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**Letter No.**


| Letter No. | California Refuse Recycling Council | Dan Noble | 2 | Additive versus amendment definitions and tier limits remain unclear, especially as it pertains to restrictions on aerobic digestate use. | Additives and amendment definitions have been revised to clarify the usage and the difference between additives and amendments, consistent with CalRecycle's definitions. Additives are "materials that are mixed with feedstocks or active compost to create a favorable condition..." and amendments are restricted to the use of anaerobic digestate. Furthermore, the definition needs to take into account California's newly implemented organic commercial recycling law to ensure that operators can maximize the use of food waste feedstock. |

| Letter No. | California Refuse Recycling Council | Dan Noble | 3 | The food material definition requires clarification and should align with the additive and amendment definitions as they relate to the use of anaerobic digestate. | The definition for “Food Material” and “Vegetable Food Material” in the General Order have been revised to be consistent with CalRecycle’s definitions. Food material, vegetable feed material, and anaerobic digestate from these materials are allowed as feedstock with the appropriate Tier I parameters. |

**Letter No.**

**Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations**

The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.

### Letter No. | Agency | Representative | Comment | Staff Response
--- | --- | --- | --- | ---
1 | California Refuse Recycling Council | Dan Noble | The compliance schedule must reflect a reasonable time for application and implementation for existing and new facilities, taking into account the time necessary for required capital and operational costs. | The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital investments, some of which be amortized over a given period of time. In response to stakeholders’ comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI.

Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): “The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedule based on evidence that meeting the compliance dates is technically or economically infeasible.”

New composting operations are required to be constructed in compliance with the General Order: New composting operations are required to submit an NOI, filing fee, and technical report 90 days prior to commencement of composting operations.

2 | ASSN OF COMPOST PRODUCERS | Dan Noble | Facility Parameters are too varied. Given the significant variability in size, weather, soil types, depth to groundwater, feedstock types, etc., of compost sites and operations, that compost facilities throughout the state are a poor candidate for this type of regulatory approach. These facilities are not suited to a ‘one size fits all’ approach to potential groundwater protection. | As provided in the Water Code, the General Order is intended to provide a method of streamlining permitting of operations with similar wastes and operations, that are more appropriately regulated by a General Order. The General Order provides for site-specific flexibility and considerations, under the criteria for each Tier. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in additional costs.

In response to stakeholder comments, Finding 13 of the General Order has been revised to read, in part “...If a Regional Water Board determines that, due to site-specific conditions, the conditions of a Regional Water Board's determination of no potential threat to water quality, the Regional Water Board may issue individual WDRs for a composting operation, if the composting operation is constructed as a benefit or for another facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order or the landfill or other facility's WDRs include any requirements for the composting operation as determined by the Regional Water Board.”

### Additional Comments

- **Tier II** compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.

- Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1 x 10⁻¹⁰ cm/sec per day for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately $25 million.

- At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1 x 10⁻¹⁰ cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be at least $140 million. In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be at least as much as $450 million.

- Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.

- **As provided in the Water Code, the General Order is intended to provide a method of streamlining permitting of operations with similar wastes and operations, that are more appropriately regulated by a General Order. The General Order provides for site-specific flexibility and considerations, under the criteria for each Tier. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in additional costs.**

- **In response to stakeholder comments, Finding 13 of the General Order has been revised to read, in part “...If a Regional Water Board determines that, due to site-specific conditions, the conditions of a Regional Water Board's determination of no potential threat to water quality, the Regional Water Board may issue individual WDRs for a composting operation, if the composting operation is constructed as a benefit or for another facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order or the landfill or other facility's WDRs include any requirements for the composting operation as determined by the Regional Water Board.”**

- **Als provided in the Water Code, the General Order is intended to provide a method of streamlining permitting of operations with similar wastes and operations, that are more appropriately regulated by a General Order. The General Order provides for site-specific flexibility and considerations, under the criteria for each Tier. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in additional costs.**

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Not collaborative or responsive: Our Association representatives have been engaging in this process since it began during the Fall of 2011. We have attended multiple meetings where we raised specific concerns and recommendations that have only been partially addressed by Water Board staff. Not only that, the Water Board staff that has been assigned to this process has “turned over” three times during this process. And while we have made multiple verbal and written recommendations, Water Board staff has yet to address the data, the cost or the operational concerns we have repeatedly presented.

The General Order was streamlined and simplified permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. The General Order supports California’s 75% recycling goal, which by most estimates will likely some cost effective combination by 2020. However, the current one size fits all approach will seriously establish yet another roadblock to the State achieving this goal.

We do not see the evidence or logic for excluding chip & grind operations from this General Order. Every compost facility has a chip & grind operation at the front-end of its operations process. If this management area is to be managed through this General Order process, we see no reason for excluding standing alone chip & grind operations from this process as well. ACP continues to work with local counties, e.g. Riverside County, which has had other contamination issues with this material. We would like to work with all agencies at the local level, air, water and solid waste to make sure that what contamination and pollution control regulations apply to all organic feedstocks and operations on as level playing field as possible, so that the environmental regulations are not inadvertently favor one product over another. This including not only chip & grind mulch, but also compost, biofilters and biocrusta. All of which start with various combinations of organic residual feedstocks of green material, biosolids, manure and foodscaps. We recommend that the chip & grind operations not be exempted from this General Order.

The regular occurrence of groundwater contamination directly resulting from compost operations has not been adequately demonstrated. For example, at one major facility in the south San Joaquin Valley where ground water monitoring has taken place continually for the past 20 years, there is no evidence of any "contaminated" water whatsoever moving through soil beneath the facility and into the groundwater basin. Compost facilities are not by nature infiltration basins, and therefore do not need to be set up with impervious surfaces in most locations, especially throughout Southern California. This condition was not fully accounted for in the currently proposed regulatory language. In fact, compost is routinely used as a water filtration medium as a best management practice to filter both groundwater and surface water. This best management practice is in fact used in many thousands of locations, and the states waters are very adequately protected by the healthy soil layer and compost.
Additives are materials that are mixed with active feedstocks or compost to create favorable composting conditions, applied at rates that will be consumed or fixed/immobilized during active composting. Development of percent limitations considers a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, environmental regulatory at existing facilities, additive limitations under individual WDRs, and additive limitations imposed by other states. Tier I facilities have no requirements for improved working surfaces or ponds, therefore the footprints are limited to those lower threat materials allowed in Table 2. Additives such as manure contain pathogens, nitrate, sulfates, and are not allowed as feedstocks. The 10% limit was Tier I facilities to less than lesser volumes of higher threat materials that are not allowed as feedstocks, as additives. The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material would be a feedstock. Additionally, greater percentages of raw materials such as fertilizer materials may have the potential to create anaerobic or other undesirable conditions. 

In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows:

1. Under Specifications, provision 1.1 a and b. the terms “... and amendments” are removed, so that percent limitations apply only to additives.

2. New provision is added to address amendment limits: “For Tier I and Tier II facilities, the types of amendments must be specified in a NOI and/or a technical report.”

3. The specification of 10% additive for Tier I facilities and 30% additive for Tier II facilities is unchanged.

4. The following revisions are proposed under “Definitions”: “Amendment” definition is revised to be consistent with CalRecycle: “Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soil solids. Amendments do not include septage, biosolids, or compost feedstock.”

There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks.

The General Order does not require paving of any working surfaces. Working surfaces (Tier II facilities only) are required to have a hydraulic conductivity of 1 x 10^-5 cm/s or less. This requirement can be accomplished in a variety of ways, including compacted soils; asphaltic concrete or Portland cement concrete; or an equivalent engineered alternative specified in an NOI and approved by the Regional Water Board.

The General Order does not include requirements for the State Water Board’s Trash Amendments to the Ocean. The recently-adopted Trash Policy Amendments in the future will be implemented under the NPDES program through Industrial General Permits. The EIR for the General Order described trash as a component of composting materials in Impact 11.6, and provided measures to mitigate those impacts through discharge prohibitions, construction of detention and conveyance systems, and limitations on feedstocks. Further development on implementation of the Trash Policy can be obtained from the following website: http://www.waterboards.ca.gov/water_issues/programs/trash_control/.

The General Order does not make sense without Title 14/27 being settled, as those are the core regulations for compost operations. Industry currently undergoing a Title 14/27 revision process. In fact, based on our interactions with Water Board staff, understanding that the Water Board has newTrash Policy plays into, and positively or negatively affects the General Order Process. Industry participants need to understand from the Water Board, how these two pieces of regulation relate to each other prior to implementation of either.

Audit

-CalRecycle Title 14/27 not considered or explained: The Water Board staff knows that CalRecycle is currently undergoing a Title 14/27 review process. In fact, based on our interactions with Water Board staff, understanding that the Water Board has new Trash Policy plays into, and positively or negatively affects the General Order Process. Industry participants need to understand from the Water Board, how these two pieces of regulation relate to each other prior to implementation of either. Otherwise the current General Order may not make sense without Title 14/27 being settled, as those are the core regulations for compost operations.

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Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surfaces (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.

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2 ASSN OF COMPOST PRODUCERS

Dan Noble 13

Engage in a transparent working process to address the specific issues that we see in both the content and process of these regulations with key industry stakeholders including, but not necessarily limited to, the following: Association of Compost Producers representatives, other industry representatives, associations and councils, CalRecycle, Agricultural and industry government and stakeholders

2 ASSIN OF COMPOST PRODUCERS

Dan Noble 14

Specific wording outlined in the industry coalition letter has been used, and through the above process over the coming few weeks, we are willing and able to be part of offering specific language that addresses some of the key issues we have outlined above, including, but not limited to - Alternative Requirements and Specifications for Pond Installation, Additions and Amendments, Material Definition, Compliance Schedule Timeline, Economic Impact.

2 ASSIN OF COMPOST PRODUCERS

Dan Noble 15

Collaborate with Water Board staff through this transparent, multi-stakeholder process, to address the process deficiencies outlined above, as best as possible, make sure that the General Order is in harmony with the new, 14072 revisions, emerging AE District regulations and local county organic management regulations.

2 ASSN OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASSN. (CVCWA)

(Tong) Kenar, Dr., Renewable Resources, CASA, and Debbie Webster, EO, CVCWA.

1

Please confirm that the Draft Order does not apply to any biosolids composting facilities if they have individual waste discharge requirements (WDRs) or conditional waivers of WDRs.

2

The issue with respect to sub-Class B biosolids needs further clarification. Based on our review of the Draft Order, sub-Class B biosolids would not be allowed as a feedstock for composting facilities subject to individual WDRs or conditional waivers of WDRs. Please confirm our understanding with respect to sub-Class B.

3

The Draft Order in Provision 4.7 would prohibit the discharge of sludge "including but not limited to sewage sludge, water treatment sludge, and industrial sludge" as a feedstock at a composting operation, including a discharge from the storage thereof. (Draft Order, p. 17.) Sewage sludge is then defined in the Draft Order to not include biosolids that meet the criteria in Table 3 of 40 Code of Federal Regulations Section 503.13. Biosolids, as defined in the Draft Order, are allowable feedstocks for composting operations. (Draft Order, p. 5.) Biosolids is defined to mean sewage sludge that meets certain requirements, including Class A, Class B biosolids meeting the pollutant concentration limits in Table 3 of 40 Code of Federal Regulations Section 503.13; Class B Biosolids meeting the pollutant concentration limits in Table 1 of 40 Code of Federal Regulations section 503.13; and, Exceptional Quality Biosolids as defined in General Waste Discharge Requirements for the Discharge of Biosolids to Land for Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities. (Draft Order, p. A-2.)

3

The discharge of sewage sludge is prohibited in the General Order but biosolids (sewage sludge classified to Class A or B standard) meeting the criteria in Attachment A are allowed as a Tier II feedstock. For purposes of the General Order, sewage sludge has been treated to Class A, B, or E standards under 40 Code of Federal Regulation 503, no longer considered sewage sludge, but biosolids. The biosolids definition in Attachment A has been modified to provide clarification:

3

Biosolids - Sewage sludge that has been treated, tested, and meets:

• The Cladding Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13;

• The Class A or Class B pathogen control requirements in 40 CFR parts 503.302(a) or (b);

• One of the Vector Attraction Reduction requirements in 40 CFR parts 503.302(b) – (d);

• Exceptional Quality (EQ) biosolids - Biosolids meeting EQ standards, Class A Pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.302(b), and section 503.302(b) – (h), respectively.

3

The Draft Order would prohibit the use of biosolids, as defined by the Draft Order, from being an additive or amendment in composting material. The Draft Order does not provide any explanation or reasoning as to why biosolids are prohibited from use as an additive or amendment. This prohibition seems unreasonable considering that biosolids is defined to include only Class A, Class B, and Exceptional Quality Biosolids, and thus the quality of the biosolids that could be used as an additive or amendment is high. We recommend that Provision 3 be deleted.
[Greg Kester, Dr., Renewable Resources, CASA, and Debbie Webster, EO, CV/CWA]

6 The Draft Order includes a broad definition for wastewater detention pond, and states that it is "an excavated or diked area designed to capture and hold any process wastewater, leachate, contaminated non-process wastewater or wash water." (Draft Order, p. A-6). While CASA and CV/CWA understand that it is likely intended to apply only to wastewater detention ponds associated with the composting operation, the broad definition here (along with associated monitoring requirements) could cause confusion where the composting facility is a part of a POTW facility. To avoid confusion, we recommend that the Draft Order be revised to clarify that wastewater detention ponds referenced in the Draft Order are only those ponds that are specifically associated with a composting operation, and do not include wastewater detention ponds otherwise associated with a POTW facility.

CA ASSN. OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASEN. (CV/CWA)

7 We are concerned that the monitoring requirements under A.8.b of Attachment B would be onerous in the event that a composting operation is unable to obtain characterization of biosolids from the generating entity. In such a case, the Draft Order would require sampling of "lash delivery." This amount of sampling is extensive, and not necessary to ensure protection of water quality. Accordingly, we respectfully request that this monitoring requirement be re-evaluated.

Finding 7 of the General Order states, "For the purposes of these General Waste Discharge Requirements for Composting Operations (General Order), the term "Composting Operation" shall mean the area in which operations are conducted, including the receiving area, pre-processing, processing, mixing, storage areas, detention ponds, and other areas associated with production of compost, including drainage areas for the facility, additions, or amendments." These areas and structures are subject to the requirements of the General Order.

Finding 13 has been revised for clarification: "Dischargers covered by individual WDRs or in a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Board, it is the intent of the State Water Board that Regional Water Boards will work all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the General Order may issue individual WDRs for a composting operation. If a composting operation is co-located on a landfill or other facility that has individual or general coverage, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDRs include requirements for the composting operation as determined by the Regional Water Board."

3 California Compost Coalition (CCC)

1 The economic analysis assumes initial capital investments of approximately $20.5 million in detention ponds, monitoring wells, and drains; this analysis disregards the reality that a significant number of compost facilities will need to install operating pads for the cost of groundwater monitoring. These capital investments were amortized over a period of time.

CA ASSN. OF SANITATION AGENCIES (CASA) AND CENTRAL VALLEY CLEAN WATER ASEN. (CV/CWA)

4 California Compost Coalition (CCC)

2 The economic analysis fails to discuss the costs of wastewater treatment and/or disposal that will be incurred by facility operators following the implementation of these WDRs. Multiple definitions and requirements for "wastewater" and "non-process wastewater" which need to be more clearly defined, are new to many composters who have solely sought coverage under the Industrial General Permit for Stormwater. It is clear that significant costs for wastewater management will occur and have not been adequately addressed in the Economic Considerations.

4 California Compost Coalition (CCC)

3 Calculations for pond sizing in economic analysis appear to significantly underestimate the per facility cost of pond installation. The "Economic Considerations" compiled by SWRCB staff provides factors (p.3) that enable the calculation of the area of pond required for a given compost pad area and annual rainfall amount. This can be done by multiplying the pond-to-pad factor by the compost pad area and the rainfall. However, the method used in the "Economic Considerations" does not follow a water balance method, as required by the proposed WDRs and described on Page 16 of the proposed General WDRs. The methodological approach to determine monthly rainfall data is outlined in a footnote on Page 19 of the proposed WDRs, and this is not followed by the SWRCB "Economic Considerations" method, either. CCC engineers did calculations...and analysis reveals a pond area between 38 and 47% of total facility area vs. SWRCB area of 12-21%. Willing to share the results of the analysis.

4 California Compost Coalition (CCC)

5 There is no specification for treating or hauling wastewater in the General Order, therefore this cost is not discussed in the Economic Considerations. Dischargers are required to submit a water and wastewater management plan along with their NOI. As a management option, dischargers may choose to treat or haul wastewater.

4 California Compost Coalition (CCC)

6 Water balance calculations were used to develop original pond design requirements and revised design requirements. In response to stakeholders’ comments, the 25-year annual return design detention ponds have been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond, it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how treatment will be managed.

4 California Compost Coalition (CCC)

7 In response to stakeholder comments, the different terms for wastewater have been consolidated; these terms are covered under the revised definition of "wastewater." The definition of wastewater has been revised. "Wastewater" refers to leachate or any other liquid flowing from, or on the working surface."
The EIR discussed reasonably foreseeable direct and indirect impacts from the General Order related to VOC emissions, GHGs, and public service. The EIR also included an economic considerations analysis to determine the likelihood that composting would cause, and what materials would be diverted to landfills. The analysis concluded that composting in the State would not decrease overall as a result of the General Order, and the relative high cost of landfilling would prevent compost materials from being taken to landfills.

It would be beyond the scope of the draft EIR to analyze impacts from conditions that are unlikely to occur. It would be speculative to attempt to analyze volatile organic compound emissions generated by materials which may no longer be composted, and greenhouse gas benefits from composting material that are removed from landfills. Moreover, composting operations not eligible for or subject to the General Order may be subject to other regulatory mechanisms, including individual WDNRs.

Based on the EIR's economic consideration, the increased cost to comply with the General Order ranges from $0.23- $1.44 per cubic yard of compost sold. This change in cost is not expected to decrease the overall amount of materials that may be composted in the State due to the cost of compliance with the General Order. In addition, profit margin is an indication of the economic viability of an operation. The data from the eight surveyed facilities show that profit margin with compliance ranges from 8% (public facility) to 40%, and therefore the facilities remain economically viable. Therefore, it is not reasonably foreseeable that there would be a loss of waste diversion capacity in the Public Service sector as a result of the proposed General Order.

4 California Compost Coalition (CCC)
Net Edgar
5 Impact 5.1 addresses farmland preservation. One mitigation not mentioned in the draft EIR involves the co-location of composting operations at operating, permitted landfills as one of the means that CalRecycle has advanced to facilitate the creation of new composting capacity, one of the keys to achieving the 95% diversion goal. The co-location of a properly designed and operated compost operation at active and inactive landfills should be included as a mitigation measure.

Co-locating composting operations may have the potential to reduce the potential footprint of composting operations, and reduce potential impacts to landfills. Mitigation Measure 5.1, in the Draft Environmental Impact Report (EIR) already contains language that may encourage co-locating composting operations on improved properties such as landfills, Publicly Owned Treatment Works (POTWs) or other waste management facilities, so it would not be necessary to add that option as a separate mitigation measure. Co-located facilities would reduce the potential footprint of composting operations into undeveloped lands, as indicated in Impact 5.1 and Mitigation Measure 5.1.

A composting operation may be co-located at a landfill, or other waste management facility, and could still be covered under the General Order. A composting operation may meet criteria for the General Order, may be regulated under separate individual Waste Discharge Requirements (WDNRs), or even if the composting operation is owned by the facility owner, may be included under WDNRs for the facility, as determined by the Regional Water Board.

The focus of the General Order is composting operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13326. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle's current and proposed regulations (Title 14), chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The General Order has been revised to clarify that chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order.

Chip and grind facilities and operations may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate.

