



March 2, 2015

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, Ca. 95814

Comment letter – General Order for Composting Operations

I am glad that the State Water Resources Control Board (SWRCB) recognizes that there is no minimum standard for compost facilities, and that the lack of such a standard has caused great disparity in requirements for individual facilities and unnecessary water pollution. The absence of minimum standards has harmed and impeded the development of the composting industry in California.

It is good to see the proposed General Order for Composting Operations ("the General Order") so close to adoption by the SWRCB. It is long overdue. But sadly it fails to go far enough. Let me explain:

To begin with I would like you to know that in 1995 I established Cold Creek Compost ("CCC") as the first permitted compost facility in the North Coast Region. From the beginning, the Regional Board has held Cold Creek to a standard of zero discharge and that is how the facility has operated ever since. Knowing such a standard would be difficult to achieve, staff told us not to worry about the investment as the same standard would be applied to all subsequent facilities and the playing field would remain level while water quality was being protected. We took staff at its word and went forward with the establishment of the facility. CCC was misled. Subsequent facilities were not held to such a standard – not even close. CCC found itself competing for feedstocks with facilities that were nothing more than open fields, or in flood plains, or next to creeks. CCC still is forced to compete with facilities that have not incurred the expense of building pads or ponds, facilities that discharge to creeks and impact ground water. Obviously such facilities have lower operating costs than CCC, but what may not be so obvious is that those lower operating cost allow those facilities to capture feedstocks that would otherwise have gone to CCC, thus undermining the viability of a proper compost facility. This both causes water pollution and undermines development of the composting industry. Though ours is an extreme example, I don't believe it is the only one.

Simply put, if the rules are good enough for one compost facility, they are good enough for all. I am well aware that the General Order sets standards below what has been required of CCC. Nevertheless, CCC is supportive of the General Order because it is a considerable step in the right direction. Still, if CCC can achieve zero discharge, why not require the same of all facilities? It would be good for both the industry and the environment.

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6000 Potter Valley Road • Ukiah, CA 95182 • 707-485-5966 • Fax: 707-485-7048
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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.

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.

As explained in previous communications, 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.

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.

Furthermore, 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.

All that being said, 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.

Sincerely,



Martin Mileck

President

Cold Creek Compost, Inc.

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