



**ASSOCIATION OF  
COMPOST  
PRODUCERS**  
"We Build Healthy Soil"

Public Comment  
CEQA- Composting General Order NOP  
Deadline: 6/14/19 by 12 noon



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Directors**

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**Dan Noble**  
Noble Resources  
Group

June 14, 2019

**Via E-Mail**

Ms. Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento CA 96812-0100  
E-Mail: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Re: Comment Letter – CEQA - Composting General Order NOP: Amendment to the Water Board Compost General Order Related to Manure Management**

Dear Ms. Townsend:

The Association of Compost Producers (ACP) is a non-profit association of public and private organizations dedicated to increasing the quality, value and amount of compost being used in California. We do this by promoting activities and regulations that build healthy soil, benefiting people and the environment. ACP is also the State Chapter of the U.S. Composting Council, [www.compostingcouncil.org](http://www.compostingcouncil.org). The USCC is the only national organization committed to the advancement of the composting industry. ACP members, leaders in the California compost industry, work and invest together to increase compost markets and improve compost product and manufacturing standards. The association provides education and communication on compost benefits and proper use through support of scientific research and legislation aligned with developing and expanding quality compost markets.

This letter is in response to the recent direction of the Water Board to " *SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT [SEIR] FOR AMENDMENT OF GENERAL WASTE DISCHARGE REQUIREMENTS FOR COMPOSTING OPERATIONS.*," specifically "expanding the Agricultural Composting exemption to include non-agricultural sites, allow the composting of both on-site and off-site materials, and increase the export limit (SWRCB scoping meeting, May 29, 2019)

Given the fact that ACP members currently produce and use compost to enhance our water resources under the regulatory umbrella of the Water Board Compost General Order (WBCGO), we have the following perspectives and positions relative to the SEIR for the Amendment of the General WDR for manure composting operations:

- **Allow herbivore manure (herd animals only) in Tier 1 facilities** where groundwater monitoring wells are installed and a groundwater protection monitoring plan is implemented. This seems to provide reasonable safeguards for ag lands water quality protection.
- **Do not expand the Agricultural Composting exemption** to become a Conditional Exemption (subject to best management practices), *until such time* that those BMP's are explicitly determined, *and* they are consistent with organics management plans for that County and watershed where they occur:
  - Limits on the amount of manure transferred into ag composting sites (including that composters must use compost on their own lands subject to agronomic rates, except for what is sold or given away), should be held at the current 1,000 cubic yards annually limit until such time as:
    1. BMP's for such uses are clearly established, allowing for appropriate innovations, as technology and methods are demonstrated to the Board.
    2. Regulatory oversight capacity is invested in by the State to ensure the protection of California's waters at those facility sites within each County and watershed.
    3. Total impacts on bioproducts (manure-based and other recycled organics products) management within the County of production *and* use are determined within the context of the County's "Organics Management Infrastructure Plan" (AB 876) and understood by CalRecycle, the LEA's and the Regional Water Board for the management of renewable organic carbon and nutrients within the County and watershed.
  - Expanding the ag exemption limit to as much as 5,000 cubic yards is possible, only given a performance and materials based, whole systems approach outlined above. This is consistent with ACP's "Performance Based" approach, in our previous letter to the Water Board, see "ACP to SWRCB\_Manure Mgmt\_Rev 4-18-18"
  - Do not extend the ag exemption onto non-agricultural sites without the collaborative, whole systems approach outlined here.

Thank you for the opportunity to provide comments. We remain committed to collaborating with all other bioresource generator community of practice colleagues. This will best integrate the production and market management of every County's renewable carbon and nutrient bioresources and bioproduct systems, be they municipal green infrastructure or natural and agricultural working lands, derived and used. We request the opportunity to discuss the details of our position and recommendations with *both* the State Water Board *and* representatives of the dairy, CAFO, agricultural and municipal stakeholders in the counties and watersheds where these materials are being managed.

Should you have any questions, please contact our legislative advocate, Ms. Kathryn Lynch, at (916) 443-0202 or [lynch@lynchlobby.com](mailto:lynch@lynchlobby.com).

Sincerely,



Dan Noble, Executive Director  
Cell/Text: 619-992-8389  
[danwyldernoble@gmail.com](mailto:danwyldernoble@gmail.com)  
[www.healthysoil.org](http://www.healthysoil.org)



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**Tom Shearer**  
Soiland/Grab'N  
Grow

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**Dan Noble**  
Noble Resources  
Group

April 18, 2018

### Via E-Mail

Ms. Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento CA 96812-0100

### **Re: Composting General Order Related to Manure Management**

Dear Ms. Townsend:

The Association of Compost Producers (ACP) is a non-profit association of public and private organizations dedicated to increasing the quality, value and amount of compost being used in California. We do this by promoting activities and regulations that build healthy soil, benefiting people and the environment. ACP is also the State Chapter of the U.S. Composting Council, [www.compostingcouncil.org](http://www.compostingcouncil.org). The USCC is the only national organization committed to the advancement of the composting industry. ACP members, leaders in the California compost industry, work and invest together to increase compost markets and improve compost product and manufacturing standards. The association provides education and communication on compost benefits and proper use through support of scientific research and legislation aligned with developing and expanding quality compost markets.

