

California Regional Water Quality Control Board, San Diego Region

May 13, 2015

CR&R – San Juan Capistrano
P.O. Box 100
San Juan Capistrano, CA 92693

In reply refer to:
804775: RMitchell

CR&R – Stanton (Headquarters)
11292 Western Avenue
Stanton, CA 90680

Subject: Second and Final Notice of Adoption of Order No. R9-2014-0041 for Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region

CR&R Management:

This second and final letter¹ serves to notify the CR&R (Discharger) that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted Order No. R9-2014-0041 – *Conditional Waiver of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region* (Order) on June 26, 2014.² Waiver No. 5 – *Discharges of Waste to Land at Composting Facilities* (Composting Facilities Waiver) is one of the conditional waivers contained within the Order. For your reference, a copy of the Composting Facilities Waiver has been enclosed (Enclosure No. 1) with this letter.

This letter further serves to notify the Discharger that the San Diego Water Board is requesting that the Discharger file both a Notice of Intent (NOI) and the Compost Facility Certification with the San Diego Water Board, for the enrollment of the composting facility located at 31641 Ortega Highway in Rancho Mission Viejo (Facility). Based on aerial photographs of the Facility (Enclosure No. 3), it appears that the Discharger has been operation the Facility since September 2010. To avoid enforcement actions, the Discharger must file both the NOI and Compost Facility Certification forms, to be received by the San Diego Water Board no later than 5:00 pm on June 2, 2015.

If the Facility qualifies as a composting-related activity that is conditionally exempted from filing an NOI, as specified in section A.2 of the Composting Facilities Waiver, please notify the San Diego Water Board in writing, no later than May 22, 2015, to assist us in updating our records.

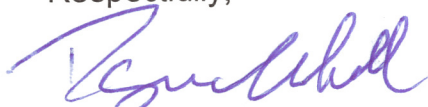
¹ Initial notification of the availability of the Order and the Composting Facilities Waiver, was delivered to CR&R, Inc. Headquarters and Mr. Jerry Laster of Rancho Mission Viejo LLC. on July 21, 2014 (Enclosure No. 2).

² Order No. R9-2014-0041 is available on-line at:
http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2014/R9-2014-0041.pdf

In the event any composting facility is unable to comply with the general and specific conditions of the Composting Facilities Waiver, Dischargers are required to file a report of waste discharge (ROWD) with the San Diego Water Board. A ROWD is an application submitted by the Discharger to receive waste discharge requirements (i.e., a permit) issued by the San Diego Water Board.

In the subject line of any response, please include the reference code 804775:RMitchell. Please contact Mr. Roger Mitchell at 619-521-5898, or at Roger.Mitchell@waterboards.ca.gov if you have any questions.

Respectfully,



Roger N. Mitchell, P.G.
Engineering Geologist
Cleanup and Land Discharge Branch

Enclosures (3):

- (1) Waiver No. 5 for Discharges of Waste to Land at Composting Facilities
- (2) Notice of Adoption of Order No. R9-2014-0041 for Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region, dated July 21, 2014
- (3) Ortega Highway Composting Facility Aerial Photographs 2010-2014

RNM:jro:rnm

Tech Staff Info & Use	
Reg. Measure ID	397016
Order No.	R9-2014-0041W5

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER No. R9-2014-0041

**CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR
LOW THREAT DISCHARGES IN THE SAN DIEGO REGION**

The Discharger, as described in the following table is subject to the waiver of waste discharge requirements as set forth in this Order:

Table A. Discharger Information

Discharger	Any person responsible for the discharge of low threat discharges which in accordance with the general and specific conditions specified in each of the waivers are unlikely to affect the quality of the waters of the State.
Dischargers regulated under this Order and the applicable waivers contained within, must be subject to application and annual fees assessed relative to their assigned threat and complexity ranking or other discharge specific conditions identified in California Code of Regulations, Title 23, section 2200.7.	

Discharges of wastes by persons from their locations in the San Diego Region are subject to the requirements set forth in this Order. Administrative information regarding this Order is contained in Table B below.

Table B: Administrative Information

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	June 26, 2014
This Order shall become effective on the date of adoption.	

I, David W. Gibson, Executive Officer, do hereby certify that this Order with all appendices is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on June 26, 2014.

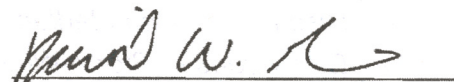

David W. Gibson
Executive Officer

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CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR
LOW THREAT DISCHARGES IN THE SAN DIEGO REGION

ORDER NO. R9-2014-0041

PART I GENERAL FINDINGS

The California Regional Water Quality Control Board, San Diego Region (hereinafter **San Diego Water Board**), finds that:

- A. **LEGAL AUTHORITY TO ISSUE WAIVERS.** Water Code section 13260(a) and (c) require persons proposing to discharge waste,¹ or proposing to make a material change in the character, location, or volume of a discharge to file a report of waste discharge (ROWD) with the appropriate California Regional Water Quality Control Board (Regional Water Board). Water Code section 13264 prohibits persons from initiating any new discharge of waste or making any material changes in any discharge prior to the filing of a ROWD and being issued waste discharge requirements (WDRs) by the appropriate Regional Water Board.

