

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**RESOLUTION NO. 96-34**

**A RESOLUTION ADOPTING AN AMENDMENT  
TO THE  
WATER QUALITY CONTROL PLAN  
SAN DIEGO REGION**

**TABLE 4-4, ITEM 26**

**COMPOSTING AND PROCESSING, MULCHING, OR GRINDING  
WASTE MANAGEMENT UNITS**

WHEREAS, the San Diego Regional Water Quality Control Board (hereinafter RWQCB), acting in accord with Section 13244 of the California Water Code, adopted the Water Quality Control Plan for the San Diego Basin (9), (hereinafter Basin Plan) on September 8, 1994. The Basin Plan was subsequently approved by the State Water Resources Control Board (SWRCB) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by this RWQCB and approved by the SWRCB; and

WHEREAS, the California Integrated Waste Management Board (CIWMB) has adopted regulations governing the composting of green material, animal material, sewage sludge and municipal solid waste under Title 14, Division 30, Chapter 3.1. There are significant differences in the scope, authority and focus of the CIWMB's regulations governing composting and the SWRCB's regulations governing discharges of waste to land; and

WHEREAS, the SWRCB staff developed a Tentative Order conditionally waiving waste discharge requirements for composting facilities. The SWRCB staff has attempted to streamline the permitting process and achieve a state-wide consistency in the permitting of green waste composting operations. The SWRCB staff conducted public hearings and prepared environmental documentation for the Tentative Order; and

WHEREAS, discharges of up to five hundred (500) cubic yards at any given time of green waste, food processing waste, agricultural waste, or paper waste for storage and treatment by composting and discharges of green waste or agricultural waste, for storage and treatment by processing, mulching or grinding on properties such as agricultural or residential property, parks, community gardens, or nurseries are unlikely to affect the quality of the waters of the state; and

WHEREAS, discharges of green waste, food processing wastes, agricultural waste, paper waste, or any approved additives with a

total volume exceeding five hundred (500) cubic yards at any given time for storage and treatment by *composting* may affect the quality of the waters of the state through discharge of leachate containing organic or inorganic by-products of decomposition into ground or surface waters. Discharges of green waste, food processing waste, agricultural waste, or paper waste can be managed and treated in a manner that chemically or biochemically degrades by-products contained in waste and leachate, and contains, controls, or prevents any discharge of waste or associated leachate to waters of the state; and

WHEREAS, discharges of green waste or agricultural waste or any approved additives with a total volume exceeding five hundred (500) cubic yards at any given time for storage and treatment by *processing, mulching or grinding* may affect the quality of the waters of the state through discharge of leachate containing organic or inorganic by-products of decomposition into ground or surface waters. Discharges of green waste or agricultural waste, can be managed and treated in a manner that contains, controls, or prevents any discharge of waste or associated leachate to waters of the state; and

WHEREAS, the use of additives as approved by this RWQCB are not expected to pose a significant threat to water quality; and

WHEREAS, it is not against the public interest for this RWQCB to waive the issuance of WDR for discharges of green waste, food processing waste, agricultural waste or paper waste to waste management units for composting, provided such units are properly designed and operated and that such discharges comply with the Conditions set forth in this amendment; and

WHEREAS, it is not against the public interest for this RWQCB to waive the issuance of waste discharge requirements (WDR) for discharges of green waste or agricultural waste to waste management units for processing, grinding or mulching provided such units are properly designed and operated and that such discharges comply with the Conditions set forth in this amendment; and

WHEREAS, Section 402 of the Clean Water Act (33 U.S.C. Section 1342(p)) and regulations adopted by the U.S. Environmental Protection Agency (40 CFR Section 122.26) require that facilities which discharge storm water associated with industrial activity be regulated by a National Pollutant Discharge Elimination System (NPDES) permit. The SWRCB has adopted a General NPDES Permit for industrial activity (NPDES General Permit No. 91-13-DWQ, as amended by No. 92-12-DWQ). Accordingly, green waste composting operations are included in the Standard Industrial Classifications 2875, and 2879. Persons engaged in mixing fertilizers from purchased fertilizer materials (2875), or in manufacturing soil conditioners (2879), must, as a condition of

this waiver of WDR, obtain coverage and comply with the conditions of the General Permit; and

WHEREAS, a staff report describing the proposed amendment and containing environmental documentation functionally equivalent to the California Environmental Quality Act requirements was transmitted to interested individuals and public agencies for review and comment; and

WHEREAS, this Basin Plan Amendment does not preempt or supersede the authority of federal or state agencies, or municipalities or other local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.

