Alternative Requirements and Specifications for Pond Installation: Our coalition remains concerned that the current specifications are too restrictive and do not provide flexibility for alternative installation, including alternative monitoring requirements. The size of the ponds required under this order do not correspond to the risk posed by these facilities and would be prohibitively expensive for many operators.

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 dischargeers are required to submit a Water and Wastewater Management Plan with the NOI and technical report that describes how wastewater will be managed.

Revised Language to replace Specification 6 with below:

6. Detention ponds, if used, must be designed, constructed, and maintained to prevent contaminants 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 wind-driven waves and water-ridden 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.

Deployment ponds, if used, shall be managed as described in the facility’s Water and Wastewater Management Plan.

Additive versus amendment definitions and tier limits remain unclear, especially as it pertains to restrictions on anaerobic digestate use. Additives are “materials that are mixed with feedstock 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 solids blend. Amendments do not include agriproducts, biosolids, or compost feedstock.”

In response to stakeholders 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 term “...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 solids blend. Amendments do not include agriproducts, biosolids, or compost feedstock.”
5. Under Prohibition 4.c. Use of anaerobic digestate derived from sewage sludge as an additive or amendments is prohibited.

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. Additive limits for anaerobic digestate are the same as for other materials.

The food material definition requires clarification and should align with the additive and amendment definitions as they relate 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.

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, vegetative food material, and anaerobic digestate derived from these materials are allowable as feedstocks with the appropriate Tier I and II parameters.

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 trimming) as part of a municipal co-collection program. No more than 10% of residential food material may be composted 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.”
<table>
<thead>
<tr>
<th>Letter No.</th>
<th>Agency</th>
<th>Representative</th>
<th>Comment Number</th>
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<th>Staff Response</th>
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<tbody>
<tr>
<td>1</td>
<td>California Refuse Recycling Council</td>
<td>Dan Noble</td>
<td>4</td>
<td>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.</td>
<td>The intent of the compliance schedule is to provide a period for facilities to obtain funding, and to make capital investments, some of which are 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 &amp; 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 5 (five) 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.” 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.</td>
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<td>2</td>
<td>California Refuse Recycling Council</td>
<td>Dan Noble</td>
<td>5</td>
<td>Ultimately we feel that Appendix D, “Economic Considerations,” does not capture the full cost of compliance with this order, and therefore requires a reanalysis, especially as it pertains to the aforementioned issues. We are eager to provide you with more technical data so that a full economic impact analysis can be completed.</td>
<td>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 Regional Water Board. The General Order is not intended to provide a method of streamlining permitting of composting operations, that may represent a greater threat to water quality. The Regional Water Board may issue individual WDORs for a composting facility. If a composting operation is located at a landfill or other facility that has individual or general WDORs, the composting operation does not need to be covered under this General Order if the landfill or other facility’s WDORs include requirements for the composting operation as determined by the Regional Water Board. “</td>
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<tr>
<td>1</td>
<td>ASSN OF COMPOST PRODUCERS</td>
<td>Dan Noble</td>
<td>1</td>
<td>Facility Parameters are too varied: Given the significant variability in size, weather, soil types, depth to groundwater, feedstock types, etc., of compost facilities throughout the state and the poor candidate for this type of regulatory approach. These facilities are not suited to a “one size fits all” approach to potential ground water protection.</td>
<td>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 Regional Water Board. 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. 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 10⁻⁶ 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 less 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 over a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. 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 $410 million. Construction materials and costs will vary from composted soil to concrete, so the actual costs may also vary depending on location and the options selected.</td>
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<tr>
<td>2</td>
<td>ASSN OF COMPOST PRODUCERS</td>
<td>Dan Noble</td>
<td>2</td>
<td>No Evidence of a Problem in Dryer Climates: Since the start of the process, and especially in dryer climates (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 shows there is any movement of potential contaminants, through the soil column, into the groundwater. So the question still remains, why is an issue of concern, monolithic, statewide regulation being sought or considered as needed? This is especially true when there is no evidence that such protection is necessary to oversee the material managed in the state?</td>
<td>Compostable material may contain nutrients metals, salts, pathogens, and oxygen-reducing compounds that may degrade water quality. Tier II facilities process large quantities of compostable materials, that may represent a greater threat to water quality. Currently, many composting operations are not permitted and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13261, subdivision (a) to prescribe waste discharge requirements (WDORs) 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 WDORs. 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 cost. 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 WDORs. 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.</td>
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**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.)
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 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 many written recommendations, Water Board staff has yet to address the data, the cost or the operational concerns we have repeatedly presented.

The question of whether or not existing composting facilities within the footprint of a Regional Board-owned landfill or other facility that is covered under individual 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. *

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 their operations process. If this management area is to be managed through this General Order process, we see absolutely no reason for excluding stand-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 feed stocks and products on as level playing field as possible, so that the environmental regulations are not barely favor one product over another. This includes not only chip & grind mulch, but also compost, biofilters and biochar. All of which start with various combinations of organic residual feedstocks of green material, biosolids, manure and foodscraps. We recommend that the chip & grind operations not be exempted from this General Order.

We 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 many 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 simplifies 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 facilities and a focused regulatory approach to address large and small operations. The General Order does not limit the types of diversion technologies nor the feedstocks materials that may be used in the State, but provides a regulatory framework for composting 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 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.

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 the General Order if the landfill or other facility’s WDRs include requirements for the composting operation as determined by the Regional Water Board. *

The question of whether or not existing composting facilities within the footprint of a Regional Board-owned landfill or other facility that is covered under individual WDRs includes a compost facility. Finding 13 has been revised to clarify the applicability of the General Order to co-located facilities. *“...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.”* Finding 13 has been revised to clarify that chip and grind facilities and operational areas that are co-located with composting operations exempt from 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 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, a 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 active composting temperatures. 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 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 continuously for the past 20 years, there is no evidence of any "contaminated" water whatever moving through soil beneath the facility and into the groundwater basin.

Compost material may contain nutrients metals, salts, pathogens, and oxygen-reducing compounds that can degrade water quality. In addition, ten 9 facilities process large quantities of compostable materials. Larger volume of materials represent a greater threat to water quality. Water Code section 13265 requires, in part, that any person disposing waste, or proposing to dispose of waste, that could affect the quality of the water of the state, 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 13265, subdivision (a) to prescribe waste discharge reporting requirements (WDRs) addressing any proposed discharge, existing discharge, or material change in an existing discharge. It is the intent of the Regional Water Board to prescribe regulations of materials that pose a threat to water quality, within the authority of the Water Code. The General Order provides a more streamlined approach to permitting discharges from composting operations than individual WDRs.

The General Order’s hydraulic conductivity specification for working surfaces (pits) of 1 X 10⁻⁶ centimeters per second (cm/sec) at all facilities does not result in an impervious surface. Additionally, the General Order allows dischargers to propose a groundwater monitoring program in lieu of creating less pervious working surfaces. However, 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 impervious surface.

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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 the 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 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, a 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 active composting temperatures.

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, a 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 active composting temperatures.
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 considered a variety of factors, including potential threat to water quality by additive materials, design specifications for protection of water quality, and practical considerations, such as feasibility at existing facilities that are currently permitted under individual permits. 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 manures contain pathogens, nitrates, 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 a feedstock. Additionally, greater percentages of raw materials such as fertilizing 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 1a and 1b: the terms "...and amendments..." are removed, so percent amendment limits apply only to additives.
2. New provision is added in address amendment limits: "For Tier I and Tier II facilities, the type/facility amendments must be specified in a NOI and a technical report.”
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 color aspect. Amendments do not include seepate, 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^-4 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 Boards' 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/.

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^-4 cm/s 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 considered. If all existing Tier II composting operations installed 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 Boards 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/.

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The Draft Order in Provision 4.f would prohibit the discharge of sludge "including but not limited to sewage
Engage in a transparent working process to address the specific flaws that we see in both the content and
Moreover, Finding 26 states that biosolids used as a feedstock must, at a minimum, meet concentrations
Specific wording outlined in the industry coalition letter has been put forth, and through the above process
The Draft Order would prohibit the use of biosolids, as defined by the Draft Order, from being an additive or
Possibility economic burdens that may be associated with the General Order were considered. The General Order includes options that enable dischargers to propose equivalent experimental
Conflict with current or proposed regulations is not anticipated. The General Order was developed with input from Regional Water Boards, CalRecycle, other agencies, and stakeholders.
The General Order would not apply to existing biosolids composting facilities. If they are covered under individual WDRs or conditional waiver of WDRs, or are associated with another facility with strictures that include requirements for the composting facility. Finding 13 of the General Order is revised to provide more clarification: "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 feasible or economically viable, the Regional Water Board may issue individual WDRs for a composting facility. If a composting facility 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 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 the Draft Order. However, we assume that sub-class B biosolids would continue to be allowed as a feedstock for composting facilities subject to individual WDRs or conditional waiver of WDRs. Please confirm our understanding with respect to sub-class B.
Sub-class B biosolids are not allowable feedstocks under the General Order. Sub-class B, Class A, or EQ biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503, Table 1. In addition to the criteria for Class A, B, or EQ, as defined in Attachment A of the General Order, sub-class B has not been treated with a "process to significantly reduce pathogens" and is considered to be "biosolids" as defined in the order, and therefore prohibited. Sub-class B biosolids may continue to be regulated under individual, site-specific WDRs.
Discharge of sewage sludge is prohibited in the General Order but biosolids (sewage sludge treated to Class A, B, or EQ standards) are allowed as Tier II feedstocks for composting operations. For purposes of the General Order, sewage sludge has been treated to Class A, B, or EQ standards under 40 Code of Federal Regulations 503, no longer considered sewage sludge, and therefore biosolids. The biosolids definition in Attachment A has been modified to clarify: "biosolids - sewage sludge that has been treated, tested, and meets:• The Class A or Class B pathogen control requirements in 40 CFR part 503.32(a) or (b).• The Ceiling 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 part 503.32(a) or (b).• One of the Vector Attraction Reduction requirements in 40 CFR part 503.32(b)(1 - 8).• Exceptional Quality (EQ) biosolids - Biosolids meeting relevant 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 503.32(a), and section 503.32(b)(1-8), respectively."
Nonetheless, biosolids are allowed as feedstocks at Tier II facilities (Refer to Table 7, Allowable Feedstocks).
Finding 26 and the "biosolids" definition in the General Order require all biosolids to meet the Concentrations in 40 Code of Federal Regulations (CFR) 503.13, Table 1. Therefore, Class A biosolids that do not meet 40 CFR 503.13 Table 3 in the aggregate 40 CFR 503.13 Table 1 would not be allowable feedstocks.
Removing Prohibition 9 is not recommended. "Use of biosolids as an additive or amendment is prohibited", consistent with CalRecycle's regulations. (California Code of Regulations, Title 14, Natural Resources, Division 7. California Integrated Waste Management Board, Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements, Article 1. General, Section 17692, Definitions). One reason for this prohibition is that additives or amendments may not go through the entire composting process, and may not be subjected to sufficient temperatures and duration with the potential to remove all pathogens and vectors.
Biosolids are allowed as feedstocks at Tier II facilities (Refer to Table 7, Allowable Feedstocks).
Agency: California Compost Coalition (CCC)

Comment: We are concerned that the monitoring requirements under A.3.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 “each delivery.” This amount of sampling is extensive, and is not necessary to ensure protection of water quality. Accordingly, we respectfully request that this monitoring requirement be re-evaluated.

Under the General Order, biosolids must meet the required sampling conditions in Table 1 of the 40 Code of Federal Regulations part 503. Biosolids not meeting the sampling conditions would fall under the definition of sewage sludge, which is prohibited. Dischargers may demonstrate the biosolids meet the criteria for allowable feedstocks, either through analytical data provided by the supplier, or by conducting their own sampling and laboratory testing. It is not unreasonable that a composting operation would require a supplier to make the demonstration that the product meets an applicable equivalent alternative approved by the Regional Water Board.