4 California Compost Coalition (CCC)
Net Edgar
6 Impact 7.1 addresses habitat and species conservation. Mitigation 7.1 prohibits "construction activities during the rainy season with requirements for seasonal weatherization. . . ." It appears that the intent is to prohibit construction without seasonal weatherization measures. Without these changes, this could limit any construction during dry periods, which could exacerbate activities to control nuisance dust and could generate additional air emissions during peak particulate and ozone generation seasons. All species and habitat-protection measures should be conducted as approved by appropriate State and Federal agencies with jurisdiction in these matters, and consistent with approved mitigation measures. The discussion of "no loss" and "prohibition during rainy season, should be amended to defer to the determination of lead agencies with that responsibility.

The mitigation measures provided in the EIR are "... examples of recognized and accepted measures that are routinely required by regulatory agencies. . . ." and are not requirements of the General Order. Many community and lead agencies impose rainy season construction restrictions that include best management practices such as weatherization; some agencies completely prohibit grading and construction during the rainy season. As noted in the discussion of Mitigation Measure 7.1, "The State Water Board does not have the authority to impose mitigation measures under the General Order on activities occurring on private property. . . ." The General Order is a statewide order, and the EIR analysis of potential significant impacts to biological resources takes into consideration the questions in Appendix G of the CEQA Guidelines and mandatory findings of significance as outlined in section 15065 of the CEQA Guidelines. As discussed in Section 7.21, "one EIR is that... . . . changes to individual composting operations are proposed. It is expected that there will be additional CEQA compliance necessary prior to project approval and the lead agency for the individual project will determine to what extent this analysis in this EIR will be relevant to the site-specific analysis. Further review of individual composting operations is likely to require additional site-specific CEQA reviews, including studies that could include further analysis of these particular biological resources impacts on a project-by-project basis."

The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised, consistent with CalRecycle's definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for "Food Material and Vegetative Food Material."

In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials," defined as "Food scraps, food soiled paper/packaging and other non-food materials from processing waste (i.e. expired, packaged food products), wet/dry vegetative materials, either before or after processing; the sites are rarely devoid of stockpiles. The sites are rarely devoid of stockpiles."

Funding 38, pg. 9: The potential for the Order to stifle industry growth may be addressed through clarification that new composting operations could be allowed the same compliance schedule afforded to existing facilities, thus providing a maximum six year timeframe be identified in the technical report, from the date of its submission.

New compost operations do not have a timeframe requirement for compliance as with existing operations, because they are not currently in operation, or have not yet been created that have the potential to impact water quality. New composting operations that propose to begin operating after adoption of this General Order are required to seek coverage by submitting a complete NOI and technical report to the Regional Water Board not less than 90 days prior to commencement of the composting operation. A new compost operation seeking coverage under this General Order may not commence compost operations until their NOI, filing fee, and technical report has been received and approved by the Regional Water Board. The Regional Water Board will issue a Notice of Applicability (NOA) at a minimum, confirm a Discharge's tier, timeframe for compliance, and method of monitoring to comply with applicable monitoring requirements.
The definition for "Containment Structures" has not been revised. However, the definitions for active, curing and final product have been revised.

Active Compost - "Compost feedstock that is in the process of being rapidly decomposted and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 kilograms per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks.

Curing Compost - "The final stage of the composting process that occurs after compost has undergone pathogens reduction, as defined in California Code of Regulations Title 14, section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized. This curing phase begins after an active compost pile endures a sustained drop in temperature as remaining materials continue to decompose, but at a much slower rate. This helps to further decompose and stabilize potentially toxic organic acids and resistant compounds. The curing process helps bring compost to full maturity, and can last several months."

Final Product - "The compost material that has completed the curing phase. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed."

The definition of working surface has been revised to allow segregation of final product:

Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The working surface may consist of working surfaces, hydraulic conductivity requirements under the following conditions: The area is isolated in a dedicated area away from the active and curing compost; The area is clearly marked as "final product" and the area is identified in the K2C and technical report, and approved by the Regional Water Board.

The definition for Compost feedstock that is in the process of being rapidly decomposted and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 kilograms per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks.

Compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 kilograms per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks.

The following is provided to clarify applicability of the 105-foot setback requirements to stormwater management systems. Setbacks from surface water bodies are defined in the General Order as follows: Distance to Nearest Surface Water - the horizontal distance measured, in feet, from the nearest edge of the composting operation to the edge of the high water mark for lakes and reservoirs, mean high tide line for tidally influenced water bodies, or the natural or leved bank for creeks and rivers. The General Order describes setbacks from the Nearest Surface Water Supply Well as: The horizontal distance measured, in feet, from the nearest edge of the composting operation to the center of the water supply well head. As defined, surface water bodies, ground water, and supply well head may not include storm water management systems, conveyance systems, sedimentation ponds or storage ponds. Existing facilities will not be "grandfathered". Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. The General Order enables and simplifies permitting of composting operations with similar wastes and operations, as provided in Water Code section 13260, which requires Regional Water Boards to prescribe waste discharge requirements (WDRs) addressing "any proposed discharge, existing discharge, or material change in an existing discharge." Additionally, 28.b. provides an alternative that applies to all facilities, including existing facilities. A ... a less stringent setback distance may be allowed by the Regional Water Board if the discharge can reasonably be treated by conventional, geologic, topographic, and/or construction conditions at the site are adequate to prevent water quality. Dischargers may propose to implement equivalent engineered alternative measures that create conditions to protect water quality, as determined by the Regional Water Board.

The following clarification is provided. The General Order allows an engineered alternative option approved by the Regional Board to be used in lieu of pan lysimeters as long as the engineered alternative provides equivalent assurance of the earliest possible detection or prevention of a release from the pond. The General Order, section titled "DESIGN, CONSTRUCTION AND OPERATION REQUIREMENTS - TIER II ONLY", Item 3.

Requiring installation of a pan lysimeter beneath an existing lined detention pond will require the... incidental water or ponding as a violation of the Order, given that the design will be graded to drain and collect all runoff to a static surface with environmental controls for managing all wastewaters."

Mesh size and the size of the active compost piles that is collected by the runoff control system does not necessarily indicate that the solids and structure. The economic impact of this requirement as compared to less costly alternatives capable of achieving the same environmental objects must be considered. The following clarification is provided. The General Order allows an engineered alternative option approved by the Regional Board to be used in lieu of pan lysimeters as long as the engineered alternative provides equivalent assurance of the earliest possible detection or prevention of a release from the pond. The General Order, section titled "DESIGN, CONSTRUCTION AND OPERATION REQUIREMENTS - TIER II ONLY", Item 3.

Requiring installation of a pan lysimeter beneath an existing lined detention pond will require the... incidental water or ponding as a violation of the Order, given that the design will be graded to drain and collect all runoff to a static surface with environmental controls for managing all wastewaters."

The following clarification is provided. The General Order allows an engineered alternative option approved by the Regional Board to be used in lieu of pan lysimeters as long as the engineered alternative provides equivalent assurance of the earliest possible detection or prevention of a release from the pond. The General Order, section titled "DESIGN, CONSTRUCTION AND OPERATION REQUIREMENTS - TIER II ONLY", Item 3.
In response to stakeholders’ comments, the General Order has been revised. The references to “process water,” “process wastewater,” “non-process wastewater,” and “wash water” have been consolidated under the single term, “wastewater.” The definition of wastewater has been revised. “Wastewater – Refers to leachate or any other liquid flowing from, or on the working surface.”

For operations that fall under this General Order, a Water and Wastewater Management Plan must be submitted to the Regional Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities are required to control and manage all wastewater that comes in contact with conventional and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to an National Pollutant Discharge Elimination System (NPDES) permit.

The Order appears to require zero discharge for all compost operations by requiring them to “contain storm water on-site.” This seems to conflict with the design requirement to collect, transfer, and contain the 25-year, 24-hour storm. The Order should be revised to confirm that discharge of storm water exceeding the 25-year, 24-hour storm is allowed, and if an NPDES permit is required, such discharges will be submitted under the applicable California Industrial General Permit.

The use of “process wastewater” is unclear. The definition of “process wastewater,” along with the definitions of “waste,” “wastewater,” “process water,” “non-process water,” “storm water,” etc. should be clarified.

The Order to require zero discharge for all compost operations is not supported by the stakeholders. The stakeholders believe that this requirement is harmful to the composting industry. The Order should be revised to allow for some level of storm water discharge.

The Title 27 waste classification system applies to the wastes that are applied to land. The following is provided for clarification: Refer to General Order, Title 27, Applicability, Finding 52, which states “California Code of Regulations, title 27, section 20200, subdivision (a)(1) allows a finding to be made that, ‘...a particular waste constituent or combination of constituents presents a lower risk of water quality degradation than indicated by classification according to this article.’ Therefore, for the extent that a particular compostable material could be characterized as designated waste, such material shall be regulated as a nonhazardous solid waste pursuant to California Code of Regulations, title 27, section 20300, subdivision (a)(1) because the compostable material presents a lower risk to water quality than typical designated wastes when managed as required by this General Order.”

Incidental ponding of water may occur in ditches and on pads as a temporary condition. The General Order language has been modified by replacing the word “prevent” with “minimize” when referring to ponding of incidental water.
The General Order will not be revised to allow groundwater monitoring in lieu of pond or tanks. The General Order requires Tier II working surfaces to be designed to hydraulic conductivity specifications that promote drainage and minimize infiltration to groundwater. The General Order allows an option for groundwater monitoring in lieu of achieving specified hydraulic conductivity for working surfaces.

However, for Tier II facilities, a pond or tank is required as part of a site wastewater management plan. Used detention ponds or tanks are necessary wastewater containment features that allow storage of wastewater that drains from working surfaces. The General Order requires berms to prevent run-on and run-off. The pond poses a greater threat to water quality (than a pad) due to the increased head of the water in the pond and potential for leaks or seeps which could result in greater impacts to water quality. Collecting excess liquids in a pond equipped with a low permeability liner is a more reliable way to control infiltration.

In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond, it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed.

Order the General Order, the discharger must submit an NOI and technical report as specified in Attachment B of the General Order. The General Order does not set a deadline for Regional Water Boards to review the submittals in the event that unusual circumstances delay the Regional Water Board's ability to act on a submission. It is not appropriate for work plans to be automatically deemed complete without receipt of the approval from the Regional Water Board. Dischargers that implement a non-approved work plan may be required to perform additional or other work when the plan is approved.

The NOI submitted to the Regional Water Boards must be signed as specified in the General Order, under Reporting Requirements, No. 5.a. This requirement is consistent with the California Water Code. The NOI may include the "general manager or other duly authorized representative of the company." Notification Requirement 4, pg. 25: This is a self-reporting requirement. The Order should be revised to be consistent with the language in Attachment B, pg. B-8 that the notification duty is triggered by the Regional Water Board receipt of a revised NOI that identifies a new facility, addition, or modification.

Additional Requirement 4, pg. 25: It is unclear if the Regional Water Board's review of the NOI is to be done in a 30-day timeframe. It is not clear what an "administrative burden" is, other than the fact that Regional Water Boards are required to respond to dischargers within 30 days of receipt.

The General Order, Notification Requirements 4. Violation of Notification Requirements, page 25, has been revised to be consistent with the language in Attachment B, No. 2 Notification of Violations. The NOI may include a separate technical report as specified in Attachment B, No. 2 Notification of Violations. It is not specific as to when a separate technical report is required and if 10 working days from the initial notification is applicable. The General Order has been revised to include an option to notify the Regional Water Board by email under Attachment B.

The General Order, Notification Requirements 4. Violation of Notification Requirements, page 25, has been revised to be consistent with the language in Attachment B, No. 2 Notification of Violations. It will be up to the discretion of the Regional Water Boards to determine if a separate technical report is required if 10 working days from the initial notification is applicable. The General Order has been revised to include an option to notify the Regional Water Board by email under Attachment B.

The General Order, Notification Requirements 4. Violation of Notification Requirements, page 25, has been revised to be consistent with the language in Attachment B, No. 2 Notification of Violations. It will be up to the discretion of the Regional Water Boards to determine if a separate technical report is required if 10 working days from the initial notification is applicable. The General Order has been revised to include an option to notify the Regional Water Board by email under Attachment B.

The General Order, Notification Requirements 4. Violation of Notification Requirements, page 25, has been revised to be consistent with the language in Attachment B, No. 2 Notification of Violations. It will be up to the discretion of the Regional Water Boards to determine if a separate technical report is required if 10 working days from the initial notification is applicable. The General Order has been revised to include an option to notify the Regional Water Board by email under Attachment B.
The Discharger must notify the Regional Water Board, CalRecycle, and the Local Enforcement Agency, in writing, at least 30 days in advance of any transfer of the General Order's responsibility and coverage from the current owner to a new owner. The notification shall include a: A statement of acknowledgment that the current owner is liable for violations occurring after the date that ownership of the property transfers; and b. The new owner's NCR and technical report (if applicable).

Conflict with current or proposed Title 14 or Title 27 regulations, including the definitions is not anticipated. CalRecycle has separate regulatory authority from the State Water Board. No single agency regulates composting in California: composting operations may involve environmental regulatory oversight by CalRecycle, Air Resources Board (ARB), the nine Regional Water Boards, local quality management districts, and local land use planning agencies. The State and Regional Water Boards have the authority to protect water quality, which includes regulating composting operations discharges and activities that have the potential to cause adverse water quality impacts. Public Resources Code Section 43101 mandates a division of authority between the Water Boards and other agencies as appropriate to prevent overlap, duplication and conflict. Public Resources Code, Section 43101 (c)(2) states: "The state water board and regional water boards shall be the sole agencies regulating the disposal and classification of solid wastes for the purpose of preventing the wastes of the state." Title 27, Chapter 1, Section 20005 (b)(14) Section 7901 states that CalRecycle does not address air or water quality aspects of the environment that are regulated by other state or local agencies. CalRecycle has provided input to the General Order, and the General Order was developed with consideration of CalRecycle's current and proposed regulations. In general, NPDES permits, including storm water permits, address impacts to surface water and may not address potential impacts to groundwater.

The General Order currently allows the discharger to propose special blends or materials not named in the General Order, as additives and amendments. Specifications, section 1.4.4 and 1.5.3-4 contain the provision, " . . . other material specified in an NOI and/or a technical report, and approved by the Regional Water Board."

The definition of "Additive," pg. A-1: Additives may also include special blends requested or required by farmers or other clients to adjust macro and micro nutrients, pH, and other compost characteristics needed for specific crops or applications. The definition should be amended accordingly.

The definition of "Compost Structure," pg. A-3: This definition should be revised to exclude final product. "Final product" is the compost material that has completed the curing phase. Residual substances originally present in the compost piles are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed.

The definition of working surface been revised to allow segregation of final product:

Working Surface - Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is included in a designated area away from the active and curing compost; The area is clearly marked as "final product"; and The area is identified in the NCR and technical report, and approved by the Regional Water Board.

The definition of "Day," pg. A-3: Suggested language reads, "A business day, unless otherwise specified." The following is proposed to clarify the use of the word "day" in the General Order. The General Order uses calendar day throughout. Where appropriate, the General Order specifies business day.

The definition of "Food Material," pg. A-4: Suggested language would remove, "to the maximum extent possible." It may also be helpful to define the term "generator." The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised, consistent with CalRecycle's definitions. The definitions have been modified by removing, "to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material.

The definition of "Process Wastewater," pg. A-7: The Order should be revised to delete reference to "final product" in this definition since this product is stable and represents minimal to zero threat to water quality.

The definition of "Process Wastewater," pg. A-7: In response to stakeholders' comments, references to "process water", "process wastewater", "non-process wastewater," and "wash water" have been revised and consolidated under the single term, "wastewater." The definition of wastewater has been revised as: "Refers to leachate or any other liquid flowing from, or on the working surface."

The definition of "Working Surface," pg. A-3: In response to stakeholders' comments, references to "process water", "process wastewater", "non-process wastewater," and "wash water" have been revised and consolidated under the single term, "wastewater." The definition of wastewater has been revised as: "Refers to leachate or any other liquid flowing from, or on the working surface."

The definition of "Working Surface," pg. A-3: The definition of working surface been revised to allow segregation of final product:

Working Surface - Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions: The area is included in a designated area away from the active and curing compost; The area is clearly marked as "final product"; and The area is identified in the NCR and technical report, and approved by the Regional Water Board.

The definition of "Working Surface," pg. A-3: The following clarifies that the General Order includes options for equivalent engineered alternatives. Proposals for alternative monitoring programs should be described in the NCR and Technical Report, and submitted to the Regional Water Board.

The definition of "Working Surface," pg. A-3: Anaerobic digestate was not intended to be included in the section. Appendix B - Monitoring and Reporting Program, Section 3, "Biosolids/Aerobic Digestate Monitoring" (if applicable); and Table B-2, "Biosolids/Aerobic Digestate Monitoring." The General Order has been revised by removing the term "Anaerobic Digestate" from the section title. There is no discussion of anaerobic digestate in Appendix B.

The definition of "Working Surface," pg. A-3: To option is to notify the Regional Water Board by email. However, this has been revised, consistent with CalRecycle's requirements. The definition of "Working Surface," pg. A-3: The definition of "Working Surface," pg. A-3: The definition of "Working Surface," pg. A-3: The definition of "Working Surface," pg. A-3: The following clarifies that the General Order includes options for equivalent engineered alternatives. Proposals for alternative monitoring programs should be described in the NCR and Technical Report, and submitted to the Regional Water Board. A written report shall be submitted to the Regional Water Board office within 10 working days of the Discharger becoming aware of the incident. Section B.3 requires the report to include a description of the sample identification, data submitted to the lab, and analysis requested for the noncompliance discharge sample or surface water samples taken. Section B.3 requires the lab analyses of noncompliance discharge sample and/or upstream and downstream surface water samples to be submitted to Regional Water Board within 45 days.
Considerations, provided calculations for the cost of working surface (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time. Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of $1 \times 10^{-5}$ cm/sec for working surfaces and drainage conveyances. However, the General Order allows a generally less costly option of groundwater monitoring instead of hydraulic conductivity requirements for working surfaces and drainage conveyances.

In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed concrete pads, the statewide capital investment estimate is approximately $450 million. Construction materials and costs vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.

2. There is no specification for treating or hauling wastewater in the General Order, therefore this cost was not discussed in the Economic Considerations.

3. In response to comments received from the stakeholders, the 25-year return annual total precipitation design requirement for ponds has been revised to require detention ponds to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond, it was determined that it will be protective of water quality because discharge is required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed.

The following clarifies the applicability of the General Order to chip and grind operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to General Order, Finding 14). The focus of this General Order is composting operations. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle’s current and proposed regulations (Title 14), the chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The General Order has been revised to clarify that chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order. Chip and grind facilities may be subject to be subject to the Industrial Storm Water General Permit or site specific orders by Regional Water Boards as appropriate.

Regulation of chip and grind facilities and land application practices is outside the scope of the General Order. The EIR discusses that land application of untreated green material could be a threat to water quality if not applied in a manner that is protective of water quantity. The EIR discusses potential impacts from land application practices, including the spread of pests and plastic contaminants in waterways and the ocean. The EIR explains that any person discharging or proposing to discharge waste through land application is required to submit a report of waste discharge to the appropriate Regional Water Board for review and approval. Land application at agricultural land is being regulated through State Water Board programs such as the Irrigated Lands Regulatory Program, WDRs or conditional waivers. The Water Boards plan to increase their current efforts to address the concern with land application of green materials through outreach, permitting, and enforcement. However, it would be speculative to attempt to evaluate land application of (chip and grind) materials that are not covered the General Order.

The definitions for “Food Material” and “Vegetative Food Material” in the General Order have been revised to be consistent with CalRecycle’s definitions. The definitions have been modified by removing “…to the maximum extent possible at the point of generation…” and adding “separated from the municipal solid waste stream” to our definition for Food Material and Vegetative Food Material.

