

**GENERAL WASTE DISCHARGE REQUIREMENTS FOR COMPOSTING OPERATIONS
LIST OF COMMENT LETTERS**

| Letter No. | Commenter(s) | Submitted by: |
|-------------------|--|---|
| 1 | COALITION LETTER (ACP, CCC, CRRC, CAW, CR&R, HARVEST, INLAND, IWMC LLC., LACWM, RECOLOGY, REPUBLIC, SWAOC, SONOMA, WM, ZANKER) | Dan Noble, Neil Edgar, Ralph Chandler, Kathy Lynch, Eric Potashner, Charles Helget, Will Bakx, Chuck White, Nick Lapis, Clarke Pauley, Linda Novick, Mathew Cotton, John Kelly Astor, Michael Gross |
| 2 | ASSOCIATION OF COMPOST PRODUCERS | Dan Noble |
| 3 | CA ASSN. OF SANITATION AGENCIES AND CENTRAL VALLEY CLEAN WATER ASSN. | Greg Kester |
| 4 | CALIFORNIA COMPOST COALITION | Neil Edgar |
| 5 | CALIFORNIA ORGANICS RECYCLING COUNCIL | Neil Edgar |
| 6 | CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SLO (CAL POLY) | Kevin Piper, Kim Porter |
| 7 | CALIFORNIA REFUSE RECYCLING COUNCIL | Veronica Pardo |
| 8 | CALIFORNIA RESOURCE RECOVERY ASSOCIATION | John Dane |
| 9 | CALIFORNIANS AGAINST WASTE | Nick Lapis |
| 10 | CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF THE ENVIRONMENT | Jack Macy |
| 11 | CITY OF SANTA ROSA UTILITIES DEPT. | Zachary Kay |
| 12 | COLD CREEK COMPOST, INC. | Martin Mileck |
| 13 | CORNERSTONE ENVIRONMENTAL | Jessica Ann Bernardini |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley |
| 15 | DAIRY CARES AND THE AGRICULTURAL COUNCIL OF CALIFORNIA | J.P. Cativiela, Emily Rooney |
| 16 | GENERAL PUBLIC (KATE HURLEY) | Kate Hurley |
| 17 | GRESHAM SAVAGE NOLAN & TILDEN FOR BULL HOLDINGS CORP. | Mark Ostoich |
| 18 | HARVEST POWER OF CALIFORNIA LLC | Linda Novick |
| 19 | LA SANITATION | Enrique Zaldivar |
| 20 | LA COUNTY SOLID WASTE MANAGEMENT COMMITTEE/INTEGRATED WASTE MANAGEMENT TASK FORCE | Margaret Clark |
| 21 | ORANGE COUNTY SANITATION DISTRICT COMPOST DEIR COMMENT | Tom Meregillano |
| 22 | RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY ON BEHALF OF THE THEIR 22 RURAL COUNTY MEMBERS | Larry Sweetster |
| 23 | SAN PASQUAL VALLEY SOILS | Chuck Voelker |
| 24 | SECTOR STRATEGIES ON BEHALF OF REPUBLIC SERVICES, INC. | Charles Helget |
| 25 | SONOMA COMPOST CO., LLC | Will Bakx |
| 26 | SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT | Jillian Wong |
| 27 | SYNAGRO TECHNOLOGIES, INC. | Layne Baroldi |
| 28 | WASTE MANAGEMENT | Charles White |
| 29 | WESTERN RIVERSIDE COUNTY AG. COALITION | Pat Boldt |

DRAFT - July 23, 2015
 Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|---|---|----------------|---|--|
| 1 | <p><u>California Refuse Recycling Council:</u> Association of Compost Producers California Compost Coalition California Refuse Recycling Council California Refuse Recycling Council Recology Republic Services, Inc. Sonoma Compost Co., LLC Waste Management Californians Against Waste CR&R Environmental Services Harvest Power of California, Inc. Integrated Waste Management, LLC Inland Empire Disposal Association, <u>Los Angeles County Waste Management Association, Solid Waste Association of Orange County</u> Zanker Recycling</p> | <p>Dan Noble Neil Edgar Ralph Chandler Kathy Lynch Eric Potashner Charles Helget Will Bakx Chuck White Nick Lapis Clarke Pauley Linda Novick Matthew Cotton John Kelly Astor</p> <p>Michael Gross</p> | 1 | <p>Alternative Requirements and Specifications for Pond Installation: Our coalition remains concerned that the current specifications are too restrictive and do not provide flexibility for alternative installation, including alternative monitoring requirements. The size of the ponds required under this order do not correspond to the risk posed by these facilities and would be prohibitively expensive for many operators.</p> | <p>In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed.</p> <p>Revised Language to replace Specification 6 with below. 6. <i>Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond, from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board.</i> 7. <i>Detention ponds, if used, shall be managed as described in the facility's Water and Wastewater Management Plan.</i></p> |
| 1 | <p><u>California Refuse Recycling Council:</u> Association of Compost Producers California Compost Coalition California Refuse Recycling Council California Refuse Recycling Council Recology Republic Services, Inc. Sonoma Compost Co., LLC Waste Management Californians Against Waste CR&R Environmental Services Harvest Power of California, Inc. Integrated Waste Management, LLC Inland Empire Disposal Association, <u>Los Angeles County Waste Management Association, Solid Waste Association of Orange County</u> Zanker Recycling</p> | <p>Dan Noble Neil Edgar Ralph Chandler Kathy Lynch Eric Potashner Charles Helget Will Bakx Chuck White Nick Lapis Clarke Pauley Linda Novick Matthew Cotton John Kelly Astor</p> <p>Michael Gross</p> | 2 | <p>Additive versus amendment definitions and tier limits remain unclear, especially as it pertains to restrictions on anaerobic digestate use.</p> | <p>Additive and amendment definitions have been revised to clarify the usage and the difference between additives and amendments, consistent with CalRecycle's definitions. Additives are "materials that are mixed with feedstocks or active compost to create a favorable condition . . ." Amendments are "materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock."</p> <p>In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows: 1. Under Specifications, provision 1.a and 1.b: the terms "...and amendments" are removed, so that percent limitations apply only to additives. 2. New provision is added to address amendment limits: "For Tier I and Tier II facilities, the type of amendments must be specified in a NOI and/or a technical report, and approved by the Regional Water Board." 3. The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged. 4. The following revisions are proposed under "Definitions": "Amendments" definition is revised to be consistent with CalRecycle: "Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock." 5. Under Prohibition 4.k.: <i>Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited</i></p> <p>There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks." Additive limits for anaerobic digestate are the same as for other materials.</p> |
| 1 | <p><u>California Refuse Recycling Council:</u> Association of Compost Producers California Compost Coalition California Refuse Recycling Council California Refuse Recycling Council Recology Republic Services, Inc. Sonoma Compost Co., LLC Waste Management Californians Against Waste CR&R Environmental Services Harvest Power of California, Inc. Integrated Waste Management, LLC Inland Empire Disposal Association, <u>Los Angeles County Waste Management Association, Solid Waste Association of Orange County</u> Zanker Recycling</p> | <p>Dan Noble Neil Edgar Ralph Chandler Kathy Lynch Eric Potashner Charles Helget Will Bakx Chuck White Nick Lapis Clarke Pauley Linda Novick Matthew Cotton John Kelly Astor</p> <p>Michael Gross</p> | 3 | <p>The food material definition requires clarification and should align with the additive and amendment definitions as they relate to the use of anaerobic digestate. Furthermore, the definition needs to take into account California's newly implemented organic commercial recycling law to ensure that operators can maximize the use of food waste feedstock.</p> | <p>The definition for "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. Food material, vegetative food material, and anaerobic digestate derived from these materials are allowable as feedstocks with the appropriate Tier I and II parameters.</p> <p>In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be comingled with green materials." The list of Tier I Feedstocks has been revised to include "agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks".</p> |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

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| 1 | <p><u>California Refuse Recycling Council:</u> Association of Compost Producers California Compost Coalition California Refuse Recycling Council California Refuse Recycling Council Recology Republic Services, Inc. Sonoma Compost Co., LLC Waste Management Californians Against Waste CR&R Environmental Services Harvest Power of California, Inc. Integrated Waste Management, LLC Inland Empire Disposal Association, <u>Los Angeles County Waste Management Association, Solid Waste Association of Orange County</u> Zanker Recycling</p> | <p>Dan Noble Neil Edgar Ralph Chandler Kathy Lynch Eric Potashner Charles Helget Will Bakx Chuck White Nick Lapis Clarke Pauley Linda Novick Matthew Cotton John Kelly Astor</p> <p>Michael Gross</p> | 4 | <p>The compliance schedule must reflect a reasonable time for application and implementation for existing and new facilities, taking into account the time necessary for required capital and operational costs.</p> | <p>The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital investments, some of which be amortized over a given period of time. In response to stakeholders' comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI.</p> <p>Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): <i>"The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible."</i></p> <p>New composting operations are required to be constructed in compliance with the General Order. New composting operations are required to submit an NOI, filing fee, and technical report 90 days prior to commencement of composting operations.</p> |
| 1 | <p><u>California Refuse Recycling Council:</u> Association of Compost Producers California Compost Coalition California Refuse Recycling Council California Refuse Recycling Council Recology Republic Services, Inc. Sonoma Compost Co., LLC Waste Management Californians Against Waste CR&R Environmental Services Harvest Power of California, Inc. Integrated Waste Management, LLC Inland Empire Disposal Association, <u>Los Angeles County Waste Management Association, Solid Waste Association of Orange County</u> Zanker Recycling</p> | <p>Dan Noble Neil Edgar Ralph Chandler Kathy Lynch Eric Potashner Charles Helget Will Bakx Chuck White Nick Lapis Clarke Pauley Linda Novick Matthew Cotton John Kelly Astor</p> <p>Michael Gross</p> | 5 | <p>Ultimately we feel that Appendix D, "Economic Considerations", does not capture the full cost of compliance with this order, and therefore requires a reanalysis, especially as it pertains to the aforementioned issues. We are eager to provide you with more technical detail so that a full economic impact analysis can be completed.</p> | <p>Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.</p> <p>Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1 x 10⁻⁵ centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million.</p> <p>At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1 x 10⁻⁵ cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million.</p> <p>In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.</p> |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 1 | <p>Facility Parameters are too varied: Given the significant variability in size, weather, soil types, depth to ground water, feedstock types, etc., of compost sites and operations, that compost facilities throughout the state are a poor candidate for this type of regulatory approach. These facilities are not suited to a "one size fits all" approach to potential ground water protection.</p> | <p>As provided in the Water Code, the General Order is intended to provide a method of streamlining permitting of operations with similar wastes and operations, that are more appropriately regulated by a General Order. The General Order provides for site-specific flexibility and considerations, under the criteria for each Tier. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in additional costs.</p> <p>In response to stakeholder comments, Finding 13 of the General Order has been revised to read, in part: ". . . If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board."</p> |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 2 | <p>No Evidence of a Problem in Drier Climates: Since the start of this process, and especially in dryer climate regions (e.g. all of Southern California, which handles about 2/3 of the organic recycling in the state), there has been no evidence presented that shows there is any movement of potential contaminants, through the soil column, into the groundwater. So the question still remains, why is an onerous, monolithic, statewide regulation being sought or considered as needed? This is especially true when there is no evidence that such protection is necessary to oversee the material managed in the state?</p> | <p>Compostable material may contain nutrients metals, salts, pathogens, and oxygen-reducing compounds that may degrade water quality. Tier II facilities process large quantities of compostable materials, that may represent a greater threat to water quality.</p> <p>Currently, many composting operations are not permitted and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater cost.</p> <p>However, composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type.</p> |

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| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 3 | Not collaborative or responsive: Our Association representatives have been engaging in this process since it began during the Fall of 2011. We have attended multiple meetings where we raised specific concerns and recommendations that have only been partially addressed by Water Board staff. Not only that, the Water Board staff that has been assigned to this process has "turned over" three times during this process. And while we have made multiple verbal and many written recommendations, Water Board staff has yet to address the data, the cost or the operational concerns we have repeatedly presented. | Stakeholder and interagency comments, letters, and working papers were considered throughout the process of developing the General Order. Stakeholders from industry, municipalities, and other agencies have been involved with development of the current General Order since 2009, and were also involved with earlier concepts from as early as 2003. The State Water Board has hosted work-group workshops, public informational meetings, scoping meetings, and public workshops. Stakeholders have provided comments throughout development of the Compost General Order, Initial Study, and Mitigated Negative-Declaration. Responses have been provided to stakeholder comments in 2012 by making major revisions to the General Order and preparing an Environmental Impact Report. The General Order requirements have been posted on the Water Board website since May 2014. Opportunities for public comment were announced and announcements sent to compost operators in 2012, 2013, and most recently, on January 13, 2015. State Water Board staff held two public workshops in 2015 and met with stakeholders in focused, small group meetings to receive input and answer questions. Many of the stakeholder suggestions have been incorporated into the most recent version of the General Order. |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 4 | <u>Policy goal is to increase compost production & use, not limit it:</u> The Water Board, along with the regulated community, are keenly aware of the State's 75% recycling goal, which by most estimates will require an addition 50 to 100 newly permitted compost facilities, and Anaerobic Digester facilities, or more-likely some cost effective combination by 2020. However, the current one size fits all approach will seriously establish yet another roadblock to the State achieving this goal. | The General Order was streamlines and simplifies permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. The General Order supports California's 75 percent diversion goal by allowing a diverse range of compost feedstocks and a tiered regulatory approach to address large and small operations. The General Order does not limit the types of diversion technologies nor the feedstock materials that may be used in the State, but provides a regulatory mechanism for composting operations with similar wastes and operations. The General Order is not intended to cover all composting operations in the state. The regulatory approach without a General Order, is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation. Composting operations that do not meet the criteria of the General Order may be permitted under individual WDRs, as determined by the Regional Water Board. In response to stakeholder comments, Finding 13 of the General Order has been revised to read, in part: ". . . If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 5 | We do not see the evidence or logic for excluding chip & grind operations from this General Order. Every compost facility has a chip & grind operation at the front end of their operations process. If this management area is to be managed through this General Order process, we see absolutely no reason for excluding stand-alone chip & grind operations from this process as well. ACP continues to work with local counties, e.g. Riverside County, which has had other contamination issues with this material. We would like to work with all agencies at the local level (air, water and solid waste) to make sure that what contamination and pollution control regulations apply to all organics feed stocks and products on as level playing field as possible, so that the environmental regulations to not inadvertently favor one product over another. This including not only chip & grind mulch, but also compost, biofertilizers and biochar. All of which start with various combinations of organic residual feedstocks of green material, biosolids, manure and foodscraps. We recommend that the chip & grind operations not be exempted from this General Order. | The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), the chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach active composting temperatures. The General Order has been revised to clarify that chip and grind facilities and operational areas that are co-located with composting operations are exempt from the General Order. Chip and grind facilities and operations may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate. |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 6 | The question of whether or not existing composting facilities within the footprint of a Regional Board-approved WDR are actually included in the General Order." This is another important example of a specific item which has yet to be addressed adequately by the Water Board. | It is reasonable that a composting operation may be co-located at a landfill, or other facility that is covered under individual WDRs and includes a compost facility. Finding 13 has been revised to clarify the applicability of the General Order to co-located facilities: ". . . If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 7 | The regular occurrence of groundwater contamination directly resulting from compost operations has not been adequately demonstrated. For example, at one major facility in the south San Joaquin Valley where ground water monitoring has taken place continuously for the past 20 years, there is no evidence of any "contaminated" water whatsoever moving through soil beneath the facility and into the groundwater basin. Compost facilities are not by nature infiltration basins, and therefore do not need to be set up with impervious surfaces in most locations, especially throughout Southern California. This condition was not fully accounted for in the currently proposed regulatory language. In fact, compost is routinely used as a water filtration medium as a best management practice to filter both groundwater and surface water. This best management practice is in fact used in many thousands of locations, and the states waters are very adequately protected by the healthy soil layer and compost. | Compostable material may contain nutrients metals, salts, pathogens, and oxygen-reducing compounds that can degrade water quality. In addition, Tier II facilities process large quantities of compostable materials. Larger volume of materials represent a greater threat to water quality. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. It is the intent of the General Order to provide regulation of materials that can pose a threat to water quality, within the authority of the Water Code. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. The General Order's hydraulic conductivity specification for working surfaces (pads) of 1 X 10 ⁻⁵ centimeters per second (cm/s) at Tier II facilities does not result in an impervious surface. Additionally, the General Order allows dischargers to propose a groundwater monitoring program in lieu of creating less pervious working surfaces. However, If groundwater monitoring indicates a release, the operation may be required to implement corrective action measures such as pumping and treating the groundwater or building an impervious surface. Composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type. |

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|------------|---------------------------|----------------|----------------|--|--|
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 8 | Digestate percentages are arbitrary: The Water Board has arbitrarily picked a number of no more than 10-30% digestate shall be incorporated into compost, and yet there is no evidence that this is consistent with sound, well established composting practices. Also, if the digestate has undergone its own PFRP (Process to Further Reduce Pathogens), and meets other Title 14 regulations, there is no sound evidence for any arbitrary limit on use of digestate in composting. These should be regulated by the usual compost production parameters, of pile moisture, C:N ratio, aeration, etc., | <p>Additives are materials that are mixed with active feedstocks or compost to create favorable composting conditions, applied at rates that will be consumed or fixed/immobilized during active composting. Development of percent limitations considered a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, additive limitations at existing facilities that are currently permitted under individual WDRs, and additive limitations imposed by other states. Tier I facilities have no requirements for improved working surfaces or ponds, therefore the feedstocks are limited to those lower threat materials allowed in Table 2. Additives such as manure contain pathogens, nitrates, salts and are higher threat feedstocks. The 10% limitation allows Tier I facilities to mix in lesser amounts of higher threat materials that are not allowed as feedstocks, as additives. The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material would be a feedstock. Additionally, greater percentages of raw materials such as fertilizing materials may have the potential to create anaerobic or other undesirable conditions.</p> <p>In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows: 1. Under Specifications, provision 1.a and 1.b: the terms "...and amendments" are removed, so that percent limitations apply only to additives. 2. New provision is added to address amendment limits: "For Tier I and Tier II facilities, the typeof amendments must be specified in a NOI and/or a technical report." 3. The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged. 4. The following revisions are proposed under "Definitions": "Amendments" definition is revised to be consistent with CalRecycle: "Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock."</p> <p>There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks.</p> |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 9 | Economic analysis not including liner costs: The economic analysis was limited in scope and contained flawed assumptions. Only 8 facilities were polled, which does not adequately capture the industry. Moreover, the underlying assumption was that major paving would not be required, which is not realistic. The proposed General Order would require paving of work surfaces, which is the most expensive mitigation measure, potentially adding millions of dollars to the development cost of a composting facility. The economic analysis needs to be readdressed to capture the real economic costs of the proposed General Order. | <p>The General Order does not require paving of any working surfaces. Working surfaces (Tier II facilities only) are required to have a hydraulic conductivity of 1×10^{-5} cm/s or less. This requirement can be accomplished in a variety of ways, including compacted soils; asphaltic concrete or Portland cement concrete; or an equivalent engineered alternative specified in an NOI and approved by the Regional Water Board.</p> <p>Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.</p> <p>Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million.</p> <p>At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million.</p> <p>In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs may vary ranging from compacted soil to concrete, so the actual costs will also vary depending on location and the options selected.</p> |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 10 | The fact that wastewater additives (particularly fats, oils and greases) are eliminated, has no basis in facility operations best management practices. Many facilities truly need this water, and without any countervailing evidence that this ever gets into as much as the upper soil layers, much less migrating any deeper, makes their elimination seem capricious and arbitrary. | Fats, oils, and grease are not specifically prohibited in the General Order. These non-vegetative food materials may be accepted at Tier II facilities, subject to approval by the Regional Board. Composting wastewater is not prohibited from reuse in the composting process. |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 11 | New trash policies: There has been no acknowledgement or explanation regarding how the Water Board's new Trash Policy plays into, and positively or negatively affects the General Order Process. Industry participants need to understand from the Water Board, how these two pieces of regulation relate to each other prior to implementation of either. | The General Order does not include requirements for the State Water Boards' Trash Amendments to the Ocean. The recently-adopted Trash Policy Amendments in the future will be implemented under the NPDES program through Industrial General Permits. The EIR for the General Order described trash as a component of composting materials in Impact 11.6, and provided measures to mitigate those impacts through discharge prohibitions, construction of detention and conveyance systems, and limitations on feedstocks. Further development on implementation of the Trash Policy can be obtained from the following website: http://www.waterboards.ca.gov/water_issues/programs/trash_control/ . |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 12 | CalRecycle Title 14/27 not considered or explained: The Water Board staff knows that CalRecycle is currently undergoing a Title 14/27 revision process. In fact, based on our industry meetings with Water Board staff last week, understand that the Water Board and CalRecycle are having regular talks. We heartily applaud this interagency collaboration. However, the industry stakeholders are not currently in a position to lock down specific recommendations until all the current compost regulations are revised and finalized. Otherwise the current General Order may not make sense without Title 14/27 being settled, as those are the core regulations for compost operations. | A conflict is not anticipated with current or proposed Title 14 or Title 27 regulations. CalRecycle has separate regulatory authority from the Water Boards; this authority does not extend to Water Quality. There are multiple regulatory considerations for composting operations. Chapter 1.2 of the draft EIR states, "No single agency regulates composting in California. Composting may involve environmental regulatory oversight by CalRecycle, Air Resources Board (ARB), the nine Regional Water Boards, local air quality management districts, and local land use planning agencies. The Water Boards have the authority and the responsibility to protect water quality, which includes regulating composting operations' discharges and activities that have the potential to cause adverse water quality impacts." Public Resources Code, Section 43101 (C)(2) states: "The state water board and regional water boards shall be the sole agencies regulating the disposal and classification of solid waste for the purpose of protecting the waters of the state". Title 27, Chapter 1, Section 20005 (b) (T14: Section17601) states that CalRecycle does not address air or water quality aspects of the environment that are regulated by other state or local agencies. CalRecycle has provided input to the General Order, and the General Order was developed with consideration of CalRecycle's current and proposed regulations. |

