



May 16, 2018

Mr. Hank Brady
Senate Bill 1383 Manager
California Department of Resources
Recycling and Recovery
1001 I Street
Sacramento, CA 95814
SLCP.Organics@calrecycle.ca.gov

Subject: Comments on CalRecycle's Draft Proposed Regulation Text – Dated May 2018
(SB 1383 Regulation Development)

Dear Mr. Brady:

On behalf of the California Chapters of the Solid Waste Association of North America (SWANA) Legislative Task Force (LTF), thank you for the opportunity to provide comments on the May 2018 Draft of the SLCP Regulations (SB 1383 Regulation Development). SWANA represents much of the publicly-owned and operated solid waste management infrastructure in the state and the local governments responsible for implementing waste diversion and recycling programs. The LTF represents the California Chapters on legislative and regulatory issues.

The LTF appreciates CalRecycle staff's efforts to meet with stakeholders and consider comments on these complex proposed regulations. The current version is much improved and addresses several of the concerns raised previously by the LTF, however, the LTF still has additional concerns especially regarding the new requirements not previously presented.

Some of the concerns of the LTF include:

Article 1. Definitions

We support the concept of using references to existing definitions rather than creating new ones. This avoids much confusion during the implementation process.

(5241) "~~State~~ Non-local entity" means an entity that is an organic waste generator but is not subject to the control of city or county regulations related to solid waste. These entities include, but are not limited to, special districts, ~~school~~ districts, ~~community college districts, public universities, and state agencies,~~ federal facilities, prisons, facilities operated by the state parks system, and state agencies.

Comment:

LEGISLATIVE ADVOCATES

Jason Schmelzer and Melissa Immel

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This revised definition removed references to community college districts and public universities. It is not clear if these facilities are intended to be covered in the definition of Local Education Agency (40) or included as a state agency. These facilities are a significant source of organic material so the proposed regulations should clearly indicate how these facilities fit into the requirements. Also, we believe that special districts are “under the control of local jurisdiction regulations related to solid waste” so, unless there is a provision in state law of which we are unaware exempting these agencies from local jurisdiction regulation, it is not necessary to include special districts in this definition, since doing so may cause confusion during the implementation process as to what rules these local agencies should follow. Please provide a citation if there is such a provision in state law.

(45) “Organic Waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste material, landscape and pruning waste, applicable organic textiles and carpets, wood, lumber, fiber, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.

Comment:

This definition is extremely broad and will even include plastics since plastics are made from petroleum which “originated with living organisms”. As this term is used later, the inclusion of plastics does not fit into the concept of organic collection and processing. This definition should be narrowed to prevent confusion.

Self-hauler definition and application

Although the definition and requirements for residents that self-haul their own materials have improved from previous versions, it still confuses the requirements between self-haulers and haulers. The easiest way to ensure clarity is to remove the definition of self-hauler from hauler. Otherwise, all references to hauler requirements will also impose the same requirements on self-haulers including individual residents hauling only their own material.

The proposed regulations state that:

(31) “Hauler” has the same meaning as in Section 18815.2 (a)(28).

The definition in Section 18815.2 the AB 901 regulations indicates that:

(a) (28) “Hauler” means a person who collects solid waste, organics or recyclable material from a generator and delivers it to a reporting entity, end user, or a destination outside of the state. “Hauler” includes public contract haulers, private contract haulers, food waste self-haulers, and self-haulers. A person who transports material from a reporting entity to another person is a transporter not a hauler.

The definition for self-haul indicates:

(66) “Self-hauler” means a person who hauls solid waste, organic waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste

(A) “Back-haul” means generating and transporting organic waste to a destination owned and operated by the generator using the generator’s own employees and equipment.



Insert new definition for Residential Organic Waste Generator:

(63) “Residential Organic Waste Generator” means a single family residential unit of four units or less.

Renumber subsequent definitions:

(64~~63~~) “Residual organic waste” means

Article 2. Landfill Disposal and Recovery (Page 8)

Residuals from composting operations, material recovery facility operations, and C & D processing operations do not typically have a reuse market, other than as Alternative Daily Cover (ADC). Jurisdictions should have the ability to receive diversion credit for materials that do not have a market, but qualify as ADC under the current regulatory framework. Further, biosolids (qualified ADC) pose a great benefit for soil amendment that we mix with soil and apply to landfill exterior slopes to help establish a vegetative layer. Jurisdictions should also be able to receive diversion credit for performing such beneficial reuse of biosolids.

