

California Regional Water Quality Control Board
Santa Ana Region

January 23, 1998

Staff Report

ITEM: 15

SUBJECT: Waiver of waste discharge requirements for certain composting operations within the Santa Ana Region, Resolution No. 98-30

DISCUSSION:

The Santa Ana Regional Water Quality Control Board (hereinafter Regional Board) prescribes Waste Discharge Requirements (WDRs) for waste discharges in accordance with Section 13263(a) of the California Water Code. However, many types of discharges do not contain a significant amount of pollutants that could adversely impact the quality of waters of the State if all applicable laws, conditions, and regulations established by local and state agencies are complied with. Section 13269 of the California Water Code empowers the Regional Board to waive waste discharge requirements for specific types of discharges, where such waivers are not against the public interest. Such waivers are conditional and may be terminated by the Regional Board at any time.

The waiver of waste discharge requirements is a project for the purposes of the California Environmental Quality Act (CEQA). Through consultation and coordination with Regional Board staff, the State Water Resources Control Board (SWRCB) staff developed the conditional waiver of WDRs, which includes animal manures as additives, for certain composting operations¹ for the regions. In accordance with CEQA, in April 1995, SWRCB staff circulated a proposed negative declaration for the conditional waiver on behalf of all Regional Boards through the State Clearinghouse for public review and comment.

On April 18, 1996, the Regional Board adopted Resolution No. 96-42, which conditionally waives waste discharge requirements and adopted a negative declaration for certain composting operations within the Santa Ana Region. Resolution No. 96-42 specifically excludes the use of manure as additives for composting. Since the adoption of Resolution No. 96-42, Regional Board staff has recognized the following:

- 1 The use of a limited amount of manure as an additive, where it does not pose a significant threat to water quality, is acceptable for proper composting.

¹ These composting operations include greenwaste, food processing waste, agricultural waste, and paper waste composting. See Findings 9, 10, 11, and 12 of Resolution No. 98-30 for definitions.

2. The storage of feedstock and chipped and ground greenwaste for more than seven days at a mulching and grinding facility can initiate and promote natural decomposition of organic matter. Decomposition of more than 1,000 cubic yard of organic waste can generate enough leachate to be of a water quality concern. When the leachate is not properly managed, it could pose a threat to water quality.

To ensure better utilization of limited staff resources and to ensure water quality protection, the proposed resolution revises Resolution No. 96-42:

1. To allow the use of manure as an additive in the composting operations, and
2. To require mulching and grinding facilities that store 1,000 cubic yards or more of feedstock and chipped and ground greenwaste for more than seven (7) days to file a ROWD with the Regional Board to demonstrate compliance with the waiver conditions.

The proposed revisions are consistent with the SWRCB's conditional waiver of WDRs developed on behalf of the Regional Boards for composting operations. Since the SWRCB had conducted an initial study and circulated a negative declaration for public review and comments previously, additional CEQA review and comment are not required.

The conditions of the waiver contained in Resolution No. 98-30 implement the Water Quality Control Plan for the region, and are consistent with applicable provisions of the SWRCB regulations governing discharges of wastes to land.

RECOMMENDATION:

Adopt Resolution No. 98-30 as presented.

Comments were solicited from the following agencies:

U. S. Environmental Protection Agency - Donna Orebec
U. S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch
U.S. Fish and Wildlife Service - Carlsbad
State Water Resources Control Board - Ted Cobb, Office of the Chief Counsel
State Water Resources Control Board - John Youngerman, Division of Water Quality
State Water Resources Control Board - Elizabeth Haven, Division of Clean Water Programs
State Department of Water Resources - Glendale
State Department of Fish and Game - Fred Worthley
State Department of Health Services - San Diego/Santa Ana/San Bernardino
California Integrated Waste Management Board, Sacramento - Don Dier

Comments were solicited from the following agencies (continued):

Orange County Health Care Agency, LEA - Patricia Henshaw
Orange County Integrated Waste Management Department - Vicki Wilson
Orange County Environmental Management Agency - Chris Crompton
Orange County Water District - Nira Yamachika
Riverside County Department of Environmental Health Services, LEA - Steven
Moise
Riverside County Waste Resources Management District - Robert Nelson
Riverside County Flood Control and Water Conservation District - Jason Christie
San Bernardino County Waste System Division - Paul Glass
San Bernardino County Department of Environmental Health Services - Pam
Bennett
San Bernardino County Department of Environmental Health Services, LEA - James
Trujillo
San Bernardino County Land Management
San Bernardino County Transportation/Flood Control Department - Naresh Varma
City of Huntington Beach, Public Works Department - Doug Stack
City of Riverside, Public Works - Rick McGrath
City of Rialto, Public Works - John Gerardi
City of Redlands, Public Works - Gary Phelps
City of Upland, Public Works - Rob Turner
Western Waste Industries - Jack Kurchian