**THEREFORE BE IT RESOLVED**, that the Water Quality Control Plan for the San Diego Region be amended as follows:

- I. Table 4-4, *Types of Discharges Identified for Conditional Wavier of Waste Discharge Requirements*, Item 26, *Green Waste Composting Facilities* is superseded by the following:

TYPE OF WASTE DISCHARGE	CONDITIONS	REFERENCES, REMARKS, ETC
26. Composting and Processing, Mulching, or Grinding Facilities	See Appendix D	--

- II. The Conditions listed in Appendix D, Item 26 shall be superseded by the following:

A. APPLICABILITY

1. *Types of Facilities*

- a. Facilities composting Green Waste, Agricultural Waste, Food Processing Waste or Paper Waste
- b. Facilities processing, mulching or grinding Green Waste, or Agricultural Waste

2. *Size of Facilities*

- a. *Composting and Processing, Mulching, or Grinding Operations Less than Five Hundred (500) Cubic Yards*

The submittal of a report of waste discharge and the issuance of waste discharge requirements are waived for discharges from the following:

- (1) Green waste, food processing waste, agricultural waste, or paper waste composting operations that do not exceed five hundred (500) cubic yards at any given time; and
- (2) Green waste or agricultural waste processing, mulching or grinding operations that do not exceed a total volume of five hundred (500) cubic yards at any given time.

*b. Composting and Processing, Mulching, or Grinding Operations Greater than Five Hundred (500) Cubic Yards*

For dischargers who comply with the following Reporting, Site, Operational, and General Conditions, the issuance of waste discharge requirements are waived for discharges resulting from the following:

- (1) The storage and treatment by composting of greater than five hundred (500) cubic yards at any given time of green waste, food processing waste, agricultural waste, or paper waste, and any additives as approved by the RWQCB; or
- (2) The storage and treatment by processing, mulching, or grinding of greater than five hundred (500) cubic yards of green waste, or agricultural waste.

**B. REPORTING CONDITIONS**

**1. *Report of Waste Discharge***

The discharger shall file a report of waste discharge that includes a technical report containing a requirement-by-requirement analysis based on acceptable engineering standards and best management practices, of how the process and physical designs of the facility will ensure compliance with the conditions listed herein. The discharger shall submit a fee pursuant to CCR Title 23, Section 2200 for a Threat to Water Quality and Complexity Rating 3-C, Chapter 15.

## 2. *General Industrial Storm Water Permit*

The discharger shall file either a Notice of Intent to comply with the requirements set forth in State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000001 for the discharge of storm water or submit documentation that the NPDES storm water permit requirements are not applicable to the discharger's facility.

## 3. *Changes in Operation*

The discharger shall notify the RWQCB of:

- a. any significant change in the nature and quantity of waste composted or processed, area of operation, or season of operation; or
- b. termination of operation.

# C. SITE CONDITIONS

## 1. *Control and Management*

All areas upon which green waste, food processing waste, agricultural waste, or paper waste and any feedstock additives are discharged for composting or processing, mulching, grinding, storing and treating shall be designed, constructed and maintained to prevent the degradation of waters of the state. Such facility operations shall be equivalent to the water quality protection achieved through the implementation of the following measures:

### a. *Precipitation*

All precipitation and surface drainage from outside the compost, process, treatment or storage areas including that collected from roofed areas, and runoff from tributary areas resulting from a 25-year, 24-hour storm shall be diverted away from the such areas.

### b. *Runoff*

The discharger shall develop and implement a plan to reduce or eliminate the discharge of pollutants into surface waters including storm water. The plan shall describe measures taken to prevent contaminated process water and reduce or eliminate contaminated storm water from being discharged from the site.

