



California Regional Water Quality Control Board Central Valley Region

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APPROVAL OF FOOD PROCESSING BY-PRODUCTS USE PROGRAM PURSUANT TO RESOLUTION NO. R5-2008-0182, COUNTY OF STANISLAUS ENVIRONMENTAL RESOURCES DEPARTMENT

On 22 June 2006, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution No. R5-2006-0052 (Resolution) allowing the County of Stanislaus to continue its Food Processing By-Products Use Program (Program) to divert solid and semi-solid food processing by-products from county landfills while completing technical studies to evaluate "...the effects or threatened effects of food processing by-products on waters of the state and to help determine the appropriate regulatory mechanism for the discharge of food processing by-products on a County-wide or possibly Region-wide basis."

The County's Program regulates the use of food processing by-products for use as a soil amendment, use as direct animal feed, dehydration, and composting operations. In the Resolution, the Central Valley Water Board found that the Program's requirements for direct animal feed were adequate to protect water quality, and dehydration and composting operations were more appropriately regulated outside the scope of the Resolution. Accordingly, the scope of the Resolution is specific to the use of food processing by-product waste as a soil amendment.

The County of Stanislaus submitted the following technical reports required by the Resolution:

- A literature review (Resolution 2a and 2b);
- A technical review of the Program and other data (Resolution 2a and 2c);
- An assessment of current legal authority (Resolution 2a); and
- A final report (Resolution 2d).

The Resolution also requires a field-ready Manual of Best Practices (Resolution 2a). The County submitted a best practices manual, and is in the process of updating it. On 28 February 2008, as required by Resolution 2e, the County of Stanislaus adopted Ordinance No. C.S. 1028 (Chapter 9.88 of Title 9, Health and Safety) to regulate food processing by-products. The County also adopted associated regulations for the use of food processing by-products in Stanislaus County for its permitted use sites.

On 4 December 2008, the Central Valley Water Board adopted Resolution No. R5-2008-0182, which is a conditional waiver of Waste Discharge Requirements for specific types of discharge (the General Waiver). A copy of the General Waiver is enclosed. Under Category 10 (*Disposal of Residual Waste to Land as a Soil Amendment*), the General Waiver allows the discharge of food-processing by-products as a soil amendment without an individual waiver or permit issued by the Central Valley Water Board if the user is enrolled under an approved County program.

The County of Stanislaus' Food Processing By-Products Use Program is hereby conditionally approved for purposes of the General Waiver with respect to the use of the material as a soil amendment, and facility operators enrolled in the County's Program are eligible for coverage under Category 10. The General Waiver does not require Category 10 facilities to submit a report of waste discharge to the Central Valley Water Board in order to obtain waiver coverage or commence discharging, provided the enrolled facilities comply with all applicable conditions of the General Waiver.

The Program's continuing status as an approved County program under the General Waiver is contingent upon the County's implementation of the Program as described, including the following:

1. The County will continue to implement the *Agreement for Monitoring and Reporting of Solid and Semi-Solid Food Processing By-Products Applied under the Stanislaus County Program* (Agreement).
2. The County will submit written notice of any new land application sites that are regulated under the County's program.
3. The County will submit written notice of any proposed changes to Ordinance No. C.S. 1028 and/or the associated regulations as required by Section A.7 of the Agreement. The County may provide this written notice before the Annual Report is due, if necessary to avoid delays in implementing proposed changes to the Program.

If information regarding the Program or a particular facility indicates that additional or different requirements are appropriate or that more information is needed, the Central Valley Water Board may modify or revoke this approval or require individual facilities to submit technical or monitoring reports. (See General Waiver, Resolved 12 and Attachment A, section 3f.)

I appreciate the County's efforts to work cooperatively with Central Valley Water Board staff and to manage food processing by-products so that they can be beneficially used in an environmentally sound manner. If you have any questions regarding this Program Approval or the General Waiver, please contact Mary Serra at (916) 464-4732 or mserra@waterboards.ca.gov.



Pamela C. Creedon
Executive Officer

Enclosure: Resolution No. R5-2008-0182