The overly broad definition of organic waste, as material originated from living organisms and their metabolic waste products, would result in many currently approved alternative daily and intermediate covers also be deemed to constitute disposal including wood ash, construction and demolition wastes, contaminated sediment, sludge, and even shredded tires (petroleum based). Also, MRF fines contain some organic waste and thus would be deemed to be disposal when used as ADC even though there is almost no other use for this waste. The definition of organic waste should be narrowed and/or allowance in this section to clearly indicate that use of the above materials is not deemed to be disposal.

Article 3. Organic Waste Collection Services (Page 12)

Several sections

Repeated testimony at workshops indicated sufficient support for allowing flexibility on container colors which we support. Significant costs to replace containers is better spent on programs. Some jurisdiction are utilizing, or considering, the use of split carts to allow collection of different materials in the same container. The proposed regulations support his concept but require the color of the split container body to match the contents. This is not feasible with a split container and the proposed regulations should allow the common practice of using different color lids rather than the entire container.

The requirement that the contents of organic and recyclable container can only be transported to a facility that processes the waste does not allow for these materials to be transported to a transfer operation or facility before being sent to a subsequent facility for processing. This practice is common in rural areas or areas lacking the processing infrastructure.



Section 30.8 Container Labeling Requirements

CalRecycle should only require labels on newly purchased containers. Current draft of regulations creates an estimated cost of \$2.8M for one jurisdiction as an example, the Sacramento County unincorporated area. This would entail labeling ~340,000 containers already deployed the field or that won't be replaced until as late as 2032 (the new drop dead date for full replacement of all carts). The remaining ~170,000 containers of a total of over 510,000 containers currently deployed would be replaced through normal attrition, therefore the new labeling would be incorporated into the orders for those new containers. Further, labels may not stick properly, or at all, to older containers, some as old as 30 years. Also, CalRecycle does not address old or peeling labels, frequency of replacement of labels, etc. These would be additional costs to jurisdictions.

Section 30.12 Waivers and Exemptions Granted by the Department

(a) Low population waivers

Section (a)(1) allows rural jurisdictions that were exempt under AB 1826 additional time to implement these proposed regulations since it would be impossible for these exempt jurisdictions to implement these SB 1383 regulations immediately after their AB 1826 exemption expires. This allowance is appreciated.

Section (a)(2) allows low population areas in unincorporated portions of the county to be eligible for a waiver. The use of census tracts in unincorporated areas seems to work for rural areas although the proposed requirement should reference a time reference and source for the density determination. Although this population density by census tract does work for many areas, there needs to also be an allowance to add additional low population areas that are less than the 50 people per square mile but are still within a census tract that is larger than 50. Many census tracts are established along natural features like rivers and artificial structures like roads. There are many census tracts where the population is located on the fringe of the census tract but most of the census tract is under the 50-population density. These low population areas may not even have contracted collection services and the roads are not designed to withstand vehicle traffic. This waiver process should also allow for inclusion of other low population areas that are not included in the census tract designations.

Section (b) only allows the waiver for a period of two years. This is an extremely short period of time given the time needed to determine the efforts to implement organics programs in that area and submit an application for a waiver. CalRecycle has 90 days to review and approve the waiver. A two-year time limit will essentially require a jurisdiction to spend effort to start the application for an additional waiver upon approval of the waiver. It is unlikely that circumstance in these low population areas will change within two years. We recommend a five-year cycle for renewal of these waivers.

Article 5. Generators of Organic Waste (Page 19)

Jurisdictions would be identified as the generator of all residential organic waste within its jurisdiction.



Insert:

New Section 50.1 (Page 19) All Residential Organic Waste Generators within a Jurisdiction shall be considered collectively as one generator for the purposes of compliance with this Chapter. Each jurisdiction shall be responsible for compliance with this Chapter on behalf of its Residential Organic Waste Generators and shall be subject to enforcement in accordance with Section 16.3.

Renumber “Non-Local Entities Requirements” to Section 50.2 and continue renumbering other subsequent sections as applicable.

