



WASTE MANAGEMENT

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



Via Email: commentletters@waterboards.ca.gov

Subject: Comment Letter – Compost Order

Dear Ms. Townsend:

Thank you for the opportunity to submit comments on the proposed General Waste Discharge Requirements for the Discharge of Wastes at Compost Management Units (Compost Order). Waste Management (WM) provides comprehensive solid waste and recycling services in California and throughout the nation. WM owns and operates compost operations in California and is seeking to site new compost facilities to accommodate the organic waste diversion goals of state and local government.

In general, WM supports the proposed Compost Order. We find it provides a reasonable balance between the need to protect water quality and the need to site and expand necessary compost facility infrastructure in California. The proposed Compost Order reasonably establishes the following tiers of regulation:

1. Tier 1, for less than 12,500 cubic yards of green, paper and vegetative materials. This allows smaller facilities handling low risk materials to operate with a minimum, yet reasonable, amount of regulation.
2. Tier 2, for larger facilities greater than 12,500 cubic yards or handling higher risk materials allows such facilities to operate with minimum prescriptive standards for containment, runoff, material storage, and stormwater and waste water runoff, and
3. Tier 3, provides an alternative for larger facilities greater than 12,500 yards or handling higher risk materials to rely on groundwater monitoring to demonstrate protection of water quality. This option provides greater latitude for operators to develop alternative control measures (as compared to Tier 2) that can demonstrate protection of water quality through monitoring.

Waste Management believes the above regulatory structure provides a reasonable and flexible framework to operate compost facilities to meet California's organic waste diversion goals. Also, importantly, this proposed Compost Order will establish a reasonably level "playing field" that all composting operations will be required to meet. The standards in the proposed Compost Order are consistent with the standards that we face any time WM seeks to permit a new compost facility. WM's existing compost facilities that we own and/or operate are substantially consistent with the proposed Compost Order. However, many of the older, existing facilities that we have to compete with do not meet these standards. WM believes that the proposed Compost Order will substantially level the playing field between old and new composting facilities. In so doing it will raise confidence that all composting facilities are protective of human health and the environment.

WM believes that statewide recycling goals (AB 939, AB 341) should not trump the need for water quality protection. In fact, WM believes the standards proposed in the Compost Order will support the development of new compost facilities. Many new facilities are uneconomical to build due to competition with existing substandard operations. By leveling the playing field, the proposed Compost Order will facilitate competition amongst all compost operations – old and new. All will have to abide by substantially the same standards.

While we are in general support of the proposed Compost Order as written, we would strongly suggest the following adjustments and clarifications:

- 1) **Compost Facilities with Existing WDRs.** WM strongly requests clarified language to ensure that compost facilities operating under existing WDRS, such as at landfills and other facilities, are not required to enroll under the proposed Compost Order. We believe the language of provision B.2. of the order should be consistent with the provisions of A.4.b. that clearly exempts various composting operations (e.g., POTWs, landfills) issued WDRs that address groundwater quality. WM strongly supports this exemption.

We would suggest the language of B.2. be clarified to read:

“ . . . not required to enroll under this Order if the requirements of the individual WDRs are **as protective, or** more protective than those prescribed in the Order.”

- 2) **Greater Regional Board Discretion.** In several places the proposed Compost Order already provides latitude for the Regional Board Executive Officer to approve items proposed in the NOI that may deviate from the express provisions of the order. For example:
 - a) On Page 10: alternative additives may be approved by the Regional Board EO if specified in the NOI,
 - b) On the top of page 11: alternatives to containment structures may be approved by the Regional Board EO upon approving the NOI.
 - c) Middle of page 11: alternative detention pond discharge may be approved by the Regional Board EO, as proposed in the NOI.
 - d) Bottom of page 15: alternative containment structure may be approved by the Regional Board EO.

This approach should be more broadly applied throughout the proposed Compost Order to allow greater flexibility to the discharger, provided the proposed alternative is specified in the NOI and approved by the Regional Board EO.

