Update on Proposed Compostable Materials, Transfer/Processing Regulations

California Association of Sanitation Agencies
Standard Operating Procedures Training

Encina Joint Powers Authority
6200 Avenida Encinas
Carlsbad, California

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Revising Compostable Materials Handling Regulations

Previous rulemaking: 2003

Current rulemaking:

- Address issues not completed in 2003

- Address priority issues based on policy goals and stakeholder feedback
Stakeholder Workshops & Developing Draft Text

White papers completed in 2009 and 2010

Staff held 16 workshops from October 2011 through May 2013 to obtain stakeholder input on 14 regulatory issues

Staff completed revisions to the draft regulations based on written stakeholder comments in August 2013
Formal Rulemaking

October 15, 2013 Public Meeting
Director requested CalRecycle staff to submit regulatory packet to the Office of Administrative Law to initiate the formal rulemaking process

October 2013 – September 2014
Staff developed:
- Economic and Fiscal Impact Analysis
- Initial Statement of Reasons
Formal Rulemaking

Notice of Proposed Rulemaking - October 10, 2014

45 Day Public Comment Period
   – Written comment period closes at 4:00 p.m. on December 5, 2014

Public Hearing: December 10, 2014
14 Major Issues Addressed

Anaerobic Digestion

Physical contaminants in compostable material

Land application: disposal defined
Existing Anaerobic Digestion (AD) Regulations

If feedstock is compostable material, then facility is regulated under Compostable Materials Handling regulations

If feedstock is not compostable material, then activity is regulated under Transfer/Processing regulations
Development of Anaerobic Digestion Regulations

CalRecycle staff:

- Set out to develop draft regulatory text for AD
- Became aware of several in-vessel digestion technologies that do not utilize AD
- Broadened scope of regulations to cover other types of “in-vessel” digestion activities, including AD
- From an operational standards perspective, view AD as a hybrid of Transfer/Processing and Compostable Materials Handling
Proposed In-Vessel Digestion Regulations

Stand-alone set of In-vessel Digestion regulations

Combination of Transfer/Processing & Compostable Material Handling

Handling of feedstock and residual waste materials will be subject to standards adapted from Transfer/ Processing requirements

End products will be subject to standards adapted from Compostable Material Handling requirements
## Proposed In-Vessel Digestion Regulatory Tiers

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<td>Medium Volume In-Vessel Digestion Facility</td>
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<td>Ag material derived from ag site &amp; returned to same site</td>
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<td>Handling activities that are already subject to more stringent handling requirements under Federal or State law</td>
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Proposed POTW Exclusion

POTW receives vehicle-transported anaerobically-digestible material that is co-digested with wastewater at the POTW.

Anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester at the POTW.

POTW develops Standard Operating Procedures (SOPs) for acceptance of anaerobically digestible material and POTW notifies RWQCB that SOPs are being implemented.

Standard Provision (permit condition) reflects the acceptance of anaerobically digestible material.
Proposed POTW Exclusion

CalRecycle, in consultation with SWRCB & CDFA, can approve additional types of organic materials as potential “anaerobically digestible material” on a case-by-case basis.
Physical Contaminants in Compostable Material

Current regulations do not contain a limit for physical contaminants in compostable material products.
Physical Contaminants in Compostable Material

Require compost to contain no more than 0.1% by weight of physical contaminants prior to leaving a compost facility.

0.1% physical contaminant limit would also apply to all compostable material that is land applied.
Existing Land Application Regulations

Under existing regulations, land application is considered “beneficial use” (and not “disposal”) if it meets California Department of Food & Agriculture requirements.

Need better method to determine when land application is considered disposal.
Proposed Land Application Regulations

- 0.1% physical contaminant limit
- Maximum metals concentrations
- Pathogen density requirements
- Standards for application frequency and depth
Information on Rulemaking Process

Compostable Materials, Transfer/Processing Rulemaking
http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm

Compostable Materials, Transfer/Processing Rulemaking Listserv
http://www.calrecycle.ca.gov/Listservs/

Send comments to Ken Decio at Ken.Decio@CalRecycle.ca.gov
Questions?