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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2020-

CALIFORNIA ENVIRONMENTAL QUALITY ACT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR GENERAL WASTE DISCHARGE REQUIREMENTS FOR COMMERCIAL COMPOSTING OPERATIONS

WHEREAS:

1. On August 4, 2015, the State Water Resources Control Board (State Water Board) adopted General Waste Discharge Requirements for Composting Operations ([Order WQ 2015-0121-DWQ](#)). These General Waste Discharge Requirements for Commercial Composting Operations (General Order, WQ-2020-XXXX-DWQ) amends Order WQ-2015-0121-DWQ. The General Order includes requirements to protect water quality from composting activities while streamlining the permitting process. The General Order applies to commercial and municipal facilities that aerobically compost more than 500 cubic yards of materials such as green waste, manure, anaerobic digestate, biosolids, food scraps, and scrap paper products. These materials could affect the quality of waters of the state; the General Order would establish a notification and permit review process for private and public entities or persons performing composting operations. Eligible composting operations are classified into two tiers based on types of feedstocks used, volume of materials on site, and hydrogeologic site conditions. The requirements of Tier 2 are more stringent than those for Tier 1 as Tier 2 facilities accept materials in greater volumes or materials which pose a higher threat to water quality.
2. Certain composting-related activities are unlikely to degrade water quality and are therefore exempt from this General Order: chipping and grinding operations, lot clearing by local agencies for fire protection, activities within a fully enclosed vessel, and operations with less than 500 cubic yards of materials on site at any given time. Operations that implement best management practices as described in this General Order and process less than 5,000 cubic yards per year of allowable materials qualify for a conditional exemption.
3. At the September 19, 2017 State Water Board meeting, stakeholders expressed concerns regarding limitations of the agricultural composting exemption and requirements for composting manure in Order WQ-2015-0121-DWQ.

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4. At the March 20, 2018 State Water Board meeting, staff presented an informational item with recommendations for pursuing changes to the agricultural exemption, requirements for composting manure, and to provide clarity regarding applicability of the General Order. The Board supported staff's recommendations and directed staff to revise Order WQ 2015-0121-DWQ.
5. Manure is a nutrient-rich material and can be a beneficial soil amendment when applied at agronomic rates. Manure may also be composted to create a beneficial soil amendment and fertilizer. A variety of methods are used to manage manure at agricultural operations including land spreading, anaerobic digestion, and composting. Currently, the predominant practice for manure management is stockpiling on site and applying to feed crops.
6. Research by the Central Valley Dairy Representative Monitoring Program (CVDRMP) indicates there are greater impacts to water quality from over-application of manure to fields than from corrals and manure storage areas; some dairies have more manure than can be land-applied agronomically on-site. Untreated manure is expensive to transport and the crops to which it can be applied are limited.
7. The CVDRMP evaluated best management practices (BMPs) for storing, handling, and processing dairy manure. Recommendations were submitted in 2019 on behalf of CVDRMP members to the Central Valley Regional Water Board based on results of monitoring and research conducted by CVDRMP. One key recommendation for achieving a whole-farm nitrogen balance at all dairies is to build the capacity for exporting excess manure from dairies to willing participants (e.g., farmers in need of nitrogen fertilizer or organic material to improve soil health) in an economically sustainable manner. One potential component of expanding the capacity to export manure is composting.
8. The adoption of the General Order involves a discretionary action by the State Water Board; therefore, the General Order is considered a project subject to environmental review pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., hereafter CEQA).
9. The State Water Board, acting as the lead agency for this project, prepared an Environmental Impact Report (EIR) No. 2015012021, in accordance with title 14, California Code of Regulations, section 15080 et seq. The EIR presents the State Water Board's analysis of potential environmental impacts or consequences, directly or indirectly resulting from actions that composting operations are expected to take to comply with Order WQ 2015-0121-DWQ.