In support of municipal co-collection programs, the General Order has been revised to include the term “residentially co-collected food and green materials”, defined as “Food scraps, food waste paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of the residential organics material may be co-collected with green materials.” The list of Tier I Feedstocks has been revised to include “agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anerobic digestate derived from allowable Tier I feedstocks.”
As discussed in Finding 11, CalRecycle regulations address composting operations including facility siting, design standards, operating standards, environmental health standards, sampling, reporting, etc. (Title 14 and Title 27). The proposed draft order does not appear to be consistent with Title 14 or Title 27 with regards to compost materials handling and facilities’ regulatory requirements. For instance, Item 30 of the draft order regulates the size of composting facilities, which is inconsistent with Title 14, Chapter 3.1, Section 17406.14 (“Handling of green material feedstock, additives, amendments, compost, or chipped and ground materials on an excluded activity if 3000 or less to co-verb at any one time, the compostable materials are generated on-verb and if no more than 1,000 cy of materials are solid or given away annually... “) *Please provide clarification regarding the communication and cooperation SWRCB has had with CalRecycle with regards to these requirements. We would like to submit our recommendation that SWRCB consider drafting language that is consistent with CalRecycle regulations.*

6 Cal Poly

Kevin Piper, Kim Porter

3. We again find inconsistencies between Title 14 and the proposed order. For instance, Item 30 (a) (1) of the draft order requires exempt composting facilities completely cover all materials during rain events to prevent the generation of contaminated non-process wastewater and leachates. *Title 14, Chapter 3.1, Articles 6 and 6.2, Sections 17406.1 to 17406.2 (including sections 17406.1, 17406.2, 17407.3) set forth permitting requirements and minimum operating standards for operations and facilities that receive, store, handle, recover, transfer, or process solid waste and these sections do not apply to composting operations. The General Order was developed with input from Regional Water Boards, CalRecycle and the Water Boards have separate authority over discharges to land. The Water Board has authority over water quality aspects of discharges to land under the Water Code. CalRecycle has authority over solid waste under the Public Resources Code; this authority does not extend to water quality.*

Kevin Piper, Kim Porter

4. We would like you to comment on the financial burden of this unfunded mandate upon the University and the regulated community. Currently, Cal Poly has nine rows of compost averaging approximately 200’ in length. To cover the windows we would use a product called Compostex which would cost approximately $14,000 (product alone). This figure does not include the labor for installation, the anchoring design or the maintenance that will be required before and after storm and wind events to ensure quality and function of the covers. The use of other products may be considered, but utilizing plastic on our often-windy campus would only increase the strain that the State is in the process of regulating and reducing. We would like you to review the draft order with the Commission on State Mandates with regards to State institutions such as Cal Poly. As a state facility, Cal Poly does not have the ability to gain reimbursement for this regulated activity.

Veronica Pardo

5. Alternative Requirements and Specifications for Pond Installation – The size of ponds required are excessively stringent and economically prohibitive. In response to findings in the EIR’s Economic Considerations, the conditional exemption for small composting operations with less than 5,000 cy of materials was added to the General Order as a lower-cost option to Tier I requirements. The exemption is conditional and requires composting materials to be covered during storm events as needed, and requires management of the ability to gain reimbursement for this regulated activity.

Veronica Pardo

6 California Refuse Recycling Council (CRRC)
**Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations**

(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.

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<tr>
<td>7</td>
<td>California Refuse Recycling Council (CRRC)</td>
<td>Veronica Pardo</td>
<td>2</td>
<td>Additive and Amendment Definitions and Tier Limits - we are particularly concerned as definitions and limits pertain to the use of anaerobic digestate</td>
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</table>
|            |        |                |                | Additives are "materials that are mixed with feedstocks or active compost to create a favorable condition...". Amendments are "materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH and soil blend. Amendments do not include septage, biosolids, or compost feedstock."
|            |        |                |                | There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks. |
|            |        |                |                | In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows: |
|            |        |                |                | 1. Under Specifications, provision 1.a and 1.b: the terms "... and amendments" are removed, so that percent limitations apply only to additives. |
|            |        |                |                | 2. New provision is added to address amendment limits: "For Tier I and Tier II facilities, the hyped amendments must be specified in a NOI and/or a technical report." |
|            |        |                |                | 3. The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged. |
|            |        |                |                | The following revisions are proposed under "Definitions": Amendments definition is revised to be consistent with CalRecycle: "Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH and soil blend. Amendments do not include septage, biosolids, or compost feedstock."
|            |        |                |                | The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. The definitions have been modified by removing "... to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material. |
|            |        |                |                | In support of municipal co-collection programs, the General Order has been revised to include the term "residentially co-collected food and green materials", defined as "Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be co-collected with green materials. The list of Tier I Feedstocks has been revised to include "agricultural materials, green materials, paper materials, vegetative food materials, residually co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks."
|            |        |                |                | The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. The definitions have been modified by removing "... to the maximum extent possible at the point of generation..." and adding "separated from the municipal solid waste stream" to our definition for Food Material and Vegetative Food Material. |
|            |        |                |                | The intent of the compliance schedule is to provide a minimum period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders' comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI. |
|            |        |                |                | Refer to the General Order, Application Process & Attachment D - Technical Report Requirements, C. Compliance Schedule (Existing Facilities): "The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed an (8) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible."
|            |        |                |                | The General Order supports California's 75 percent diversion goal by providing a streamlined process for permitting composting operations, by allowing a diverse range of compost feedstocks, and a tiered regulatory approach to address large and small operations. |
|            |        |                |                | Compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. The Economic Considerations concluded that composting operations complying with the Order are unlikely to cease operations due to inability to pay for upgrades, and because landfill tipping fees are much greater than composting, are not likely to increase prices to the point of being unable to compete with landfills. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation. In response to findings in the EIR's Economic Considerations, a conditional exemption for small composting operations with less than 5,000 of materials was added to the General Order as a lower-cost option to Tier I requirements. The exemption is conditional and requires composting materials to be covered during storm events as needed, and requires management of process water and waste water to reduce generation of wastewater. Facilities that are exempt from the General Order may be subject to Industrial General Permit or other Regional Water Board orders. |
| 8          | California Resource Recovery Association (CRRRA) | John Dane | 1              | ORRA supports the State Water Resources Control Board (SWRCB) in its efforts to protect water quality throughout the California. The effort is critical to meet the AB 341 75% recycling goal, CalRecycle’s Strategic Directive II.1, and other sustainability goals of the state. |

The General Order supports California's 75 percent diversion goal by providing a streamlined process for permitting composting operations, by allowing a diverse range of compost feedstocks, and a tiered regulatory approach to address large and small operations. The General Order supports the State Water Resources Control Board (SWRCB) in its efforts to protect water quality throughout the California. The effort is critical to meet the AB 341 75% recycling goal, CalRecycle’s Strategic Directive II.1, and other sustainability goals of the state.
The focus of the General Order is composting operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle’s current and proposed regulations, chip and grind facilities may be subject to an Industrial General Permit or other specific orders by the Regional Water Boards as appropriate.

The EIR discloses that land application of uncomposted green material may have the potential to impact water quality if not applied in a manner that is protective of water quality. It is possible that some impacts from land application could include the spread of pests and plastic contaminants in waterways and the ocean. The EIR also explains that any person discharging or proposing to discharge waste through land application or other means is required to submit a report of waste discharge to the appropriate Regional Water Board for review and approval.

The Water Boards plan to increase their efforts to address the concern with land application of green materials through outreach, permitting, and enforcement. However, it would be speculative to attempt to evaluate land application of (chip and grind) materials that are not covered by the General Order.

### Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

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<tr>
<td>1</td>
<td>CRRA agrees with the comments submitted on March 2, 2015 by the California Organics Recycling Council (CORC) regarding three main issues: economic analysis, the exemption of chipping and grinding facilities, and the definition of food material. CORC con…</td>
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| 3      | Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surfaces (pad) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time. Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1 x 10^-5 cm/sec for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment would be approximately $50 million. At the June 16, 2015 Board Work, the State Water Board directed staff to provide capital cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/Portland cement treated, 12-inch thick, engineered pond that meets the minimum hydraulic conductivity of 1 x 10^-5 cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cement treated pond, and drainage conveyance, the statewide capital investment is estimated to be approximately $140 million. In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pond over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pond, pad, and drainage conveyance, the statewide capital investment is estimated to be as much as $450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected. The definitions for “Food Material” and “Vegetative Food Material” in the General Order have been revised to be consistent with CalRecycle’s definitions. The definitions have been modified by removing “…to the maximum extent possible at the point of generation…” and adding “separated from the municipal solid waste stream” to our definition for Food Material and Vegetative Food Material.

In support of municipal co-collection programs, the General Order has been revised to include the term “residually co-collected food and green materials”, defined as “food scraps, food soiled paper/packaging and other potentially recoverable food materials from food processing waste, vegetable and other compostable products, residential co-collection of food material and green material, or other collection programs where food material may not be “separated from solid waste to the maximum extent possible (emphasis added) at the point of generation”. As written, the phrase “to the maximum extent possible” appears to be highly subjective and could preclude many compost facilities from coverage under these WDRs, given the need of the composting industry to provide growing food material capacity in the near future. Additionally, given related goals of achieving significant coverage for composting facilities under this order, we recommend that the food material definition be revised to be consistent with Title 14 and remove this contradictory language. |
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<td>9</td>
<td>Californians Against Waste</td>
<td>Nick Lapis</td>
<td>1</td>
<td>Smaller ponds, for instance, would drastically reduce the cost of compliance while providing a similar level of groundwater protection, especially for facilities that only handle Tier 1 feedstocks (but might exceed the size limits for Tier 1).</td>
</tr>
<tr>
<td>9</td>
<td>Californians Against Waste</td>
<td>Nick Lapis</td>
<td>2</td>
<td>This board should consider increasing the hydraulic conductivity requirements for this pads and ponds for greenwaste-only facilities to reduce the cost of compliance for facilities that do not pose a major risk.</td>
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<tr>
<td>9</td>
<td>Californians Against Waste</td>
<td>Nick Lapis</td>
<td>3</td>
<td>The Alternatives Analysis done as part of the EIR was unnecessarily dismissive of the “Increase Hydraulic Conductivity Pad Requirement Alternative.” The Board’s own analysis supports the selections of this alternative from both an environmental and economic perspective. The analysis finds that the higher hydraulic conductivity would be either equal or more environmentally protective under every criterion other than groundwater contamination.</td>
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<td>9</td>
<td>Californians Against Waste</td>
<td>Nick Lapis</td>
<td>4</td>
<td>This includes all the requirements of Chapter 11. It is a reasonable preventive measure to require lower permeability containment features at Tier II composting operations. Allowing working surfaces with higher permeability may increase the potential for compost wastewater to migrate into groundwater. Furthermore, Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Water Code section 13260 states, in part, that the Regional Water Board shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge.</td>
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<td>9</td>
<td>Californians Against Waste</td>
<td>Nick Lapis</td>
<td>6</td>
<td>First, the costs of improving pads to meet the requirements of the rule were not included in the analysis. This appears to be a major component of the cost and it is not accurate to assume that the cost will not be applicable to any facilities because they will all use the groundwater monitoring. Second, the profit margins and economics of composting assevere incongruent with the composting facilities that we are familiar with (especially the smaller ones and publically-owned facilities). These issues give a distorted impression of the impacts of the regulation. The economic analyses need to be amended to reflect the real costs of the regulation and the true economics of composting to allow the Board to accurately weigh the costs and benefits of individual components of the Order.</td>
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The provisions in the General Order apply only to composting operations covered under the General Order. The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders’ comments, an earlier draft of the General Order was revised to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI.

Findings 13 states that “... If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation...”

Although funding is beyond the scope of the General Order, there may be opportunities for composting operations to seek funding available through incentives and programs to support diversion activities. State Water Board staff will continue to have discussions with the stakeholders.

The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible.”

Finding 13 states that “... If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation...”

The provisions in the General Order apply only to composting operations covered under the General Order and therefore, the compliance schedule provisions do not apply to operations covered under individual WDRs. The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders’ comments, an earlier draft of the General Order was revised to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI.

Findings 13 states that “... If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation...”

The Order should be amended to explicitly identify that the timing in this General Order will serve as a minimum for all parts of the state, and composting facilities should not be subject to enforcement ahead of the timelines established in the rule.

Although funding is beyond the scope of the General Order, there may be opportunities for composting operations to seek funding available through incentives and programs to support diversion activities. State Water Board staff will continue to have discussions with the stakeholders.

The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible.”

Finding 13 states that “... If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation...”

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Although funding is beyond the scope of the General Order, there may be opportunities for composting operations to seek funding available through incentives and programs to support diversion activities. State Water Board staff will continue to have discussions with the stakeholders.

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Although funding is beyond the scope of the General Order, there may be opportunities for composting operations to seek funding available through incentives and programs to support diversion activities. State Water Board staff will continue to have discussions with the stakeholders.
The Order requires composting operations to be setback at least 100 feet from the nearest surface water body. The Order should clarify that this requirement does not apply to existing facilities, as these facilities should be grandfathered. Finally, the Order should specifically acknowledge that an engineered alternative, such as berms, ditches, and swales, may be allowed if these measures effectively isolate the compost operations runoff and protect water quality.

The following is provided to clarify applicability of the 100-foot setback requirements. Setbacks from surface water bodies are defined in the General Order as follows: Distance to Nearest Surface Water - the horizontal distance measured, in feet, from the nearest edge of the composting operation to the edge of the high water mark for lakes and reservoirs, or the high tide line for tidally influenced water bodies, or the natural or live bank for creeks and rivers. The horizontal distance measured, in feet, from the nearest edge of the composting operation to the center of the water supply well head. As defined, surface water body and water supply well head may not include storm water management systems, conveyance systems, sedimentation ponds or storage ponds.

Facilities will not be "grandfathered" on the basis of existing prior to the General Order. Water Code section 12620 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. The General Order streamlines and simplifies permitting of composting operations with similar wastes and operations, as provided in Water Code section 12623, which requires Regional Water Boards to prescribe waste discharge requirements (WDRs) addressing "any proposed discharge, existing discharge, or material change in an existing discharge."

However, Filing 28.b. provides an alternative that applies to all facilities. A lesser setback distance may be allowed by the Regional Water Board if the Discharger can demonstrate that the groundwater, geologic, topographic, and well construction conditions at the site are adequate to protect water quality - the Discharger may implement equivalent engineered alternative measures to create conditions that are adequate to protect water quality, as determined by the Regional Water Board.

The following is provided to clarify that Table 3 - Tier I Percolation Rate and Depth to Groundwater Standards, are requirements for Tier I operations. Tier II operations must comply with hydraulic conductivity requirements due to the heightened potential to degrade water quality. Tier I operations are inherently less likely to degrade water quality because the volume and types of waste constituents present at the facility is lower than at Tier II facilities. (Refer to the General Order, Antidegradation Analysis).

Use of manure and/or biosolids is integral to the startup and operation of certain anaerobic digestion (AD) systems. The Order seems to prohibit or unreasonably restrict all biosolids in composting systems since CalRecycle regulated AD facilities as compost facilities.

The following is provided to clarify that the groundwater, geologic, topographic, and well construction conditions at the site are adequate to protect water quality - the Discharger may implement equivalent engineered alternative measures to create conditions that are adequate to protect water quality, as determined by the Regional Water Board.

Mandatory ponding and incidental liquids that occur as part of the normal compost process or remain after rainfall do not indicate inadequate design or site design. Additionally, sewage at the toe of the embankment that is collected by the runoff control system does not indicate that groundwater infiltration is occurring. The Order should be revised to clarify that design must not treat such incidental water as ponding as a violation of the Order, given that the design will be graded to drain and collect all runoff to beneficial reuse.

Materials such as manure and biosolids meeting the criteria of the General Order are allowable as Tier I feedstocks with no volume restrictions. Manure is prohibited as a feedstock only under Tier II classification. Manures allowed as an add-in are allowed within the limitations for Tiers I and II.

The following is provided to clarify Table 3 - Tier I Percolation Rate and Depth to Groundwater Standards. This General Order does not convey any property rights of any sort or any exclusive privileges. Regulations prescribed herein do not authorize commission of any act causing injury to persons or property, nor protect the Discharger from liability under federal, state, or local laws or regulations, nor create a vested right for the owner and operator to continue the regulated activity.

Many definitions listed in Attachment A and used in the Order make substantial departures from existing Public Resource Code provisions in the California Public Resources Code (see California Public Resources Code Section 17852). The Order should be revised to reconcile these definitions so as to be wholly consistent with fully promulgated and final California State regulations at Titles 14 and 27, as amended, including the terms in the Water Board's Industrial General Permit.
The definitions for active, curing and final product have been revised.

Active Compost – “Compost feedstock that is in the process of being rapidly decomposted and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 kilograms per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks.”

Curing Compost – “The stage of the composting process that occurs after compost has undergone pathogen reduction, as defined in California Code of Regulations title 14, section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized. This curing phase begins after an active compost pile endures a sustained drop in temperature as remaining materials continue to decompose, but at a much slower rate. This is to facilitate further decomposition and stabilize potentially toxic organic acids and resistant compounds. The compost process helps bring compost to full maturity, and can last several months.”

Final Product – “The compost material that has completed the curing phases. Residual substances originally present in the compost pile are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed.”

The definition of working surface has been revised to allow segregation of final product:

Working Surface – Any areas at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may not be excluded from working surface hydraulic conductivity requirements under the following conditions:

- The area is isolated in a dedicated area away from the active or curing compost;
- The area is clearly marked as “final product”;
- The area is identified in the ICZ and technical report, and approved by the Regional Water Board.

Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage conveyances. Composting operations that fall under Tier II require a minimum hydraulic conductivity of $1 \times 10^{-5}$ centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected to install operating pads to meet the hydraulic conductivity requirement, the statewide capital investment is estimated to be as much as $25 million. Construction costs for the pads vary depending on location and the options selected.

There is no specification for treating or hauling wastewater in the General Order, therefore this cost was not discussed in the Economic Considerations. Dischargers may choose to treat or haul wastewater as a management option.
DRAFT – July 23, 2015
Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations
(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

11 City of Santa Rosa Utilities Dept. Zachary Kay 2 There is incoherence in the GO between the definitions of sewage sludge, biosolids, and what is allowed as a feedstock. (See Prohibition 4.1, Appendix A Definition of biosolids, Appendix A-Definition of Sewage Sludge. "Scope of This General Order" – Item 28 a. Tier II Allowable Feedstocks) Thus we have confusion regarding the allowance of Class III biosolids which meets the table 1 allowing limit but not the table 3 pollutant concentration limit as a feedstock. The definition of biosolids seems to include such a material but so does the definition of sewage sludge. The former is allowed as a feedstock under the GO and the latter is not.

In response to this comment, the definition of biosolids has been revised as: "Sewage sludge that has been treated, tested, andmeet:

1. All biosolids, at a minimum, must meet the Coliform Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13. 2. The Class A or Class B biosolids control requirements in 40 Code of Federal Regulations part 503.32(a) or (b); and 3. One of the Vector Attraction Reduction Requirements in 40 Code of Federal Regulations part 503.32(b)(1—8), 503.32(b) accessory pollution control standard, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.32(a), and section 503.32(b)(1—8), respectively."

The General Order does not prohibit Class A, Class B, or Class EQ biosolids as a Tier I feedstock for composting operations. However, these biosolids must meet the coliform concentrations listed in 40 Code of Federal Regulations, part 503,13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a "process to significantly reduce pathogens" presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order.

12 Cold Creek Compost, INC. (CCC) Martin Mileck 1 Chip and grind facilities ought to be included in the order. They have been used as a way around the compost regulations, and with no additional exemption for sewage sludge they exist added incentive for circumvention. Chip and grind facilities receive the same materials as compost facilities, therefore they pose the same threat to water quality.

The focus of the General Order is composting operations. Chip and grind facilities are exempt from requirements of the General Order because those operations do not fit the criteria for this General Order. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. For the purposes of the General Order, chip and grind process is not similar to compost process. Based on CARB’s current and proposed regulations (Title 14), chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures.

The General Order has been revised to clarify that and grind operations that are co-located with composting operations are exempt from requirements of the General Order. Chip and grind facilities may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate.

12 Cold Creek Compost, INC. (CCC) Martin Mileck 2 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 pose the same threat to water quality. Just as in the case of Chip and Grind facilities, exemption from water quality further invariances circumvention of the compost regulations.