The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations, part 503. In Table 1, in addition to the criteria for CAs A, B, or E1, as defined in Attachment A of the General Order: Sewage sludge is defined as a solids, semi-liquid, 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.
<table>
<thead>
<tr>
<th>Letter No.</th>
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<th>Representative</th>
<th>Comment Number</th>
<th>Comment</th>
</tr>
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<tbody>
<tr>
<td>4</td>
<td>California Compost Coalition</td>
<td>Neil Edgar</td>
<td>4</td>
<td>The ER favors to discuss the potential impacts of Volatile Organic Compounds (VOC) emissions (generated by materials which may no longer be composted), Greenhouse Gas (ER favors to recognize the significant GHG benefits from composting materials removed from landfilling, and Public Service (The potential contamination of available composting capacity following adoption of these proposed WDRs) will impact and/or change the ability of jurisdictions throughout the State to meet their statutory and regulatory obligations in the delivery of public waste management services) because of loss of composting infrastructure due to increased cost imposed by GO.</td>
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<td>4</td>
<td>California Compost Coalition</td>
<td>Neil Edgar</td>
<td>5</td>
<td>Impact 5.1 addresses permanent preservation. One mitigation not mentioned in the draft ER involves the co-location of composting operations at operating, permitted landfills as one of the means that the General Order is intended to achieve. California Compost Coalition (CCC) has been proactive in facilitating the creation of new composting capacity, one of the keys to achieving the 50% 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.</td>
</tr>
<tr>
<td>4</td>
<td>California Compost Coalition</td>
<td>Neil Edgar</td>
<td>6</td>
<td>Impact 5.1 addresses habitat and species conservation. Mitigation 5.1 prohibits construction activities during the rainy season with requirements for seasonal winterization measures. This impacts its intent to prohibit construction outside of the rainy season with winterization measures. This change, if adopted by the GO, may result in non-compliance with the California Environmental Quality Act (CEQA) as a result of significant habitat degradation. The ER 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 7.2.1, the ER discloses that..., changes to individual composting operations are proposed. As expected that there will be additional CEQA-compliance requirements. The impacts of these requirements will be limited. The analysis concluded that composting in the State would not be adversely affected by the GO. Therefore, it is not reasonably foreseeable that there would be a loss of waste diversion capacity in the Public Services sector as a result of the proposed General Order.</td>
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<tr>
<td>4</td>
<td>California Compost Coalition</td>
<td>Neil Edgar</td>
<td>7</td>
<td>Chipping and grinding facilities and operations are no more unlikely to degrade water quality than composting facilities, which are nearly identical. Operations of composting facilities are an integral part of nearly all composting operations, managing the same green feedstocks materials. We believe this exemption is based on a flawed assumption regarding chipping/grounding operations that materials are transplanted and, therefore do not represent a consistent potential source of contaminants. While materials are required to be removed from the site within 48 hours (or up to 7 days with LEA approval) chipping and grinding facilities are nearly always the custodians of feedstock piles of green materials, either before or after processing, the sites are rarely devoid of stockpiles.</td>
</tr>
<tr>
<td>4</td>
<td>California Compost Coalition</td>
<td>Neil Edgar</td>
<td>8</td>
<td>The definition of &quot;Food Material&quot; provides flexibility as to the allowance of food-based paper/packaging and other non-food materials from processing waste (i.e., expired, packed food products, wet/dry collection [or other corrugated] systems, MRF residuals, residential co-collection of food material and green material, and other collection programs where food material may not be &quot;separated from solid waste to the maximum extent possible&quot; (emphasis added) at the point of generation. As written, the phrase &quot;to the maximum extent possible&quot; appears to be highly subjective and would allow many compost facilities from coverage under these WDRs, given the nature of the composting industry to provide green waste material capacity in the next few years. Additionally, this definition 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.</td>
</tr>
<tr>
<td>4</td>
<td>California Compost Coalition</td>
<td>Neil Edgar</td>
<td>specific comment</td>
<td>Below are recommendations and concerns regarding specific language in the draft WDRs. Finding 5b, pg. 8 the potential for the Order to allow 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 minimum six year timeframe to be identified in the technical report, from the date of this submittal.</td>
</tr>
</tbody>
</table>
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 in releasing carbon dioxide at a rate of at least 15 milligrams 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 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 stage. 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."

3. 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 downstream engineered alternative measures that create conditions to protect water quality, as determined by the Regional Water Board.

4. The following is provided to clarify applicability of the 100-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 water line for tidally influenced water bodies, or the natural or revised bank for creeks and rivers. The General Order describes setbacks from the Nearest Surface Water Supply Well. 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 stormwater 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 streamlines and simplifies permitting of composting operations with similar wastes and operations, as provided in Water Code section 13263, 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, Finding 28.b. provides an alternative that applies to all facilities, including existing 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. Dischargers may propose to implement equivalent engineered alternative measures that create conditions to protect water quality, as determined by the Regional Water Board.

5. The Order requires operators to be setback at least 150 feet from the nearest surface water body. The Order should clarify that this requirement does not apply to stormwater management systems, conveying conveyance systems, sedimentation ponds or storage ponds, or appurtenant facilities, as they are not considered “water bodies.” Additionally, the Order should clarify that the setback 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 Order should allow liquids collected in detention ponds to be re-applied to compost piles. The Order should be revised to allow use of these same liquids for beneficial reuse at integrated facilities, such as for dual control or vegetative maintenance on the compost pad areas or on lined portions of the landfill. Specific places in the Order where this revision may be applicable include, but are not limited to: a) Findings 22 and 23, gss. 3-4; b) EIR Impact 15.2, pg. 14; Beneficial reuse of water, including use for wash down of compost pads, the compost process, vegetative maintenance, or dual control on the compost pad areas and lined portions of the landfill should be allowed under the Order.

6. 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 in releasing carbon dioxide at a rate of at least 15 milligrams 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.

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Final Product - "The compost material that has completed the curing stage. 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 “Within Vessel and Fully Enclosed” has been revised to read, "Refers to the action of receiving, composting, curing, or storing any feedstock or final product within a fully enclosed vessel or within a fully enclosed vessel that is specifically designed to comply with a specific hydraulic conductivity standard to limit infiltration of liquids to the compost area. Such vessels shall contain active, curing or final product. Within Vessel and Fully Enclosed includes the fully enclosed vessel or container, its containment structures, materials and any contaminants, or substances carried by the composting operation or stored therein that are the result of the composting or curing process or that are incidental to the composting or curing process."
California Compost Coalition (CCC) specific comment 8 Finding 44.b., pg. 11: The Order asserts to imply 100% storm water storage, i.e. zero discharge, if zero discharge is the standard, then that should be specified throughout the Order, and the economic analysis should be modified to reflect the new zero discharge standard.

- 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 Order should describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities should be 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 an National Pollutant Discharge Elimination System (NPDES) permit.

California Compost Coalition (CCC) specific comment 9 Finding 52, pg. 11: The last sentence should be revised to read: Therefore, to the extent that a particular compostable material and compost system 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 20250, subdivision (a)(1) because the compostable material and compost system runoff presents a lower risk to water quality than typical designated wastes when managed as required by this General Order.*

- In response to stakeholders’ comments, the Order refers to “contain storm water on-site” has been revised in the General Order to “contain storm water on-site.” Additionally, the California Compost Coalition has revised the term “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 or any other liquid flowing from, or on the working surface.”

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California Compost Coalition (CCC) specific comment 10 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 operative California Industrial General Permit.

- In response to stakeholders’ comments, the reference to “contain storm water on-site” has been revised in the General Order to “contain storm water on-site.” Additionally, the California Compost Coalition has revised the term “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 or any other liquid flowing from, or on the working surface.”

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California Compost Coalition (CCC) specific comment 11 Permittees (p. 17): Prohibiting discharge of overflow and wastewater from composting operations seems to require that there is no runoff whatsoever beyond the compost facility boundary. The Order should clarify that discharge to engineered drainage ditches and conveyances to detention ponds or other containment which may be located on adjacent property is permitted.

- Discharge of overflow, wastewater, and stormwater to ditches and conveyances that are outside the compost facility’s property and that are not associated with the facility’s Water and Wastewater Management Plan is prohibited under this General Order. If a compost facility proposes to manage wastewater by discharging it to engineered drainage ditches, conveyances, detention ponds, or other containment which are located on an adjacent property, then the design and operation must be described in the facility’s Water and Wastewater Management Plan and approved by the Regional Water Board. The discharge of storm water to adjacent ditches or adjacent properties is not covered by this General Order, and may be subject to an NPDES permit.

California Compost Coalition (CCC) specific comment 12 Specification 6.b., pg. 17: The Order should reference to “any green batch of compost” as this would require the use of AD digesters to a pile by pile level versus an overall biomass mass.

- The percent of additives relative to the total volume of composting materials is no longer being on the scale of the bath (the additive is a percentage of the volume of the feedstock being added) of the compost. The Order should also reference that the additives are applied to the compost based on a 25-year, 24-hour storm event at minimum. To calculate the additive percentage by the batch (or pile) rather than the entire biomass mass.

California Compost Coalition (CCC) specific comment 13 Design, Construction, and Operation Requirements 8.g., pg. 16: Requiring detention ponds to maintain a dissolved oxygen concentration in the upper zone of at least 0.1 mg/l, at any time is overly restrictive. The Order should be revised to allow for no more than three weekly measurements before 1.0 mg/l (if there are no nuisance issues) prior to the site being deemed in violation.

- The dissolved oxygen concentration limits were developed as part of Best Practicable Treatment or Control measures. “To prevent unacceptable conditions in wastewater and as a result reduce odors, this specification is also listed as a mitigation measure for reduction of objectionable odors with the potential to affect a substantial number of people.” Based on the experiences from the Regional Boards, the 1.0 mg/l is an appropriate level that is not expected to generate odors, whereas DO concentrations less than 1.0 mg/l may generate odors.

California Compost Coalition (CCC) specific comment 14 Design, Construction, and Operation Requirements 9.g., pg. 16: a. can run counter to local management procedures for bioswales and ponds, i.e. diked and other plants in bioswales and storage ponds can uptake nutrients. The Order should be revised to delete sections 9.a-c, as section 9.d, which addresses coordination with local mosquito abatement authorities, is sufficient to address this concern.

- The general order was not revised in response to this comment. The detention ponds specifications in the General Order for mitigating the breaching of mosquito screens through erosion control, weed control, removal of dead algae, vegetation, and debris take into consideration the need to prevent nuisance odors, as specified in the Water Code sections 13263 and defined in section 13500 (m). Mosquito abatement requirements are necessary to prevent nuisance conditions or risks to public health related to mosquito breeding.

California Compost Coalition (CCC) specific comment 15 Design, Construction, and Operation Requirements 11.g., pg. 20: The Order should be clarified so it does not become a “dry ditch standard”: The Order should reflect an understanding that there will be incidental water in these ditches during and following storms and even in dry weather, as water from wash down and compost pile watering may occur in collection ditches on a routine basis. The Order should be revised to alter the phrases “prevent ponding” to “minimize ponding” and “continuous flow of liquid” to “optimum flow of liquid”.

- 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 Order should describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities should be 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 an National Pollutant Discharge Elimination System (NPDES) permit.

California Compost Coalition (CCC) specific comment 16 Working Requirement 2.a, pg. 21: The Order should be revised to provide that, “The discharger will be given the opportunity to review and comment on any site-specific MRP within 30 days to ensure its accuracy, applicability, and practicability.”

- In response to stakeholders’ comments, the General Order will not be revised to allow groundwater monitoring in lieu of pond or tanks. The General Order requires Tier I work 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 the compost management system. Lidded detention ponds or tanks are necessary wastewater containment features that allow drainage of wastewater that drains from working surfaces. The General Order requires terms to prevent run-on and run-off. The pond provides a greater threat to water quality than (and a part of) the composted 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.

California Compost Coalition (CCC) specific comment 17 Working Requirement 3. pg. 21: Consistent with our previous comments the Order should be revised to provide that a groundwater protection monitoring program be an option in lieu of detention pond design and construction requirements currently proposed on page 20.

- 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 Order should describe the design, operations, and maintenance of the systems, including water balance calculations and assumptions, if required. Tier I and Tier II facilities should be 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 an National Pollutant Discharge Elimination System (NPDES) permit.
Report Requirement 4, pg. 22: Consistent with other California regulations and the permitting, 45 days of notification, which provides for timely review on applications, the Order should be revised to specify that the Regional Water Boards commit to either provide a request for additional information of completeness determinations on all projects within 30 days or all projects will be deemed complete within 30 days of receipt of the Regional Water Board. Absent such comments or approvals, the project shall be deemed completed and the requested project can proceed. Such approval shall not be unreasonably delayed.

Under the General Order, the discharger must submit an NOI and technical report as specified in Attachment D and Attachment E 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 upon 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 work plan is approved.

In response to stakeholders’ comments, the General Order has been revised to increase the post-construction report submittal timeline to 60 days.

The NOI submitted to the Regional Water Boards must be signed as specified in the General Order, under Reporting Requirements, No. 1. This requirement is consistent with the requirements of the Regional Water Boards - Application/Report of Waste Discharge General Information Form for Waste Discharge Requirements or NPDES Permit. (Form DIS).

