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March 2, 2015

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

**Re: General Waste Discharge Requirements for Composting
Operations– Comments on Draft EIR**

Dear Ms. Townsend:

The California Compost Coalition (CCC) is appreciative of the opportunity to comment on the CEQA Draft Environmental Impact Report (EIR) and regulatory language for the proposed General Waste Discharge Requirements (WDRs) for Composting Operations (Draft Order WQ-2015-XXXX-DWQ).

Since the 2003 sunset of the previous Conditional Waiver of Waste Discharge Requirements for Composting Operations – adopted by the State Water Resources Control Board (SWRCB) in 1996 – compost industry representatives have sought a new waiver that would establish regulatory certainty for composting operators as the nascent industry struggles to expand and meet Californian’s desire to “close the loop” on organic materials management and landfill diversion.

CCC has supported the development of the General Order and participated in every workshop and meeting in an effort to help facilitate a clear and fair regulation that meets the state’s water quality goals while still enabling the needed growth of the industry at a critical juncture. Unfortunately, the process has become disjointed, with little communication, no informal workshops over the last few years, concluding with the release of the EIR, on January 13, 2015 that – among the over 600 pages of documentation – includes new draft WDRs language that is markedly different, in many areas, than the draft last distributed in August 2012. The public process was punctuated by a “workshop” at which staff prefaced their remarks with the caveat that no notes would be taken, and little or no discussion about the rule would occur, calling it “listening session”. Our comments are provided herein, both for general issues and specific rule language, following size-limited, segmented meetings with stakeholders that were offered as the sole opportunity for clarity on many of the specific concerns that have been raised.

We believe a more robust workshop process should be provided to enable public discussion and a better understanding of the new draft WDRs requirements, given the significant new language produced during the last two-plus years.

We also recognize and appreciate the manner in which the State has used the CEQA process to engage stakeholders in the development of the revised General Order. The SWRCB made effective use of the workgroup process both in its Resource Alignment Project and in the development of the Industrial General Permit for Stormwater. Under State Water Resources Control Board Resolution 2013-0029, the State Board launched an evaluation entitled “Directing Actions in Response to efforts by Stakeholders on Reducing Costs of Compliance while Maintaining Water Quality Protection”. The result of these latter two efforts is a body of regulation that is well understood by all stakeholders and will be implemented statewide by regulated industry. It is in that light that we offer the enclosed request for systematic input to a draft General Order and Monitoring and Reporting Plan that promise to reshape the way in which the facilities throughout the entire composting industry will be designed, rebuilt, monitored and managed over the coming decades.

To facilitate the review of the new draft Order and Monitoring and Reporting Requirements, it would be very helpful, as has been done in the past by the SWRCB staff, to include a line-by-line comparison of each of the changes that have been made since the Draft General Order was circulated in August 2012. Regarding the draft monitoring and reporting requirements, this is an entirely new document and contains many specific provisions for monitoring and reporting that would require many new and substantive changes to the type and quantity of monitoring and reporting, including detailed requirements for reporting and correction of non-compliance events. It is requested that the opportunity to review and discuss the new MRP requirements is part of the workshops on this new regulatory framework to ensure that they result in requirements that are clearly understood and can be planned for accordingly.

General Comments

Economic Considerations Analysis

We understand that the CEQA process may not require detailed analysis of the economic burden to be placed on composting operators; however, when provided, it does need to be completed in a fair manner, with reasonable assumptions and conclusions. The Economic Considerations provided in Appendix D is lacking sufficient information in some key, but critical areas, which significantly underestimate the cost impacts of these WDRs:

- The economic analysis assumes “initial capital investments of approximately \$25.2 million in retention ponds, monitoring wells, and drains”; this analysis disregards the reality that a significant number of compost facilities will be required to install operating pads in order to meet water quality objectives, at a total cost many multiples higher than the low estimate provided. It is a significant omission to conclude that there will be no economic impact from construction of operating pads due to these new standards.
- The economic analysis fails to discuss the costs of wastewater treatment and/or disposal that will be incurred by facility operators following the implementation of these WDRs.