Under authority of Water Code 13263(d), the San Diego Water Board may prescribe WDRs although no ROWD has been filed.

Pursuant to Water Code section 13269(a)(1), the San Diego Water Board may waive the provisions of sections 13260(a) and (c), or 13264(a) for a specific discharge or type of discharge, if it determines the waiver is consistent with the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) and is in the interest of the public. Water Code section 13269(a)(2) stipulates a waiver may not exceed five years in duration, but may be renewed by the San Diego Water Board. Waivers must be conditional and may be terminated at any time by, the State Water Resources Control Board (State Water Board), or the San Diego Water Board.

In accordance with the Basin Plan, Chapter 4, a waiver of WDRs would not be against the public interest if either of the following circumstances apply to the discharges in that category:

1. *The type of discharge does not adversely affect the quality² or the beneficial uses³ of the waters of the State.⁴*
2. *The type of discharge is not readily amenable to regulation through the adoption of individual WDRs but warrants San Diego Water Board oversight to ensure compliance with mandated conditions.*

Water Code section 13269 does not authorize the San Diego Water Board to issue waivers of WDRs for waste discharges subject to federal regulations⁵ implementing the federal Clean Water Act and the federal National Pollutant Discharge Elimination System (NPDES) regulations.

- B. **PURPOSE.** The purpose of this Order is to:

¹ The term "waste" is as defined in Water Code section 13050(d).

² The term "quality of the water" is as defined in Water Code section 13050(g).

³ The term "beneficial uses" is as defined in Water Code section 13050(f).

⁴ The term "waters of the State" is as defined in Water Code section 13050(e).

⁵ Water Code section 13370 et seq.

1. revise and renew several waivers adopted by the San Diego Water Board as an amendment to the Basin Plan in Resolution No. R9-2007-0104, which expired on February 3, 2014;
 2. incorporate a waiver for discharges from aquatic animal production facilities;
 3. issue new waivers for specific types of discharges within the San Diego Region, which pose a low threat to the waters of the State, and are not currently regulated by the San Diego Water Board;
 4. reorganize the waivers by grouping the specific types of discharge into discharge classifications;
 5. provide general waiver conditions applicable to a discharge or discharge operations for all specific types of discharge within a discharge classification; and
 6. provide specific waiver conditions for each specific type of discharge within a discharge classification, if applicable.
- C. **DISCHARGER.** As the term applies in this Order, a "Discharger" is any person or persons that discharge, have the potential to discharge, or propose to discharge waste that could directly or indirectly affect the quality and/or beneficial uses of the waters of the State.
- D. **DISCHARGE LOCATION.** All discharges subject to this Order are located within the boundaries of the San Diego Region.
- E. **WASTE DISCHARGES SUBJECT TO THIS ORDER.** Where specified in this Order, for a specific type of waste discharge or discharge classification (i.e., waiver), the filing of a ROWD is required. For the purposes of this Order, a completed Notice of Intent (NOI) may serve as the Dischargers' ROWD. Discharges which do not exceed certain qualifying criteria specified in each specific waiver, are not required to file an NOI.⁶ As documented in the Technical Report, *Information Sheet for Order No. R9-2014-0041*, waivers for these specific types of discharges are in the public interest.
1. Discharges from on-site graywater disposal systems;
 2. Discharges of recycled water to land from short-term projects;
 3. Discharges of recycle water to land from permanent projects;
 4. Discharges from construction and test pumping of water wells to land;
 5. Discharges of air conditioner condensate and non-contact cooling water to land;
 6. Swimming pool discharges to land;
 7. Discharges from short-term construction dewatering operations to land;
 8. Discharges from utility vaults and underground structures to land;
 9. Miscellaneous "Low threat" discharges to land and/or groundwater;

⁶ For those discharges requiring the submittal of an NOI, enrollment in the waiver begins upon submittal of the NOI, unless otherwise specified in the waiver's conditions.