DRAFT - July 23, 2015
Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|---|---|----------------|--|---|
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 13 | Engage in a transparent working process to address the specific flaws that we see in both the content and process of these regulations with key industry takeholders including, but not necessarily limited to, the following: Association of Compost Producers representatives, Other industry representative, associations and councils, CalRecycle, Agricultural industry and government stakeholders | Stakeholder and/or interagency comments, letters, and working papers have been considered throughout the process of developing the General Order. Stakeholders from industry, municipalities, and other agencies have been involved with development of the current General Order since 2009, and were also involved with earlier concepts from as early as 2003. The State Water Board has hosted work-group workshops, public informational meetings, scoping meetings, and public workshops. Stakeholders have provided comments throughout development of the Compost General Order, Initial Study, and Mitigated Negative-Declaration. Staff responded to stakeholder comments in 2012 by making revisions to the General Order and preparing an Environmental Impact Report. The General Order requirements have been posted on the Water Board website since May 2014. Opportunities for public comment were announced and announcements sent to compost operators in 2012, 2013, and in 2015. State Water Board staff held two public workshops in 2015 and met with stakeholders in focused, small group meetings to receive input and answer questions. Responses have been made by either revising sections of the General Order, or by drafting responses to clarify reasons for not making revisions. |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 14 | Specific wording outlined in the industry coalition letter has been put forth, and through the above process over the coming few weeks, we are willing and able to be part of offering specific language that addresses some of the key issues we have outlined above, including, but not limited to: Alternative Requirements and Specifications for Pond Installation, Additives and Amendments, Food Material Definition, Compliance Schedule Timeline, Economic Impact, | In response to stakeholder comments, revisions to the General Order have been made to clarify definitions and to address specifications. These revisions apply to specifications for working surface requirements for final product / stabilized compost, pond design, food materials definitions, additive and amendment specifications, increased compliance schedule timeline, and coverage under the General Order. The draft EIR's Economic Considerations section has been updated to include new information about the impacts of the General Order on diversion of compostable materials, to address alternatives for detention ponds, and to include comparison with more costly alternative working surface designs. |
| 2 | ASSN OF COMPOST PRODUCERS | Dan Noble | 15 | Collaborate with Water Board staff through this transparent, multi-stakeholder process, to: Address the process deficiencies outlined above, As best as possible, make sure that the General Order is in harmony with the new, Title 14/27 revisions, emerging Air District regulations and local county organic management and regulatory issues, Modify the approach to content changes to make the GO regulations more fair to all, types of organic recycling facilities and less onerous on all industry players so they are not penalized by a few of the sensitive site and weather geographic conditions at those sites. | Possible economic burdens that may be associated with the General Order were considered. The General Order includes options that enable dischargers to propose equivalent engineered alternatives to design specifications. These options are intended to reduce economic impacts while protecting water quality. Conflict with current or proposed regulations is not anticipated. The General Order was developed with input from Regional Water Boards, CalRecycle, other agencies, and stakeholders. Additionally, CalRecycle has provided input on the General Order since its early stages of development. The General Order provides for site-specific flexibility and considerations. In response to stakeholder comments, revisions to the General Order have been made to address and/or clarify definitions and specifications. These revisions apply to specifications for pond design, food materials definitions, additive and amendment specifications, and coverage under the General Order. |
| 3 | CA ASSN. OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASSN. (CVCWA) | (Greg Kester, Dir., Renewable Resources, CASA; and Debbie Webster, EO, CVCWA) | 1 | Please confirm that the Draft Order does not apply to any biosolids composting facilities if they have individual waste discharge requirements (WDRs) or conditional waivers of WDRs. | The General Order would not apply to existing biosolids composting facilities if they are covered under individual WDRs or conditional waiver of WDRs, or are co-located with another facility with WDRs that include requirements for the composting operation. Finding 13 of the General Order is revised to provide more clarification: <i>"Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board."</i> |
| 3 | CA ASSN. OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASSN. (CVCWA) | (Greg Kester, Dir., Renewable Resources, CASA; and Debbie Webster, EO, CVCWA) | 2 | The issue with respect to sub-Class B biosolids needs further clarification. Based on our review of the Draft Order, sub-Class B biosolids would not be allowed as a feedstock for composting facilities subject to this Draft Order. However, we assume that sub-Class B biosolids would continue to be allowed as a feedstock for composting facilities subject to individual WDRs or conditional waiver of WDRs. Please confirm our understanding with respect to sub-Class B. | Sub-Class B biosolids are not allowable feedstocks under the General Order. The General Order does not prohibit Class A, B, or EQ biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sub-class B has not been treated with a "process to significantly reduce pathogens" and is considered to be "sewage sludge" not "biosolids" as defined in the order, and therefore prohibited. Sub-Class-B biosolids may continue to be regulated under individual, site-specific WDRs. |
| 3 | CA ASSN. OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASSN. (CVCWA) | (Greg Kester, Dir., Renewable Resources, CASA; and Debbie Webster, EO, CVCWA) | 3 | The Draft Order in Provision 4.f would prohibit the discharge of sludge "including but not limited to sewage sludge, water treatment sludge, and industrial sludge" as a feedstock at a composting operation, including a discharge from the storage thereof. (Draft Order, p. 17.) Sewage sludge is then defined in the Draft Order to not include biosolids that meet the criteria in Table 3 of 40 Code of Federal Regulations Section 503.13. Biosolids, as defined in the Draft Order, are an allowable feedstock for composting operations. (Draft Order, p. 5.) Biosolids is defined to mean sewage sludge that meets certain requirements, including Class A biosolids meeting the pollutant concentration limits in Table 3 of 40 Code of Federal Regulations section 503.13; Class B biosolids meeting the pollutant concentration limits in Table 1 of 40 Code of Federal Regulations section 503.13; and, Exceptional Quality biosolids as defined in General Waste Discharge Requirements for the Discharge of Biosolids to Land for Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities. (Draft Order, p. A-2.) | The discharge of sewage sludge is prohibited in the General Order but biosolids (sewage sludge treated to Class A, B, or EQ standards) meeting the criteria in Attachment A are allowed as a Tier II feedstock. For purposes of the General Order, sewage sludge that has been treated to Class A, B, or EQ standards under 40 Code of Federal Regulation 503, is no longer considered sewage sludge, but biosolids. The biosolids definition in Attachment A has been modified to provide clarification: <i>"Biosolids - Sewage sludge that has been treated, tested, and meets:</i> <ul style="list-style-type: none"> • <i>The Ceiling Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13.</i> • <i>The Class A or Class B pathogen control requirements in 40 CFR part 503.32(a) or (b).</i> • <i>One of the Vector Attraction Reduction requirements in 40 CFR part 503.33(b)(1 – 8)</i> • <i>Exceptional Quality (EQ) biosolids - Biosolids meeting metals standards, Class A pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.32(a), and section 503.33(b)(1-8), respectively</i> |
| 3 | CA ASSN. OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASSN. (CVCWA) | (Greg Kester, Dir., Renewable Resources, CASA; and Debbie Webster, EO, CVCWA) | 4 | Moreover, Finding 26 states that biosolids used as a feedstock must, at a minimum, meet concentrations listed in Table 1 of 40 Code of Federal Regulations part 503 and Class B pathogen requirements. Based on our reading of the various definitions and provisions, there is inconsistency with what can be accepted as a feedstock. It appears that biosolids that are Class B biosolids and meeting Table 1 of 503.13 would be acceptable as a feedstock, but those that are Class B and meeting Table 3 of 503.13 would not be acceptable. Clarification is requested on this issue. | Finding 26 and the "biosolids" definition in the General Order require all biosolids to meet the Ceiling Concentrations in 40 Code of Federal Regulations (CFR) 503.13, Table 1. Therefore, Class B biosolids that <i>do</i> meet 40 CFR 503.13 Table 3 but <i>do not</i> meet 40 CFR 503.13 Table 1 would not be allowable feedstocks. |
| 3 | CA ASSN. OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASSN. (CVCWA) | (Greg Kester, Dir., Renewable Resources, CASA; and Debbie Webster, EO, CVCWA) | 5 | The Draft Order would prohibit the use of biosolids, as defined by the Draft Order, from being an additive or amendment in composting material. The Draft Order does not provide any explanation or reasoning as to why biosolids are prohibited from use as an additive or amendment. This prohibition seems unreasonable considering that biosolids is defined to include only Class A, Class B, and Exceptional Quality biosolids, and thus the quality of the biosolids that could be used as an additive or amendment is high. We recommend that Prohibition 9 be deleted. | Removing Prohibition 9 is not recommended. "Use of biosolids as an additive or amendment is prohibited", consistent with CalRecycle's regulations. (California Code of Regulations, Title 14, Natural Resources, Division 7. California Integrated Waste Management Board, Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements, Article 1. General, Section 17852, Definitions). One reason for this prohibition is that additives or amendments may not go through the entire composting process, and may not be subjected to sufficient temperatures and duration with the potential to remove all pathogens and vectors. Biosolids are allowed as feedstocks at Tier II facilities (Refer to Table II, Allowable Feedstocks). |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|---|---|----------------|---|--|
| 3 | CA ASSN. OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASSN. (CVCWA) | (Greg Kester, Dir., Renewable Resources, CASA; and Debbie Webster, EO, CVCWA) | 6 | The Draft Order includes a broad definition for wastewater detention pond, and states that it is "an excavated or diked area designed to capture and hold any process wastewater, leachate, contaminated non-process wastewater or wash-water." (Draft Order, p. A-8.) While CASA and CVCWA understand that this is likely intended to apply only to wastewater detention ponds associated with the composting operation, the broad definition here (along with associated monitoring requirements) could cause confusion where the composting facility is part or a component of a POTW facility. To avoid confusion, we recommend that the Draft Order be revised to clearly indicate that wastewater detention ponds referenced in the Draft Order are only those ponds that are specifically associated with a composting operation, and do not include wastewater detention ponds otherwise associated with a POTW facility. | It is understood that a composting operation may be co-located at a landfill, POTW, or other waste management facility. The detention ponds referenced in the General Order are only those ponds specifically associated with the compost operation and do not include wastewater detention ponds associated with a POTW facility. Finding 7 of the General Order states, "For the purposes of these General Waste Discharge Requirements for Composting Operations (General Order), the term "Composting Operation" shall mean the area at which operations are conducted, including the receiving area, pre-processing, processing, curing, storage areas, detention ponds, and other areas associated with production of compost, including storage areas for feedstocks, additives, or amendments." These areas and structures are subject to the requirements of the General Order. Finding 13 has been revised for clarification: "Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." |
| 3 | CA ASSN. OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASSN. (CVCWA) | (Greg Kester, Dir., Renewable Resources, CASA; and Debbie Webster, EO, CVCWA) | 7 | We are concerned that the monitoring requirements under A.3.b of Attachment B would be onerous in the event that a composting operation is unable to obtain characterization of biosolids from the generating entity. In such a case, the Draft Order would require sampling of "each delivery." This amount of sampling is extensive, and is not necessary to ensure protection of water quality. Accordingly, we respectfully request that this monitoring requirement be re-evaluated. | Under the General Order, biosolids must meet the required ceiling concentrations in Table 1 of the 40 Code of Federal Regulations part 503; biosolids not meeting the ceiling concentrations would fall under the definition of sewage sludge, which is prohibited. Dischargers may demonstrate the biosolids meet the criteria for allowable feedstocks, either through analytical data provided by the supplier, or by conducting their own sampling and laboratory testing. It is not unreasonable that a composting operation would require a supplier to make the demonstration that the product meets The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a "process to significantly reduce pathogens" presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | 1 | The economic analysis assumes "initial capital investments of approximately \$25.2 million in retention ponds, monitoring wells, and drains"; this analysis disregards the reality that a significant number of compost facilities will be required to install operating pads in order to meet water quality objectives, at a total cost many multiples higher than the low estimate provided. It is a significant omission to conclude that there will be no economic impact from construction of operating pads due to these new standards. | Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time. Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million. At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million. In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary, ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | 2 | The economic analysis fails to discuss the costs of wastewater treatment and/or disposal that will be incurred by facility operators following the implementation of these WDRs. Multiple definitions and requirements for "process wastewater" and "non process wastewater", which need to be more clearly defined, are new to many composters who have solely sought coverage under the Industrial General Permit for Stormwater. It is clear that significant costs for wastewater management will occur and have not been adequately addressed in the Economic Considerations. | There is no specification for treating or hauling wastewater in the General Order, therefore this cost is not discussed in the Economic Considerations. Dischargers are required to submit a water and wastewater management plan along with their NOI. As a management option, dischargers may choose to treat or haul wastewater. In response to stakeholder comments, the different terms for wastewater have been consolidated; these terms are covered under the revised definition of "wastewater". The definition of wastewater has been revised: "Wastewater": Refers to leachate or any other liquid flowing from, or on the working surface." |
| 4 | California Compost Coalition (CCC) | Neil Edgar | 3 | Calculations for pond sizing in economic analysis appear to significantly underestimate the per facility cost of pond installation. The "Economic Considerations" completed by SWRCB staff provides factors (p.3) that enable the calculation of the acres of pond required for a given compost pad area and annual rainfall amount. This can be done by multiplying the pond-to-pad factor by the compost pad acreage and the rainfall. However, the method used in the "Economic Considerations" does not follow a water balance method, as required by the proposed WDRs and described on Page 19 of the proposed General WDRs. The methodological approach to determine monthly rainfall data is outlined in a footnote on Page 19 of the proposed WDRs, and this is not followed by the SWRCB "Economic Considerations" method, either. CCC engineers did calculations..... and analysis reveals a pond area between 38 and 47% of total facility area vs. SWRCB area of 12-21%. Willing to share the results of the analysis. | Water balance calculations were used to develop original pond design requirements and revised design requirements. In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. Refer to <i>Design, Construction and Operation Requirements - All Tiers: "Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board."</i> |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|------------------------------------|----------------|--------------------|--|--|
| 4 | California Compost Coalition (CCC) | Neil Edgar | 4 | The EIR fails to discuss the potential impacts of Volatile Organic Compounds (VOC) emissions (generated by materials which may no longer be composted), Greenhouse Gas (EIR fails to recognize the significant GHG benefits from composting materials removed from landfilling), and Public Service (The potential contraction of available composting capacity following adoption of these proposed WDRs will impair and/or disrupt the ability of jurisdictions throughout the State to meet their statutory and regulatory obligations in the delivery of solid waste management services) because of loss of composting infrastructure due to increased cost imposed by GO. | <p>The EIR discussed reasonably foreseeable direct and indirect impacts from the General Order related to VOC emissions, GHGs, and public service. The EIR also included an economic considerations analysis to determine the likelihood that composting would cease operations, and whether materials would be diverted to landfills. The analysis concluded that composting in the State would not decrease overall as a result of the General Order, and the relatively high cost of landfilling would prevent compost materials from being taken to landfills.</p> <p>It would be beyond the scope of the draft EIR to analyze impacts from conditions that are unlikely to occur. It would be speculative to attempt to analyze volatile organic compound emissions generated by materials which may no longer be composted, and greenhouse gas benefits from composting material that are removed from landfills. Moreover, composting operations not eligible for or subject to the General Order may be subject to other regulatory mechanisms, including individual WDRs.</p> <p>Based on the EIR's economic consideration, the increased cost to comply with the General Order ranges from \$0.23 - \$1.44 per cubic yard of compost sold. This change in cost is not expected to decrease the overall amount of materials that may be composted in the State due to the cost of compliance with the General Order. In addition, profit margin is one indication of the economic viability of an operation. The data from the eight surveyed facilities show that profit margin with compliance ranges from 8% (public facility) to 40% and therefore the facilities remain economically viable. Therefore, it is not reasonably foreseeable that there would be a loss of waste diversion capacity in the Public Services sector as a result of the proposed General Order.</p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | 5 | Impact 5.1 addresses farmland preservation. One mitigation not mentioned in the draft EIR involves the co-location of composting operations at operating, permitted landfills as one of the means that CalRecycle has advanced to facilitate the creation of new composting capacity, one of the keys to achieving the 95% diversion goal. The co-location of a properly designed and operated compost operation at active and inactive landfills should be included as a mitigation measure. | <p>Co-locating composting operations may have the potential to reduce the potential footprint of composting operations, and reduce potential impacts to farmland. Mitigation Measure 5.1, in the draft Environmental Impact Report (EIR) already contains language that may encourage co-locating composting operations on improved properties such as landfills, Publicly Owned Treatment Works (POTWs) or other waste management facilities, so it would not be necessary to add that option as a separate mitigation measure. Co-located facilities would reduce the potential footprint of composting operations onto undeveloped lands, as indicated in Impact 5.1 and Mitigation Measure 5.1.</p> <p>A composting operation may be co-located at a landfill, or other waste management facility, and could still be covered under the General Order. A composting operation may meet criteria for the General Order, may be regulated under separate individual Waste Discharge Requirements (WDRs), or especially if the composting operation is owned by the facility owner, may be included under WDRs for the facility, as determined by the Regional Water Board.</p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | 6 | Impact 7.1 addresses habitat and species conservation. Mitigation 7.1 prohibits "construction activities during the rainy season with requirements for seasonal weatherization..."; It appears that the intent is to prohibit construction without seasonal winterization measures. without this change, this could limit any construction during dry period, which could exacerbate activities to control nuisance dust and could generate additional air emissions during peak particulate and ozone generation seasons. All species and habitat protection measures should be conducted as approved by appropriate State and Federal agencies with jurisdiction in these matters, and consistent with approved mitigation measures. The discussion of "no net loss" and "prohibition during raptor nesting season, should be amended to defer to the determination of lead agencies with that responsibility. | The mitigation measures provided in the EIR are "... examples of recognized and accepted measures that are routinely required by regulatory agencies," and are not requirements of the General Order. Many community and lead agencies impose rainy season construction restrictions that include best management practices such as weatherization; some agencies completely prohibit grading and construction during the rainy season. As noted in the discussion of Mitigation Measure 7.1, "The State Water Board does not have the authority to impose mitigation measures as described above." The General Order is a statewide order, and the EIR analysis of potential significant impacts to biological resources takes into consideration the questions in Appendix G of the CEQA Guidelines and mandatory findings of significance as outlined in section 15065 of the CEQA Guidelines. As discussed in Section 7.2.1, <i>the EIR discloses that, "... as changes to individual composting operations are proposed, it is expected that there will be additional CEQA compliance necessary prior to project approval and the lead agency for the individual project will determine to what extent the analysis in this EIR will be relevant to the site-specific analysis. Future review of individual composting operations is likely to require additional site-specific CEQA review, including studies that could include further analysis of these particular biological resource impacts on a project-by-project basis."</i> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | 7 | Chipping and grinding facilities and operations are no more unlikely to degrade water quality than composting operations, with operational characteristics which are nearly identical. Chipping and grinding facilities are an integral part of nearly all composting operations, managing the same green feedstock materials. We believe this exemption is based on a flawed assumption regarding chipping/grinding operations that materials are transient, and therefore do not represent a consistent potential source of contaminants. While materials are required to be removed from the site within 48 hours (or up to 7 days with LEA approval) chipping and grinding facilities are nearly always the custodians of feedstock piles of green materials, either before or after processing; the sites are rarely devoid of stockpiles. | <p>The focus of the General Order is composting operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The General Order has been revised to clarify that chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order.</p> <p>Chip and grind facilities and operations may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate.</p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | 8 | The definition of "Food Material" provides little clarification as to the allowance of food-soiled paper/packaging and other non-food materials from processing waste (i.e. expired, packaged food products), wet/dry collection (or other commingled) systems, MRF residuals, residential co-collection of food material and green material, or other collection programs where food material may not be "separated from solid waste to the maximum extent POSSIBLE (emphasis added) at the point of generation". As written, the phrase "to the maximum extent possible" appears to be highly subjective and could preclude many compost facilities from coverage under these WDRs, given the need of the composting industry to provide growing food material capacity in the next few years. Additionally, given stated goals of achieving significant coverage for composting facilities under this order, we recommend that the food material definition be revised to be consistent with Title 14 and remove this contradictory language. | <p>The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised, consistent with CalRecycle's definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material.</p> <p>In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be comingled with green materials."</p> <p>The list of allowable Tier I Feedstocks has been expanded to include "agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks".</p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 1 | Below are recommendations and concerns regarding specific language in the draft WDRs. Finding 38, pg. 8: The potential for the Order to stifle industry growth may be addressed through clarification that new composting operations could be allowed the same compliance schedule afforded to existing facilities, thus providing a maximum six year timeframe be identified in the technical report, from the date of its submittal. | New compost operations do not have a timeframe requirement for compliance as with existing operations, because they are not currently in operation, or have not yet been approved to begin operation, and have not yet created conditions that have the potential to impact water quality. New composting operations that propose to begin operating after adoption of this General Order are required to seek coverage by submitting a complete NOI and technical report to the Regional Water Board not less than 90 days prior to commencement of the composting operation. A new compost operation seeking coverage under this General Order may not commence compost operations until their NOI, filing fee, and technical report has been received and approved by the Regional Water Board. The Regional Water Board will issue a Notice of Applicability (NOA) and at a minimum, confirm a Discharger's tier, timeline for compliance, and method of monitoring to comply with applicable monitoring requirements. |

DRAFT - July 23, 2015
 Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|------------------------------------|----------------|--------------------|---|--|
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 2 | <p>"Compost," as used in the Order, includes curing and final product. Final product should be distinguished from active compost as it is suitable for use at homes or in agriculture and so does not pose a contamination threat. Please delete "final product" throughout the Order from definition of "compost."</p> <p>Finding 8, pg. 1: Stormwater from designated final product storage areas should be excluded from the requirement that stormwater from all compost areas must be kept on site.</p> <ul style="list-style-type: none"> o Prohibition 1, pg. 16: Final product should be allowed to be stored outside the designated composting area. o Specifications 3 and 4, pg. 18: Final product should not be required to be located on containment structures. o Definition of "Containment Structures," pg. A-3: Final product should not be required to be located on containment structures as it is not when it is applied at homes or on agricultural land. o Definition of "Process Wastewater," pg. A-7: Final product is used at homes and in agriculture and does not produce process wastewater by simply being at the facility. | <p>The definition for "Containment Structures" has not been revised. However, the definitions for active, curing and final product have been revised.</p> <p>Active Compost - <i>"Compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks.</i></p> <p>Curing Compost – <i>"The final stage of the composting process that occurs after compost has undergone pathogen reduction, as defined in California Code of Regulations title 14, section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized. This curing phase begins after an active compost pile endures a sustained drop in temperature as remaining materials continue to decompose, but at a much slower rate. This helps to further decompose and stabilize potentially toxic organic acids and resistant compounds. The curing process helps bring compost to full-maturity, and can last several months."</i></p> <p>Final Product - <i>"The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed."</i></p> <p>The definition of working surface has been revised to allow segregation of final product: Working Surface - <i>Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is isolated in a dedicated area away from the active and curing compost; The area is clearly marked as "final product" and The area is identified in the NOI and technical report, and approved by the Regional Water Board.</i></p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 3 | <p>The Order allows liquids collected in detention ponds to be reapplied to compost piles.</p> <p>The Order should be revised to allow use of these same liquids for beneficial reuse at integrated facilities, such as for dust control or vegetative maintenance on the compost pad areas or on lined portions of the landfill, including roads.</p> <p>Specific places in the Order where this revision may be applicable include, but are not limited to:</p> <ul style="list-style-type: none"> o Findings 22 and 23, pgs. 3-4 o EIR Impact 15.2, pg. 14: Beneficial reuse of water, including use for wash down of compost pads, the compost process, vegetative maintenance, or dust control on the compost pad areas and lined portions of the landfill should be allowed under the Order. | <p>Reuse of wastewater is allowed at composting operations in accordance with the General Order. Under Specifications (No. 6), the General Order states, "Wastewater shall be handled and managed in accordance with an approved Water and Wastewater Management Plan in the technical report described in Attachment D." Reuse of wastewater should be conducted according to the Water and Wastewater Management Plan approved by the Regional Water Board.</p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 4 | <p>The Order requires composting operations to be setback at least 100 feet from the nearest surface water body. The Order should clarify that this requirement does not apply to storm water management systems, including conveyance systems, sedimentation ponds or storage ponds, or appurtenant facilities, as they are not considered "water bodies."</p> <p>Additionally, the Order should clarify that the setback requirement does not apply to existing facilities, as these facilities should be grandfathered. Finally, the Order should specifically acknowledge that an engineered alternative, such as berms, ditches, and swales, may be allowed if these measures effectively isolate the compost operations runoff and protect water quality.</p> | <p>The following is provided to clarify applicability of the 100-foot setback requirements to stormwater management systems. Setbacks from surface water bodies are defined in the General Order as follows: Distance to Nearest Surface Water - the horizontal distance measured, in feet, from the nearest edge of the composting operation to the edge of the high water mark for lakes and reservoirs, mean high tide line for tidally influenced water bodies, or the natural or levied bank for creeks and rivers. The General Order describes setbacks from the Nearest Water Supply Well as: The horizontal distance measured, in feet, from the nearest edge of the composting operation to the center of the water supply well head. As defined, surface water body and water supply well head may not include storm water management systems, conveyance systems, sedimentation ponds or storage ponds.</p> <p>Existing facilities will not be "grandfathered". Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. The General Order streamlines and simplifies permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263, which requires Regional Water Boards to prescribe waste discharge requirements (WDRs) addressing "any proposed discharge, existing discharge, or material change in an existing discharge."</p> <p>However, Finding 28.b. provides an alternative that applies to all facilities, including existing facilities: ". . . A lesser setback distance may be allowed by the Regional Water Board if the Discharger can demonstrate that the groundwater, geologic, topographic, and well construction conditions at the site are adequate to protect water quality." Dischargers may propose to implement equivalent engineered alternative measures that create conditions to protect water quality, as determined by the Regional Water Board.</p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 5 | <p>The Order should clarify that a "fully enclosed vessel" includes tarped or covered in vessel composting systems, such as Gore Tex or ECS, i.e. use of impermeable covers that shed water from compost piles constitute a "fully enclosed vessel."</p> | <p>In response to stakeholder comments, the definition of "Within Vessel and Fully Enclosed" has been revised to read, <i>"Refers to the action of receiving, composting, curing, or storing any feedstock within a fully enclosed vessel or container (e.g., drum, silo, bin, bunker, tunnel, reactor, fabric-covered aerated static piles) where the organic material is covered on all sides and rests on a stable surface with environmental controls for managing all wastewaters."</i></p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 6 | <p>The Order should be revised to add an alternative to installing pan lysimeters in existing detention ponds. Requiring installation of a pan lysimeter beneath an existing lined detention pond will require the rebuilding of most existing ponds. Instead, water quality goals can be achieved by installation of down gradient groundwater monitoring wells.</p> <p>The economic impact of this requirement as compared to less costly alternatives capable of achieving the same environmental objects must be considered.</p> | <p>The following clarification is provided. The General Order allows an engineered alternative option approved by the Regional Board to be used in lieu of pan lysimeter as long as the engineered alternative provides equivalent assurance of the earliest possible detection or prevention of a release from the pond. Refer to the General Order, section titled "DESIGN, CONSTRUCTION AND OPERATION REQUIREMENTS – TIER II ONLY", item 3.</p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 7 | <p>Minimal ponding and incidental liquids that occur as part of the normal compost process or remain after rainfall do not necessarily indicate inadequate slope or site design. Additionally, seepage to the toe of compost piles that is collected by the runoff control system does not necessarily indicate that groundwater infiltration is occurring. The Order should be revised to clarify that it does not seek to treat such incidental water or ponding as a violation of the Order, given that the design will be graded to drain and collect all runoff for beneficial reuse. Finding 49.a., pg. 11: The last sentence should be revised to say, "Tier II facilities must have a pad designed to comply with a hydraulic conductivity standard to limit infiltration of liquids to the subsurface at working surfaces, drainage ditches, and wastewater detention ponds, except where Table 3 standards for percolation are met."</p> | <p>Finding 49 is a generalized description of Best Practicable Treatment or Control (BPTC) measures and standards that are included under Specifications, both generally for Tier I and II facilities, and specifically for Tier II facilities.</p> <p>The percolation rates in Table 3 are for hydrogeologic siting requirements for Tier I composting operations. Tier I facilities are required to meet the requirements of Table 3, or be categorized as Tier II. Meeting the percolation rates in Table 3 would have no impact on the specifications for Tier II facilities.</p> |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|------------------------------------|----------------|---------------------|---|--|
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 8 | Finding 49.b., pg. 11: The Order seems to imply 100% storm water storage, i.e. zero discharge. If zero discharge is the standard, then that should be specified throughout the Order, and the economic analysis should be modified to reflect the new zero discharge standard. | In response to stakeholders' comments, the General Order has been revised. The references to "process water", "process wastewater," "non-process wastewater," and "wash water" have been consolidated under the single term, "wastewater". The definition of wastewater has been revised: "Wastewater - "Refers to leachate or any other liquid flowing from, or on the working surface." For operations that fall under this General Order, a Water and Wastewater Management Plan must be submitted to the Regional Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities are required to control and manage all "wastewater" that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to an National Pollutant Discharge Elimination System (NPDES) permit. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 9 | Finding 52, pg. 11: The last sentence should be revised to read, "Therefore, to the extent that a particular compostable material and compost system runoff could be characterized as designated waste, such material shall be regulated as a nonhazardous solid waste pursuant to California Code of Regulations, title 27, section 20220, subdivision (a)(1) because the compostable material and compost system runoff presents a lower risk to water quality than typical designated wastes when managed as required by this General Order." | The Title 27 waste classification system applies to the wastes that are applied to land. The following is provided for clarification. Refer to General Order, Title 27 Applicability, Finding 52., which states: "California Code of Regulations, title 27, section 20200, subdivision (a)(1) allows a finding to be made that, '...a particular waste constituent or combination of constituents presents a lower risk of water quality degradation than indicated by classification according to this article.' Therefore, to the extent that a particular compostable material could be characterized as designated waste, such material shall be regulated as a nonhazardous solid waste pursuant to California Code of Regulations, title 27, section 20200, subdivision (a)(1) because the compostable material presents a lower risk to water quality than typical designated wastes when managed as required by this General Order." |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 10 | The Order appears to require zero discharge for all compost operations by requiring them to "contain storm water on-site." This seems to conflict with the design requirement to collect, transfer, and contain the 25-year, 24-hour storm. The Order should be revised to confirm that discharge of storm water exceeding the 25-year, 24-hour storm is allowed, and if an NPDES permit is required, such discharges will be subsumed under the operative California Industrial General Permit. The use of "process wastewater" is unclear. The definition of "process wastewater," along with the definitions of "waste," "wastewater," "process water," "non-process water," "storm water," etc. should be clarified. | In response to stakeholders' comments, the reference to "contain storm water on-site" has been revised in the General Order to "contain wastewater on-site". Additionally, the General Order has been revised so the terms "process water", "process wastewater," "non-process wastewater," and "wash water" have been consolidated under the single term, "wastewater". The definition of wastewater has been revised as follows: "Wastewater - "Refers to leachate or any other liquid flowing from, or on the working surface." For operations that fall under this General Order, a Water and Wastewater Management Plan must be submitted to the Regional Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities are required to control and manage all "wastewater" that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. For composting operations that fall under this under this General Order, a Water and Wastewater Management Plan must be submitted to the Regional Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, and assumptions. Discharges that exceed the design storm event required by the General Order may be subject to an National Pollutant Discharge Elimination System (NPDES) permit. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 11 | Prohibition 7, pg. 17: Prohibiting discharge of overflow and wastewater from composting operations seems to require that there is no runoff whatsoever beyond the compost facility boundary. The Order should clarify that discharge to engineered drainage ditches and conveyances to detention ponds or other containment which may be located on adjacent property is permitted. | Discharge of overflow, wastewater, and wastewater runoff to drainages and properties that are outside the compost facility's property and that are not associated with the facility's Water and Wastewater Management Plan is prohibited under this General Order. If a compost facility proposes to manage wastewater by discharging it to engineered drainage ditches, conveyances, detention ponds, or other containment structures which are located on an adjacent property, then the design and operation must be described in the facility's Water and Wastewater Management Plan and approved by the Regional Water Board. The discharge of storm water to adjacent drainages or adjacent properties is not covered by this General Order, and may be subject to an NPDES permit. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 12 | Specification 1.b., pg. 17: The Order should delete references to "any given batch of compost" as this would regulate the use of AD digestate to a pile by pile limit versus an overall mass balance. | The percent of additives relative to the total volume of composting materials has no bearing on the size of the batch, (the additive is a percentage of the volume of the feedstock being added to) or the type of allowable feedstock. The term "any given batch" allows composting operations to calculate the additive percentage by the batch (or pile) rather than the entire mass. This provision allows the compost operations to vary the mix of additives from batch to batch, so long as the percent of additives to compost is no greater than 10 percent. Anaerobic digestate is treated the same as any other feedstock under this specification. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 13 | Design, Construction, and Operation Requirements 8, pg. 19: Requiring detention ponds to maintain a dissolved oxygen concentration in the upper zone of at least 1.0 mg/L at any time is overly restrictive. The Order should be revised to allow for no more than three weekly measurements below 1.0 mg/L (if there are no nuisance issues) prior to the site being deemed in violation. | The dissolved oxygen concentration limits were developed as part of Best Practicable Treatment or Control measures " . . . to prevent anaerobic conditions in wastewater and as a result reduce odors"; this specification is also listed as a mitigation measure for reduction of objectionable odors with the potential to affect a substantial number of people." Based on the experiences from the Regional Boards, the 1.0 mg/l is an appropriate level that is not expected to generate odors, whereas DO concentrations less than 1.0 mg/l may generate odors. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 14 | Design, Construction, and Operation Requirements 9, pg. 19: 9.a-c. can run counter to best management procedure for bioswales and ponds, i.e. duckweed and other plants in bioswales and storage ponds can uptake nutrients. The Order should be revised to delete sections 9.a-c. as section 9.d., which addresses coordination with local mosquito abatement authorities, is sufficient to address this concern. | The General Order was not revised in response to this comment. The detention ponds specifications in the General Order to mitigate breeding of mosquitoes through erosion control, weed control, removal of dead algae, vegetation, and debris take into consideration the need to prevent nuisance as described in the Water Code sections 13263 and defined in section 13050 (m). Mosquito abatement requirements are necessary to prevent nuisance conditions or risks to public health related to mosquito breeding. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 15 | Design, Construction, and Operation Requirements 11, pg. 20: The Order should be clarified so it does not become a "dry ditch standard." The Order should reflect an understanding that there will be incidental water in these ditches during and following storms and even in dry weather, as water from wash down and compost pile watering may occur in collection ditches on a routine basis. The Order should be revised to alter the phrases "prevent ponding" to "minimize ponding" and "continuous flow of liquid" to "optimum flow of liquid". | Incidental ponding of water may occur in ditches and on pads as a temporary condition. The General Order language has been modified by replacing the word "prevent" with "minimize" when referring to ponding of incidental water. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 16 | Monitoring Requirement 2, pg. 21: The Order should be revised to provide that, "The Discharger will be given the opportunity to review and comment on any site-specific MRP in a draft form to ensure its accuracy, applicability, and practicability." | The request to review and comment on any site-specific draft Monitoring and Reporting Plan should be submitted to the Regional Water Board. Water Code section 13267(b)(1) requires the discharger to "furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires." The discharger is required to submit the MRP based on requirements of Attachment B. |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|------------------------------------|----------------|---------------------|--|--|
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 17 | Monitoring Requirement 3, pg. 21: Consistent with our previous comments the Order should be revised to provide that a groundwater protection monitoring program be an option in lieu of detention pond design and construction requirements currently proposed on page 20. | <p>The General Order will not be revised to allow groundwater monitoring in lieu of pond or tanks. The General Order requires Tier II working surfaces to be designed to hydraulic conductivity specifications that promote drainage and minimize infiltration to groundwater. The General Order allows an option for groundwater monitoring in lieu of achieving specified hydraulic conductivity for working surfaces.</p> <p>However, for Tier II facilities, a pond or tank is required as part of a site wastewater management plan. Lined detention ponds or tanks are necessary wastewater containment features that allow storage of wastewater that drains from working surfaces. The General Order requires berms to prevent run-on and run-off. The pond poses a greater threat to water quality (than a pad) due to the increased head of the water in the pond and potential for leaks or seeps which could result in greater impacts to water quality. Collecting excess liquids in a pond equipped with a low permeability liner is a more reliable way to control infiltration.</p> <p>In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed.</p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 18 | Report Requirement 2, pg. 22: Consistent with other California regulations and the permitting "bill of rights," which provides for timely reviews on applications, the Order should be revised to specify that "the Regional Water Boards commit to either provide a request for additional information of completeness determinations on all workplans within 30 days or all workplans will be deemed complete within 30 days of receipt by the Regional Water Board. Absent such comments or approval, the workplan shall be deemed completed and the requested project can proceed. Such approval shall not unreasonably be denied." | Under the General Order, the discharger must submit an NOI and technical report as specified in Attachment C and Attachment D of the General Order. The General Order does not set a deadline for Regional Water Boards to review the submittals in the event that unusual circumstances delay the Regional Water Board's ability to act on a submission. It is not appropriate for work plans to be automatically deemed complete without receipt of the approval from the Regional Water Board. Dischargers that implement a non-approved work plan may be required to perform additional or other work when the work plan is approved. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 19 | Report Requirement 3, pg. 22: It is requested that 60 days be allowed to file the postconstruction report since specifications and as-builts can take up to 30 days to prepare and finalize by the contractors, then the Discharger needs to review, ground truth, and transmit to the Agencies. | In response to stakeholders' comments, the General Order has been revised to increase the post construction report submittal timeline to 60 days. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 20 | Report Requirement 5.a.1., pg. 23: The Order should be revised such as the signatory on the NOI for a corporation may include the "general manager or other duly authorized representative of the company." | The NOI submitted to the Regional Water Boards must be signed as specified in the General Order, under Reporting Requirements, No. 5.a. This requirement is consistent with the requirements of the Regional Water Boards' - Application/Report of Waste Discharge General Information Form for Waste Discharge Requirements or NPDES Permit, (Form 200). |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 21 | Notification Requirement 1, pg. 24: The Order should be revised such that the revised NOI should also be copied to the LEA and/or CalRecycle. This requirement for a revised NOI 90 days prior to the changes called out in this section may adversely affect the ability of composters to adapt to changing market conditions, such as accepting new feedstock or adopting new processes. The 90 day notice should be reduced to 30 days for a revised notice of intent prior to such changes. It is requested that the Order include a provision for timely processing of such notices. Specifically, The Order should include language to the effect that the Regional Water Board submit a request for a technical report within 15 days of receipt of the revised NOI so that necessary changes or projects are not delayed and that notices of deficiency or approvals be issued by Regional Water Board within 30 days of receipt. | Notification Requirement 1, Revised Notice of Intent has been revised as follows: <i>"The discharger must submit a revised NOI to the Regional Water Board, CalRecycle, and the Local Enforcement Agency at least 90 days prior to (1) adding a new feedstock, additive, or amendment, (2) changing material or construction specifications, (3) changing a monitoring program; or (4) changing an operation or activity that was not described in the approved NOI and technical report."</i> The Regional Water Boards have discretion to request a technical report, and specify the timeline for submittal and review of the report. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 22 | Notification Requirement 4, pg. 25: This is a self-reporting requirement. The Order should be revised to be consistent with the notification provisions in Attachment B.2, pg. B-8 that the notification duty is triggered by the Discharger's determination that there has been a violation and should happen as soon as practicable. Assuming all other best management practices, engineered containment of wastewater, and monitoring is in place, as required under the Order, this requested revision improves the self-reporting process by ensuring that one potential violation does not automatically give rise to a second violation arising from late reporting of the violation. Additionally, the Order should be revised to provide that the Discharger provide a technical report "within 10 working days of written notification from the Regional Water Board that a separate technical report is needed." This will allow the Discharger to respond to the Regional Water Board's concerns in its technical report. Finally, the Order should clarify that sending an e-mail to the designated party at the Regional Water Board is deemed sufficient and timely notice under these provisions. | <p>The General Order, Notification Requirements 4. Violation of Notification Requirements, page 25, has been revised to be consistent with the language in Attachment B, No. 2 Notification of Violations. It will be up to the discretion of the Regional Water Boards to determine if a separate technical report is required and if 10 working days from the initial notification is applicable.</p> <p>The General Order has been revised to include an option to notify the Regional Water Board by email under Attachment B.</p> |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 23 | Additional Requirement 4, pg. 25: This provision is "evergreen" and non-specific as to when a facility has returned to compliance. It is not sufficiently tied to an objective regulatory threshold related to a health or risk-based standard. It should be narrowed to cite specific regulatory authority for this requirement and include thresholds of concern and a definite end point for Dischargers. | A facility is considered to be in compliance when the requirements of the order are met. Regional Boards will determine if a facility is in compliance. Thresholds for compliance are provided in the General Order. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 24 | Additional Requirement 6, pg. 25: It is unclear is this section, pertaining to modification, revocation, or termination of a facility's coverage under the Order, is in response to a request initiated by the Regional Water Board or the Discharger. The language should be clarified to address this issue. Additionally, revocation of the right to operate under the Order should not be permitted for minor administrative violations or infractions. The Order should be direct the development of written procedures for the process of modification, revocation, and/or termination of a facility's coverage under the Order. o 6.a.: The Order should be revised to read, "Violation of substantial violations of terms or conditions of this General Order that adversely affect waters of the state." | The proposed revision was not made because "substantial violations" is subjective. Additional Requirements, item 6, Revision of Waste Discharge Requirements, has been revised as follows: Item 6 has been renumbered as item 5, and has been revised to read, <i>"Enrollment under this General Order may be modified, revoked, reissued or terminated for causes including but not limited to the following: a. Violation of any terms or conditions of this General Order; b. Obtaining this General Order by misrepresentation or failure to disclose relevant facts, or c. A change in any condition that requires a reduction or elimination of the authorized discharge."</i> |