Notification Requirement 1, Revised Notice of Intent has been revised as follows: The discharger must submit a revised NOI to the Regional Water Board, CalRecycle, and the Local Enforcement Agency at least 30 days prior to (1) adding a new feedstock, additive, or amendment; (2) changing material or construction specifications; (3) changing a monitoring program; or (4) changing an operation or activity that was not described in the approved NOI and technical report. This Regional Water Boards have discretion to request a technical report, and specify the timeline for submission and review of the report.

The Regional Water Boards have discretion to request a technical report within 15 days of receipt of the revised NOI so that necessary changes or projects are not delayed and that notices of deficiencies or approvals be issued by Regional Water Board within 30 days of receipt.

The NOI submitted to the Regional Water Boards must be signed as specified in the General Order, under Reporting Requirements, No. 1. This requirement is consistent with the requirements of the Regional Water Boards - Application/Report of Waste Discharge General Information Form for Waste Discharge Requirements or NPDES Permit. (Form DIS).

Notification Requirement 4. Violation of Notification Requirements, page 25, has been revised to be consistent with the language in Attachment B, No. 4 Violation of Notifications. Work shall be up to the discretion of the Regional Water Boards to determine if 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 has been revised to remove the “subject to approval” language to remove the need 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.

The Regional Water Boards have discretion to request a technical report, and specify the timeline for submission and review of the report.

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<td>4</td>
<td>California Compost Coalition (CCC)</td>
<td>Neil Edgar</td>
<td>specific comment 27</td>
<td>Definition of “Additives,” 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.</td>
</tr>
<tr>
<td>4</td>
<td>California Compost Coalition (CCC)</td>
<td>Neil Edgar</td>
<td>specific comment 28</td>
<td>Definition of “Containment Structures,” pg. A-3: This definition should be revised to exclude final product.</td>
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<td>4</td>
<td>California Compost Coalition (CCC)</td>
<td>Neil Edgar</td>
<td>specific comment 30</td>
<td>Definition of “Process Wastewater,” pg. A-1: 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.</td>
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<td>specific comment 31</td>
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CORC believes that chipping and grinding facilities and operations should not be exempted from coverage under those WDRs, as the two are no more unlikely to degrade water quality than composting operations, with their operational characteristics being nearly identical. Chipping and grinding facilities are an integral part of nearly all composting operations, managing the same green materials. We believe this exemption is based on a flawed assumption regarding chipping/grinding operations that materials are transient, and therefore do not represent a consistent potential source of contaminates. While materials are required to be removed from the site within 48 hours (or up to 7 days with LEA approval) chipping and grinding facilities are nearly always the custodians of landfill-like piles of green materials, either before or after processing; the sites are rarely devoid of stockpiles. A significant proportion of green materials processed at chipping and grinding facilities are subsequently delivered to land application sites with little or no regulation. Land application continues to undermine potential feedstock sources for the organics processing industry, while increasing the potential for spreading pathogens, physical contamination, and invasive pests throughout the state.

The following clarifies the applicability of the General Order to chipping and grinding operations. The General Order was written to assimilate 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 in composting operations. For the purposes of the General Order, the chipping and grinding process is not similar to the compost process. Based on CalRecycle’s current and proposed regulations (Title 14), the chipping and grinding 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 chipping and grinding operations that are co-located with composting operations are exempt from requirements of the General Order. Chipping and grinding facilities may be subject to 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 discloses that land application of uncomposted green material could be a threat to water quality if not applied in a manner that is protective of water quality. The EIR discusses potential impacts from land application practices, including the spread of pests and plastic contaminates 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, RORs 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 by the General Order.

The definition of “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 of Food Material and Vegetative Food Material.

The support of municipal co-collection programs, the General Order has been revised to include the term “residually co-collected food and green material”, 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 commingled with green materials.” The list of Tier I diarrheal bacteria 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.”
We again find inconsistencies between Title 14 and the proposed order. For instance, Item 30 f(1) of the draft order requires exempt composting facilities completely cover all materials during rain events to prevent the leachate from percolating into the groundwater. We believe this is unnecessary and contrary to the intent of the SWRCB to ensure consistent regulation. CalRecycle has provided input on the General Order since its early stages of development. CalRecycle and the Water Boards continue to share information, attend joint meetings, and collaborate as much as possible, while retaining separate authority as mandated in the Solid Waste Disposal Regulatory Reform Act of 1993 (AB 1220).

The General Order is not anticipated to conflict with Title 14 or Title 27 regulations. CalRecycle has separate regulatory authority from the Water Boards. CalRecycle's current and proposed compost regulations have been reviewed, and conflicts with current or proposed regulations are not anticipated. The General Order was developed with input from Regional Water Boards, CalRecycle, other agencies, and stakeholders. CalRecycle has provided input on the General Order since its early stages of development. CalRecycle and the Water Boards continue to share information, attend joint meetings, and collaborate as much as possible, while retaining separate authority as mandated in the Solid Waste Disposal Regulatory Reform Act of 1993 (AB 1220).

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<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>
<td>Additive and amendment definitions have been revised to clarify the usage and the differences between additives and amendments, consistent with CalRecycle's definitions. Additives are &quot;materials that are mixed with feedstocks or active compost to create a favorable condition...&quot; Amendments are &quot;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.&quot; 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. A 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. terms &quot;...and amendments&quot; are removed, so that percent limits apply only to additives. 2. New provision is added to address amendment limits: &quot;For Tier I and Tier II facilities, the tiered amendments must be specified in a NOI and/or a technical report.&quot; 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 &quot;Definitions&quot;: &quot;Amendments&quot; definition is revised to be consistent with CalRecycle: &quot;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.&quot;</td>
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<td>California Refuse Recycling Council (CRRC)</td>
<td>Veronica Pardo</td>
<td>3</td>
<td>Food Material Definition - definition is unclear and must support other regulatory definitions as they relate to the management of food waste in California.</td>
<td>The definitions for &quot;Food Material&quot; and &quot;Vegetative Food Material&quot; in the General Order have been revised to be consistent with CalRecycle's definitions. The definitions have been modified by removing &quot;...to the maximum extent possible at the point of generation...&quot; and adding &quot;separated from the municipal solid waste stream&quot; 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 &quot;residentially co-collected food and green material,&quot; defined as &quot;food scraps, food soiled paper and paper products, yard trimmings produced in a residential setting and are set out to be co-collected with green materials. No more than 10% of residential food material may be commingled with green materials.&quot; The list of Tier I/II Feedstocks has been revised to include &quot;agricultural materials, green materials, paper materials, vegetative food materials, residentially co-collected food and green materials, and anaerobic digestate derived from allowable Tier I feedstocks.&quot;</td>
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<td>Veronica Pardo</td>
<td>4</td>
<td>Compliance Schedule Timeline – we are concerned that the compliance timeline does not take into account the full capital and operational costs the General Order would impose</td>
<td>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 begin operation. In response to findings in the EIR's Economic Considerations, a conditional exemption for small composting operations with less than 3,000 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 condition of process waste and water waste 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. While the General Order may have a temporary impact to planning and construction of large or complex facilities (Tier II and those requiring individual WDRs), it may encourage development of smaller Tier I operations or exempt operations (less than 5,000 cubic yards). Tier I facilities are not required to comply with hydraulic conductivity requirements for pads, ponds, and drainage ditches. The following clarification of policy objectives and the General Order is proposed: The Water Board has authority over water quality aspects of discharges to land under the Water Code and CalRecycle's authority under the Public Resources Code. CalRecycle's authority does not extend to water quality. The General Order is not anticipated to conflict with CalRecycle's current or proposed regulations. The General Order and the EIR were developed with input from Regional Water Boards, CalRecycle, other agencies, and stakeholders. CalRecycle has provided input on the General Order since its early stages of development.</td>
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<td>8</td>
<td>California Resource Recovery Association (CRRA)</td>
<td>John Gane</td>
<td>1</td>
<td>CRRRA 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 9.1.1, and other sustainability goals of the state.</td>
<td>The General Order supports California's 75 percent diversion goal by providing a streamlined process for permitting composting operations, by allowing a tiered range of compost feedstocks, and a tiered regulatory approach to address large and small operations.</td>
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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 (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 may be subject to an Industrial General Permit or site 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 pathogen 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 require a permit to: obtain a waste discharge to the appropriate Regional Water Board for review and approval. Land application is currently being regulated through State Water Board programs such as the Irrigated Lands Regulatory Program, WDRs and/or conditional waivers. 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.

California Resource Recovery Association (CRRA)

John Dane

2 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 comment regarding chipping and grinding facilities: Chip and grinding operations as required to be installed, significantly underestimating the impact on the composting industry in several ways. It assumes that there will be no economic impact due to the calculations for pond sizing in the economic analysis appear to use “average” rainfall amounts, not the 25 year annual return values required to be installed, soiled paper/packaging, and grind) materials that are not covered the General Order.

The definitions for “Food Material” and “Vegetable 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 “separating from the municipal solid waste stream” to our definition for Food Material and Vegetable 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 material,” defined as “food scraps, food soiled paper and related items that are produced in a residential setting and are not set 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 commingled with green materials.” The list of Tier I Feedstocks has been revised to include “agricultural materials, green materials, paper materials, vegetable food materials, residentially co-collected food and green materials, and wax-soiled disposable created from allowable Tier I feedstocks”.

The 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 a 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/sec) for working surfaces and drainage conveyances. However, the General Order allows (a generally less costly option of groundwater monitoring in lieu of the hydraulic conductivity requirement for working surfaces and drainage conveyances. The economic analyses 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.

In addition, the cost of 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.

There is no specification for treating or hauling wastewater in the General Order, this fact is not discussed in the Economic Considerations. Dischargers may choose to treat or haul wastewater as a management option.

In response to comments received from the stakeholders, the 25-year annual return design requirement for ponds has been revised to a 25-year 24-hour peak storm design 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 General Order section Design. Construction and Operation Requirements - All Tiens, residential 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 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, or equivalent alternative approved by the Regional Water Board.”
August 4, 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.)

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<td>5</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 for Tier 1).</td>
<td>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.</td>
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<td>The Board should consider increasing the hydraulic conductivity requirements for the pads and ponds for greenwaste-only facilities to reduce the cost of compliance for facilities that do not pose a major risk.</td>
<td>Revised Language. A. 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 wind-driven waves and water reused in the composting operations), 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. B. Detention ponds, if used, shall be managed as described in the bolcky's Water and Wastewater Management Plan.</td>
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<td>Nick Lapis</td>
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<td>The Alternatives Analysis done as part of the EIR was unnecessarily deterministic of the &quot;increase Hydraulic Conductivity Pad Requirement Alternative.&quot; 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 criteria other than groundwater contamination.</td>
<td>The following is provided to clarify that preparation of the draft EIR included consideration of the alternative for increasing the hydraulic conductivity of the pad; the alternative to the General Order was maintained because increasing the hydraulic conductivity requirement could result in working surfaces being undertaken by permeable materials. The Draft EIR analysis found that a higher pad hydraulic conductivity increased the likelihood of infiltration through soil and potential for degrading groundwater and is expected to have a greater negative impact on water quality than the project. The Tier II Facilities - Increase Hydraulic Conductivity Pad Requirement Alternative was dismissed for the reasons stated in the Draft EIR: &quot;The alternative of allowing a hydraulic conductivity value of 7 x 10^-4 cm/sec was provided in the draft EIR. If all existing Tier II operations elect 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 lining or concrete bed, 12-inch thick, engineered end that meets the minimum hydraulic conductivity of 7 x 10^-4 cm/sec was provided in the draft EIR. 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 $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.</td>
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<td>The impacts on water quality object the final paragraph which is the basis for rejecting this alternative was explained as being &quot;described in Chapter 11.&quot; We have not been able to find an analysis in Chapter 11 that showed the composting of the materials covered under this order would have a greater groundwater impact than composted on coarse-textured soils. The only relevant references we could find in Chapter 11 was to a Kennedy/Caines study from 2007, which does not actually show groundwater impacts from facilities composting the materials covered under this regulation.</td>
<td>Revised Language. A. 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 wind-driven waves and water reused in the composting operations), 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. B. Detention ponds, if used, shall be managed as described in the bolcky's Water and Wastewater Management Plan.</td>
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<td>Coarse-textured soils generally exhibit higher hydraulic conductivities as compared to the lower hydraulic conductivities generally exhibited by finer grained soils, such as silt and clay. Coarse textured or grained soil generally do not provide the barrier type of condition for soil-to-groundwater movement as would finer-grained soils with a lower hydraulic conductivity. Data collected from Regional Water Basins is compiled and provided in the Draft EIR, Appendix J – Water Quality Data.</td>
<td>Revised Language. A. 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 wind-driven waves and water reused in the composting operations), 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. B. Detention ponds, if used, shall be managed as described in the bolcky's Water and Wastewater Management Plan.</td>
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<td>Tier II facilities have hydraulic conductivity requirements for working surfaces, and requirements for ponds or tanks to handle waste water. Large volumes of greenwaste compost require other additive materials (up to 30% under the General Order) to initiate the compost process. These additive materials may contain other contaminants such as pathogens, nitrates, or salts that present a greater risk than green waste.</td>
<td>Revised Language. A. 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 wind-driven waves and water reused in the composting operations), 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. B. Detention ponds, if used, shall be managed as described in the bolcky's Water and Wastewater Management Plan.</td>
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<td>Revised Language. A. 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 wind-driven waves and water reused in the composting operations), 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. B. Detention ponds, if used, shall be managed as described in the bolcky's Water and Wastewater Management Plan.</td>
<td>Revised Language. A. 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 wind-driven waves and water reused in the composting operations), 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. B. Detention ponds, if used, shall be managed as described in the bolcky's Water and Wastewater Management Plan.</td>
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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.