10. Discharges of winery process water to lined evaporation ponds at small wineries;
11. Discharges of waste to land at composting facilities;
12. Discharges of storm water runoff from silvicultural operations;
13. Discharges from timber harvesting projects;
14. Discharges from wildfire suppression and fuels management activities;
15. Discharges from small animal feeding operations;
16. Discharges from medium animal feeding operations;
17. Discharges of storm water runoff from animal operations;
18. Discharge/application of manure to soil as an amendment or mulch;
19. Discharges from grazing lands;
20. Discharges of wastewater from facilities producing less than 9,090 harvest weight kilograms per year of cold water aquatic species;
21. Discharges of wastewater from facilities producing less than 45,454 harvest weight kilograms per year of warm water aquatic species;
22. Discharges of drilling muds to land;
23. Discharges of concrete grinding residues to land;
24. Discharges of slurries from sand and gravel mining operations to land;
25. Discharge/application of amendments and/or mulches to soil;
26. Discharges/disposal of inert waste to solid waste disposal facilities only accepting inert wastes;
27. Discharges of soils containing wastes to temporary waste piles;
28. Discharges/Disposal/Reuse of soils characterized as inert from contaminated sites to land;
29. Discharges of waste related to fireworks displays over land;
30. Other periodic aerial discharges of wastes over land;
31. Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters;
32. Discharges of disaster related wastes to temporary waste piles and surface impoundments;
33. Discharges of mass mortality wastes to temporary waste piles and emergency landfills;
34. Discharges of dredge or fill material into non-federal waters of the State;
35. Emergency repair and protection activities in non-federal waters of the State; and
36. Other discharges of emergency/disaster related wastes.

Each of the discharge types listed above may originate from a single Discharger, have similar discharge sources and/or environmental settings, and have similar waiver conditions. Therefore, these types of discharges are grouped together into 12 discharge classifications. Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

- F. **THREAT TO WATER QUALITY.** Discharges from the proceeding categories can and/or do contain wastes, as defined in Water Code section 13050, that could affect the beneficial uses and quality of the waters of the State. If not properly managed, these discharges can percolate to groundwater or runoff to surface waters, adversely affecting both surface water and groundwater. Such wastes that enter or threaten to enter into waters of the State include, but may not be limited to:

1. earthen wastes (e.g., soil, silt, sand, clay, and rocks);
2. inorganic wastes (e.g., metals, salts, nutrients, etc.);
3. organic wastes (e.g., organic pesticides, hydrocarbons, etc.); and
4. biological wastes (e.g., bacteria and pathogens).

Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

- G. **ANTIDEGRADATION POLICY.** This Order is consistent with the provisions of Resolution No. 68-16 "*Statement of Policy with Respect to Maintaining High Quality Waters in California*" (Antidegradation Policy). Likewise, this Order is consistent with the federal Antidegradation Policy.⁷ The San Diego Water Board, in regulating the discharge of waste, must have sufficient ground to adopt findings which demonstrate that any water quality degradation resulting from this Order will:

1. be consistent with the maximum benefit to the people of the State;
2. not unreasonably affect existing and potential beneficial uses of such water; and
3. not result in water quality less than that described in the Basin Plan.

Dischargers, who enroll in these waivers are required to manage their wastes in a manner that protects beneficial uses, and prevent nuisance⁸ by implementing management measures (MMs) and best management practices (BMPs).

- H. **MONITORING.** Water Code section 13269(a)(2) requires waivers be conditioned upon the performance of individual, group, or watershed-based monitoring unless the San Diego Water Board determines the discharges do not pose a significant threat to water quality. Monitoring requirements in this Order must be designed to support the development and implementation of the waiver program including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing requirements, the San Diego Water Board may consider the volume, duration, frequency, and constituents of the discharge, the extent and type of existing monitoring activities including, but not limited to, existing watershed-

⁷ Code of Federal Regulations Title 40, section 131.12.

⁸ The term "nuisance" is as defined in Water Code section 13050(m).

based compliance and effectiveness monitoring efforts, the size of the project area; and other relevant factors.

The only waiver conditioned upon performance of monitoring is Waiver No. 8. If the waste discharges enrolled in a specific waiver are determined to pose a potential threat to water quality, the San Diego Water Board may require the Dischargers to perform monitoring to verify compliance with the waiver conditions.

The San Diego Water Board adopted *A Framework for Monitoring and Assessment in the San Diego Region*, dated November 2012, to facilitate the transition from discharge-oriented monitoring and assessment to water body-oriented monitoring and assessment in the Region. The monitoring requirements of Waiver No. 8 are consistent with the Framework.

All monitoring and reporting requirements specified in Waiver No. 8 are issued pursuant to Water Code sections 13267 and 13269; and are necessary to evaluate:

1. compliance with the terms and conditions of the Waiver No. 8;
2. effectiveness of any measures or actions taken in accordance with Waiver No. 8 and/or the San Diego Basin Plan; and
3. whether revisions of Waiver No. 8, additional regulatory programs, or enforcement actions are warranted.

Failure to submit a report in accordance with schedules established by the waivers, Monitoring and Reporting Requirements approved by the San Diego Water Board Executive Officer, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, or failure to comply with the conditions of the waivers, may subject a Discharger to enforcement action pursuant to Water Code section 13268 and/or 13350 and/or the requirements to submit a ROWD.