DRAFT - July 23, 2015
 Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

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|------------|------------------------------------|----------------|---------------------|--|--|
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 25 | Additional Requirement 7, pg. 26: Ownership changes usually involve confidential business information and transactions. The 45 day advance notice requirement (see pg 24 of the Order) can jeopardize the sale or transfer of ownership. Other States typically require notice of ownership transfer within 10 business days after the close of the transaction. The Order should be revised to include language to that effect. | The Change in Ownership Notification Requirements have been revised to shorten the advance notice requirement from 45 days to 30 days as follows: " <i>The Discharger must notify the Regional Water Board, CalRecycle, and the Local Enforcement Agency, in writing, at least 30 days in advance of any transfer of the General Order's responsibility and coverage from the current owner to a new owner. This notification shall include: a. A statement of acknowledgment that the current owner is liable for violations occurring up to the transfer date and that the new owner is liable for violations occurring after the date that ownership of the property transfers; and b. The new owner's NOI and technical report (if applicable).</i> " |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 26 | Definitions, Attachment A: All definitions used in the Order should be wholly consistent with fully promulgated and final California State regulations at Titles 14 and 27, as amended, including the terms in the Water Board's Industrial General Permit. | Conflict with current or proposed Title 14 or Title 27 regulations, including the definitions is not anticipated. CalRecycle has separate regulatory authority from the State Water Board. No single agency regulates composting in California: composting operations may involve environmental regulatory oversight by CalRecycle, Air Resources Board (ARB), the nine Regional Water Boards, local air quality management districts, and local land use planning agencies. The State and Regional Water Boards have the authority to protect water quality, which includes regulating composting operations discharges and activities that have the potential to cause adverse water quality impacts. Public Resources Code Section 43101 mandates a division of authority between the Water Boards and other agencies as appropriate to prevent overlap, duplication and conflict. Public Resources Code, Section 43101 (C)(2) states: " <i>The state water board and regional water boards shall be the sole agencies regulating the disposal and classification of solid waste for the purpose of protecting the waters of the state</i> ". Title 27, Chapter 1, Section 20005 (b) (T14: Section17601) states that CalRecycle does not address air or water quality aspects of the environment that are regulated by other state or local agencies. CalRecycle has provided input to the General Order, and the General Order was developed with consideration of CalRecycle's current and proposed regulations. In general, NPDES permits, including storm water permits, address impacts to surface water and may not address potential impacts to groundwater. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 27 | Definition of "Additive," pg. A-1: Additives may also include special blends required or requested by farmers or other clients to adjust macro and micro nutrients, pH, and other compost characteristics needed for specific crops or applications. The definition should be amended accordingly. | The General Order currently allows the discharger to propose special blends or materials not named in the General Order, as additives and amendments: Specifications, section 1.a.4) and section 1.b.4) contain the provision, ". . . <i>Other material specified in an NOI and/or a technical report, and approved by the Regional Water Board.</i> " Other materials specified in the NOI could include special blends. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 28 | Definition of "Containment Structures," pg. A-3: This definition should be revised to exclude final product. | The definition of "Containment Structures" has not been revised. However, the following definitions have been revised: Final product: - " <i>The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed.</i> " The definition of working surface been revised to allow segregation of final product: Working Surface - " <i>Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is isolated in a dedicated area away from the active and curing compost; The area is clearly marked as "final product" and The area is identified in the NOI and technical report, and approved by the Regional Water Board.</i> " |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 29 | Definition of "Day," pg. A-3: Suggested language reads, "A business day, unless otherwise specified." | The following is provided to clarify the use of the word "day" in the General Order. The General Order uses calendar day throughout. Where appropriate, the General Order specifies business day. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 30 | Definition of "Food Material," pg. A-4: Suggested language would remove, "to the maximum extent possible." It may also be helpful to define the term "generator." | The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised, consistent with CalRecycle's definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 31 | Definition of "Process Wastewater," pg. A-7: The Order should be revised to delete reference to "final product" in this definition since this product is stable and represents minimal to zero threat to water quality. | In response to stakeholders' comments, references to "process water", "process wastewater," "non-process wastewater," and "wash water" have been revised and consolidated under the single term, "wastewater". The definition of wastewater has been revised as: "Refers to leachate or any other liquid flowing from, or on the working surface." In response to stakeholder comments, the following definitions have been revised: Final product: - " <i>The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed.</i> " The definition of working surface been revised to allow segregation of final product: Working Surface - " <i>Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is isolated in a dedicated area away from the active and curing compost; The area is clearly marked as "final product" and The area is identified in the NOI and technical report, and approved by the Regional Water Board.</i> " |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 32 | MRP, Attachment B, Section A.2.a., Table B-1, pg. B-3: Table B-1 should be revised to include an allowance for reduced monitoring, i.e. annually, semi-annually, in the event of consistent quarterly results. | The following clarifies that the General Order includes options for equivalent engineered alternatives. Proposals for alternative monitoring programs should be described in the NOI and Technical Report, and submitted to the Regional Water Board. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 33 | MRP, Attachment B, Section A.2.a., Section 3, pg. B-3: Title or text in this section should be revised to provide clarity as to the applicability of this section to anaerobic digestate. | Anaerobic digestate was not intended to be included in the section, Appendix B - Monitoring and Reporting Program, Section 3, "Biosolids/Anaerobic Digestate Monitoring (if applicable)", and Table B-2, "Biosolids/Anaerobic Digestate Monitoring". The General Order has been revised by removing the term "Anaerobic Digestate" from the section title. There is no discussion of anaerobic digestate in Appendix B. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 34 | MRP, Attachment B, Section B.2., pg. B-8: Notification of violations only can occur "by telephone". Please include electronic mail as a proper means of notification. | An option to notify the Regional Water Board by email has been added to the General Order under Attachment B. |
| 4 | California Compost Coalition (CCC) | Neil Edgar | specific comment 35 | MRP, Attachment B, Section B.3.e., pg. B-8: Some of the information (i.e. lab reports) required when reporting the description of the significant event may not be available prior to the 10 day deadline. The Order should be revised to provide for additional time or be clarified as "within 10 days of the information becoming available to the Discharger". | Attachment B, section B.3 of the General Order requires priority reporting of significant events: ". . . <i>A written report shall be submitted to the Regional Water Board office within 10 working days of the Discharger becoming aware of the incident.</i> " Section B.3.e requires the report to include a description of the sample identification, date submitted to the lab, and analysis requested of the noncompliance discharge samples or surface water samples taken. Section B.3.h requires the lab analyses of noncompliance discharge sample and/or upstream and downstream surface water samples to be submitted to Regional Water Board within 45 days. |

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|------------|-------------------------------------|----------------|----------------|--|---|
| 5 | CA Organic Recycling Council (CORC) | Neil Edgar | 1 | <p>CORC believes that Economic Considerations contained within the EIR minimizes the likely financial impact on the composting industry in several ways.</p> <p>1-It assumes that there will be no economic impact due to construction of operating pads due to these new standards.</p> <p>2-It fails to discuss the costs of wastewater treatment and/or disposal.</p> <p>3-The calculations for pond sizing in the economic analysis appear to use "average" rainfall amounts, not the 25 year annual return values required to be installed, significantly underestimating the per facility cost of pond installation.</p> | <p>1- Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time. Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million. At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million. In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.</p> <p>2- There is no specification for treating or hauling wastewater in the General Order, therefore this cost was not discussed in the Economic Considerations.</p> <p>3- In response to comments received from the stakeholders, the 25-year return annual total precipitation design requirement for ponds has been revised to require detention ponds to be-based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed.</p> |
| 5 | CA Organic Recycling Council (CORC) | Neil Edgar | 2 | <p>CORC believes that chipping and grinding facilities and operations should not be exempted from coverage under these WDRs, as they are no more unlikely to degrade water quality than composting operations, with their operational characteristics being nearly identical. Chipping and grinding facilities are an integral part of nearly all composting operations, managing the same green materials. We believe this exemption is based on a flawed assumption regarding chipping/grinding operations that materials are transient, and therefore do not represent a consistent potential source of contaminants. While materials are required to be removed from the site within 48 hours (or up to 7 days with LEA approval) chipping and grinding facilities are nearly always the custodians of feedstock piles of green materials, either before or after processing; the sites are rarely devoid of stockpiles. A significant proportion of green materials processed at chipping and grinding facilities are subsequently delivered to land application sites with little or no regulation. Land application continues to undermine potential feedstock sources for the organics processing industry, while increasing the potential for spreading pathogens, physical contamination, and invasive pests throughout the state.</p> | <p>The following clarifies the applicability of the General Order to chip and grind operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to General Order, Finding 14). The focus of this General Order is composting operations. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), the chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The General Order has been revised to clarify that chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order. Chip and grind facilities may be subject to subject to the Industrial Storm Water General Permit or site specific orders by Regional Water Boards as appropriate.</p> <p>Regulation of chip and grind facilities and land application practices is outside the scope of the General Order. The EIR discloses that land application of uncomposted green material could be a threat to water quality if not applied in a manner that is protective of water quality. The EIR discusses potential impacts from land application practices, including the spread of pests and plastic contaminates in waterways and the ocean. The EIR explains that any person discharging or proposing to discharge waste through land application is required to submit a report of waste discharge to the appropriate Regional Water Board for review and approval. Land application at agricultural land is being regulated through State Water Board programs such as the Irrigated Lands Regulatory Program, WDRs or conditional waivers. The Water Boards plan to increase their current efforts to address the concern with land application of green materials through outreach, permitting, and enforcement. However, it would be speculative to attempt to evaluate land application of (chip and grind) materials that are not covered the General Order.</p> |
| 5 | CA Organic Recycling Council (CORC) | Neil Edgar | 3 | <p>CORC believes that the latest, revised definition of food material requires additional work. The definition of "Food Material", on page A-4, provides little clarification as to the allowance of food-soiled paper/packaging and other potential non-food materials from food processing waste (i.e. expired, packaged food products), wet/dry collection (or other commingled) systems, MRF residuals, residential co-collection of food material and green material, or other collection programs where food material may not be "separated from solid waste to the maximum extent POSSIBLE (emphasis added) at the point of generation". As written, the phrase "to the maximum extent possible" appears to be highly subjective and could preclude many compost facilities from coverage under these WDRs, given the need of the composting industry to provide growing food material capacity in the next few years. Additionally, given stated goals of achieving significant coverage for composting facilities under this order, we recommend that the food material definition be revised to be consistent with Title 14 and remove this contradictory language.</p> | <p>The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material.</p> <p>In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be comingled with green materials." The list of Tier I Feedstocks has been revised to include "agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks".</p> |

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| 6 | Cal Poly | Kevin Piper, Kim Porter | 1 | <u>Coordination with CalRecycle:</u> As discussed in Finding 11, CalRecycle regulations address composting operations including facility siting, design standards, operating standards, environmental health standards, sampling, reporting, etc. (Title 14 and Title 27). The proposed draft order does not appear to be consistent with Title 14 or Title 27 with regards to compost materials handling operations and facilities' regulatory requirements. For instance, Item 30 e/ f of the draft order regulates the size of composting facilities, which is inconsistent with Title 14, Chapter 3.1, Section 17855 (4) "Handling of green material, feedstock, additives, amendments, compost, or chipped and ground materials is an excluded activity if 500 cy or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cy of materials are sold or given away annually ... " Please provide clarification regarding the communication and cooperation SWRCB has had with CalRecycle with regards to these requirements. We would like to submit our recommendation that SWRCB consider drafting language that is consistent with CalRecycle regulations. | The General Order is not anticipated to conflict with Title 14 or Title 27 regulations. CalRecycle has separate regulatory authority from the Water Boards. CalRecycle's current and proposed compost regulations have been reviewed, and conflicts with current or proposed regulations are not anticipated. The General Order was developed with input from Regional Water Boards, CalRecycle, other agencies, and stakeholders. Additionally, CalRecycle has provided input on the General Order since its early stages of development. CalRecycle and the Water Boards continue to share information, attend joint meetings, and collaborate as much as possible, while retaining separate authority as mandated in the Solid Waste Disposal Regulatory Reform Act of 1993 (AB 1220). CalRecycle and the Water Boards have separate authority over discharges to land. The Water Board has authority over water quality aspects of discharges to land under the Water Code. CalRecycle has authority over solid waste under the Public Resources Code; this authority does not extend to water quality. |
| 6 | Cal Poly | Kevin Piper, Kim Porter | 2 | Finding 6 states "The compostable materials may contain nutrients, metals, salts, pathogens and oxygen-reducing compounds that can degrade water quality if allowed to migrate into groundwater or surface water. The process of composting can allow contaminants to migrate with leachate or storm water that contacts these materials." While we agree that compost operations may impact surface waters (which can be effectively mitigated), we disagree that science supports the impact of leachate on site-specific groundwater resources. For instance, a study of compostable manure found that concentrations of N03-N are a fraction of total N that contributes to groundwater contamination. Results showed that 68 percent of the precipitation eventually became runoff. A significant delay between the precipitation event and eventual runoff was observed. (Martins, 0 and Dewes, T). In another study of yardwaste, the study indicated composting of high nutrient feedstocks on coarse-textured soils (sands, loamy sands, sandy loams, etc., where there are no barriers to soil water movement) can create elevated nitrates in shallow groundwater. (Gaskin, J., Govemo, J., Faucette, B., and Borden, D.). These studies demonstrate that leachate impacts to groundwater resources are greatly varied depending upon the soil type and the depth to groundwater. Based on the above, we submit that the draft order should regulate compost operations and the potential impact to groundwater (soil type and depth to groundwater). For example, if a facility has clay soils with a depth to groundwater of >20 feet, the facility should not be regulated for leachate. | Water quality data has been provided in Appendix J of the EIR. It is the intent of the General Order to provide regulation of materials that can pose a threat to water quality, within the authority of the Water Code. Compliance with design specifications and associated performance requirements included in this General Order is determined to be protective of water quality. Compostable material may contain nutrients metals, salts, pathogens, and oxygen-reducing compounds that can degrade water quality. In addition, Tier II facilities process large quantities of compostable materials that may present a greater threat to water quality. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. However, composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type. A facility underlain by clay soils with a depth to groundwater > 20 feet, has the option to demonstrate existing on-site conditions of permeability less than 1 x 10 ⁻⁵ centimeters per second (cm/s), as part of a proposal for an engineered alternative (See the General Order, Design, Construction and Operation Requirements – Tier II Only, 2.c). The publications cited in the comment letter recommend controlling runoff and infiltration, through approaches that include working surface permeability requirements < 1 X 10 ⁻⁷ cm/s (Gaskin, et al, 2003). |
| 6 | Cal Poly | Kevin Piper, Kim Porter | 3 | We again find inconsistencies between Title 14 and the proposed order. For instance, Item 30 f(1) of the draft order requires exempt composting facilities completely cover all materials during rain events to prevent the generation of contaminated non-process wastewater and leachate." Title 14, Chapter 3.1, Articles 6.1 and 6.2, Sections 17406.1 (Siting and Design), 17406.2 (General Design Requirements) and 17407.3 (Drainage Control) covers these requirements. Please describe the process by which you will coordinate with CalRecycle and provide comment as to why SWRCB has proposed this draft order prior to the finalization of CalRecycle's review of the solid waste activities and revisions of solid waste regulations. | Title 14, Articles 6.1 and 6.2 (including sections 17406.1, 17406.2, 17407.3) set forth permitting requirements and minimum operating standards for operations and facilities that receive, store, handle, recover, transfer, or process solid waste and these sections do not apply to composting operations. The General Order was developed with input from Regional Water Boards, CalRecycle, other agencies, and stakeholders. CalRecycle has provided input on the General Order since its early stages of development. CalRecycle and the Water Boards continue to share information, attend joint meetings, and collaborate as much as possible, while retaining separate authority as mandated in the Solid Waste Disposal Regulatory Reform Act of 1993 (AB 1220). CalRecycle and the Water Boards have separate authority over discharges to land. The Water Board has authority over water quality aspects of discharges to land under the Water Code. CalRecycle has authority over solid waste under the Public Resources Code; this authority does not extend to water quality. |
| 6 | Cal Poly | Kevin Piper, Kim Porter | 4 | We would like for you to comment on the financial burden of this unfunded mandate upon the University and the regulated community. Currently, Cal Poly has nine rows of compost averaging approximately 200' in length. To cover the windrows we would use a product called Compostex which would cost approximately \$14,000 (product alone). This figure does not include the labor for installation, the anchoring design or the maintenance that will be required before and after storm and wind events to ensure quality and function of the covers. The use of other products may be considered, but utilizing plastic on our often-windy campus would only increase the trash that the State is in the process of regulating and reducing. We would like you to review the draft order with the Commission on State Mandates with regards to State institutions such as Cal Poly. As a state facility, Cal Poly does not have the ability to gain reimbursement for this regulated activity. | In response to findings in the EIR's Economic Considerations, the conditional exemption for small composting operations with less than 5,000 cy of materials was added to the General Order as a lower-cost option to Tier I requirements. The exemption is conditional and requires composting materials to be covered during storm events as needed, and requires management of the application of water to reduce generation of wastewater. ***Dischargers may propose an equivalent engineered alternative to achieve this requirement, as determined by the Regional Water Board.*** |
| 7 | California Refuse Recycling Council (CRRC) | Veronica Pardo | 1 | Alternative Requirements and Specifications for Pond Installation – The size of ponds required are excessively stringent and economically prohibitive. | In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. The revised language is listed below: Revised Language: 6. Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond, from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board. 7. Detention ponds, if used, shall be managed as described in the facility's Water and Wastewater Management Plan. |

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| 7 | California Refuse Recycling Council (CRRC) | Veronica Pardo | 2 | Additive and Amendment Definitions and Tier Limits - we are particularly concerned as definitions and limits pertain to the use of anaerobic digestate | <p>Additive and amendment definitions have been revised to clarify the usage and the difference between additives and amendments, consistent with CalRecycle's definitions. Additives are "materials that are mixed with feedstocks or active compost to create a favorable condition . . ." Amendments are "materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock."</p> <p>There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks.</p> <p>In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows:</p> <ol style="list-style-type: none"> Under Specifications, provision 1.a and 1.b: the terms " ...and amendments" are removed, so that percent limitations apply only to additives. New provision is added to address amendment limits: "For Tier I and Tier II facilities, the typeof amendments must be specified in a NOI and/or a technical report." The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged. The following revisions are proposed under "Definitions": "Amendments" definition is revised to be consistent with CalRecycle: "Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock." |
| 7 | California Refuse Recycling Council (CRRC) | Veronica Pardo | 3 | Food Material Definition - definition is unclear and must support other regulatory definitions as they relate to the management of food waste in California. | <p>The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material.</p> <p>In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be comingled with green materials." The list of Tier I Feedstocks has been revised to include "agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks".</p> |
| 7 | California Refuse Recycling Council (CRRC) | Veronica Pardo | 4 | Compliance Schedule Timeline – we are concerned that the compliance timeline does not take into account the full capital and operational costs the General Order would impose | <p>The intent of the compliance schedule is to provide a minimum period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders' comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI.</p> <p>Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): <i>"The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible."</i></p> |
| 7 | California Refuse Recycling Council (CRRC) | Veronica Pardo | 5 | <p>We remained concerned that the General Order is cost-prohibitive, especially at a time when growth in our sector is so crucial to meet State greenhouse gas reduction and waste diversion goals. We are eager to continue this dialogue with you, along with other coalition stakeholders.</p> <p>We would like to see the General Order developed along with the Regional Water Boards and harmonized with the policy objectives of CalRecycle, especially as they pertain to the new compostable material handling regulations.</p> | <p>Compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. The Economic Considerations concluded that composting operations complying with the Order are unlikely to cease operations due to inability to pay for upgrades, and because landfill tipping fees are much greater than composting, are not likely to increase prices to the point of being unable to compete with landfills. The regulatory approach without a General Order, is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation. In response to findings in the EIR's Economic Considerations, a conditional exemption for small composting operations with less than 5,000 cy of materials was added to the General Order as a lower-cost option to Tier I requirements. The exemption is conditional and requires composting materials to be covered during storm events as needed, and requires management of process water and waste water to reduce generation of wastewater. Facilities that are exempt from the General Order may be subject to Industrial General Permit or other Regional Water Board orders.</p> <p>While the General Order may have a temporary impact to planning and construction of large or complex facilities (Tier II and those requiring individual WDRs), it may encourage development of smaller Tier I operations or exempt operations (less than 5,000 cubic yards). Tier I facilities are not required to comply with hydraulic conductivity requirements for pads, ponds, and drainage ditches.</p> <p>The following clarification of policy objectives and the General Order is provided: The Water Board has authority over water quality aspects of discharges to land under the Water Code and CalRecycle's has authority under the Public Resources Code. CalRecycle's authority does not extend to water quality. The General Order is not anticipated to conflict with CalRecycle's current or proposed regulations. The General Order and the EIR were developed with input from Regional Water Boards, CalRecycle, other agencies, and stakeholders. CalRecycle has provided input on the General Order since its early stages of development.</p> |
| 8 | California Resource Recovery Association (CRRRA) | John Dane | 1 | CRRRA supports the State Water Resources Control Board (SWRCB) in its efforts to protect water quality throughout the California. The effort is critical to meet the AB 341 75% recycling goal, CalRecycle's Strategic Directive 6.1, and other sustainability goals of the state. | The General Order supports California's 75 percent diversion goal by providing a streamlined process for permitting composting operations, by allowing a diverse range of compost feedstocks, and a tiered regulatory approach to address large and small operations. |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|--|----------------|----------------|---|---|
| 8 | California Resource Recovery Association (CRRRA) | John Dane | 2 | <p>CRRRA agrees with the comments submitted on March 2, 2015 by the California Organics Recycling Council (CORC) regarding three main issues: economic analysis, the exemption of chipping and grinding facilities, and the definition of food material. CORC comment regarding chipping and grinding facilities: CORC believes that chipping and grinding facilities and operations should not be exempted from coverage under these WDRs, as they are no more unlikely to degrade water quality than composting operations, with their operational characteristics being nearly identical. Chipping and grinding facilities are an integral part of nearly all composting operations, managing the same green materials. We believe this exemption is based on a flawed assumption regarding chipping/grinding operations that materials are transient, and therefore do not represent a consistent potential source of contaminants. While materials are required to be removed from the site within 48 hours (or up to 7 days with LEA approval) chipping and grinding facilities are nearly always the custodians of feedstock piles of green materials, either before or after processing; the sites are rarely devoid of stockpiles. A significant proportion of green materials processed at chipping and grinding facilities are subsequently delivered to land application sites with little or no regulation. Land application continues to undermine potential feedstock sources for the organics processing industry, while increasing the potential for spreading pathogens, physical contamination, and invasive pests throughout the state.</p> | <p>The focus of the General Order is composting operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures.</p> <p>The General Order has been revised to clarify that chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order. Chip and Grind facilities may be subject to an Industrial General Permit or site specific orders by the Regional Water Boards as appropriate.</p> <p>The EIR discloses that land application of uncomposted green material may have the potential to impact water quality if not applied in a manner that is protective of water quality. It is possible that some impacts from land application could include the spread of pests and plastic contaminants in waterways and the ocean. The EIR also explains that any person discharging or proposing to discharge waste through land application or other means is required to submit a report of waste discharge to the appropriate Regional Water Board for review and approval. Land application is currently being regulated through State Water Board programs such as the Irrigated Lands Regulatory Program, WDRs and/or conditional waivers. The Water Boards plan to increase their current efforts to address the concern with land application of green materials through outreach, permitting, and enforcement. However, it would be speculative to attempt to evaluate land application of (chip and grind) materials that are not covered the General Order.</p> |
| 8 | California Resource Recovery Association (CRRRA) | John Dane | 2 | <p>CRRRA agrees with the comments submitted on March 2, 2015 by the California Organics Recycling Council (CORC) regarding three main issues: economic analysis, the exemption of chipping and grinding facilities, and the definition of food material. <i>CORC comment regarding definition of food material: CORC believes that the latest, revised definition of food material requires additional work. The definition of "Food Material", on page A-4, provides little clarification as to the allowance of food-soiled paper/packaging and other potential non-food materials from food processing waste (i.e. expired, packaged food products), wet/dry collection (or other commingled) systems, MRF residuals, residential co-collection of food material and green material, or other collection programs where food material may not be "separated from solid waste to the maximum extent POSSIBLE (emphasis added) at the point of generation". As written, the phrase "to the maximum extent possible" appears to be highly subjective and could preclude many compost facilities from coverage under these WDRs, given the need of the composting industry to provide growing food material capacity in the next few years. Additionally, given stated goals of achieving significant coverage for composting facilities under this order, we recommend that the food material definition be revised to be consistent with Title 14 and remove this contradictory language.</i></p> | <p>The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material.</p> <p>In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be comingled with green materials." The list of Tier I Feedstocks has been revised to include "agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks".</p> |
| 8 | California Resource Recovery Association (CRRRA) | John Dane | 2 | <p>CRRRA agrees with the comments submitted on March 2, 2015 by the California Organics Recycling Council (CORC) regarding three main issues: economic analysis, the exemption of chipping and grinding facilities, and the definition of food material. <i>CORC comment regarding economic analysis: CORC believes that the Economic Considerations contained within the EIR minimizes the likely financial impact on the composting industry in several ways. It assumes that there will be no economic impact due to construction of operating pads due to these new standards. It fails to discuss the costs of wastewater treatment and/or disposal. the calculations for pond sizing in the economic analysis appear to use "average" rainfall amounts, not the 25 year annual return values required to be installed, significantly underestimating the per facility cost of pond installation.</i></p> | <p>1-Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time. Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million. At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million. In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected</p> <p>2- There is no specification for treating or hauling wastewater in the General Order, therefore this cost is not discussed in the Economic Considerations. Dischargers may choose to treat or haul wastewater as a management option.</p> <p>3- In response to comments received from the stakeholders, the 25-year annual return design requirement for ponds has been revised to a 25-year 24-hour peak storm design event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. The General Order section Design, Construction and Operation Requirements - All Tiers, revised language states: <i>"Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond from a 25-year, 24-hour peak storm event, or equivalent alternative approved by the Regional Water Board.."</i></p> |

