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Roger Mitchell, P.G.  
Engineering Geologist  
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State Water Resources Control Board  
9174 Sky Park Court, Suite 100  
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**Re: Draft Concepts for a Proposed Statewide Order for Composting Facilities**

Dear Roger:

The California Compost Coalition is appreciative of the opportunity to participate in the ongoing development of the Proposed Statewide Order for Composting Facilities (Statewide Order). The use of compost in agriculture is important to current and future development of sustainable practices which will reduce the amount of water used by farmers and preserve and enhance the health and productivity of the soil throughout California. Additionally, the composting industry has been instrumental in helping the communities we serve achieve the 50% waste diversion required by AB 939, while preserving the lifespan of local landfills. Furthermore, the diversion of organic waste from landfills and increased agricultural use of compost have both been identified as crucial greenhouse gas reduction strategies.

As an industry that facilitates the recycling of waste, we work on a daily basis to keep our state clean and healthy. Multiple new provisions in the Statewide Order make positive strides towards improving water quality, something our industry supports. However, we feel several requirements of the Statewide Order are overly prescriptive and/or burdensome and would cause economic hardship to the composting industry, particularly in the context of the current business climate in our state. In addition – given the Board's intent to provide prescriptive Water Quality Protection Measures (WQPMs) – the listed WQPMs need to be amended to include alternative technologies (many already in place at existing composting facilities) that have shown to be effective. Lastly, the intent of the Board is unclear in parts of the Statewide Order and additional clarification would be helpful.

**Siting Considerations**

The inclusion of the Hydrogeologically Vulnerable Areas (HVA) map or concept has added no clarity to the potential impact of the regulations on individual facilities given that these areas are largely estimated. While we understand the concept, and agree that site-specific hydrogeologic conditions for certain sites may

present challenges, the information provided thus far regarding these potentially vulnerable areas has failed to add any clarity or relevance for the fate of existing or proposed locations. Clearly, individual sites will have to be fully assessed, based upon their unique conditions; it is conceivable that a specific location identified within the general HVA areas shown on your map could be suitable despite the characteristics of the indistinct regions in which they are located.

The proposed setback requirement for domestic water supply wells needs additional definition and clarity. The current description of the setback does not appear to consider onsite wells, in which case we could recommend that there be a setback from active composting or feedstock processing operations, but not from the property boundary as currently described. Finished compost products do not typically generate contaminants, are frequently specified as erosion control measures, present little or no threat to the environment, and their storage should not present any cause for setback.

### **Waste Types**

The current draft exempts chipping and grinding facilities handling vegetative wastes. While we believe that such an exemption for facilities handling wood waste might be appropriate, those that handle yard waste should be subject to the same level of regulation as composters with similar operational parameters. Larger volume chipping and grinding facilities consistently maintain large stockpiles of the identical materials as green waste composters and, as such, present the same level of threat to water quality.

The exemption of chipping and grinding facilities from regulations – as well as the unregulated land application of urban green waste in agricultural fields – both represent a significant economic threat to the composting industry as they incentivize the unregulated management of organic materials away from composting facilities. Unregulated disposal of green waste to land is the current dominant management practice for these materials where it represents an equal or greater threat to water quality and the environment as a whole. This Statewide Order should not promote the disposal of green waste to an unregulated environment.

### **Water Quality Protection Measures**

We believe that the current tiered system needs to be amended to add a Tier IV to accommodate the small, green waste composting facilities that are the largest number of operations currently active throughout the state. These facilities are predominantly located in rural settings where they serve local agricultural markets. These low-volume operators present a minimal threat to water quality and will be least able to absorb the substantial costs of the proposed WQPMs, largely forcing them out of business if this order is approved and enforced. We expect that lesser pad, pond, and drainage structure design criteria can be developed which would help prevent the closure of smaller facilities.

The requirements for compost pads focus on the protection of groundwater through low permeability liners from 1 to 2 feet thick. The approach taken is to borrow from construction standards for landfills and impoundments, where there is a depth of standing liquid over the liner. In the case of impoundments, liquid depth over the liner is by design. In a landfill, although designed to minimize liquid over the liner, it can't be visually monitored or repaired. In the case of a compost pad, ponding of liquid can be observed and low spots repaired as they occur.

The most effective way to prevent the vertical migration of liquids into ground water at a compost facility is to provide good drainage off of the pad to an impoundment and prevent ponding on the pad. This can be accomplished through maintenance of slopes, reducing slope length to drainage conveyances, positioning windrows to avoid blocking storm water runoff, etc. If storm water that is contaminated from contact with organics can be efficiently drained to a surface impoundment, then contamination from

vertical migration through the pad will not occur.

The proposed requirements are very prescriptive and don't allow for functionally equivalent systems. There are many effective, low permeability barrier options that have been developed and are used in landfill and impoundment applications. The use of functionally equivalent designs should be allowed, as a lack of suitable soil or other reasons can render a prescriptive requirement prohibitively expensive.

Some facilities, particularly those using covered aerated static pile systems, are using hard surfaces, such as asphalt, concrete, soil cement, engineered inert pads, etc. These pads are very low permeability and stand up well to equipment. After investing in an expensive and durable surface, which is also of low permeability, complying with an additional prescriptive thickness of low permeability material is unnecessary.

Another consideration is contact between storm water and organic material. If composting is occurring under synthetic covers then the pollutant load of runoff is much reduced and consideration should be given to that in assessing the threat to groundwater.

As previously mentioned, different low permeability liner systems have been developed for liquid impoundments. The requirements for ponds are much less prescriptive than the compost pads, even though the threat to groundwater is much higher from ponds. A soil cement liner is required for Tier III facilities, when there are other types of liner systems that would function equally well or better. Soil cement is a technology that is limited to certain soil types and won't be suitable for all locations. Requiring a single technology is too restrictive; flexibility should be left to propose liner systems that meet a performance specification rather than a particular technology.

### **Conclusion**

Our coalition believes that properly-run composting operations do not pose as significant a threat to water quality – particularly to a level that would justify such costly proposed WQPM requirements – as outlined in the draft Statewide Order. Our members have a commitment to effective recycling and environmental protection that is unwavering. Green materials and other compostable materials that are diverted from disposal account for a significant percentage of both the state's landfill diversion mandate and greenhouse gas reduction goals. The continued success of green material recycling programs is dependent upon the development of cost-effective, practical regulations that will protect the environment in balance with the substantial benefits of composting operations to the sustainable future of our state.

Sincerely,



Neil S.R. Edgar  
Executive Director