The burden, including cost, of these reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

In accordance with Water Code sections 13267(b)(1) and 13269(a)(2), the San Diego Water Board has considered the costs of implementing the monitoring requirements specified in Waiver No. 8, and finds they will not result in any additional economic burden for dischargers.

- I. **WATER QUALITY STANDARDS.** The Basin Plan and relevant statewide water quality control plans (collectively Plans) establish water quality standards for the San Diego Region. These water quality standards consist of designated beneficial uses, WQOs, and the antidegradation policy. These Plans also contain implementation plans and policies for interpreting and achieving water quality standards.

Table 2 below identifies the beneficial uses designated in the Basin Plan for groundwater and surface water in the San Diego Region.

Table 2: Beneficial Uses for Groundwater and Surface Waters

Beneficial Uses	Abbreviations
Agricultural Supply	AGR
Aquaculture	AQUA
Preservation of Biological Habitats of Special Significance	BIOL
Cold Freshwater Habitat	COLD
Commercial and Sport Fishing	COMM
Estuarine Habitat	EST
Freshwater Replenishment	FRSH
Ground Water Recharge	GWR
Industrial Process Supply	PROC
Industrial Service Supply	IND
Inland Saline Water Habitat	SAL
Marine Habitat	MAR
Migration of Aquatic Organisms	MIGR
Municipal and Domestic Supply	MUN
Navigation	NAV
Hydropower Generation	POW
Noncontact Recreation	REC2
Preservation of Rare and Endangered Species	RARE
Shellfish Harvesting	SHELL
Spawning, Reproduction, and/or Early Development	SPWN
Warm Freshwater Habitat	WARM
Water Contact Recreation	REC1
Wildlife Habitat	WILD

The requirements of this Order implement the Basin Plan by ensuring discharge types maintained and monitored to prevent releases of wastes or waste constituents to waters of the State in a manner which could impair these beneficial uses.

- J. **ENFORCEMENT ACTIONS.** Any person in violation of any waiver condition, prohibition issued or reissued, or amended by the San Diego Water Board, may be subject to informal and formal enforcement actions, including, but not limited to, administrative civil liability under Water Code sections 13323 and 13350(d) and (e).
- K. **APPEAL.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and the Calif. Code of Regs. title 23, section 2050 et seq. The State Water Board must receive the petitions by 5:00 p.m., within 30 days after the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the State Water Board's website.⁹

⁹ http://www.waterboards.ca.gov/public_notices/petitions/water_quality/

- L. **CALIFORNIA ENVIRONMENTAL QUALITY ACT.**¹⁰ In accordance with California Code of Regulations Title (Calif. Code Regs. title) 14, section 15000 et seq., the San Diego Water Board is the lead agency for this project and has adopted a negative declaration for the project.
- M. **HOMELAND SECURITY ACT.** Any information provided to the San Diego Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.
- N. **ANNUAL FEES.** Dischargers may be required to pay an annual fee (i.e., waste discharge permit fee) established by the State Water Board in accordance with Water Code sections 13260(d)(1) and 13269(a)(4). Pursuant to Water Code section 13269(a)(4), the annual fee must be assessed in accordance with any fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23, section 2200.7.

At this time, the State Water Board has not established a fee schedule for waivers. When such a fee schedule is established, Dischargers will be required to pay an annual fee if enrolled in the following waivers.

- Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries (Waiver No. 4);
 - Discharges of Waste to Land at Composting Facilities (Waiver No. 5);
 - Discharges from Animal Operations (Waiver No. 7);
 - Discharges from Aquatic Animal Production Facilities (Waiver No. 8); and
 - Discharges/Disposal of Solid Wastes to Land (Waiver No. 10).
- O. **PUBLIC PARTICIPATION.** All of the findings contained within this Order, supplemental information and details in the attached Technical Report, and incorporated references were considered in establishing the following conditions, requirements, provisions, and specifications.

All known Dischargers and other interested parties and persons were notified of the intent to adopt this Order, and were provided with an opportunity for a public hearing and an opportunity to submit written comments.

In a public meeting, all comments pertaining to this Order were heard and considered.

- P. **STRATEGIC PLAN.** The issuance of this Order and the requirements herein are consistent with the goal to provide water resources protection, enhancement and restoration while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Board and the San Diego Water Board.
- Q. **APPLICABILITY.** Order No. R9-2014-0041 supersedes the waivers adopted as a Basin Plan amendment in Resolution No. R9-2007-0104 except for enforcement purposes regarding violations of Resolution No. R9-2007-0104. All Dischargers

¹⁰ Codified in PRC section 21000 et seq., and promulgated in Calif. Code of Regs. title 14, Chapter 3, Division 6.

previously regulated by waivers in Resolution No. R9-2007-0104 and renewed in this Order are automatically enrolled under Order No. R9-2014-0041.