Agricultural operations are exempt from requirements of the General Order. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. (Refer to General Order, finding 14.) For the purposes of the General Order, agricultural composting operations are not similar to composting operations. Agricultural Composting is "the operation of composting conducted in agricultural settings where: (1) feedstocks consist of materials generated onsite [by agricultural activities] and (2) the resulting compost product is returned to that same agricultural soils, or an agricultural site sold by the owner of the composting activity and applied at an agronomic rate."

Agricultural operations may be covered under other permits beyond the scope of this General Order. Chip and grind facilities and agricultural operations are exempt from requirements of the General Order because those operations do not fit the criteria for this General Order. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to General Order, finding 14). For purposes of the General Order, chip and grind facilities and agricultural operations are not similar to composting operations that meet the criteria of the General Order.

12 Cold Creek Compost, INC. (CCC) Martin Mileck 3 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.

Agricultural operations and composting operations are exempt from requirements of the General Order because those operations do not fit the criteria for this General Order. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to General Order, finding 14). For the purposes of the General Order, chip and grind facilities and agricultural operations are not similar to composting operations that meet the criteria of the General Order.

12 Cold Creek Compost, INC. (CCC) Martin Mileck 4 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 laboratories should be exempt from food safety standards.

The conditional exemption for small composting operations with less than 5,000 cy of materials was added to the General Order as a lower-cost option to Tier I requirements. In response to findings in the EIR’s Economic Compositions. The exemption is conditional and requires composting materials to be covered during storm events as needed, and requires management of process water and waste water to reduce generation of wastewater. Note that only composting operations that compost less than 500 cy of approved feedstock at any given time are fully exempt. Composting operations that receive, process or store less than 5,000 cy of allowable material per year are required to implement the management practices specified in the General Order. These operations may be subject to the NPDES permits or site specific orders by Regional Water Boards as appropriate.

The intent of the compliance schedule is to provide a minimum period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order; the technical report must include a proposed schedule for full compliance that may not exceed 5 years from the date of the NOI. New composting operations that propose to begin operating after adoption of the General Order are required to seek coverages by submitting a complete NOI. Filing fee, and technical report to the Regional Water Board not less than 90 days prior to commencing the composting operation.

12 Cold Creek Compost, INC. (CCC) Martin Mileck 5 It is unfair to presumption facilities to become compliant. It years is more than enough time for those facilities to get clean or get out. It is not that facilities that have made considerable investment in protecting water quality will have to endure 6 more years of unfriendly order! I cannot see such an extended time period to be in any way helpful to the development of the compost industry.

Thank you for your supporting comment.

13 Cornerstone environmental Jessica Ann Bernardini 1 Can an example methodology of calculating the 26 year return annual total precipitation value distributed monthly in accordance with average (mean) precipitation values for sizing the handling systems be included in the General Order.

In response to stakeholders’ comments, the 25-year annual return design requirement for detention pond has been revised to be based on a 25-year 24-hour peak storm event. Even though the revision in the calculation of a storm event is small, it is determined that it will be protective of water quality because discharges are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. The revised language is listed below.

3. Detention ponds, if used, must be designed, constructed, and maintained to prevent contributions to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond. From a 25-year, 24-hour peak storm event at a minimum, equivalent alternatives approved by the Regional Water Board.

The Department of Water Resources (DWR) Flood Management website was previously compromised at the time of this comment, however it appears to be currently back online. If at any time you are unable to access the PDFs and requires maintenance.

[Climate data may be found from the Department of Water Resources Flood Management website at http://www.dwr.water.ca.gov/floodmgmt/hafoo/climate_data/].

13 Cornerstone environmental Jessica Ann Bernardini 2 The website that one is directed to from the WDR table does not allow for you to click on all available PDFs and requires maintenance.

The Department of Water Resources (DWR) Flood Management website was previously compromised at the time of this comment, however it appears to be currently back online. If at any time you are unable to access the PDFs and requires maintenance.

13 Cornerstone environmental Jessica Ann Bernardini 3 Various ‘waste’ producers are not clearly defined.

In response to stakeholders’ comments, the General Order was revised to clearly define “process water”, “process wastewater”, “non-process wastewater,” and “wash water” have been revised and consolidated under the single term, “wastewater.” The definition of wastewater has been revised as: “Waters that have been treated or any other liquid flowing from, or on the working surface.”
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<th>Letter No.</th>
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<tr>
<td>14</td>
<td>CR&amp;R ENVIRONMENTAL SERVICES</td>
<td>If our industry is expected to shoulder the burden of meeting the State’s organics diversion goals, we can only accomplish the task within a reasonable regulatory framework. Balancing these ambiguous waste diversion goals with the State’s equally ambitious water quality goals come at a cost. The proposed General Waste Discharge Requirements and associated EIR are not exception. This begs the question, Who will bear the costs? Industry? Taxpayers? What public funding opportunities will be made available to ease the proposed burden of compliance? Although public funding is beyond the scope of the General Order, there may be opportunities for composting operations to seek funding available through incentives and programs to support diversion activities. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted and have not collected or reported monitoring data. The General Order is a tool for Regional Water Boards to use for streamlining and simplifying the permitting process for composting operations. Costs associated with the General Order are expected to be less than costs incurred under individual WDRs. Compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. State water quality goals not only benefit the people of the state, water quality standards are mandated in the California Water Code. The General Order was developed with several options to enable dischargers to choose the most appropriate and cost effective option for their business. The Economic Considerations concluded that composting operations complying with the General Order are unlikely to cease operations due to not being able to pay for upgrades, and are not likely to increase prices to the point of being unable to compete with landfills. While the order may have a temporary impact to planning/construction of large or complex facilities (Tier II and those requiring individual WDRs), it may encourage development of smaller, Tier I facilities.</td>
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<td></td>
<td>Clarke Pauley</td>
<td>We currently have major revisions to compost regulations pending in several California regulatory agencies (CalRecycle: Title 14, SCAMD AER Reporting, SWRCB Trash Policy, Regional Boards’ individual waivers and policies). This question to what extent these proposed regulations have been coordinated inter-agency, with so many moving pieces of regulation in process at the same time, it is challenging to create a regulatory framework that is well coordinated. To what extent has this General Order been coordinated with CalRecycle or other state regulatory agencies? The Water Boards and CalRecycle (formerly CCAW) participated in several interagency workgroup sessions during development of the General Order. CalRecycle’s existing and proposed composting regulations were reviewed with the intent of avoiding overlap or duplication. Other regulations reviewed include the Water Board’s Ocean Plan Amendment to Control Trash (Trash Amendments), and Regional Water Board waivers and policies. CalRecycle has separate regulatory authority from the State Water Board. Title 14, Articles 6.1 and 6.2 (including sections 14061, 1, 14062, 17457.3) set forth permitting requirements and minimum operating standards for operations and facilities that receive, store, handle, recover, transfer, or process solid waste and these sections do not apply to composting operations. The General Order was developed with input from Regional Water Boards, CalRecycle, other agencies, and stakeholders. CalRecycle and the Water Boards have separate authority over discharges to land. The Water Board has authority over water quality aspects of discharges to land under the Water Code. CalRecycle has authority over solid waste under the Public Resources Code; this authority does not extend to water quality. The General Order does not include requirements for the State Water Board’s recently-adopted Ocean Plan Amendment to Control Trash (Trash Amendments). In the future, the recently-adopted Trash Amendments will be implemented under the NPDES program through Industrial General Permits. While there may be some overlap of trash control measures during implementation of the Trash Amendments and the General Order, issues related to trash will be addressed based on site-specific factors. Further development on implementation of the Trash Policy can be obtained from the following websites: <a href="http://www.waterboards.ca.gov/water_issues/programs/trash_control/">http://www.waterboards.ca.gov/water_issues/programs/trash_control/</a></td>
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<td>In general, we find many of the requirements of General Order to be too onerous not only to our company, but to the composting industry as a whole. Moreover, we have found the most recent stages of the General Order and EIR process to be seemingly closed off to industry input. Without adequate stakeholder input throughout the General Order process, how can the Water Board expect to promulgate a General Order that truly works for the regulated community? Compostable material may contain nutrients, metals, salts, pathogens, and oxygen-reducing compounds that can degrade water quality. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13203, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. Stakeholders from industry, municipalities, and other agencies have been involved with development of the current General Order since 2009, and were also involved with earlier concepts from as early as 2003. The State Water Board has hosted work-group workshops, public informational meetings, scoping meetings, and public workshops. Stakeholders have provided comments throughout development of the Compost General Order, Initial Study, and Mitigated Negative Declaration. Responses to stakeholder comments were completed in 2012 by making major revisions to the General Order and preparing an Environmental Impact Report. The General Order requires have been posted on the Water Board website since May 2014. Opportunities for public comment were announced and announcements sent to compost operators in 2012, 2013, and in 2015. Two public workshops were held in 2015 and met with stakeholders in several focused, small group meetings to receive input and answer questions. Responses to stakeholder input has been made by either revising sections of the General Order, or by drafting responses to clarify reasons for not making revisions.</td>
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The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.
The Economic Considerations provides estimated costs to comply with the General Order. Please refer to the General Order, Design, Construction and Operation Requirements - Tier II only section 1. There is no requirement in the General Order that working surfaces must be paved. Working surfaces (Tier II facilities only) are required to have a hydraulic conductivity of $1 \times 10^{-5}$ cm/sec or less. This requirement can be accommodated in a variety of ways, including compacted soil with a thickness of one foot, asphaltic concrete or Portland cement concrete; or an equivalent engineered alternative specified in an NOI and approved by the Regional Water Board. Dischargers also have the option of groundwater protection monitoring in lieu of constructing a working pad.

Eight Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The Draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provides calculations for the cost of working surfaces (pavement) installation, detention ponds, drainage conveyances, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.

Composting operations that fail under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fail under Tier II require a minimum hydraulic conductivity of $1 \times 10^{-5}$ centimeters per second (cm/sec) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected to use the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately $25 million.

At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a lime/cement treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1 x 10^{-5} cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately $140 million.

In addition, the cost of a Portland cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement was calculated. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as $400 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.

The intent of the compliance schedule is to provide a minimum period for facilities to obtain funding, and to make capital investments, some of which may be amortized over a given period of time. In response to stakeholders’ comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Following submittal of the NOI, composting operations are required to implement specifications of the General Order 6 years from the date of the NOI.

Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): “The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collector, control, and monitoring practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may the schedule exceed an 6 years from the date of the NOI. The Regional Water Board may reduce the schedules based on evidence that meeting the compliance dates is technically or economically infeasible.”

In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows:

1. Under Specifications, provision 1.a and 1.b: the terms “...and amendments” are removed, so that percent limitations apply only to additives.
2. New provision is added to address amendment limits: “For Tier I and Tier II facilities, the type of amendments must be specified in a NOI and/or a technical report, and approved by the Regional Water Board.”
3. The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged.
4. The following revisions are proposed under “Definitions”: “Amendments” definition is revised to be consistent with CalRecycle: “Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH and soil blend. Amendments do not include septage, biosolids, or compost feedstock.”
5. Under Prohibition 4.k.: Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited.

Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require time and resources that may inhibit permitting, and may result in greater costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation.
In their climate regions (e.g. all of Southern California, which handles about 2/3 of the organic recycling in the state), there has been no evidence presented that there is any movement of potential contaminants into the groundwater. So the question still remains, why is an onerous, moribund, statewide regulation needed, when there is no evidence that protection is necessary to oversee half of the material managed in the state?

Water quality data has been provided in Appendix C of the EIR. Compostable material may contain nutrients, metals, salts, pathogens, and oxygen-reducing compounds that can degrade water quality. Ter II facilities process large quantities of compostable materials that may present a greater threat to water quality. Water Code section 13263 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a), to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than Individual WDRs. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater costs.

However, composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type.

Stakeholders and/or interagency comments, letters and working papers were considered throughout the process of developing the General Order. Stakeholders from industry, municipalities, and other agencies have been involved with development of the current General Order since 2009, and were also involved with earlier concepts from as early as 2003. State Water Board staff hosted work-group workshops, public informational meetings, scoping meetings, and public workshops. Stakeholders have provided comments throughout development of the Compost General Order, Initial Study, and Mitigated Negative Declaration. Revisions to the General Order were made and an Environmental Impact Report was prepared in response to stakeholder comments. The General Order requirements have been posted on the Water Board website since May 2014. Opportunities for public comment were announced and announcements sent to compost operators in 2012, 2013, and most recently, on January 13, 2015. State Water Board staff held two public workshops in 2015 and met with stakeholders in several focused, small group meetings to receive input and answer questions. Responses to stakeholder concerns were made by either revising sections of the General Order, or by drafting responses to clarify reasons for not making revisions.

The General Order was written to streamline and simplify permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. The General Order supports California’s 75 percent diversion goal by allowing a diverse range of compost feedstocks and a fixed regulatory approach to address large and small operations. The General Order does not limit the types of diversion technologies nor the feedstock materials that may be used in the State, but provides a regulatory mechanism for permitting operations with similar wastes and operations. The General Order is not intended to cover all composting operations in the state. The regulatory approach without a General Order, is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may increase costs. The General Order is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation.

Composting operations that do not meet the criteria of the General Order may be permitted under individual WDRs, as determined by the Regional Water Board. In response to stakeholder comments, Finding 13 of the General Order has been revised to read, in part, "... If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order. The landfill or other facility’s WDRs include requirements for the composting operations as determined by the Regional Water Board."

The following clarifies the applicability of chip and grind operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to General Order, finding 14). For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CARPACs current and proposed regulations (Title 14, the chip and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The focus of the General Order is on composting operations.

In response to stakeholder’s comments, the General Order has been revised to clarify that chip and grind operations are those that are co-located with composting operations are exempt from requirements of the General Order. Chip and grind facilities may subject to the Industrial Storm Water Permit or site specific orders by Regional Water Boards as appropriate.

Composting operations with existing Regional Water Board issued WDRs will not be required to seek coverage under the General Order. Finding 37 of the General Order states, “Existing composting operations, except those with individual WDRs or conditional waivers of WDRs that address the composting operation, are required to seek coverage under this General Order.” Finding 15 of the General Order is revised to provide more clarifications. "Dischargers covered by individual WDRs or conditional waivers of WDRs may continue discharging under that authority until those orders expire, or come up for renewal. All the time or earlier at the discretion of the Regional Boards, it is the intent of the State Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDRs include requirements for the composting operation as determined by the Regional Water Board."

Composting operations with existing Regional Water Board issued WDRs will not be required to seek coverage under the General Order.
Water quality data has been provided in Appendix J of the EIR. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Water Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. It is the intent of the General Order to provide regulation of materials that can pose a threat to water quality, within the authority of the Water Code. Compliance with design specifications and associated performance requirements included in this General Order is determined to be protective of water quality. Tier II facilities process large quantities of compost product that may contain pollutants such as nitrates, pathogens, salts, and >25,000 CY or greater volumes present a greater threat to water quality.

The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDROs. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation.

The hydraulic conductivity specification for working surfaces (pads) of 1 x 10⁻⁵ centimeters per second (cm/s) at Tier II facilities does not result in an impermeable surface. The hydraulic conductivity specification was selected as part of a combination of Best Practicable Treatment or Control (BPT) measures, including landfill restrictions, additive restrictions, and wastewater handling requirements. A variety of hydraulic conductivity requirements for working surfaces (pads) were considered and the hydraulic conductivity specification of 1 x 10⁻⁵ cm/s for working surfaces (pads) was determined to be less onerous than requirements for less permeable or impermeable surfaces, while providing water quality protection consistent with anti-degradation policies. The General Order allows dischargers to propose a groundwater monitoring program in lieu of creating less permeable working surfaces. If groundwater monitoring indicates a release, the operation may be required to implement corrective action measures such as pumping and treating the groundwater or building an impermeable surface.

However, composting operations that, in the judgment of a Regional Water Board, could not affect the quality of the waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or individual WDROs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type.

The General Order does not require paming of any working surfaces. Working surfaces (Tier II facilities only) are required to have a hydraulic conductivity of 1 x 10⁻⁵ cm/s or less. This requirement can be accomplished in a variety of ways, including compacted soils, asphaltic concrete or Portland cement concrete, or an equivalent engineered alternative specified in an NOI and approved by the Regional Water Board.

Six Tier II compost facility operators volunteered to provide cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix D, Economic Considerations, provided calculations for the cost of working surfaces (pad) installation, detention ponds, drainage conveyance, monitoring of detention ponds, and maintenance. In addition, the Economic Considerations provided calculations for the cost of groundwater monitoring. These capital investments were amortized over a period of time.

Composting operations that fall under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fall under Tier II require a minimum hydraulic conductivity of 1 x 10⁻⁵ centimeters per second (cm/s) for working surfaces and drainage conveyances. However, the General Order allows a (generally) less costly option of groundwater monitoring in lieu of this hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analysis in the draft EIR was based on the least expensive option for upgrading working surfaces to meet the hydraulic conductivity requirement. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces, the statewide capital investment cost would be approximately $25 million.

At the June 16, 2015 Board Workshop, the State Water Board directed staff to provide cost estimates for upgrades to the working surfaces. Although not specifically required by the General Order, the cost of a time-limited treated, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of 1 x 10⁻⁵ cm/s was provided in the draft EIR. If all existing Tier II composting operations installed a time-limited pad, pond, and drainage conveyance, the statewide capital investment is estimated to be approximately $140 million.

In addition, the cost of a Portland cement concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement, was considered. If all existing Tier II composting operations installed a concrete pad, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as $450 million. Construction materials and costs will vary ranging from compacted soil to concrete, so the actual costs may also vary depending on location and the options selected.

The General Order does not include requirements for the State Water Board's recently-adopted Trash Amendments to the Ocean Plan. The recently-adopted Trash Policy Amendments in the future will be implemented under the MPDES program through Industrial General Permits. The EIR for the General Order described trash as a component of composting materials in Impact 11.8, and provided measures to mitigate those impacts through discharge prohibitions, construction of detention and conveyance systems, and limitations on landfilling. While there may be some overlap of trash control measures during implementation of the Trash Plan and the General Order, issues related to trash will be addressed based on site-specific factors. Further development on implementation of the Trash Policy can be obtained from the following website: http://www.waterboards.ca.gov/water_issues/programs/trash_control.
The Water Board staff knows that CalRecycle is currently undergoing a Title 14 Revisal revision process. The industry stakeholders can’t lock down specific requirements until all the current compost regulations are reviewed and released. Otherwise, the current General Order may not make sense without Title 14/27 being settled, as those are the core regulations for compost operations.

The following is provided to clarify the applicability of the General Order and the scope of the draft Environmental Impact Report (EIR). The General Order was written to streamline and simplify permitting of composting operations with similar wastes and operations. The General Order was not intended to fit all composting operations, and composting operations that do not fit the criteria for a General Order may be covered under individual WDRs, as determined by the Regional Water Board. Composting operations that are co-located with dairies may fall under the provisions of Finding 13 of the General Order. “...if a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDRs include requirements for the composting operation.” Therefore, the General Order does not discourage composting that may occur at dairies, but provides a streamlined regulatory mechanism for composting operations that meet the criteria for coverage under the General Order. Operations that are exempt from the General Order may require coverage under other permits beyond the scope of the General Order.

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Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

(Two due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.

The following provides clarification of applicability of the General Order to composting operations co-located on dairy facilities and/or farms. Regulatory duplication by the Water Boards is not intended.

Finding 13 of the General Order is revised to provide more clarification: “…” If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDRs include requirements for the composting operation as determined by the Regional Water Board.”

The General Order Finding 37 states, “Existing composting operations, except those with individual WDRs or conditional waivers of WDRs that address the composting operation, are required to seek coverage under this General Order.” Additionally, dairy facilities choosing to compost and retain materials generated on site according to the definition of agricultural composting, may be exempt from coverage from the General Order, (see Attachment A - Definitions of the General Order, Agricultural composting operations may be covered under other permits beyond the scope of this General Order.

