

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION
MEETING OF SEPTEMBER 14-15, 2016
APPLE VALLEY**

ITEM 6

RESCISSION OF WASTE DISCHARGE REQUIREMENTS FOR NURSERY PRODUCTS HAWES COMPOSTING FACILITY, SAN BERNARDINO COUNTY, WDDID 6B360903006

CHRONOLOGY

March 10, 2010	Waste Discharge Requirements (WDRs) – Adopted (Board Order No. R6V-2010-0010)
August 4, 2015	State Water Resources Control Board (State Water Board) adopted Order WQ 2015-0121-DWQ, General WDRs for Composting Operations (General Order).

BACKGROUND

The Lahontan Water Board adopted waste discharge requirements for the Nursery Products Hawes Composting Facility in 2010. Following State Water Board adoption of a General Order for composting operations, Nursery Products filed an application to the Lahontan Water Board for coverage under the new General Order. They also requested the Water Board rescind Board Order No. R6V-2010-0010, which currently regulates the Nursery Products Hawes Composting Facility.

ISSUES

Should the Water Board rescind WDRs for the Nursery Products Hawes Composting Facility to allow coverage under the General Order?

DISCUSSION

Nursery Products owns and operates a green materials and treated biosolids compost facility. The waste piles (composting pads), surface impoundment, the finished product storage area, and the receiving, grinding, and screening area are referred to as the Facility. The Facility is located 8 miles west of the town of Hinkley in San Bernardino County.

The Facility was constructed to contain the volume of runoff from a 1,000-year, 24-hour storm. The Facility has a waste pile and two surface impoundments with leak detection monitoring sumps constructed in accordance with the requirements of California Code of Regulations, title 27. The Facility was permitted and constructed prior to adoption of the General Order. The construction of the Facility exceeds the minimum requirements in the General Order. As the General Order does not require financial assurance mechanisms, rescinding Board Order No. R6V-2010-0010 will require a return of the financial assurance mechanisms currently in place for closure and corrective action activities for a known or reasonably foreseeable release from the Facility.

Nursery Products will continue to monitor the Facility to ensure there are no indications

of a release.

Therefore, it is in the public's interest to rescind Board Order No. R6V-2010-0010.

PUBLIC OUTREACH/INPUT

Water Board staff contacted Nursery Products representatives and other interested persons to inform them of staff's proposal to rescind the WDRs. No comments opposing the Board Order were received.

RECOMMENDATION

Adoption of Order as proposed.

ENCLOSURE	ITEM	BATES NUMBER
1	Board Order No. R6V-2016-PROPOSED	6-5
2	Staff Presentation	6-11

ENCLOSURE 1

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**BOARD ORDER NO. R6V-2016-PROP
WDID NO. 6B360903006**

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS
BOARD ORDER NO. R6V-2010-0010**

FOR

**NURSERY PRODUCTS
HAWES COMPOSTING FACILITY**

_____ San Bernardino County _____

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. Discharger

Nursery Products (hereinafter referred to as “Discharger”) owns and operates a green material and treated biosolids composting facility (Facility) 8 miles west of the town of Hinkley.

2. Facility

The Facility is a green material and treated biosolids composting facility on an 80-acre parcel of land. The Facility was constructed to contain the volume of runoff from a 1,000-year, 24-hour storm. The Facility has a waste pile constructed over an engineered fill and two surface impoundments with leak detection monitoring sumps, all of which were constructed in accordance with the requirements of California Code of Regulations (CCR), title 27. The Facility also has financial assurance mechanisms for closure and corrective action activities for a known or reasonably foreseeable release from the Facility.

3. Order History

The Water Board adopted Waste Discharge Requirements (WDRs), Board Order No. R6V-2010-0010 on March 10, 2010, for the construction and operation of the Facility in accordance with the requirements of CCR, title 27.

4. Basis for Rescission

- a. On August 4, 2015, State Water Resources Control Board (State Water Board) adopted Order WQ 2015-0121-DWQ, General WDRs for Composting Operations (General Order). The General Order prescribes construction and monitoring requirements for discharges associated with composting activities. The General

Order was not available as a permitting option when the Discharger submitted a Report of Waste Discharge for the current Facility.