Order No. R9-2014-0041 does not preempt or supersede the authority of municipalities, flood control agencies, or other State or local agencies to prohibit, restrict, or control specific types of discharges subject their jurisdictions.

Waiver No. 5 – Discharges of Wastes to Land at Composting Facilities

A. Specific Findings for Discharges of Wastes at Composting Facilities

1. The conditional waiver for discharges of Waste at Composting Facilities (Composting Facilities Waiver) is applicable to discharges of wastes³⁶ to land used in the production of compost. For the purposes of the Composting Facilities Waiver the discharge of:
 - a. Agricultural wastes,³⁷ green wastes, paper wastes, vegetative food wastes, or manures; and/or
 - b. Additives³⁸ and amendments.³⁹

Discharges of those composting related waste streams, as defined in Attachment B of this Order, are not expected to pose a significant threat to the waters of the State, as long as the discharge is carried out in accordance with the Composting Facilities Waiver general and specific conditions.

2. For the purposes of the Composting Facilities Waiver, the following composting-related activities,⁴⁰ will be addressed through different regulatory tools and are therefore conditionally exempt from the requirements of the Composting Facilities Waiver:⁴¹
 - a. Agricultural Composting Operations - Composting conducted in agricultural settings where:
 - i. wastes consisting of materials generated on-site by the production and processing of farm, agricultural, horticultural, silvicultural, floricultural, vermicultural, or viticultural products, including manures, orchard and vineyard prunings, and crop residues; and
 - ii. resulting compost are returned in a similar amount to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary. Agricultural composting operations will be addressed through General Waste Discharge Requirements that under development by the San Diego Water Board.

³⁶ As defined in Water Code section 13050(d).

³⁷ For the purposes of the Composting Facilities Waiver: "Agricultural Wastes" refers to plant materials coming directly from lands used in the productions of farm, agricultural, horticultural, silvicultural, floricultural, vermicultural, or viticultural products, including orchard and vineyard prunings.

³⁸ For the purposes of the Composting Facilities Waiver, "Additive" refers to materials, applied at rates to be consumed or fixed/immobilized during active composting, mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives are not considered as either feedstocks, or amendments.

³⁹ For the purposes of the Composting Facilities Waiver, "Amendment" refers to materials added to stabilized compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments are not considered as either feedstocks or additives.

⁴⁰ A listing of Composting-related activities is also provided in Attachment B of the Order

⁴¹ These discharges may also be subject to other federal and/or State regulations, or local ordinances.

- b. Chipping and Grinding Facilities/Operations - Refer to those operations that do not produce compost, by mechanically reduce the size, or otherwise engages in the handling of "green waste", and for which each load of "green waste" is removed from the site within 48-hours from receipt, unless the Discharger has received written permission from the Local Enforcement Agency allowing the "green waste" to remain onsite for up to 7 days.
 - c. Existing Permitted Facilities/Operations - Composting conducted at facilities (e.g., Wastewater Treatment Plants, landfills, Concentrated Animal Feeding Operations, etc.) with existing waste discharge requirements addressing discharges of wastes to land for the purposes of composting.
 - d. Lot Clearing Operations - Referring to those activities conducted for fire protection or the construction, operations, or maintenance activities conducted by a public utilities agency.
 - e. Non-Commercial Operations - Referring to "backyard" or private residential composting.
 - f. Within-Vessel and Fully Enclosed Composting Operations (e.g., anaerobic digesters)
3. In order to be eligible for the Composting Facilities Waiver, Dischargers must comply with the general and specific conditions of the Composting Facilities Waiver.
 4. Discharges of wastes to land at composting facilities that comply with the general and specific waiver conditions in the Composting Facilities Waiver are not expected to pose a threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge wastes to land at composting facilities, or plant crop residues to land, in order to meet the provisions contained in division 7 of the Water Code, section 13269, must comply the following requirements.

B. General Waiver Conditions for Compost Facilities

1. Wastes used in the production of compost may not be discharged to land, unless the Discharger has:
 - a. Submitted a complete NOI;⁴²
 - b. Submitted a complete *Compost Facility Certification*;⁴³
 - c. Submitted the first years' annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7; and

⁴² A Notice of Intent to be submitted for enrollment in the Composting Facilities Waiver is located in Attachment A of Order No. R9-2014-0041 (*Appendix B of this Technical Report*).

⁴³ A Compost Facility Certification to be submitted for enrollment in the Composting Facilities Waiver is located in Attachment B of Order No. R9-2014-0041 (*Appendix B of this Technical Report*).