- 3) **Groundwater monitoring waivers or reductions.** In situations where groundwater is already degraded or unusable and cannot be practically restored, the Regional Board should be authorized to reduce or amend Tier 3 ground water monitoring requirements. In fact, it appears that this option may already be available as specified in the MRP document on page 6 (B.3.c.):

“Unless a Regional Water Board determines, based on site specific conditions, that either groundwater or vadose zone monitoring is unwarranted . . . “

This appears to give the Regional Board latitude in waiving or reducing such monitoring requirements if they do not make sense under Tier 3. The WDR language in Sections E.3.b and F should be amended in a similar fashion to allow the same type of flexibility that is already contained in the MRP, provided the compost facility operator justifies such flexibility in the NOI.

- 4) **Hydraulic Conductivity.** Similarly, the proposed Compost Order should provide flexibility in granting hydraulic conductivity of greater than 1×10^{-6} cm/sec if such can be justified by the compost facility operator in the NOI and approved by the Regional Board EO. The current language on Page 15, under Tier 2 (a. ii. (1)), provides flexibility in the types of construction and material specifications – but apparently not in the hydraulic conductivity. The same flexibility should be extended to the 1×10^{-6} cm/s hydraulic conductivity if justified in the NOI. The default would still be 1×10^{-6} , but at least the discharger would have the ability to specify some alternative conductivity if site conditions can justify it – subject to Regional Board approval.
- 5) **Tier 2 and Tier 3 flexibility.** There should be the ability for a compost facility operator to combine the requirements of Tier 2 and Tier 3, as described in the NOI, subject to approval by the Regional Board. For example if a discharger builds a Tier 2 lined pond and manages their inbound feedstocks and active composting on a Tier 2 pad, then they should not have to certify that they do not create free leachate – because any leachate is being managed with the appropriate containment. However, once the compost material is removed from the pad and put into finishing or curing piles then that would not need to be on a lined pad if the generator can certify that there is no production of leachate. In these areas the discharger would implement a groundwater monitoring program under Tier 3. Such monitoring would focus on the cured finished compost consistent with Tier 3, while the remainder of the facility would operate on a manner consistent with Tier 2. In this fashion, the proposed Compost Order should be amended to allow dischargers to combine elements of Tier 2 and Tier 3 in the proposed NOI, subject to approval by the Regional Board EO.
- 6) **Finished Compost Product.** The definition of “Compost Management Unit (CMU)” is overly broad in the manner it is referenced multiple places throughout the order. As the compost feedstock moves through the composting process, the threat to the waters of the state is substantially reduced. Indeed, the finished compost is more equivalent to natural richly organic soil – it is not a waste. The CMU is defined as any area where a discharger manages the composting process including “stabilized” compost. WM requests that the finished compost area be regulated differently than “in process” compost materials. In our view, the best way to do this is to create separate standards for “in process” materials (CMU) and finished product (Compost Product Management Unit or CPMU) – with separate definitions and requirements. If this current proposed definition of CMU is to be amended as we suggest or remain, the order needs to consider that surface water that does not contact an active “in-process” compost area (i.e., does not contact a waste, only curing or stabilized compost, akin to richly organic soil) should not need to be managed in the facility’s waste-water pond. Curing or stabilized compost storage areas should be managed in accordance with stormwater standards – as would any industrial organic soil area.

- 7) **Finished Compost Stormwater, not Wastewater.** Under C.3. the order notes that stabilized compost can produce “process storm water”. This is inconsistent with the definition of “storm water”. The order does not exclude stabilized compost, and this is inconsistent with the definition of “process storm water” which does exclude stabilized compost. Please clarify that precipitation that falls on a CMU that does not contain active compost can be managed as storm water and does not need to be sent to the “waste water pond”.
- 8) **Composting Produces a Product -- not a Waste.** The order must consider that composting is a waste management process that converts waste into a product. Inbound feedstock management and initial composting pose a much greater threat to both groundwater and surface water than compost that has completed the pathogen reduction phase and after the potential of emergence of free leachate is reduced in the finished compost product.

Thank you for the opportunity to provide these comments for your consideration. Please contact me if you have any questions or require further information.

Sincerely,



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Director of Regulatory Affairs/West
Waste Management

cc: Roger Mitchell, RWQCB, San Diego, rmitchell@waterboards.ca.gov
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