The General Order was not revised to include manure under the definition of Agricultural Material. Agricultural Material is an allowable feedstock under Tier I; manure is not an allowable feedstock for Tier I facilities. Although fully composted manure has the potential to provide benefit as a soil amendment, uncomposted manure feedstocks may contain pathogens, nitrates, and salt that may present a threat to water quality. Since manure is considered to be a higher threat feedstock, it is an allowable feedstock for composting operations under Tier II, and is allowed as an additive for Tier I facilities as long as it does not exceed 10 percent of the total volume of feedstock for any given batch of compost.

Finding 13 has been revised to include a provision pertaining to co-located facilities (and would include dairies): “…” If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDRs include requirements for the composting operation as determined by the Regional Water Board.”

The State and Regional Water Boards may be contacted to discuss the requirements of the General Order. Compliance with the General Order may increase the total cost of operations and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. The Economic Considerations concluded that composting operations complying with the Order are unlikely to cease operations due to inability to pay for upgrades, and are not likely to increase prices to the point of being unable to compete with landfills. However, in response to findings in the EIR’s Economic Considerations regarding small composting operation, the economic exception for operations with less than 5,000 cy of materials was added to the General Order as a lower-cost option to Tier I requirements. The exception is conditional and requires composting operations to be covered by storm events as needed, and requires management of process water and waste water to reduce generation of wastewater.

The General Order may have a temporary impact on planning/construction of large or complex facilities [Tier II and those requiring individual WDRs]. It may encourage development of Tier I operations, and small operations with less than 5,000 cy (“See Appendix D of the EIR, Economic Considerations.) Tier I facilities are not required to comply with hydraulic conductivity requirements for pads, ponds, and drainage ditches. Facilities that are exempt from the General Order may be subject to NPDES permit or other Regional Water Board orders.

The General Order only regulates wastewater discharges from composting operations. Industrial Storm Water General Permit is a NPDES permit that regulates operations that discharge storm water associated with industrial activities such as waste management facilities.

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The General Order provides for site-specific flexibility and considerations within the parameters of the General Order, subject to approval by the Regional Water Board.

Finding 13 has been revised to clarify applicability of the General Order. “Discharges covered by individual WDRs or a conditional waiver of WDRs continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, the intent of the State’s Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may impose individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDRs include requirements for the composting operation as determined by the Regional Water Board.”

Regional Water Boards have the authority to implement the general order. The State Water Board and Regional Water Boards (Regional Water Boards, collectively, the Water Boards) are the principal agencies with primary responsibility for coordination and control of water quality in the state as provided by Water Code section 13001. The concept of a General Order as provided in the Water Code, is to provide a method of streamlining and simplifying permitting of operations with similar wastes and operations, that are more appropriately regulated by a General Order. The General Order provides for site-specific flexibility and considerations within the parameters of the General Order, subject to approval by the Regional Water Board.
The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.  

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| 17 Gresham Savage Nolan & Tilden for Bull Holdings Corp. | 18 | GENERAL PUBLIC (KATE HURLEY) | Katly Hurley | Will there be some grants or subsidies by the State to cover the cost of these pond and pads that will be required in the General Waste Discharge for Composting Operations? I am sure it has been brought to your attention on numerous occasions that the State of California may be an environmentally friendly state but it is not a business friendly state. The regulatory fees that our company is required to pay has increased through the years. And it is only by the ability to increase business that we will be able to stay in business.  

At this time, the State Water Board does not have any grants or subsidies to cover the cost of complying with these regulations. Although public funding is beyond the scope of the General Order, there may be opportunities for composting operations to seek funding available through incentives and programs to support diversion activities. |

17 Gresham Savage Nolan & Tilden for Bull Holdings Corp. | 19 | Mark Ostoich | Under the proposed General Order definition of “animal carcasses”, the use of chicken litter that contains any carcasses ("chicken litter") would be prohibited, and would result in the loss of a viable feedstock for composting operations and increased operational and disposal costs from the ranches that produce the chicken litter.  

While the composting of animal carcasses and chicken litter that contains animal carcasses is prohibited under this General Order, this does not mean that such material may not be composted. Chicken litter which includes carcasses may be composted at operations permitted through individual WDRs or other regulatory measures, beyond the scope of the General Order.  

Refer to the General Order, Background Information, Finding 31: “The discharge of these [prohibited] wastes may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board.” Background Information, Finding 13 has been revised as follows: “Dischargers covered by individual WDRs or a conditional waiver of WDRs may continue discharging under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation….” |

The following is provided to clarify the scope of the General Order and EIR. “Manure” (chicken litter) as defined in the General Order is an allowable feedstock for Tier II compost facilities, and it is anticipated that a new Tier II compost facility will be built in the State to accommodate existing and new facilities. Additionally, four of the exemption categories may include manure: agricultural composting facilities, materials generated and used at agronomic rates on site, operations that are within a completely enclosed vessel, operations with less than 500 cubic yards (any given time) of allowable materials, and materials with greater treatment and management processes. Composting operations which choose to compost manure in a manner other than as defined in the General Order or as allowed as an exemption may be subject to individual WDRs.  

Animal carcasses are prohibited from being composted under the provisions of the General Order. However, this prohibition does not apply to all composting operations in the State, but applies only to those operations which meet the criteria for coverage under the General Order. Composting operations that currently accept chicken litter containing spent fowl will not be able to seek coverage under the General Order (nor would they be forced to) and are expected to continue operating under the existing WDRs or orders they have received from the appropriate Regional Water Board.  

The DEIR does not address the impacts associated with the composting operations that cannot use chicken litter and does not analyze the environmental impact of the additional handling and hauling of chicken litter to an alternative disposal source (i.e., landfill or renderer) in the event it cannot be used in composting operations.  

The Draft EIR analyzed the direct and indirect effects of adopting the General Order (the “Project,” see Chapter 2 of the Draft EIR). Implementation of the General Order are not expected to result in impacts to traffic and air quality as it relates to “chicken litter” that contains “spent fowl.” If an eligible composting operation that currently accepts chicken litter seeks coverage under the General Order and decides to no longer accept chicken litter with spent fowl, new impacts to traffic or air quality are expected since the chicken litter is already being hauled to the compost and would only be required to be hauled to a new compost facility or alternative disposal source. Composting operations currently accepting chicken litter that contains carcasses (or other feedstocks prohibited under the General Order) are not anticipated to change their operations to qualify for coverage under the General Order. Rather, it is expected that they would continue operations under individual WDRs or other orders issued by the Regional Water Boards.  

Additionally, while the composting of animal carcasses is prohibited under this General Order, this does not mean that such material may not be composted. Chicken litter which includes carcasses may be composted at operations more protected under individual WDRs or under orders issued by the Regional Water Board. The following is provided to clarify the scope of the General Order. The State and Regional Water Boards have the authority and the responsibility to protect water quality. CalRecycle has separate regulatory authority from the State Water Board pursuant to Public Resources Code Section 43101; this authority does not extend to water quality.  

Proposed modifications to the General Order would allow the composting of chicken manure that includes spent fowl from egg-laying operations.  

The following is provided to clarify the applicability of manure as an allowable feedstock, and prohibition against animal manure under Tier II. The source of the manure is not specified. (See General Order, Finding 28.1(a) and 28.1(b)). Manure is allowed as additive and amendment with the limitations of Tier I and Tier II. Because animal carcasses are prohibited, manure that contains animal or avian carcasses would be prohibited under the General Order. The composting of prohibited wastes may be more appropriately regulated through individual WDRs or permits issued by the Regional Water Boards.  

Animal carcasses are to be removed from “Marine Mammals”  

The definition of Animal Carcasses includes all animal carcasses and is not limited to mammals. Finding 31 of the General Order states, “Discards of the following [prohibited] wastes may pose a significant threat to water quality, and are therefore prohibited from being discharged under this General Order. The discharge of these wastes may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board.” |

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General Order Attachment A - Definitions be amended as follows:  

Animal Mammal Carcass – Refers to any whole or part (including, but not limited to, the flesh, organs, blood, hide, bone and marrow) of a carcass of a bird, fish or mammal which does not meet the definition of “Food Material” | 20 | Mark Ostoich | 3 We request that the General Order be modified to follow CalRecycle composting regulations to prevent a contradictory regulatory scheme that will harm those that wish to use chicken litter in their composting operations.  

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Mark Ostoich 7 The DEIR fails to analyze impacts from alternative disposal methods of chicken litter. The Draft EIR analyzed the direct and indirect effects of adopting the General Order (the "Project," see Chapter 2 of the Draft EIR). Implementation of the General Order is not expected to result in impacts to traffic and air quality as it relates to "chicken litter" that contains "spent fowl." An offshore composting operation that currently accepts chicken litter seeks coverage under the General Order and decides to no longer accept chicken litter with spent fowl, no new impacts to traffic or air quality are expected since the chicken litter is already being hauled to the compost facility and would be hauled to a new compost facility or alternative disposal source. Composting operations currently accepting chicken litter that contains carcasses (or other feed stocks prohibited under the General Order) are not anticipated to change their operations to qualify for coverage under the General Order. Rather, it is expected that they will continue operations under individual WDRs or other orders issued by the Regional Water Boards.

Mark Ostoich 8 The General Order prohibits the use of "animal carcasses" in a composting operation, but allows the use of "manned" as a feedstock. As discussed above, chicken litter can include "spent fowl" carcasses. The carcasses from the "spent fowl" can be mixed into the litter at the producing ranch and disposed of as part of the litter. The litter is then composted on-site or hauled to a composting facility. The use of chicken litter that contains animal carcasses would be prohibited under this General Order and may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board. Refer to the General Order – Scope of this General Order, Finding 31: "The Regional Water Boards have discretion to determine whether a composting operation is eligible for coverage under the General Order. It is the intent of the State Water Board that Regional Water Boards will enroll all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation, but only after reviewing the application of the General Order."

Mark Ostoich 9 If the General Order is approved with the current prohibition against composting "animal carcasses," the chicken litter that includes carcasses will have to be disposed of through alternative means (i.e. landfill or renderer). These alternatives will cause impacts not only at the locations where the litter is produced, but also at the areas surrounding a generator, by adding truck trips necessary to haul the carcasses to a landfill or renderer. As a result, implementation of the General Order will result in impacts to traffic and air quality. The DEIR does not analyze these impacts to the environment that will result from implementation of the General Order. Implementation of the General Order is not expected to result in impacts to traffic and air quality as it relates to "chicken litter" that contains "spent fowl." Composting operations that currently accept chicken litter containing spent fowl will not meet the criteria for coverage under the General Order (nor will they be forced to) and would need to continue operating under the existing orders they have received from the appropriate Regional Water Board. If an offshore composting operation that currently accepts chicken litter seeks coverage under the General Order and decides to no longer accept chicken litter with spent fowl, no new impacts to traffic or air quality are expected since the chicken litter is already being hauled to the compost facility and would only be required to be hauled to a new compost facility or alternative disposal source. However, it is anticipated that composting operations currently accepting chicken litter (or other feed stocks prohibited under the General Order) would change their operations to qualify for coverage under the General Order. Rather, it is expected that they would continue operations under individual WDRs or other orders issued by the Regional Water Boards.

Mark Ostoich 10 The California Environmental Quality Act ("CEQA") Guidelines §15126.2 requires the following in an EIR: "[t]o include those indirect and direct impacts of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects." The DEIR fails to discuss the indirect impacts it projects the composting of "animal carcasses" will have on the environment. The DEIR should, at a minimum, include analyses of the additional traffic and air quality that will result from the "spent fowl" carcasses having to be hauled to a landfill or other disposal facility.

Mark Ostoich 11 If the Board does not amend the General Order, we request that the DEIR be revised to include a clearly adequate analysis of the effects that implementation of General Order will have on the Environment, and be recirculated for public review. The following is provided to clarify the applicability of the General Order and the scope of the draft EIR. It is beyond the scope of the draft EIR to analyze the impact of specific composting choices by composting operations as this would be speculative. Depending on the operations, composting operations may not be eligible for coverage under the General Order and have to seek coverage under other permits beyond the scope of the General Order, or enroll under the General Order in Tier I or Tier II. Composting chicken litter which contains spent fowl is prohibited under the General Order, and decisions to no longer accept chicken litter with spent fowl, no new impacts to traffic or air quality are expected since the chicken litter is already being hauled to the compost facility and would only be required to be hauled to a new compost facility or alternative disposal source. It is not anticipated that composting operations currently accepting chicken litter containing spent fowl (or other feed stocks prohibited under the General Order) would change their operations to qualify for coverage under the General Order. Rather, it is expected that they would continue operations under individual WDRs or other orders issued by the Regional Water Boards.

Mark Ostoich 12 Gresham Savage Nolan & Tilden for Bull Holdings Corp. The California Environmental Quality Act ("CEQA") Guidelines §15126.2 requires the following in an EIR: "[t]o include those indirect and direct impacts of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects." The DEIR fails to discuss the indirect impacts it projects the composting of "animal carcasses" will have on the environment. The DEIR should, at a minimum, include analyses of the additional traffic and air quality that will result from the "spent fowl" carcasses having to be hauled to a landfill or other disposal facility. The following is provided to clarify the applicability of the General Order and the scope of the draft EIR. It is beyond the scope of the draft EIR to analyze the impact of specific composting choices by composting operations as this would be speculative. Depending on the operations, composting operations may not be eligible for coverage under the General Order and have to seek coverage under other permits beyond the scope of the General Order, or enroll under the General Order in Tier I or Tier II. Composting chicken litter which contains spent fowl is prohibited under the General Order, and decisions to no longer accept chicken litter with spent fowl, no new impacts to traffic or air quality are expected since the chicken litter is already being hauled to the compost facility and would only be required to be hauled to a new compost facility or alternative disposal source. It is not anticipated that composting operations currently accepting chicken litter containing spent fowl (or other feed stocks prohibited under the General Order) would change their operations to qualify for coverage under the General Order. Rather, it is expected that they would continue operations under individual WDRs or other orders issued by the Regional Water Boards.

Mark Ostoich 13 If the Board does not amend the General Order, we request that the DEIR be revised to include a clearly adequate analysis of the effects that implementation of General Order will have on the Environment, and be recirculated for public review.
The following is provided to clarify the scope of the draft EIR. The project analyzed by the draft EIR is the adoption of the General Order, not the entire composting process. See Chapters 2 and 2.4 of the draft EIR: The “project characteristics” are the standards required in the General Order and the reasonably foreseeable methods that dischargers may use to satisfy the General Order’s requirements. A generalization of impacts unrelated to the General Order is provided for disclosure purposes only in the draft EIR. However, the General Order does not authorize or permit any specific composting operation. Therefore, the indirect impacts from the project were necessarily given a generalized analysis in the draft EIR.

Compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. The Economic Considerations concluded that composting operations complying with the General Order are unlikely to cease operations due to inability to pay for upgrades, and are not likely to increase prices to the point of being unable to compete with landfill.

Concerns are shared with stakeholders that, if not properly land applied, green waste has the potential to adversely impact water quality. However, land application of green waste is a discharge to land subject to the enforceable requirements of Water Code Section 13260 et seq., which requires dischargers to submit a Report of Waste Discharge to the Regional Water Board. The Irrigated Lands Regulatory Program (ILRP) regulates these discharges through WDRs or conditional waivers of WDRs issued to growers. These orders require implementation of best management practices and contain conditions requiring water quality monitoring and corrective action when impairment is found. The Water Boards, in collaboration with CalEPA, CalRecycle, and other agencies, are launching an expanded education and outreach program regarding land application of uncomposted green waste and continue to exercise regulatory oversight and enforcement authority to address any potential threat of unregulated or illegal land application of green waste.

The potential benefits of composting including carbon sequestration is recognized, and language to that effect has been included in the EIR and in the findings of the General Order.

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<tr>
<td>18</td>
<td>Harvest Power LLC</td>
<td>Linda Novick</td>
<td>1</td>
<td>The DIER addressed this General Order as well as the composting process in general, but not related to specific sites. We found this problematic because many of the issues unrelated to water quality, and thus not under the jurisdiction of the Water Board were not accurately depicted. For example, the Air Quality section did not recognize VOC emission reductions currently implemented as a result of air quality regulations, and Best Available Control Technologies (BACT). If the number of composting facilities is reduced, or not constructed as a result of this Order, organic materials, especially greenwastes will create more emissions through land application or placement in a landfill. In addition, the document did not incorporate the benefits of composting to reduce greenhouse gas emissions, and the loss of these benefits with diminished composting capacity.</td>
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<td>20</td>
<td>Harvest Power LLC</td>
<td>Linda Novick</td>
<td>2</td>
<td>The analysis of the cost of conforming with the pad and pond requirements needed to include the actual costs of the pad and size of the pond. The groundwater monitoring option was assumed to be the less expensive solution. Over time, this is not necessary the case since the annual cost for monitoring is significantly higher than the cost of pavement. In addition, there are other less expensive ways to monitor this issue, such as vadose zone monitoring and these were not included in the analysis. The pond size evaluated in this section does not take into account larger than current pond configurations required in the Order. Therefore, not only is the cost of construction and maintenance higher, it also results in a less amount of land available for composting, and therefore represents a loss in revenue. The analysis did not include other engineered, or testing, alternatives that would result in equal protection to groundwater.</td>
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<td>21</td>
<td>Harvest Power LLC</td>
<td>Linda Novick</td>
<td>3</td>
<td>The Regional Boards, through the Executive Officer, should maintain the ability to provide alternatively protective measures under the General Order or issue individual WDRs at their discretion. There are a number of places throughout the document that refer to this ability, but it would help to clarify this issue in the purpose of the document.</td>
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<td>22</td>
<td>Harvest Power LLC</td>
<td>Linda Novick</td>
<td>4</td>
<td>The definition of food material is not consistent with other regulatory agencies. The addition of “separated from solid waste to the maximum extent possible at the point of generation” conflicts with other regulatory definitions of food waste, and the way in which food is collected and delivered to the facilities. The term “maximum extent possible” is vague and the facilities are not in control of this part of the process. The product quality demands that the food material will be clean when entering the composting process. Harvest recommends the removal of this clause, and to bring the definition in line with Title 14 definitions to come into line with the goal of assisting in the 75% diversion goal.</td>
</tr>
</tbody>
</table>
In response to stakeholders’ comments, the General Order has been revised so the terms “process water,” “process wastewater,” “non-process wastewater,” and “wash water” have been consolidated under the single term, “wastewater.” The definition of wastewater has been revised as follows: “Wastewater—Refers to leachate of any other liquid flowing from, or on the working surface.”

Wastewater from composting operations may have the potential to create elevated levels of nitrate concentrations, metals, salts, and pathogens in groundwater. The hydraulic conductivity requirements only apply to Tier II operations. Tier II operations pose a greater threat to water quality based on: types and amounts of allowable materials; larger facilities have an inherently greater threat to water quality. Best constructed features with higher thresholds are allowed at Tier II facilities. It is a reasonable preventive measure to require lower permeability containment features at Tier II composting operations, because Tier II allowable feedstocks include higher threat materials. Moving working surfaces with higher permeability may increase the potential for compost runoff or waste water to migrate into groundwater. Dischargers have options to propose an equivalent engineered alternative specified in an NOI and Technical Report and approved by the Regional Water Board.

The General Order specifies a pan lysimeter monitoring device for earliest possible detection or prevention of a release from the detention pond. However, dischargers have the option to propose an equivalent engineered alternative. The engineered alternative must be specified in an NOI and Technical Report and approved by the Regional Water Board. The engineered alternative must provide equivalent assurance of the earliest possible detection or prevention of a release from the pond.

The General Order addresses these issues by offering “an equivalent engineered alternative approved by the Regional Water Board.” We suggest that this language be modified to allow for equally protective measures and Best Management practices, and that these be approved by the Executive Officer and not the Regional Board because these changes will sit well down the line for the General Order. If this equivalent system and detection protocol is achieved then the pond can be deemed to be protective of groundwater quality. Examples of these might include comparison testing between groundwater and pond water when there is water in the Pond. Although this concept was rejected in the environmental analysis, it has been determined that it would be an accurate and effective at specific sites. In addition, the hydraulic conductivity may either not be required in certain cases, or be achieved with the stringent liner systems required in the Order. Suggested language to both pad and pond, but focused on the pond configuration: “an equivalent engineered alternative approved by the Regional Board Executive Officer.”

