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

Recology
WASTE ZERO

September 12, 2012

RECEIVED
9-12-12
SWRCB Clerk

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

Via e-mail: commentletters@waterboards.ca.gov

Re: Comment Letter – Compost Order

Dear Ms. Townsend,

Recology Inc. would like to thank you for the opportunity to provide comment on the California State Water Resources Control Board (SWRCB) Tentative Statewide General Waste Discharge Requirements (WDR) for compost units, DWQ-2012-XXXX. Recology is one of the leading providers of comprehensive recycling, composting, and waste handling services on the West Coast. Through our compost facilities in California we provide a sustainable organics infrastructure that promotes the beneficial reuse of materials that would otherwise be disposed of in landfills. Again, we appreciate the opportunity to comment and be involved in the successful development of the General WDR.

Recology supports the RWQCB's efforts to develop the General WDR for compost units and promote improved water quality in the state. However, we are concerned that certain provisions of the tentative WDR are operationally burdensome and excessive without providing concomitant water quality benefits. At just one of our facilities, the cost to retrofit site working surfaces, berms, drainage features and ponds is estimated to be more than ten million dollars. The start up groundwater monitoring costs alone would be in excess of $100,000.

Our concerns and recommendations regarding these key issues in the General WDR are summarized below.

WDR Section B.2. Enrollment Procedure - This provision would require compost facilities operating at a facility covered by an existing WDR, such as at a landfill or feedlot, be required to document that their previously approved WDR is at least as prescriptive as the standards contemplated by the General WDR. We believe such facilities are already regulated for the purposes of the protection of water quality and therefore request that all facilities with an existing WDR be exempted from the General WDR.

WDR Section E. Design Specifications – We believe the controls described in the design specifications for all three Tiers are out of proportion to the threat posed by composting facilities. The design specifications should be replaced and limited to the performance standard, like stated in section (a)(i) of each of the three Tiers, requiring that "The discharge of feedstock … will not contribute to, cause, or threaten to cause a condition of contamination, pollution, or nuisance…" This performance standard

would allow for flexibility in addressing unique site operations and local hydrogeologic conditions and still be protective of waters of the state.

WDR Attachment A Definitions – The definition of "chipping and grinding areas at Compost Management Units" limits storage to 48 hours or up to 7 days with RWQCB approval. This conflicts with the CCR Title 14 Section 17852 (10) provision that allows material storage for up to 7 days if approved by the local enforcement agency. Requiring additional approval by the RWQCB is unnecessary and duplicative with the CCR Title 14 requirements; therefore this requirement should be removed.

Also in Attachment A Definitions and throughout the entire General WDR, the definitions of "Food Material" and "Vegetative Food Material" are contradictory. Both these definitions, of "food material" and "vegetative food material", are currently being proposed by CalRecycle as a part of the revisions to the Title 14 Regulations. CalRecycle is in the early stages of this process and these two definitions have not yet been vetted through the required public process and are not close to being adopted. Furthermore, different categories of food waste may be clear in our mind, but it is unlikely that any source of food waste material would have one consistent stream of waste with no contamination from the other food waste subcategories. This makes it impossible for both operators and regulators to determine which subcategory of food waste is being accepted at the facility. At this point in the process, it is inappropriate for the SWRCB to include these un-adopted definitions within the general order.

WDR Attachment C. NOI Technical Report - The Notice of Intent Technical Report requires a substantial amount of information, most of which is duplicative with other reports required by CalRecycle and the SWRCB. We request that the facility's Report of Compost Site Information/Joint Technical Compost Document be submitted as part of the NOI in lieu of the Technical Report. For sites with a Stormwater Pollution Protection Plan, that document should also be submitted to address stormwater concerns.

Monitoring and Reporting Program B. 1. Standard Monitoring Provisions – The monitoring requirements specify semi-annual sampling for dozens of monitoring parameters. With time, it often becomes apparent that certain parameters are better indicators of environmental impacts than other parameters. A provision should be included so that, if warranted, parameters can be moved from semi-annual monitoring to an annual or 5-year frequency.

Monitoring and Reporting Program B. 3. Tier 3 – Specific Monitoring – Minimizing the potential for leachate generation is a best management practice at all compost facilities. Operators take great care in balancing moisture requirements during each phase of the composting process. Even so, incidental amounts of liquid may occasionally form at the base of stockpiled material. The General WDR requirements for immediate regulatory agency notification, sampling, and reporting in response to leachate seeps are excessive and unwarranted unless there is an immediate threat to water quality. We therefore request that the leachate seep response provisions be removed or modified to apply only when there is an immediate threat to water quality.

Monitoring and Reporting Program D. 3. c. Other Reports and Notifications, Significant Maintenance Activities Notification – Maintenance activities, both routine and significant, are an integral part of compost facility operations. We believe it is appropriate to describe significant maintenance activities in the Annual Monitoring and Maintenance Report. However, it is excessive and unwarranted to require regulatory agency notification two days before the maintenance activities are to take place. This requirement should be removed.

We would like to thank the SWRCB staff for the time and effort that have been put into this process and express our appreciation for the opportunity to comment on the General WDR. Please do not hesitate to reach me at roster@recology.com or (415) 613-0438 if you have any questions.

Sincerely,

Rachel Oster
Director of External Affairs
Recology