- d. Received confirmation from the San Diego Water Board, that all submitted documents are complete.
2. Wastes, additives, amendments, and compost (active or stabilized) discharged to land at a composting facilities must:
 - a. Not cause, threaten to cause, or contribute to conditions of pollution, contamination, or nuisance;
 - b. Be managed to minimize and/or prevent becoming oversaturated and generating leachate;
 - c. Be located on a working surface, if exposed to precipitation or storm water run-on, having the potential to either produce process storm water or leachate; and
 - d. Be removed and recycled, reused, and/or disposed in accordance with all applicable federal, State and local agency requirements, if the Discharger ceases to operate the compost facility.
3. When the State Water Resources Control Board adopts a Statewide General Order regulating discharges of waste at composting facilities, then the San Diego Regional Board will evaluate the discharges enrolled in this waiver to determine if those projects may be better regulated by the Statewide General Order. The San Diego Water Board may terminate enrollment in this waiver for those qualifying waste discharges and enroll those qualifying facilities/operations in the Statewide General Order.

C. Specific Waiver Conditions for Compost Facilities

1. Facility Design and Management
 - a. Compost facilities must:
 - i. Comply with any local, State, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies;
 - ii. Implement management measures (MMs) and/or best management practices (BMPs) to minimize or eliminate the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the State;
 - iii. Maintain a minimum buffer zone, of at least 100 feet,⁴⁴ between the wastes, additives, amendments, and compost (active or stabilized) areas and any surface water body unless sufficient information is provided to demonstrate that a proposed alternative buffer zone is protective of water quality; and
 - iv. Contain a working surface to prevent, to the greatest extent possible, ponding, infiltration, inundation, erosion,

⁴⁴ Other federal, State, or local requirements may require larger buffer zones. This condition does not excuse the discharger from complying with other applicable buffer zone requirements.

- notwithstanding precipitation events, equipment movement, and other aspects of the composting facility operations.
- b. Compost facilities must be designed, constructed, and maintained to:
 - i. Prevent to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout, notwithstanding precipitation events, equipment movement, and other aspects of the composting facility operations;
 - ii. Prevent conditions of contamination, pollution, or nuisance resulting from the discharge of waste;
 - iii. Manage/control all run-on, runoff, and precipitation which falls onto or within the boundaries of the compost facility. The compost facility must implement MMs/BMPs to the maximum extent practicable to prevent the discharge of pollutants in storm water to MS4, or surface waters. MMs and BMPs must be implemented to be consistent with the current MS4 Permit;⁴⁵ and
 - iv. Prevent wastes, additives, amendments, and/or compost (active or stabilized) from inundation by surface flows associated with storm events that may occur during the period of processing, storage, or treatment of wastes.
 - c. Composting facility working surfaces must:
 - i. Prevent ponding and impede vertical movement of liquid phase constituents of concern; and
 - ii. Allow all necessary equipment to operate, during all times of the year, without damage, or incapacitation of equipment.
 - d. Composting facility evaporation ponds, used to manage leachate, process water, storm water, and wastewater must:
 - i. Maintain at least two feet of freeboard at all times. Staff gauges must be installed to monitor water levels; and
 - ii. Prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance.

⁴⁵ National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Order No. R9-2013-0001, NPDES No. CAS0109266)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
 ORDER NO. R9-2014-0041
 (ATTACHMENT A)



NOTICE OF INTENT
 TO COMPLY WITH THE CONDITIONAL WAIVERS OF WASTE DISCHARGE
 REQUIRMENTS FOR LOW THREAT DISCHARGES IN THE SAN DIEGO REGION

I. PROPERTY/FACILITY INFORMATION

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	

II. PROPERTY/FACILITY OWNER INFORMATION

Property/Facility Owner Name:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

III. PROPERTY/FACILITY OPERATOR INFORMATION

Property/Facility Operator Name:			
Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

IV. CONDITIONAL WAIVER FOR NOTICE OF INTENT

Mark (☒) the waiver proposed for the discharge:

<input type="checkbox"/> Waiver No. 1 - Discharges from on-site graywater disposal systems
<input type="checkbox"/> Waiver No. 2 - Discharges of recycled water to land
<input type="checkbox"/> Waiver No. 3 - "Low" threat" discharges to land
<input type="checkbox"/> Waiver No. 4 - Discharges of winery waste to lined evaporation ponds wineries
<input type="checkbox"/> Waiver No. 5 - Discharges of wastes at composting facilities
<input type="checkbox"/> Waiver No. 6 - Discharges from silvicultural operations
<input type="checkbox"/> Waiver No. 7 - Discharges from animal operations
<input type="checkbox"/> Waiver No. 8 - Discharges from aquatic animal production facilities
<input type="checkbox"/> Waiver No. 9 - Discharges of slurries to land
<input type="checkbox"/> Waiver No. 10 - Discharges/disposal of solid wastes to land
<input type="checkbox"/> Waiver No. 11 - Aerially discharged wastes over land
<input type="checkbox"/> Waiver No. 12 - Discharges of emergency/disaster related wastes

V. DESCRIPTION OF DISCHARGE

Describe the discharge (i.e., source(s) of discharge, pollutants of concern, period and frequency, etc.). Use additional pages as needed. Provide a map of the property/facility if necessary.