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. 98-30

Waiver of Waste Discharge Requirements for Certain
Composting Operations Within the Santa Ana Region

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board) finds that:

1. Section 13260 (a) of the California Water Code (WC) requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, that could affect the quality of the waters of the State, shall file a report of waste discharge (ROWD).
2. WC Section 13269 authorizes the Regional Water Quality Control Boards (RWQCBs) to waive waste discharge requirements (WDRs) for a specific discharge or for a specific type of discharge where such a waiver is not against the public interest. Such waiver is conditional: it may be terminated for any type of discharge at any time; it does not authorize any discharge that is otherwise prohibited or regulated; it does not preclude the need for permits which may be required by other local or governmental agencies; and it does not preclude the RWQCB from taking enforcement actions for violations of the terms and conditions set forth in the waiver or for any discharges that cause or threaten to cause violation of provisions of the Basin Plan or that create or threaten to create a condition of pollution or nuisance.
3. WC Section 13267(c) authorizes the RWQCBs to enter a facility premise without prior notice in order to inspect areas used for storage or treatment of waste.
4. Title 23 of the California Code of Regulations (23 CCR) Section 2200 authorizes the RWQCBs to require dischargers to submit a fee of \$750.00 to the RWQCBs to cover staff review of the ROWD. Pursuant to 23 CCR Section 2200.4, RWQCB staff will calculate review costs using a rate of \$50.00 per hour. Any unused fee funds will be refunded to the discharger.
5. The California Integrated Waste Management Board (CIWMB) has adopted regulations governing the composting of green material, animal material, sewage sludge and municipal solid waste under Title 14, Division 30, Chapter 3.1. There are significant differences in the scope, authority and focus between the CIWMB's regulations governing composting and the State Water Resources Control Board (SWRCB) regulations governing discharges of waste to land.

6. Through consultation and coordination with Regional Board staff, the State Water Resources Control Board (SWRCB) staff developed the conditional waiver of WDRs, which includes animal manures as additives, for certain composting operations¹ for the regions. In accordance with CEQA, in April 1995, SWRCB staff circulated a proposed negative declaration for the conditional waiver on behalf of all Regional Boards through the State Clearinghouse for public review and comment.
7. On April 18, 1996, the Regional Board adopted Resolution No. 96-42, which conditionally waives waste discharge requirements and adopted a negative declaration for certain composting operations¹ within the Santa Ana Region. Resolution No. 96-42 prohibits the use of animal manure as additives for composting. Since the adoption of Resolution No. 96-42, Regional Board staff has recognized the following:
 - a. The use of a limited amount of manure as an additive, where it does not pose a significant threat to water quality, is acceptable for proper composting.
 - b. The storage of feedstock and chipped and ground greenwaste for more than seven days at a mulching and grinding facility can initiate and promote natural decomposition of organic waste. Decomposition of organic waste can generate enough leachate to be of a water quality concern. When the leachate is not properly managed, it could pose a threat to water quality.
8. To ensure better utilization of limited staff resources and to ensure water quality protection, the proposed resolution revises Resolution No. 96-42:
 - a. To allow the use of manures as additives in the composting operations. Based on composting industry practices and best professional judgement, Regional Board staff has determined that waste feedstock or finished compost that contains no more than fifteen percent (15%) by volume of manures², when used as additives, will not significantly pose a threat to water quality; and
 - b. To require mulching and grinding facilities that store 1,000 cubic yards or more of feedstock and chipped and ground greenwaste for more than seven (7) days to file a ROWD with the Regional Board to demonstrate compliance with the waiver conditions set forth in Attachment "A" of this resolution.

¹ These operations include greenwaste, food processing waste, agricultural waste, and paper waste composting. See Findings 9, 10, 11, and 12 for definitions of greenwaste, food processing waste, agriculture waste, and paper waste.

² Manures such as horse, steer, and chicken manures.