In response to stakeholders’ comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 9 years to 8 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and a technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI.

Finding 13 states that “... if a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual MDROs for a composting operation.”

Reference Comments:

18 Harvest Power California LLC
Linda Novick

11 In terms of actually submitting 90 days prior to site operation, but no ability to provide time to comply, it would be helpful to have a year to come into compliance for new facilities.

25 In response to stakeholders’ comments, the General Order has been revised so the terms “process water,” “process wastewater,” “non-process wastewater,” and “wash water” have been consolidated under the single term, “wastewater.” The definition of wastewater has been revised as follows: “Wastewater—Refers to leachate of any other liquid flowing from, or on the working surface.”
The definitions for active, curing and final product have been revised.

Active Compost – “Compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit). This can be achieved at a rate of at least 10°F per hour from the unprocessed active compost feedstock, or the equivalent of oxygen uptake. This high temperature on thermophilic phases may last from several days to several weeks.”

Curing Compost – “The final stage of the composting process that occurs after compost has undergone pathways as defined in California Code of Regulations Title 4, section 18786.3, and after most of the readily metabolized material has been decomposed and stabilized. This curing phase begins after an active compost pile endures a sustained drop in temperature as remaining materials continue to decompose, but at a much slower rate. This helps to further decompose and stabilize potentially toxic organic acids and resistant compounds. The curing process helps bring compost to full-maturity, and can last several months.”

Final Product - “The compost material that has completed the curing phases. Residual substances originally present in the compost are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed.”

The definition of working surface has been revised to allow segregation of final product:

Working Surface - Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The material in the working surface may be excluded from seeking existing hydraulic conductivity requirements under the following conditions:

1. The material is segregated in a dedicated area away from the active and curing compost.
2. The area is clearly marked as “final product” and the site is identified in the KCI and technical report, and approved by the Regional Water Board.

18 Harvest Power California LLC

Linda Novick

13 The use of the terms Additives and Amendments is not consistent with the way composting facilities use these materials. We recommend modifying this language to allow for unrelated digestate to be processed during active composting. Once the compost is completely finished, we regularly add additional amendments, such as gypsum up to 50% as special orders for farmers. The gypsum, and similar materials are being used in the findings to be contained in the storm water area. These materials are regulated through this order and do not need to be in the area. These amendments and the definition of the Order is not consistent with this terminology.

There is no volume restriction for anaerobic digestate as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources, within the parameters of the appropriate tier. Volume limits for anaerobic digestate as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks.

In response to stakeholder comments, the additive and amendment provisions in the draft General Order have been revised as follows:

1. New provisions have been added to address amendment limits: “For Tier I and Tier II facilities, the type of amendments must be specified in a NOI and/or a technical report.”
2. The application of 10% additives to Tier I facilities and 30% additives to Tier II facilities is unchanged.
3. The following revisions are proposed under “Definitions:” Amendments” definition is revised to be consistent with CalRecycle: “Amendments added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH and soil color. Amendments do not include sewage sludge, biosolids, or compost feedstocks.”
4. Under Prohibition 4.k.: “Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited”.

18 Harvest Power California LLC

Linda Novick

14 Composting conducted within a fully enclosed vessel is exempt from this Order. This definition should be expanded to include an impermeable cover that surrounds the active compost pile to the list of acceptable enclosures. The rest of the definition works.

Reuse of wastewater is allowed at composting operations in accordance with the General Order. Under Specifications (No 6), the General Order states, “Wastewater shall be handled and managed in accordance with an approved Water and Wastewater Management Plan in the technical report described in Attachment D.” Reuse of wastewater should be conducted according to the Water and Wastewater Management Plan approved by the Regional Water Board.

18 Harvest Power California LLC

Linda Novick

15 The Order only allows liquids collected in detention ponds to be reapplied to compost piles. The language should be expanded to include beneficial reuse on site, such as for dust control or vegetation maintenance. The maintenance on the compost pad areas and fixed portions of the landfill should be allowed under the Order.

The following is provided to clarify applicability of the 100-foot setback requirements. Setbacks from surface water bodies are defined in the General Order as follows: “Distance to Nearest Surface Water Body” shall be used in the strict sense of the word, as defined in California Code of Regulations Title 14, section 12410. Liquid from yard waste or green waste is not prohibited. Green material is an allowable feedstock. According to Specifications (4), “Dischargers are required to "reliably transmit free liquid present in runoff to the list of acceptable enclosures. The rest of the definition works.”

Any proposed equivalent engineered alternative may be considered by the Regional Water Board. However, the equivalent engineering alternative must first be proposed in the NOI and subsequently in the State Water Board Technical Report. The following is provided to clarify applicability of the 100-foot setback requirements. Setbacks from surface water bodies are defined in the General Order as follows: “Distance to Nearest Surface Water Body” shall be used in the strict sense of the word, as defined in California Code of Regulations Title 14, section 12410.

The Order should specifically acknowledge that an engineered alternative, such as berms, ditches, and swales, may be allowed if these measures effectively isolate the compost operations runoff and protect water quality.

18 Harvest Power California LLC

Linda Novick

16 The prohibition of discharge of liquid wastes other than those of food origin potentially prohibits liquid from yard waste or green waste. The Order should be revised so as not to prohibit liquid from yard waste or green waste.

18 Harvest Power California LLC

Linda Novick

19 The Order should be revised such the signatory on the NOI for a corporation may be the “general manager or other duly authorized representative of that person.”

18 Harvest Power California LLC

Linda Novick

20 Table B-1 should be revised to include an allowance for reduced monitoring, i.e. annually, semi-annually, in the event of consistent quarterly results.

The NOI submitted to the Regional Water Boards must be signed as specified in the General Order, under Reporting Requirements, No. 5.a. This requirement is consistent with the requirements of the Regional Water Board’s Application/Report of Waste Discharge General Information Form for Waste Discharge Requirements or NPDES Permit. (Form 200).

The following clarifies that the General Order includes options for equivalent engineered alternatives. Proposals for alternative monitoring programs should be described in the NOI and Technical Report, and submitted to the Regional Water Board. The request for reduced monitoring should be submitted to and approved by the Regional Water Board.

18 Harvest Power California LLC

Linda Novick

21 Notification of violations can only occur “by telephone.” Please revise to include electronic mail communication.

18 Harvest Power California LLC

Linda Novick

22 This section applies to biosolids monitoring and not other types of anaerobic digestate.

Anaerobic digestate was not intended to be included in the section, Appendix B - Monitoring and Reporting Program, Section 3. “Anaerobic Digestate (Anaerobic Digestate Managed) (if applicable).” Table B-3: “Anaerobic Digestate (Anaerobic Digestate Managed)” The General Order has been revised by removing the term “Anaerobic Digestate” from the section title. There is no discussion of anaerobic digestate in Appendix B.
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<td>Linda Novick</td>
<td>23</td>
<td>Some of the information (i.e. lab reports) required when reporting the description of the significant event may not be available prior to the 10-day deadline. The Order should be revised to provide for additional time or be clarified as &quot;Within 10 days of the information becoming available to the Discharger.&quot;</td>
<td>The State Water Board finds that the deadlines of &quot;10 working days&quot; from the Discharger becoming aware of the incident, to submit a written report to the Regional Water Board office is ample time to gather the information for the written report. The General Order states that the written report shall include the date the samples were submitted to the laboratory and what analyses was requested. In addition, the definition of location, data and time collected, field measurements of pH, temperature, dissolved oxygen and electrical conductivity, sample identification, date of noncompliance discharge samples and/or surface water samples taken.</td>
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<td>15</td>
<td>LA Sanitation</td>
<td>Enrique Zaldivar</td>
<td>1</td>
<td>We believe there will be a consequential economic impact. The Economic Analysis in the EIR states that there will be an inconsequential impact on the composting sector by implementation of the new Order. Existing composting operations such as LA SAN will potentially need to construct new catchment ponds lined with a 40 mil geonembrane, and install pan lysimeters. Operationally, technical staff will be required to perform quarterly inspections, monthly rainwater checks, quarterly sampling, laboratory and field analysis of pH, Oxygen, and Dissolved Solids, and an Annual Monitoring report. These are operational and capital expenditures that will create economic barriers, which will inhibit growth in the private and public compost sector. Besides the economic impact stated above, we agree with all of the other remaining DER findings.</td>
<td>The General Order is a cost for Regional Water Boards to use for streamlining the permitting process. Costs associated with the General Order are expected to be less than costs incurred under individual WDRs. Compliance with the General Order will increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of composting operations. The Economic Considerations concluded that constructing composting operations complying with the Order are unlikely to cause operations to discontinue due to inability to pay for upgrades, and are not likely to increase prices to the point of being unable to compete with landfills. While the General Order may have a temporary impact to planning/construction of large or complex facilities (Tier II and those requiring individual WDRs), it may encourage development of smaller Tier I operations. Several comments stated that using the 25-year annual return pond sizing requirements in the General Order would result in construction of a large and expensive pond. In response to stakeholders’ comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event.</td>
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<td>16</td>
<td>LA Sanitation</td>
<td>Enrique Zaldivar</td>
<td>2</td>
<td>B. DRAFT ORDER: 1. Application Process: a) Section 4h exempts those facilities that operate under its own individual WDRs. We recommend that existing facilities that have been in operation for over 5 years and have not violated any individual WDR with respect to the composting operations may not be required to meet the 10-day requirements. Existing facilities that are covered by a CalRecycle Solid Waste Permit or a waste discharge requirements issued by a Regional Water Quality Control Board or the State Water Resources Control Board are required to monitor for possible groundwater contamination. Groundwater contamination from these facilities (if detected) would require remediation.</td>
<td>The following clarifies the applicability of the General Order to existing facilities: An exemption in perpetuity for existing operations is not appropriate, nor protective of water quality. Most operations currently under individual WDRs are facilities with volume or feedstocks that are likely to be regulated under Tier II, or that may not meet the criteria for the General Order. Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge, with the appropriate Regional Board. Currently, most composting operations are not permitted by the Water Boards, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. CalRecycle’s authority does not cover water quality, and the Solid Waste Permit would not include water quality monitoring provisions. In response to stakeholders’ comments, Finding 13 of the General Order is revised to provide more clarification regarding existing facilities: “Composting covered by individual VAPRs or as a conditional waiver of VAPRs may continue discharging under the authority until those order expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Board.”</td>
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<td>LA Sanitation</td>
<td>Enrique Zaldivar</td>
<td>3</td>
<td>Section 4h requires the design and operation of detention ponds to contain and reuse wastewater and storm water. This requirement creates an impediment on facilities with limited space availability especially on landfills where construction of detention ponds is prohibited. We recommend that only liquid released from the composting piles be collected in detention ponds during dry weather and appropriately discharged. During wet weather and episodes of heavy storm where the detention ponds capacity is reached, allowance must be made for surface water discharge.</td>
<td>Under the General Order, a Water and Wastewater Management Plan must be submitted to the Regional Water Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of this systems, including water balance calculations and assumptions, if required. The Water and Wastewater Management Plan is subject to approval by the Regional Water Board. Tier I and Tier II facilities are required to control and manage all “wastewater” that comes in contact with compost operations and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to a Natural Pollutant Discharge Elimination System (NPDES) permit.</td>
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<td>Prohibition E excludes the use of biosolids as an additive or amendment with no explanation. This prohibition creates some confusion as to the quantitative limitations of using biosolids as feedstock since the definitions of Additive and Amendment state in part, that they shall not be considered as feedstock.</td>
<td>The General Order does not allow biosolids as additives or amendments consistent with CalRecycle regulations (CalRecycle Code of Regulations, Title 14, Natural Resources, Section 191, California Integrated Waste Management Board, Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements, Article 1. General, Section 17652, Definitions). The General Order does not prohibit Class A, B, or E2 biosolids as a Tier I feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations part 503.15, Table 1, in addition to the criteria for Class A, B, or E2, as defined in Attachment of the General Order. Sewage sludge that has not been treated with a “process to significantly reduce pathogens” presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order.</td>
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<td>19</td>
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<td>Enrique Zaldivar</td>
<td>5</td>
<td>Chipping and Grinding Facilities and Operations - Facilities or operational areas that do not produce compost, but mechanically reduce the size or otherwise engage in this handling of “green material” each load of “green material” must be removed from the site within 48-hours from receipt, unless the Discharger has received written permission from the Local Enforcement Agency allowing the “green material” to remain onsite for up to 7 days. This definition is not practical. There must be sufficient material available on site to efficiently chip the material (thus minimizing emissions due to frequent start-up of grinding equipment). We recommend that the 48 hour limit be changed to 7 days.</td>
<td>The focus of the General Order is composting operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13265. For the purposes of the General Order, the chip and grind process is not similar to the compost process. Based on CalRecycle’s current and proposed regulations (Title 14, chap. and grind material is only allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The General Order has been revised to clarify that chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order. Chip and Grind facilities may be subject to the Industrial General Permit or other Regional Water Board orders.</td>
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<td>19</td>
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<td>Enrique Zaldivar</td>
<td>6</td>
<td>The vertical distance measured, in feet, from the ground surface to the first encountered groundwater. The vertical distance should be determined by interpretation using existing well information rather than measured, which would require actual drilling.</td>
<td>The comment appears to assume the presence of existing monitoring wells on site (perhaps as an existing landfill, publicly owned treatment works (POTW), or other monitored facility), this would be a site-specific situation that would be at the discretion of the Regional Water Board.</td>
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<td>20</td>
<td>LA County SWM/WM Fast Force</td>
<td>Margaret Clark</td>
<td>1</td>
<td>In order to facilitate an integrated approach, the proposed regulations regarding composting waste handling operations must be applied uniformly to all technologies. This would help create a level playing field for all landfill/ diversion technologies to be successful in the future and help compliance with AB 341(2011).</td>
<td>The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. Other diversion technologies may be covered under other permits beyond the scope of this General Order.</td>
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20  LA County SWMC/IWM Task Force  Margaret Clark 2  Recommend incorporating measures to ensure that the proposed Order would be consistent with the Clean Air Act and Clean Water Act requirements under the purview of other State, regional, special districts (such as Sanitation and Flood Control Districts), and local jurisdictions. As an example, since the Air Quality Management Districts, Air Pollution Control Districts, and the local jurisdiction Health Officer will play a regulatory and enforcement role in monitoring any odor complaints, it is imperative that their input also be incorporated into this process.  

Conflict with current and/or proposed regulations is not anticipated. The General Order was developed with input from Regional Water Boards, CalRecycle, Air Resources Board, other agencies, and stakeholders. The Water Board has authority over water quality aspects of discharges to land under the Water Code. The General Order would not authorize, approve, permit, or in any way support the location, construction, operation of a new composting operation (except as for compliance with the General Order). Mitigation measures listed in Chapter 6 of the EIR are examples of recognized and accepted measures that are routinely required by regulatory agencies. However, it should be noted that the State Water Board does not have authority to require implementation of mitigation related to the air quality impacts of existing or new composting operations approved by local authorities. The ability to require such measures to within the purview of jurisdictions with local land use approval and/or permitting authority. Chapter 6 of the EIR states, "Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance. This EIR does not address these site-specific project approvals and will not change the CEQA compliance requirement for the project approvals." Air quality mitigation measures were listed for disclosure purposes and do not represent requirements imposed by SWRCB.

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<td>Margaret Clark</td>
<td>2</td>
<td>Recommend incorporating measures to ensure that the proposed Order would be consistent with the Clean Air Act and Clean Water Act requirements under the purview of other State, regional, special districts (such as Sanitation and Flood Control Districts), and local jurisdictions. As an example, since the Air Quality Management Districts, Air Pollution Control Districts, and the local jurisdiction Health Officer will play a regulatory and enforcement role in monitoring any odor complaints, it is imperative that their input also be incorporated into this process.</td>
<td>Conflict with current and/or proposed regulations is not anticipated. The General Order was developed with input from Regional Water Boards, CalRecycle, Air Resources Board, other agencies, and stakeholders. The Water Board has authority over water quality aspects of discharges to land under the Water Code. The General Order would not authorize, approve, permit, or in any way support the location, construction, operation of a new composting operation (except as for compliance with the General Order). Mitigation measures listed in Chapter 6 of the EIR are examples of recognized and accepted measures that are routinely required by regulatory agencies. However, it should be noted that the State Water Board does not have authority to require implementation of mitigation related to the air quality impacts of existing or new composting operations approved by local authorities. The ability to require such measures to within the purview of jurisdictions with local land use approval and/or permitting authority. Chapter 6 of the EIR states, &quot;Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance. This EIR does not address these site-specific project approvals and will not change the CEQA compliance requirement for the project approvals.&quot; Air quality mitigation measures were listed for disclosure purposes and do not represent requirements imposed by SWRCB.</td>
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<tr>
<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>3</td>
<td>Recommend there be a clear distinction in the definitions between “feedstock” and “finished compost.”  Feedstocks are defined as “Materials used in the production of compost. Feedstocks shall not be considered as either additives or amendments.” The definition for final product has been revised in response to stakeholder comments:</td>
<td>In the General Order, the hydraulic conductivity specification of (1 \times 10^{-5} \text{cm/s}) for working surfaces (pads) at Tier II facilities was selected as part of a combination of Best Practicable Treatment or Control (BPTC) measures, including feedstock limitations, additive restrictions, and wastewater handling requirements. A variety of hydraulic conductivity requirements for working surfaces (pads) were considered; it was determined that the hydraulic conductivity specification of (1 \times 10^{-5} \text{cm/s}) for working surfaces (pads) would be less onerous than requirements for less permeable or impermeable surfaces, while providing water quality protection consistent with anti-degradation policies.</td>
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<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>4</td>
<td>Recommend measuring quantities by mass rather than by volume. This reduces the subjective nature of converting volume quantities as proposed to mass quantities using a bulk density factor. Bulk densities will vary at different facilities and with different load combinations. Additionally, volume measurements do not require handling or special equipment.</td>
<td>The State Water Board does not define organic materials, compostable organic, or non-compostable organic materials in the General Order or Environmental Impact Report, because composting, under the General Order is regulated based on the types and amounts of allowable feedstocks. Composting is defined in the General Order as &quot;a controlled microbial degradation of organic wastes yielding a safe and nuisance-free product&quot; (See Attachment A of the General Order).</td>
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<tr>
<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>5</td>
<td>All pilot facilities should have clear parameters and requirements regarding the duration of the pilot program. It is recommended that once the facility's pilot permit expire the appropriate Local Enforcement Agency must then re-evaluate the effectiveness of the pilot program, and the ombudsman must then reapply for a new permit.</td>
<td>The State Water Board does not define organic materials, compostable organic, or non-compostable organic materials in the General Order or Environmental Impact Report, because composting, under the General Order is regulated based on the types and amounts of allowable feedstocks. Composting is defined in the General Order as &quot;a controlled microbial degradation of organic wastes yielding a safe and nuisance-free product&quot; (See Attachment A of the General Order).</td>
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<tr>
<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>6</td>
<td>Recommend using the previously established State Water Board hydraulic conductivity of (1 \times 10^{-5} \text{cm/s}) or less on all graded surfaces on site OR satisfy the adequacy of hydraulic conductivity of (1 \times 10^{-5} \text{cm/s}) considering that feedstocks are not limited to green materials only. Compost operations should be required to have emergency inspections, in addition to their annual inspection, after disasters to determine the integrity of the talus, terraces, terraces, and drainage systems for all tiers.</td>
<td>The definition for final product has been revised in response to stakeholder comments:</td>
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<tr>
<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>7</td>
<td>Recommend that both the draft Environmental Impact Report and the Draft Order address issues regarding ponding water with respect to vectors, odor, and treatment of effluent (emphasis added). Deaths resulting from the infection of both the West Nile and the Hanta Virus have been recorded in California as recent as the summer of 2012 and 2013.</td>
<td>The State Water Board does not define organic materials, compostable organic, or non-compostable organic materials in the General Order or Environmental Impact Report, because composting, under the General Order is regulated based on the types and amounts of allowable feedstocks. Composting is defined in the General Order as &quot;a controlled microbial degradation of organic wastes yielding a safe and nuisance-free product&quot; (See Attachment A of the General Order).</td>
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<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>8</td>
<td>Compost Fast Track – Expand the list of “organic” materials list to include “manure.” Also define the term “Organic,” “Compostable Organic,” and “Non-compostable Organic.”</td>
<td>The definition for final product has been revised in response to stakeholder comments:</td>
<td></td>
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<tr>
<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>9</td>
<td>General Order And Its Attachment A – Finding No.3 of the General Order states “Composting is the biological decomposition of organic materials by microorganisms under controlled aerobic conditions to create a product.……[emphasis added]” There is a dear need for the State Water Board to define the terms “organic,” “organic material,” and “compostable organic,” such as green materials, and “non-compostable organic,” such as a plastic liner (i.e., “an organic material” but it is not compostable) which the General Order proposals to be used to protect underground water quality from composting operation (emphasis added). These terms are being used by State Water Board throughout the Draft Order and its DEIR without having defined their terminology. The Task Force respectfully requests State Water Board to (1) define these terms through the regulatory process, and (2) void further use of these undefined terms.</td>
<td>The definition for final product has been revised in response to stakeholder comments:</td>
<td></td>
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Although the suggested mitigation measures may be helpful to include for disclosure purposes, revising the draft EIR to incorporate the suggestions is not recommended because it would not change the conclusions of the analysis. Mitigation measures listed in Chapter 6 of the EIR are examples of recognized and accepted measures that are routinely required by regulatory agencies. Chapter 6 of the EIR states, "The State Water Board does not have authority to require implementation of mitigation related to the air quality impacts of existing or new composting operations approved by local authorities. The ability to require such measures is within the purview of jurisdictions with local land use approval and/or permitting authority." Chapter 2.6 of the EIR states, "Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance." The SWRCB does not have the authority to impose the suggested mitigation measures. Mitigation measures were listed for disclosure purposes and do not represent requirements imposed by SWRCB.