VI. DESCRIPTION OF MANAGEMENT MEASURES/BEST MANAGEMENT PRACTICES

Describe what management measures (MMs) and best management practices (BMPs) will be implemented to minimize or eliminate the discharge of pollutants to waters of the State. Use additional pages as needed. Provide a map of the property/facility showing locations of MMs/BMPs if necessary.

VII. ADDITIONAL INFORMATION

Please provide additional information, as needed or required, about the discharge and/or how the discharger intends to comply with the waiver conditions of the waiver. Use additional pages as needed.

VIII. CERTIFICATION

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Signature (Owner or Authorized Representative)

Date

Print Name

Title

Telephone Number

Email

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
 ORDER NO. R9-2014-0041
 (ATTACHMENT B)



WAIVER 5: COMPOST FACILITY CERTIFICATION

I. COMPOST GENERATOR INFORMATION

Generator Name:			
Generator Contact and Title:			
Generator Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

II. WASTE/FEEDSTOCK INFORMATION

Agricultural Waste – Consisting of materials of plant origin, which results from the production and processing of farm, ranch, agricultural, horticultural, aquacultural (aquatic plants only), silvicultural, floricultural, vermicultural, or viticultural products, including manures, orchard and vineyard prunings, and crop residues.

Green Waste – Consisting of any plant material separated at the point of generation, including, but may not be limited to, yard trimmings (i.e., leaves, clippings, cuttings, trimmings of grass, weeds, shrubbery, bushes, trees, etc.), residential or community garden waste, untreated wood wastes, natural fiber products, and construction and demolition wood wastes. Green Waste does not include food wastes, biosolids, municipal solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservatives, mixed construction or mixed demolition debris.

Manure – Consisting of accumulated herbivore or avian excrement (e.g., cattle manure, chicken manure, pig manure), which includes feces and urine, and any bedding materials, spilled feed, or soil mixed with feces or urine.

Paper Waste – Consisting of nonhazardous paper and paper by-products.

Vegetative Food Waste – Consisting of food waste resulting from the production or processing of food for animal or human consumption, but no longer intended for such consumption, that is derived solely from plants and is separated from the municipal solid waste stream. Vegetative food wastes may be processed or cooked but must be otherwise remain in its essentially natural state and no salts, preservatives, fats or oils, or other adulterants must have been added.

Anaerobic Digestate Waste – Consisting of only solid materials remaining after to anaerobic digestion of any combination of agricultural wastes, green waste, manure, paper waste, or vegetative food waste.

III. ADDITIVE INFORMATION

- Fertilizing Materials – Referring to commercial fertilizer, agricultural minerals, auxiliary soil and plant substance, organic input, or packaged soil amendment.
Annual Average Quantity: _____
- Liquid Food Wastes – Resulting from the production or processing of food for animal or human consumption – but is no longer intended for such consumption – that is separated from the municipal waste stream (i.e., cheese whey, brewery waste, etc.).
Annual Average Quantity: _____
- Other Materials – Provide a complete description (including annual average quantity) of all other additives proposed to be composted at the facility.

IV. AMENDMENT INFORMATION

Provide a complete description (including annual average quantity) of all other amendments proposed stored at the facility and added finished compost.

V. CONDITIONALLY EXEMPT OPERATIONS

- Agricultural Composting Operations – Composting conducted in agricultural settings where: 1) wastes consisting of materials generated on-site by the production and processing of farm, agricultural, horticultural, silvicultural, floricultural, vermicultural, or viticultural products, including manures, orchard and vineyard prunings, and crop residues; and 2) the resulting compost is returned in a similar amount to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary.
- Chipping and Grinding Facilities/Operations – Refer to those operations that do not produce compost, by mechanically reduce the size, or otherwise engages in the handling of “green waste”, and for which each load of “green waste” is removed from the site within 48-hours from receipt, unless the Discharger has received written permission from the Local Enforcement Agency allowing the “green waste” to remain onsite for up to 7 days.
- Existing Permitted Facilities/Operations – Composting conducted at facilities (e.g., Wastewater Treatment Plants [WWTPs], landfills, Concentrated Animal Feeding Operations [CAFOs], etc.) with existing waste discharge requirements.
- Lot Clearing Operations – Referring to those activities conducted for fire protection or the construction, operations, or maintenance activities conducted by a public utilities agency.
- Non-commercial Operations – Referring to “backyard” or private residential composting.
- Within-Vessel and Fully Enclosed Composting Operations (e.g., anaerobic digestate)