9. "Green waste" consists of or contains waste from plants, including leaves, clippings, cuttings, trimmings of grass, weeds, shrubbery, bushes, or trees, residential or community garden wastes, and untreated wood wastes, and does not include any substance included in Finding 15.
10. "Food processing waste" consists of or contains only pre-process and post-process waste derived from plants, or foods processed or produced at restaurants, hospitals and food distributors and does not include any substance included in Finding 15.
11. "Agricultural waste" is the product of farms and ranches and consists of the plant waste coming directly from an agricultural commodity, and by-products processed from these products, as defined in Division 21, Part 2, Chapter 1, Section 58619 of the Food and Agriculture Code. Agricultural waste includes agricultural, floricultural, silvicultural, vermicultural or viticultural products, and does not include any substance included in Finding 15.
12. "Paper waste" consists of nonhazardous paper and paper by-products, and does not include any substance included in Finding 15 .
13. "Additive" consists of waste or products which are approved by the RWQCB for mixture with feedstock or treated wastes in order to adjust the moisture level, carbon to nitrogen ratio, or porosity in order to create a condition favorable to composting, or to improve the end-product. These additives include manures, fertilizers, and chemical amendments, and do not include any substance included in Finding 15.
14. "Discharger" means any person who discharges waste which could affect the quality of waters of the state, and includes any person who owns a waste management unit or who is responsible for the operation of a waste management unit [Title 23, California Code of Regulations (23 CCR) Section 2601].
15. Compliance with the terms and conditions set forth in Attachment "A" of this resolution is not sufficient to prevent the threat to water quality posed by discharges of the following wastes for treatment by composting:
 - (A) municipal solid waste;
 - (B) sludges (including sewage sludge, water treatment sludge, and industrial sludge);
 - (C) septage;
 - (D) liquid wastes, unless specifically approved by the RWQCB;
 - (E) animal waste;

15. (cont'd)

- (F) oil and grease;
 - (G) hazardous, designated, and other wastes determined by the RWQCB to pose a potential threat to water quality; and
 - (H) manures, where they account for more than fifteen (15%) by volume of the total waste feedstock or finished compost in the composting operations.
16. Discharges of up to 500 cubic yards of green waste, food processing waste, agricultural waste, or paper waste for storage and treatment by composting on properties such as agricultural or residential property, parks, community gardens, or nurseries are unlikely to affect the quality of the waters of the state.
17. Discharges whose total volume exceeds 500 cubic yards (including green waste, food processing wastes, agricultural waste, paper waste, or any approved additives) for storage and treatment by composting may affect the quality of the waters of the state through discharge of leachate containing organic or inorganic by-products of decomposition into ground or surface waters. Discharges of green waste, food processing waste, agricultural waste, or paper waste at this rate can be managed and treated in a manner that chemically or biochemically degrades by-products contained in waste and leachate, and contains, controls, or prevents any discharge of waste or associated leachate to waters of the state.
18. Discharges of 1,000 cubic yards or more of feedstock and chipped or ground greenwaste at a facility for storage beyond seven (7) days, which allows natural decomposition of organic waste to occur, may affect the quality of the waters of the state through discharge of leachate containing organic or inorganic by-products of decomposition into ground or surface waters. Therefore, greenwaste mulching and grinding operations that satisfy the above criteria are considered composting operations. As such, these greenwaste mulching and grinding facilities are required to be managed as composting facilities for run-on and runoff control.
19. The use of additives as approved by the Regional Board is not expected to pose a significant threat to water quality.
20. It is not against the public interest for the RWQCB to waive the issuance of waste discharge requirements (WDRs) for discharges of green waste, food processing waste, agricultural waste or paper waste to waste management units for composting, provided such units are properly designed and operated and that such discharges comply with the conditions set forth in Attachment "A" of this resolution.

21. Section 402 of the Clean Water Act (33 U.S.C. Section 1342(p) and regulations adopted by the U.S. Environmental Protection Agency (40 CFR Section 122.26) require that facilities which discharge storm water associated with industrial activity to surface waters of the States be regulated by a National Pollutant Discharge Elimination System (NPDES) permit. The SWRCB has adopted a General NPDES Permit for industrial activity (NPDES General Permit No. 97-03-DWQ). Composting operations are included in Standard Industrial Classifications 2875 and 2879, which are subject to the General Permit. Persons engaged in mixing fertilizers from purchased fertilizer materials (2875) or in manufacturing soil conditioners (2879) must, as a condition of this waiver of WDRs, either obtain coverage and comply with the conditions of the General Permit, or contain all runoff on site.
22. The conditions of the waiver of WDRs provided for by this resolution implement the Water Quality Control Plan for the Santa Ana Region, and are consistent with applicable provisions of the SWRCB regulations governing discharges of waste to land [§ 20080-20164, Title 27, Division 2, Subdivision 1 of Solid Waste Regulations, California Code of Regulations].
23. The SWRCB, on behalf of the RWQCBs, had circulated the Initial Study and the Negative Declaration for the conditional waiver of WDRs for the discharge of green waste, food processing waste, agricultural waste or paper waste for composting, in accordance with the California Environmental Quality Act (CEQA). The proposed revisions are consistent with the elements of the conditional waiver of WDRs. Therefore, supplemental environmental review is not necessary.
24. On January 23, 1998, the RWQCB held a hearing to consider all the evidence concerning the revised conditional waiver of WDRs for certain composting operations. Individual composting operations may have site-specific or local impacts on the physical environment that cannot be anticipated at this time; such impacts may require supplemental environmental assessment under CEQA by state or local governmental agencies.
25. The adoption of this resolution does not preempt or supersede the authority of federal or state agencies, or municipalities or other local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.

