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September 11, 2012

Mr. Roger Mitchell, P.G.
Engineering Geologist
Division of Water Quality
State Water Resources Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Mr. Mitchell:

**Re: DRAFT STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER
NO. DWQ-2012-TENT**

The Association of Compost Producers (ACP) appreciates the opportunity to offer this second letter of comments and recommendations on the "DRAFT STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. DWQ-2012-XXXX," that was made available for comment on August 6, 2012, as "Version 8.6.2012." ACP President, staff and other ACP members attended one of the final workshops meetings on the subject, which took place in Riverside on August 28, 2012 where this 49 page document was reviewed with you and your Water Board colleagues. We offer this comment letter for your consideration and action as part of the formal process in September and October 2012.

ACP represents over 100 compost producers throughout the state. Our members — consisting of large and small companies, special agencies, municipalities and counties alike — provide a large share of the quality compost products produced in California, and contribute an important and growing share of the beneficially reused organic residuals. As you know, our Executive Director and selected members have been following this Statewide Order process since it was introduced in September 2011. A copy of our previous letter to you on this subject, dated July 23, 2012, is attached for reference.

We have reviewed the three relevant documents you have provided for comment:

- "DRAFT STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. DWQ-2012-XXXX" *Version 8.6.2012* (49 pages) (General Order or "GO),
- "California Environmental Quality Act DRAFT Initial Study" *Version 08.03.2012*,
- "DRAFT STATE WATER RESOURCES CONTROL BOARD MONITORING AND REPORTING PROGRAM NO. DWQ-2012-XXXX", *Version 8.6.2012 (MRP)*.

At the August 28th Public Workshop in Riverside, we obtained verbal responses to both the "Process Specific and General Order Specific Concerns" as outlined in our previous letter. And we acknowledged that we will not receive a formal response until after the final comment period is over (September 12th, 2012). While we did very much appreciate the time engaged with you in leading up to the drafting of this Draft Order, *we still have some concerns about the clarity of the General Order (GO) and the MRP.*

However, we do acknowledge the Water Board is combining in these Draft versions of this GO some flexibility in the implementation of WDRs on compost facilities by adding a "Tier 3" option. This will allow compost facilities to demonstrate that they can comply with the intent of the GO, i.e. "no compost leachate degrading groundwater", by demonstrating that they are managing and monitoring their Compost Management Unit(s) to achieve the overall objective. ACP intends to work with its industry members and colleagues to help California compost producers comply with this GO in a very cost effective way for their businesses, while maintaining water quality in our State. We believe that Tier 3 provides that option as we recommended early in the process and appreciate it's inclusion in this Draft GO.

Main Remaining Concerns:

However, we want to underscore our main concern that compost facilities with existing WDRs (Waste Discharge Requirements, with their Regional Water Quality Control Board) are still not clear as to their exemption from this Order.

- **Existing WDRs:** We appreciate that our previous recommendation -- that facilities with existing Waste Discharge Requirements (WDR), with their respective Regional Water Quality Control Board, ***be exempt from this new order***, has been taken into account in the writing of this GO version. The current version of this GO seems to now state this more explicitly in the following sections:

"A.4.b. Exempt Composting Activities: ... iv. Composting conducted at facilities (e.g., Publicly Owned Treatment Works [POTWs], landfills) issued a State Water Board permit (e.g., WDRs, Industrial General Permit) addressing potential impacts to groundwater quality;"

Additionally, on page 9 under section B adds the additional words:

"B ENROLLMENT PROCEDURE, 2. Existing Permitted Compost Management Units. [Includes the words] *"Dischargers of CMUs subject to individual WDRs issued by the Regional Water Boards are not required to enroll under this Order if the requirements of the individual WDRs are more protective than those prescribed in this Order."*

However, it is still not clear how, or when, this exemption will be applied. Given this lack of application clarity, we recommend the inclusion of a more positive statement about the application of the exemption to compost facilities operating under existing WDR's. We recommend including in section B.2. words to the effect of:

"Compost facilities with existing Waste Discharge Requirements (WDRs)—being exempt from the Order, as per section A.4.b.iv—can choose to be reconsidered under section B.2. However, they will not be required to determine if the requirements of this Order are more protective than those in their existing WDR, until their individual WDR comes up for renewal."

Thank you, again, for the opportunity to provide input on this important Statewide General Order that directly affects compost producers. We look forward to receiving clear responses on our many concerns in this and the previous letter.

Very truly yours,



Dan Noble, Executive Director
Cell: (619) 992-8389,
DanWylderNoble@gmail.com
www.healthysoil.org