DRAFT - July 23, 2015
 Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|----------------------------|----------------|----------------|--|---|
| 9 | Californians Against Waste | Nick Lapis | 1 | Smaller ponds, for instance, would drastically reduce the cost of compliance while providing a similar level of groundwater protection, especially for facilities that only handle Tier 1 feedstocks (but might exceed the size limits for Tier 1). | In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. Revised Language. 6. Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond, from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board. 7. Detention ponds, if used, shall be managed as described in the facility's Water and Wastewater Management Plan. |
| 9 | Californians Against Waste | Nick Lapis | 2 | The Board should consider increasing the hydraulic conductivity requirements for the pads and ponds for greenwaste-only facilities to reduce the cost of compliance for facilities that do not pose a major risk. | Tier II facilities have hydraulic conductivity requirements for working surfaces, and requirements for ponds or tanks to handle waste water. Large volumes of greenwaste compost require other additive materials (up to 30% under the General Order) to initiate the compost process. These additive materials may contain other contaminants such as pathogens, nitrates, or salts that present a greater risk than green waste. |
| 9 | Californians Against Waste | Nick Lapis | 3 | The Alternatives Analysis done as part of the EIR was unnecessarily dismissive of the "Increase Hydraulic Conductivity Pad Requirement Alternative." The Board's own analysis supports the selections of this alternative from both an environmental and economic perspective. The analysis finds that the higher hydraulic conductivity would be either equal or more environmentally protective under every criteria other than groundwater contamination. | The following is provided to clarify that preparation of the draft EIR included consideration of the alternative for increasing the hydraulic conductivity of the pad; the alternative to the General Order was dismissed because increasing the hydraulic conductivity requirement could result in working surfaces being underlain by permeable materials. The Draft EIR analysis found that a higher pad hydraulic conductivity increased the likelihood of infiltration through soil and potential for degrading groundwater and is expected to have a greater negative impact on water quality than the project. <i>The "Tier II Facilities - Increase Hydraulic Conductivity Pad Requirement Alternative" was dismissed for the reasons stated in the Draft EIR: "The alternative of allowing a hydraulic conductivity value of 1×10^{-4} cm/s or 1×10^{-3} cm/s represents the lower level for sands, which is a coarse-textured soil type. Because this alternative increases the probability of degrading groundwater, it is expected to have a greater negative impact on water quality than the project."</i> |
| 9 | Californians Against Waste | Nick Lapis | 4 | The impacts on water quality cited in the third paragraph (which are the basis for rejecting this alternative) are explained as being "described in Chapter 11." We have not been able to find an analysis in Chapter 11 that showed the composting of the materials covered under this order would have a greater groundwater impact when composted on coarse textured soils. The only relevant reference we could find in Chapter 11 was citation to a Kennedy/Jenks study from 2007, which does not actually show groundwater impacts from facilities composting the materials covered under this regulation. | Chapter 1.2 and Chapter 11, Impact 11.8., both refer to the data in Appendix J of the draft EIR as highlighting the need to include water quality protection measures at composting operations. Wastewater from composting operations have the potential to create elevated levels of nitrate concentrations, metals, salts, and pathogens in groundwater. The hydraulic conductivity requirements only apply to Tier II operations. Tier II operations pose a greater threat to water quality based on types and amounts of allowable materials; larger facilities have an inherently higher threat to water quality; feedstocks with higher threats are allowed at Tier II facilities. Coarse textured soils generally exhibit higher hydraulic conductivities as compared to the lower hydraulic conductivities generally exhibited by finer grained soils, such as silts and clays. Coarse textured or grained soil generally do not provide the barrier type of condition for soil-to-groundwater movement as would finer grained soils with a lower hydraulic conductivity. Data collected from Regional Water Boards is compiled and provided in the Draft EIR, Appendix J – Water Quality Data. |
| 9 | Californians Against Waste | Nick Lapis | 5 | This alternative [increased hydraulic conductivity] needs to be reevaluated. We believe upon a second review, the board will find that this alternative does, in fact, meet the requirements of the Board with a lower environmental and economic impact. | The <i>"Tier II Facilities - Increase Hydraulic Conductivity Pad Requirement Alternative"</i> was dismissed because this alternative increases the probability of degrading groundwater and is expected to have a greater negative impact on water quality than the project. Refer to the statement provided in the Draft EIR: <i>"The alternative of allowing a hydraulic conductivity value of 1×10^{-4} cm/s or 1×10^{-3} cm/s represents the lower level for sands, which is a coarse-textured soil type. Because this alternative increases the probability of degrading groundwater, it is expected to have a greater negative impact on water quality than the project."</i> It is a reasonable preventive measure to require lower permeability containment features at Tier II composting operations. Allowing working surfaces with higher permeability may increase the potential for compost wastewater to migrate into groundwater. Furthermore, Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Water Code section 13263 states, in part, that the Regional Water Board shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. |
| 9 | Californians Against Waste | Nick Lapis | 6 | First, the costs of improving pads to meet the requirements of the rule were not included in the analysis. This appears to be a major component of the cost and it is not accurate to assume that the cost will not be applicable to any facilities because they will all use the groundwater monitoring alternatively. Second, the profit margins and economics of composting seem incongruent with the composting facilities that we are familiar with (especially the smaller ones and publicly-owned facilities). These issues give a distorted impression of the impacts of the regulation. The economic analysis needs to be amended to reflect the real costs of the regulation and the true economics of composting to allow the Board to accurately weigh the costs and benefits of individual components of the Order. | Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time. Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million. At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million. In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected. |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|--|----------------|----------------|--|--|
| 9 | Californians Against Waste | Nick Lapis | 7 | <p>The timing provisions for allowing existing composting facilities to come into compliance with the new requirements of the General Order are essential in providing a reasonable and feasible framework for the operational modifications and capital improvements that will be needed to meet these requirements. It is critically important that these timing provisions apply consistently throughout the state. This could be undercut if individual Regional Water Quality Control Boards do not provide sufficient time for compliance through the issuance of site-specific Waste Discharge Requirements that are adopted for existing composting facilities in lieu of applying the General Order.</p> <p>The Order should be amended to explicitly identify that the timing in this General Order will serve as a minimum for all parts of the state, and composting facilities should not be subject to enforcement ahead of the timelines established in the rule.</p> | <p>The provisions in the General Order apply only to composting operations covered under the General Order and therefore, the compliance schedule provisions do not apply to operations covered under individual WDRs. The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders' comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI.</p> <p>Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): <i>"The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible."</i></p> <p>Finding 13 states that <i>" . . . If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. . . "</i></p> |
| 9 | Californians Against Waste | Nick Lapis | 8 | <p>While not explicitly part of the existing order, we urge the Board to work with us and other stakeholders to take an incentive-based approach to achieving the water quality goals that we share. <u>In order to insure the ongoing viability of the composting industry (and all the underlying environmental benefits), the state should fund a significant portion of the compliance costs of the Order.</u> We would love to work with the Administration (and, if necessary, the Legislature) to pursue something akin to the ARB's successful Carl Moyer program to achieve California's multiple goals in this sector.</p> | <p>Although funding is beyond the scope of the General Order, there may be opportunities for composting operations to seek funding available through incentives and programs to support diversion activities. State Water Board staff will continue to have discussions with the stakeholders.</p> |
| 9 | Californians Against Waste | Nick Lapis | A-1 | <p>We support the State Board's interest in moving forward with uniform statewide standards for composting facilities. However, we are concerned about the negative impacts on existing and future composting operations that could result from the adoption of overly burdensome requirements that are not appropriately tailored to address the environmental risks and benefits at issue. In particular, if the standards in the General Order are not carefully crafted, they could reduce the number of composting facilities and the amount of compost production throughout the State. This would result in increased disposal of organic materials in landfills or direct land application of this material, which, in turn, would cause significant air quality, water quality, and other environmental impacts.</p> | <p>The General Order was developed to provide a streamlined and efficient permitting process that would promote statewide consistency in regulation of composting operations; costs associated with the General Order are expected to be less than costs incurred under individual WDRs. The EIR's Economic Considerations (Appendix D) concluded that compliance with the General Order may increase the total cost of operation and decrease net returns, but is not expected to impact the economic viability of composting operations.</p> <p>The State Water Board shares the concern of stakeholders that, if not properly land applied, green waste has the potential to adversely impact water quality. However, land application of green waste is a discharge of waste to land subject to the enforceable requirements of Water Code Section 13260 et seq., which requires dischargers to submit a Report of Waste Discharge to the Regional Water Board. The Irrigated Lands Regulatory Program (ILRP) regulates these discharges through WDRs or conditional waivers of WDRs issued to growers. These orders require implementation of best management practices and contain conditions requiring water quality monitoring and corrective action when impairment is found. The Water Boards, in collaboration with CalEPA, CalRecycle, and other agencies, are launching an expanded education and outreach program regarding land application of uncomposted green waste and continue to exercise regulatory oversight and enforcement authority to address any potential threat of unregulated or illegal land application of green waste.</p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 1 | <p>It is critically important that these timing provisions apply consistently throughout the state. Composting operations provide important benefits to the community, state, and environment, including meeting the State's diversion goals and reducing greenhouse gas emissions that would result from the disposal of compostable materials in landfills. These benefits could be lost if individual Regional Water Boards do not provide sufficient time for compliance through the issuance of site-specific Waste Discharge Requirements ("WDRs") adopted for existing composting facilities in lieu of applying the Order. The Order should be revised to provide that the six year timeframe set forth for existing facilities to achieve compliance shall not be revised through the issuance of site-specific WDRs in lieu of enrollment under this General Order. Additionally, the Order should make clear that, pending the compliance period under the Order, enforcement actions should not be taken against an existing composting facility for not yet achieving compliance with the Order's requirements.</p> | <p>The provisions in the General Order apply only to composting operations covered under the General Order and therefore, the compliance schedule provisions do not apply to operations covered under individual WDRs. The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders' comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI.</p> <p>Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): <i>"The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six years from the date of the Notice of Intent (NOI). The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible."</i></p> <p>Finding 13 states that <i>" . . . If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. . . "</i></p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 2 | <p>The Order should clarify that runoff from composting operations is not considered to be "designated waste."</p> | <p>General Order, Title 27 Applicability, Finding 52, states: "California Code of Regulations, Title 27, section 20200, subdivision (a)(1) allows a finding to be made that, '...a particular waste constituent or combination of constituents presents a lower risk of water quality degradation than indicated by classification according to this article.' Therefore, to the extent that a particular compostable material could be characterized as designated waste, such material shall be regulated as a nonhazardous solid waste pursuant to California Code of Regulations, title 27, section 20200, subdivision (a)(1) because the compostable material presents a lower risk to water quality than typical designated wastes when managed as required by this General Order."</p> |

DRAFT - July 23, 2015
Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|--|----------------|----------------|---|--|
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 3 | The Order requires composting operations to be setback at least 100 feet from the nearest surface water body. The Order should clarify that this requirement does not apply to storm water management systems, including conveyance systems, sedimentation ponds or storage ponds, or appurtenant facilities, as they are not considered "water bodies." Additionally, the Order should clarify that the setback requirement does not apply to existing facilities, as these facilities should be grandfathered. Finally, the Order should specifically acknowledge that an engineered alternative, such as berms, ditches, and swales, may be allowed if these measures effectively isolate the compost operations runoff and protect water quality. | <p>The following is provided to clarify applicability of the 100-foot setback requirements. Setbacks from surface water bodies are defined in the General Order as follows: Distance to Nearest Surface Water - the horizontal distance measured, in feet, from the nearest edge of the composting operation to the edge of the high water mark for lakes and reservoirs, mean high tide line for tidally influenced water bodies, or the natural or levied bank for creeks and rivers. The General Order describes setbacks from the Nearest Water Supply Well as: The horizontal distance measured, in feet, from the nearest edge of the composting operation to the center of the water supply well head. As defined, surface water body and water supply well head may not include storm water management systems, conveyance systems, sedimentation ponds or storage ponds.</p> <p>Facilities will not be "grandfathered" on the basis of existing prior to the General Order. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. The General Order streamlines and simplifies permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263, which requires Regional Water Boards to prescribe waste discharge requirements (WDRs) addressing "any proposed discharge, existing discharge, or material change in an existing discharge."</p> <p>However, Finding 28.b. provides an alternative that applies to all facilities: ". . . A lesser setback distance may be allowed by the Regional Water Board if the Discharger can demonstrate that the groundwater, geologic, topographic, and well construction conditions at the site are adequate to protect water quality." Dischargers may implement equivalent engineered alternative measures to create conditions that are adequate to protect water quality, as determined by the Regional Water Board.</p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 4 | The Order should delete use of the word "misdemeanors." The imposition of criminal liability for "failing to furnish the reports by the due date" seems unduly harsh and serves no public policy purpose that could not be met by the issuance of a Notice of Violation and/or imposition of a fine. | <p>The term "misdemeanors" was not removed from the General Order. Failing to furnish the reports by the due date or falsifying information in the reports, are misdemeanors that may result in assessment of civil liabilities against the Discharger. This language is typical for WDRs and is included in Water Code section 13261:</p> <p>(a): A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision:</p> <p>(b) (1) Civil liability may be administratively imposed by a regional board or the state board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount not exceeding one thousand dollars (\$1,000) for each day in which the violation occurs. Civil liability shall not be imposed by the regional board pursuant to this section if the state board has imposed liability against the same person for the same violation.</p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 5 | Minimal ponding and incidental liquids that occur as part of the normal compost process or remain after rainfall do not indicate inadequate slope or site design. Additionally, seepage at the toe of compost piles that is collected by the runoff control system does not indicate that groundwater infiltration is occurring. The Order should be revised to clarify that it does not seek to treat such incidental water or ponding as a violation of the Order, given that the design will be graded to drain and collect all runoff for beneficial reuse. | <p>Minimal ponding and incidental liquids may occur during normal operations and after rainfall, and are expected to be temporary events.</p> <p>The Design, Construction and Operation Requirements – All Tiers, Finding 1: "Working surfaces and containment structures must be designed, constructed, operated and maintained to:</p> <p>a. Facilitate drainage and minimize ponding by sloping or crowning pads to reduce infiltration of liquids;</p> <p>b. Reliably transmit free liquid present during storage, treatment, and processing of materials to a containment structure to minimize the potential for waste constituents to enter groundwater or surface water; and</p> <p>c. Prevent conditions that could contribute to, cause, or threaten to cause a condition of contamination, pollution, or nuisance."</p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 6 | Finding 49.a.: The last sentence should be revised to say, "Tier II facilities must have a pad designed to comply with a hydraulic conductivity standard to limit infiltration of liquids to the subsurface at working surfaces, drainage ditches, and wastewater detention ponds, except where Table 3 standards for percolation are met. | <p>The following is provided to clarify that Table 3 - Tier I Percolation Rate and Depth to Groundwater Standards, are requirements for Tier I operations. Tier II operations must comply with hydraulic conductivity requirements due to the heightened potential to degrade water quality. Tier I operations are inherently less likely to degrade water quality because the volume and types of waste constituents present at the facility is lower than at Tier II facilities. (Refer to the General Order, Antidegradation Analysis).</p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 7 | The Order appears to prohibit sewage sludge and water treatment (filter cake) composting. It is essential that the Order allow the reuse of treated POTW wastewater and compost facility runoff. The Order should clarify that it does not intend to prohibit beneficial reuse of these materials. | <p>Discharge of ". . . sludge, including but not limited to sewage sludge, water treatment sludge, and industrial sludge" is prohibited in the General Order (Prohibitions 4.f.). However the reuse of treated sewage sludge (defined as biosolids and meeting the criteria as defined in the General Order, Attachment A – Definitions), is allowed as a feedstock at Tier II facilities. Reuse of wastewater from the detention pond is allowed as described in the facility's Waste Water Management Plan, approved by the Regional Water Board.</p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 8 | Use of manure and/or biosolids is integral to the startup and operation of certain anaerobic digestion (AD) systems. The Order seems to prohibit or unduly restrict all biosolids in composting systems since CalRecycle regulated AD facilities as compost facilities. | <p>Materials such as manure and biosolids meeting the criteria of the General Order are allowable as Tier II feedstocks with no volume restrictions. Manure is prohibited as a feedstock only under Tier I classification. Manure is allowed as a feedstock for Tier II facilities with no limits on volume, and is allowed as an additive within the limitations for Tiers I and II.</p> <p>The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a "process to significantly reduce pathogens" presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. Biosolids are prohibited as additives and amendments, consistent with CalRecycle's regulations, (California Code of Regulations, Title 14, Natural Resources, Division 7. California Integrated Waste Management Board, Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements, Article 1. General, Section 17852, Definitions).</p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 9 | Purchase agreements often hinge on the transferability of existing permits, entitlements, and approvals. The Order should be revised to delete the phrase "nor create a vested right for the owner and operator to continue the regulated activity." The current wording may impair or prevent the right to sell or transfer the compost operation. | <p>Revising the General Order is not recommended. Refer to Additional Requirements, item 7: "This General Order does not convey any property rights of any sort or any exclusive privileges. Requirements prescribed herein do not authorize commission of any act causing injury to persons or property, nor protect the Discharger from liability under federal, state, or local laws or regulations, nor create a vested right for the owner and operator to continue the regulated activity."</p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 10 | Many definitions listed in Attachment A and used in the Order make substantial departures from existing provisions in the California Public Resources Code (see California Public Resources Code Section 17852). The Order should be revised to reconcile these definitions so as to be wholly consistent with fully promulgated and final California State regulations at Titles 14 and 27, as amended, including the terms in the Water Board's Industrial General Permit. | <p>The General Order, including definitions, is not anticipated to conflict with current or proposed Title 14 or Title 27 regulations. CalRecycle has separate regulatory authority from the State Water Board. No single agency regulates composting in California: composting operations may involve environmental regulatory oversight by CalRecycle, Air Resources Board (ARB), the nine Regional Water Boards, local air quality management districts, and local land use planning agencies. The State and Regional Water Boards have the authority to protect water quality, which includes regulating composting operations discharges and activities that have the potential to cause adverse water quality impacts. Public Resources Code section 43101 mandates a division of authority between Water boards and other agencies as appropriate to prevent overlap, duplication and conflict. Public Resources Code, section 43101 (C)(2) states: "The state water board and regional water boards shall be the sole agencies regulating the disposal and classification of solid waste for the purpose of protecting the waters of the state". Title 27, Chapter 1, section 20005 (b) (T14: section 17601) states that CalRecycle does not address air or water quality aspects of the environment that are regulated by other state or local agencies. CalRecycle has provided input to the General Order, and the General Order was developed with consideration of CalRecycle's current and proposed regulations. In general, NPDES permits, including storm water permits, address impacts to surface water and may not address potential impacts to groundwater.</p> |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

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| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 11 | Compost as used in the Order, includes curing and final product. Final product should be distinguished from active compost as it is suitable for use at homes or in agriculture and so does not pose a contamination threat. Please delete "final product" throughout the Order from the definition of "compost." | <p>The definitions for active, curing and final product have been revised.</p> <p>Active Compost - <i>"Compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks."</i></p> <p>Curing Compost - <i>"The final stage of the composting process that occurs after compost has undergone pathogen reduction, as defined in California Code of Regulations title 14, section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized. This curing phase begins after an active compost pile endures a sustained drop in temperature as remaining materials continue to decompose, but at a much slower rate. This helps to further decompose and stabilize potentially toxic organic acids and resistant compounds. The curing process helps bring compost to full-maturity, and can last several months."</i></p> <p>Final Product - <i>"The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed."</i></p> <p>The definition of working surface has been revised to allow segregation of final product: Working Surface - <i>Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is isolated in a dedicated area away from the active and curing compost; The area is clearly marked as "final product" and The area is identified in the NOI and technical report, and approved by the Regional Water Board.</i></p> |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 12 | Throughout the wet weather annual survey requirements that are to be included in the Annual Report, there is reference to items of "deficiency/noncompliance." The Order should be revised to clarify that if these items are identified by August 31st and corrected by October 31st, then they are not considered to be deficient or non-compliant. | Per the requirements of the General Order - Monitoring and Report Program, deficiencies/noncompliance items must be reported in the annual survey. The survey must also include corrective actions taken or planned, and measures to prevent recurrence of the deficiency. Attachment B, Section A.1.c provides a window from August 31 (identify deficiencies/noncompliance items) to October 31 (to complete repairs/corrective actions). Items resolved within that period of time would be no longer deficient or non-compliance; issues not resolved would result in non-compliance. |
| 10 | City and County of San Francisco Department of the Environment | Jack Macy | 13 | The Economic Considerations provided in Appendix D is lacking sufficient information in some key, but critical areas, which significantly underestimate the cost impacts of these WDRs. The economic analysis assumes "initial capital investments of approximately \$25.2 million in retention ponds, monitoring wells, and drains"; this analysis disregards the reality that a significant number of compost facilities will be required to install operating pads in order to meet water quality objectives, at a total cost many multiples higher than the low estimate provided. It is a significant omission to conclude that there will be no economic impact from construction of operating pads due to these new standards. <u>The economic analysis fails to discuss the costs of wastewater treatment and/or disposal that will be incurred by facility operators following the implementation of these WDRs.</u> | <p>Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.</p> <p>Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million.</p> <p>At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million.</p> <p>In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.</p> <p>There is no specification for treating or hauling wastewater in the General Order, therefore this cost was not discussed in the Economic Considerations. Dischargers may choose to treat or haul wastewater as a management option.</p> |
| 11 | City of Santa Rosa Utilities Dept. | Zachary Kay | 1 | Is it true the G.O. does not to apply to any existing composting facilities with individual WDRs or WDR waivers or if it is included on a NPDES permit? | <p>The General Order will not apply to composting facilities with existing individual WDRs or conditional waivers, or that are co-located with other facilities with WDRs that include the composting operation. Finding 37 of the General Order states, <i>"Existing composting operations, except those with individual WDRs or conditional waivers of WDRs that address the composting operation, are required to seek coverage under this General Order."</i> Additionally, Finding 13 of the General Order is revised to provide more clarification: <i>"Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has existing individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board."</i></p> <p>In general, NPDES permits, including storm water permits, address impacts to surface water and may not address potential impacts to groundwater.</p> |

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| 11 | City of Santa Rosa Utilities Dept. | Zachary Kay | 2 | There is inconsistency in the GO between the definitions of sewage sludge, biosolids, and what is allowed as a feedstock. (see Prohibition 4.f., Appendix A Definition of biosolids, Appendix A Definition of Sewage Sludge, "Scope of This General Order" – Item 28. a., Tier II Allowable Feedstocks) Thus we have confusion regarding the allowance of Class B biosolids which meets the table 1 ceiling limit but not the table 3 pollutant concentration limit as a feedstock. The definition of biosolids seems to include such a material but so does the definition of sewage sludge. The former is allowed as a feedstock under the GO and the latter is not. | In response to this comment, the definition of biosolids has been revised as: "Sewage sludge that has been treated, tested, and meets: 1. All biosolids, at a minimum, must meet the Ceiling Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13; 2. The Class A or Class B pathogen control requirements in 40 Code of Federal Regulations part 503.32(a) or (b); and 3. One of the Vector Attraction Reduction requirements in 40 Code of Federal Regulations part 503.33(b)(1–8). Exceptional Quality (EQ) biosolids – Biosolids meeting metals standards, Class A pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.32(a), and section 503.33(b)(1–8), respectively." The General Order does not prohibit Class A, Class B, or Class EQ biosolids as a Tier II feedstock for composting operations. However, these biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a "process to significantly reduce pathogens" presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. |
| 12 | Cold Creek Compost, INC. (CCC) | Martin Mileck | 1 | Chip and Grind facilities ought to be included in the order. They have been used as a way around the compost regulations, and now with additional exemption from water quality regulations there exists added incentive for circumvention. Chip and grind facilities receive the same materials as compost facilities; therefore they pose the same threat to water quality. | The focus of the General Order is composting operations. Chip and grind operations are exempt from requirements of the General Order because those operations do not fit the criteria for this General Order. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The General Order has been revised to clarify that chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order. Chip and grind facilities may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate. |
| 12 | Cold Creek Compost, INC. (CCC) | Martin Mileck | 2 | Agricultural operations should also be included in the order. Just as Chip and Grind facilities are used to circumvent the compost regulations, so are agricultural facilities. Again, same materials means the same threat to water quality. Just as in the case of Chip and Grind facilities, exemption from water quality further incentivizes circumvention of the compost regulations. | Agricultural operations are exempt from requirements of the General Order. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. (Refer to General Order, finding 14). For the purposes of the General Order, agricultural composting operations are not similar to composting operations. Agricultural Composting is "the operation of composting conducted in agricultural settings where: (1) feedstocks consist of materials generated onsite [by agricultural activities] and (2) the resulting compost product is returned to that same agricultural site, or an agricultural site owned by the owner of the composting activity and applied at an agronomic rate. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually." Agricultural operations may be covered under other permits beyond the scope of this General Order. |
| 12 | Cold Creek Compost, INC. (CCC) | Martin Mileck | 3 | CCC has lost considerable amounts of grape pomace and municipal greenwaste to agricultural and chip & grind facilities because they are exempt from composting regulations. More such redirection can be expected to occur if those operations are also exempt from water quality requirements. I don't believe this is the direction we want to go. | Chip and grind operations and agricultural operations are exempt from requirements of the General Order because those operations do not fit the criteria for this General Order. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to General Order, finding 14). For purposes of the General Order, chip and grind facilities and agricultural operations are not similar to composting operations that meet the criteria of the General Order. Chip and grind facilities and agricultural operations may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate. |
| 12 | Cold Creek Compost, INC. (CCC) | Martin Mileck | 4 | I also fail to see the logic for exemption of small compost facilities. If the facility is a commercial compost facility, it should have to obey the same rules as all the rest. Should a small business not be required to have a business license? Perhaps small restaurants should be exempt from food safety standards. | The conditional exemption for small composting operations with less than 5,000 cy of materials was added to the General Order as a lower-cost option to Tier I requirements, in response to findings in the EIR's Economic Considerations. The exemption is conditional and requires composting materials to be covered during storm events as needed, and requires management of process water and waste water to reduce generation of wastewater. Note that only composting operations that compost less than 500 cy of approved feedstock at any given time are fully exempt. Composting operations that receive, process or store less than 5,000 cy of allowable material per year are required to implement the management practices specified in the General Order in order to be exempt. Exempt operations may be subject to the NPDES permits or site specific orders by Regional Water Boards as appropriate. |
| 12 | Cold Creek Compost, INC. (CCC) | Martin Mileck | 5 | 6 years is an unreasonably long time to allow the substandard facilities to become compliant. 3 years is more than enough time for those facilities to get clean or get out. Is it right that facilities that have made considerable investment in protecting water quality will have to endure 6 more years of unfair competition? I cannot see such an extended time period to be in any way helpful to the development of the compost industry. | The intent of the compliance schedule is to provide a minimum period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order; the technical report is to include a proposed schedule for full compliance that may not exceed 6 years from the date of the NOI. New composting operations that propose to begin operating after adoption of this General Order are required to seek coverage by submitting a complete NOI, filing fee, and technical report to the Regional Water Board not less than 90 days prior to commencement of the composting operation. |
| 12 | Cold Creek Compost, INC. (CCC) | Martin Mileck | 6 | I applaud the General Order. There is no doubt that it will improve our water quality, and now with a foundation where there was formerly none, the compost industry can safely grow and thrive. | Thank you for your supporting comment. |
| 13 | Cornerstone environmental | Jessica Ann Bernardini | 1 | Can an example methodology of calculating the "25 year return annual total precipitation value distributed monthly in accordance with average (mean) precipitation values" for sizing the handling systems be included in the General Order. | In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. The revised language is listed below: 6. Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond, from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board. |
| 13 | Cornerstone environmental | Jessica Ann Bernardini | 2 | The website that one is directed to from the WDR table does not allow for you to click on all available PDFs and requires maintenance. | The Department of Water Resources (DWR) Flood Management website was previously compromised at the time of this comment, however it appears to be currently back online. If at any time the website is not accessible, please contact DWR and provide them with the specific location of the facility to obtain the information. [Climate data may be found from the Department of Water Resources Flood Management website at http://www.dwr.water.ca.gov/floodmgmt/hafoo/csc/climate_data/]. |
| 13 | Cornerstone environmental | Jessica Ann Bernardini | 3 | Various "waters" produced are not clearly defined. | In response to stakeholders' comments, the references to "process water", "process wastewater," "non-process wastewater," and "wash water" have been revised and consolidated under the single term, "wastewater". The definition of wastewater has been revised as: "Refers to leachate or any other liquid flowing from, or on the working surface." |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|-----------------------------|----------------|----------------|---|---|
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 1 | If our industry is expected to shoulder the burden of meeting the State's organics diversion goals, we can only accomplish the task within a reasonable regulatory framework. Balancing these ambitious waste diversion goals with the State's equally ambitious water quality goals come at a cost. The proposed General Waste Discharge Requirements and associated EIR are no exception. This begs the question, Who will bear the costs? Industry? Taxpayers? What public funding opportunities will be made available to ease the proposed burden of compliance? | <p>Although public funding is beyond the scope of the General Order, there may be opportunities for composting operations to seek funding available through incentives and programs to support diversion activities. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted and have not collected or reported monitoring data. The General Order is a tool for Regional Water Boards to use for streamlining and simplifying the permitting process for composting operations. Costs associated with the General Order are expected to be less than costs incurred under individual WDRs. Compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. State water quality goals not only benefit to the people of the state, water quality standards are mandated in the California Water Code. The General Order was developed with several options to enable dischargers to choose the most appropriate and cost effective option for their business.</p> <p>The Economic Considerations concluded that composting operations complying with the General Order are unlikely to cease operations due to not being able to pay for upgrades, and are not likely to increase prices to the point of being unable to compete with landfills. While the order may have a temporary impact to planning/construction of large or complex facilities (Tier II and those requiring individual WDRs), it may encourage development of smaller, Tier I facilities.</p> |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 2 | We currently have major revisions to compost regulations pending in several California regulatory agencies (CalRecycle: Title 14/27, SCAMD AER Reporting, SWRCB Trash Policy, Regional Board's individual waivers and action: Central Valley, San Diego; etc.). We question to what extent these proposed regulations have been coordinated inter-agency. With so many moving pieces of regulation in process at the same time, it is challenging to create a regulatory framework that is well coordinated. To what extent has this General Order been coordinated with CalRecycle or other state regulatory agencies? | <p>The Water Boards and CalRecycle (formerly CIWMB) participated in several interagency workgroup sessions during development of the General Order. CalRecycle's existing and proposed composting regulations were reviewed with the intent of avoiding overlap or duplication. Other regulations reviewed include the Water Board's Ocean Plan Amendment to Control Trash (Trash Amendments), and Regional Water Board waivers and policies. CalRecycle has separate regulatory authority from the State Water Board. Title 14, Articles 6.1 and 6.2 (including sections 17406.1, 17406.2, 17407.3) set forth permitting requirements and minimum operating standards for operations and facilities that receive, store, handle, recover, transfer, or process solid waste and these sections do not apply to composting operations. The General Order was developed with input from Regional Water Boards, CalRecycle, other agencies, and stakeholders. CalRecycle and the Water Boards have separate authority over discharges to land. The Water Board has authority over water quality aspects of discharges to land under the Water Code. CalRecycle has authority over solid waste under the Public Resources Code; this authority does not extend to water quality.</p> <p>The General Order does not include requirements for the State Water Boards' recently-adopted Ocean Plan Amendment to Control Trash (Trash Amendments). In the future, the recently-adopted Trash Amendments will be implemented under the NPDES program through Industrial General Permits. While there may be some overlap of trash control measures during implementation of the Trash Amendments and the General Order, issues related to trash will be addressed based on site-specific factors. Further development on implementation of the Trash Policy can be obtained from the following website: http://www.waterboards.ca.gov/water_issues/programs/trash_control/.</p> |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 3 | In general, we find many of the requirements of General Order to be too onerous not only to our company but to the composting industry as a whole. Moreover, we have found the most recent stages of the General Order and EIR process to be seemingly closed off to industry input. Without adequate stakeholder input throughout the General Order process, how can the Water Board expect to promulgate a General Order that really works for the regulated community? | <p>Compostable material may contain nutrients metals, salts, pathogens, and oxygen-reducing compounds that can degrade water quality. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs.</p> <p>Stakeholders from industry, municipalities, and other agencies have been involved with development of the current General Order since 2009, and were also involved with earlier concepts from as early as 2003. The State Water Board has hosted work-group workshops, public informational meetings, scoping meetings, and public workshops. Stakeholders have provided comments throughout development of the Compost General Order, Initial Study, and Mitigated Negative-Declaration. Responses to stakeholder comments were completed in 2012 by making major revisions to the General Order and preparing an Environmental Impact Report.</p> <p>The General Order requirements have been posted on the Water Board website since May 2014. Opportunities for public comment were announced and announcements sent to compost operators in 2012, 2013, and in 2015. Two public workshops were held in 2015 and met with stakeholders in several focused, small group meetings to receive input and answer questions. Responses to stakeholder input has been made by either revising sections of the General Order, or by drafting responses to clarify reasons for not making revisions.</p> |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|-----------------------------|----------------|----------------|--|---|
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 4 | <p>Along these lines, we are concerned that the economic analysis performed as part of the EIR was at a minimum limited in scope (only 8 facilities surveyed) and made unrealistic assumptions that lowered the perceived economic impact of the proposed regulation. For example, the economic analysis assumed that operators will not have to upgrade their operational areas with paved surfaces. Under very likely circumstances, the proposed WDRs would in fact require paving or other costly mitigation measures. Therefore, the economic impacts of the proposed WDRs are grossly understated. And as understated, the true costs of the proposed regulation have not been adequately quantified. What are the real costs of General Order compliance?</p> | <p>The Economic Considerations provides estimated costs to comply with the General Order. Please refer to the General Order, Design, Construction and Operation Requirements - Tier II only, item 1. There is no requirement in the General Order that working surfaces must be paved. Working surfaces (Tier II facilities only) are required to have a hydraulic conductivity of 1×10^{-5} cm/s or less. This requirement can be accomplished in a variety of ways, including compacted soils with a thickness of one foot; asphaltic concrete or Portland cement concrete; or an equivalent engineered alternative specified in an NOI and approved by the Regional Water Board. Dischargers also have the option of groundwater protection monitoring in lieu of constructing a working pad.</p> <p>Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.</p> <p>Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million.</p> <p>At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million.</p> <p>In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.</p> |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 5 | <p>A related point of concern is that the proposed WDRs do not give industry adequate time to adapt. Even under the proposed overly-optimistic economic analysis, you are asking an industry to take a substantial hit in required capital and operating expenditures. By requiring Notices of Intent to be filed within 1 year and full compliance within 6 years you may in effect be putting many operators out of business. Please consider extending the compliance timeline. If you are asking an industry to adopt costly compliance measures, would it not be prudent to give them adequate time to adapt?</p> | <p>The intent of the compliance schedule is to provide a minimum period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders' comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Following submittal of the NOI, composting operations are required to implement specifications of the General Order 6 years from the date of the NOI.</p> <p>Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): <i>"The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible."</i></p> |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 6 | <p>Another area of concern in the proposed WDRs is the treatment of "Anaerobic Digestate." The proposed WDRs do not appear to fully understand the nature of anaerobic digestate as it relates to composting. For example, in Attachment "B" digestate is lumped together with biosolids when looked at for monitoring. Also, the WDRs appear to arbitrarily prohibit more than 10 or 30 percent of anaerobic digestate per batch of compost in certain circumstances. This limitation appears to be arbitrary and there is no health and safety, environmental protection, or other scientific basis given in the General Order or EIR. What is the scientific basis for an arbitrary 10 or 30 percent limit of Anaerobic Digestate in composting?</p> | <p>There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks." Additive volume limits apply to other materials the same as anaerobic digestate.</p> <p>Development of percent limitations considered a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, additive limitations at existing facilities that are currently permitted under individual WDRs, and additive limitations imposed by other states. Tier I facilities have no requirements for improved working surfaces or ponds, therefore the feedstocks are limited to those lower threat materials allowed in Table 2. Additives such as manure contain pathogens, nitrates, salts and are higher threat feedstocks. The 10% limitation allows Tier I facilities to mix in lesser amounts of higher threat materials that are not allowed as feedstocks, as additives. The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material would be a feedstock. Additionally, greater percentages of raw materials such as fertilizing materials may have the potential to create anaerobic or other undesirable conditions.</p> <p>In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows:</p> <ol style="list-style-type: none"> Under Specifications, provision 1.a and 1.b: the terms "...and amendments" are removed, so that percent limitations apply only to additives. New provision is added to address amendment limits: "For Tier I and Tier II facilities, the type of amendments must be specified in a NOI and/or a technical report, and approved by the Regional Water Board." The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged. The following revisions are proposed under "Definitions": "Amendments" definition is revised to be consistent with CalRecycle: "Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock." Under Prohibition 4.k.: Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited. |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 7 | <p>Facility Parameters are too varied: Given the significant variability in size, weather, soil types, depth to groundwater, feedstock types, etc., of compost sites and operations, compost facilities throughout the state are a poor candidate for this type of regulatory approach. These facilities are not suited to a "one size fits all" approach to potential ground water protection</p> | <p>Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require time and resources that may inhibit permitting, and may result in greater costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation.</p> <p>Composting operations that do not meet the criteria of the General Order may be more appropriately regulated under individual WDRs, as determined by the Regional Water Board. Finding 13 of the General Order has been revised to clarify this point and states, in part, <i>"If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation."</i></p> |

