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VENTURA COUNTY STANDARDS FOR LAND APPLICATION OF MULCH

On December 7, 2010, the Ventura County Board of Supervisors adopted ordinance amendments establishing new standards pertaining to land application of mulch in the unincorporated areas of Ventura County (Ventura County Ordinance Code, Division 4, Chapter 7, Article 1, Section 4700 et seq). Principal changes to existing Ventura County standards include:

1. A mulch definition that incorporates both chipped and ground green material, such as curbside collected green waste, as well as compost.
2. A mulch quality standard that prohibits land application of mulch containing greater than 0.1% by volume of contaminants, such as plastic and glass.
3. A 12-inch maximum average application depth. This standard is subject to site specific conditions, such as a reduced application depth or prohibition in high fire hazard areas, or greater application depth where agronomically justified.

A full text of the Ordinance amendments is available at the Environmental Health Division's website:

<http://www.ventura.org/rma/envhealth/technical-services/solid-waste/index.html>

The amendments became effective January 6, 2011, with the exception of the amendment related to mulch quality (percentage of contaminants), which became effective on July 1, 2011.

The standards were prepared in collaboration with various stakeholders including the Ventura County Agricultural Commissioner, the Ventura County Fire Protection District, the Agricultural Policy Advisory Committee, the University of California Cooperative Extension, the Farm Bureau of Ventura County, local mulch producers and commercial growers.

The Environmental Health Division, as Local Enforcement Agency (EHD/LEA) for laws and regulations pertaining to solid waste, is primarily responsible for enforcing the standards. However, the Ventura County Agricultural Commissioner and the Ventura County Fire Protection District are responsible for making specified determinations relative to site-specific mulch application issues.

FREQUENTLY ASKED QUESTIONS

1. *What is mulch?*

“Mulch” means landscape waste and crop production byproducts consisting of leaves, grass clippings, weeds, yard trimmings, wood waste, branches and stumps, and whole plants/trees, that have been ground to a reduced particle size. “Mulch” can mean either a raw ground material or compost.

2. *Do the new requirements apply to residential users of mulch?*

Generally, no. The storage or land application of mulch in quantities of less than 200 cubic yards per parcel is not subject to the provisions of this ordinance. 200 cubic yards far exceeds the typical amounts of mulch used for residential landscaping or gardening purposes.

3. *Do the requirements apply to all agricultural users of mulch?*

Generally, yes. However, certain specified types of mulch production or use are excluded from the requirements. Typically, these are situations where a grower is producing mulch from plants/trees grown on the grower’s own property, and the grower is returning the mulch to that property. If you think your mulch activity may qualify as an excluded activity, you should contact the Environmental Health Division at (805) 654-2813 for additional information.

4. *Is land application (disking or tilling) of remaining uneaten fruit and vegetable culls from cattle feeding activities considered an acceptable agricultural practice or solid waste disposal?*

Land application of compostable material other than “Mulch”, as defined in the Ventura County Ordinance Code, is expressly prohibited and constitutes illegal disposal of solid waste. However, land application of remaining, uneaten fruit and vegetable culls from cattle feeding activities on Agricultural Land may be considered for approval on a case-by-case basis under the written authority of the Ventura County Agricultural Commissioner’s office. Best Management Practices for [Managing Alternative Livestock Feed Sources in Ventura County](#) developed by the Ventura County Agricultural Commissioner’s office are guidelines available for practitioners who may consider using fruit and vegetable culls as a feed source for their cattle. Unauthorized land application and/or mismanagement of left-over, uneaten fruit and vegetable culls may be considered an illegal solid waste disposal activity subject to solid waste disposal enforcement provisions that can include financial or other penalties.

5. *Are permits required to use mulch?*

No; the ordinance does not require users of mulch to obtain permits.

6. *If I use mulch, will my property be inspected?*

No; mulch users are not subject to routine inspections. However, if a public complaint about a mulch storage or land application site is received, Environmental Health Division staff may visit the site to determine if the mulch storage or land application activity is being conducted in conformance with applicable standards.

7. *How much mulch can I apply?*

Generally, an average depth of 12 inches is allowable. In certain fire-prone areas, Ventura County Fire Protection District (VCFPD) standards may further restrict the maximum allowable mulch depth, or prohibit land application of mulch entirely. Contact the VCFPD at (805) 389-9738 for information about these restrictions.

The application of mulch on agricultural land may exceed 12 inches in some cases, where the greater depth poses no public safety risk and is agronomically beneficial. In order to apply mulch to a depth greater than 12 inches, you must obtain prior written approval from the VCFPD and the Ventura County Agricultural Commissioner's Office (805) 933-2926.

8. *Can I be fined or punished for applying too much mulch to my property?*

Applying mulch in excess of the allowable amounts is considered disposal of solid waste, and is subject to solid waste disposal enforcement provisions that can include financial or other penalties. However, if a site visit by Environmental Health Division staff reveals excessive application of mulch, the party responsible for the excessive application will be given an opportunity to justify the application rate as mentioned in item 6 (above), or may reduce the amount of mulch to avoid enforcement action.

9. *What do I do if I receive mulch that exceeds the maximum allowable amount of contamination?*

Applying mulch containing physical contaminants in excess of 0.1% of the total volume of mulch at the time of application is considered disposal of solid waste, and is subject to solid waste disposal enforcement provisions that can include financial or other penalties. However, if a site visit by Environmental Health Division staff reveals excessive mulch contamination, the party responsible for the mulch application will be given the opportunity to reduce the amount of contaminant present to avoid further enforcement, typically by physically removing and properly disposing or recycling of the contaminants.

Management practices for avoiding excessive mulch contamination include:

- a. When ordering mulch from a mulch producer, be sure to specify the maximum amount of contaminate you will allow to be received on your property.
- b. Train your field personnel to inspect incoming loads, and to reject loads that contain excessive contamination.
- c. Promptly remove excessive contamination from land where an excessively contaminated load has been land spread prior to discovering the excess contamination in the load.

10. *How long can I store mulch on my property, prior to land applying it?*

Generally, you can store or stockpile mulch onto land for a combined period of time not to exceed 6 months. In some cases, a greater amount of time may be allowable. Contact the Environmental Health Division at (805) 654-2813 for additional information if you need to store mulch for greater than 6 months.