VI. STORM WATER PERMIT

Is there an Individual Storm Water Permit for the facility? Yes No
 If yes, what is the WDID No.: _____
 Is the facility covered under a Regional Municipal Separate Storm Sewer System (MS4) Permit? Yes No

VII. OTHER PERMITS

Has another agency issued permits or other entitlements (e.g., solid waste facility permit, notification permit, conditional use permit, building permit, grading permit) for the facility

Yes No

Identify each permit/entitlement, issuing agency, and date of issuance.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Has a project specific CEQA determination been made by an agency? Yes No

Name of agency: _____

Determination: EIR Negative Declaration Date of determinations: _____

IX. CERTIFICATION

"I hereby certify that the information provided in this Compost Facility Certification is a complete and accurate representation of the subject waste, and that the waste is not hazardous waste as defined by California Code of Regulations Title 22 and by the U.S. Environmental Protection Agency (Code of Federal Regulations Title 40), and that all Composting Facilities Waiver conditions have been met."

Signature (Owner or Authorized Representative)

Date

Print Name

Title

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
 ORDER NO. R9-2014-0041
 (ATTACHMENT A)



NOTICE OF INTENT
 TO COMPLY WITH THE CONDITIONAL WAIVERS OF WASTE DISCHARGE
 REQUIRMENTS FOR LOW THREAT DISCHARGES IN THE SAN DIEGO REGION

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Property/Facility Contact:			
Property/Facility Address:			
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Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	

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Identify each permit/entitlement, issuing agency, and date of issuance.

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Has a project specific CEQA determination been made by an agency? Yes No

Name of agency: _____

Determination: EIR Negative Declaration Date of determinations: _____

IX. CERTIFICATION

"I hereby certify that the information provided in this Compost Facility Certification is a complete and accurate representation of the subject waste, and that the waste is not hazardous waste as defined by California Code of Regulations Title 22 and by the U.S. Environmental Protection Agency (Code of Federal Regulations Title 40), and that all Composting Facilities Waiver conditions have been met."

Signature (Owner or Authorized Representative)

Date

Print Name

Title



California Regional Water Quality Control Board, San Diego Region

July 21, 2014

CR&R, Inc.
Rancho Mission Viejo Compost Facility
11292 Western Avenue
Stanton, CA 90680

In reply refer to:
397016: RMitchell

Rancho Mission Viejo, LLC
Mr. Jerry Laster
P.O. Box 9
San Juan Capistrano, CA 92693

Subject: Notice of Adoption of Order No. R9-2014-0041 for Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region

CR&R, Inc.:

This letter serves to notify you that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted Order No. R9-2014-0041 – *Conditional Waiver of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region* (Order) on June 26, 2014.¹ Waiver No. 5 – *Discharges of Waste to Land at Composting Facilities* (Composting Facilities Waiver) is one of the conditional waivers contained within the Order. For your reference, a copy of the Composting Facilities Waiver has been provided as an attachment to this letter.

This letter further serves to notify you that the San Diego Water Board is requesting owners (i.e., Dischargers) of eligible composting facilities² located within the San Diego Region to file both a Notice of Intent (NOI) and the Compost Facility Certification with the San Diego Water Board, no later than 5:00 pm on August 22, 2014.

If your operation qualifies as a composting-related activity that is conditionally exempted from filing an NOI, as specified in section A.2 of the Composting Facilities Waiver, please contact the San Diego Water Board immediately, to assist us in updating our San Diego Water Board records.

In the event any composting facility is unable to comply with the general and specific conditions of the Composting Facilities Waiver, Dischargers are required to file a report of waste discharge (ROWD) with the San Diego Water Board. A ROWD is an application

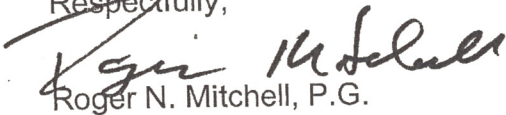
¹ Order No. R9-2014-0041 is available on-line at:
http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2014/R9-2014-0041.pdf

² Enrollment criteria are located in sections A and B of the Compost Facility Waiver.

submitted by the Discharger to receive waste discharge requirements (i.e., a permit) issued by the San Diego Water Board.

In the subject line of any response, please include the reference code 789719:RMitchell. Please contact Mr. Roger Mitchell at 619-521-5898, or at Roger.Mitchell@waterboards.ca.gov if you have any questions.

Respectfully,



Roger N. Mitchell, P.G.
Engineering Geologist
Cleanup and Land Discharge Branch

Attachment: Waiver No. 5 for Discharges of Waste to Land at Composting Facilities

RNM:jro:rnm

Tech Staff Info & Use	
Reg. Measure ID	397016
Order No.	R9-2014-0041W5

Enclosure No. 3
Ortega Highway Composting Facility Aerial Photographs 2010 – 2014
(Courtesy of Google Earth)

September 2010



November 2013



April 2014



