaints

Operator provides data & proposed operational changes quarterly to LEA, or other designated timeframe in OIMP

OIMP Monitoring Flowchart



Issue 6

Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.

Potential Approach

- Increase the maximum inorganic physical contamination limit for green material received
- Add maximum inorganic physical contamination limit for material leaving site

Proposed Approach

Increase maximum inorganic physical contamination limit for green material received from 1.0% by weight to 0.1 % by weight

Operator samples finished product before material leaves site

Illinois Pollution Control Board method

-Material dried 24 hours

-Measure contamination level in sample:

Weigh each sample and pass through a four millimeter screen. Inspect material remaining on the screen, and separate and weigh man-made materials. Calculate percent man-made materials relative to the total dry weight of the sample prior to screening.

Maximum physical contaminant level by weight = 0.1%, or other 0.1%

If sample is above 0.1% maximum physical contamination level, finished product must be reprocessed or disposed

Issue 7

Anaerobic digestion is currently regulated under the compostable materials handling or transfer/processing regulations, depending on the nature of the feedstock and how it is handled.

Potential Approach

Revise regulations to identify AD as a type of transfer processing activity.

Proposed Approach

PRC 40116.1 “Composting means the controlled or uncontrolled biological decomposition of organic wastes. Anaerobic Digestion is composting by statute.

CalRecycle proposes to define AD as a type of compostable material handling

- Change definition of Anaerobic Decomposition in Compostable Materials Handling Operations and Facilities Regulatory Requirements in 17852 (a)(8), **OR**
- Add definition of Anaerobic Digestion Operation and Anaerobic Digestion Facility in 17852

Compostable material handling and transfer/processing design and operational requirements would be applied

AD Operations & Facilities

Chapter 3.1: Compostable Materials Handling Operations and Facilities
Regulatory Requirements

17855.2. Prohibitions

17863.4 Odor Impact Minimization Plan

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

Article 6.0. Transfer/Processing Operations and Facilities Regulatory
Requirements.

Article 6.1. Siting and Design Sections 17406.1-17406.2

Article 6.2 Operating Standards Sections 17407.1-17413

Article 6.3 Record Keeping Requirements Section 17414-17414.1

Article 6.35 Additional Operating Requirements for Facilities Only
Sections 17415.1-17419.2

Issue 9

Maximum Metal Concentrations in current regulations do not match US EPA biosolids regulations (503 CFR).

Regulations are not clear on when an operator must ensure that a compost product meets the required limits for metals and pathogens.

Potential Approach

- Revise Maximum Metal Concentrations in current regulations to match Maximum Metal Concentrations in 503 CFR.
- Require composters to obtain test results showing the material meets requirements prior to materials leaving the site.

Proposed Approach

Revise Maximum Metal Concentrations in § 17868.2 to match Maximum Metal Concentrations in 503 CFR

Table 2
Maximum Acceptable Metal Concentrations

Constituent	Concentration (mg/kg) on dry weight basis
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36
Zinc (Zn)	2800

Table 3 of §503.13—Pollutant Concentrations

Maximum Acceptable Metal Concentrations	
Constituent	Concentration (mg/kg) on dry weight basis

Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36 <u>100</u>
Zinc (Zn)	2800

Proposed Approach (cont.)

Revise § 17868.1 to ensure metals & pathogen test results are received by operator ***before*** compost leaves the site.

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 concentration limits and pathogen reduction requirements shall occur **before** ~~the 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

Issue 11

Current regulations do not address small-scale composting of food material at community gardens, or associated with restaurants, cafeterias, and other businesses that provide food service to employees.

Potential Approach

Revise the excluded tier to address newly identified activities that are similar to existing excluded activities.

Proposed Approach

Revise exclusion language in 17854(a)(5)(4) to allow small-scale composting of food material.

Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume generated on-site or off-site.

Issue 13

The current definition of vermicomposting is general which may make it difficult for LEAs to determine vermicomposting activities.

Potential Approach

Consult with vermicomposters and other stakeholders to determine how regulations need to be adjusted to better determine what is or is not vermicomposting.

Information on the Rulemaking Process

Compostable Materials, Transfer/Processing Rulemaking

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm>

CalRecycle: Compostable Materials, Transfer/Processing Rulemaking Listserv

<http://www.calrecycle.ca.gov/Listservs/>

Send Written Comments to: compost.transfer.regs@calrecycle.ca.gov.

Staff contact: Ken Decio at (916) 341-6313 or Ken.Decio@CalRecycle.ca.gov