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 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 the provisions in the General Order only if not properly land applied, green waste has the potential to adversely impact water quality. However, land application of green waste is not prohibited if the discharge of wastewater 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 certain 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 unprocessed 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.

City of San Francisco Department of the Environment

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 storm water management systems, including conveyance systems, sedimentation ponds or storage ponds, or appurtenant facilities, as they are not considered “water bodies.” Additionally, the Order should clarify that the setback 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 the applicability of the 150-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; mean high tide line for tidal waters; distance measured to the outer edge of the usual high water mark for other water bodies; or, the outer edge of the usual high water mark in the case of temporary or ephemeral water bodies as defined in Water Code Section 13260. 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 considered “grandfathered” on the basis of existing prior to 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 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 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.”

However, Finding 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.” Dischargers may implement equivalent engineered alternative measures to evade conditions that are adequate to protect water quality, as determined by the Regional Water Board.
The Order should delete use of the word “misdemeanors.” The term “misdemeanors” was not removed from the General Order. Failure to furnish the reports by the due date or to failing to furnish the reports at all results in a Notice of Violation and/or imposition of a fine. The language is typical for VORs and is included in Water Code section 13261: “a person who fails to furnish a report or pay a fee under Section 13260 when required to do so by a regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”

City and County of San Francisco
Department of the Environment

The area is necessarily isolated in a dedicated area away from the active and curing compost and may be excluded from working surface hydraulic conductivity requirements under the following conditions:

1. The definition of working surface has been revised to allow segregation of final product:
- Curing Compost – Thermophilic phase may last from several days to several weeks. During this phase, temperatures are maintained at 140 Fahrenheit during composting, or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of active compost per day, or the equivalent of oxygen uptake. This high temperature on the product promotes pathogen reduction, and can last several months.”
- Final Product – The compost material that has completed the curing phase. Residual nutrients are present in the compost material for animal feed or fertilizer composting. The compost is not suitable for use as a farm or agricultural operation and is not subject to a composting operation.”

City and County of San Francisco
Department of the Environment

The area is necessarily isolated in a dedicated area away from the active and curing compost and may be excluded from working surface hydraulic conductivity requirements under the following conditions:

5. The area is necessarily isolated in a dedicated area away from the active and curing compost and may be excluded from working surface hydraulic conductivity requirements under the following conditions:

BB. Municipal ordinances and regulations include, but are not limited to, the California Code of Regulations, Title 14, Natural Resources Division 7, California Integrated Waste Management Board, Chapter 3.1, Compostable Materials Handling Operations and Facilities.
The Economic Considerations provided in Appendix D is lacking sufficient information in some key, but critical, areas, which significantly underestimate the cost impacts of these WDRs. The economic analysis assumes initial capital investments of approximately $2.5 million in retention ponds, monitoring wells, and drains; this analysis disregards the reality that a significant number of compost facilities will be required to install operating pads in order to meet water quality objectives, at a total cost multiple many times higher than the estimates provided. It is a significant omission to conclude that there will be no economic impact from construction of operating pads due to these new standards. The economic analysis fails to include the cost of wastewater treatment and/or disposal that will be incurred by facilities operating following the implementation of these WDRs.

2. The Class A or Class B pathogen control requirements in 40 Code of Federal Regulations part 503.32(a) or (b); and
3. The costs of applying for and obtaining a permit under 40 Code of Federal Regulations part 503.33(b)(7).

The General Order will not apply to composting facilities with existing individual WDRs or conditional waivers, or that are co-located with other facilities with WDRs that include the composting operation. The General Order is intended to cover composting operations that are not covered under individual WDRs or conditional waivers or do not fit the criteria for this General Order. Chip and grind operations that are co-located with composting operations are exempt from requirements of the General Order because those operations do not fit the criteria for this General Order.

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.

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 12636. For the purposes of the General Order, 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 land for 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.
Let me start by applauding the General Order. I can see no doubt that it will improve our water quality, and now we can finally see an end to the substandard facilities that we have been dealing with for years. It is not right that facilities that have made considerable investments in protecting water quality will have to endure 6 more years of unfair competition? I cannot see such an extended time period to be in any way helpful to the development of the composting industry.

As the industry is already short of time for those facilities to get clean or get out. It is not right that facilities that have made considerable investments in protecting water quality will have to endure 6 more years of unfair competition? Is it right that facilities that have made considerable investments in protecting water quality will have to endure 6 more years of unfair competition? I cannot see such an extended time period to be in any way helpful to the development of the composting industry.

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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 really works for the regulated community?

Compostable material may contain nutrients viable, salts, pathogens, and nitrogen-reducing compounds that can degrade water quality. Water Code section 13380 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 Board, and have not collected or reported monitoring data. Regional Water Boards are required by Water Code section 13383 subdivisions (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 involved with earlier concepts 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 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 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 to either reviewing sections of the General Order, or by drafting responses to clarify reasons for not making revisions.

The Economic Considerations provided estimated costs to comply with the General Order. Please refer to the General Order, Design, Construction and Operation Requirements - Tier II only, Item 1. There is no requirement in the General Order that existing operations be paved. Existing operations are required to have a hydraulic conductivity of \(1 \times 10^{-5}\) cm/sec or less. This requirement can be accomplished in a variety of ways, including compacted soils or a thickness of one foot, asphaltic concrete or Portland cement concrete, or an equivalent engineered alternative specified by the NOI and approved by the Regional Water Board. Discharges 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, included results of a study of Tier II composting operations, 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.

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/cemented pad, 12-inch thick, designed to meet the hydraulic conductivity requirement of \(1 \times 10^{-5}\) cm/sec was provided in the draft EIR. 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.

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 greater 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.

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Referral 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 start/stop 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."

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Along these lines, we are concerned that the economic analysis performed as part of the EIR was at a minimum limited in scope (only 6 facilities surveyed) and made unrealistic assumptions that lowered the perceived economic impact of the proposed regulation. For example, the economic analysis assumed that operators will not have to upgrade their operational areas with paved surfaces. Under very likely circumstances, the proposed WDRs would in fact require paving or other costly mitigation measures.

Therefore, the economic impacts of the proposed WDRs are grossly understated. And as understated, the true costs of the proposed regulation have not been adequately quantified. What are the real costs of General Order compliance?

The Economic Considerations provided estimated costs to comply with the General Order. Please refer to the General Order, Design, Construction and Operation Requirements - Tier II only, Item 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 accomplished in a variety of ways, including compacted soils or a thickness of one foot, asphaltic concrete or Portland cement concrete, or an equivalent engineered alternative specified by the NOI and approved by the Regional Water Board. Discharges 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, included results of a study of Tier II composting operations, 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 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/cemented pad, 12-inch thick, designed to meet the hydraulic conductivity requirement of \(1 \times 10^{-5}\) cm/sec was provided in the draft EIR. 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.

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.

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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/cemented pad, 12-inch thick, engineered pad that meets the minimum hydraulic conductivity of \(1 \times 10^{-5}\) cm/sec was provided in the draft EIR. 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.

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.

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Another area of concern in the proposed WDRs is the treatment of Anaerobic Digestate. The proposed WDRs do not appear to fully understand the nature of anaerobic digestate as it relates to composting. For example, in Attachment B: Digestate is lumped together with biosolids when it is being monitored. Also, the WDRs appear to arbitrarily prohibit more than 10 or 30 percent of anaerobic digestate per batch of compost in certain circumstances. This limitation appears to be arbitrary and there is no health and safety, environmental protection, or other scientific basis given in the General Order or EIR. What is the scientific basis for an arbitrary 10 or 30 percent limit of Anaerobic Digestate in composting?

Here 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. Additive volume limits apply to other materials the same as anaerobic digestate.

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 of existing facilities that are currently permitted under individual WDRs, and additive limitations by other states. Tier II 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 feedstocks. The 10% limitation applies only if Tier II facilities to minimize any other threats 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 new materials such as forestry 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.b. The terms "...and amendments" are removed, so that percent limitations apply only to additives.
2. New provision is added to address amendments limits. "For Tier I and Tier II facilities, the Tier I amendments must be specified in a NOI and/or a technical report, and approved by the Regional Water Board;".
3. The specification of additive designations and additive limits for Tier II facilities is unchanged. The specification of additive designations and additive limits 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 additives for certain compost products, such as product bulk, product nutrient value, product pH, and soil blend. Amendments do not include sewage sludge or other additive material."
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 each 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.

Composting operations that do not meet the criteria of the General Order may be more appropriately regulated under individual WDRs, as determined by the Regional Water Board. Finding 13 of the General Order has been revised to clarify this point and states, 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."
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 groundwater monitoring has taken place continually for the past 20 years, there is no evidence of any "contaminated" water migrating through the facility to 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 appear to be very adequately protected by a healthy soil layer and compost.

In August 2015, the California Air Resources Board directed staff to conduct a cost-benefit analysis of the requirements of the General Order, which was completed in 2016. The analysis concluded that 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. The General Order approach is intended to streamline permitting, thus increasing the number of facilities that could earn 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 cm/s was provided in the draft EIR. If all existing Tier II composting operations elected the groundwater monitoring option in lieu of upgrading their working surfaces to meet the hydraulic conductivity requirement, the statewide capital investment cost would be approximately $25 million.

The hydraulic conductivity specification for working surfaces (pads) was 1 X 10^-5 cm/s or less. This requirement can be accomplished in a variety of ways, including compacted soil, asphaltic concrete or Portland cement concrete, or an equivalent engineered alternative specified in an NOI and approved by the Regional Water Board.

Composting operations that fall under Tier II 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 X 10^-5 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: groundwater monitoring instead of upgrading the working surfaces to meet the hydraulic conductivity requirement. 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, and drainage conveyance, the statewide capital investment is estimated to be as much as $460 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.
There has been no acknowledgement or explanation of how the new Water Board’s Dairy Cares and the Agricultural Council’s comments will be addressed.

Our primary concern is that theDraft Order could be interpreted in a manner that would require dairy facilities to obtain additional permit coverage through the Draft Order for any composting pile, which we would agree is good for the environment.

The California dairy industry and its operations are currently subject to detailed water quality requirements, and are required to comply with water quality standards, through NPDES permits, waste discharge requirements, and whichever waste discharge requirements issued by various California Regional Water Quality Control Boards (Regional Water Boards). Implementation and compliance of these orders is costly and has profoundly affected dairies' water quality discharge requirements issued by various California Regional Water Quality Control Boards (Regional Water Boards). Implementation and compliance of these orders is costly and has profoundly affected dairies' water quality.

California currently operates under two organic waste diversion programs. The first is a Local Assistance Program designed to encourage adoption of source reduction and recycling practices. The second is the State Ongoing Waste Reduction Program, which provides financial incentives for waste diversion activities.

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 NPDES program through Individual General Permits. The EIR for the General Order describes 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. 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/.

Conflict with current or proposed Title 14 or Title 27 regulations is not anticipated. CalRecycle has separate regulatory authority from the State Water Board. These are multiple regulatory considerations for composting operations. Chapter 12 of the draft EIR states, "No single agency regulates composting in California. Composting may involve environmental regulatory oversight by CalRecycle, AIR Resources Board (ARB), the nine Regional Water Boards, local air quality management districts, and local land use planning agencies. The State and Regional Water Boards have the authority and responsibility to protect water quality, which includes regulating composting operations, and activities that have the potential to cause adverse water quality impacts." 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 waste for the purpose of protecting the waters of the state." Title 27, Chapter 1, Section 20005 (b) (T14. Section17601) states that CalRecycle does not address air or water quality aspects of the environment that are regulated by other state or local agencies. CalRecycle's current and proposed compost regulations were reviewed, and no conflict with current or proposed regulations is anticipated. Additionally, CalRecycle has provided input on the General Order since its early stages of development.