- b. The Discharger submitted a Notice of Intent on June 15, 2016, describing the intent to comply with the General Order. As the Facility was constructed in accordance with the requirements of California Code of Regulations (CCR), title 27, the construction of the Facility meets or exceeds the requirements of the General Order. Rescission of Board Order No. R6V-2010-0010 will require a refund of financial assurance mechanisms for closure and corrective actions for a known or reasonably foreseeable release, as there are no financial assurance requirements in the General Order.
- c. The General Order, Finding No. 13, states that "it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order," and allows a Regional Water Board to issue individual WDRs should it be determined that, due to site-specific conditions, coverage under the General Order would not be protective of water quality. However, at this Facility, the depth to groundwater is over 300 feet below ground surface, no surface water bodies occur on the site, and the Facility was constructed in accordance with CCR, title 27 requirements, which meets or exceeds the requirements of the General Order. Therefore, site-specific conditions do not exist that necessitates more protective measures than those specified in the General Order, and regulation under the General Order is protective of water quality for this Facility.
- d. The Discharger submitted an Annual Monitoring Report on May 5, 2016, demonstrating compliance with WDRs, Board Order No. R6V-2010-0010. To date, groundwater and vadose zone sampling data results show no indication of a release from the Facility. However, monitoring of the vadose zone and groundwater will continue pursuant to the requirements of the General Order.

5. Conclusion

It is in the public interest to rescind Waste Discharge Requirements, Board Order No. R6V-2010-0010 and regulate the discharge under requirements contained in the General Order.

6. California Environmental Quality Act

Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with CCR, title 14, section 15321.

7. Notification of Interested Parties

The Water Board has notified the Discharger and interested persons of its intent to rescind WDRs, Board Order No. R6V-2010-0010.

8. Public Meeting

The Water Board, in a public hearing, heard and considered all comments pertaining to this Rescission Order.

IT IS HEREBY ORDERED that Waste Discharge Requirements, Board Order No. R6V-2010-0010 is hereby rescinded.

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on September 14, 2016.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

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ENCLOSURE 2

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Item 6

RESCISSION of WASTE DISCHARGE REQUIREMENTS

Nursery Products Hawes Composting Facility

Lahontan Regional Water Quality Control Board
September 14, 2016 – Apple Valley, CA
Brianna St. Pierre, Engineering Geologist



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TOPICS OF DISCUSSION

1. Reason for Action
2. Facility Location and Description
3. Differences in Requirements
4. Water Quality Protection
5. Conclusions and Recommendation

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REASON FOR ACTION

- Rescind Waste Discharge Requirements
- Enroll Facility in Statewide General Order for Composting Operations

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LOCATION

Nursery Products Hawes Composting Facility



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REQUIREMENT DIFFERENCES Construction Requirements

	CCR, title 27	General Order**
Surface Impoundment	1,000-year, 24-hour storm event capacity	25-year, 24-hour storm event capacity
Surface Impoundment	1.0x10 ⁻⁶ conductivity **1.0x10 ⁻⁸ clay layer	1.0x10 ⁻⁶ conductivity
Storm Water Berms	100-year, 24-hour event	25-year, 24-hour event
Waste Pile	1.0x10 ⁻⁶ conductivity	1.0x10 ⁻⁵ conductivity

The image shows a wide, flat, open area, likely a construction site or impoundment. The ground is light-colored and appears to be covered in a thin layer of material. There are some small structures or equipment visible in the distance.

REQUIREMENT DIFFERENCES Monitoring Requirements

	Title 27	General Order**
Surface Impoundment (Pond)	2 ft freeboard, monthly	No requirement
Leak Detection Sump	Weekly, then quarterly	Monthly during wet season, quarterly
Sludge in Surface Impoundment	Annually	No requirement
Unsaturated Zone of Surface Impoundment	Quarterly	No requirement
Groundwater	Quarterly and Annually	Optional
Waste Pile (Pad)	Quarterly and Annually	No requirement

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REQUIREMENT DIFFERENCES Financial Assurance Requirements

	Title 27	General Order
Known or Reasonably Foreseeable Release	Required	No Requirement
Closure	Required	No Requirement

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WATER QUALITY PROTECTION

- Constructed to CCR, title 27 requirements
- Sands, silty sands, clay and gravel
- Groundwater over 300 feet below ground surface



CONCLUSIONS AND RECOMMENDATION

Regulation of this Facility under the Statewide General Order for Composting Operations is appropriate to ensure the protection of water quality and beneficial uses of the waters of the State.

Water Board Staff recommend rescission of Waste Discharge Requirements for Nursery Products Hawes Composting Facility, with concurrent enrollment in the Statewide General Order for Composting Operations.

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QUESTIONS?

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