Article 6. Biosolids Generated at a Publicly Owned Treatment Works (POTW) (Page 21)

Section 6.2 Biosolids and Sewage Sludge Handling at a POTW

As currently written, Article 6 Section 6.2 seems to be a general ban on landfilling of biosolids. Because CalRecycle lacks the authority to ban landfilling in this regulation, we understand that this regulation can only categorize organic waste management methods into what is considered disposal and recovery for the purposes of achieving the diversion goals. It is up to the counties to work out the details. Therefore, we recommend the following changes to Section 6.2:

Section 6.2 Biosolids and Sewage Sludge Handling at a POTW

- (a) Biosolids generated at a POTW shall be **considered a reduction of landfill disposal if:**
- (1) ~~Transported only to a solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recovery~~ **Managed using one of the recovery processes or facilities, either on-site or off-site**, as specified in Section 20.1(b) of this Division;
 - (2) Notwithstanding subdivision (a)(1), sewage sludge and biosolids not suitable for additional processing or recovery may be sent for disposal to a permitted facility that can receive that sewage sludge and biosolids and has obtained the applicable approvals by the regional, state, and federal agencies having appropriate jurisdiction.

Article 7. Regulations of Haulers (Page 21)

Section 70.2 Organic Waste Hauler Requirements

This section does not clearly indicate that it does not apply to self-haulers. Self-haulers cannot be expect to obtain approval from a jurisdiction and keep records.

Section 70.3. Self-haulers of Organic Waste

The requirement for source-separation does not include all collection options allowed in Article 3. This provision should be changed as follows:



(b) A generator who is a self-hauler of organic waste shall comply with the following:

(1) The generator shall source-separate all organic waste generated on site in a manner consistent with 14 CCR Section 30.1, and 30.2, and 30.3 of this chapter.

Section (b)(5) does exempt residential organic waste generators from the record keeping and annual reporting but does not exempt residents from source separating organic waste and hauling to a facility “that processes or recovers source-separated organic waste”. In many rural areas, these facilities might not be available and thus would force residents to haul their organic waste to facilities much greater distances than feasible and could exacerbate illegal dumping. Residential generators should be exempt from all requirements, especially if options do not exist.

Section (b) also states that generators “shall source-separate all organic waste generated on site” and self-haulers are required to keep records of the amount of organics waste generated and annually report to jurisdictions. These provisions are an excessive compliance measure for small businesses. It also imposes excessive and time-consuming requirements on the jurisdiction to track and potentially penalize the multitude of small businesses, effort that is better spent on implementing the other requirements of this program.

Article 12. Procurement of Recovered Organic Waste Products (Page 30)

Specifically Section 12.1. While we agree with the overall intent of this section to support markets for products produced as a result of organic waste diversion, the suggested method for calculating the amount of material a jurisdiction must procure is seriously flawed. Basing calculations on the number of employees in a particular jurisdiction will result in arbitrary totals for that jurisdiction. Consider that many jurisdictions contract out many of their services to the County or a larger nearby joint powers authority. These contracted employees would not appear on the California Employment Development Department list and thus would not be counted in the proposed calculation. Cities that are similar in size, population and waste generated can and do have vastly different numbers of employees. In addition, a number of jurisdictions have compared their number of local government employees to the California Employment Development Department (EDD) numbers and found that the EDD numbers are significantly higher than the actual employee count. As such, we recommend that CalRecycle use population or total waste generated as a more effective and fair means to determine the amount of recovered organic waste products a jurisdiction must procure.

Another concern with this section is the lack of an exemption for jurisdictions that produce RNG or compost. As currently written, a jurisdiction would be required to purchase material from themselves to meet the requirements of this article. We believe a better approach would be to require a jurisdiction to use a certain amount of these types of materials. This would increase incentive for jurisdictions to produce such products from their own waste stream and would allow for jurisdictions to make use of their own products. We also believe that more flexibility should be included for the purchase of other products made from recovered organic waste, including, but not limited to, other forms of renewable natural gas. Lastly, CalRecycle should phase any procurement requirements in (as well as allow for jurisdictions to apply for annual waivers “for cause”), as the availability of these products may be limited in the first few years of program implementation and jurisdictions should not be penalized if they are unable to procure the required amounts of these products. It should also be noted that some cities may not have a need for some products, such as



compost or RNG fuel, so they may seek to resell these products if they have no use for them. An example might be a small city with little park acreage or a small (or no) fleet.

