



June 14, 2019

Chair Joaquin Esquivel and Board Members  
c/o Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814



Sent via electronic mail to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**RE: Comment Letter – CEQA - Composting General Order NOP**

Dear Chair Esquivel and Members of the Board:

California Coastkeeper Alliance (CCKA) is a network of California Waterkeeper organizations working to protect and enhance clean and abundant waters throughout the state for the benefit of Californians and California ecosystems. We appreciate the opportunity to comment on the State Water Resources Control Board’s (State Water Board) forthcoming Supplemental Environmental Impact Report (SEIR) for Amendment of General Waste Discharge Requirements for Composting Operations (General Order).

To protect our environment and communities, California Waterkeepers have monitored coastal and inland water quality to detect exceedances and sources of contaminants. This includes industrial, waste hauler, concentrated animal feeding operations (CAFOs), and composting sites that leach bacteria through stormwater runoff during a rain event – stormwater that eventually reaches our streams, rivers, and beaches. We remain committed to the issuance of comprehensive statewide regulations that ensure the protection of human and environmental health, and as such, urge the State Water Board to ensure California, its residents, and economy are protected from bacterial loading and pathogens associated with composting and organic materials in the forthcoming SEIR and Amendment to the General Order.

Bacteria pollution impacts the 150 million visitors attracted to the California coastline annually. These visitors contribute over \$10 billion annually to California’s ocean-based recreation and tourist economy. Unfortunately, California beaches have long violated public health standards thousands of times a year, primarily due to the bacteria carried in raw sewage, animal waste, and stormwater runoff that can make people sick. A 2006 study concluded that contamination from polluted runoff at Southern California beaches sickens approximately one million swimmers every year, resulting in public health costs of \$21 million to \$51 million annually. Of 28 Southern California beaches, between 627,000-1.5 million cases of beach-related gastroenteritis occur annually in Los Angeles and Orange Counties, resulting in a regional loss of \$21-\$414 million a year due to missed work and medical costs. Often, victims do not attribute their condition to exposure to contaminated water, since they may not realize that their rashes, stomach flu, hepatitis, or other illnesses were caused by swimming in polluted water. Newport and Huntington Beach alone were estimated to generate an average of 36,778 gastrointestinal illness episodes and approximately 38,000 other illness episodes (including respiratory, eye, and ear infection) per year resulting in a cumulative public health burden of \$3.3 million per year for only two beaches.

The State and Regional Water Boards have an affirmative responsibility to regulate waste that could affect the quality of state water, including discharges to both surface and groundwater, under the Porter-Cologne Water Quality Act.<sup>1</sup> The State and Regional Water Boards have broad authority to regulate water quality through waste discharge requirements (WDR) to ensure “the quality of all waters of the state [are] protected for use and

<sup>1</sup> Cal. Wat. Code § 13001.

enjoyment by the people of the state.”<sup>2</sup> The federal Clean Water Act, however, enacts strict discharge requirements by prohibiting “the discharge of any pollutant by any person” into the waters of the United States without a permit issued under the National Pollutant Discharge Elimination System (NPDES).<sup>3</sup> These two systems must work together to prevent the introduction of bacteria and pathogens into California waterways through the regulation of composting facilities and the waste haulers used to transport organic material.

As demonstrated by local Waterkeeper sampling in Riverside County, runoff from a single waste hauling site can include E. coli sample levels up to 2,300,000 most probable number (MPN) – over 9,000 times the standard for E. coli. We encourage the impacts of waste hauler facilities that transport organic compost material be included the scope of the SEIR for any future amendment to the General Order.

**E. coli Sampling Results**

<b>Date</b>	<b>Standard</b>	<b>Result</b>
<b>02.23.2015</b>	235 MPN	70,000 MPN
<b>09.15.2015</b>	235 MPN	90,000 MPN
<b>01.05.2016</b>	235 MPN	130,000 MPN
<b>03.07.2016</b>	235 MPN	40,000 MPN
<b>12.16.2016</b>	235 MPN	20,000 MPN
<b>12.22.2016</b>	235 MPN	110,000 MPN
<b>01.19.2017</b>	235 MPN	170,000 MPN
<b>01.09.2018</b>	235 MPN	500,000 MPN
<b>12.06.2018</b>	235 MPN	78,000 MPN
<b>01.14.2019</b>	235 MPN	2,300,000 MPN

Due to the significant potential for bacterial pollutant loading in our waterways caused by composting and manure during a rain event, we recommend any amendment to the General Order include all relevant stormwater permits that regulate the discharge of bacteria and management of manure. This should include reference to both applicable Industrial Stormwater Permits and CAFO NPDES permits to ensure regulated facilities continue to meet NPDES discharge requirements in light of this WDR. For example, CAFOs are subject to NPDES permit requirements as point sources and are also subject to industrial stormwater permitting requirements.<sup>4</sup> The distinction between the regulatory definitions of “areas of industrial activity” under the Industrial Stormwater Permit and “production areas” under CAFO regulations can cause confusion as to what is regulated as stormwater. By explicitly incorporating all applicable NPDES permits, such as CAFO permits, the State Water Board may alleviate this confusion and avoid the mischaracterization of CAFO manure as compost, and in turn ensure facilities continue to meet discharge requirements under an applicable NPDES permit.

We recognize that statewide composting should be encouraged as a part of California’s comprehensive approach to waste management. The operations of this activity, however, should not come at the cost of California’s water quality. To protect California’s surface and groundwater from pollution associated with composting and other organic material, we strongly encourage the State Water Board to incorporate applicable NPDES permits in the forthcoming Amendment of the General Order.

\*\*\*

To promote regulatory efficiency, alleviate confusion, and protect California waterways and groundwater aquifers from exorbitant bacteria pollutant loading, we encourage the State Water Board to expressly include applicable

---

<sup>2</sup> Cal. Wat. Code § 13000.

<sup>3</sup> *Id.*

<sup>4</sup> 40 C.F.R. §§ 122.23 and 412.

NPDES permits in future amendments of the General Order. With this integration, the State Water Board may uphold its duty to ensure Californians are protected against illnesses caused by polluted water. Further, we encourage the State Water Board to consider the environmental and public health impacts associated with transporting organic waste material in the forthcoming SEIR. We look forward to engaging with you on this issue as the SEIR and the Amendment to the General Order is developed.

Sincerely,

A handwritten signature in black ink, appearing to read "Kaitlyn M. Kalua". The signature is fluid and cursive, with the first name being the most prominent.

Kaitlyn Kalua  
Policy Analyst  
California Coastkeeper Alliance