DRAFT - July 23, 2015
 Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

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| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 8 | In drier climate regions (e.g. all of Southern California, which handles about 2/3 of the organic recycling in the state), there has been no evidence presented that shows there is any movement of potential contaminants into the groundwater. So the question still remains, why is an onerous, monolithic, statewide regulation needed, when there is no evidence that protection is necessary to oversee half of the material managed in the state? | Water quality data has been provided in Appendix J of the EIR. Compostable material may contain nutrients metals, salts, pathogens, and oxygen-reducing compounds that can degrade water quality. Tier II facilities process large quantities of compostable materials that may present a greater threat to water quality. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater costs. However, composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type. |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 9 | Not collaborative or responsive: Our industry representatives have been engaging in this process since it began in the fall of 2011. ACP attended multiple meetings where they raised specific concerns and recommendations that still have not been adequately addressed by Water Board staff. Not only that, the staff assigned to this process has changed three times during this process. And while ACP has made multiple verbal and written recommendations, Water Board staff has yet to address the data, cost or operational concerns that they have presented. | Stakeholder and/or interagency comments, letters and working papers were considered throughout the process of developing the General Order. Stakeholders from industry, municipalities, and other agencies have been involved with development of the current General Order since 2009, and were also involved with earlier concepts from as early as 2003. State Water Board staff hosted work-group workshops, public informational meetings, scoping meetings, and public workshops. Stakeholders have provided comments throughout development of the Compost General Order, Initial Study, and Mitigated Negative-Declaration. Revisions to the General Order were made and an Environmental Impact Report was prepared in response to stakeholder comments. The General Order requirements have been posted on the Water Board website since May 2014. Opportunities for public comment were announced and announcements sent to compost operators in 2012, 2013, and most recently, on January 13, 2015. State Water Board staff has held two public workshops in 2015 and met with stakeholders in several focused, small group meetings to receive input and answer questions. Responses to stakeholder concerns were made by either revising sections of the General Order, or by drafting responses to clarify reasons for not making revisions. |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 10 | <u>Policy goal is to increase compost production & use, not limit it:</u> The Water Board, along with the regulated community, are keenly aware of the State's 75% recycling goal, which by most estimates will require an addition 50 to 100 newly permitted compost facilities, and AD facilities, or likely some cost effective combination, by 2020. However, this one -size-fits-all approach would seriously put yet another roadblock to the State achieving this goal | The General Order was written to streamline and simplify permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. The General Order supports California's 75 percent diversion goal by allowing a diverse range of compost feedstocks and a tiered regulatory approach to address large and small operations. The General Order does not limit the types of diversion technologies nor the feedstock materials that may be used in the State, but provides a regulatory mechanism for composting operations with similar wastes and operations. The General Order is not intended to cover all composting operations in the state. The regulatory approach without a General Order, is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may increase costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation. Composting operations that do not meet the criteria of the General Order may be permitted under individual WDRs, as determined by the Regional Water Board. In response to stakeholder comments, Finding 13 of the General Order has been revised to read, in part: ". . . If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 11 | Chip & Grind Operations Excluded: We do not see the evidence or logic for excluding chip & grind operations from this General Order. Every compost facility has a chip & grind operation at the front end of their operations process. If this management area is to be managed through this General Order process, we see absolutely no reason for excluding stand-alone chip & grind operations from this process as well. Again, we make the firm recommendation that these operations not be exempted. | The following clarifies the applicability of chip and grind operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to General Order, finding 14). For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), the chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The focus of the General Order is composting operations. In response to stakeholders' comments, the General Order has been revised to clarify that chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order. Chip and grind facilities may subject to the Industrial Storm Water Permit or site specific orders by Regional Water Boards as appropriate. |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 12 | <u>Clarification of the WDR Process and/or Exemption:</u> The question of whether or not existing composting facilities with existing Regional Board-approved WDR are actually included in the General Order has not been answered. | Composting operations with existing Regional Water Board issued WDRs will not be required to seek coverage under the General Order. Finding 37 of the General Order states, "Existing composting operations, except those with individual WDRs or conditional waivers of WDRs that address the composting operation, are required to seek coverage under this General Order." Finding 13 of the General Order is revised to provide more clarifications: "Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire, or come up for renewal. At that time or earlier at the discretion of the Regional Boards, it is the intent of the State Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." |

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| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 13 | The regular occurrence of groundwater contamination directly resulting from compost operations has not been adequately demonstrated. For example, at one major facility in the south San Joaquin Valley where groundwater monitoring has taken place continuously for the past 20 years, there is no evidence of any "contaminated" water migrating through the facility to the groundwater basin. Compost facilities are not by nature infiltration basins, and therefore do not need to be set up with impervious surfaces in most locations, especially throughout Southern California. This condition was not fully accounted for in the currently proposed regulatory language. In fact, compost is routinely used as a water filtration medium as a best management practice to filter both groundwater and surface water. This best management practice is in fact used in many thousands of locations, and the states waters appear to be very adequately protected by a healthy soil layer and compost. | <p>Water quality data has been provided in Appendix J of the EIR. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. It is the intent of the General Order to provide regulation of materials that can pose a threat to water quality, within the authority of the Water Code. Compliance with design specifications and associated performance requirements included in this General Order is determined to be protective of water quality. Tier II facilities process large quantities of compost product that may contain pollutants such as nitrates, pathogens, salts; and >25,000 CY or greater volumes present a greater threat to water quality.</p> <p>The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation.</p> <p>The hydraulic conductivity specification for working surfaces (pads) of 1×10^{-5} centimeters per second (cm/s) at Tier II facilities does not result in an impermeable surface. The hydraulic conductivity specification was selected as part of a combination of Best Practicable Treatment or Control (BPTC) measures, including feedstock limitations, additive restrictions, and wastewater handling requirements. A variety of hydraulic conductivity requirements for working surfaces (pads) were considered and the hydraulic conductivity specification of 1×10^{-5} cm/s for working surfaces (pads) was determined to be less onerous than requirements for less permeable or impermeable surfaces, while providing water quality protection consistent with anti-degradation policies. The General Order allows dischargers to propose a groundwater monitoring program in lieu of creating less permeable working surfaces. If groundwater monitoring indicates a release, the operation may be required to implement corrective action measures such as pumping and treating the groundwater or building an impermeable surface.</p> <p>However, composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type.</p> |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 14 | Economic analysis not complete: The economic analysis was limited in scope and contained flawed assumptions. Only 8 facilities were polled, which does not adequately capture the industry. Moreover, the underlying assumption was that major paving would not be required, which is not realistic. The proposed General Order would require paving of work surfaces, which is the most expensive mitigation measure, potentially adding millions of dollars to the development cost of a composting facility. The economic analysis needs to be readdressed to capture the real economic costs of the proposed General Order. | <p>The General Order does not require paving of any working surfaces. Working surfaces (Tier II facilities only) are required to have a hydraulic conductivity of 1×10^{-5} cm/s or less. This requirement can be accomplished in a variety of ways, including compacted soils; asphaltic concrete or Portland cement concrete; or an equivalent engineered alternative specified in an NOI and approved by the Regional Water Board.</p> <p>Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.</p> <p>Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million.</p> <p>At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million.</p> <p>In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement, was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.</p> |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 15 | The fact that wastewater additives (particularly fats, oils and greases) are eliminated has no basis in facility operations. Many facilities truly need this water, and without any evidence that this ever gets into as much as the upper soil layers, much less migrating further, makes their elimination seem capricious and arbitrary. | Fats, oils, and grease are not specifically prohibited in the General Order. These non-vegetative food materials may be accepted at Tier II facilities, subject to approval by the Regional Board. Composting wastewater is not prohibited from reuse in the composting process. |
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 16 | New trash policies: There has been no acknowledgement or explanation of how the new Water Board's Trash Policy plays into, and positively or negatively affects, the General Order Process. Industry participants need to understand, from the Water Board, how these two pieces of regulation relate to each other prior to implementation of either. | The General Order does not include requirements for the State Water Boards' recently-adopted Trash Amendments to the Ocean Plan. The recently-adopted Trash Policy Amendments in the future will be implemented under the NPDES program through Industrial General Permits. The EIR for the General Order described trash as a component of composting materials in Impact 11.6, and provided measures to mitigate those impacts through discharge prohibitions, construction of detention and conveyance systems, and limitations on feedstocks. While there may be some overlap of trash control measures during implementation of the Trash Plan and the General Order, issues related to trash will be addressed based on site-specific factors. Further development on implementation of the Trash Policy can be obtained from the following website: http://www.waterboards.ca.gov/water_issues/programs/trash_control/ . |

DRAFT - July 23, 2015
 Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|--|------------------------------|----------------|---|---|
| 14 | CR&R ENVIRONMENTAL SERVICES | Clarke Pauley | 17 | <u>CalRecycle Title 14/27 not considered or explained:</u> The Water Board staff knows that CalRecycle is currently undergoing a Title 14/27 revision process. The industry stakeholders can't lock down specific recommendations until all the current compost regulations are revised and finalized. Otherwise, the current General Order may not make sense without Title 14/27 being settled, as those are the core regulations for compost operations. | Conflict with current or proposed Title 14 or Title 27 regulations is not anticipated. CalRecycle has separate regulatory authority from the State Water Board. There are multiple regulatory considerations for composting operations. Chapter 1.2 of the draft EIR states, "No single agency regulates composting in California. Composting may involve environmental regulatory oversight by CalRecycle, Air Resources Board (ARB), the nine Regional Water Boards, local air quality management districts, and local land use planning agencies. The State and Regional Water Boards have the authority and the responsibility to protect water quality, which includes regulating composting operations discharges and activities that have the potential to cause adverse water quality impacts." Public Resources Code, Section 43101 (C)(2) states: "The state water board and regional water boards shall be the sole agencies regulating the disposal and classification of solid waste for the purpose of protecting the waters of the state". Title 27, Chapter 1, Section 20005 (b) (T14: Section17601) states that CalRecycle does not address air or water quality aspects of the environment that are regulated by other state or local agencies. CalRecycle's current and proposed compost regulations were reviewed, and no conflict with current or proposed regulations is anticipated. Additionally, CalRecycle has provided input on the General Order since its early stages of development. |
| 15 | Dairy Cares and the Agricultural Council of California | J.P. Cativiela, Emily Rooney | 1 | Based on our review of the Draft EIR and Draft Order, we are concerned in general that the Draft Order may negatively impact California's dairy operations, and may unintentionally discourage composting, which we all would agree is good for the environment. | The following is provided to clarify the applicability of the General Order and the scope of the draft Environmental Impact Report (EIR). The General Order was written to streamline and simplify permitting of composting operations with similar wastes and operations. The General Order was not intended to fit all composting operations, and composting operations that do not fit the criteria for a General Order may be covered under individual WDRs, as determined by the Regional Water Board. Composting operations that are co-located with dairies may fall under the provisions of Finding 13, of the General Order, " . . . If a composting operation is co-located at a landfill or other facility that has individual, or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation." Therefore, the General Order does not discourage composting that may occur at dairies, but provides a streamlined regulatory mechanism for composting operations that meet the criteria for coverage under the General Order. Operations that are exempt from the General Order may require coverage under other permits beyond the scope of the General Order. |
| 15 | Dairy Cares and the Agricultural Council of California | J.P. Cativiela, Emily Rooney | 2 | As a preliminary matter, it is important to understand that the California dairy industry and its operations are currently subject to detailed water quality requirements, and are required to comply with water quality standards, through NPDES permits, waste discharge requirements, and conditional waivers of waste discharge requirements issued by various California Regional Water Quality Control Boards (Regional Water Boards). Implementation and compliance of these orders is costly and has profoundly affected dairies' water resources and land management practices. Thus, the broad nature of these orders (and others from the various Regional Water Boards) protects water quality from wastes generated on-site and incidental to dairy operations, including wastes associated with compost piles. Accordingly, composting activities that occur on dairy facilities are already regulated under current dairy orders, and water quality is protected, which is the primary purpose of the State Board's Draft Order. | Composting operations that are covered under existing Regional Water Board issued WDRs such as composting operations that are co-located with dairies may not be required to seek coverage under the General Order. Finding 13 includes the provision: " . . . If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." Operations that are exempt from the General Order may require coverage under other permits beyond the scope of the General Order. |
| 15 | Dairy Cares and the Agricultural Council of California | J.P. Cativiela, Emily Rooney | 3 | Our primary concern is that the Draft Order could be interpreted in a manner that would require dairy facilities to obtain additional permit coverage through the Draft Order for any composting pile, which would be in addition to permit coverage already provided by other Regional Water Board orders. Specifically, the Draft Order includes an exemption for agricultural composting. (Draft Order, p. 6.) However, the definition of agricultural composting does not clearly include composting that may occur at a dairy facility. (Draft Order, p. A-1.) Collectively, these provisions imply that composting activities that occur at dairy facilities would not be exempt from the Draft Order, even though dairy facilities in their entirety are already subject to extensive water quality requirements. | Composting operations with existing Regional Water Board issued WDRs may not be required to seek coverage under the General Order. Finding 13 of the General Order has been revised to provide more clarification: "Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." |
| 15 | Dairy Cares and the Agricultural Council of California | J.P. Cativiela, Emily Rooney | 4 | Further, the definition of agricultural composting limits the amount of compost product that may leave the property, which is unrelated to the protection of water quality. There are no other exemptions listed in Finding 30 of the Draft Order that would apply to dairy facilities. Moreover, even if dairy facilities were included in the definition of agricultural composting, the amount of composting product leaving the property is unrelated to water quality protections that are already in place on dairy facilities. | Agricultural Composting may apply to dairy composting operations. Limits on the amount of compost product that may leave the property imposed by the General Order are consistent with CalRecycle regulations for exempting agricultural composting. CalRecycle regulations, Title 14, Section 17855. Excluded Activities. (a)(1) states, "An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually." Agricultural composting may be covered under other permits beyond the scope of this General Order, including individual or general WDRs and permits issued by the appropriate Regional Water Board. |
| 15 | Dairy Cares and the Agricultural Council of California | J.P. Cativiela, Emily Rooney | 5 | If dairy facilities are considered to fall within Tier II composting operations because of "manure," then dairy operators will be subject to increased regulatory requirements, which will result in considerable expense to dairy facilities – discouraging composting at dairies, perhaps even among dairies already composting – as well as potential environmental impacts. Such impacts to dairy facilities were not evaluated or anticipated in the Draft EIR. | The following is provided to clarify the applicability of the General Order and the scope of the draft EIR. Depending on the operations, dairy composting operations may be regulated under other permits beyond the scope of the General Order, or may meet the criteria for Tier II facilities. It is beyond the scope of the draft EIR to analyze the impact of specific compliance choices by dairy composting operations as this would be speculative. Chapter 3.1 of the draft EIR states "This analysis is necessarily at a generalized level as it would be speculative for the State Water Board to predict the actual choices for compliance at any specific location and estimate the magnitude of impacts for a site-specific composting operation within the state." Therefore, impacts to dairy facilities and resulting environmental impacts were not specifically evaluated in the draft EIR because this analysis would be speculative. According to the definition of Agricultural Composting, dairy facilities choosing to compost materials generated on site may be exempt from coverage under the General Order. (See Finding 30 and Attachment A.) Agricultural Composting operations may be covered under other permits beyond the scope of this General Order. It should be noted that Agricultural Composting, as defined in the General Order, does not limit feedstocks to Agricultural Materials, as defined in the General Order. Dairy composting operations which may choose to process feedstocks from other locations or sell or give away more than 1000 cubic yards would be required to seek coverage under the General Order or another regulatory mechanism. Revising the General Order to include manure as a feedstock for Tier I operations is not recommended. Although fully composted manure has the potential to provide benefit as a soil amendment, uncomposted manure feedstocks may contain pathogens, nitrates, and salt that may present a threat to water quality. Since manure is considered to be a higher threat feedstock, it is an allowable feedstock for composting operations under Tier II. Manure is allowed as an additive under Tier I facilities as long as it does not exceed 10 percent of the total volume of feedstock for any given batch of compost. |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|--|------------------------------|----------------|--|---|
| 15 | Dairy Cares and the Agricultural Council of California | J.P. Cativiela, Emily Rooney | 6 | To avoid duplicative regulation of composting activities that may occur at dairy facilities, the Draft Order needs to be revised to clearly exempt dairy facilities that are subject to other Regional Water Board orders. Accordingly, we recommend the following amendment to the Draft Order: Finding 30, page 6, add new subdivision b: Composting activities that occur at dairy facilities that are subject to individual WDRs, General WDRs, NPDES Permits, and/or a conditional waiver of WDRs. | The following provides clarification of applicability of the General Order to composting operations co-located on dairy facilities and/or farms. Duplicative regulation by the Water Boards is not intended. Finding 13 of the General Order is revised to provide more clarification: ". . . If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." The General Order Finding 37 states, "Existing composting operations, except those with individual WDRs or conditional waivers of WDRs that address the composting operation, are required to seek coverage under this General Order." Additionally, dairy facilities choosing to compost and retain materials generated on site according to the definition of agricultural composting, may be exempt from coverage from the General Order, (see Attachment A - Definitions of the General Order). Agricultural composting operations may be covered under other permits beyond the scope of this General Order. |
| 15 | Dairy Cares and the Agricultural Council of California | J.P. Cativiela, Emily Rooney | 7 | Manure Is a Beneficial Agricultural Material. On another note, the Draft Order proposes to exclude manure from the definition of agricultural material. We are concerned that such an exclusion here implies that manure is not a beneficial agricultural material. As the State Board knows, manure is beneficial when returned to the soil as fertilizer and a soil conditioner, and should be treated accordingly. | The General Order was not revised to include manure under the definition of Agricultural Material. Agricultural Material is an allowable feedstock under Tier I; manure is not an allowable feedstock for Tier I facilities. Although fully composted manure has the potential to provide benefit as a soil amendment, uncomposted manure feedstocks may contain pathogens, nitrates, and salt that may present a threat to water quality. Since manure is considered to be a higher threat feedstock, it is an allowable feedstock for composting operations under Tier II, and is allowed as an additive for Tier I facilities as long as it does not exceed 10 percent of the total volume of feedstock for any given batch of compost. Although not included in the definition of agricultural materials, manure may be used as a compost feedstock at Tier II facilities. Dairy Agricultural Composting operations may be subject to other permits by the Regional Water Boards. Composting operations that choose to process manure other than as allowed in the General Order may be covered under individual WDRs, as determined by the Regional Water Board. |
| 15 | Dairy Cares and the Agricultural Council of California | J.P. Cativiela, Emily Rooney | 8 | We respectfully request that the State Board amend the Draft Order to explicitly exclude dairy facilities that are otherwise regulated by Regional Water Boards through other orders that address dairy facilities in their entirety | Finding 13 has been revised to include a provision pertaining to co-located facilities (and would include dairies): ". . . If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." |
| 15 | Dairy Cares and the Agricultural Council of California | J.P. Cativiela, Emily Rooney | 9 | IV. Conclusion. . . We further request that manure be classified as a beneficial agricultural material as a feedstock for compost materials. | It would not be appropriate to classify manure as a "beneficial" material any more or less than any other composting material because making such a classification is subjective, and not pertinent to the General Order. Manure is allowed as compost feedstock and additive under the provisions of General Order. Although fully composted manure has the potential to provide benefit as a soil amendment, uncomposted manure feedstocks may contain pathogens, nitrates, and salt that may present a threat to water quality. Since manure is considered to be a higher threat feedstock, it is an allowable feedstock for composting operations under Tier II, and is allowed as an additive only for Tier I facilities as long as it does not exceed 10 percent of the total volume of feedstock for any given batch of compost. |
| 16 | GENERAL PUBLIC (KATE HURLEY) | Kate Hurley | 1 | As a layperson, I found it difficult to understand everything required in the General Waste Discharge for Composting Operations. It will be necessary to hire an individual to either train or implement the requirements. Has this cost been taken in to account for the compost operator? The selling of compost has a low profit margin and added fees by the State can not necessarily be passed on to the consumer. | The State and Regional Water Boards may be contacted to discuss the requirements of the General Order. Compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. The Economic Considerations concluded that composting operations complying with the Order are unlikely to cease operations due to inability to pay for upgrades, and are not likely to increase prices to the point of being unable to compete with landfills. However, In response to findings in the EIR's Economic Considerations regarding small composting operation, the conditional exemption for operations with less than 5,000 cy of materials was added to the General Order as a lower-cost option to Tier I requirements. The exemption is conditional and requires composting materials to be covered during storm events as needed, and requires management of process water and waste water to reduce generation of wastewater. While the General Order may have a temporary impact on planning/construction of large or complex facilities (Tier II and those requiring individual WDRs), it may encourage development of Tier I operations, and small operations with less than 5,000 yd ³ (See Appendix D of the EIR, Economic Considerations.) Tier I facilities are not required to comply with hydraulic conductivity requirements for pads, ponds, and drainage ditches. Facilities that are exempt from the General Order may be subject to NPDES permit or other Regional Water Board orders. |
| 16 | GENERAL PUBLIC (KATE HURLEY) | Kate Hurley | 2 | Why can't the Industrial Storm Water Pollution Prevention Plan and the General Waste Discharge for Composting Operations be integrated together? | The General Order only regulates wastewater discharges from composting operations. Industrial Storm Water General Permit is a NPDES permit that regulates operations that discharge storm water associated with industrial activities such as waste management facilities. |
| 16 | GENERAL PUBLIC (KATE HURLEY) | Kate Hurley | 3 | Our company leases land from a landfill which has invested in an anaerobic digester. We work together to recycle the food material by using this material and turning it into compost. Under additives and amendments it states "no more than 30 percent combined, on a total volume basis of the following"anaerobic digestate. Do I understand that to mean we can have no more than 30 percent of the food material at our compost site? | A composting operation may use 100 percent of anaerobic digestate as compost feedstock so long as the digestate meets the allowable feedstock requirements of Table 2. There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from appropriate Tier I and Tier II sources listed in Table 2, Allowable Feedstocks. There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources listed in Table 2, Allowable Feedstocks. Volume limits for additives apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks and to materials not listed under the Prohibitions section. According to Table 2 in the General Order, Tier I feedstocks may include up to 100% of anaerobic digestate derived from allowable Tier I feedstocks. Tier II allowable feedstocks may include up to 100% of anaerobic digestate derived from allowable Tier I and Tier II feedstocks. However, use of anaerobic digestate derived from any prohibited material, as feedstock, additive, or amendment is prohibited. |
| 16 | GENERAL PUBLIC (KATE HURLEY) | Kate Hurley | 4 | An issue I found confusing at the public meeting that I attended on February 13, 2015 was that numerous time it was mentioned (by a representative of the water board) that the local water agency could decide that the compost operation did not have to follow the state requirements. Did I totally misunderstand? Because, if I didn't that would add even more confusion to the compost operator. | Regional Water Boards have the authority to implement the General Order. The State Water Board and Regional Water Quality Control Boards (Regional Water Boards; collectively the Water Boards) are the principal agencies with primary responsibility for coordination and control of water quality in the state as provided by Water Code section 13001. The concept of a General Order as provided in the Water Code, is to provide a method of streamlining and simplifying permitting of operations with similar wastes and operations, that are more appropriately regulated by a General Order. The General Order provides for site-specific flexibility and considerations within the parameters of the General Order, subject to approval by the Regional Water Board. Finding 13 has been revised to clarify applicability of the General Order: " <i>Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board.</i> " |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|---|----------------|----------------|---|--|
| 16 | GENERAL PUBLIC (KATE HURLEY) | Kate Hurley | 5 | Will there be some grants or subsidies by the State to cover the cost of these pond and pads that will be required in the General Waste Discharge for Composting Operations? I am sure it has been brought to your attention on numerous occasions that the State of California may be an environmentally friendly state but it is not a business friendly state. The regulatory fees that our company is required to pay has increased through the years. And it is only by the ability to increase business that we will be able to stay in business. | At this time, the State Water Board does not have any grants or subsidies to cover the cost of complying with these regulations. Although public funding is beyond the scope of the General Order, there may be opportunities for composting operations to seek funding available through incentives and programs to support diversion activities. |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 1 | Under the proposed General Order definition of "animal carcasses", the use of chicken litter that contains any carcasses ("chicken litter") would be prohibited, and would result in the loss of a viable feedstock for composting operations and increased operational and disposal costs from the ranches that produce the chicken litter. | While the composting of animal carcasses and chicken litter that contains animal carcasses is prohibited under this General Order, this does not mean that such material may not be composted. Chicken litter which includes carcasses may be composted at operations permitted through individual WDRs or other regulatory measures, beyond the scope of the General Order. Refer to the General Order: Background Information, Finding 31: "The discharge of these [prohibited] wastes may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board." Background Information, Finding 13 has been revised as follows: "Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation...". Scope of this General Order, Finding 28: "Only composting operations that comply with the allowable feedstock and setback requirements are eligible for coverage under this General Order." |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 2 | The DEIR does not address the impacts associated with the composting operations that cannot use chicken litter and does not analyze the environmental impact of the additional handling and hauling of chicken litter to an alternative disposal source (i.e., landfill or renderer) in the event it cannot be used in composting operations. | The following is provided to clarify the scope of the General Order and EIR. "Manure" (chicken litter) as defined in the General Order is an allowable feedstock for Tier II compost facilities, and is an allowable additive (up to 10% of total volume) for Tier I facilities. Additionally, four of the exemption categories may include manure: agricultural composting (materials are generated and used at agronomic rates on site, operations that are within a completely enclosed vessel, operations with less than 500 cubic yards (any given time) of allowable materials, and operations with less than 5000 cubic yards of allowable materials (must completely cover all materials during rain events, and must manage process water to prevent production of leachate). Composting operations which choose to compost manure in a manner other than as defined in the General Order or as allowed as an exemption may be subject to individual WDRs or other orders issued by the Regional Water Boards. Animal carcasses are prohibited from being composted under the provisions of the General Order. However, this prohibition does not apply to all composting operations in the State, but applies only to those operations which meet the criteria for coverage under the General Order. Composting operations that currently accept chicken litter containing spent fowl will not be able to seek coverage under the General Order (nor would they be forced to) and are expected to continue operating under the existing WDRs or orders they have received from the appropriate Regional Water Board. The Draft EIR analyzed the direct and indirect effects of adopting the General Order (the "Project," see Chapter 2 of the Draft EIR). Implementation of the General Order are not expected to result in impacts to traffic and air quality as it relates to "chicken litter" that contains "spent fowl". If an offsite composting operation that currently accepts chicken litter seeks coverage under the General Order and decides to no longer accept chicken litter with spent fowl, no new impacts to traffic or air quality are expected since the chicken litter is already being hauled to the compost and would only be required to be hauled to a new compost facility or alternative disposal source. Composting operations currently accepting chicken litter that contains carcasses (or other feed stocks prohibited under the General Order) are not anticipated to change their operations to qualify for coverage under the General Order. Rather, it is expected that they would continue operations under individual WDRs or other orders issued by the Regional Water Boards. |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 3 | We request that the General Order be modified to follow CalRecycle composting regulations to prevent a contradictory regulatory scheme that will harm those that wish to use chicken litter in their composting operations. | The following is provided to clarify the scope of the General Order. The State and Regional Water Boards have the authority and the responsibility to protect water quality. CalRecycle has separate regulatory authority from the State Water Board pursuant to Public Resources Code Section 43101; this authority does not extend to water quality. Additionally, while the composting of animal carcasses is prohibited under this General Order, this does not mean that such material may not be composted. Chicken litter which includes carcasses may be composted at composting operations more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board, beyond the scope of the General Order. Refer to the General Order, Background Information, Finding 31: "The discharge of these [prohibited] wastes may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board." Refer to the General Order, Scope of this General Order, Finding 28: "Only composting operations that comply with the allowable feedstock and setback requirements are eligible for coverage under this General Order." |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 4 | Proposed modifications to the General Order would allow the composting of chicken manure that includes spent hens from egg laying operations. | The following is provided to clarify the applicability of manure as an allowable feedstock, and prohibition against animal (including avian) carcasses. Manure is an allowable feedstock for composting operations under Tier II; the source of the manure is not specified. (See General Order, Findings 28.(a) and 29.(b)). Manure is allowed as additive and amendment within the limitations of Tier I and Tier II. Because animal carcasses are prohibited, manure that contains animal or avian carcasses would be prohibited under the General Order. The composting of prohibited wastes may be more appropriately regulated through individual WDRs or permits issued by the Regional Water Boards (See Finding 31). Composting operations that accept manure other than as allowed in the General Order may need to seek coverage under individual WDRs. |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 5 | Animal Carcasses be amended to read "Mammal Carcasses". | The definition of Animal Carcasses includes all animal carcasses and is not limited to mammals. Finding 31 of the General Order states, "Discharges of the following [prohibited] wastes may pose a significant threat to water quality, and are therefore prohibited from being discharged under this General Order. The discharge of these wastes may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board." Animal carcasses may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board. |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 6 | General Order Attachment A - Definitions be amended as follows: Animal Mammal Carcass – Refers to any whole or part (including, but not limited to, the flesh, organs, blood, hide, bone and marrow) of a carcass of a bird, fish or mammal which does not meet the definition of "Food Material". | The definition of Animal Carcasses includes all animal carcasses and is not limited to mammals. Finding 31 of the General Order states, "Discharges of the following [prohibited] wastes may pose a significant threat to water quality, and are therefore prohibited from being discharged under this General Order. The discharge of these wastes may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board." Animal carcasses may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board. |