Article 15. Enforcement Oversight by the Department (Page 46)

“Good Faith Efforts” – The proposed regulations as currently drafted provide for CalRecycle in measuring a jurisdiction’s compliance with the requirements of SB 1383 under the purview of CalRecycle to essentially disregard the jurisdiction’s “good faith efforts” to insure compliance. The LTF respectfully disagrees with such a determination by CalRecycle as stated in its May 1, 2018 document entitled *“SB 1383 Statutory Background And Primary Regulatory Policies.”* Specifically, Section I.(C).4 of the document states “Legislative guidance directs CalRecycle **not** to utilize the ‘Good Faith Effort’ compliance model specified in **PRC Section 41825**”, emphasis added. With all due respect such a “legislative/statutory” determination would appear to be outside CalRecycle’s scope of authority, and it is inconsistent with the provisions of **SB 1383, PRC Section 42652.5 (a) (4)** which specifically requires CalRecycle in evaluating a jurisdiction’s compliance to consider factors such as “good faith efforts” pursuant to **PRC Section 41825**, (emphasis added).

Based on the foregoing, the LTF respectfully requests that the subject draft regulations be revised and expanded (especially the Articles 14, 15 and 16) to include provisions for a jurisdiction’s (city, county, and a city and county) “Good Faith Efforts” as provided in PRC Sections 41825 and 42652.5 (a) (4).

Article 6.2. Operating Standards (Page 70)

Section 17402

Section 17402, Definitions – The definition of consolidation sites is helpful, and these facilities are provided exemption form some requirements later in the proposed regulations. However, provisions in Article 3 Organic Waste Collection Services require organics and recyclables to be taken only to facilities that require processing. These earlier requirements should be modified to allow these consolidation sites to function as intended.

Section 17409.5 Loadchecking

This section requires the implementation of a loadchecking program to prevent the acceptance of prohibited waste that is too onerous on operators, and in many processing facilities, difficult or impossible to achieve. Sections 17409.5.1 through 17409.5. require daily one cubic yard samples from each organic waste type or stream separated, while Section 17409.5.7 requires a potential of multiple load checks per day for inspection of contamination.

The number of samples that must be sorted through to accomplish the objectives of Section 17409.5 on a daily basis would require large physical areas at processing facilities and a significant amount of additional staff to accomplish what is required, without even accounting for recordkeeping and reporting requirements. Many facilities, especially the larger ones, are very tight on space given all the activities that are simultaneously going on to effectively sort through



the incoming solid waste streams. These physical restrictions will become even greater when processing facilities ramp up to handle greater volumes of organic waste.

Section 17409.5.9 allows alternative measurement protocols, but it is not at all clear what will be allowed and how long it will take to approve such protocols. To make the overall proposed loadchecking program more workable, it is recommended that CalRecycle take the following approach:

Section 17409.5. Loadchecking—Prohibited Wastes.

(a) The operator of an attended operation or facility shall implement a random loadchecking 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~~ loadchecks to be performed based upon the selection of one random week every quarter;
- (2) a location for the storage of prohibited wastes removed during the loadchecking process that is separately secured or isolated, or an alternative that is consistent with the physical constraints of the facility;
- (3) records of loadchecks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. In lieu of the use of the facility's personnel to conduct loadchecks, contract inspection staff may be utilized that have been certified in training for these applications. A copy of the loadchecking program and copies of the loadchecking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.

The remaining section changes would flow from the concept detailed here. The core precept of this proposal is that over time, the facility will receive fairly consistent types of waste for similar sources. The goal is to ensure that the facility is performing as a “high organics diversion facility.” Statistically, it is not necessary to do the checks every day, and the checks are of the facility’s ability to properly sort and manage the mixed organic wastestream which won’t necessarily change on a daily basis. If over time that data indicates problems, then other loadcheck frequencies may be more appropriate. In addition, this concept recognizes that loadchecking may be contracted out, if the facility does not have personnel capable of performing these tasks.

Section 17409.5.2. Measuring Organic Waste Recovered from Mixed Waste Organic Collection Stream – The daily sampling requirement for each separate organic waste type is excessive. It would require significant space and is not related to the amount of waste accepted. Operators should have flexibility on how to implement sampling for contamination. In addition, facilities located in jurisdictions that have waivers should not be required to conduct sampling.

Section 17409.5.3. Measuring Organic Waste in Residuals Removed from Mixed Waste Organic Collection Stream – The comments above apply to this section also.