THEREFORE, BE IT RESOLVED that the California Regional Water Quality Control Board, Santa Ana Region:

1. Waives WDRs for composting operations in accordance with criteria specified under Part I, Attachment "A" of this resolution. WDRs for composting operations shall be considered waived only after a complete ROWD is submitted, and the Executive Officer concurs that the conditions specified under Part II of Attachment "A" will be met. This action, waiving WDRs, is conditional, and may be terminated at any time.
2. Directs the Executive Officer to forward copies of this resolution to the State Water Resources Control Board.
3. Rescinds Resolution No. 96-42.

I, Gerard J. Thibeault, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Santa Ana Regional Water Quality Control Board, on January 23, 1998.


Gerard J. Thibeault
Executive Officer

Attachment "A"
RESOLUTION NO. 98-30

I. WAIVER OF WDRs

WDRs for discharge of green waste, food processing waste, agricultural waste, or paper waste to land for composting are waived, as follows:

1. Any person discharging or proposing to discharge up to 500 cubic yards of green waste, food processing waste, agricultural waste or paper waste for storage and treatment by composting shall not be required to file a Report of Waste Discharge (ROWD) and shall not be subject either to the Conditions set forth in Part II, below, or to the issuance or waiver of waste discharge requirements (WDRs).
2. Any person discharging or proposing to discharge waste whose total volume exceeds 500 cubic yards at any given time (including green waste, food processing waste, agricultural waste, paper waste, and any approved additives) for storage and treatment by composting shall submit a ROWD to the Regional Water Quality Control Board (Regional Board) documenting compliance with the conditions set forth in Part II, below, and either a Notice of Intent to comply with the requirements set forth in State Water Resources Control Board (SWRCB) Order No. 97-03-DWQ for discharge of storm water or documentation that NPDES storm water permit requirements are not applicable to the discharger's composting facility, together with the appropriate filing fee. Such persons shall comply with the conditions set forth in Part II, below.
3. Any person discharging or proposing to discharge 1,000 cubic yards or more of feedstock and chipped and ground greenwaste for storage beyond seven (7) days shall submit a ROWD to the Regional Water Quality Control Board (Regional Board) documenting compliance with the conditions set forth in Part II, below, and either a Notice of Intent to comply with the requirements set forth in State Water Resources Control Board (SWRCB) Order No. 97-03-DWQ for discharge of storm water or documentation that NPDES storm water permit requirements are not applicable to the discharger's composting facility, together with the appropriate filing fee. Such persons shall comply with the conditions set forth in Part II, below.
4. The waiver shall remain in effect until such time as it is terminated.

II. CONDITIONS

1. Any ROWD submitted shall contain the following information:
 - A. name and address of discharger;
 - B. taxpayer identification number;
 - C. name, address, and telephone number of contact person if discharger is a corporation or limited partnership;
 - D. name of landowner if different from name of discharger;
 - E. address or legal description of property upon which green waste, food processing waste, agricultural waste, or paper waste will be discharged;
 - F. description of the composting operation, including an explanation of the manner in which storage and treatment areas will be designed, constructed, and managed in order to impede the migration of liquid phase constituents to ground or surface water;
 - G. total expected precipitation from the 24-hour, 25-year storm event;
 - H. description of land and water use within a one-mile radius of the operation;
 - I. soil characteristics, including soil permeability;
 - J. average depth to ground water;
 - K. date of planned commencement of operation;
 - L. maximum cubic yards or tons of incoming waste per day, month, or year, and anticipated quantities of compost to be generated in cubic yards or tons per day, month, or year;
 - M. identification of whether seasonal or continuous operation is planned;
 - N. verification of CEQA compliance or statement that compliance is unnecessary;