Multiple definitions and requirements for “process wastewater” and “non process wastewater”, which need to be more clearly defined, are new to many composters who have solely sought coverage under the Industrial General Permit for Stormwater. It is clear that significant costs for wastewater management will occur and have not been adequately addressed in the Economic Considerations.

- Calculations for pond sizing in economic analysis appear to significantly underestimate the per facility cost of pond installation. The “Economic Considerations” completed by SWRCB staff provides factors (p.3) that enable the calculation of the acres of pond required for a given compost pad area and annual rainfall amount. This can be done by multiplying the pond-to-pad factor by the compost pad acreage and the rainfall. However, the method used in the “Economic Considerations” does not follow a water balance method, as required by the proposed WDRs and described on Page 19 of the proposed General WDRs. The methodological approach to determine monthly rainfall data is outlined in a footnote on Page 19 of the proposed WDRs, and this is not followed by the SWRCB “Economic Considerations” method, either.

Engineers on our staff completed an analysis using the methods described in WDRs language, in an effort to determine representative pond installation costs for model, 50-acre pads at compost facilities in both Northern and Southern California, with a goal of zero discharge. For this analysis, precipitation data was obtained from the Department of Water Resources for Los Angeles (Station No. U05511400) and for Sacramento (Station No. A00763300). Pan evaporation data was used from CIMIS using regional evaporation rates, and also using site specific evaporation data from stations located in the Cities of Glendale (for Los Angeles) and Davis (for Sacramento).

A monthly water balance approach was used, with rainfall runoff as the inflow and evaporation and some on-site use during the 6 driest months of the year as outflows. The same runoff coefficients were used as with the SWRCB calculation (0.69 for open areas and 0.14 for material areas, and a 50/50 split). To simplify the analysis, the pond is assumed to have vertical sides, as opposed to typical 3:1 slopes, which results in a smaller calculated pond area.

The pond depth is shallow due to the fact that outflow (evaporation) is a factor of surface area; the depth is arrived at by dividing the maximum stored liquid volume by the pond surface area. The pond liquid depth for Los Angeles is a little more than 2 feet, and for Sacramento it is 2.5 feet, and there would then be a foot of freeboard required.

The percent of the overall site area dedicated to pond was calculated for the SWRCB “Economic Considerations” analysis and for our analysis for both Los Angeles and Sacramento, i.e. (pond area)/(pond + compost pad area). The SWRCB results vary between 8 and 21% of the total facility area is pond, with an average of 11%. Our analysis reveals a pond area of between 38 and 47%, given the WDRs requirements.

We are happy to share the results of this analysis with staff to further understanding of the pond sizing implications of this rulemaking.

DEIR Comments

The EIR is deficient in its analysis with respect to the impacts created by the potential loss of composting infrastructure due to the significant cost impacts to compost facility operators in three particular sections: Air Quality, Greenhouse Gas Emissions, and Public Services:

Air Quality

The EIR fails to discuss the potential impacts of volatile organic compound (VOC) emissions that will be generated by materials which may no longer be composted. Research by Dr. Fatih Buyuksonmez at San Diego State University (“Biogenic Emissions from Green Waste and Comparison to the Emissions Resulting from Composting Part II: Volatile Organic Compounds (VOCs)” 2007), which can be provided upon request, shows that treating green material by composting reduces VOCs by an estimated 60 to 90 percent over uncontrolled (i.e., non-composted) degradation of green material. Given the VOC emissions factors attributable to the feedstock stockpiles in the emissions study work cited by both the San Joaquin Valley Air Quality Management District and the South Coast Air Quality Management District during their recent development of rules governing green material composting (Rule 4566 and Rule 1133 respectively; both adopted in 2011), green material is a significant VOC source outside of active composting. Based upon the San Diego State study, a reasonable conclusion can be made that the green material which can no longer be sent to a composting facility – given the potential reduction in composting capacity resulting from adoption of these WDRs – will propagate the release of VOCs to the atmosphere, as opposed to the controlled management methods employed in composting.