Section 17409.5.4. Measuring Organic Waste Recovered from Source Separated Organic Waste Collection Stream – The comments above apply to this section also.

Section 17409.5.7 requires that the “Operator inform the hauler or jurisdiction of origin of received loads with visible contamination.” This requirement would have the facility continually having to inform the haulers or jurisdiction, because based upon our experience, most blue bins have contamination. This requirement should only be triggered if there are unusually high levels of visible contamination in received loads.



Section 17409.5.6 requires that source-separated organics waste processing be kept separate from other solid waste streams. This is not practical, especially in facilities that may also combine organic streams for further on-site processing. The following changes are recommended to this section:

(a) Source-separated organics waste handling processing shall be kept separate from other solid waste streams.

(1) The facility operator shall be allowed to combine recovered materials for operational efficiency from any source or sector that meets their end users specifications if the operator can verify that the combined materials are maintained in compliance with their Facility Plan or Transfer/Processing Report.

(b) Source-separated organic waste and organic waste removed from a mixed waste organic collection service for recovery shall be:

(1) stored for operational efficiency and away from other activity areas in designated and specified, clearly identifiable areas as described in the Facility Plan or Transfer/Processing Report; and,

(2) removed from the site consistent with section 17410.1 and either:

(A) transported only to another solid waste facility, POTW, or operation for additional processing, composting, in-vessel digestion, or other recycling recovery as specified in section ~~(***20.1)~~ of this Division; or,

(B) used in a manner approved by local, state, and federal agencies having appropriate jurisdiction; or,

(C) sent for disposal.

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

For facilities that receive pre-processed waste, the loadchecking requirements are completely unnecessary. Facilities that perform the processing will likely have meet the requirements for processing facilities, and it is likely that contracts will specify contamination requirements that are more rigorous than those contained with the proposed regulation. Furthermore, if the facility accepts pre-processed waste from a third party, or other facility, it will likely perform its own checking programs to ensure the integrity of the digester operation. But the requirements in the regulations are overly onerous in terms of frequency and quantities.

Title 27 Environmental Protection (Page 86)

CalRecycle is proposing to amend Title 27 Division 2, Chapter 3, Subchapter 4, Article 2 of the California Code of Regulations with the following:

§20700.5 CalRecycle – Long Term Intermediate Cover

(a) Compacted earthen material at least 36 inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 30 months to control methane emissions.

(1) The EA may approve, with concurrence by the Department, an alternative long-term intermediate cover if the operator demonstrates that the alternative is equivalent to 36 inches of earthen material.

(b) For waste classification, composition, and liquid percolation requirements of intermediate cover, refer to the SWRCB requirements set forth in 27 CCR section 20705.

Note:

Authority cited: Section 40502, 41781.3, Public Resources Code.

Reference: Sections 40508, 43020, and 43103, Public Resources Code; and Code of Federal Regulations



Section 258.21”

The proposed amendment is not necessary for two reasons; the definition of intermediate cover already exists in 27 CCR and the control of landfill methane emissions is already regulated via 17 CCR.

CalRecycle has created a new definition “Long Term Intermediate Cover” that is not necessary as Intermediate Cover is already defined in existing regulation 27 CCR section 20700 as “...all surfaces of the fill where no additional waste will be deposited within 180 days...”. Additionally, methane emission control is already regulated via CCR 17 section 95460 et. seq. The purpose of existing regulation 17 CCR Division 3, Chapter 1, Subchapter 10, Article 4, Subarticle 6 is to reduce methane emissions from municipal solid waste (MSW) landfills pursuant to the California Global Warming Solutions Act of 2006 (Health & Safety Code, Sections 38500 et. seq.). Provisions of this regulation establish surface emission testing criteria, methane emission thresholds and regulatory requirements to meet the established thresholds.

There has been no scientific or engineering justification for increasing the long-term intermediate cover from the current 18 inches to 36 inches. Methane emissions are already regulated at landfills including monitoring requirements. If the rationale for this increase is to control methane, there has been no indication that the current 18 inches is not sufficient and, in addition, Health and Safety Code 39730.6 states that “the state board shall not adopt, prior to January 1, 2025, requirements to control methane emissions associated with the disposal of organic waste in landfills other than through landfill methane emissions control regulations.” Doubling the amount of cover is a divert funds from program implementation with no added benefit. This provision should revert to the current 18 inches.