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| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
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| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 7 | The DEIR fails to analyze impacts from alternative disposal methods of chicken litter. | The Draft EIR analyzed the direct and indirect effects of adopting the General Order (the "Project," see Chapter 2 of the Draft EIR). Implementation of the General Order is not expected to result in impacts to traffic and air quality as it relates to "chicken litter" that contains "spent fowl". If an offsite composting operation that currently accepts chicken litter seeks coverage under the General Order and decides to no longer accept chicken litter with spent fowl, no new impacts to traffic or air quality are expected since the chicken litter is already being hauled to the composter and would be hauled to a new compost facility or alternative disposal source. Composting operations currently accepting chicken litter that contains carcasses (or other feed stocks prohibited under the General Order) are not anticipated to change their operations to qualify for coverage under the General Order. Rather, it is expected that they will continue operations under individual WDRs or other orders issued by the Regional Water Boards. |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 8 | The General Order prohibits the use of "animal carcasses" in a composting operation; but allows the use of "manure" as a feedstock. As discussed above, chicken litter can include "spent fowl" carcasses. The carcasses from the "spent fowl" can be mixed into the litter at the producing ranch and disposed of as part of the litter. The litter is then composted on-site or hauled to a composting facility. | The use of chicken litter that contains animal carcasses would be prohibited under this General Order and may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board. Refer to the General Order – Scope of this General Order, Finding 31: <i>"Discharges of the following wastes may pose a significant threat to water quality, and are therefore prohibited from being discharged under this General Order. The discharge of these wastes may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board."</i> Refer to revised Chapter 2, Project Description of the draft EIR states, "The Regional Water Boards have discretion to determine whether a composting operation is eligible for coverage under the General Order. It is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation." |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 9 | If the General Order is approved with the current prohibition against composting "animal carcasses", the chicken litter that includes carcasses will have to be disposed of through alternative means (i.e. landfill or renderer). These alternatives will cause impacts not only at the locations where the litter is produced; but, also at the areas surrounding a generator, by adding truck trips necessary to haul the carcasses to a landfill or renderer. As a result, implementation of the General Order will result in impacts to traffic and air quality. The DEIR does not analyze these impacts to the environment that will result from implementation of the General Order. | The following is provided to clarify the scope of the General Order and EIR. Animal carcasses are prohibited from being composted under the provisions of the General Order. However, this prohibition does not apply to all composting operations in the State, but applies only to those operations which meet the criteria for coverage under the General Order. The Draft EIR analyzed the direct and indirect effects of adopting the General Order (the "Project," see Chapter 2 of the Draft EIR). Composting chicken litter which contains spent fowl is prohibited under this General Order and may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board. The General Order, Finding 31 states: <i>"Discharges of the following wastes may pose a significant threat to water quality, and are therefore prohibited from being discharged under this General Order. The discharge of these wastes (animal carcasses) may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board."</i> Implementation of the General Order is not expected to result in impacts to traffic and air quality as it relates to "chicken litter" that contains "spent fowl". Composting operations that currently accept chicken litter containing spent fowl will not meet the criteria for coverage under the General Order (nor would they be forced to) and would need to continue operating under the existing orders they have received from the appropriate Regional Water Board. If an offsite composting operation that currently accepts chicken litter seeks coverage under the General Order and decides to no longer accept chicken litter with spent fowl, no new impacts to traffic or air quality are expected since the chicken litter is already being hauled to the composter and would only be required to be hauled to a new compost facility or alternative disposal source. However, it is not anticipate that composting operations currently accepting chicken litter (or other feed stocks prohibited under the General Order) would change their operations to qualify for coverage under the General Order. Rather, it is expected that they would continue operations under individual WDRs or other orders issued by the Regional Water Boards. |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 10 | The California Environmental Quality Act ("CEQA") Guidelines" §15126.2 requires the following in an EIR: "[d]irect and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects." The DEIR fails to discuss the direct impacts that the prohibition on the composting of "animal carcasses" will have on the environment. The DEIR should, at a minimum, include analysis of the additional traffic and air quality that will result from the "spent fowl" carcasses having to be hauled to a landfill or other disposal facility. | The following is provided to clarify the applicability of the General Order and the scope of the draft EIR. It is beyond the scope of the draft EIR to analyze the impact of specific compliance choices by composting operations as this would be speculative. Depending on the operations, composting operations may not be eligible for coverage under the General Order and have to seek coverage under other permits beyond the scope of the General Order, or enroll under the General Order in Tier I or Tier II. Composting chicken litter which contains spent fowl is prohibited under this General Order and more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board. The General Order, Finding 31 states: <i>"Discharges of the following wastes may pose a significant threat to water quality, and are therefore prohibited from being discharged under this General Order. The discharge of these wastes (animal carcasses) may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board."</i> This prohibition does not apply to all composting operations in the State, but applies only to those operations which meet the criteria for coverage under the General Order. The Draft EIR analyzed the direct and indirect effects of adopting the General Order (the "Project," see Chapter 2 of the Draft EIR). Implementation of the General Order is not expected to result in impacts to traffic and air quality as it relates to "chicken litter" that contains "spent fowl". Composting operations that currently accept chicken litter containing spent fowl would not be able meet the criteria for coverage under the General Order (nor will they be forced to) and would need to continue operating under the existing orders they have received from the appropriate Regional Water Board. If an offsite composting operation that currently accepts chicken litter seeks coverage under the General Order and decides to no longer accept chicken litter with spent fowl, no new impacts to traffic or air quality are expected since the chicken litter is already being hauled to the composter and would only be required to be hauled to a new compost facility or alternative disposal source. It is not anticipate that composting operations currently accepting chicken litter containing spent fowl (or other feed stocks prohibited under the General Order) would change their operations to qualify for coverage under the General Order. Rather, it is expected that they would continue operations under individual WDRs or other orders issued by the Regional Water Boards. |
| 17 | Gresham Savage Nolan & Tilden for Bull Holdings Corp. | Mark Ostoich | 11 | If the Board does not amend the General Order, we request that the DEIR be revised to include a legally adequate analysis of the effects that implementation of General Order will have on the Environment, and be recirculated for public review. | The following is provided to clarify the applicability of the General Order and the scope of the draft EIR. It is beyond the scope of the draft EIR to analyze the impact of specific compliance choices by composting operations as this would be speculative. Depending on the operations, composting operations may not be eligible for coverage under the General Order and have to seek coverage under other permits beyond the scope of the General Order, or enroll under the General Order in Tier I or Tier II. Composting chicken litter which contains spent fowl is prohibited under this General Order and may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board. The General Order, Finding 31 states: <i>"Discharges of the following wastes may pose a significant threat to water quality, and are therefore prohibited from being discharged under this General Order. The discharge of these wastes (animal carcasses) may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board."</i> This prohibition does not apply to all composting operations in the State, but applies only to those operations which meet the criteria for coverage under the General Order. The Draft EIR analyzed the direct and indirect effects of adopting the General Order (the "Project," see Chapter 2 of the Draft EIR). |

DRAFT - July 23, 2015
 Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

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|------------|------------------------------|----------------|----------------|---|--|
| 18 | Harvest Power California LLC | Linda Novick | 1 | The DEIR addressed this General Order as well as the composting process in general, but not related to specific sites. We found this problematic because many of the issues unrelated to water quality, and thus not under the jurisdiction of the Water Board were not accurately depicted. For example, the Air Quality section did not recognize VOC emission reductions currently implemented as a result of air quality regulations, and Best Available Control Technologies (BACT). If the number of composting facilities is reduced, or not able to be constructed as a result of this Order, organic materials, especially greenwaste will create more emissions through land application or placement in a landfill. In addition, the document did not incorporate the benefits of composting to reduce greenhouse gas emissions, and the loss of these benefits with diminished composting capacity. | <p>The following is provided to clarify the scope of the draft EIR. The project analyzed by the draft EIR is the adoption of the General Order, not the entire composting process. See Chapters 2 and 2.4 of the draft EIR: The "project characteristics" are the standards required in the General Order and the reasonably foreseeable methods that dischargers may use to satisfy the General Order's requirements. A generalized discussion of impacts unrelated to the General Order is provided for disclosure purposes in the draft EIR. However, the General Order does not authorize or permit any specific composting operation. Therefore, the indirect impacts from the project were necessarily given a generalized analysis in the draft EIR.</p> <p>Compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. The Economic Considerations concluded that composting operations complying with the General Order are unlikely to cease operations due to inability to pay for upgrades, and are not likely to increase prices to the point of being unable to compete with landfills.</p> <p>Concerns are shared with stakeholders that, if not properly land applied, green waste has the potential to adversely impact water quality. However, land application of green waste is a discharge of waste to land subject to the enforceable requirements of Water Code Section 13260 et seq., which requires dischargers to submit a Report of Waste Discharge to the Regional Water Board. The Irrigated Lands Regulatory Program (ILRP) regulates these discharges through WDRs or conditional waivers of WDRs issued to growers. These orders require implementation of best management practices and contain conditions requiring water quality monitoring and corrective action when impairment is found. The Water Boards, in collaboration with CalEPA, CalRecycle, and other agencies, are launching an expanded education and outreach program regarding land application of uncomposted green waste and continue to exercise regulatory oversight and enforcement authority to address any potential threat of unregulated or illegal land application of green waste.</p> <p>The potential benefits of composting including carbon sequestration is recognized, and language to that effect has been included in the EIR and in the findings of the General Order.</p> |
| 18 | Harvest Power California LLC | Linda Novick | 2 | The analysis of the cost of complying with the pad and pond requirements needed to include the actual costs of the pad and size of the pond. The groundwater monitoring option was assumed to be the less expensive solution. Over time, this is not necessarily the case since the annual cost for monitoring is significantly higher than that of pad maintenance. In addition, there are other less expensive ways to monitor this issue, such as vadose zone monitoring and these were not included in the analysis. The pond size analyzed in this section does not take into account larger than current pond configurations required in the Order. Therefore, not only is the cost of construction and maintenance higher, it also results in a loss of land available for composting, and therefore represents a loss in revenue. The analysis did not include other engineered, or testing, alternatives that would result in equal protection to groundwater. | <p>Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.</p> <p>Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million.</p> <p>At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million.</p> <p>In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement, were considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.</p> <p>In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. The General Order section Design, Construction and Operation Requirements - All Tiers, revised language states: <i>Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves, and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board.</i></p> |
| 18 | Harvest Power California LLC | Linda Novick | 3 | The Regional Boards, through the Executive Officer, should maintain the ability to provide alternatively protective measures under the General Order or issue individual WDRs at their discretion. There are a number of places throughout the document that refer to this ability, but it would help to clarify this issue in the purpose of the document. | <p>The following is provided to clarify Regional Water Board authority for implementing the General Order. The Regional Boards have discretion to approve or disapprove an equivalent engineered alternative proposed in a NOI and to issue an individual WDR. The General Order provides for site-specific flexibility and considerations, within the parameters of the General Order, subject to approval by the Regional Water Board.</p> <p>Finding 13 of the General Order has been revised to provide more clarification. "... If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation..."</p> |
| 18 | Harvest Power California LLC | Linda Novick | 4 | The definition of food material is not consistent with other regulatory agencies. The addition of "separated from solid waste to the maximum extent possible at the point of generation" conflicts with other regulatory definitions of food waste, and the way in which food is collected and delivered to the facilities. The term "maximum extent possible" is vague and the facilities are not in control of this part of the process. The product quality demands that the food material will be clean when entering the composting process. Harvest recommends the removal of this clause, and to bring the definition in line with Title 14 definitions to come into line with the goal of assisting in the 75% diversion goal. | <p>The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised, consistent with CalRecycle's definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material.</p> <p>In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be comingled with green materials." The list of Tier I Feedstocks has been revised to include "agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks".</p> |

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|------------|------------------------------|----------------|----------------|--|---|
| 18 | Harvest Power California LLC | Linda Novick | 5 | It is difficult to comment on issues related to water containment and discharge because the terms storm water, wastewater, process waste water and non-process wastewater appear to be used interchangeably at various sections of the document. In a recent meeting with Water Board staff, a commitment was made to correct these definitions. Please clarify these definitions and uses throughout the Order. Harvest reserves the right to submit further comments once these definitions are clarified. | In response to stakeholders' comments, the General Order has been revised so the terms "process water", "process wastewater," "non-process wastewater," and "wash water" have been consolidated under the single term, "wastewater". The definition of wastewater has been revised as follows: "Wastewater - "Refers to leachate or any other liquid flowing from, or on the working surface." |
| 18 | Harvest Power California LLC | Linda Novick | 6 | In Specifications 6 p.19, the 25-year 24-hour event is replaced by a 25-year return annual total precipitation value. We are concerned that the size of the pond required accommodating this event at both Harvest Facilities would require us to purchase land to accommodate this requirement. We are requesting that the return annual total language be removed from this requirement. Currently, these ponds do not come close to filling, even during very heavy rain events, so we do not see that this is warranted. We also suggest that the Executive Officer of the Regional Board be able to approve an alternative based on site specific information. | In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed Revised Language to replace Item 6 with below. 6. <i>Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond, from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board.</i> 7. <i>Detention ponds, if used, shall be managed as described in the facility's Water and Wastewater Management Plan.</i> The definition of Regional Water Board includes the Executive Officer. |
| 18 | Harvest Power California LLC | Linda Novick | 7 | The Pad and Pond requirements and monitoring protocol do not specify a variety of options to be protective of groundwater quality. The pad requirement of the hydraulic conductivity combined with one foot minimum thickness is excessive under some conditions. Additionally, ponds do not necessarily require the level of compaction and lining described, in addition to the hydraulic conductivity requirement. If the pond meets this requirement with natural materials, it is not clear why the additional liner system is required. | Wastewater from composting operations may have the potential to create elevated levels of nitrate concentrations, metals, salts, and pathogens in groundwater. The hydraulic conductivity requirements only apply to Tier II operations. Tier II operations pose a greater threat to water quality based on: types and amounts of allowable materials; larger facilities have an inherently higher threat to water quality; feedstocks with higher threats are allowed at Tier II facilities. It is a reasonable preventive measure to require lower permeability containment features at Tier II composting operations, because Tier II allowable feedstocks include higher threat materials. Allowing working surfaces with higher permeability may increase the potential for compost run-off or waste water to migrate into groundwater. Dischargers have options to propose an equivalent engineered alternative specified in an NOI and Technical Report and approved by the Regional Water Board. |
| 18 | Harvest Power California LLC | Linda Novick | 8 | There are other methods of detection of leakage, rather than the pan lysimeter. If these conditions cannot be modified, then Harvest requests greater flexibility in addressing these issues, under specific site conditions, at the Regional Board level. | The General Order specifies a pan lysimeter monitoring device for earliest possible detection or prevention of a release from the detention pond. However, dischargers have the option to propose an equivalent engineered alternative. The engineered alternative must be specified in an NOI and Technical Report and approved by the Regional Water Board. The engineered alternative must provide equivalent assurance of the earliest possible detection or prevention of a release from the pond. Refer to the General Order with following revised language: Design, Construction, Operation Requirements – Tier II Only, Finding 3: <i>"Detention ponds must be designed and constructed with a pan lysimeter monitoring device under the lowest point of the pond, or an equivalent engineered alternative specified in an NOI and/or a technical report, and approved by the Regional Water Board. The engineered alternative must provide equivalent assurance of the earliest possible detection or prevention of a release from the pond."</i> |
| 18 | Harvest Power California LLC | Linda Novick | 9 | The draft Order addressed these issues by offering "an equivalent engineered alternative approved by the Regional Water Board" We are suggesting that this language be modified to allow for equally protective measures and Best Management practices, and that these be approved by the Executive Officer and not the Regional Board because these changes will still fall under the General Order. If this equivalent system and detection protocol is achieved then the pond can be deemed to be protective of groundwater quality. Examples of these might include comparison testing between groundwater and pond water when there is water in the Pond. Although this concept was rejected in the environmental analysis it has been deemed accurate and effective at specific sites. In addition, the hydraulic conductivity may either not be required in certain cases, or be achieved with the stringent liner systems required in the Order. Suggested language to both pad and pond, but focused on the pond configuration: "an equivalent alternative approved by the Regional Board Executive Officer." | Site improvements such as graded working surfaces, drainage features, and lined detention ponds are engineered systems covered under the General Order. Dischargers have the option to propose "equivalent engineered alternatives" that meet performance standards, including engineered design of any proposed alternatives. Equivalent engineered alternatives are specified in an NOI and/or a technical report, and approved by the Regional Water Board. Tier II facilities process large quantities of compost product that may contain pollutants; larger volumes of feedstocks present greater threat to water quality. The State Water Board's hydraulic conductivity requirements for pad and pond are designed to reduce wastewater and leachate infiltration to groundwater. A discharger has the option to propose an equivalent engineered alternative in an NOI and Technical Report (e.g., natural geologic conditions support the detention pond requirements), for approval by the Regional Water Board. The definition of Regional Water Board includes the Executive Officer: "All references to a Regional Water Board include the Executive Officer, who may act for the Regional Water Board in carrying out this General Order. ." |
| 18 | Harvest Power California LLC | Linda Novick | 10 | The General Order is requiring an NOI within the first year, and six years for completion. The economic analysis looked at a six year timeframe, but for companies, such as Harvest, that have multiple facilities the cost impact is greater. Therefore, allowing extra time for additional facilities would reduce the economic impact. In addition, please add language that articulates the NOI is complete and the company is proceeding in good faith, an individual WDR would not be required during the compliance period. | In response to stakeholders' comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI. Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): <i>"The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible."</i> Finding 13 states that ". . . If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. . ." |
| 18 | Harvest Power California LLC | Linda Novick | 11 | For new facilities, the timeline is an NOI submitted 90 days prior to site operation, but no ability to provide time to comply. It would be helpful to have a year to come into compliance for new facilities. | New compost operations do not have a timeframe requirement for compliance as with existing operations, because they are not currently in operation, or have not yet been approved to begin operation, and have not yet created conditions that have the potential to impact water quality. A new compost operation seeking coverage under this General Order may not commence compost operations until their Notice of Intent (NOI), filing fee, and technical report has been received and approved by the Regional Water Board. The Regional Water Board will issue a Notice of Applicability (NOA) and at a minimum, confirm a Discharger's tier, timeline for compliance, and method of monitoring to comply with applicable monitoring requirements. Composting Operations are not required to begin operations within the 90 days. Refer to the General Order, Finding 38 which states, "New composting operations that propose to begin operating after adoption of this General Order are required to seek coverage by submitting a complete NOI ... to the Regional Water Board not less than 90 days prior to commencement of the composting operation." Refer to the General Order, Finding 39, "Within the NOA, the Regional Water Board will at a minimum, confirm a Discharger's tier, timeline for compliance, and method of monitoring to comply with applicable monitoring requirements". |

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| 18 | Harvest Power California LLC | Linda Novick | 12 | At various places in the documents the use of the terms composting, compost and finished product are used to describe activities on the site. Active compost in the process of the composting process is the activity that should be regulated as part of this order. The finished product is not regulated at farms, nurseries or other points of sale after it leaves the facility. The finished product should not be subject to the same parameters as the material in the active phase of composting. Harvest suggests that the final product be distinct from the definition of compost piles (or more accurately, composting piles). Since the resulting product is sold off-site, there is a distinct time that the material is cured and considered a final product. | <p>The definitions for active, curing and final product have been revised.</p> <p>Active Compost - <i>"Compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks.</i></p> <p>Curing Compost – <i>"The final stage of the composting process that occurs after compost has undergone pathogen reduction, as defined in California Code of Regulations title 14, section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized. This curing phase begins after an active compost pile endures a sustained drop in temperature as remaining materials continue to decompose, but at a much slower rate. This helps to further decompose and stabilize potentially toxic organic acids and resistant compounds. The curing process helps bring compost to full-maturity, and can last several months."</i></p> <p>Final Product - <i>"The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed."</i></p> <p>The definition of working surface has been revised to allow segregation of final product: Working Surface - <i>Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is isolated in a dedicated area away from the active and curing compost; The area is clearly marked as "final product" and The area is identified in the NOI and technical report, and approved by the Regional Water Board.</i></p> |
| 18 | Harvest Power California LLC | Linda Novick | 13 | The use of the terms Additives and Amendments is not consistent with the way composting facilities use these materials. We recommend modifying this language to allow for unlimited digestate to be processed during active composting. Once the compost is completely finished, we regularly add agricultural amendments, such as gypsum up to 50% as special orders for farmers. The gypsum, and similar materials are listing in the findings to be contained in the storm water area. These materials are not regulated through this order and do not need to be in the area. These are amendments and the definition of the Order is not consistent with this terminology. | <p>There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources, within the parameters of the appropriate tier. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks.</p> <p>In response to stakeholder comments, the additive and amendment provisions in the draft General Order have been revised as follows:</p> <ol style="list-style-type: none"> Under Specifications, provision 1.a and 1.b: the terms "...and amendments" are removed, so that percent limitations apply only to additives. New provision is added to address amendment limits: <i>"For Tier I and Tier II facilities, the type of amendments must be specified in a NOI and/or a technical report."</i> The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged. The following revisions are proposed under "Definitions": "Amendments" definition is revised to be consistent with CalRecycle: <i>"Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock."</i> Under Prohibition 4.k.: <i>Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited"</i>. |
| 18 | Harvest Power California LLC | Linda Novick | 14 | Composting conducted "within a fully enclosed vessel" is exempt from this Order. This definition should be expanded to include an <i>impermeable cover that surrounds the entire compost pile</i> to the list of acceptable enclosures. The rest of the definition works. | <p>In response to stakeholder comments, the definition of "Within Vessel and Fully Enclosed" has been revised to read, <i>"Refers to the action of receiving, composting, curing, or storing any feedstock within a fully enclosed vessel or container (e.g., drum, silo, bin, bunker, tunnel, reactor, fabric-covered aerated static piles) where the organic material is covered on all sides and rests on a stable surface with environmental controls for managing all wastewaters."</i></p> |
| 18 | Harvest Power California LLC | Linda Novick | 15 | The Order only allows liquids collected in detention ponds to be reapplied to compost piles. The language should be expanded to include beneficial reuse on site, such as for dust control or vegetation maintenance on the compost pad areas. Beneficial reuse of water, including use for wash down of compost pads, the compost process, vegetative maintenance, or dust control on the compost pad areas and lined portions of the landfill should be allowed under the Order. | <p>Reuse of wastewater is allowed at composting operations in accordance with the General Order. Under Specifications (No. 6), the General Order states, <i>"Wastewater shall be handled and managed in accordance with an approved Water and Wastewater Management Plan in the technical report described in Attachment D."</i> Reuse of wastewater should be conducted according to the Water and Wastewater Management Plan approved by the Regional Water Board.</p> |
| 18 | Harvest Power California LLC | Linda Novick | 16 | The Order requires composting operations to be setback at least 100 feet from the nearest surface water body. The Order should clarify that this requirement does not apply to storm water management systems, sedimentation ponds or storage ponds, and other areas required to manage water on site, they are not considered "water bodies." | <p>The following is provided to clarify applicability of the 100-foot setback requirements. Setbacks from surface water bodies are defined in the General Order as follows: <i>Distance to Nearest Surface Water - the horizontal distance measured, in feet, from the nearest edge of the composting operation to the edge of the high water mark for lakes and reservoirs, mean high tide line for tidally influenced water bodies, or the natural or levied bank for creeks and rivers. The General Order describes setbacks from the Nearest Water Supply Well as: the horizontal distance measured, in feet, from the nearest edge of the composting operation to the center of the water supply well head. As defined, surface water body and water supply well head do not include storm water management systems, conveyance systems, sedimentation ponds or storage ponds.</i></p> |
| 18 | Harvest Power California LLC | Linda Novick | 17 | The Order should specifically acknowledge that an engineered alternative, such as berms, ditches, and swales, may be allowed if these measures effectively isolate the compost operations runoff and protect water quality. | <p>Any proposed equivalent engineered alternative may be considered by the Regional Water Board. However the equivalent engineering alternative must first be proposed in the NOI and Technical Report. The State Water Board intentionally did not call out specific engineered alternatives such as berms, ditches, and swales because that would not allow for site specific conditions or considerations, and would limit future unforeseeable designs and technologies that may also fall under the equivalent engineered alternative option.</p> |
| 18 | Harvest Power California LLC | Linda Novick | 18 | The prohibition of discharge of "liquid wastes other than those of food origin" potentially prohibits liquid from yard waste or green waste. The Order should be revised so as not to prohibit liquid from yard waste or green waste. | <p>Liquid from yard waste or green waste is not prohibited. Green material is an allowable feedstock. According to Specifications (4), <i>"All feedstocks, additives, amendments, and compost (active, curing, or final product) must be located on containment structures designed and constructed as required by this General Order."</i> Dischargers are required to "reliably transmit free liquid present during storage, treatment, and processing of materials to a containment structure" which would include wastewater generated from feedstocks. (Refer to DESIGN, CONSTRUCTION AND OPERATION REQUIREMENTS – ALL TIERS (1)(b)) Additionally, <i>"the Discharger must minimize the potential for piles of feedstocks, additives, amendments, or compost (active, curing, or final product) to become over-saturated and generate wastewater."</i> (Refer to DESIGN, CONSTRUCTION AND OPERATION REQUIREMENTS – ALL TIERS (3))</p> |
| 18 | Harvest Power California LLC | Linda Novick | 19 | The Order should be revised such the signatory on the NOI for a corporation may be the "general manager or other duly authorized representative of that person." | <p>The NOI submitted to the Regional Water Boards must be signed as specified in the General Order, under Reporting Requirements, No. 5.a. This requirement is consistent with the requirements of the Regional Water Board's - Application/Report of Waste Discharge General Information Form for Waste Discharge Requirements or NPDES Permit, (Form 200).</p> |
| 18 | Harvest Power California LLC | Linda Novick | 20 | Table B-1 should be revised to include an allowance for reduced monitoring, i.e. annually, semi-annually, in the event of consistent quarterly results. | <p>The following clarifies that the General Order includes options for equivalent engineered alternatives. Proposals for alternative monitoring programs should be described in the NOI and Technical Report, and submitted to the Regional Water Board. The request for reduced monitoring should be submitted to and approved by the Regional Water Board.</p> |
| 18 | Harvest Power California LLC | Linda Novick | 21 | Notification of violations only can occur "by telephone". Please revise to include electronic mail communication. | <p>Comment accepted. An option to notify the Regional Water Board by email has been added to the General Order under Attachment B.</p> |
| 18 | Harvest Power California LLC | Linda Novick | 22 | This section appears to apply to biosolids monitoring and not other types of anaerobic digestate. Therefore, it is confusing. Since biosolids are already digested, the language should ready material co-digested with biosolids instead of using the term anaerobic digestion, which could refer to a food-only process. | <p>Anaerobic digestate was not intended to be included in the section, Appendix B - Monitoring and Reporting Program, Section 3, <i>"Biosolids/Anaerobic Digestate Monitoring (if applicable)"</i>, and Table B-2, <i>"Biosolids/Anaerobic Digestate Monitoring"</i>. The General Order has been revised by removing the term "Anaerobic Digestate" from the section title. There is no discussion of anaerobic digestate in Appendix B.</p> |