Greenhouse Gas Emissions

Following the adoption of AB 32, the California Air Resources Board approved a Scoping Plan, developed to identify mitigation strategies for the release of greenhouse gasses (GHGs) into the atmosphere. Among the Scoping Plan’s Recommended Measures, RW-3 (High Recycling/Zero Waste) prescribes composting as an effective option to reduce the landfilling of organic materials, since landfill methane production is identified as a significant source of GHGs. **The EIR fails to recognize the significant GHG benefits from composting materials removed from landfilling.**

Any loss of available composting capacity following adoption of these proposed WDRs will significantly hinder the State’s ability to achieve its near-term GHG reduction goals from the waste sector; the EIR does not properly consider these impacts on GHG emissions.

Public Services

Solid waste management is an essential public service provided by all jurisdictions within the State of California. The Department of Resources Recycling and Recovery (CalRecycle) regulates solid waste activities, including the diversion of materials from landfilling, to meet environmental goals established by the Legislature. In 2011, AB 341 (Chesbro) was signed into law – which among other goals – mandates that jurisdictions source reduce, recycle, or compost 75% of their solid waste by 2020; CalRecycle has released their draft plan, titled “*California’s New Goal: 75% Recycling*”, which identifies a wide range of policies and programs designed to meet this stated target. Among the critical underpinnings to achieving the lofty 75% recycling

goal, CalRecycle has identified the expansion of statewide composting capacity as key, in order to divert organic materials (currently the largest segment of disposed materials in landfills). AB 1826 (Chesbro), approved in 2014, prescribes a schedule for the landfill diversion of commercial food materials that will require millions of new tons of composting capacity by 2020.

The potential contraction of available composting capacity following adoption of these proposed WDRs will impair and/or disrupt the ability of jurisdictions throughout the State to meet their statutory and regulatory obligations in the delivery of solid waste management services to their citizens. The EIR does not properly consider impacts on public services, as it fails to adequately address the real-world economic impacts on facility operators as the cost of composting increases significantly due to the implementation of the requirements found in these WDRs.

Mitigation Measures

Impact 5.1 addresses farmland preservation. One mitigation not mentioned in the draft EIR involves the co-location of composting operations at operating, permitted landfills as one of the means that CalRecycle has advanced to facilitate the creation of new composting capacity, one of the keys to achieving the 95% diversion goal. The co-location of a properly designed and operated compost operation at active and inactive landfills should be included as a mitigation measure.

Impact 7.1 addresses habitat and species conservation. Mitigation measure 7.1 appears to prohibit “construction activities during the rainy season with requirements for seasonal winterization...”; it appears that the intent is to prohibit construction without seasonal winterization measures. Without this change, this could limit any construction during dry periods, which could exacerbate activities to control nuisance dust and could generate additional air emissions during peak particulate and ozone generation seasons.

All species and habitat protection measures should be conducted as approved by appropriate State and Federal agencies with jurisdiction in these matters, and consistent with approved mitigation measures. The discussion of “no net loss” and “prohibition during raptor nesting season, should be amended to defer to the determination of lead agencies with that responsibility.

Chipping and Grinding Facilities and Operations

Chipping and grinding facilities and operations are no more unlikely to degrade water quality than composting operations, with operational characteristics which are nearly identical. Chipping and grinding facilities are an integral part of nearly all composting operations, managing the same green feedstock materials. We believe this exemption is based on a flawed assumption regarding chipping/grinding operations that materials are transient, and therefore do not represent a consistent potential source of contaminants. While materials are required to be removed from the site within 48 hours (or up to 7 days with LEA approval) chipping and grinding facilities are nearly always the custodians of feedstock piles of green materials, either before or after processing; the sites are rarely devoid of stockpiles.