The following clarifies the applicability of the General Order to chip and grind operations. The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263 (Refer to draft General Order, Finding 14. For the purposes of the draft General Order, the chip and grind process is not similar to the compost process. Based on California's current and proposed regulations (Title 14), the chip and grind material is allowed to be on site for 48 hours or a maximum of 7 days with Local Enforcement Agency approval, and are not to reach composting temperatures. The focus of this General Order is composting operations; regulation of chip and grind facilities is outside the scope of the General Order.

Chip and grind facilities and operations may be subject to the Industrial General Permit or site-specific orders by the Regional Water Boards as appropriate. The definition of biosolid as "sewage sludge that has been treated, tested, and meets:
1. The Ceiling Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13;
2. The Class A or Class B biosolid control requirements in 40 Code of Federal Regulations part 503.20(a) or(b) and;
3. One of the Vector Attraction Reduction requirements in 40 Code of Federal Regulations part 503.33(b)(1)–(8);" Standard Quality (EQ) biosolids – Biosolids meeting EQ standards. Class A pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations sections 503.13 (Table 3), section 503.20(a), and section 503.33(b)(1)–(8), respectively.”

The definition of sewage sludge was revised to clarify that "sewage sludge does not include biosolids that meet the criteria in Table 7 of 40 Code of Federal Regulations section 503.13."
The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.

Tier II facilities process large quantities of compostable material that may contain nutrients, metals, salts, pathogens, and oxygen-reducing compounds with the potential to degrade water quality. These facilities are required to meet specifications that include hydraulic conductivity requirements for working surfaces and construction of lined detention ponds or tanks to contain monitoring data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge.

Composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or Individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type.

Compliance schedule provisions of the General Order are separate from CalRecycle's permit schedules. The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital improvements, some of which may be amortized over a given period of time. In response to stakeholders' comments, an earlier draft of the General Order was revised in May 2014 to extend the compliance schedule from 5 years to 6 years. As described in the General Order, existing composting operations must submit an NOI, filing fee and technical report within one year of adoption of the General Order. Composting operations are required to implement specifications of the General Order within 6 years of the date of the NOI. Refer to the General Order, Application Process & Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities): "The technical report shall include a proposed schedule for achieving compliance with this General Order. Proposed schedules for implementation of the identified collection, control, and monitoring practices must be supported with appropriate technical or economic justification and in no case may the schedule exceed six (6) years from the date of the NOI. The Regional Water Board may modify the schedules based on evidence that meeting the compliance date is technically or economically infeasible."

Larry Sweetser 7 There is not sufficient justification to impose solid waste landfill like standards on detention ponds.

The General Order is not expected to affect composting operations, the General Order is intended to cover composting operations that fit the definition of the General Order. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs, the General Order provides for site-specific flexibility and considerations. The regulatory approach without a General Order, is to regulate every individual composting facility separately, a process that may require additional time and resources that may inhibit permitting, and may result in greater costs. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could enroll within a given period of time, and increasing the number of facilities that could begin operation. The General Order was developed over the course of several years, with input from stakeholders, Regional Water Boards, and other agencies such as CalRecycle.

However, composting operations that, in the judgment of a Regional Water Board, could not affect the quality of waters of the state are not required to file a report of waste discharge and are not required to obtain coverage under the General Order or Individual WDRs. In making a determination of no potential threat to water quality, Regional Water Boards may consider a combination of factors, including but not limited to beneficial uses of water, rainfall, depth to groundwater, and soil type.
In response to stakeholders' comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. The revised language is listed below.

I. Detection ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overlapping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surface in addition to precipitation that falls into the detention pond, from a 25-year, 24-hour peak storm event at a minimum or equivalent alternative approval by the Regional Water Board.

We appreciate the efforts of the State Water Board to bring about a set of guidelines that will ensure proper stewardship of the lands on which compost producers assist the state in meeting its future recycling goals with the state in meeting its future recycling goals for the benefit of its citizens and the continued health and viability of its native soil. But we must oppose the General Order for being too broad in scope and for lacking solutions that are appropriate to each region in favor of an overly simplistic model that will eventually, and unfortunately, prove to be a detriment to all the wonderful work that has been accomplished up to this point.

The General Order is intended to cover composting operations that fit the criteria of the General Order. Most compost operations are not currently permitted, and have not collected or reported groundwater quality data. Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs. The General Order provides for site-specific flexibility and considerations. The regulatory approach without a General Order is to regulate every individual composting facility separately, a process that may require time and resources that may inhibit permitting, and may result in greater costs.

The following clarifies the applicability of the General Order for composting operations that are co-located with and covered under WDRs for other operations. It is understood that a composting operation may be co-located at a landfill, POTW, or other waste management facility that is covered under individual WDRs.

The General Order provides for site-specific flexibility and considerations, in the form of equivalent engineered alternatives and options to be proposed in the NOI and technical report, and as part of each facility’s Water and Wastewater Management Plan. The General Order provides a more streamlined and simplified approach to permitting discharges from composting operations than individual WDRs. Regional Water Boards may issue individual WDRs in response to site-specific conditions, as discussed in revised Finding 13 of the General Order, “. . . a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WDRs for a composting operation.”

As we have discussed with staff, processed and non-waste materials at a compost site should not be regulated through this order—rather regulated through the IGP for Storm water. Under the proposed GO, finished product piles located at a compost site would be regulated through the GO. However, a similar finished product pile located offshore would be regulated through the storm water IGP. The final GO should regulate compost product piles in a similar manner. We recommend that the final GO clearly delineate between feedstock/active compost areas and finished product storage areas. Finished product storage areas should be regulated in a manner consistent with the Storm Water IGP.

The final definition for active, curing and final product have been revised.

Active Compost—“Compost feedstock is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition, or releasing carbon dioxide at a rate of at least 15 kilograms per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on thermophilic phase may last from several days to several weeks.”

Curing Compost—“The final stage of the composting process that occurs after compost has undergone pathogen reductions, as defined in California Code of Regulations, title 14, section 17970(b), and after most of the newly metabolized material has been decomposed and stabilized. This curing phase begins after an active compost pile endures a sustained drop in temperature as remaining materials continue to decompose, but at a much slower rate. This helps to further decompose and stabilize potentially toxic organic acids and resistant compounds. The curing process helps bring compost to full maturity, and can last several months.”

Final Product—“The compost material that has completed the curing phase. Residual substances originally present in the compost piles are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed.”

The definition of working surface has been revised to allow segregation of final product:

Working Surface—Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions:

The area is isolated in a dedicated area away from the active and curing compost;

The area is identified in the NOI and technical report, and approved by the Regional Water Board.

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<tr>
<th>Letter No.</th>
<th>Agency</th>
<th>Representative</th>
<th>Comment Number</th>
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<tr>
<td>23</td>
<td>San Pasqual Valley Soils</td>
<td>Chuck Voeller</td>
<td>2</td>
<td>The 30-year average precipitation for Maric County, for example, is completely different from San Diego County. The climate and geology of these counties vary considerably. The General Order reads more like mitigation for a Northern California climate/weather region then it does for a semi-arid SoCal region. Based on a 30-year average, precipitation in San Diego is approximately 10&quot; per year, yet under the current proposed rulemaking, our business will be forced to finance the design and installation of a massive detention pond with a pan diameter. The size and scope of such a project is completely unnecessary for an operation of our size, and would be financially burdensome in both capital and operation and maintenance costs.</td>
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<td>23</td>
<td>San Pasqual Valley Soils</td>
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<td>We appreciate the efforts of the State Water Board to bring about a set of guidelines that will ensure proper stewardship of the lands on which compost producers assist the state in meeting its future recycling goals with the state in meeting its future recycling goals for the benefit of its citizens and the continued health and viability of its native soil. But we must oppose the General Order for being too broad in scope and for lacking solutions that are appropriate to each region in favor of an overly simplistic model that will eventually, and unfortunately, prove to be a detriment to all the wonderful work that has been accomplished up to this point.</td>
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<td>24</td>
<td>Sector Strategies Inc on behalf of Republic Services, Inc.</td>
<td>Charles Helget</td>
<td>1</td>
<td>Increasing this infrastructure to meet this demand can only be accomplished if the state’s regulatory structure is economically feasible while fully protecting the quality of California’s ever important and increasingly limiting water resources. Republic supports the development of the General Order and are comments are intended to add clarity and reasonable flexibility so that we can meet the requirements of increased organic diversion while protecting water quality goals and responding to the inherent variability of California’s diverse geography.</td>
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<td>24</td>
<td>Sector Strategies Inc on behalf of Republic Services, Inc.</td>
<td>Charles Helget</td>
<td>2</td>
<td>In conversations with staff, we understand that existing and future compost operations that are located entirely within a site such as a landfill with WDRs that specifically include the compost operation are not subject to the provisions of the GO. The GO specifically states that RWQCB has complete authority to appropriately regulate compost operation through existing and future landfill WDRs.</td>
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<td>24</td>
<td>Sector Strategies Inc on behalf of Republic Services, Inc.</td>
<td>Charles Helget</td>
<td>3</td>
<td>It is essential to make clear that RWQCB’s have the discretion to respond to variable conditions throughout the state to appropriately protect water quality without imposing an undue burden on compost operations.</td>
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<td>24</td>
<td>Sector Strategies Inc on behalf of Republic Services, Inc.</td>
<td>Charles Helget</td>
<td>4</td>
<td>As we have discussed with staff, processed and non-waste materials at a compost site should not be regulated through this order—rather regulated through the IGP for Storm water. Under the proposed GO, finished product piles located at a compost site would be regulated through the GO. However, a similar finished product pile located offshore would be regulated through the storm water IGP. The final GO should regulate compost product piles in a similar manner. We recommend that the final GO clearly delineate between feedstock/active compost areas and finished product storage areas. Finished product storage areas should be regulated in a manner consistent with the Storm Water IGP.</td>
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| 24         | Sector Strategies Inc on behalf of Republic Services, Inc. | Charles Helget | 5             | The definitions for active, curing and final product have been revised:

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Final Product—“The compost material that has completed the curing phase. Residual substances originally present in the compost piles are consumed after proper curing. The compost has been brought to maturity, and organic acids and resistant compounds have been substantially decomposed.”

The definition of working surface has been revised to allow segregation of final product:

Working Surface—Any area at a Composting Operation used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active, curing, or final product). The final product area may be excluded from working surface hydraulic conductivity requirements under the following conditions:

The area is isolated in a dedicated area away from the active and curing compost;

The area is identified in the NOI and technical report, and approved by the Regional Water Board.
24 Sector Strategies Inc on behalf of Republic Services, Inc.
Charles Helget
5 The types and amount of additives and amendments should not be limited for Tier II facilities. The order is not clear in the distinction between an additive and amendment and when the 30% limit applies. As we understand from discussion with staff, the limit for an amendment would apply only to finished products. An important alternative would be to continue with a default 30% limit, but allow the discharger to go above this limit if the site-specific plan clearly addresses measures that will be taken to ensure the specific additive or amendment will be managed in a way to protect water quality. An example would be digestate from an Anaerobic Digestion facility that has been through the PRPR process. Such material should be allowed as an additive or amendment with no limitations.

Development of percent limitations considered a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, additive limitations at existing facilities that are currently permitted under individual WDRs, and additive limitations imposed by other states. Tier I facilities have no requirements for improved working surfaces or ponds. Tier II facilities are limited to those lower threat materials allowed in Table 2. Additives such as manures contain pathogens, grit, salts and are higher threat feedstocks. The 10% limitation allows Tier I facilities to mix in lesser amounts of higher threat materials that are not allowed as feedstocks, as additives. The 30% additive limit for Tier II facilities is based in part, on the concept that more than 30% of a compost material would be more like a feedstock. Additionally, greater percentages than 30% of new materials such as farming materials may have the potential to create anaerobic or other undesirable conditions.

In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows:

1. Under Specifications, provision 1.a.1 and 1.b.1 the terms “... and amendments” are removed, so that percent limitations apply only to additives.

2. New provision is added to address amendment limits. “For Tier I and Tier II facilities, the types of amendments must be specified in a KICA or in a technical report, and approved by the Regional Water Board.”

3. The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged.

4. The following revisions are proposed under “Definitions”: “Additions” definition is revised to be consistent with ClassCyclize: “Materials added to stabilized compost or compost compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock.”

5. Under Prohibition 4.b., “Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited”.

24 Sector Strategies Inc on behalf of Republic Services, Inc.
Charles Helget
6 The Order appears to require zero discharge for all compost operations by requiring them to “contain storm water on site.” This seems to conflict the design requirement to collect, transfer, and contain the 25-year, 24-hour storm. The Order should be revised to confirm that discharge of storm water exceeding the 25-year, 24-hour storm is allowed, and if an NPDES permit is required, such discharges will be subjected under the operative California Industrial General Permit.

In response to stakeholders' comments, the terms “process water”, “process wastewater”, “non-process wastewater”, and “wash water” have been revised and consolidated under the single term, “wastewater.” The definition of wastewater has been revised as follows: “Wastewater - Refers to leachate or any other liquid flowing from, or on the working surface.”

For operations that fall under this General Order, a Water and Wastewater Management Plan must be submitted to the Regional Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions. If required, Tier I and Tier II facilities are required to control and manage all “wastewater” that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to a National Pollutant Discharge Elimination System (NPDES) permit.

24 Sector Strategies Inc on behalf of Republic Services, Inc.
Charles Helget
7 The proposed GO uses the terms Storm Water, Wastewater, Process Wastewater, and Non-process Wastewater. The use of these terms is unclear and confusing. The GO should be edited to provide a clearer understanding of these terms and how they are used in the GO.

The General Order is a tool for Regional Water Boards to streamline and simplify the permitting process. Costs associated with the General Order are expected to be less than costs incurred under individual WDRs. The EIR's Economic Considerations concluded that compliance with the General Order may increase the total cost of operation and decrease net returns. However, the increased cost is not expected to impact the economic viability of most composting operation. The Economic Considerations found possible impacts to small facilities, this resulting in a conditional exemption for facilities less than 5,000 yd^2.

There is no specification for testing or handling wastewater in the General Order, therefore this cost is not discussed in the Economic Considerations.

In response to comments received from the stakeholders, the design requirement for detention ponds has been changed to be based on a 25-year, 24-hour peak storm event at a minimum of 20 years of storage. The 25-year peak storm event required by the revised requirement may result in construction of a smaller pond: it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed.

The General Order provides options for equivalent engineered alternatives to prescriptive requirements such as a pan/lysimeter. Please refer to the General Order, Design, Construction and Operation Requirements - Tier II Only, Item 3. “Detention ponds must be designed and constructed with a pan/lysimeter, … or an equivalent engineered alternative approved by the Regional Water Board.”

24 Sector Strategies Inc on behalf of Republic Services, Inc.
Charles Helget
9 The Economic Analysis contained in the EIR appears to assume that there will be no economic impact due to construction of operating pads due to these new standards. It fails to discuss the costs of wastewater treatment and/or disposal. Calculations for pond sizing in economic analysis appear to use “average” rainfall amounts, not the 25-year annual return values required to be installed, significantly understating the per facility cost of pond installation. Requiring installation of a pan/lysimeter beneath an existing lined detention pond will require the rebuilding of most existing ponds. Instead, water quality goals can be achieved by installation of down gradient groundwater monitoring wells. The economic impact of this requirement as compared to less costly alternatives capable of achieving the same environmental objectives must be considered and should be part of the economic analysis.

The definitions for “Food Material” and “Vegetative Food Material” in the General Order have been revised, consistent with ClassCyclize’s definitions. The definitions have been modified by removing: “... to the maximum extent possible at the point of generation...” and adding “separated from the municipal solid waste stream” to our definition for Food Material and Vegetative Food Material.

In support of municipal co-collection programs, the General Order has been revised to include the term “residentally co-collected food and green materials”, defined as “Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be contigned with green materials.” The list of Tier I Feedstocks has been revised to include “agricultural materials, green materials, paper materials, vegetative food materials, residentally co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks.”

The following clarifies that detention pond discharges are wastewater. In response to stakeholders comments, the references to “process water”, “wastewater, “non-process wastewater”, and “wash water” have been revised and consolidated under the single term, “wastewater.” The definition of wastewater has been revised as follows: “Wastewater - Refers to leachate or any other liquid flowing from, or on the working surface.”

For operations that fall under this General Order, a Water and Wastewater Management Plan must be submitted to the Regional Board for approval and shall describe how wastewater will be managed. The plan must describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities are required to control and manage all “wastewater” that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to a National Pollutant Discharge Elimination System (NPDES) permit.
Stakeholder or interagency comments, letters, and working papers were considered throughout the process of developing the General Order. Stakeholders from industry, municipalities, other agencies have been involved with development of the General Order since at least 2009. The State Water Board hosted multiple workgroup workshops, public informational meetings, scoping meetings, and public workshops. Stakeholders have provided written and verbal comments throughout development of the Compost Waiver, General Order, Initial Study, and Mitigated Negative Declaration. Revisions to the General Order have been made and a full Environmental Impact Report (EIR) was prepared in response to stakeholder suggestions and comments.

The General Order requirements have been posted on the Water Board website since May 2014. Opportunities for public comment were announced and announcements sent to comest Operators in 2012, 2013, and in 2015. State Water Board staff held two public workshops in 2015 and met with stakeholders in focused, small group meetings to receive input and answer questions. Responses have been made by either revising sections of the General Order, or by drafting responses to clarify reasons for not making revisions.

**Additive versus amendment definitions and tier limits remain unclear and need to be clarified.**

Additives are “materials that are mixed with feedstocks or active compost to create a favorable condition...” Amendments are “...materials added to stabilized compost or cured compost to provide attributes for certain compost products...” Development of percent limitations considered a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, additive limitations at existing facilities that are currently permitted under individual WDRs, and additive limitations imposed by other states. Tier I facilities have no requirements for improved working surfaces or ponds, therefore the feedstocks are limited to those lower threat materials allowed in Table 2. Additives such as manure contain pathogens, nitrates, salts and are higher threat. The 10% limitation above Tier I facilities to mix in lesser amounts of higher threat materials that are not allowed as feedstocks, as additives. The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material would be a feedstock. Additionally, greater percentages of raw materials such as fertilizing materials may have the potential to create anaerobic or other unsuitable conditions.