The imposition of a new definition with additional requirements placed on landfill operators is superfluous and does not benefit the environment or public health. The aforementioned existing regulations are already in place to protect the environment and public health. The proposed amendment increases the threat to the environment and public health by jeopardizing the long-term sustainability of landfill postclosure maintenance due to the increased financial burdens associated with compliance of the unnecessary proposed section.

CalRecycle is proposing to amend Title 27 Division 2, Chapter 3, Subchapter 4, Article 3 of the California Code of Regulations with the following:

§20750.1 CalRecycle – Organic Waste Handling

- (a) For new or expanding solid waste disposal sites landfills:
- (1) The operator shall implement organic waste recovery activities, as approved by the EA organic waste recovery activities shall be confined to specified, clearly identifiable areas of the site and shall be arranged to minimize health and safety hazard, vector harborage, or other hazard or nuisance, and be limited to a volume and storage time as approved by the EA.
- (A) Receipt of solid wastes that have already been processed through a high diversion organic waste processing facility does not need to be processed at the organic recovery activity.



(a) For the purposes of this section “organic waste recovery activities” means activities that constitute a reduction of landfill disposal of organic waste as defined in Article 2 of Chapter 12 of Division 7 of title 14 of the California Code of Regulations.

(b) For the purposes of the section, “expanding” means a solid waste landfill proposing to make a significant change to the design or operation as determined by the EA pursuant to 27 CCR Section 21665.

Note:

Authority cited: Section 40502, Public Resources Code.

Reference: Sections 43020, 43021 and 43103, Public Resources Code.”

The proposed amendment effectually forces landfills to construct material recovery facilities (MRF) to recover organic materials or improve an existing MRF every time the landfill proposes to make a significant change to the design or operation as defined in 27 CCR §21665. This action places a mandated financial burden of constructing or improving a MRF for organic recovery on landfill operators rather than improving organic recovery at existing MRF’s.

In order for landfills to mitigate expending capitol for construction of a MRF for organic recovery, only waste originating from a high organic diversion waste processing facility may be accepted. Or, alternatively, landfill tipping fees will need to be increased to pay for the construction or improvement of a MRF for organic recovery. There are a number of challenges that exist in today’s political climate that increase the difficulty to facilitate an increase of fees, with Proposition 218 being the foremost. There are also the permit requirements and the costs associated with compliance with requirements from the various regulatory agencies (California Air Resources Board, Regional Water Quality Control Board) in addition to the Local Enforcement Agencies and CalRecycle. With the proposed amendment CalRecycle has unilaterally determined that landfills owners are to be in the organic material recovery business without funding the mandate to do so.

This proposed section would also require all landfills to implement organic waste recovery activities even if the jurisdiction has received a waiver from the organics management programs.

Lastly, high organic diversion has not been defined nor has a cost to benefit analysis been performed to determine if there is a benefit to the environment or public health from the incremental organic material diversion from landfills. An analysis has not been performed to determine the incremental amount of organic material diverted from landfills by enacting the proposed amendment. The proposed amendment increases the threat to the environment and public health by jeopardizing the long-term sustainability of landfill postclosure maintenance due to the increased financial burdens associated with compliance of the proposed section.

This provision should be removed or made not mandatory.

Section 20901. CalRecycle—Loadchecking Contamination in Source Separated Organic Waste.

This section imposes a load check requirement for one load check for every 500 tons of source separated organic waste 54 received per operating day but a facility receiving less than 500 tons is required to do a minimum of two load checks. These limits are inconsistent in that facilities accepting between 501 to 999 tons only needs to do one load check. Facilities with less than 500 tons should only be required to do one load check.



Section 21695. CalRecycle—Organic Disposal Reduction Status Impact Report

This report imposes excessive requirements on landfills. The report could be included in the next five-year review rather than imposing a separate report. A number of the listed analysis are not impacted by reducing organic disposal including the site development, volumetric capacity (less waste will not change capacity), waste handling methods, operation and closure design, and grading, This report needs significant changes.

Given the significant number of changes since the last version, especially to the fundamental definitions, there has not been sufficient time to compile our member's comments. A number of our members will be submitting individual letters.

Thank you again for the improvements in this draft of the regulations, and for your consideration of the additional comments expressed above.

Sincerely,



Glenn Acosta
Chair
SWANA Legislative Task Force