Food Material Definition

The definition of “Food Material”, on page A-4, provides little clarification as to the allowance of food-soiled paper/packaging and other potential non-food materials from food processing

waste (i.e. expired, packaged food products), wet/dry collection (or other commingled) systems, MRF residuals, residential co-collection of food material and green material, or other collection programs where food material may not be “separated from solid waste to the **maximum extent POSSIBLE** (emphasis added) at the point of generation”. As written, the phrase “to the maximum extent possible” appears to be highly subjective and could preclude many compost facilities from coverage under these WDRs, given the need of the composting industry to provide growing food material capacity in the next few years. Additionally, given stated goals of achieving significant coverage for composting facilities under this order, we recommend that the food material definition be revised to be consistent with Title 14 and remove this contradictory language.

Specific Comments

Below are recommendations and concerns regarding specific language in the draft WDRs.

1. Finding 38, pg. 8: The potential for the Order to stifle industry growth may be addressed through clarification that new composting operations could be allowed the same compliance schedule afforded to existing facilities, thus providing a maximum six year timeframe be identified in the technical report, from the date of its submittal.
2. “Compost,” as used in the Order, includes curing and final product. Final product should be distinguished from active compost as it is suitable for use at homes or in agriculture and so does not pose a contamination threat. Please delete “final product” throughout the Order from the definition of “compost.” These instances include, but are not limited to:
 - Finding 8, pg. 1: Stormwater from designated final product storage areas should be excluded from the requirement that stormwater from all compost areas must be kept on site.
 - Prohibition 1, pg. 16: Final product should be allowed to be stored outside the designated composting area.
 - Specifications 3 and 4, pg. 18: Final product should not be required to be located on containment structures.
 - Definition of “Containment Structures,” pg. A-3: Final product should not be required to be located on containment structures as it is not when it is applied at homes or on agricultural land.
 - Definition of “Process Wastewater,” pg. A-7: Final product is used at homes and in agriculture and does not produce process wastewater by simply being at the facility.
3. The Order allows liquids collected in detention ponds to be reapplied to compost piles. The Order should be revised to allow use of these same liquids for beneficial reuse at integrated facilities, such as for dust control or vegetative maintenance on the compost pad areas or on lined portions of the landfill, including roads. Specific places in the Order where this revision may be applicable include, but are not limited to:
 - Findings 22 and 23, pgs. 3-4
 - EIR Impact 15.2, pg. 14: Beneficial reuse of water, including use for wash down of compost pads, the compost process, vegetative maintenance, or dust control on

the compost pad areas and lined portions of the landfill should be allowed under the Order.

4. The Order requires composting operations to be setback at least 100 feet from the nearest surface water body. The Order should clarify that this requirement does not apply to stormwater management systems, including conveyance systems, sedimentation ponds or storage ponds, or appurtenant facilities, as they are not considered “water bodies.” Additionally, the Order should clarify that the setback requirement does not apply to existing facilities, as these facilities should be grandfathered. Finally, the Order should specifically acknowledge that an engineered alternative, such as berms, ditches, and swales, may be allowed if these measures effectively isolate the compost operations runoff and protect water quality. Specific places in the Order where this revision may be applicable include, but are not limited to:
 - Finding 28.b., pg. 5
 - Finding 48, pg. 10
 - Definition of “Distance to Nearest Surface Water,” pg. A-4
5. The Order should clarify that a “fully enclosed vessel” includes tarped or covered in vessel composting systems, such as Gore Tex or ECS, i.e. use of impermeable covers that shed water from compost piles constitute a “fully enclosed vessel.” Specific places in the Order where this revision may be applicable include, but are not limited to:
 - Finding 30.d., pg. 6
 - Definition of “Within Vessel and Fully Enclosed,” pg. A-9
6. The Order should be revised to add an alternative to installing pan lysimeters in existing detention ponds. Requiring installation of a pan lysimeter beneath an existing lined detention pond will require the rebuilding of most existing ponds. Instead, water quality goals can be achieved by installation of down gradient groundwater monitoring wells. The economic impact of this requirement as compared to less costly alternatives capable of achieving the same environmental objects must be considered. Specific places in the Order where this revision may be applicable include, but are not limited to:
 - Finding 47.b., pg. 10
 - Finding 49.c., pg. 11
 - Monitoring Requirement 3, pg. 21: The Order should be revised to say, “In lieu of meeting hydraulic conductivity specifications for Tier II working surfaces and drainage ditches, or in lieu of installation of pan lysimeters for detention ponds, the Discharger may implement a groundwater protection monitoring program.”
7. Minimal ponding and incidental liquids that occur as part of the normal compost process or remain after rainfall do not necessarily indicate inadequate slope or site design. Additionally, seepage to the toe of compost piles that is collected by the runoff control system does not necessarily indicate that groundwater infiltration is occurring. The Order should be revised to clarify that it does not seek to treat such incidental water or ponding as a violation of the Order, given that the design will be graded to drain and collect all runoff for beneficial reuse. Specific places in the Order where this revision may be applicable include, but are not limited to:

- Finding 49.a.,pg. 11: The last sentence should be revised to say, “Tier II facilities must have a pad designed to comply with a hydraulic conductivity standard to limit infiltration of liquids to the subsurface at working surfaces, drainage ditches, and wastewater detention ponds, except where Table 3 standards for percolation are met.”
 - Design, Construction, and Operation Requirements 1, pg. 18
8. Finding 49.b., pg. 11: The Order seems to imply 100% stormwater storage, i.e. zero discharge. If zero discharge is the standard, then that should be specified throughout the Order, and the economic analysis should be modified to reflect the new zero discharge standard. Specific places in the Order where this revision may be applicable include, but are not limited to:
- Finding 49.b., pg. 11
 - Specification 5, pg. 18
9. Finding 52, pg. 11: The last sentence should be revised to read, “Therefore, to the extent that a particular compostable material and compost system runoff could be characterized as designated waste, such material shall be regulated as a nonhazardous solid waste pursuant to California Code of Regulations, title 27, section 20220, subdivision (a)(1) because the compostable material and compost system runoff presents a lower risk to water quality than typical designated wastes when managed as required by this General Order.”
10. The Order appears to require zero discharge for all compost operations by requiring them to “contain stormwater on-site.” This seems to conflict with the design requirement to collect, transfer, and contain the 25-year, 24-hour storm. The Order should be revised to confirm that discharge of stormwater exceeding the 25-year, 24-hour storm is allowed, and if an NPDES permit is required, such discharges will be subsumed under the operative California Industrial General Permit. Specific places in the Order where this revision may be applicable include, but are not limited to:
- EIR Impact Summary 11.3, pg. 13
 - Finding 59, pg. 15: Additionally, the use of “process wastewater” is unclear. The definition of “process wastewater,” along with the definitions of “waste,” “wastewater,” “process water,” “non-process water,” “stormwater,” etc. should be clarified.
 - Specification 5, pg. 18
11. Prohibition 7, pg. 17: Prohibiting discharge of overflow and wastewater from composting operations seems to require that there is no runoff whatsoever beyond the compost facility boundary. The Order should clarify that discharge to engineered drainage ditches and conveyances to detention ponds or other containment which may be located on adjacent property is permitted.
12. Specification 1.b., pg. 17: The Order should delete references to “any given batch of compost” as this would regulate the use of AD digestate to a pile by pile limit versus an overall mass balance.

