



September 12, 2012



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 – DWQ-2012-XXXX

Dear Ms. Townsend:

Thank you for the opportunity to comment on the General Waste Discharge Requirements for the Discharge of Wastes at Composting Management Units and associated Monitoring and Reporting requirements (DWQ-2012-XXXX). Harvest Power appreciates the effort put into soliciting input from stakeholders during this process, but the current draft requires further clarifications.

Harvest Power owns and operates two compost facilities in the Central Valley, in Lathrop and Tulare, a green materials facility and operational office in Fresno, and the Harvest regional office is located in San Francisco. We are planning to expand operations here in California to recycle organic materials in composting facilities and anaerobic digesters to create high quality compost products and produce alternative energy.

Currently, Harvest operates facilities that compost green material and food scraps in addition to manure. Both of our composting facilities are designed with a pond, pad and berm all engineering to prevent runoff from entering or exiting the site, and be protective of groundwater. Regional Board staff was involved with these designs, including the monitoring of the pond and groundwater through existing wells, even without a WDR requirement in place. But under the current draft Order, the facilities would not meet the overly prescriptive Tier 2 design criteria and require additional evaluation from the Regional Boards in Tier 3. We are recommending additional clarity on how much authority the Regional Boards would have to account for site specific issues related to the Tier structure.

While we appreciate the addition of manure as an accepted feedstock, it is an example of how these regulations discourage practices that are more protective of groundwater. Our manure composting operations remove manure from neighboring dairy farm corrals (not lagoons) where there are no water board requirements. The controlled compost process produces organically certified soil amendment and



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is sold to farmers, thus removing it from the area. The financial margins for composting manure are quite low (there is currently no incoming tipping fee) so any additional costs would likely prevent us from continuing to compost this material.

Demonstration of Groundwater Protection

It is still unclear why the process moved from a draft with a five year review to full General Order with no evaluation period. The five year review would have allowed composters to collect data on best management practices for evaluation by the State and Regional Water Quality control Boards.

The six month timeline for compliance does not allow the Regional Boards to conduct site evaluations related to groundwater protection. This is especially true since, as you know, this is the dry season in California. There is very little or no water in the current retention pond making comparisons between runoff and groundwater, for the purposes of demonstrating that there is no groundwater degradation, very difficult if not impossible. By the time there are any significant rains, and thus water in the ponds, the Order compliance date will be reached. The amount of water running off of the piles into the retention pond is non-existent during the summer and fall since the compost absorbs all of the applied water.

Hydraulic Conductivity

The evidence supporting the need for hydraulic conductivity level of 1×10^{-6} described in Tier 2 is not supported in the document. While this level can be met on a compacted pad under the composting operations, the depth of the pad compaction (one foot) and the pond requirements are not consistent with the material being processed on the site. They appear to be carried over from landfill regulations; we are processing source separated organics. The ponds are primarily catch basins for rainwater with very little compost pile runoff. The layering of the compacted layer combined with a lining system is not warranted for composting operations.

Regional Board Discretion

Harvest is in agreement with providing the Regional Boards the ability make site specific determinations within the General Order. By providing more reasonable prescriptive measures in Tier 2, and articulating flexibility on the issue of vadose zone and groundwater monitoring, the Order can take into account the myriad of site specific issues and protective measures already in place at composting sites. In many cases, by demonstrating that the water in the retention pond does not compromise groundwater quality, current site designs can be shown to be sufficient to protect groundwater quality.

The only place that Regional Board discretion is clearly articulated is in the monitoring and reporting document (MRP B.3.c): "Unless a Regional Water Board determines, based on site specific conditions, that either groundwater or vadose zone monitoring is unwarranted . . ." The sections related to this in



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the WDR Findings (Findings 16 and 27), and the WDRs (sections E.3.b and F), need to be more clearly defined.

An example of the need for clarification is for areas where the composting facility is located in an area with historically degraded groundwater. All references to this exception were removed in the current draft. The MRP section referenced above addresses this issue but referencing this in the WDR language as well would add to the clarity for this and other site specific issues.

The language in the Order providing the ability for the Regional Board EO to approve an alternative method of protecting groundwater within Tier 2 is stated as "an equivalent engineered alternative as proposed in an approved NOI". This wording is confusing because under the current Order, if an NOI is completed it needs to meet the requirements of the Order. Please consider rephrasing to state that the Regional Board can approve an NOI that is protective of groundwater quality, even if it does not meet the exact requirements (e.g., 1×10^{-6} , compaction and lining of the pond) articulated in the Order.

Compost Products

From the wording throughout the Order, it is difficult to discern if the conditions apply to feedstock, material in the composting process and finished/stabilized compost. Please clarify that stabilized compost product ready for sale is not covered by this Order and that any rain water coming into contact with this material is not considered wastewater. This material will move from the composting facilities to farms or nurseries in the same form so should not be regulated in one place and not the other.

Harvest Power welcomes the opportunity to continue to discuss these issues before the recently noticed meeting on October 16, 2012. We look forward to continue to work with you on a viable solution to ensuring the protection of groundwater and the composting industry in California.

If you have any questions, please do not hesitate to contact me at 510-847-0038 or lnovick@harvestpower.com.

Sincerely,

Linda Novick

cc: Roger Mitchell