The California dairy industry and its operations are currently subject to detailed water quality requirements, and are required to comply with water quality standards, through NPDES permits, waste discharge requirements, and whichever waste discharge requirements issued by various California Regional Water Quality Control Boards (Regional Water Boards). Implementation and compliance of these orders is costly and has profoundly affected dairies' water quality.

Composting wastewater is not prohibited from reuse in the composting process.

CalRecycle, Air Resources Board (ARB), the nine Regional Water Boards, local air quality management districts, and local land use planning agencies. The State and Regional Water Boards have the authority and responsibility to protect water quality, which includes regulating composting operations, and activities that have the potential to cause adverse water quality impacts. 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 waste for the purpose of protecting the waters of the state." Title 27, Chapter 1, Section 20005 (b) (T14. Section17601) states that CalRecycle does not address air or water quality aspects of the environment that are regulated by other state or local agencies. CalRecycle's current and proposed compost regulations were reviewed, and no conflict with current or proposed regulations is anticipated. Additionally, CalRecycle has provided input on the General Order since its early stages of development.

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The California dairy industry and its operations are currently subject to detailed water quality requirements, and are required to comply with water quality standards, through NPDES permits, waste discharge requirements, and whichever waste discharge requirements issued by various California Regional Water Quality Control Boards (Regional Water Boards). Implementation and compliance of these orders is costly and has profoundly affected dairies' water quality.
Manure is a beneficial agricultural material. On another note, the Draft Order proposes to exclude manure from dairy facilities – discouraging composting at dairies, perhaps even among dairies already composting – as well as potential environmental impacts. Such impacts to dairy facilities were not evaluated or anticipated in the Draft EIR.

The following provides clarification of applicability of the General Order to composting operations co-located on dairy facilities and/or farms. Duplicative regulation 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.

Dairy composting operations which may choose to process feedstocks from other locations or sell or give away more than 1000 cubic yards would be required to seek coverage under the General Order or another regulatory mechanism. Revising the General Order to include manure as a feedstock for Tier II operations is not recommended. 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. Manure is allowed as an additive under Tier I facilities as long as it does not exceed 10 percent of the total volume of feedstock for any given batch of compost.

The following is provided to clarify the applicability of the General Order and the scope of the draft EIR. Depending on the operations, dairy composting operations may be regulated under other permits beyond the scope of the General Order, or may meet the criteria for Tier II facilities. It is beyond the scope of the draft EIR to analyze the impact of specific compliance choices by dairy composting operations as this would be speculative. Chapter 3.1 of the draft EIR states "this analysis is necessarily 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." Therefore, impacts to dairy facilities and resulting environmental impacts were not specifically evaluated in the draft EIR because this analysis would be speculative.

According to the definition of Agricultural Composting, dairy facilities choosing to compost materials generated on site may be exempt from coverage from the General Order. (See Finding 30 and Attachment A). Agricultural Composting operations may be covered under other permits beyond the scope of this General Order. It should be noted that Agricultural Composting, as defined in the General Order, does not include feedstocks to Agricultural Materials, as defined in the General Order. Daily composting operations which may choose to process feedstocks from other locations or sell or give away more than 1000 cubic yards would be required to seek coverage under the General Order or another regulatory mechanism. Revising the General Order to include manure as a feedstock for Tier II operations is not recommended. 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. Manure is allowed as an additive under Tier I facilities as long as it does not exceed 10 percent of the total volume of feedstock for any given batch of compost.

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 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 unlikely 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 operations, the conditional exemption for operations with less than 5,000 cu yd 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.

While the General Order may have a temporary impact on planning/construct/construction of large or complex facilities (Tier I and those requiring individual WDRs), it may encourage development of Tier II operations and small operations with less than 5,000 cu yd (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.
By the time it was mentioned by a representative of the water board that the local water agency could decide that the compost operation did not have to follow the state requirements. Did I totally misunderstand? Because, if time it was mentioned (by a representative of the water board) that the local water agency could decide that the compost operation did not have to follow the state requirements. Did I totally misunderstand? Because, if

Regional Water Boards have the authority to implement the General Order. The State Water Board and Regional Water Quality Control 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 13501. The concept of a General Order as provided in the Water Code, is to provide a method of streamlining and simplifying permitting operations of 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.

All 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.

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 is an

A composting operation may use 100 percent of anaerobic digestate as compost feedstock so long as the digestate meets the allowable feedstock requirements of Table 2. There is no volume

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 limitation of the alternative composting facilities are also provided. As mentioned, the composting operations that use chicken litter may use a maximum of 10% of the total volume of Tier I and Tier II feedstocks.

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 is an

A composting operation may use 100 percent of anaerobic digestate as compost feedstock so long as the digestate meets the allowable feedstock requirements of Table 2. There is no volume

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 limitation of the alternative composting facilities are also provided. As mentioned, the composting operations that use chicken litter may use a maximum of 10% of the total volume of Tier I and Tier II feedstocks.

A composting operation may use 100 percent of anaerobic digestate as compost feedstock so long as the digestate meets the allowable feedstock requirements of Table 2. There is no volume

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A composting operation may use 100 percent of anaerobic digestate as compost feedstock so long as the digestate meets the allowable feedstock requirements of Table 2. There is no volume

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A composting operation may use 100 percent of anaerobic digestate as compost feedstock so long as the digestate meets the allowable feedstock requirements of Table 2. There is no volume

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A composting operation may use 100 percent of anaerobic digestate as compost feedstock so long as the digestate meets the allowable feedstock requirements of Table 2. There is no volume

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 limitation of the alternative composting facilities are also provided. As mentioned, the composting operations that use chicken litter may use a maximum of 10% of the total volume of Tier I and Tier II feedstocks.
The definition of Animal Carcasses includes all animal carcasses and is not limited to mammals. Finding 31 of the General Order states, “Discharges 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.” Animal carcasses may be more appropriately regulated by individual WDRs or other 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 are responsible to protect water quality. LA-Cycle has separate regulatory authority from the State Water Board pursuant to Public Resources Code Section 43101; this authority does not extend to water quality.

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 composting operations more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board, 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.”

Refer to the General Order, Scope of this General Order, Finding 28: “Only composting operations that comply with the allowable feedstock and setback requirements are eligible for coverage under this General Order.”

The following is provided to clarify the scope of the General Order and 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.” 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 farm and disposed of as part of the litter. The litter is then composted on-site or hauled to a composting facility.

Implementing 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 would they be forced to) and would continue operating under the current operations they have received from the appropriate Regional Water Board. If an offsite composting operation that currently accepts chicken litter waste cess coverage under the General Order, it is expected that they will continue operations under individual WDRs or other orders issued by the Regional Water Board.
17 Graham Savage Nolan & Tilden for Bull Holdings Corp.  

Mark Odobich  

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 compliance 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 this General Order and may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board. The General Order, Finding 31 states: "Discharges of the following 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 (animal carcasses) may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board." 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. 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." Composting operations that currently accept chicken litter containing spent fowl would not be able to 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 offsite 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 composter and would only need 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 feedstocks 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.

18 Harvest Power California LLC.  

Linda Novick  

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 compliance 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 this General Order and may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board. The General Order, Finding 31 states: "Discharges of the following 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 (animal carcasses) may be more appropriately regulated by individual WDRs or other orders issued by the Regional Water Board." 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. 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." Composting operations that currently accept chicken litter containing spent fowl would not be able to 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 offsite 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 composter and would only need 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 feedstocks 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.

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 generalized discussion of impacts unrelated to the General Order is provided for disclosure purposes 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 landfills.

Concerns are shared with stakeholders that, if properly land applied, green waste has the potential to adversely impact water quality. However, land application of green waste is a discharge of waste to land subject to the enforceable requirements of Water Code Section 13260 et seq., which requires discharges 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 regarding 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.
The following is provided to clarify Regional Water Board authority for implementing the General Order. The Regional Boards have discretion to approve or disapprove an equivalent alternative proposed in a NOI and to issue an individual WDR. 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.

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 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 General Order section Design, Construction and Operation Requirements - All Tiers, 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 wind-driven waves), and water reused in the composting operation, all runoff from the wastewater 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.

In response to stakeholders’ comments, the definition of “Food Material” has been revised to include “Vegetative Food Material” as a separate category. The definition of “Vegetative Food Material” includes all plant matter that is produced in a residential setting and is set out to be co-collected with green materials (i.e., yard trims) as part of a municipal co-collection program. No more than 10% of food material delivered to composting facilities may be non-food material. The revised definition includes the term “separated from the municipal solid waste stream” to our definition for Food Material and Vegetative Food Material.

In response to stakeholders’ comments, the definition of “maximum extent possible” has been revised to include the term “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 response to stakeholders’ comments, the definition of “process water”, “process wastewater,” “non-process wastewater,” and “wash water” has been consolidated as a separate category. The definition now includes the terms “to the maximum extent possible” for both process wastewater and non-process wastewater.

The definition of “Regional Water Board” includes the Executive Officer.

The Regional Boards, through the Executive Officer, shall maintain the ability to provide alternative 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 be helpful to clarify this issue in the purpose of the document.

Executive Officer of the Regional Board be able to approve an alternative based on site specific information.

We are concerned that the size of the pond required to accommodate this event at both Harvest facilities would result in equal protection to groundwater.

The analysis of the cost of constructing the pond and pond requirements needed to include the actual cost of the pond and size of the pond. The groundwater monitoring option was assumed to be the less expensive option. Over time, this is not necessarily the case since the annual cost for monitoring is significantly higher than that of pond maintenance. 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 analyzed 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 loss of land available for composting and therefore represents a loss in revenue. The analysis did not include other engineered, or tested, alternatives that would result in equal protection to groundwater.

Right Tier I compost facility operators volunteered to provide cost and revenue data for the economic analysis. This draft Environmental Impact Report (EIR), Appendix C, 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 10⁻⁵ 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 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 cement/concrete, 8-inch thick, engineered pad over a variable aggregate base that would exceed the hydraulic conductivity requirement, were 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.

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 Board may issue individual WDRs for a composting operation...
The Pad and Pond requirements and monitoring protocol do not specify a variety of options to be protective of groundwater quality. The pad requirement of the hydraulic conductivity combined with one foot minimum thickness is excessive under some conditions. Additionally, ponds do not necessarily require the level of compaction and lining described in the hydraulic conductivity requirement. If the pond meets this requirement with natural materials, it is not clear why the additional liner system is required.

The General Order specifies a pad/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 equivalent alternative must be evaluated for equivalent assurance of the earliest possible detection or prevention of a release. For Tier II facilities process large quantities of compost product that may contain pollutants; larger volumes of leachate present greater threat to water quality. The State Water Board's hydraulic conductivity requirements for pad and pond are designed to reduce leachate and leachate infiltration to groundwater. A discharger has the option to propose an equivalent engineered alternative in an NOI and Technical Report (e.g., natural geologic conditions support the detention pond requirements), for approval by the Regional Water Board. The definition of Regional Water Board includes the Executive Officer: “All references to a Regional Water Board includes the Executive Officer, who may act for the Regional Water Board in carrying out this General Order.”

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 compost 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. The General Order specifies a pad/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 in an NOI and Technical Report (e.g., natural geologic conditions support the detention pond requirements), for approval by the Regional Water Board. The definition of Regional Water Board includes the Executive Officer: “All references to a Regional Water Board includes the Executive Officer, who may act for the Regional Water Board in carrying out this General Order.”

For new facilities, the timeline is an NOI submitted 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.
At various places in the documents the use of the terms composting, compost and finished product are used to describe activities on the site. Active compost in the process of the composting process is the activity that should be regulated as part of this Order. The finished product is not regulated at farms, nurseries or other points of sale if it leaves the facility. The finished product should not be subject to the same parameters as the material in the active phase of composting. Harvest suggests that the final product be distinct from the definition of compost piles (or more accurately, composting piles). Since the resulting product is sold off-site, there is a distinct time that the material is used and considered a final product.

He defines 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) during decomposion, or in releasing carbon dioxide at a rate of at least 15 milligrams 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 during Compost – "The final 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 ends 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 substrates 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 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 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 clearly marked as "final product" and
- The area is isolated in the KDF and technical report, and approved by the Regional Water Board.

There is no volume restriction for anaerobic digestate as composted feedstock, or as 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.

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

- Under Specifications, provision 1 a and b the terms - "...and amendments..." are removed, so that percent limitations only apply to additives.
- 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."
- The specification of 15% additives for Tier 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 California: "Materials added to stabilized compost or cured compost to provide additional amendments for certain compost products, such as product bulk, product nutrient value, product pH, and soil acid. Amendments do not include peatmoss, biosolids, or compost feedstock."
- Under Prohibition 4: Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited.