DRAFT - July 23, 2015
 Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|-------------------------------|------------------|----------------|---|---|
| 18 | Harvest Power California LLC | Linda Novick | 23 | Some of the information (i.e. lab reports) required when reporting the description of the significant event may not be available prior to the 10 day deadline. The Order should be revised to provide for additional time or be clarified as "Within 10 days of the information becoming available to the Discharger". | The State Water Board finds that the deadline of "10 working days" from the Discharger becoming aware of the incident, to submit a written report to the Regional Water Board office is ample time to gather the information for the written report. The General Order states that the written report shall include the date the samples were submitted to the laboratory and what analyses was requested, in addition to a description (location, date and time collected, field measurements of pH, temperature, dissolved oxygen and electrical conductivity, sample identification, date of noncompliance discharge samples and/or surface water samples taken. |
| 19 | LA Sanitation, | Enrique Zaldivar | 1 | We believe there will be a consequential economic impact. The Economic Analysis in the EIR states that there will be an inconsequential impact on the composting sector by implementation of the new Order. Existing composting operations such as LA SAN will potentially need to construct new catchment ponds lined with a 40 mil geomembrane, and install pan Lysimeters. Operationally, technical staff will be required to perform quarterly inspections, monthly lysimeter checks, quarterly sampling, laboratory and field analysis of pH, Oxygen, and Dissolved Solids, and an Annual Monitoring report. These are operational and capital expenditures that will create economic barriers, which will inhibit growth in the public and private compost sector. Besides the economic impact stated above, we agree with all the other remaining DEIR findings. | <p>The General Order is a tool for Regional Water Boards to use for streamlining of the permitting process. Costs associated with the General Order are expected to be less than costs incurred under individual WDRs. Compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. The Economic Considerations concluded that composting operations complying with the Order are unlikely to cease operations due to inability to pay for upgrades, and are not likely to increase prices to the point of being unable to compete with landfills. While the General Order may have a temporary impact to planning/construction of large or complex facilities (Tier II and those requiring individual WDRs), it may encourage development of smaller Tier I operations.</p> <p>Several comments stated that using the 25-year annual return pond sizing requirements in the General Order would result in construction of a large and expensive pond. In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event.</p> <p>The General Order includes options for dischargers to propose equivalent engineered alternatives. See Tier II Design, Construction and Operation Requirements, 3. "Detention ponds must be designed and constructed with a pan lysimeter monitoring device under the lowest point of the pond, or an equivalent engineered alternative specified in an NOI and/or a technical report, and approved by the Regional Water Board."</p> |
| 19 | LA Sanitation, | Enrique Zaldivar | 2 | B. DRAFT ORDER: 1. Application Process: a) Section 37 exempts those facilities that operate under its own individual WDRs. We recommend that existing facilities that have been in operation for over 5 years and have individual permits with no violations, be grandfathered in and be exempt in perpetuity. Existing facilities that are covered by a CalRecycle Solid Waste Permit or a waste discharge requirements issued by a Regional Water Quality Control Board or the State Water Resources Control Board are required to monitor for possible groundwater contamination. Groundwater contamination from these facilities (if detected) would require remediation. | <p>The following clarifies the applicability of the General Order to existing operations. An exemption in perpetuity for existing operations is not appropriate, nor protective of water quality. Most operations currently under individual WDRs are facilities with volume or feedstocks that are likely to be regulated under Tier II, or that may not meet the criteria for the General Order. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs.</p> <p>CalRecycle's authority does not cover water quality, and the Solid Waste Permit would not include water quality monitoring provisions.</p> <p>In response to stakeholders' comments, Finding 13 of the General Order is revised to provide more clarification regarding existing facilities: <i>"Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board."</i></p> |
| 19 | LA Sanitation, | Enrique Zaldivar | 3 | Section 49b requires the design and operation of detention ponds to contain and reuse wastewater and storm water. This requirement creates an impediment on facilities with limited space availability especially on landfills where construction of detention ponds is prohibited. We recommend that only liquid released from the composting piles be collected in detention ponds during dry weather and appropriately discharged. During wet weather and episodes of heavy storm where the detention pond(s) capacity is reached, allowance must be made for surface water discharge. | <p>Under the General Order, a Water and Wastewater Management Plan must be submitted to the Regional Water Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. The Water and Wastewater Management Plan is subject to approval by the Regional Water Board.</p> <p>Tier I and Tier II facilities are required to control and manage all "wastewater" that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to an National Pollutant Discharge Elimination System (NPDES) permit.</p> |
| 19 | LA Sanitation, | Enrique Zaldivar | 4 | Prohibition 9 excludes the use of biosolids as an additive or amendment with no explanation. This prohibition creates some confusion as to the quantitative limitations of using biosolids as feedstock since the definitions of Additive and Amendment state in part, that they shall not be considered as feedstock. | <p>The General Order does not allow biosolids as additives or amendments consistent with CalRecycle regulations (California Code of Regulations, Title 14. Natural Resources, Division 7. California Integrated Waste Management Board, Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements, Article 1. General, Section 17852, Definitions).</p> <p>The General Order does not prohibit Class A, B, or EQ biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a "process to significantly reduce pathogens" presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order</p> |
| 19 | LA Sanitation, | Enrique Zaldivar | 5 | Chipping and Grinding Facilities and Operations - Facilities or operational areas that do not produce compost, but mechanically reduce the size or otherwise engage in the handling of "green material." Each load of "green material" must be removed from the site within 48-hours from receipt, unless the Discharger has received written permission from the Local Enforcement Agency allowing the "green material" to remain onsite for up to 7 days. This definition is not practical. There must be sufficient material available on site to efficiently chip the material (thus minimizing emissions due to frequent start-up of grinding equipment). We recommend that the 48 hour limit be changed to 7 days. | <p>The focus of the General Order is composting operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The General Order has been revised to clarify that chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order.</p> <p>Chip and Grind facilities may be subject to the Industrial General Permit or other Regional Water Board orders.</p> |
| 19 | LA Sanitation, | Enrique Zaldivar | 6 | The vertical distance measured, in feet, from the ground surface to the first encountered groundwater. The vertical distance should be allowed to be determined by interpolation using existing well information rather than measured, which would require actual drilling. | This comment appears to assume the presence of existing monitoring wells on-site (perhaps at an existing landfill, publicly owned treatment works (POTW), or other monitored facility); this would be a site-specific situation that would be at the discretion of the Regional Water Board. |
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 1 | In order to facilitate an integrated approach, the proposed regulations regarding composting waste handling operations must be applied uniformly to all technologies. This would help create a level playing field for all landfill diversion technologies to be successful in the future and help compliance with AB 341(2011). | The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. Other diversion technologies may be covered under other permits beyond the scope of this General Order. |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|-------------------------------|----------------|----------------|---|--|
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 2 | Recommend incorporating measures to insure that the proposed Order would be consistent with the Clean Air Act and Clean Water Act requirements under the purview of other State, regional, special districts (such as Sanitation and Flood Control Districts), and local jurisdictions. As an example, since the Air Quality Management Districts, Air Pollution Control Districts, and the local jurisdiction Health Officer will play a regulatory and enforcement role in monitoring any odor complaints, it is imperative that their input also be incorporated into this process. | Conflict with current and/or proposed regulations is not anticipated. The General Order was developed with input from Regional Water Boards, CalRecycle, Air Resources Board, other agencies, and stakeholders. The Water Board has authority over water quality aspects of discharges to land under the Water Code. The General Order would not authorize, approve, permit, or in any way support the location, construction, or operation of a new composting operation (except as for compliance with the General Order). Mitigation measures listed in Chapter 6 of the EIR are examples of recognized and accepted measures that are routinely required by regulatory agencies. However, it should be noted that the State Water Board does not have authority to require implementation of mitigation related to the air quality impacts of existing or new composting operations approved by local authorities. The ability to require such measures is within the purview of jurisdictions with local land use approval and/or permitting authority. Chapter 2.6 of the EIR states, "Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance. This EIR does not address these site-specific project approvals and will not change the CEQA compliance requirement for the project approvals." Air quality mitigation measures were listed for disclosure purposes and do not represent requirements imposed by SWRCB. |
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 3 | Recommend there be a clear distinction in the definitions between "feedstock" and "finished compost." | Feedstocks are defined as <i>"Materials used in the production of compost. Feedstocks shall not be considered as either additives or amendments."</i> The definition for final product has been revised in response to stakeholder comments: Final product - <i>"The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed."</i> |
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 4 | Recommend measuring quantities by mass rather than by volume. This reduces the subjective nature of converting volume quantities as proposed to mass quantities using a bulk density factor. Bulk densities will vary at different facilities and with different load combinations. | The General Order is consistent with CalRecycle Regulations by using cubic yards instead of mass for determining regulatory tiers. (See Title 14, Natural Resources--Division 7, Chapter 3.1.). Additionally, volume measurements do not require handling or special equipment. |
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 5 | All pilot facilities should have clear parameters and requirements regarding the duration of the pilot program. It is recommended that once the facility's pilot permit expires the appropriate Local Enforcement Agency must then re-evaluate the effectiveness of the pilot program, and the owner/operator must then reapply for a permanent permit. | It is beyond the scope of the General Order to permit pilot programs or research composting operations. |
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 6 | Recommend using the previously established State Water Board hydraulic conductivity of 1×10^{-6} cm/s or less on all graded surfaces on site OR justify the adequacy of hydraulic conductivity of 1×10^{-5} cm/s considering that feedstock are not limited to green materials only. Compost operations should be required to have emergency inspections, in addition to their annual inspection, after disasters to determine the integrity of the all liners, berms, vessels, and drainage systems for all tiers. | In the General Order, the hydraulic conductivity specification of 1×10^{-5} centimeters per second (cm/s) for working surfaces (pads) at Tier II facilities was selected as part of a combination of Best Practicable Treatment or Control (BPTC) measures, including feedstock limitations, additive restrictions, and wastewater handling requirements. A variety of hydraulic conductivity requirements for working surfaces (pads) were considered; it was determined that the hydraulic conductivity specification of 1×10^{-5} cm/s for working surfaces (pads) would be less onerous than requirements for less permeable or impermeable surfaces, while providing water quality protection consistent with anti-degradation policies. Regarding inspections, extra inspections following major storm events are required in the General Order. Please refer to the Monitoring and Reporting Program, A. 1. (d) which states, <i>"The Discharger shall inspect all precipitation, diversion, and drainage facilities for damage within 7 days following major storm events. Necessary repairs shall be completed within 30 days of the inspection. The Discharger shall report any damage and subsequent repairs including photographs of the problem and repairs in the Annual Monitoring and Maintenance Report."</i> |
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 7 | Recommend that both the Draft Environmental Impact Report and the Draft Order address issues regarding ponding water with respect to vectors, odor, and treatment of runoff (emphasis added). Deaths resulting from the infection of both the West Nile and the Hanta Virus have been recorded in California as recent as the summer of 2012 and 2013. | The General Order addresses the issues regarding of ponds and odors and the draft EIR discusses the issue of vectors. The General Order, under DESIGN, CONSTRUCTION AND OPERATION REQUIREMENTS, requires, <i>"Detention ponds, if used, shall be managed to mitigate breeding of mosquitoes including, but not limited to the following: (a.) An erosion control program shall be implemented to ensure that small coves and irregularities are not created around the perimeter of the water surface. (b.) Weeds shall be minimized through control of water depth, a shoreline synthetic liner, harvesting, or herbicides. (c.) Dead algae, vegetation, and debris shall be removed from the water surface. (d.) Coordination with the local mosquito abatement or vector control district to supplement the measures described above in cases where other methods are infeasible."</i> Additionally, in Mitigation 10.9 of Chapter 10, the draft EIR states, <i>"California Code of Regulations, title 14, chapter 3.1, article 6, section 17867 . . . gives the EA and CalRecycle broad discretion to ensure that these operations do not provide a suitable environment to promote generation of vectors. In addition, local pest management agencies (i.e. mosquito abatement districts, environmental health departments) have authority to inspect operations and enforce compliance with vector control. Vector populations can be kept under control using best management practices, such as insect traps, chemical treatment, or minimizing stagnant waters."</i> |
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 8 | Compost Fact Sheet – Expand the list of "organic" materials listed to include "manure." Also define the term "Organic," "Compostable Organic," and Non-compostable Organic." | The State Water Board does not define organic materials, compostable organic, or non-compostable organic materials in the General Order or Environmental Impact Report, because composting, under the General Order is regulated based on the types and amounts of allowable feedstocks. Composting is defined in the General Order as "A controlled microbial degradation of organic wastes yielding a safe and nuisance-free product" (See Attachment A of the General Order). |
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 9 | General Order And Its Attachment A – Finding No.2 of the General Order states "Composting is the biological decomposition of organic materials by microorganisms under controlled aerobic conditions to create a product.....(emphasis added)" There is a clear need for the State Water Board to define the terms "organic", "organic material," and "compostable organic," such as green materials, and "non-compostable organic," such as a plastic liner (i.e. an "organic material" but it is not compostable) which the General Order proposes to be used to protect underground water quality from composting operation (emphasis added). These terms are being used by State Water Board throughout the Draft Order and its DEIR without having defined their terminology. The Task Force respectfully requests State Water Board to (1) define these terms through the regulatory process, and (2) void further use of these undefined terms. Defining the above terms would eliminate confusion among stakeholders and elected officials and reduce the regulated community expenditures in otherwise complying with the General Order. | The State Water Board does not define organic materials, compostable organic, or non-compostable organic materials in the General Order or Environmental Impact Report, because composting, under the General Order is regulated based on the types and amounts of allowable feedstocks. The General Order provides definitions and specifications for allowable feedstocks, which are the focus of the General Order. The composting of any other materials except as defined in the General Order may be covered under other permits beyond the scope of this General Order. |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

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| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 10 | DEIR, Impact 6.5, "odor" – The document identifies the "odor impact" as "Significant" and "Unavoidable" even with implementation of the mitigating measures listed (emphasis added). Specifically one the mitigating measures identified states "Develop and comply with an Odor Impact Minimization Plan pursuant to the requirements of California Code of Regulations, title 14, section 17863.4." However, the stated mitigating measure needs a significant improvement. We strongly recommend that an Odor Impact Minimization Plan must be required to include a timeframe by which the Enforcement Agency (EA) (or any other appropriate regulatory agency) must direct the composting facility operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in Section 17863.4.1 of the California Code of Regulations, Title 14. We also strongly recommend specifying a timeframe (possibly a week) within which the EA and/or the appropriate regulatory agency would review the results of the Report in order to reduce and eliminate the time the public is exposed to the odor nuisance. If the foregoing measures are ineffective in addressing the odor nuisance then alternatives should be considered such as enclosing operations within a structure that operates under negative pressure. As an another alternative, the facility's permitted daily waste intake can be incrementally reduced until such time the nuisance is eliminated or reduced to a level that is no longer a nuisance to the public. Considering odor nuisances are hazardous to public health and safety, it is imperative that mitigation measures be clearly established to ensure such nuisances are addressed in an efficient and timely manner. We are looking forward to much improved odor mitigation measures in the final General Odor and final EIR. | Although the suggested mitigations measures may be helpful to include for disclosure purposes, Revising the draft EIR to incorporate the suggestions is not recommended because it would not change the conclusions of the analysis. Mitigation measures listed in Chapter 6 of the EIR are <i>examples of recognized and accepted measures that are routinely required by regulatory agencies</i> . Chapter 6 of the EIR states, "The State Water Board does not have authority to require implementation of mitigation related to the air quality impacts of existing or new composting operations approved by local authorities. The ability to require such measures is within the purview of jurisdictions with local land use approval and/or permitting authority." Chapter 2.6 of the EIR states, "Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance." Chapter 3.1 of the EIR states, "The General Order would not authorize, approve, permit, or in any way support the location, construction, or operation of a new composting operation (except as for compliance with the General Order)." The SWRCB does not have the authority to impose the suggested mitigation measures. Mitigation measures were listed for disclosure purposes and do not represent requirements imposed by SWRCB. |
| 20 | LA County SWMC/IWM Task Force | Margaret Clark | 11 | We recommend the State Water Board find mechanisms to ensure that chipping and grinding operations would also be subject to similar levels of regulations as composting facilities. | The following clarifies the applicability of the General Order to chip and grind operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to draft General Order, Finding 14. For the purposes of the draft General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), the chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The focus of this General Order is composting operations; regulation of chip and grind facilities is outside the scope of the General Order. Chip and grind facilities and operations may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate. |
| 21 | Orange County Sanitation District | James E. Colston, contact Tom Meregillano, e-mail sent by Jana Botzheim | 1 | inconsistency concerning the concentration limits criteria imposed on biosolids as a feedstock, which needs to be clarified to prevent the misinterpretation that Class B biosolids may not be used as a feedstock at composting operations. | Table 2, Allowable Feedstocks, lists Class A, Class B, and Class EQ biosolids meeting the criteria of the General Order as allowable feedstocks for Tier II facilities. In response to stakeholder comments, the definition of biosolids has been revised: "Sewage sludge that has been treated, tested, and meets: 1. The Ceiling Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13; 2. The Class A or Class B pathogen control requirements in 40 Code of Federal Regulations part 503.32(a) or (b); and 3. One of the Vector Attraction Reduction requirements in 40 Code of Federal Regulations part 503.33(b)(1–8). Exceptional Quality (EQ) biosolids – Biosolids meeting metals standards, Class A pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.32(a), and section 503.33(b)(1–8), respectively" |
| 21 | Orange County Sanitation District | James E. Colston, contact Tom Meregillano, e-mail sent by Jana Botzheim | 2 | The discrepancy arises in the definition of "Sewage Sludge" referenced in Attachment-A, which states that "Sewage Sludge" does not include biosolids that meet criteria in Table 3 of 40 CFR section 503.13, which is a criteria for Class A biosolids. To further complicate the issue, the General Order defines "Biosolids", also referenced in Attachment-A, as sewage sludge that has been treated, tested, and meets Class A biosolids (40CFR Part 503 Table 3), Class B biosolids (40CFR Part 503 Table 1), and Exceptional Quality (EQ) biosolids as defined in General Waste Discharge Requirements Order No. 2004-0012-DWQ and A Plain English Guide to the EPA Part 503 Biosolids. | The General Order was revised in response to this comment: The definition of biosolids was revised as shown below. Sewage sludge that has been treated, tested, and meets: 1. The Ceiling Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13; 2. The Class A or Class B pathogen control requirements in 40 Code of Federal Regulations part 503.32(a) or (b); and 3. One of the Vector Attraction Reduction requirements in 40 Code of Federal Regulations part 503.33(b)(1–8). Exceptional Quality (EQ) biosolids – Biosolids meeting metals standards, Class A pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.32(a), and section 503.33(b)(1–8), respectively. The definition of Sewage Sludge was revised to clarify that "Sewage sludge does not include biosolids that meet the criteria in Table 1 of 40 Code of Federal Regulations section 503.13." |
| 21 | Orange County Sanitation District | James E. Colston, contact Tom Meregillano, e-mail sent by Jana Botzheim | 3 | the definition of "Sewage sludge" should be revised to the following: " Sewage Sludge - Any solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a municipal wastewater treatment facility. It includes solids removed or used during primary, secondary, or advanced wastewater treatment processes. It does not include grit or screening material generated during preliminary treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge does not include biosolids that meet the criteria in Table 3 Table 1 of 40 Code of Federal Regulations section 503.13." This proposed revision conforms to Finding #26 of the proposed General Order that biosolids used as a feedstock to comply at a minimum with the ceiling concentrations limits in Table 1 CFR 503. | The General Order was revised to clarify the definition of biosolid as "sewage sludge that has been treated, tested, and meets: 1. The Ceiling Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13; 2. The Class A or Class B pathogen control requirements in 40 Code of Federal Regulations part 503.32(a) or (b); and 3. One of the Vector Attraction Reduction requirements in 40 Code of Federal Regulations part 503.33(b)(1–8). Exceptional Quality (EQ) biosolids – Biosolids meeting metals standards, Class A pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.32(a), and section 503.33(b)(1–8), respectively." The definition of sewage sludge was revised as follows: " Any solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a municipal wastewater treatment facility. It includes solids removed or used during primary, secondary, or advanced wastewater treatment processes. It does not include grit or screening material generated during preliminary treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge does not include biosolids that meet the criteria in Table 1 of 40 Code of Federal Regulations section 503.13." |

DRAFT - July 23, 2015
Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|---|----------------|----------------|---|--|
| 22 | RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY | Larry Sweetser | 1 | Most Significant Concerns: (1 of 3) Insufficient evidence that the strict liner standards are justified. | <p>The proposed detention pond liner system design is an effective measure to reduce pond seeps or leaks. Specification 2.c provides an option for dischargers to propose an equivalent engineered alternative liner system design: An equivalent engineered alternative is specified in an NOI and/or a technical report, and approved by the Regional Water Board.</p> <p>Tier II facilities process large quantities of compostable material that may contain nutrients metals, salts, pathogens, and oxygen-reducing compounds with the potential to degrade water quality. Therefore, Tier II facilities are required to meet specifications that include hydraulic conductivity requirements for working surfaces and construction of lined detention ponds or tanks to contain wastewater. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge.</p> <p>Composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type.</p> |
| 22 | RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY | Larry Sweetser | 2 | Most Significant Concerns: (2 of 3) The financial considerations for the sampling requirements. | Annual groundwater/retention pond monitoring costs (including annual sample and reporting costs) were included in the economic analysis (Refer to Draft EIR, Appendix D – Economic Considerations: “Option 1: Cost of Operations Surface Pad Installation”). Monitoring requirements in the General Order have been reduced from earlier versions (see the DRAFT Composting General Order Requirements, dated August 2013, May 2014, and January 2015). |
| 22 | RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY | Larry Sweetser | 3 | Most Significant Concerns: (3 of 3) The package is not clear that existing compost facilities within the footprint of a Regional Board-approved WDR are actually included in the General Order. | Finding 13 of the General Order has been revised to clarify applicability of the General Order to composting operations that are co-located with facilities regulated under existing individual WDRs. Finding No. 13 states: <i>“If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDRs include requirements for the composting operation as determined by the Regional Water Board.”</i> |
| 22 | RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY | Larry Sweetser | 4 | The ESJPA appreciates the exclusion for “Lot clearing” and the recognition that storage woody material from these mandatory fire protection measures will not active compost and are of temporary nature. | Thank you for your comment. |
| 22 | RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY | Larry Sweetser | 5 | Preventing offsite runoff is important for water quality protection. The requirement for “completely” covering all materials during rain events does not allow for a facility design that contains runoff. Covering a stockpile might not be feasible especially if rain starts when the facility is not operating. This alternative should be included in this section. | The General Order has been revised so that all materials at composting operations processing between 500 and 5000 cubic yards are “... completely covered during storm events, as needed.” This requirement must be met in order to be exempt from this General Order; the discharger may propose equivalent engineered alternatives to achieve this requirement, as determined by the Regional Water Board. |
| 22 | RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY | Larry Sweetser | 6 | Existing composting facilities will not have sufficient time to comply with the general order. The proposed effective date is upon adoption by the SWRCB with an enrollment date of July 1, 2015. These requirements are not yet final and there will be insufficient time for exiting composters to obtain all necessary local permits, revise CalRecycle permits, and arrange financing for the required structural changes. Some levels of CalRecycle permits require 180 days’ notice prior to a facility design or operational change and that does not account for the time for any required environmental review. Some of these changes could take one year or more. The effective date should be delayed and allow sufficient time for existing facilities to complete those processes. | <p>Compliance schedule provisions of the General Order are separate from CalRecycle’s permit schedules. The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders’ comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI.</p> <p>Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): <i>“The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible.”</i></p> |
| 22 | RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY | Larry Sweetser | 7 | There is not sufficient justification to impose solid waste landfill like standards on detention ponds. | <p>Solid Waste facilities require design requirements of 100-year, 24-hour storm event. In response to stakeholders’ comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. The revised language is listed below.</p> <p>Revised Language to replace Item 6 with below. Note: No. 7 does not change <i>6. Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond, from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board.</i> <i>7. Detention ponds, if used, shall be managed as described in the facility’s Water and Wastewater Management Plan.</i></p> |
| 22 | RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY | Larry Sweetser | 8 | There is no explanation of why such extensive sampling is needed and there is limited acknowledgement that some parameters may attribute background levels of constituents to the composting operation. | The Tier II requirement of this General Order is to obtain samples of the wastewater from the pond, not groundwater samples, therefore it is not anticipated to be influenced by the background constituents. |
| 23 | San Pasqual Valley Soils | Chuck Voelker | 1 | As a compost producer in San Diego County, we would urge the State Water Resources Control Board to delay the implementation of the General Order until such a time that a set of rules better suited to the unique geologic and meteorological histories of each Regional Water Quality Control Board be put forth for consideration. Regional Water Boards were established specifically because of these very real differences in climate, weather and geology, so it becomes apparent that a “one size fits all” type of General Order is poorly thought-out, impractical, and unfair to an industry that facilitates water conservation and quality. | <p>The General Order is not expected to fit all composting operations; the General Order is intended to cover composting operations that fit the criteria of the General Order. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs; the General Order provides for site-specific flexibility and considerations. The regulatory approach without a General Order, is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation. The General Order was developed over the course of several years, with input from stakeholders, Regional Water Boards, and other agencies such as CalRecycle.</p> <p>However, composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type.</p> |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

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|------------|--|----------------|----------------|---|--|
| 23 | San Pasqual Valley Soils | Chuck Voelker | 2 | The 30-year average precipitation for Marin County, for example, is completely different from San Diego County. The climate and geology of these counties vary considerably. The General Order reads more like mitigation for a Northern California climate/weather region than it does for a semi-arid SoCal region. Based on a 30-year average, precipitation in San Diego is approximately 10" per year, yet under the current proposed rulemaking, our business will be forced to finance the design and installation of a massive detention pond with a pan lysimeter. The size and scope of such a project is completely unnecessary for an operation of our size, and would be financially burdensome in both capital and operation and maintenance costs. | In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. The revised language is listed below. 6. "Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond, from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board." |
| 23 | San Pasqual Valley Soils | Chuck Voelker | 3 | We appreciate the efforts of the State Water Board to bring about a set of guidelines that will ensure proper stewardship of the lands on which compost producers assist the state in meeting its future recycling goals for the benefit of its citizens and the continued health and viability of its native soil. But we must oppose the General Order for being too broad in scope and for lacking solutions that are appropriate to each region in favor of an overly simplistic model that will eventually, and unfortunately, prove to be a detriment to all the wonderful work that has been accomplished up to this point. | The General Order is intended to cover composting operations that fit the criteria of the General Order. Most compost operations are not currently permitted, and have not collected or reported groundwater quality data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs; the General Order provides for site-specific flexibility and considerations. The regulatory approach without a General Order, is to regulate every individual composting facility separately, a process that may require time and resources that may inhibit permitting, and may result in greater costs. |
| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 1 | Increasing this infrastructure to meet this demand can only be accomplished if the state's regulatory structure is economically feasible while fully protecting the quality of California's ever important- and increasingly limited-- water resources. Republic supports the development of the General Order and are comments are intended to add clarity and reasonable flexibility so that we can meet the requirements of increased organics diversion while protecting water quality goals and responding to the inherent variability of California's diverse geography. | The General Order is a tool for Regional Water Boards to use for streamlining of the permitting process. Costs associated with the General Order are expected to be less than costs incurred under individual WDRs. Compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. |
| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 2 | In conversations with staff, we understand that existing and future compost operations that are located entirely within a site such as a landfill with WDRs that specifically include the compost operation are not subject to the provisions of the GO. The GO should specifically state that RWQCB has complete authority to appropriately regulated compost operation through existing and future landfill WDRs. | The following clarifies the applicability of the General Order for composting operations that are co-located with and covered under WDRs for other operations. It is understood that a composting operation may be co-located at a landfill, POTW, or other waste management facility that is covered under individual WDRs. In response to stakeholder's comments, Finding 13 has been revised for clarification, and states: "Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." |
| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 3 | It is essential to make clear that RWQCB's have the discretion to respond to variable conditions throughout the state to appropriately protect water quality without imposing an undue burden on compost operations. | The General Order provides for site-specific flexibility and considerations, in the form of equivalent engineered alternatives and options to be proposed in the NOI and technical report, and as part of each facility's Water and Wastewater Management Plan. The General Order provides a more streamlined and simplified approach to permitting discharges from composting operations than individual WDRs. Regional Water Boards may issue individual WDRs in response to site specific conditions, as discussed in revised Finding 13 of the General Order, "... If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation." |
| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 4 | As we have discussed with staff, processed and non-waste materials at a compost site should not be regulated through this order- rather regulated through the IGP for Storm water. Under the proposed GO, finished product piles located at a compost site would be regulated through the GO. However, a similar finished product pile located offsite would be regulated through the Storm water IGP. The final GO should regulate compost product piles in a similar manner. We recommend that the final GO clearly delineate between feedstock/active compost areas and finished product storage activities. Finished product storage areas should be regulated in a manner consistent with the Storm Water IGP. | The definitions for active, curing and final product have been revised. Active Compost - "Compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks. Curing Compost - "The final stage of the composting process that occurs after compost has undergone pathogen reduction, as defined in California Code of Regulations title 14, section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized. This curing phase begins after an active compost pile endures a sustained drop in temperature as remaining materials continue to decompose, but at a much slower rate. This helps to further decompose and stabilize potentially toxic organic acids and resistant compounds. The curing process helps bring compost to full-maturity, and can last several months." Final Product - "The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed." The definition of working surface has been revised to allow segregation of final product: Working Surface - Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is isolated in a dedicated area away from the active and curing compost; The area is clearly marked as "final product" and The area is identified in the NOI and technical report, and approved by the Regional Water Board. |

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| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 5 | The types and amount of additives and amendments should not be limited for Tier 2 facilities. The order is not clear in the distinction between an additive and amendment and when the 30% limit applies. As we understand from discussion with staff, the limit for an amendment would apply only to finished product. An acceptable alternative would be to continue with a default 30% limit, but allow the discharger to go above this limit if the site-specific plan clearly addresses measures that will be taken to ensure the specific additive or amendment will be managed in a way to protect water quality. An example would be digestate from an Anaerobic Digestion facility that has been through the PFRP process. Such material should be allowed as an additive or amendment with no limitations. | Development of percent limitations considered a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, additive limitations at existing facilities that are currently permitted under individual WDRs, and additive limitations imposed by other states. Tier I facilities have no requirements for improved working surfaces or ponds, therefore the feedstocks are limited to those lower threat materials allowed in Table 2. Additives such as manure contain pathogens, nitrates, salts and are higher threat feedstocks. The 10% limitation allows Tier I facilities to mix in lesser amounts of higher threat materials that are not allowed as feedstocks, as additives. The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material would be more like a feedstock. Additionally, greater percentages than 30% of raw materials such as fertilizing materials may have the potential to create anaerobic or other undesirable conditions. In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows: 1. Under Specifications, provision 1.a and 1.b: the terms " ...and amendments" are removed, so that percent limitations apply only to additives. 2. New provision is added to address amendment limits: "For Tier I and Tier II facilities, the type of amendments must be specified in a NOI and/or a technical report, and approved by the Regional Water Board." 3. The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged. 4. The following revisions are proposed under "Definitions": "Amendments" definition is revised to be consistent with CalRecycle: "Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock." 5. Under Prohibition 4.k.: Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks." |
| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 6 | The Order appears to require zero discharge for all compost operations by requiring them to "contain storm water on-site." This seems to conflict the design requirement to collect, transfer, and contain the 25-year, 24-hour storm. The Order should be revised to confirm that discharge of storm water exceeding the 25-year, 24-hour storm is allowed, and if an NPDES permit is required, such discharges will be subsumed under the operative California Industrial General Permit. | In response to stakeholders' comments, the terms "process water", "process wastewater," "non-process wastewater," and "wash water" have been revised and consolidated under the single term, "wastewater". The definition of wastewater has been revised as follows: "Wastewater - "Refers to leachate or any other liquid flowing from, or on the working surface." For operations that fall under this General Order, a Water and Wastewater Management Plan must be submitted to the Regional Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities are required to control and manage all "wastewater" that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to an National Pollutant Discharge Elimination System (NPDES) permit. |
| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 7 | The proposed GO uses the terms Storm water, Wastewater, Process Wastewater, and Non-process Wastewater. The use of these terms is unclear and confusing. The GO should be edited to provide a clearer understanding of these terms and how they are used in the GO. | In response to stakeholders' comments, the references to "process water", "process wastewater," "non-process wastewater," and "wash water" have been revised and consolidated under the single term, "wastewater". The definition of wastewater has been revised as: "Refers to leachate or any other liquid flowing from, or on the working surface." |
| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 8 | The Economic Analysis contained within the EIR appears to assume that there will be no economic impact due to construction of operating pads due to these new standards. It fails to discuss the costs of wastewater treatment and/or disposal. Calculations for pond sizing in economic analysis appear to use "average" rainfall amounts, not the 25 year annual return values required to be installed, significantly underestimating the per facility cost of pond installation. Requiring installation of a pan lysimeter beneath an existing lined detention pond will require the rebuilding of most existing ponds. Instead, water quality goals can be achieved by installation of down gradient groundwater monitoring wells. The economic impact of this requirement as compared to less costly alternatives capable of achieving the same environmental objectives must be considered and should be part of the economic analysis. | The General Order is a tool for Regional Water Boards to streamline and simplify the permitting process. Costs associated with the General Order are expected to be less than costs incurred under individual WDRs. The EIR's Economic Considerations concluded that compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of most composting operation. The Economic Considerations found possible impacts to small facilities; this finding resulted in a conditional exemption for facilities less than 5,000 yd ³ . There is no specification for treating or hauling wastewater in the General Order, therefore this cost is not discussed in the Economic Considerations. In response to comments received from the stakeholders, the design requirement for detention ponds has been changed to be based on a 25-year 24-hour peak storm event at a minimum instead of 25-year return annual total precipitation. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. The General Order provides options for equivalent engineered alternatives to prescriptive requirements such as a pan lysimeter. Please refer to the General Order, Design, Construction and Operation Requirements - Tier II Only, item 3: "Detention ponds must be designed and constructed with a pan lysimeter..., or an equivalent engineered alternative approved by the Regional Water Board." |
| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 9 | The GO used this term, but is inconsistent with the terms used by CalRecycle. CalRecycle allows separated material to be used in composting operations, but that separation can be conducted at the point of generation or at a subsequent location. Definition of "Food Material" provides little clarification as to the allowance of food-soiled paper/packaging and other potential contaminants from wet/dry collection, dirty MRF residuals, where food material may not be "separated from solid waste to the maximum extent possible at the point of generation". We recommend removing that phrase. | The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised, consistent with CalRecycle's definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material. In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be comingled with green materials." The list of Tier I Feedstocks has been revised to include "agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks". |
| 24 | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 10 | Are impoundment discharges wastewater or storm water? The GO should clearly indicate the consequences of a discharge from an impoundment that is designed and operated in accordance with the standards of the GO. | The following clarifies that detention pond discharges are wastewater. In response to stakeholders' comments, the references to "process water", "process wastewater," "non-process wastewater," and "wash water" have been revised and consolidated under the single term, "wastewater". The definition of wastewater has been revised as follows: "Wastewater - "Refers to leachate or any other liquid flowing from, or on the working surface." For operations that fall under this General Order, a Water and Wastewater Management Plan must be submitted to the Regional Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities are required to control and manage all "wastewater" that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to an National Pollutant Discharge Elimination System (NPDES) permit. |