In response to stakeholder comments, the additive and amendment provisions in the General Order have been revised as follows:

1. Under Specifications, provision 1.a and 1.b: the terms “...and amendments” are removed, so that percent limitations apply only to additives. New provision is added to address amendment limits: “For Tier I and Tier II facilities, the types amendments must be specified in a NOI and/or a technical report, and approved by the Regional Water Board.”

2. The specification of 10% additives for Tier I facilities and 30% additives for Tier II facilities is unchanged.

3. Under Prohibition 4.k.: “Materials added to stabilized compost or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and salinity. Amendments do not include septage, biosolids, or compost feedstocks.”

4. The food material definition requires clarification. In addition, California’s newly implemented organic commercial recycling law needs to be taken in account to ensure that composters can fully utilize food scrap feedstocks.

The definition for “Food Material” and “Vegetative Food Material” in the General Order have been revised to be consistent with CalRecycle’s definitions. Additives are defined as “materials added to stabilized compost or cured compost to provide attributes for certain compost products...” Additives such as manure contain pathogens, nitrates, salts, and are higher threat. The 10% limitation above Tier I facilities to mix in lesser amounts of higher threat materials that are not allowed as feedstocks, as additives. The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material would be a feedstock. Additionally, greater percentages of raw materials such as fertilizing materials may have the potential to create anaerobic or other unsuitable conditions.

In support of municipal co-collection programs, the General Order has been revised to include the term “residually co-collected food and green materials”, defined as “Food scraps, food soiled paper, and related items that are produced in a residential setting and are set out to be co-collected with green materials (i.e. yard trimmings) as part of a municipal co-collection program. No more than 10% of residential food material may be co-collected with green materials.” The list of Tier I feedstocks has been revised to include “...vegetative materials, paper materials, vegetative food materials, residually co-collected food and green materials, and anerobic digested derived from allowable Tier I feedstocks.”
The following is provided for clarification. The economic considerations analyzed the cost of pond installation. The General Order allows several engineered equivalent alternatives including alternative methods for construction of worksurface; alternatives for pond lining; and alternative to pen systems. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WFRs for a composting operation.

In response to stakeholders’ comments, the 25-year annual return design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Even though the revised requirement may result in construction of a smaller pond, it is determined that it will be protective of water quality because dischargers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed. The draft General Order section Design, Construction and Operation Requirements - 46 Tab, revised language states, “Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to: causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of undrained flows and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board.”

Table 2-1, Allowable Feedstocks identifies acceptable forms of feedstocks but does not exclude certain waste material commonly found in composting facilities. Construction waste such as gypsum drywall and grease water from restaurants are often included in feedstocks that result in substantial odor problems for downwind communities. It is not clear from Table 2-1 Allowable Feedstocks if these two materials, which have apparently been allowed at some composting facilities in the past, will still be allowed, and under what circumstances, in the future. SGCD staff recommends providing additional information on other waste materials that should be limited or excluded from composting facilities.

Chapter 3.1 of the draft EIR states, “The EIR assesses both the impacts from an existing composting operation due to retrofits for compliance, as well as impacts that would occur from a new operation’s compliance with the General Order. This analysis is necessary at a generalized level as it would be speculative for the State Water Board to predict the actual choices for compliance at any specific location and estimate the magnitude of impacts for a site-specific composting operation within the state.” Chapter 6.2.1., pg. 59 states, “Future review of individual composting operations is likely to require additional site-specific CEQA review, including site specific air quality studies that could include further modeling or analysis of these particular air quality and GHG impacts on a project-by-project basis.” Reference to the Sonoma County Waste Management Agency Composting Facility draft EIR (Sonoma Compost EIR) was provided as an example of air quality concerns if construction activities are needed for existing composting operations to comply with the General Order.

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The Lead Agency (SWRCB) is aware that for site-specific project analyses, the UREBEMS2007 model needs to be supplemented to include the additional combination GHGs and GHG emissions from indirect sources, (http://www.calencom.com/ "ARGE"). Table 6-5 of the draft EIR does not represent a statewide analysis of air quality impacts resulting from adoption of the General Order. Chapter 3.1 of the draft EIR states, “The EIR assesses both the impacts from an existing composting operation due to retrofits for compliance, as well as impacts that would occur from a new operation’s compliance with the General Order. This analysis is necessary at a generalized level as it would be speculative for the State Water Board to predict the actual choices for compliance at any specific location and estimate the magnitude of impacts for a site-specific composting operation within the state.” Chapter 6.2.1., pg. 59 states, “Future review of individual composting operations is likely to require additional site-specific CEQA review, including site specific air quality studies that could include further modeling or analysis of these particular air quality and GHG impacts on a project-by-project basis.” Reference to the Sonoma County Waste Management Agency Composting Facility draft EIR (Sonoma Compost EIR) was provided as an example of air quality concerns if construction activities are needed for existing composting operations to comply with the General Order.

As noted, the UREBEMS2007 model is referenced in this draft EIR Table 6-5 footnotes. Table 6-5 is taken from TABLE 5-4 of the Sonoma Compost EIR. The Sonoma Compost EIR (TABLE 5-F) indicates that the UREBEMS2007 model was supplemented for the Sonoma project to obtain GHG analysis. SWRCB acknowledged this supplemental analysis in the paragraph below Table 6-5 of the draft EIR by referring to some of the data in the Sonoma Compost EIR Table 5-8. Again, reference to the Sonoma Compost EIR was provided solely as an example of air quality concerns and does not represent a statewide analysis of GHG impacts resulting from the adoption of the General Order.

It is the intent of the General Order to provide regulation of materials with the potential to pose a threat to water quality, within the authority granted to the Water Boards. Feedstock materials that are not listed in Table 2 are not allowed under the General Order. (See Finding 31 of the General Order), unless approved by the Regional Water Board. “A The General Order provides an option for dischargers to propose other materials for use as additives and amendments (Specifications 1.4 and 4). Regional Water Board may limit or prohibit the use of an additive or amendment if the use of the additive or amendment could result in pollution or nuisance.” Under Specification, Finding 3, it is required that “All feedstocks, additives, amendments, and compost leachates, or final products shall not cause to conditions of pollution, contamination, or nuisance.”

Chapter 6.2.1 of the EIR states, “Significant upgrades to existing operations or the construction of new operations would still require approval from local land use planning agencies. Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance. This EIR does not address these site-specific project approvals and shall not change the CEQA compliance requirement for the project approvals.” Chapter 6.2.1. states, “Future review of individual composting operations is likely to require additional site-specific CEQA review, including site specific air quality studies that could include further modeling or analysis of these particular air quality and GHG impacts on a project-by-project basis.”
Although the suggested mitigation measures may be helpful to include for declaratory purposes, revising the draft EIR to incorporate the suggestions is not recommended because it would not change the conclusions in the analysis. Mitigation measures listed in Chapter 6 of the EIR are examples of recognized and accepted measures that are routinely required by regulatory agencies. However, it should be noted that the State Water Board does not have authority to require implementation of mitigation related to the air quality impacts of existing or new composting operations approved by local authorities. The ability to require such measures is within the purview of jurisdictions with local land use approval and/or permitting authority. Chapter 2.6 of the EIR states, “Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance. This EIR does not address these site-specific project approvals and will not change the CEQA compliance requirement for the project approach.” Chapter 6.2.1.6. future reviews of individual composting operations is likely to require additional site-specific CEQA review, including site-specific air quality studies that could include further modeling or analysis of those particular air quality and O3 impacts on a project-by-project basis.” The General Order would not authorize, approve, permit, or in any way support the location, construction, or operation of a new composting operation (except as for compliance with the General Order). The SWRCB does not have the authority to impose mitigation measures as suggested. Mitigation measures were listed for declaratory purposes and do not represent requirements imposed by SWRCB.

<table>
<thead>
<tr>
<th>Letter No.</th>
<th>Agency</th>
<th>Representative</th>
<th>Comment Number</th>
<th>Comment</th>
<th>Staff/Response</th>
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<tbody>
<tr>
<td>26</td>
<td>South Coast Air Quality Management District</td>
<td>Jillian Wong</td>
<td>3</td>
<td>EQMMD staff recommends adopting additional mitigation measures to further reduce emissions from on and off-road heavy-duty equipment; Please see Attachment for additional mitigation measures.</td>
<td>Although the suggested mitigation measures may be helpful to include for declaratory purposes, revising the draft EIR to incorporate the suggestions is not recommended because it would not change the conclusions in the analysis. Mitigation measures listed in Chapter 6 of the EIR are examples of recognized and accepted measures that are routinely required by regulatory agencies. However, it should be noted that the State Water Board does not have authority to require implementation of mitigation related to the air quality impacts of existing or new composting operations approved by local authorities. The ability to require such measures is within the purview of jurisdictions with local land use approval and/or permitting authority. Chapter 2.6 of the EIR states, “Such local land use planning agencies would likely act as lead agency for project-specific CEQA compliance. This EIR does not address these site-specific project approvals and will not change the CEQA compliance requirement for the project approach.” Chapter 6.2.1.6. future reviews of individual composting operations is likely to require additional site-specific CEQA review, including site-specific air quality studies that could include further modeling or analysis of those particular air quality and O3 impacts on a project-by-project basis.” The General Order would not authorize, approve, permit, or in any way support the location, construction, or operation of a new composting operation (except as for compliance with the General Order). The SWRCB does not have the authority to impose mitigation measures as suggested. Mitigation measures were listed for declaratory purposes and do not represent requirements imposed by SWRCB.</td>
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<td>27</td>
<td>SYNAgro Technologies</td>
<td>Layne Baroldi</td>
<td>1</td>
<td>Per General Order Facilities include Sub-Class B Biosolids. Composting is related upon by California’s wastewater agencies to safely convert their biosolids and sewage sludge, including sub-Class B sewage sludge to Class A biosolids compost</td>
<td>The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the criteria concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a “process to significantly reduce pathogens” presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. The General Order is not expected to impact public wastewater agencies that handle compost materials that are beyond the scope of the General Order.</td>
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<tr>
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<td>SYNAgro Technologies</td>
<td>Layne Baroldi</td>
<td>2</td>
<td>Synagro would like to emphasize that comprehensive federal and state regulations exist to ensure the safety and benefits producing biosolids-based compost from all forms of sewage sludge, including sub-Class B biosolids. US EPA utilized decades of research to develop their risk-based, scientifically peer-reviewed regulations known as the “Part 503 rules,” 40 C.F.R. Part 503. The safety of production and land application of biosolids compost in compliance with the Part 503 rules has also been endorsed by two studies by the National Academy of Sciences (NAS) (1998 and 2002). In fact, the 2002 NAS report concluded that “there is no documented scientific evidence that Part 503 has failed to protect public health.”</td>
<td>The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the criteria concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a “process to significantly reduce pathogens” presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. The allowance of Class A, Class B, and Class EQ biosolids as feedstocks is based in part, on EPA’s 1994 document, “A Plain English Guide to the EPA Part 503 Biosolids Rule,” which provides guidance for implementation of 40 CFR 503.</td>
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<td>SYNAgro Technologies</td>
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<td>3</td>
<td>Synagro has observed in jurisdictions throughout the nation where additional burdensome compost regulations are adopted beyond Part 503 requirements, that cities and wastewater agencies face more difficult finding methods to recycle or dispose of their biosolids with absolutely no corresponding benefits to human health and the environment. Once adopted, such rules encourage further restrictions and bans elsewhere, characteristically based on misinformation and anti-scientific rhetoric rather than science. Other available disposal options are typically, and unnecessarily, more expensive to the taxpayers and a detriment to the environment.</td>
<td>The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the criteria concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a “process to significantly reduce pathogens” presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. The General Order is not expected to impact public wastewater agencies that handle compost materials that are beyond the scope of the General Order.</td>
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<td>SYNAgro Technologies</td>
<td>Layne Baroldi</td>
<td>4</td>
<td>Synagro is concerned that the enforcement of a permitting process consistent with the proposed General Order that limits Tier II Allowable Feedstocks for wastewater residuals to only “Class A, B, and/or EQ” biosolids will harm the public wastewater agencies statewide that do not have the infrastructure to produce Class B biosolids and rely on composting to safely manage their material. Their material will have to be disposed of in landfills unless they are willing to permit a facility through the onerous Regional Board site-specific WQD process. Tier 1 General Order facilities should include sub-Class B biosolids.</td>
<td>The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the criteria concentrations listed in 40 Code of Federal Regulations, part 503.13, Table 1, in addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order. Sewage sludge is defined as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage at a municipal wastewater treatment facility. Sewage sludge that has not been treated with a “process to significantly reduce pathogens” presents a higher threat to public health and the environment, and is therefore prohibited from being discharged under this General Order. The General Order is not expected to impact public wastewater agencies that handle compost materials that are beyond the scope of the General Order.</td>
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<td>27</td>
<td>SYNAgro Technologies</td>
<td>Layne Baroldi</td>
<td>5</td>
<td>It appears that existing composting facilities permitted pursuant to individual the onerous regulatory requirements of Regional Board WQDRs are excluded from needing to acquire a General Order permit. Finding F3 7 on page 6 of the January 6, 2015 version of the General Order states: “Existing composting operations, except those with individual WQDRs or conditional waivers of WQDRs that address the composting operation, [emphasis added] are required to seek coverage under this General Order by submitting a complete Notice of Intent (NOI) (Attachment C), including the appropriate filing fee (Cal. Code Regs., tit. 23, § 2200), and a technical report including, but not limited to, information requested in Attachment D to the Regional Water Board. The NOI, filing fee and technical report must be submitted within one year of adoption of the General Order. The technical report shall include a schedule for full compliance and must be as short as practicable but may not exceed 6 years from the date of the NOI.) Synagro is requesting confirmation from the SWRCB that composting facilities permitted pursuant to individual Regional Board WQDRs are excluded from needing to acquire a General Order permit for existing operations and amendments to existing WQDRs.</td>
<td>Composting operations that are permitted under individual WQDRs are not required to be covered under the General Order. Additionally, composting operations that are co-located with other facilities with WQDRs that cover the composting operations are not required to be covered under the General Order. Filing 13 states, “discharges covered by individual WQDRs or a conditional waiver of WQDRs may continue discharging under that authority until such time expires or comes for renewal. At that time, or earlier at the discretion of the Regional Water Board, it is a condition of the State Water Board that Regional Water Boards will endorse all eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue individual WQDRs for composting operations. If a composting operation is co-located at a landfill or other facility that has individual or general WQDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WQDRs include requirements for the composting operation as determined by the Regional Water Board.”</td>
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Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations

The General Order supports California's 75 percent diversion goal by allowing a diverse range of compost feedstocks and a tiered regulatory approach to address large and small operations. Additionally, the General Order does not limit the types of diversion technologies nor the feedstock materials that may be used in the State, but provides a regulatory mechanism for composting operations with similar wastes and operations, as provided in Water Code section 13263.

There is no volume restriction for anaerobic compost as compost feedstock, so long as the materials are derived from allowable Tier I and Tier II sources, within the parameters of the applicable tier. The 30% volume limit is for use of any material as an additive at Tier II facilities; the volume of anaerobic compost as additive is the same as other additive volumes. Volume limits for anaerobic compost as an additive apply to anaerobic digestate that is derived from materials other than the allowable Tier I and Tier II feedstocks.

Development of additive percent limitations considered a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, and additive limitations imposed by other states. Tier I facilities have no requirements such as improved working surfaces or ponds, thus limiting higher threat additive materials to 10% is an approach that would be protective of water quality. The 30% additive limit for Tier II facilities is based, in part, on the concept that more than 30% of a compost material is a feedstock quantity. Additionally, greater percentages of raw materials such as fertilizing materials may have the potential to create anaerobic or other undesirable conditions.

Water Code section 13260 requires, in part, that any person discharging waste, or proposing to discharge waste, that could affect the quality of the water of the state, shall file a report of waste discharge. Water Code section 13263 states, in part, that the Regional Water Board shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge.

Wastewater from composting operations has the potential to create elevated levels of nitrate concentrations, metals, salts, and pathogens in groundwater. Threat to water quality by compostable materials may be reduced through management practices. The General Order implements a combination of Best Management Practices, Best Practicable Treatment or Control (BPT/C) measures, including feedstock limitations, additive restrictions, and wastewater handling requirements.

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DRAFT – July 23, 2015
Written Comments on the Draft Environmental Impact Report and General Waste Discharge Requirements for Composting Operations
(The due date for submission of written comments was 12:00 noon on Monday, March 2, 2015.)

Regional Water Boards are required by Water Code section 13263, subdivision (a) to prescribe waste discharge requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs.

Paragraph 13 of the General Order, “Dischargers covered by individual WDRs or a conditional waiver of WDRs are subject to federal, state or local laws controlling water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDRs include requirements for the composting operation as determined by the Regional Water Board.”

The following clarifies the applicability of the General Order for composting operations that are co-located with and covered under WDRs for other operations. A composting operation may be co-located with, or otherwise waste management facility that is covered under individual WDRs.

The General Order was written to streamline permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263. Refer to General Order, Finding 4. Under Section 13263, the purpose of the General Order is to harmonize composting regulations on chip and grind facilities to the scope of the General Order.

The General Order has been revised to clarify that chip and grind facilities and operational areas that are co-located with composting operations may be exempt from the General Order. Chip and grind operations may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate.

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Paragraph 13 of the General Order, “Dischargers covered by individual WDRs or a conditional waiver of WDRs are subject to federal, state or local laws controlling water quality, the Regional Water Board may issue individual WDRs for a composting operation. If a composting operation is co-located at a landfill or other facility that has individual or general WDRs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDRs include requirements for the composting operation as determined by the Regional Water Board.”

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The General Order has been revised to clarify that chip and grind facilities and operational areas that are co-located with composting operations may be exempt from the General Order. Chip and grind operations may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate.
In response to stakeholders' comments, the references to "process water", "process wastewater", "non-process wastewater", and "wash water" have been revised and consolidated under the single term, "wastewater". The definition of wastewater has been revised as: "Refers to leachate or any other liquid flowing from, or on the working surface of composting facilities.

Tier I and Tier II facilities are required to control and manage all "wastewater" that comes in contact with compost operational and storage areas under conditions of a 25-year, 24-hour peak storm event at minimum. Discharges that exceed the design storm event required by the General Order may be subject to a National Pollutant Discharge Elimination System (NPDES) permit.

The definitions for "Food Material" and "Vegetative Food Material" in the General Order have been revised, to be consistent with CalRecycle’s definitions. The definitions have been modified by removing "...to the maximum extent possible at the point of generation..." and adding "...expedited from the municipal solid waste stream..." to our definition for Food Material and Vegetative Food Material.

In support of municipal co-collection programs, the General Order has been revised to include "residentially co-collected food and green materials", defined as "food scraps, food-soiled paper, and related items that are produced in a residential setting and are not set out for co-collected with green materials (e.g., yard trimming) as part of a municipal co-collection program...". No more than 10% of residential food material may be co-collected with green materials.

An option to notify the Regional Water Board by email has been added to the General Order under Attachment B.

In response to stakeholder comments, the definition of "Wetland Vessel and Fully Enclosed" has been revised to read: "...so refers to a vessel of containing, curing, or storing any feedstock within a fully enclosed vessel or container...". The organic material is covered in all sides and rests on a static surface with environmental controls for managing all wastewater...".

In response to stakeholder comments, references to "process water", "process wastewater", "non-process wastewater", and "wash water" have been revised and consolidated under the single term, "wastewater". The definition of wastewater has been revised as: "Refers to leachate or any other liquid flowing from, or on the working surface of composting facilities.

The following are provided to clarify applicability of the 100-foot setback requirements. "Surficially collected water bodies" are defined in the General Order as follows: "Surficially collected water bodies...".