13. Design, Construction, and Operation Requirements 8, pg. 19: Requiring detention ponds to maintain a dissolved oxygen concentration in the upper zone of at least 1.0 mg/L at any time is overly restrictive. The Order should be revised to allow for no more than three weekly measurements below 1.0 mg/L (if there are no nuisance issues) prior to the site being deemed in violation.
14. Design, Construction, and Operation Requirements 9, pg. 19: 9.a-c. can run counter to best management procedure for bioswales and ponds, i.e. duckweed and other plants in bioswales and storage ponds can uptake nutrients. The Order should be revised to delete sections 9.a-c. as section 9.d., which addresses coordination with local mosquito abatement authorities, is sufficient to address this concern.
15. Design, Construction, and Operation Requirements 11, pg. 20: The Order should be clarified so it does not become a “dry ditch standard.” The Order should reflect an understanding that there will be incidental water in these ditches during and following storms and even in dry weather, as water from wash down and compost pile watering may occur in collection ditches on a routine basis. The Order should be revised to alter the phrases “prevent ponding” to “minimize ponding” and “continuous flow of liquid” to “optimum flow of liquid”.
16. Monitoring Requirement 2, pg. 21: The Order should be revised to provide that, “The Discharger will be given the opportunity to review and comment on any site-specific MRP in a draft form to ensure its accuracy, applicability, and practicability.”
17. Monitoring Requirement 3, pg. 21: Consistent with our previous comments the Order should be revised to provide that a groundwater protection monitoring program be an option in lieu of detention pond design and construction requirements currently proposed on page 20.
18. Report Requirement 2, pg. 22: Consistent with other California regulations and the permitting “bill of rights,” which provides for timely reviews on applications, the Order should be revised to specify that “the Regional Water Boards commit to either provide a request for additional information of completeness determinations on all workplans within 30 days or all workplans will be deemed complete within 30 days of receipt by the Regional Water Board. Absent such comments or approval, the workplan shall be deemed completed and the requested project can proceed. Such approval shall not unreasonably be denied.”
19. Report Requirement 3, pg. 22: It is requested that 60 days be allowed to file the post-construction report since specifications and as-builts can take up to 30 days to prepare and finalize by the contractors, then the Discharger needs to review, ground truth, and transmit to the Agencies.

20. Report Requirement 5.a.1., pg. 23: The Order should be revised such as the signatory on the NOI for a corporation may include the “general manager or other duly authorized representative of the company.”
21. Notification Requirement 1, pg. 24: The Order should be revised such that the revised NOI should also be copied to the LEA and/or CalRecycle. This requirement for a revised NOI 90 days prior to the changes called out in this section may adversely affect the ability of composters to adapt to changing market conditions, such as accepting new feedstock or adopting new processes. The 90 day notice should be reduced to 30 days for a revised notice of intent prior to such changes. It is requested that the Order include a provision for timely processing of such notices. Specifically, The Order should include language to the effect that the Regional Water Board submit a request for a technical report within 15 days of receipt of the revised NOI so that necessary changes or projects are not delayed and that notices of deficiency or approvals be issued by Regional Water Board within 30 days of receipt.
22. Notification Requirement 4, pg. 25: This is a self-reporting requirement. The Order should be revised to be consistent with the notification provisions in Attachment B.2, pg. B-8 that the notification duty is triggered by the Discharger’s determination that there has been a violation and should happen as soon as practicable. Assuming all other best management practices, engineered containment of wastewater, and monitoring is in place, as required under the Order, this requested revision improves the self-reporting process by ensuring that one potential violation does not automatically give rise to a second violation arising from late reporting of the violation. Additionally, the Order should be revised to provide that the Discharger provide a technical report “within 10 working days of written notification from the Regional Water Board that a separate technical report is needed.” This will allow the Discharger to respond to the Regional Water Board’s concerns in its technical report. Finally, the Order should clarify that sending an e-mail to the designated party at the Regional Water Board is deemed sufficient and timely notice under these provisions.
23. Additional Requirement 4, pg. 25: This provision is “evergreen” and non-specific as to when a facility has returned to compliance. It is not sufficiently tied to an objective regulatory threshold related to a health or risk-based standard. It should be narrowed to cite specific regulatory authority for this requirement and include thresholds of concern and a definite end point for Dischargers.
24. Additional Requirement 6, pg. 25: It is unclear in this section, pertaining to modification, revocation, or termination of a facility’s coverage under the Order, is in response to a request initiated by the Regional Water Board or the Discharger. The language should be clarified to address this issue. Additionally, revocation of the right to operate under the Order should not be permitted for minor administrative violations or infractions. The Order should be direct the development of written procedures for the process of modification, revocation, and/or termination of a facility’s coverage under the Order.

