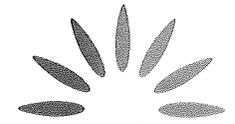


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Public Workshop (8/27/12)
Compost Order
Deadline: 9/12/12 by 12 noon



September 10, 2012

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

RE: Draft Compost Order

Dear Board Members,

Zanker Road Resource Management operates the Z-Best Composting Facility in Gilroy, CA, a 1500 tons per day green and mixed waste facility. I appreciate this opportunity to comment on the proposed regulations.

In a broad overview, the requirements of this Order are so expensive that most small composting sites, which operate without the benefit of tip fees guaranteed by long term contracts, will be unable or unwilling to comply. Strict enforcement of this Order would result in the closure of most compost facilities in the state. The large facilities like Z-Best with the resources to comply will not be able to absorb the displaced material. The consequence would be hundreds of thousands of tons of greenwaste, raw manure, and other feedstock direct land applied or landfilled – a net negative to the waters of the state and an unanalyzed CEQA impact.

If this Order is adopted, it will be impossible to enforce. Most sites simply won't be able to afford to comply and will continue to operate, leaving the State in the position to have to close noncompliant sites. Where is the political will going to come from to lock the doors on hundreds of composting sites across the state? Not from local jurisdictions, who need the jobs, taxes and diversion credits. Not from CalRecycle, who will be dealt a devastating blow to their goals. Not from state legislators, who rely on jobs and small business successes to get elected. The answer is that no one will close these sites, and the sites that comply voluntarily will be put at a competitive disadvantage by that compliance.

I think that an economic impact study should be commissioned prior to adopting this order. A survey of a few dozen private compost sites of varying sizes should be conducted. Each site should be evaluated and an estimate of the capital dollars required to come into compliance should be compared to the revenue, profit and borrowing ability of that site. I am confident that this study will confirm my prediction that most facilities will either close or continue to operate in noncompliance.

I have a few other questions and comments about the details of the Order:

1. A.4.b. Why are these particular types of sites exempt? The Draft states that these facilities are exempt, "provided that the discharge of wastewaters (i.e., runoff to surface waters and/or percolation to groundwater) from these activities does not occur." Wouldn't the procedure required to prove that standard is met be the same as what is required to enroll as a Tier 3 facility?
2. E.2.a.ii. (1) what is the basis for the 10^{-6} requirement? This is unnecessarily stringent.
3. B.2. Enrollment of Existing CMUs. Facilities have 6 months to enroll, but how long to they have to actually install the necessary improvements? Extensive earthmoving, grading and paving will require local grading permits and a CEQA process which could take over a year. Then, in order to continue operating during construction, the improvements would have to be done in phases as material rotates through the site. There should be a specific Compliance Date 2-3 years out after which enforcement actions begin.
4. The Order should contain an Enforcement Plan that details how noncompliant sites will be closed after the Compliance Date. There should be a consistent, statewide method of enforcement to ensure that sites that comply are not put at a competitive disadvantage to those that don't.

In summary, while the intent of this Order makes sense, its ramifications on the economy and the recycling capacity of the State have not been fully analyzed. Furthermore, if the Board Proceeds with this Order, the industry will be plagued for years by inconsistent enforcement unless a specific Compliance Date and a detailed Enforcement Plan are adopted and *carried out*. As mentioned, I have serious doubts as to whether such extensive regulations would ever be enforced.

Thank you for your consideration of these comments.

Sincerely,



Greg Ryan
General Manager