

Roger Mitchell - proposed order

From: Cold Creek Compost <coldcreek@willitsonline.com>
To: RMitchell@waterboards.ca.gov
Date: 10/10/2011 10:37 AM
Subject: proposed order
Attachments: scan0004.tif; scan0003.tif

Roger,

Thank you for the continued opportunity to comment on the proposed regulation. I believe this order is long overdue and a significant step in the development of the composting industry. The industry as a whole is sure to benefit because it will be raised to a higher level. Unfortunately some facilities will have to close, but they are ones that probably should not have been operating to begin with, while others will be forced to make major investments in protecting our water, but again, those investments should have been made to begin with.

Earlier I pointed out how it defeats the very purpose of this order to exempt agricultural operations. The same goes for chip & grind facilities. Unless those facilities are similarly regulated, materials will go to them rather than the regulated ones, thus polluting the water and undermining the compost industry.

In my earlier comments I said that 24hr 25yr pond would be pointless because the rainy season would not necessarily end at that point and, if the rain continued, overflow would occur the next day. Thank you for explaining that along with the pond, a plan would be required for the excess water along with an equation that accommodates a full season of precipitation. It now makes sense to me.

Of course, a full pond cannot capture any runoff, so freeboard must be maintained. But I question the requirement for 2 feet of freeboard. 2 feet of freeboard in a 5 foot pond is not the same as 2 feet of a pond that is 15 feet deep. I would suggest that the required freeboard be a percentage of the total capacity rather than stated in feet. I think that something like 50% would do, but perhaps a formally trained hydrologist could provide a more appropriate percentage.

Regarding the permeability requirements for both the pad and the pond, I think that simply requiring certain permeability is sufficient. It really only matters that the degree of impermeability is achieved, not how. Stating how that is to be achieved is unnecessarily prescriptive and will prevent perfectly viable alternatives, and perhaps superior methods from being used. Likewise in regards to pad thickness. I realize that the reason for such thick pads is the assumption that clay will be used and thickness would insure integrity, but what if the facility wants to use asphalt or concrete? The only one to benefit from two feet of concrete would be the supplier of the concrete.

I would like to share with you perhaps a different perspective on this whole proposed order, and to make my point I offer the following analogy: We have traffic laws to keep people safe and traffic flowing. Those rules are highly developed. We have made those rules as effective as possible while keeping them as simple as we can for both the sake of the public understanding and their enforcement. That has caused the rules to seem at times onerous and sometimes even silly. But can you imagine how complicated it would get for both the regulators and the regulated if one was allowed to drive through a red light when cross traffic was, say, more than half a block away? Or the same at stop signs? There are those that can

drive perfectly well after drinking half a six-pack. What if we let them (not the others, of course) drive? What if, since cars present a smaller safety concern than trucks, we have a different set of traffic rules for them? I hope that you look at this proposed order in light of that analogy. Keep it simple! And yes, there will be times when composters are going to have to stop at a stop sign even though no one is coming, but that small compromise is made for the benefit of all.

As for greenwaste leachate being benign and of little concern, simply not true. That I know from better than 30 years of experience in the industry. I also know that whether indoor, under a tarp, or during non rainy periods, all sufficiently moistened compost produces some leachate and that leachate will either run off or percolate into the ground if there is no impermeable pad. Attached to this email you will find an analysis of leachate found flowing from a pile of municipal greenwaste at Highland Springs in Lake County. The County of Sonoma owns a greenwaste compost facility at its Central Landfill. That facility has been ordered closed by the North Coast Regional Board because it is unable to prevent the leachate it is generating from polluting US waters. I am sure many analyses of greenwaste leachate along with evidence that it has ended up in ground and/or surface waters can be obtained from the County of Sonoma and the Regional Board.

Despite good evidence that greenwaste leachate pollutes, I still hear talk among my compatriots, generally greenwaste composters, that because greenwaste has less potential to impact water quality, facilities that receive only urban greenwaste should not be required to meet the same standards as facilities that receive other materials. What they fail to mention is that urban greenwaste, apart from sewage sludge, generates the highest tip fees, this on account of the fact that greenwaste comes from the perverse world of garbage, a world that is ruled by flow control, municipally sanctioned monopolies, and political sweetheart deals. Unlike agricultural waste, greenwaste is generally taken for the tip fees it generates. On the other hand, producers of agricultural wastes generally, and thanks in large part to exception from the same regulation, have less expensive options for disposing of their wastes and for that reason are unwilling to pay such high tip fees. Does it make sense to require the least of the composters who are the most able to pay what it costs to protect our water? Would it not be much simpler for all concerned if ag, greenwaste, and chip & grinds all had to stop at the same stop sign? I am a strong supporter of the idea of pads and ponds for all, and for the sake of simplicity it may be a good idea to have just a single permeability requirement.

On the subject of wastes prohibited by this order, I would submit that there is strong, scientifically based, argument for allowing the majority of the listed prohibited materials, but I think this may not be the place to have that discussion. I recommend that no materials at all be prohibited by this order. The prohibition of materials from compost facilities is already accomplished by CalRecycle regulation. For the SWRCB to do the same would be redundant. The overlapping jurisdiction is sure to cause problems, especially down the line when one or the other agency modifies its list of prohibited materials. Again, keep it simple.

As for those facilities that are currently operating under WDRs, they too should be required to meet the same minimum standard as everyone else. It's about having a level playing field where everyone operates under the same rules, agriculture and chip & grinds included.

Again, I thank you for receiving my input, and I hope you find it of help in crafting the new order.

Martin Mileck

Cold Creek Compost, Inc.
(707) 485-5966 - Office
(707) 485-7048 - Fax
info@coldcreekcompost.com
www.coldcreekcompost.com