- 6.a.: The Order should be revised to read, “Violation of substantial violations of terms or conditions of this General Order that adversely affect waters of the state.”
25. Additional Requirement 7, pg. 26: Ownership changes usually involve confidential business information and transactions. The 45 day advance notice requirement (see pg 24 of the Order) can jeopardize the sale or transfer of ownership. Other States typically require notice of ownership transfer within 10 business days after the close of the transaction. The Order should be revised to include language to that effect.
 26. Definitions, Attachment A: All definitions used in the Order should be wholly consistent with fully promulgated and final California State regulations at Titles 14 and 27, as amended, including the terms in the Water Board’s Industrial General Permit.
 27. Definition of “Additive,” pg. A-1: Additives may also include special blends required or requested by farmers or other clients to adjust macro and micro nutrients, pH, and other compost characteristics needed for specific crops or applications. The definition should be amended accordingly.
 28. Definition of “Containment Structures,” pg. A-3: This definition should be revised to exclude final product.
 29. Definition of “Day,” pg. A-3: Suggested language reads, “A business day, unless otherwise specified.”
 30. Definition of “Food Material,” pg. A-4: Suggested language would remove, “to the maximum extent possible.” It may also be helpful to define the term “generator.”
 31. Definition of “Process Wastewater,” pg. A-7: The Order should be revised to delete reference to “final product” in this definition since this product is stable and represents minimal to zero threat to water quality.
 32. MRP, Attachment B, Section A.2.a., Table B-1, pg. B-3: Table B-1 should be revised to include an allowance for reduced monitoring, i.e. annually, semi-annually, in the event of consistent quarterly results.
 33. MRP, Attachment B, Section A.2.a., Section 3, pg. B-3: Title or text in this section should be revised to provide clarity as to the applicability of this section to anaerobic digestate.
 34. MRP, Attachment B, Section B.2., pg. B-8: Notification of violations only can occur “by telephone”. Please include electronic mail as a proper means of notification.
 35. MRP, Attachment B, Section B.3.e., pg. B-8: Some of the information (i.e. lab reports) required when reporting the description of the significant event may not be available prior to the 10 day deadline. The Order should be revised to provide for additional time

or be clarified as “within 10 days of the information becoming available to the Discharger”.

Conclusion

Many of the conclusions regarding the overall environmental impacts of these WDRs are based upon an economic analysis that appears to have presupposed a lowest cost scenario and has left the EIR lacking the required analysis of likely environmental impacts should they be adopted in their current form. Green materials and other compostable materials that are diverted from disposal account for a significant percentage of both the state’s landfill diversion mandate and greenhouse gas reduction goals both of which are based upon overriding environmental considerations. The continued success of green material and food material recycling programs is dependent upon the development of cost-effective, practical regulations that will protect the environment in balance with the substantial benefits of composting operations to the sustainable future of our state.

We look forward to continued discussion with SWRCB staff and other stakeholders in an effort to build consensus on reasonable solutions to the issues raised in our letter and others.

Please do not hesitate to contact me at (916) 739-1200 with any questions or issues.

Sincerely,



Neil S.R. Edgar
Executive Director

CC: Members, State Water Resources Control Board;
Secretary Matt Rodriquez, California Environmental Protection Agency;
Director Caroll Mortenson, CalRecycle
Cliff Rechtschaffen, Martha Guzman, Graciela Castillo, Office of Governor Jerry Brown