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: Distances 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 levied bank for creeks and rivers. The General Order describes setbacks from the Nearest 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 body and water supply well head do not include storm water management systems, conveyance systems, sedimentation ponds or storage ponds.

Any proposed equivalent engineered alternative may be considered by the Regional Water Board. However, the equivalent engineered alternative must first be proposed in the NOI and Technical Report. The Board is required by the General Order to determine the equivalency of the proposed alternative if it is deemed to be equivalent under the General Order and not otherwise regulated.

For Tier I and Tier II facilities, the type of amendments must be specified in a NOI and/or a technical report. If the Regional Water Board determines that the alternative is not equivalent to the equivalent engineered alternative, the facility must modify its operations to meet the requirements of the General Order. The Regional Water Board may allow the alternative if it is determined to be equivalent under the General Order.

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 Regional Water Board is required to notify the Regional Water Board by email that has been added to the General Order under Attachment 3.

The following changes to the General Order reflect additional options for equivalent engineered alternatives. Proposals for alternative monitoring programs should be described in the NOI and Technical Report.

The NOI submitted to the Regional Water Board 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 Regional Water Board is required to notify the Regional Water Board by email that has been added to the General Order under Attachment 3.

The following changes to the General Order reflect additional options for equivalent engineered alternatives. Proposals for alternative monitoring programs should be described in the NOI and Technical Report.

The NOI submitted to the Regional Water Board 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 Regional Water Board is required to notify the Regional Water Board by email that has been added to the General Order under Attachment 3.
If the State Water Board finds that the deadlines of 70 working days for 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 to a description (location, date and time collected, field measurements of pH, temperature, dissolved oxygen and electrical conductivity, sample identification, date of non-compliance discharge samples and/or surface water samples taken.

The general Order states is for Regional Water Boards to use for streamlining of the permitting process. Costs associated with the General Order are expected to be less than costs incurred under individual WQOs. 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 are more 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 WQOs, it may encourage development of smaller Tier II 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 storm event.

The General Order includes options for dischargers to propose equivalent engineered alternatives. See Tier II Design, Construction and Operation Requirements, 3. detention ponds must be designed and constructed with a pan filter monitoring device under the lowest pond of the pond, or an equivalent engineered alternative specified in an NOI or a technical report, and approved by the Regional Water Board.

The General Order does not prohibit Class A, B, or EQ biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations Section 503.15. 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. CARecycle’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. “Dischargers covered by individual WQOs or a conditional waiver of WQOs 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 either assign eligible composting operations under this General Order. If a Regional Water Board determines that, due to site-specific conditions, the anaerobic gas generation will not be representative of water quality, the Regional Water Board may issue individual WQOs for a composting operation. If a composting operation is co-located at a sewer or other facility that has individual or general WQOs, the composting operation does not need to be covered under this General Order (the sewer or other facility’s WQOs include requirements for the composting operation as determined by the Regional Water Board).”

The General Order states, 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 the systems, including water balance calculations and assumptions, if required. The Water and Wastewater Management Plan is subject to approval by the Regional Water Board.

The General Order does not prohibit Class A, B, or EQ biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations Section 503.15. 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 does not prohibit Class A, B, or EQ biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations Section 503.15. 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 does not prohibit Class A, B, or EQ biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations Section 503.15. 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 states, the city and grind process is not similar the compost process. Based on CARecycle’s current and proposed regulations (Title 14, chapter 3.1, Compostable Materials Handling Operations and Facilities Regulatory Requirements, Article 1, General, Section 17852, Definitions). The General Order states, the city and grind process is not similar the compost process. Based on CARecycle’s current and proposed regulations (Title 14, chapter 3.1, Compostable Materials Handling Operations and Facilities Regulatory Requirements, Article 1, General, Section 17852, Definitions). The General Order does not prohibit Class A, B, or EQ biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations Section 503.15. 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 does not prohibit Class A, B, or EQ biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling concentrations listed in 40 Code of Federal Regulations Section 503.15. 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 allows bioclimatic additions to be used as amendments to existing operations with equivalent engineering standards. However, CARecycle’s authority does not cover water quality, and the Solid Waste Permit would not include water quality monitoring provisions.

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<th>Staff Response</th>
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<tbody>
<tr>
<td>20</td>
<td>LA County SWMC/IWM Task Force</td>
<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, or 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 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 approvals.” Air quality mitigation measures were listed for disclosure purposes and do not represent requirements imposed by SWRCB.</td>
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<td>20</td>
<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.”</td>
<td>Feedstocks are defined as “材料s 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. Final product: “the compost material that has completed the curing phase. Residual materials 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.”</td>
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<tr>
<td>20</td>
<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.</td>
<td>The General Order is consistent with CalRecycle Regulations by using cubic yards instead of mass for determining regulatory tiers. (See Title 14, Natural Resources—Division 7, Chapter 3.1.) Additionally, volume measurements do not require handling or special equipment.</td>
</tr>
<tr>
<td>20</td>
<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 owner/operator must then apply for a permanent permit.</td>
<td>The General Order, the hydraulic conductivity specification of 1 x 10⁻⁶ cm/s or less on all graded surfaces on site OR justify the adequacy of hydraulic conductivity of 1 x 10⁻⁶ cm/s or less where 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 all liners, terraces, vessels, and drainage systems for all tiers.</td>
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<tr>
<td>20</td>
<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 x 10⁻⁶ cm/s or less on all graded surfaces or on site OR justify the adequacy of hydraulic conductivity of 1 x 10⁻⁶ cm/s or less where 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 all liners, terraces, vessels, and drainage systems for all tiers.</td>
<td>The Discharger shall report any damage and subsequent repairs including photographs of the problem and repairs in the Annual Monitoring and Maintenance Report.”</td>
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<td>20</td>
<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 runoff (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 General Order addresses the issues regarding of ponds and odors and the draft EIR discusses the issue of vectors. The General Order, under DESIGN, CONSTRUCTION AND OPERATION REQUIREMENTS, requires: “Detention ponds, if used, shall be managed to mitigate breeding of mosquitoes including, but not limited to the following: (a.) An erosion control program shall be implemented to ensure that small crevices and irregularities are not created around the perimeter of the water surface. (b.) Weeds shall be minimized through control of water depth, a shallow site, effective herbicides applications, or the removal of the water surface. (c.) Coordination with the local mosquito abatement or vector control district to supplement the measures described above in cases where other methods are ineffective.” Additionally, in Mitigation 10.9 of Chapter 10, the draft EIR states, “California Code of Regulations, title 14, chapter 3.1, article 6, section 71767 . . . . gives the EA and CalRecycle broad discretion to ensure that these operations do not provide a suitable environment to promote generation of vectors. In addition, local post management agencies (i.e., mosquito abatement districts, environmental health departments) have authority to inspect operations and enforce compliance with vector control. Vector populations can be kept under control using health management practices, such as insect traps, chemical treatment, or relocating stagnant waters.”</td>
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<tr>
<td>20</td>
<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>8</td>
<td>Do not require that the Discharger monitor ponding water with respect to vectors, odor, and treatment of runoff; also, do not require that the Discharger report any damage and subsequent repairs including photographs of the problem and repairs in the Annual Monitoring and Maintenance Report.”</td>
<td>The Discharger shall report any damage and subsequent repairs including photographs of the problem and repairs in the Annual Monitoring and Maintenance Report.”</td>
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<td>20</td>
<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>9</td>
<td>Recommend that the Discharger report any damage and subsequent repairs including photographs of the problem and repairs in the Annual Monitoring and Maintenance Report.”</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 “A controlled microbial degradation of organic wastes yielding a safe and nuisance-free product.” (See Attachment 4 of the General Order).</td>
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<td>20</td>
<td>LA County SWMC/IWM Task Force</td>
<td>Margaret Clark</td>
<td>9</td>
<td>Do not require the Discharger to report any damage and subsequent repairs including photographs of the problem and repairs in the Annual Monitoring and Maintenance Report.”</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. The General Order provides definitions and specifications for allowable feedstocks, which are the focus of the General Order.</td>
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The composting of any other materials except as defined in the General Order may be covered under other permits beyond the scope of this General Order.
Although the suggested mitigations measures may be helpful to reduce 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 3.8 of the EIR states, "Such local land use planning agencies would likely act as lead agencies for project-specific CEQA compliance." Chapter 3.1 of the EIR states, "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 SWRB 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.

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 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 wastewater 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 proposed and regular 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 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 "Sewage Sludge" has been revised to reflect: Sewage sludge that has not been treated, tested, and meets:

1. The Ceiling Concentration Limits in Table 1 of 40 Code of Federal Regulations section 503.13; and
2. The Class A or Class B pathogen 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 503.33(b)(1—8).

Exceptional Quality (EQ) biosolids – Biosolids meeting metals 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 503.32(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 1 of 40 Code of Federal Regulations section 503.13."
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<td>22</td>
<td>RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY</td>
<td>Larry Sweetser</td>
<td>1</td>
<td>Most Significant Concerns: (1 of 6): Insufficient evidence that the solid liner standards are justified. The proposed detention pond liner system design is an effective measure to reduce pond seeps of leaks. Specification of liner provides an option for design and proposes an equivalent engineered alternative liner system design. An equivalent engineered alternative is specified in an NOI and/or a technical report, and approved by the Regional Water Board. Tier I facilities process large quantities of compostable material that contain nutrients, metals, salts, pathogens, and oxygen-reducing compounds with the potential to degrade water quality. Therefore, Tier I facilities are required to meet specifications that include hydraulic conductivity requirements for working surfaces and construction of lined detention ponds or tanks to contain wastewater. 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 13263, subdivision (b) 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 report a 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.</td>
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<td>22</td>
<td>RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY</td>
<td>Larry Sweetser</td>
<td>2</td>
<td>Most Significant Concerns: (2 of 6): The financial considerations for the sampling requirements. Annual groundwater contaminant monitoring costs (including annual sample and reporting costs) were included in the economic analyses (Refer to Draft EIR, Appendix G - Economic Considerations: Section 1. Cost of Operations Surplus Plant Installation*. Monitoring requirements in the General Order have been reduced from earlier versions (see the DRAFT Composting General Order Requirements, dated August 2013, May 2014, and January 2015). Finding No. 13 states: &quot;If a composting operation is 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.&quot;</td>
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<td>22</td>
<td>RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY</td>
<td>Larry Sweetser</td>
<td>3</td>
<td>Most Significant Concerns: (3 of 6): The package is not clear that existing compost facilities within the footprint of a Regional Board-issued WDR are actually included in the General Order. Finding of 15 of the General Order has been revised to clarify applicability of the General Order to composting operations that are co-located with facilities regulated under existing individual WDRs.</td>
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<td>22</td>
<td>RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY</td>
<td>Larry Sweetser</td>
<td>4</td>
<td>The EJIA appreciates the exclusion for &quot;Lot cleaning&quot; and the recognition that storage wood material from these mandatory fire protection measures will not active compost and are of temporary nature. Thank you for your comment.</td>
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<tr>
<td>22</td>
<td>RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY</td>
<td>Larry Sweetser</td>
<td>5</td>
<td>Preventing surface runoff is important for water quality protection. The requirement for &quot;composting covering materials during rain events does not allow for a facility design that contains runoff. Covering a stockpile might not be feasible especially if rain starts when the facility is not operating. This alternative should be included in this section.</td>
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<td>22</td>
<td>RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY</td>
<td>Larry Sweetser</td>
<td>6</td>
<td>Existing composting facilities will not have sufficient time to comply with the general order. The proposed effective date is upon adoption by the SRWCBR with an enrollment date of July 1, 2015. These requirements are not yet final and there will be insufficient time for existing composters to obtain all necessary local permits, revise CalRecycle permits, and arrange financing for the required structural changes. Some levels of CalRecycle permits require 180 days notice prior to a facility design or operational change and that does not account for the time for any required environmental review. Some of these changes might take more than one year. The effective date should be delayed and allow sufficient time for existing facilities to complete these processes. 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 of time for facilities to obtain funding, 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 facilities must submit an NOI, filing 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 &amp; Attachment D – Technical Report Requirements, F. Compliance Schedule (Existing Facilities). &quot;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 schedule based on evidence that meeting the compliance date is technically or economically infeasible.&quot;</td>
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<td>RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY</td>
<td>Larry Sweetser</td>
<td>7</td>
<td>There is not sufficient justification to impose solid waste landfill like standards on detention ponds. GBW Waste facilities require design requirements of 100-year, 24-hour storm event. In response to stakeholders' comments, the 20-year return period 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. Revised Language to replace Item 6 with below. Note: No. 7 does not change</td>
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<td>22</td>
<td>RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY</td>
<td>Larry Sweetser</td>
<td>8</td>
<td>There is no explanation of why such extensive sampling is needed and there is limited acknowledgement that some parameters may attribute background levels of constituents to the composting operation. Tier I requirement of this General Order is to obtain samples of the wastewater from the pond, not groundwater samples, therefore it is not anticipated to be influenced by the background processes in the facility.</td>
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<tr>
<td>23</td>
<td>San Pasqual Valley Soils</td>
<td>Chuck Vukeler</td>
<td>1</td>
<td>As a compost producer in San Diego County, we would urge the State Water Resources Control Board to delay the implementation of the General Order until such time that a set of rules better suited to the unique geologic and meteorological histories of each Regional Water Quality Control Board be put forth for consideration. Regional Water Boards were established specifically because of these very real differences in climate, weather and geology, so it becomes apparent that a &quot;one size fits all&quot; type of General Order is poorly account for the time for any required environmental review. Some of these changes might take one year or more. The effective date should be delayed and allow sufficient time for existing facilities to complete these processes.</td>
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August 4, 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.)