### c. *Water Quality Protection*

All compost, process and storage areas shall be sited where soil characteristics, distance from waste to

ground water, and other factors will ensure no impairment of beneficial uses of surface waters or ground waters beneath or adjacent to the facility.

d. *Stream Flow*

The facilities shall be protected from inundation or washout by overflow from any stream channel during a 25-year peak stream flow.

e. *Surface Maintenance*

If the equipment operating near or on compost, process, storage, or treatment areas produces subsidence, cracking, or otherwise compromises any surface, the discharger shall repair any damaged areas immediately.

D. OPERATIONAL CONDITIONS

1. *Additives*

Dischargers who use additives as defined in this document shall report to the RWQCB's Executive Officer for his approval the type, and quantity of the additive. The use of additives shall comply with the *CONDITIONS* listed in this document.

2. *Discharge Specifications*

The discharge of green waste, food processing waste, agricultural waste, or paper waste for storage and treatment by composting or processing, grinding, or mulching shall not cause or threaten to cause a condition of contamination, pollution or nuisance.

3. *Maintenance*

Containment structures such as embankments, liners or surface impoundments shall be maintained in order to ensure proper performance whenever wastes are discharged.

4. *Wet Weather Preparations*

Prior to the rainy season, the discharger shall conduct a survey of the operation to ensure that the site has been graded and prepared to prevent erosion and to prevent ponding of waste water at any location not designed and operated to retain water.

## 5. *Inspections*

The discharger shall inspect compost, process, storage and treatment areas for emergence of leachate, ponding, or surface failures such as cracking or subsidence; such inspections shall be frequent enough to ensure compliance with the Conditions of this waiver. If visible leachate, ponding, cracking, or subsidence of surfaces is observed, the discharger shall immediately take necessary measures to maintain the performance standards described in *SITE CONDITIONS C*.

## E. GENERAL CONDITIONS

### 1. *Prohibitions*

The inclusion of the following wastes for treatment by composting or processing under the conditions of this waiver are prohibited:

- a. municipal solid waste;
- b. sludges (including sewage sludge, water treatment sludge, and industrial sludge);
- c. septage;
- d. liquid wastes, unless specifically approved by the Regional Board;
- e. animal waste, except manure when used as an additive;
- f. oil and grease; and
- g. hazardous, designated, and any other wastes determined by the Regional Board to pose a potential threat to water quality.

### 2. *Entry and Inspection*

The discharger shall allow the RWQCB, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises where a conditionally waived facility or activity is located or conducted, or where records must be kept under the conditions of this waiver;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this waiver;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this waiver; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this waiver or as otherwise authorized by the California Water

Code, any substances or parameters at any location.

**DEFINITION OF TERMS**

**GREEN WASTE:** Material that consists of or contains waste from plants, including leaves, clippings, cuttings, trimmings of grass, weeds, shrubbery, bushes, or trees, residential or community garden wastes, and untreated wood wastes.

**FOOD PROCESSING WASTE:** Material that consists of or contains only pre-processed and post-processed waste derived from plants, or foods processed or produced at restaurants, hospitals and food distributors.

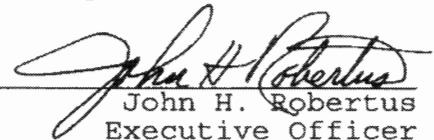
**AGRICULTURAL WASTE:** Material that consists of the plant waste coming directly from an agricultural commodity, and is the product of farms and ranches and by-products processed from these products, as defined in Division 21, Part 2, Chapter 1 Section 58619 of the Food and Agriculture Code. Agricultural waste includes agricultural, floricultural, silvicultural, vermicultural or viticultural products.

**PAPER WASTE:** Material that consists of nonhazardous paper and paper by-products.

**ADDITIVE:** Material that consists of waste or products which are approved by the RWQCB's Executive Officer for mixture with feedstock or treated waste to adjust the moisture level, the carbon to nitrogen ratio, or the porosity of the wastes to create a condition favorable to the processing, or to improve the end-product. Additives may include manures, fertilizers, and chemical amendments.

**DISCHARGER:** Any person who discharges waste which could affect the quality of waters of the state, and includes any person who owns a waste management unit or who is responsible for the operation of a waste management unit pursuant to Title 23, California Code of Regulations, Section 2601.

I, John H. Robertus, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on August 8, 1996.

  
John H. Robertus  
Executive Officer