This letter is in response to the recent direction of the Water Board to *"Direct staff to work with stakeholders to propose any necessary changes to the Composting General Order related to manure management, including an evaluation of the definitions of agricultural material and agricultural composting, and the percentages of additives allowed for each tier."* (SWRCB Meeting, March 20, Agenda, [Item 7](#))

Given the fact that ACP members currently produce and use compost to enhance our water resources under the regulatory umbrella of the Water Board Compost General Order (WBCGO), we have the following perspectives and positions relative to the General WDR for composting directive to staff:

- **We urge that the Water Board *not* reopen the WBCGO.** If there is a need to re-open the order, it should be based on the completion of new information that warrants the

improvement of human health and the environment (i.e., enhancing groundwater and watershed quality). This would entail additional integrated media (air, water, solids and soil) research. This peer-reviewed and published scientific research and reports would need to demonstrate that the WBCGO is seriously deficient in the protection of water quality and human health and the environment and would include, at a minimum:

- How the Alternative Manure Management Plan (AMMP) programs affect and relate to the various best management practices for nitrogen compounds in the water, air and soil (i.e., the various mitigation measures) as it affects and relates to the WBCGO.
- Any additional research on the fate of nitrogen compounds and other COD and BOD in the water, soil and air originating from dairies and CAFOs.
- The update process of Title 27 as it relates to compostable materials and biofertilizers including manure especially and other agriculturally generated feedstocks.
- Are there programs already in place that demonstrate that municipal composters who compost high strength feedstocks (food, manure, biosolids) are any more damaging or enhancing to water, soil or air environmental media?

Once this information is publicly available, then all composters can collaboratively engage with the Water Board in discussing the necessity and efficacy of reopening the WBCGO. In that way, we will all be dealing with the most relevant information, not merely hearsay and anecdotal information.

- **The WBCGO currently applies to all manure** as well as food and other high strength waste composting facilities known to be a threat to California's water, especially in high rainfall areas with shallow depth to groundwater. ACP composters are *very* familiar with manure composting, and this can be managed using the same best management practices as other high nitrogen containing feedstocks. If the Water Board and agricultural composters and manure managers have specific information that contradicts the experience of composters, then this should be brought forward in the above expanding environmental fate process of the constituents of concern (nitrogen compounds and other BOD and COD increasing compounds).
- **Be Performance Based:** Nutrient infiltration and/or run-off is currently being managed under the WBCGO compost sites after 3 years of working with the Water Board to develop the WBCGO prior to its implementation two years ago. Given that experience and beginning with the initiation of the WBCGO process over 5 years ago, our members continue to support a performance-based approach to WBCGO compliance between the compost producers and their Regional Water Boards. We remain skeptical of a merely rules-based approach where BMPs (e.g. pads and ponds) are required to satisfy the WBCGO, especially when the performance of other methods have been clearly demonstrated to be effective (e.g. compost-based BMPs combined with ongoing groundwater monitoring at a given site). That is, we continue to support flexibility of implementing the WBCGO, based on results, not merely unmonitored rules. Performance-based approaches are already provided for within the WBCGO, but they

are not often interpreted or accepted by the Regional Boards, who in some cases have been inflexible in interpretation and implementation, preferring instead rules-based approaches over performance-based mitigation measures.

- **Ensure a level playing field:** Compost producers need to invest and operate in local markets where both compost production and environmental protection is maintained by the local community and jurisdictions. We recommend that the Water Board:
  - Understand and consider ACP members' perspectives who work with diverse agricultural industry representatives (and other commercial composter representatives) *at the same time, on the same sites*. This experience will be valuable to both the State and Regional Water Boards.
  - Upon further research that points to the need to reopen the WBCGO, we strongly recommend that the entire order should be reviewed considering the new information. We believe that if it is reexamined based on both new and existing data, that exempting facilities in good standing with existing WDRs should be maintained, as it was in the close to final drafts of the original WBCGO. This would reinforce the fact that on many WDR sites, there is sufficient data to demonstrate the protection of the State's ground water assets underneath these facilities.
  - Apply the WBCGO rules and performance-based approaches *to all compost producers*, based on operational scale and feedstock constituents, as it is already being promulgated.

Thank you for the opportunity to provide comments. We request the opportunity to discuss the details of our position and recommendations with *both* the State Water Board *and* representatives of the dairy, CAFO and agricultural stakeholders. ACP's policy approaches and programs are based on a collaborative approach to industry and community engagement. Please let us know how we can assist the Water Board in resolving the problems that you are seeing or hearing about the current WBCGO.

Should you have any questions, please contact our legislative advocate, Ms. Kathryn Lynch, at (916) 443-0202 or [lynch@lynchlobby.com](mailto:lynch@lynchlobby.com).

Sincerely,



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