II. CONDITIONS - cont'd

- O. a scaled, topographic map indicating the following:
 - i. the property boundary;
 - ii. all onsite and adjacent surface water bodies, including perennial and intermittent streams, and artificial drainages;
 - iii. location of the nearest domestic, agricultural or municipal water supply well;
 - iv. specific areas of the site used for onloading and offloading, storage and treatment (composting) of wastes, and for curing or storage of compost of treated wastes;
 - v. final grades of all storage and treatment areas;
 - vi. berms, if any;
 - vii. water retention basins, if any; and
 - viii. topography of the compost operation and surrounding landscape.
 - P. Additional site-specific information if required by the Regional Board in order to determine whether a proposal meets the conditions of this waiver.
2. Any discharger who violates or fails to comply with the terms and conditions contained of this resolution or who fails to notify the Regional Board within 30 days of any significant changes in the nature of the discharge, or in ownership, operation or location of the facility, shall be found to be discharging waste in violation of the California Water Code (WC) Section 13264.
3. The discharge of green waste, food processing waste, agricultural waste, or paper waste³ for storage and treatment by composting shall not cause or threaten to cause a condition of contamination, pollution or nuisance.

³ See Findings 9, 10, 11, and 12 for the definitions of greenwaste, food processing waste, agricultural waste, and paper waste.

II. CONDITIONS - cont'd

4. The use of additives⁴ is allowed, provided that such use of additives does not pose a threat to water quality, and provided that such use is approved by the Regional Board.
5. The discharge of any waste other than green waste, food processing waste, agricultural waste, paper waste, or additives (refer to Finding 13 of Resolution No. 98- on any area used to store or treat wastes is prohibited. Such wastes include but are not limited to those listed in Finding 15 of Resolution No. 98-30.
6. Containment structures such as berms, liners or surface impoundments shall be maintained in order to ensure proper performance whenever wastes are discharged.
7. The discharger shall design, construct and maintain the areas used for storage and treatment of green waste, food processing waste, agricultural waste, or paper waste and additives to control and manage all run-on, runoff, and precipitation which falls onto or within the boundaries of the storage and treatment areas. All areas at which green waste, food processing waste, agricultural waste, or paper waste and additives are discharged for storage or treatment shall be protected from inundation by surface flows associated with the 24-hour, 25-year storm event that may occur during the period of storage of wastes or treatment. In the event that rainfall exceeds the 24-hour, 25-year storm event, liquids and storm water shall be discharged in a manner approved by the Regional Board and shall not cause or threaten to cause contamination, pollution, or nuisance.
8. Prior to the onset of the rainy season, the discharger shall conduct an annual survey of the operation in order to assure that the site has been graded and prepared for the rainy season to eliminate and prevent erosion and to prevent ponding.
9. The discharger shall allow Regional Board staff to:
 - A. copy any record required to be kept under the terms and conditions of this resolution;
 - B. sample any waste, additives, discharge, run-on or runoff; and
 - C. take recordings, photographs, or videotapes of the facility.

⁴ See Finding 13 of Resolution No. 98-30 for the definition of additives.

II. CONDITIONS - cont'd

10. All areas upon which waste is discharged for storage and treatment shall have surfaces capable of preventing degradation of waters of the state as a result of waste storage or treatment. Such surfaces shall be designed, constructed and maintained to: (1) impede vertical movement of liquid phase constituents and (2) reliably transmit most of the liquid generated during storage and treatment of waste laterally across the upper surface of the layer, thereby preventing significant quantities of liquids from entering ground or surface waters throughout the lifetime of the operation. If the equipment operating near or on storage and treatment areas produces subsidence, cracking, or otherwise compromises any surface, the discharger shall repair any damaged areas immediately.
11. The discharger shall inspect storage and treatment areas for the emergence of leachate, ponding, or surface failures such as cracking or subsidence; such inspections shall be frequent enough to ensure compliance with the conditions of this resolution. If visible leachate, ponding, cracking, or subsidence of surfaces is observed, the discharger shall immediately take necessary measures to maintain the performance standards described in Condition 10.
12. A discharger shall notify the Regional Board of: (1) any significant change in the nature and quantity of waste composted, area of operation, or season of operation; or (2) termination of operation.
13. By **April 30** of each year, the discharger shall submit an annual report to the Regional Board regarding its compliance with Conditions 2 through 12, specified above.