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Zero Waste Energy, LLC

June 14, 2019

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

Delivered via email to commentletters@waterboards.ca.gov

Re: General Waste Discharge Requirements for Composting Operations– Comments on Supplemental EIR

Dear Ms. Townsend:

The California Compost Coalition (CCC) is appreciative of the opportunity to comment on the Supplemental Environmental Impact Report (EIR) for the proposed amended General Waste Discharge Requirements (WDRs) for Composting Operations (Draft Order WQ-2015-0121-DWQ) (General Order).

Since the 2003 sunset of the previous Conditional Waiver of Waste Discharge Requirements for Composting Operations – adopted by the State Water Resources Control Board (SWRCB) in 1996 – compost industry representatives had sought new regulations that would establish regulatory certainty for composting operators as the nascent industry struggles to expand and meet Californian’s desire to “close the loop” on organic materials management and landfill diversion.

CCC has supported the development of the General Order and participated in every workshop and meeting in an effort to help facilitate a clear and fair regulation that meets the state’s water quality goals while still enabling the needed growth of the industry at a critical juncture, given the looming mandates for diverting organic materials from landfilling under SB 1383 and other requirements.

CCC members have invested millions of dollars in facility infrastructure improvements since the regulations took effect in August 2016, with additional expenditures still ongoing for our members and other industry participants.

CCC members have significant concerns with the proposed amendments and look forward to future participation in the development of potential regulatory changes.

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Neil@californiacompostcoalition.org • www.californiacompostcoalition.org

At your June 14, 2019 Public Scoping Meeting, staff presented a short powerpoint and longer discussion with stakeholders about the following key proposals affecting agricultural materials composting operations. Our comments are provide in **bold text** below each issue.

- Allow herbivore manure (herd animals only) in Tier 1 facilities where groundwater monitoring wells are installed and a groundwater protection monitoring plan is implemented. **We believe that where reasonable groundwater protection measures are implemented, allowing herbivore manure in Tier 1 could be allowed.**
- Expansion of the Agricultural Composting exemption to become a Conditional Exemption (subject to best management practices, which are still to be determined):
 - Allow for an unlimited transfer of agricultural materials into ag composting sites subject to conditions that composter must use compost on their own lands subject to agronomic rates, except for what is sold or given away (currently, 1,000 cubic yards annually but proposed to be expanded) – **CCC does not believe that the proposed amendments are justifiable from an environmental standpoint. The unlimited transfer of manure (or some other agricultural materials which may be impactful in large quantities) to be stockpiled, processed, and composted on agricultural sites which may have no standards for grading, pad compaction, runoff control or containment will create significant potential water quality impacts or other potential environmental impacts.**
 - Expansion of the agricultural compost exemption limit to 5,000 cubic yards – **CCC cannot support a five-fold expansion to allow up to potentially \$50,000 or more in sales or donation. Any facility which is selling more than 1,000 cubic yards annually is a commercial operation which should be regulated fairly with other market participants, in a manner which preserves a level playing field.**
 - Extension of the agricultural exemption onto non-agricultural sites – **While there was no discussion of this at the Scoping Meeting; it certainly needs more description as to what is proposed. I do not believe CCC could support this concept, particularly without more details, and do not believe it is justifiable from an environmental standpoint.**
- Furthermore, CCC cannot support the concept that non-agricultural green materials (and perhaps food materials) from municipal sources be added to the list of acceptable materials at Agricultural Composting operations. The receipt of municipal materials would clearly qualify a facility as a commercial composting manufacturer and subject to the General Order requirements accordingly.

CCC believes that any proposed amendments to the General Order be justified and equitable from an environmental standpoint. We believe that staff concerns and analysis regarding the potential threat to water quality which required the level of investments in infrastructure

improvements at commercial facilities in the General Order cannot be overlooked or discounted because dairy industry economics are challenging and it is costly for them to comply.

We look forward to continued discussion with SWRCB staff and other stakeholders in an effort to develop reasonable solutions to the concerns of on-farm and dairy composting advocates.

Please do not hesitate to contact me at (916) 739-1200 with any questions or issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil S.R. Edgar". The signature is fluid and cursive, with the first name "Neil" being the most prominent.

Neil S.R. Edgar
Executive Director