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10. The State Water Board identified potentially significant environmental impacts associated with construction or operational activities to comply with the Order WQ 2015-0121-DWQ at composting operations. The EIR discusses potentially significant impacts associated with Agriculture and Forestry, Biological Resources, Cultural Resources, Geology and Soils, Minerals, Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Utilities, Energy, and Transportation. Due to the site-specific nature of these impacts, the potential significance is uncertain and is contingent on site-specific conditions and circumstances within the jurisdiction of local land use authority and other public agencies. The environmental analysis and conclusions of those agencies would be considered to supersede the generalized discussion in the EIR.
11. The State Water Board identified potentially significant impacts related to hydrology and water quality. Mitigation measures are incorporated into the General Order pursuant to Public Resources Code section 21081.6(b), and monitoring and reporting requirements are also incorporated into the General Order pursuant to Public Resources Code section 21081.6(a)(1), and in accordance with CEQA Guidelines sections 15091 and 15097.
12. In accordance with CEQA, the State Water Board certified a Supplemental Environmental Impact Report (SEIR) No. 2015012021 for the General Order on April 7, 2020. Impacts related to water quality were identified in the SEIR as summarized below:
 - a. Manure as a Feedstock for Tier 1 Facilities: Using manure as a feedstock at Tier 1 facilities has the potential to impact water quality. To mitigate potential impacts, the General Order requires the development and implementation of a groundwater protection monitoring plan for Tier 1 facilities that use manure as a feedstock. If the composting operation is designed, operated, and maintained in compliance with the General Order, potential impacts may be reduced to less than significant.
 - b. Conditionally Exempt Operations: On-site and small-scale composting operations may pose a threat to water quality. To mitigate potential impacts, these activities are conditionally exempt if best management practices are implemented to protect water quality. With best management practices, potential impacts to water quality may be reduced to less than significant.
13. Order WQ 2020-XXXX-DWQ amends Order WQ 2015-0121-DWQ.
14. The State Water Board circulated the draft SEIR and General Order for public comment on October 31, 2019. The deadline for submission of written comments was 12:00 noon on December 19, 2019. State Water Board staff held a public workshop to consider comments on the draft SEIR and General Order on December 11, 2019.

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15. Public notice of the draft EIR and General Order was transmitted via U.S. mail to all known owners/operators of existing composting operations, known stakeholders, and all 58 county clerks for a 30-day posting of the CEQA notice. A legal notice was published in major newspapers from each county, and automated e-mail messages containing the public notice were transmitted to individuals who subscribe to the electronic notification lists related to Composting. The General Order, SEIR, and associated documents were posted at the State Water Board's internet webpage, http://www.waterboards.ca.gov/water_issues/programs/compost/
16. The State Water Board notified composting operators and owners and governmental agencies and interested persons of its intent to certify a SEIR and adopt a General Order. Opportunities to attend a public meeting and submit written comments were provided. The State Water Board considered the EIR, the SEIR, and the General Order. The State Water Board heard and considered all comments pertaining to this matter in a public meeting. The SEIR (SCH# 2015012021) was submitted to the State Clearinghouse on November 19, 2019 to be distributed to selected state agencies. None of the state agencies submitted comments to the Clearinghouse by the close of the review period.
17. **Statement of Overriding Considerations:** The State Water Board has duly considered the SEIR as a supplement to the environmental analysis in the EIR. The EIR identifies potentially significant and unavoidable impacts resulting from adoption and implementation of Order WQ 2015-0121-DWQ. Together, the SEIR and EIR provide environmental analysis in compliance with CEQA and for consideration by the State Water Board for adoption of the General Order. Consistent with CEQA Guidelines section 15093, subsection (a), specific overriding economic, legal, social, technological or other benefits outweigh the potentially unavoidable adverse environmental impacts. The State Water Board makes this statement of overriding considerations concerning the General Order to explain why the benefits override and outweigh any potentially unavoidable impacts. Use of compost products may contribute to alleviating impacts of drought conditions, soil erosion, and reducing greenhouse gases. The General Order provides a statewide, coordinated and consistent approach to permitting new, existing, and expanding composting operations while ensuring continued protection of surface water and groundwater quality. The State Water Board finds that potentially significant, unavoidable environmental impacts that may directly or indirectly result from adoption of the General Order are acceptable in light of the benefits set forth above, and that each of the benefits constitute an overriding benefit warranting approval of the General Order independent of the other benefits, despite each and every potentially unavoidable impact.

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18. The documents and other materials that constitute the record of proceedings on which the State Water Board findings are based are located at State Water Resources Control Board, Division of Water Quality, 1001 I Street, 15th floor, Sacramento, California, 95814. The custodian for these documents is the Division of Water Quality.
19. The General Order does not become effective until a Notice of Determination, along with payment of applicable fees as required by the Department of Fish and Wildlife (<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>), has been filed with the Governor's Office of Planning and Research, State Clearinghouse.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Certifies that the SEIR, which consists of the revised draft SEIR and responses to comments received on the draft SEIR, has been completed in compliance with CEQA guidelines. The State Water Board has reviewed and considered the information contained in these documents and the EIR which reflect the State Water Board's independent judgment and analysis.
2. Directs State Water Board staff, within five (5) working days, to file a Notice of Determination, along with payment of applicable fees as required by Department of Fish and Wildlife, to the Governor's Office of Planning and Research, State Clearinghouse, at 1400 Tenth Street Sacramento, CA 95814.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 7, 2020.

Jeanine Townsend
Clerk to the Board