DRAFT - July 23, 2015
Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

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| 25 | SONOMA COMPOST CO., LLC COMPOST DEIR COMMENT | Will Bakx | 1 | While we can respond here to some of the problems we have with the General Order, we request that the Board will allow for more time to give the industry an opportunity to develop more specific language to replace text we have problems with. | Stakeholder or interagency comments, letters, and working papers were considered throughout the process of developing the General Order. Stakeholders from industry, municipalities, other agencies have been involved with development of the General Order since at least 2009. The State Water Board hosted multiple work-group workshops, public informational meetings, scoping meetings, and public workshops. Stakeholders have provided written and verbal comments throughout development of the Compost Waiver, General Order, Initial Study, and Mitigated Negative Declaration. Revisions to the General Order have been made and a full Environmental Impact Report (EIR) was prepared in response to stakeholder suggestions and comments. The General Order requirements have been posted on the Water Board website since May 2014. Opportunities for public comment were announced and announcements sent to compost operators in 2012, 2013, and in 2015. State Water Board staff held two public workshops in 2015 and met with stakeholders in focused, small group meetings to receive input and answer questions. Responses have been made by either revising sections of the General Order, or by drafting responses to clarify reasons for not making revisions. |
| 25 | SONOMA COMPOST CO., LLC COMPOST DEIR COMMENT | Will Bakx | 2 | Finished product is currently considered waste in the General Order. This means that the area used for finished product will be included in the total footprint considered in the order. Since this is finished product that is applied to gardens and agricultural applications throughout the State we request that this category will be exempted from the rule. | In response to stakeholder comments, the following definitions have been revised: Final product: - <i>"The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed."</i> The definition of working surface been revised to allow segregation of final product: Working Surface - <i>Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is isolated in a dedicated area away from the active and curing compost; The area is clearly marked as "final product" and The area is identified in the NOI and technical report, and approved by the Regional Water Board.</i> |
| 25 | SONOMA COMPOST CO., LLC | Will Bakx | 3 | Additive versus amendment definitions and tier limits remain unclear and need to be clarified. | Additive and amendment definitions have been revised to clarify the usage and the difference between additives and amendments, consistent with CalRecycle's definitions. Additives are <i>"materials that are mixed with feedstocks or active compost to create a favorable condition . . ."</i> Amendments are <i>"materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock."</i> Development of percent limitations considered a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, additive limitations at existing facilities that are currently permitted under individual WDRs, and additive limitations imposed by other states. Tier I facilities have no requirements for improved working surfaces or ponds, therefore the feedstocks are limited to those lower threat materials allowed in Table 2. Additives such as manure contain pathogens, nitrates, salts and are higher threat feedstocks. The 10% limitation allows Tier I facilities to mix in lesser amounts of higher threat materials that are not allowed as feedstocks, as additives. The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material would be a feedstock. Additionally, greater percentages of raw materials such as fertilizing materials may have the potential to create anaerobic or other undesirable conditions. In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows: 1. Under Specifications, provision 1.a and 1.b: the terms "...and amendments" are removed, so that percent limitations apply only to additives. 2. New provision is added to address amendment limits: <i>"For Tier I and Tier II facilities, the type of amendments must be specified in a NOI and/or a technical report, and approved by the Regional Water Board."</i> 3. The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged. 4. The following revisions are proposed under "Definitions": "Amendments" definition is revised to be consistent with CalRecycle: <i>"Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock."</i> 5. Under Prohibition 4.k.: <i>Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited.</i> |
| 25 | SONOMA COMPOST CO., LLC COMPOST DEIR COMMENT | Will Bakx | 4 | The food material definition requires clarification. In addition, California's newly implemented organic commercial recycling law needs to be taken in account to ensure that composters can fully utilize food scrap feedstock. | The definition for "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. The General Order was not intended to address full utilization of food scraps, nor would a General Order be appropriate to address all feedstocks. Based on stakeholder comments, the definitions for "Food Material" and "Vegetative Food Material" have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material. In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be comingled with green materials." The list of Tier I Feedstocks has been revised to include "agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks". |
| 25 | SONOMA COMPOST CO., LLC COMPOST DEIR COMMENT | Will Bakx | 5 | The compliance schedule must reflect a realistic time for application and implementation for existing and new facilities. The analysis has been based on a 20 year amortization. Many operators, including SCC, do not have such a timeline in their contract. A 5-year contract prohibits financially to come in full compliance. | It is not feasible for a General Order to fit different types of financing programs and timelines. The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders' comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI. Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): <i>"The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible."</i> |

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| 25 | SONOMA COMPOST CO., LLC COMPOST DEIR COMMENT | Will Bakx | 6 | The current specifications are too restrictive and do not provide flexibility for alternatives. Thought should be given to better correlate size of the ponds to the actual risk and the economics associated with that. | <p>The following is provided for clarification. The economic considerations analyzed the cost of pond installation. The General Order allows several engineered equivalent alternatives including: alternative methods for construction of working surfaces; alternatives for pond liners; and alternative to pan lysimeter. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation.</p> <p>In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed.</p> <p>The draft General Order section Design, Construction and Operation Requirements - All Tiers, revised language states: "Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board."</p> |
| 25 | SONOMA COMPOST CO., LLC COMPOST DEIR COMMENT | Will Bakx | 7 | As reflected above, we have concerns about the economic impact of the General Rule. Appendix D, "Economic Considerations", does not take in account shorter contract times, the need for operating pads and potential outhauling of contact water to treatment plants, which will be a reality in certain events. SCC encourages you to further work with the industry as a whole to revisit these impacts. | <p>1-Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time. Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1×10^{-5} centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately \$25 million. At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1×10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately \$140 million. In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as \$450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected</p> <p>2 -There is no specification for treating or hauling wastewater in the General Order, therefore this cost was not discussed in the Economic Considerations.</p> <p>3- In response to comments received from the stakeholders, the design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Although the revised requirement may result in construction of a smaller pond, it will still be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed.</p> |
| 26 | South Coast Air Quality Management District | Jillian Wong | 1 | In Chapter 6 – Air Quality and Greenhouse Gas, Table 6-5, the Lead Agency indicates that URBEMIS2007 was used to estimate emissions from construction activities. SCAQMD staff recommends that the lead agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. | <p>The Lead Agency (SWRCB) is aware that for site-specific project analyses, the URBEMIS2007 model needs to be supplemented to include the additional combustion GHGs and GHG emissions from indirect sources, (http://www.caleemod.com/ "FAQs"). Table 6-5 of the draft EIR does not represent a statewide analysis of air quality impacts resulting from adoption of the General Order. Chapter 3.1 of the draft EIR states, "The EIR assesses both the impacts from an existing composting operation due to retrofits for compliance, as well as impacts that would occur from a new operation's compliance with the General Order. This analysis is necessarily at a generalized level as it would be speculative for the State Water Board to predict the actual choices for compliance at any specific location and estimate the magnitude of impacts for a site-specific composting operation within the state." Chapter 6.2.1., pg. 59 states, "Future review of individual composting operations is likely to require additional site-specific CEQA review, including site specific air quality studies that could include further modeling or analysis of these particular air quality and GHG impacts on a project-by-project basis." Reference to the Sonoma County Waste Management Agency Composting Facility draft EIR (Sonoma Compost EIR) was provided as an example of air quality concerns if construction activities are needed for existing composting operations to comply with the General Order.</p> <p>As noted, the URBEMIS2007 model is referenced in the draft EIR Table 6-5 footnotes. Table 6-5 is taken from TABLE 5-4 of the Sonoma Compost EIR. The Sonoma Compost EIR (TABLE 5-9) indicates that the URBEMIS2007 model was supplemented for the Sonoma project to obtain GHG analysis. SWRCB acknowledged this supplemental analysis in the paragraph below Table 6-5 of the draft EIR by referring to some of the data in the Sonoma Compost EIR Table 5-9. Again, reference to the Sonoma Compost EIR was provided solely as an example of air quality concerns and does not represent a statewide analysis of GHG impacts resulting from the adoption of the General Order.</p> |
| 26 | South Coast Air Quality Management District | Jillian Wong | 2 | Table 2-1 Allowable Feedstocks identifies acceptable forms of feedstock but does not exclude certain waste material commonly found in composting facilities. Construction waste such as gypsum drywall and grease water from restaurants are often included in feedstocks that result in substantial odor problems for downwind communities. It is not clear from Table 2-1 Allowable Feedstocks if these two materials, which have apparently been allowed at some composting facilities in the past, will still be allowed, and under what circumstances, in the future. SCAQMD staff recommends providing additional information on other waste materials that should be limited or excluded from composting facilities. | <p>It is the intent of the General Order to provide regulation of materials with the potential to pose a threat to water quality, within the authority granted to the Water Boards. Feedstock materials that are not listed in Table 2 are not allowed under the General Order, (See Finding 31 of the General Order), unless approved by the Regional Water Board. "A The General Order provides an option for dischargers to propose other materials for use as additives and amendments (Specifications 1.a.4 and b.4). Regional Water Board may limit or prohibit the use of an additive or amendment if the use of the additive or amendment could result in pollution or nuisance." Under Specification, Finding 3, it is required that "All feedstocks, additives, amendments, and compost (active, curing, or final product) must not cause, threaten to cause, or contribute to conditions of pollution, contamination, or nuisance."</p> <p>Chapter 2.6 of the EIR states, "Significant upgrades to existing operations or the construction of new operations would still require approval from local land use planning agencies. Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance. This EIR does not address these site-specific project approvals and will not change the CEQA compliance requirement for the project approvals." Chapter 6.2.1. states, "Future review of individual composting operations is likely to require additional site-specific CEQA review, including site specific air quality studies that could include further modeling or analysis of these particular air quality and GHG impacts on a project-by-project basis."</p> |

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| 26 | South Coast Air Quality Management District | Jillian Wong | 3 | SQAQMD staff recommends adopting additional mitigation measures to further reduce emissions from on and off-road heavy duty equipment. Please see Attachment for additional mitigation measures. | Although the suggested mitigations measures may be helpful to include for disclosure purposes, revising the draft EIR to incorporate the suggestions is not recommended because it would not change the conclusions in the analysis. Mitigation measures listed in Chapter 6 of the EIR are examples of recognized and accepted measures that are routinely required by regulatory agencies. However, it should be noted that the State Water Board does not have authority to require implementation of mitigation related to the air quality impacts of existing or new composting operations approved by local authorities. The ability to require such measures is within the purview of jurisdictions with local land use approval and/or permitting authority. Chapter 2.6 of the EIR states, "Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance. This EIR does not address these site-specific project approvals and will not change the CEQA compliance requirement for the project approvals." Chapter 6.2.1. states, "Future review of individual composting operations is likely to require additional site-specific CEQA review, including site specific air quality studies that could include further modeling or analysis of these particular air quality and GHG impacts on a project-by-project basis." The General Order would not authorize, approve, permit, or in any way support the location, construction, or operation of a new composting operation (except as for compliance with the General Order). The SWRCB does not have the authority to impose mitigation measures as suggested. Mitigation measures were listed for disclosure purposes and does not represent requirements imposed by SWRCB. |
| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 1 | Tier II General Order Facilities Should Include Sub-Class B biosolids. Composting is relied upon by California's wastewater agencies to safely convert their biosolids and sewage sludge, including sub-Class B sewage sludge to Class A biosolids compost | The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a "process to significantly reduce pathogens" presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. The General Order is not expected to impact public wastewater agencies that handle compost materials that are beyond the scope of the General Order. |
| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 2 | Synagro would like to emphasize that comprehensive federal and state regulations exist to ensure the safety and benefits producing biosolids-based compost from all forms of sewage sludge, including sub-Class B biosolids. US EPA utilized decades of research to develop their risk-based, scientifically peer-reviewed regulations known as the "Part 503 rules." (40 C.F.R. Part 503). The safety of production and land application of biosolids compost in compliance with the Part 503 rules has also been endorsed by two studies by the National Academy of Sciences (NAS) (1996 and 2002). In fact, the 2002 NAS report concluded that "there is no documented scientific evidence that Part 503 has failed to protect public health." | The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a "process to significantly reduce pathogens" presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. The allowance of Class A, Class B, and Class EQ biosolids as feedstocks is based in part, on EPA's 1994 document, "A Plain English Guide to the EPA Part 503 Biosolids Rule", which provides guidance for implementation of 40 CFR 503. |
| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 3 | Synagro has observed in jurisdictions throughout the nation where additional burdensome compost regulations are adopted beyond Part 503 requirements, that cities and wastewater agencies face more difficulty finding methods to recycle or dispose of their biosolids with absolutely no corresponding benefits to human health and the environment. Once adopted, such rules encourage further restrictions and bans elsewhere, characteristically based on misinformation and anti-urban sentiment rather than science. Other available disposal options are typically, and unnecessarily, more expensive to the taxpayers and a detriment to the environment. | The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a "process to significantly reduce pathogens" presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. The General Order is not expected to impact public wastewater agencies that handle compost materials that are beyond the scope of the General Order. |
| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 4 | Synagro is concerned that the enforcement of a permitting process consistent with the proposed General Order that limits Tier II Allowable Feedstocks for wastewater residuals to only "Class A, B, and/or EQ" biosolids will harm the public wastewater agencies statewide that do not have the infrastructure to produce Class B biosolids and rely on composting to safely manage their material. Their material will have to be disposed of in landfills unless they are willing to permit a facility through the onerous Regional Board site-specific WDR process. Tier II General Order facilities should include sub-Class B biosolids. | The General Order does not prevent composting of Sub-class B biosolids or other compostable materials. Biosolids meeting the criteria for Class A, Class B, and Class EQ biosolids fit the parameters of the General Order. Sub-Class B biosolids do not meet the criteria for materials under the General Order. Sub-class B biosolids have not been treated with a "process to significantly reduce pathogens" and is considered to be "sewage sludge" not "biosolids" as defined in the order, and therefore prohibited from being discharged onsite. Composting operations proposing to accept biosolids not meeting the minimum criteria for Class B biosolids feedstocks may be permitted under individual WDRs, as determined by the Regional Water Board. The General Order is not expected to impact landfills or public wastewater agencies that handle compost materials beyond the scope of the General Order. |
| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 5 | It appears that existing composting facilities permitted pursuant to individual the onerous regulatory requirements of Regional Board WDRs are excluded from needing to acquire a General Order permit. Finding # 37 on page 8 of the January 6, 2015 version of the General Order states: [Existing composting operations, except those with individual WDRs or conditional waivers of WDRs that address the composting operation, [emphasis added] are required to seek coverage under this General Order by submitting a complete Notice of Intent (NOI) (Attachment C), including the appropriate filing fee (Cal. Code Regs., tit. 23, § 2200), and a technical report including, but not limited to, information requested in Attachment D to the Regional Water Board. The NOI, filing fee and technical report must be submitted within one year of adoption of the General Order. The technical report shall include a schedule for full compliance and must be as short as practicable but may not exceed 6 years from the date of the NOI.]. Synagro is requesting confirmation from the SWRCB that composting facilities permitted pursuant to individual Regional Board WDRs are excluded from needing to acquire a General Order permit for existing operations and amendments to existing WDRs. | Composting operations that are permitted under individual WDRs are not required to be covered under the General Order. Additionally, composting operations that are co-located with other facilities with WDRs that cover the composting operations are not required to be covered under the General Order. Finding 13 states, "Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board." |

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| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
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| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 6 | It appears that anaerobic digestion (AD) will be heavily relied upon to help achieve the State's goal of 75% recycling of California's waste stream. As such, large volumes of the resultant digestate from AD process will need to be further processed for final use through composting and perhaps other further treatment processes for final use. Synagro's concern is that the limitation of digestate as a compost Feedstock to no more than 30% digestate to be used to make a final compost product should be increased from 30% unless the SWRCB can provide a scientific basis for such a limitation based on the carbon to nitrogen ratio of the digestate. | <p>The General Order supports California's 75 percent diversion goal by allowing a diverse range of compost feedstocks and a tiered regulatory approach to address large and small operations. Additionally, the General Order does not limit the types of diversion technologies nor the feedstock materials that may be used in the State, but provides a regulatory mechanism for composting operations with similar wastes and operations. The General Order was written to streamline and simplify permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263.</p> <p>There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources, within the parameters of the appropriate tier. The 30% volume limit is for use of any material as an additive at Tier II facilities; the volume of anaerobic digestate as additive is the same as other additive materials. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks."</p> <p>Development of additive percent limitations considered a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, and additive limitations imposed by other states. Tier I facilities have no requirements such as improved working surfaces or ponds, thus limiting higher threat additive materials to 10% is an approach that would be protective of water quality. The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material is a feedstock quantity. Additionally, greater percentages of raw materials such as fertilizing materials may have the potential to create anaerobic or other undesirable conditions.</p> |
| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 7 | Definitions of Sewage Sludge, Biosolids, and What is Allowed as a Feedstock: There appears to be internal inconsistency within the General Order between the definitions of sewage sludge, biosolids, and what is allowed as a Feedstock. Prohibition 4.f. states: "Sludge, including but not limited to sewage sludge..... "is prohibited for use as a feedstock." Appendix A Definition of Biosolids states: Biosolids – Sewage sludge that has been treated, tested, and meets any of the following: "...Class B biosolids meeting the pollutant concentration limits of Table 1 of 40 CFR 503.13 (This is the ceiling concentration limits). | <p>In response to stakeholders' comments, the definition of biosolids has been revised as follows; <i>Biosolids - Sewage sludge that has been treated, tested, and meets:</i></p> <ul style="list-style-type: none"> • <i>the Ceiling Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13.</i> • <i>The Class A or Class B pathogen control requirements in 40 CFR part 503.32(a) or (b).</i> • <i>One of the Vector Attraction Reduction requirements in 40 CFR part 503.33(b)(1 – 8)</i> • <i>Exceptional Quality (EQ) biosolids - Biosolids meeting metals standards, Class A pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.32(a), and section 503.33(b)(1-8), respectively.</i> <p>Additionally, the sewage sludge definition has been revised to correctly describe the exception that sewage sludge does not include biosolids meeting the ceiling concentrations in 40 CFR 503.13, Table 1.</p> |
| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 8 | Appendix A Definition of Sewage Sludge states: Sewage Sludge - . . . Sewage Sludge does not include biosolids that meet the criteria in Table 3 of 40 Code of Federal Regulations section 503.13" (And thus presumably does include those solids only meeting the less stringent Table 1 Ceiling concentrations). ¶ In the Scope of This General Order Section – Item 28. a. defines allowable feedstocks. Tier II allowable feedstocks include: "Biosolids (Class A, B, and/or EQ): as defined in Appendix A. Prohibition 9 excludes the use of biosolids as an additive or amendment with no explanation. | <p>Prohibition 9 of the General Order does not allow biosolids as additives or amendments, consistent with CalRecycle regulations (California Code of Regulations, Title 14. Natural Resources, Division 7. California Integrated Waste Management Board, Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements, Article 1. General, Section 17852, Definitions).</p> |
| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 9 | Thus we have a concern regarding the allowance of Class B biosolids which meets the Table 1 Ceiling Limit but not the Table 3 Pollutant Concentration Limit as a Feedstock. The definition of biosolids seems to include such a material, however so does the definition of sewage sludge. The former is allowed as a Feedstock under the General Order and the latter is not. Synagro recommends that the SWRCB provide a clear, concise and consistent definition of Biosolids as a Tier 2 Allowable Feedstock that includes sewage sludge (Class A, B, sub-Class B and/or EQ) that meets Table 1 Ceiling Limits | <p>Finding 26 of the General Order requires (all) biosolids to meet the Ceiling Concentrations in 40 CFR 503.13, Table 1. Therefore, biosolids that do meet the concentration limits in 40 CFR 503.13, Table 3 but do not meet the limits in 40 CFR 503.13, Table 1 would not be allowable under the General Order.</p> <p>The definition of biosolids has been revised for clarification;</p> <p><i>Biosolids - Sewage sludge that has been treated, tested, and meets:</i></p> <ul style="list-style-type: none"> • <i>the Ceiling Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13.</i> • <i>The Class A or Class B pathogen control requirements in 40 CFR part 503.32(a) or (b).</i> • <i>One of the Vector Attraction Reduction requirements in 40 CFR part 503.33(b)(1 – 8)</i> • <i>Exceptional Quality (EQ) biosolids - Biosolids meeting metals standards, Class A pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.32(a), and section 503.33(b)(1-8), respectively.</i> |
| 27 | SYNAGRO TECHNOLOGIES | Layne Baroldi | 10 | Synagro's experience with its groundwater monitoring at its composting facilities have shown that composting operations do not pose a threat to ground water. Compost and the feedstocks actually have an affinity for water retention, thus making the potential for groundwater contamination remote at best, especially considering the limited amount of rainwater in California. As such, and with a site-specific soil analysis, many areas at a compost facility do not need to be designed and constructed at a prohibitively costly fashion with impervious surfaces in most locations. | <p>The following is provided to clarify that the General Order does not require impervious surfaces; the hydraulic conductivity specification for working surfaces (pads) of 1×10^{-5} centimeters per second (cm/s) at Tier II facilities does not result in an impervious surface. Hydraulic conductivity requirements only apply to Tier II operations. The hydraulic conductivity specification was selected as part of a combination of Best Practicable Treatment or Control (BPTC) measures, including feedstock limitations, additive restrictions, and wastewater handling requirements.</p> <p>Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Water Code section 13263 states, in part, that the Regional Water Board shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs.</p> <p>Wastewater from composting operations has the potential to create elevated levels of nitrate concentrations, metals, salts, and pathogens in groundwater. Threat to water quality by compostable materials may be reduced through management practices. The General Order implements a combination of Best Management Practices, Best Practicable Treatment or Control measures, and prescriptive standards, and allows equivalent engineered alternatives. Because the General Order is designed to cover compost operations throughout the state, with varying climate conditions, and a variety of feedstocks, it is appropriate to set management standards.</p> <p>However, composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type.</p> |

DRAFT - July 23, 2015
 Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|------------------|------------------|----------------|--|---|
| 28 | Waste Management | Charles A. White | 1 | The GO is not being proposed as a "Rule of General Application" and is not considered a formal rule making applicable to all Compost Operations – pursuant to the Administrative Procedures Act (APA). Paragraph 13 of the GO allows a Regional Water Quality Control Board (RWQCB) to regulate compost facilities in a different manner through Waste Discharge Requirements (WDRs) and Conditional Waivers. This is a very important point that should be clearly articulated in the GO itself as well as the SWRCB resolution adopting the GO. This is essential to make clear that RWQCB's have the authority and discretion to respond to variable conditions throughout the state to appropriately protect water quality without imposing an undue burden on compost operations. | Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. Finding 13 has been revised to clarify applicability of the General Order: " <i>Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board.</i> " |
| 28 | Waste Management | Charles A. White | 2 | The GO and the SWRCB adoption resolution must more clearly articulate that existing and future compost operations that are co-located entirely within a site with applicable WDRs are not subject to the provisions of the GO. The RWQCB has complete authority to appropriately regulate compost operation through existing and future WDRs as necessary to protect water quality. The provisions of the GO are not applicable to compost operations that are located within a site that is covered by existing and potential future WDRs or Conditional Waivers. This is likewise a very important point that must be clearly articulated within the General Order as well as the SWRCB resolution ultimately adopting the GO. | The following clarifies the applicability of the General Order for composting operations that are co-located with and covered under WDRs for other operations. A composting operation may be co-located at a landfill, or other waste management facility that is covered under individual WDRs. In response to stakeholders' comments, Finding 13 has been revised to clarify that Regional Water Boards have authority to determine the appropriate regulatory process for composting operations, and to address applicability to co-located facilities: " <i>. . . If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility's WDRs include requirements for the composting operation as determined by the Regional Water Board.</i> " Composting facilities that are co-located with other types of waste management facilities are specifically addressed under Finding 13 of the General Order. The Resolution adopts the General Order, so it is not necessary to include specific language from the General Order. |
| 28 | Waste Management | Charles A. White | 3 | The GO must be amended to recognize that compost feedstock and active piles have a greater threat to water quality (waste discharge) than subsequent compost handling activities. Curing and finished compost are no longer a waste material (rather, they are an industrial product), and storm water that contacts these processed materials should be regulated under the general industrial storm water permit – just as any other material pile is regulated. Finished compost may be applied without specific SWRCB and RWQCB regulations to lands throughout the state. Stockpiles of this processed and non-waste materials should not be regulated separately through this order – rather regulated in a manner consistent with the IGP for Storm water. One of the ironies of the proposed GO is that a finished product pile located at a compost operation would be regulated through the GO. However, a similar finished product pile located offsite would be regulated through the Storm water IGP. The final GO should regulate compost product piles in a similar manner. WM strongly requests that the final GO clearly delineate between feedstock and active compost areas vs. curing operations and finished product storage activities – the later should be regulated in a manner wholly consistent with the Storm water IGP. | The definition of active, curing, and final product have been revised: Active Compost - " <i>Compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks.</i> " Curing Compost – " <i>The final stage of the composting process that occurs after compost has undergone pathogen reduction, as defined in California Code of Regulations title 14, section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized. This curing phase begins after an active compost pile endures a sustained drop in temperature as remaining materials continue to decompose, but at a much slower rate. This helps to further decompose and stabilize potentially toxic organic acids and resistant compounds. The curing process helps bring compost to full-maturity, and can last several months.</i> " Final Product - " <i>The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed.</i> " The definition of working surface has been revised to allow segregation of final product: Working Surface - <i>Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is isolated in a dedicated area away from the active and curing compost; The area is clearly marked as "final product" and The area is identified in the NOI and technical report, and approved by the Regional Water Board.</i> |
| 28 | Waste Management | Charles A. White | 4 | Types and amount of additives and amendments should not be limited – at least not limited for Tier 2 facilities. As far as WM can tell, there is no rational basis for limiting additives and amendments at Tier 2 operations. The discharger should not be limited in the general WDR and instead be provided an opportunity to request, specify and justify the appropriate level of additives and amendments in the site specific Report of Compost Site Information and Waste Water Management Plan (i.e. peat moss, gypsum). An acceptable alternative would be to continue with a default 30% limit, but allow the discharger to go above this limit if the site-specific plan clearly addresses measures that will be taken to ensure the specific additive or amendment will be managed in a way to protect water quality. An example would be digestate from an Anaerobic Digestion facility that has been through the PFRP process. Such material should be allowed to enter the facility as an additive or amendment and not necessarily be limited by an arbitrary 30% threshold. In addition, the GO must more clearly indicate that materials used as feedstocks, provided they are a listed feedstock, are not subject to any percentage limitation when used as a feedstock. | The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material would be more like a feedstock. Additionally, greater percentages of raw materials such as fertilizing materials may have the potential to create anaerobic or other undesirable conditions. In response to stakeholder comments, the General Order has been revised to clarify differences between feedstocks, additives, and amendments. Additionally, the additive and amendment provisions in the General Order have been revised as follows: 1. Under Specifications, provision 1.a and 1.b: the terms "...and amendments" are removed, so that percent limitations apply only to additives. 2. New provision is added to address amendment limits: "For Tier I and Tier II facilities, the type of amendments must be specified in a NOI and/or a technical report, and approved by the Regional Water Board." 3. The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged. 4. The following revisions are proposed under "Definitions": "Amendments" definition is revised to be consistent with CalRecycle: "Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock." 5. Under Prohibition 4.k.: Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks." Additive volume limits are no different for anaerobic digestate than for other feedstocks. |
| 28 | Waste Management | Charles A. White | 5 | Stand alone C&GOs are not part of this permit. However, C&GOs that are located at compost operations are proposed to be fully regulated by this GO. This does not seem reasonable that such similar operations should be regulated so differently – with compost operations subject to much higher costs to have their C&GOs more heavily regulated by this order. Should not other types of non-compost C&G operations be subject to at least Tier 1 requirements? However, as stated above, a C&GO within a facility with WDRs or a Conditional Waiver would not be subject to the GO. Rather, C&GOs within sites that are subject to a WDR or a CW would have to comply with the WDR or conditions of the Waiver. | The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to General Order, Finding 14. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), the chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The focus of this General Order is composting operations; regulation of chip and grind facilities is outside the scope of the General Order. The General Order has been revised to clarify that chip and grind facilities and operational areas that are co-located with composting operations may be exempt from the General Order. Chip and grind facilities and operations may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate. |

Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

| Letter No. | Agency | Representative | Comment Number | Comment | Staff Response |
|------------|--|------------------|----------------|---|--|
| 28 | Waste Management | Charles A. White | 6 | The proposed GO uses the terms Storm water, Wastewater, Process Wastewater, and Non-process Wastewater. The use of these terms is unclear and confusing. The GO should be edited to provide a clearer understanding of these terms and how they are used in the GO. A example diagram (or diagrams) depicting the use of these terms would be very helpful. Further, the distinction between Storm water and Process wastewater is not clear. It is not clear what activities at a facility subject to the general permit also require compliance with a Storm water IGP. When are discharges from a compost operation subject to the GP regulated as storm water or as process wastewater? | In response to stakeholders' comments, the references to "process water", "process wastewater," "non-process wastewater," and "wash water" have been revised and consolidated under the single term, "wastewater". The definition of wastewater has been revised as: "Refers to leachate or any other liquid flowing from, or on the working surface." Tier I and Tier II facilities are required to control and manage all "wastewater" that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to an National Pollutant Discharge Elimination System (NPDES) permit. |
| 28 | Waste Management | Charles A. White | 7 | The Economic Analysis contained within the EIR appears to assume that there will be no economic impact due to construction of operating pads due to these new standards. It fails to discuss the costs of wastewater treatment and/or disposal. Calculations for pond sizing in economic analysis appear to use "average" rainfall amounts, not the 25 year annual return values required to be installed, significantly underestimating the per facility cost of pond installation. | The General Order is a tool for Regional Water Boards to streamline and simplify the permitting process. Costs associated with the General Order are expected to be less than costs incurred under individual WDRs. The EIR's Economic Considerations concluded that compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of most composting operation. The Economic Considerations concluded there could be impacts to small facilities; this finding resulted in a conditional exemption for facilities less than 5,000 yd3. There is no specification for treating or hauling wastewater in the General Order, therefore this cost is not discussed in the Economic Considerations. In response to comments received from the stakeholders, the design requirement for detention ponds has been changed to be based on a 25-year 24-hour peak storm event at a minimum instead of 25-year return annual total precipitation. Even though the revised requirement may result in construction of a smaller pond; it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. |
| 28 | Waste Management | Charles A. White | 8 | The GO uses this term, but is inconsistent with the terms used by CalRecycle. CalRecycle allows separated material to be used in composting operations, but that separation can be conducted at the point of generation or at a subsequent location. Definition of "Food Material" provides little clarification as to the allowance of food-soiled paper/packaging and other potential contaminants from wet/dry collection, dirty MRF residuals, where food material may not be "separated from solid waste to the maximum extent possible at the point of generation". | The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised, to be consistent with CalRecycle's definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material. In support of municipal co-collection programs, the General Order has been revised to include "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be comingled with green materials." The list of Tier I Feedstocks has been expanded to include "agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks". |
| 28 | Waste Management | Charles A. White | 9 | Page B-8, notification of violations only can occur "by telephone". WM requests that emails also be allowed to communicate with the RWQCB. | An option to notify the Regional Water Board by email has been added to the General Order under Attachment B. |
| 28 | Waste Management | Charles A. White | 10 | The GO should provide greater clarity as to what constitutes an enclosed unit. WM proposes that any unit with a cover and containment system should be considered an enclosed unit. | In response to stakeholder comments, the definition of "Within Vessel and Fully Enclosed" has been revised to read, ". . . refers to the action of receiving, composting, curing, or storing any feedstock within a fully enclosed vessel or container (e.g., drum, silo, bin, bunker, tunnel, reactor, fabric-covered aerated static piles) where the organic material is covered on all sides and rests on a stable surface with environmental controls for managing all wastewaters." |
| 28 | Waste Management | Charles A. White | 11 | Does this refer to Wastewater or Storm water? What are the obligations of the operator? The GO should clearly indicate the consequences of a discharge from an impoundment that is designed and operated in accordance with the standards of the GO. | The following clarifies that detention pond discharges are wastewater. In response to stakeholders' comments, references to "process water", "process wastewater," "non-process wastewater," and "wash water" have been revised and consolidated under the single term, "wastewater". The definition of wastewater has been revised as follows: "Wastewater - "Refers to leachate or any other liquid flowing from, or on the working surface." For operations that fall under this General Order, a Water and Wastewater Management Plan must be submitted to the Regional Water Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities are required to control and manage all "wastewater" that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to an National Pollutant Discharge Elimination System (NPDES) permit. |
| 29 | Western Riverside County Agriculture Coalition | Pat Boldt | 1 | You have a 100 foot set back to surface water however this set back should include large channels that only have surface runoff in large storm events and are normally dry. | The following is provided to clarify applicability of the 100-foot setback requirements. Setbacks from surface water bodies are defined in the General Order as follows: <i>Distance to Nearest Surface Water - the horizontal distance measured, in feet, from the nearest edge of the composting operation to the edge of the high water mark for lakes and reservoirs, mean high tide line for tidally influenced water bodies, or the natural or levied bank for creeks and rivers.</i> The definition does not specify that these surface water bodies must be perennial. Therefore, large seasonal channels that only have surface runoff in large storm events and are normally dry may be included in the 100-foot setback requirements. |