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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 limited-water resources. The definitions for active, curing and final product have been revised.

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 stormwater 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. Representative

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 definitions for active, curing and final product have been revised.

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 is a tool for Regional Water Boards to use for streamlining of 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 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 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.

In response to stakeholder's comments, Finding 13 has been revised for clarification, and states: "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 end all existing composting operations under the General Order. If a Regional Water Board determines that, due to site-specific conditions, coverage under the 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."

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 stormwater 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. Representative

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.

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 for 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, "...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 GO used this term, but is inconsistent with the terms used by CalRecycle. CalRecycle allows separated food material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location. Definition of “Food Material” provides little clarification as to the allowance of food material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location.

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

3. Under Prohibition 4.k.:

4. 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 operative California Industrial General Permit.

5. Use of anaerobic digestate derived from sewage sludge as an additive or amendment is prohibited.

6. 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 the thickness 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 the thickness limits.

7. The definition of wastewater has been revised as follows: “Wastewater - “Refers to leachate or any other liquid flowing from, or on the working surface.”

8. Detention ponds must be designed and constructed with a pan lysimeter, or an equivalent engineered alternative approved by the Regional Water Board.

9. The GO used the term, but is inconsistent with the terms used by CalRecycle. CalRecycle allows separated material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location. Definition of “Food Material” provides little clarification as to the allowance of food material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location.

10. 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 an NPDES permit.

11. 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 the thickness 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 the thickness limits.

12. The definition of wastewater has been revised as follows: “Wastewater - “Refers to leachate or any other liquid flowing from, or on the working surface.”

13. The ED can be used to supplement or replace the stormwater management plan.

14. The GO used the term, but is inconsistent with the terms used by CalRecycle. CalRecycle allows separated material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location. Definition of “Food Material” provides little clarification as to the allowance of food material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location.

15. 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 an NPDES permit.

16. The definition of wastewater has been revised as follows: “Wastewater - “Refers to leachate or any other liquid flowing from, or on the working surface.”

17. The GO used the term, but is inconsistent with the terms used by CalRecycle. CalRecycle allows separated material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location. Definition of “Food Material” provides little clarification as to the allowance of food material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location.

18. 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 an NPDES permit.

19. The definition of wastewater has been revised as follows: “Wastewater - “Refers to leachate or any other liquid flowing from, or on the working surface.”

20. The GO used the term, but is inconsistent with the terms used by CalRecycle. CalRecycle allows separated material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location. Definition of “Food Material” provides little clarification as to the allowance of food material to be used in composting operations, but that separation can be conducted at the point of generation or a subsequent location.

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While we can respond here to some of the problems we have with the General Order, we request that the Sonoma Compost Co., LLC

Comment

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

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 hydraulically/operational requirements under the following conditions:

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

Additive 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 . . .". 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 peat/gleysoil, biosolids, or compost heapdest.

The definition of "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. The General Order was not intended to be comprehensive and the revisions have been made by either revising sections of the General Order, or by drafting responses to clarify reasons for not making revisions.

The definition of "Vegetative Food Material" in the General Order has been revised to be consistent with CalRecycle's definitions. The General Order was not intended to be comprehensive and the revisions have been made by either revising sections of the General Order, or by drafting responses to clarify reasons for not making revisions.

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The definition for "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. The General Order was not intended to address full utilization of food scraps, nor would a General Order be appropriate to address all feedstocks. Based on stakeholder comments, the definitions for "Food Material" and "Vegetative Food Material" 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 for "Food Material" and "Vegetative Food Material" in the General Order have been revised to be consistent with CalRecycle's definitions. The General Order was not intended to address full utilization of food scraps, nor would a General Order be appropriate to address all feedstocks. Based on stakeholder comments, the definitions for "Food Material" and "Vegetative Food Material" 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, residentially co-collected food and green materials, anaerobic digestate derived from allowable Tier I feedstocks."

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The composting schedule must reflect a realistic time for application and implementation for existing and new facilities. The analysis has been based on a 20 year amortization. Many operators, including SCC, do not have such a timeline in their contract. A 5-year contract prohibits financially to come in full compliance.

The composting schedule must reflect a realistic time for application and implementation for existing and new facilities. The analysis has been based on a 20 year amortization. Many operators, including SCC, do not have such a timeline in their contract. A 5-year contract prohibits financially to come in full compliance.

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 hearing. Stakeholders have provided written and verbal comments throughout development of the Compost Walker. 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 compost 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.
25 SOMMA COMPOST CO., LLC COMPOST DEIR COMMENT
Will Baxx 6 The current specifications are too restrictive and do not provide flexibility for alternatives. Thought should be given to better correlate size of the ponds to the actual risk and the economics associated with that. The following is provided for discussion. The economic considerations analyzed the cost of pond installation. The General Order allows several engineered equivalent alternatives including alternative methods for construction of working surfaces; alternatives for pond liners; and alternative to pan liners. 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 WDAs 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 - All Tiers, 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 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, or equivalent alternative approved by the Regional Water Board.”

25 SOMMA COMPOST CO., LLC COMPOST DEIR COMMENT
Will Baxx 7 All reflected above, we have concerns about the economic impact of the General Order. Appendix E, “Economic Considerations”, does not take in account shorter contract times, the need for operating pads and potential outsourcing of contact water to treatment plants, which will be a reality in certain events. SCC encourages you to further work with the industry as a whole to review these impacts.

Rights to compost facility operators concerned about providing cost and revenue data for the economic analysis. The draft Environmental Impact Report (EIR), Appendix E, 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 fell under Tier I have no hydraulic conductivity requirement for working surfaces, detention ponds, or drainage ditches. Composting operations that fell under Tier II require a minimum hydraulic conductivity of 1 x 10⁻⁶ 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 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/cemented pad, 12-inch thick, engineered pond that meets the minimum hydraulic conductivity of 1 x 10⁻⁶ cm/sec was provided in the draft EIR. If all existing Tier II composting operations installed a lime/cemented 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 on a variable aggregate base that would exceed the hydraulic conductivity requirement was considered. If all existing Tier II composting operations installed a concrete pond, pond, and drainage conveyance, the statewide capital investment is estimated to be as much as $450 million. Construction materials costs and labor vary depending on location and the options selected.

2. There is no specification for testing 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 design requirement for detention ponds has been revised to be based on a 25-year 24-hour peak storm event. Although the revised requirement may result in construction of a smaller pond, 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.

26 South Coast Air Quality Management District
Jillian Wing 1 In Chapter 6 – Air Quality and Greenhouse Gases, Table 6-9, the Lead Agency indicates that URBEMIS2007 was used to estimate emissions from construction activities. SCAGQMD staff recommends that the lead agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now-outdated URBEMIS.

The Lead Agency (SWRCB) is aware that for site-specific project analyses, the URBEMIS2007 model needs to be supplemented to include the additional combustion GHG and PM emissions from indirect sources. (http://www.cal сентор.com/FAQs). Table 6-9 of the draft EIR does not represent a state-wide 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 retrofit for compliance, as well as impacts that would occur from a new operation’s compliance with the General Order. This analysis is necessarily 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 data...” Chapter 6.2.1., pg. 50 states, “Future review of individual composting operations is likely to require additional site-specific CEQA review, including site specific air quality and GHG impacts on a project-by-project basis.” Reference to the Sonoma County Waste Management District Air Quality Management 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 URBEMIS2007 model is referenced in the draft EIR Table 6-9 footnotes. Table 6-9 is taken from Table 5-4 of the Sonoma Compost EIR. The Sonoma Compost EIR (TABLE 5-9) indicates that the URBEMIS2007 model was supplemented for the Sonoma project to obtain GHG analyses. SWRCB acknowledged this supplemental analysis in the paragraph below Table 6-9 of the draft EIR by referring to some of the data in the Sonoma Compost EIR Table 5-9. Again, reference to the Sonoma Compost EIR was provided as an example of air quality concerns and does not represent a state-wide analysis of GHG impacts resulting from the adoption of the General Order.

26 South Coast Air Quality Management District
Jillian Wing 2 Table 2-1 Allowable Feedstocks identifies acceptable forms of feedstock but does not exclude certain waste materials commonly found in composting facilities. Construction waste such as gyspum drywall and gravel from restaurants are often included in feedstocks that result in substantial odor problems for downtown 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. SCAGQMD staff recommends providing additional information on other waste materials that should be limited or excluded from composting facilities.

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 37 of the General Order). A “The General Order provides an option for dischargers to propose other materials for use as additives and amendments (Specifications 1.a.4 and 5.4). 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 (active, curing, or final product) must not cause, threaten to cause, or contribute to conditions of pollution, contamination, or nuisance.”

Chapter 2.6 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 will 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.”
26 South Coast Air Quality Management District

Jian Weng

4Comment: 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.

Although the suggested mitigation measures may be helpful to illustrate for disclosure purposes, reviewing 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 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." 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 OMQ 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 disclosure purposes and do not represent requirements imposed by SWRCB.

27 SYNAGRO TECHNOLOGIES

Layne Baroldi

1Tier II Order Facilities Should Include Sub-Class B Biosolids. Composting is relied 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

The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling 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.

27 SYNAGRO TECHNOLOGIES

Layne Baroldi

2Synagro 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) (1996 and 2002). In fact, the 2002 NASA report concluded that "there is no documented scientific evidence that Part 503 has failed to protect public health."

The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling 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 SWRCB 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 difficulty finding methods to recycle or dispose of their biosolids with absolutely no corresponding benefits to the environment.

Available disposal options are typically, and unnecessarily, more expensive to the taxpayers and a detriment to the environment.


27 SYNAGRO TECHNOLOGIES

Layne Baroldi

3Synagro 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 difficulty finding methods to recycle or dispose of their biosolids with absolutely no corresponding benefits to the environment. Onset adopted, such rules encourage further restrictions and bars elsewhere, characterizedly based on misinformation and anti-science sentiment rather than science. Other available disposal options are typically, and unnecessarily, more expensive to the taxpayers and a detriment to the environment.

The General Order does not prohibit biosolids as a Tier II feedstock for composting operations. However, biosolids must meet the ceiling 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.

27 SYNAGRO TECHNOLOGIES

Layne Baroldi

4Synagro 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 Sub-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 cumbersome Regional Board site-specific WDR process. Tier II General Order facilities should include Sub-Class B biosolids.

The General Order does not prohibit composting of Sub-Class B or other compostable materials. Biosolids meeting the criteria for Class A, B, and Class EQ biosolids fit the parameters of the General Order. Sub-Class B Biosolids do not meet the criteria for materials under the General Order. Sub-class B Biosolids have not been treated with a "process to significantly reduce pathogens" and is considered as a "sewage sludge" and is prohibited from being discharged onsite.

Composting operations proposing to accept biosolids not meeting the minimum criteria for Class B biosolids feedstocks may be permitted under individual WDRs, as determined by the Regional Water Board. The General Order is not expected to impact landfill or public wastewater agencies that handle compost materials beyond the scope of the General Order.

27 SYNAGRO TECHNOLOGIES

Layne Baroldi

5It appears that existing composting facilities permitted pursuant to individual the existing regulatory requirements of Regional Board WDRs are excluded from needing to acquire a General Order permit. Finding 57 on page 8 of the January 6, 2015 version of the General Order states: "Existing composting operations, except those with individual WDRs or conditional waivers of WDRs 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. 25, 2003), 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 WDRs are excluded from needing to acquire a General Order permit for existing operations and amendments to existing WDRs.

Composting operations that are permitted under individual WDRs are not required to be covered under the General Order. Additionally, composting operations that are co-located with other facilities with WDRs that cover the composting operations are not required to be covered under the General Order.

Finding 13 states, "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 a Tier II Order, as modified by a conditional waiver, to control discharges exceeding primary treatment levels, subject to the processes described in this General Order. 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." 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 disclosure purposes and do not represent requirements imposed by SWRCB.

27 SYNAGRO TECHNOLOGIES

Layne Baroldi

No responses were provided by the agency for this comment.
Definitions of Sewage Sludge, Biosolids, and What is Allowed as a Feedstock: There appears to be internal inconsistency within the General Order between the definitions of sewage sludge, biosolids, and what is allowed as a Feedstock. Prohibition 4.1 states: "Sludge, including but not limited to sewage sludge…" is prohibited for use as a feedstock." Appendix A Definition of Biosolids states: Biosolids – Sewage sludge that has been treated, tested, and meets any of the following: "… Class B biosolids meeting the pollutant concentration limits of Table 1 of 40 CFR 503.13 (This is the ceiling concentration limit).

In response to stakeholders' comments, the definition of biosolids has been revised as follows; Biosolids – Sewage sludge that has been treated, tested, and meets the Ceiling Concentration Limits in Table 1 of 40 CFR 503.13 (These are the concentration limits). Exceptional Quality (EQ) biosolids – Biosolids meeting metals standards, Class A pathogen reduction standards, and one of the vector attraction reduction standards contained in 40 Code of Federal Regulations 503.13 (Table 3), 303.32(a), and section 503(b)(18), respectively. Additionally, the sewage sludge definition has been revised to correctly describe the exception that sewage sludge does not include biosolids meeting the ceiling concentrations in 40 CFR 503.13 (Table 1).

The following is provided to clarify that the General Order does not require impervious surfaces; the hydraulic conductivity specification for working surfaces (pads) of 1 x 10

-5 centimeters per second.
August 4, 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.)

Letter No. Agency Representative Comment Number Comment
26 Waste Management Charles A. White 1 The GO not being proposed as a "Rule of General Application" end not being considered a formal rule making to apply to all compost operations – pursuant to the Administrative Procedures Act (APA). Paragraph 13 of the GO allows a Regional Water Quality Control Board (RWQCB) to regulate compost facilities in a different manner through waste discharge requirements (WDRs) and Conditional Waver. This is a very important point that should be critical articulated in the GO itself as well as the SWRCB resolution adopting the GO. This is essential to make clear that RWQCBs have the authority and discretion to respond to variable conditions throughout the state to appropriately protect water quality without imposing an undue burden on compost operations.

Waste Management Charles A. White 2 The GO and the SWRCB adoption resolution must more clearly articulate that existing and future compost operations that are co-located entirely within a site with applicable WDRs are not subject to the provisions of the GO. The RWQCB has complete authority to appropriately regulate compost operation through existing and future WDRs as necessary to protect water quality. The provisions of the GO are not applicable to compost operations that are located within a site that is covered by existing and potential future WDRs or Conditional Waver. This is likewise a very important point that must be clearly articulated within the General Order as well as the SWRCB resolution ultimately adopting the GO.

Waste Management Charles A. White 3 The GO must be amended to recognize that compost feedstock and active piles have a greater threat to water quality (waste discharge) than subsequent compost handling activities. Curing and finished compost are no longer a water material (other than, they are an industrial product), and storm water that contacts these processed materials should be regulated under the general industrial storm water permit – just as any other materials. This is one of the new ones of the proposed GO is that a finished product placed at a compost operation would be regulated through the GO. However, a similar finished product pile located offshore would be regulated through the storm water GO. The final GO should regulate compost product piles in a similar manner. The RWQCB strongly requests that the final GO clearly delineate between feedstock and active compost areas vs. curing operations and finished product storage activities – the later should be regulated in a manner consistent with the Storm water GO.

Waste Management Charles A. White 4 The definition of active, curing, and final product have been revised. Active Compast – "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 (120 degrees Fahrenheit) during decomposition, or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of 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 processes that occur after compost has undergone pathogen reduction, as defined in California Code of Regulations title 14, section 17868.3, and after most of the readily metabolizable 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; Working Surface – Any area of a Composting Operation used for the storage and storage of feedstock, 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 clearly marked as "final product" and the area is identified in the NOI and technical report, and approved by the Regional Water Board.

Waste Management Charles A. White 5 The RWQCB has complete authority to appropriately regulate compost operation through existing and future WDRs as necessary to protect water quality. The provisions of the GO are not applicable to compost operations that are located within a site that is covered by existing and potential future WDRs or Conditional Waver. This is likewise a very important point that must be clearly articulated within the General Order as well as the SWRCB resolution ultimately adopting the GO.

Regional Waste 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.

Finding 13 has been revised to clarify applicability of the General Order. "Discharges 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 compost 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."

The GO is not being proposed as a "Rule of General Application" end not being considered a formal rule making to apply to all compost operations – pursuant to the Administrative Procedures Act (APA). Paragraph 13 of the GO allows a Regional Water Quality Control Board (RWQCB) to regulate compost facilities in a different manner through waste discharge requirements (WDRs) and Conditional Waver. This is a very important point that should be critical articulated in the GO itself as well as the SWRCB resolution adopting the GO. This is essential to make clear that RWQCBs have the authority and discretion to respond to variable conditions throughout the state to appropriately protect water quality without imposing an undue burden on compost operations.

The GO and the SWRCB adoption resolution must more clearly articulate that existing and future compost operations that are co-located entirely within a site with applicable WDRs are not subject to the provisions of the GO. The RWQCB has complete authority to appropriately regulate compost operation through existing and future WDRs as necessary to protect water quality. The provisions of the GO are not applicable to compost operations that are located within a site that is covered by existing and potential future WDRs or Conditional Waver. This is likewise a very important point that must be clearly articulated within the General Order as well as the SWRCB resolution ultimately adopting the GO.

The GO must be amended to recognize that compost feedstock and active piles have a greater threat to water quality (waste discharge) than subsequent compost handling activities. Curing and finished compost are no longer a water material (other than, they are an industrial product), and storm water that contacts these processed materials should be regulated under the general industrial storm water permit – just as any other materials. This is one of the new ones of the proposed GO is that a finished product placed at a compost operation would be regulated through the GO. However, a similar finished product pile located offshore would be regulated through the storm water GO. The final GO should regulate compost product piles in a similar manner. The RWQCB strongly requests that the final GO clearly delineate between feedstock and active compost areas vs. curing operations and finished product storage activities – the later should be regulated in a manner consistent with the Storm water GO.
### August 4, 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.)

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<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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<tr>
<td>24</td>
<td>Waste Management</td>
<td>Charles A. White</td>
<td>5</td>
<td>Aside from C&amp;GOs are not part of this permit. However, C&amp;GOs that are located at compost operations are imposed to be fully regulated by this GO. This does not seem reasonable that such similar operations should be regulated so differently with compost operations subject to much higher costs to have their C&amp;GOS more heavily regulated by this order. Should not other types of non-compost C&amp;G operations be subject to at least Tier 1 requirements? However, as stated above, a C&amp;GO within a facility with HDRs or a Conditional Waiver would not be subject to the GO. Rather, C&amp;GOS within sites that are subject to a HERP or a CR would have to comply with the HERP or conditions of the Waiver.</td>
<td>The General Order was written to distinguish permitting of composting operations with similar wastes and operations, as provided in Water Code section 10626 (Refer to General Order, Tier 14 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 focus of this General Order is composting operations; regulation of chip and grind facilities is outside 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 facilities and operations may be subject to the Industrial General Permit or site specific orders by the Regional Water Boards as appropriate.</td>
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<td>25</td>
<td>Waste Management</td>
<td>Charles A. White</td>
<td>6</td>
<td>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 cleaner understanding of these terms and how they are used in the GO. A example diagram (or diagrams) depicting the use of these terms would be very helpful. Further, the distinction between Storm water and Process wastewater is not clear. It is not clear what activities at a facility subject to the general permit also require compliance with a Storm water IGP. When are discharges from a compost operation subject to the GP regulated as storm water or as process wastewater?</td>
<td>In response to stakeholders' comments, the references to &quot;process water,&quot; &quot;process wastewater,&quot; &quot;non-process wastewater,&quot; and &quot;wash water&quot; have been revised and consolidated under the single term, &quot;wastewater&quot;. The definition of wastewater has been revised as: &quot;Refers to leachate or any other liquid flowing from, or on the working surface.&quot; 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.</td>
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<td>26</td>
<td>Waste Management</td>
<td>Charles A. White</td>
<td>7</td>
<td>The Economic Analysis contained within the EIR appears to assume that there will be no economic impacts 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 &quot;average&quot; rainfall amounts, not the 25 year annual return values required to be installed, significantly underestimating the peak facility cost of pond installation.</td>
<td>The General Order is a directive 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 HDRs. 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 operations. The Economic Considerations concluded there would be impacts to small facilities, this finding resulted in a conditional exemption for facilities less than 5,000 yd².</td>
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<td>27</td>
<td>Waste Management</td>
<td>Charles A. White</td>
<td>8</td>
<td>The GO uses this term, but is inconsistent with the terms used by CalRecycle. CalRecycle allows separated material to be used in composting operations, but that separation can be conducted at the point of generation in a subsequent location. Definition of &quot;Food Material&quot; provides little clarification as to the allowance of food-colored paper/packaging and other potential contaminants from recycling, dirty MRF residuals, where food material may not be &quot;separated from solid waste to the maximum extent possible at the point of generation&quot;. The GO defines &quot;Solid Food Material&quot; as the residue from food processing, and was intended to 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.</td>
<td>In response to stakeholders' comments, the definitions of &quot;Vegetative Food Material&quot; have been revised, to be consistent with CalRecycle's definitions. The definitions have been modified by removing &quot;...to the maximum extent possible at the point of generation...&quot; and adding &quot;separated from the municipal solid waste stream...&quot; 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 &quot;residentially co-collected food and green materials&quot;, defined as &quot;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-mingled with green materials.&quot; The list of Tier I Fee Riders has been expanded to include &quot;agricultural materials, green materials, paper materials, vegetative food material, residentially co-collected food and green materials, and anaerobically digested derived from allowable Tier I feedstocks&quot;.</td>
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<td>28</td>
<td>Waste Management</td>
<td>Charles A. White</td>
<td>9</td>
<td>Page B-8, calculation of ashland only can occur by telephone. WM requests that email also be allowed to communicate with the RWQCB.</td>
<td>An option to notify the Regional Water Board by email has been added to the General Order under Attachment B.</td>
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<td>29</td>
<td>Waste Management</td>
<td>Charles A. White</td>
<td>10</td>
<td>The GO should provide greater clarity as to what constitutes an enclosed unit. WM proposes that any unit with a cover and containment system should be considered an enclosed unit.</td>
<td>In response to stakeholder comments, the definition of &quot;Within Vessel and Fully Enclosed&quot; has been revised to read, &quot;... refers to the achievement of receiving, composting, curing, or storing any landfill residue within a fully enclosed vessel or container (i.e., drum, silo, shaft, bunker, tunnel, reactor, fabric-covered aerated static piles) where the organic material is covered on all sides and rests on a stable surface with environmental controls for managing all wastewater.&quot;</td>
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<td>30</td>
<td>Waste Management</td>
<td>Charles A. White</td>
<td>11</td>
<td>Does this refer to Wastewater or Storm water? What are the obligations of the operator? The GO should clearly indicate the consequences of a discharge from an impoundment that is designed and operated in accordance with the standards of the GO.</td>
<td>In response to stakeholders' comments, references to &quot;process water,&quot; &quot;process wastewater,&quot; &quot;non-process wastewater,&quot; and &quot;wash water&quot; have been revised and consolidated under the single term, &quot;wastewater&quot;. The definition of wastewater has been revised as follows: &quot;Wastewater&quot; means any 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 Water 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.</td>
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<td>31</td>
<td>Western Riverside County Agriculture Coalition</td>
<td>Pat Boldt</td>
<td>1</td>
<td>You have a 100 foot set back to surface water however this set back should include large channels that only have surface runoff in large storm events and are normally dry. The following is provided to clarify applicability of the 100-foot setback requirements. Settability 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 totally influenced water bodies, or the natural or levied bank for creeks and rivers. The definition does not specify that these surface water bodies must be perennial. Therefore, large seasonal channels that only have surface runoff in large storm events and are normally dry may be included in the 100-foot setback requirements.</td>
<td>The 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 totally influenced water bodies, or the natural or levied bank for creeks and rivers. The following is provided to clarify applicability of the 100-foot setback requirements. Settability 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 totally influenced water bodies, or the natural or levied bank for creeks and rivers. The definition does not specify that these surface water bodies must be perennial. Therefore, large seasonal channels that only have surface runoff in large storm events and are normally dry may be included in the 100-foot setback requirements.</td>
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