



February 28, 2015

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

Via email: commentletters@waterboards.ca.gov.

RE: Republic Services Inc. Comment Letter – General Order for Composting Operations

Dear Ms. Townsend:

Thank you for the opportunity to comment on the proposed General Order for Compost Operations on behalf of my client Republic Services Inc. Republic owns and operates composting operations throughout California.

California has recently enacted AB 1826 (Mandatory Commercial Organics Recycling) and AB 1594 (Phase-out Diversion Credit for Green Waste ADC). Taken together, these bills, over the next 5 years, will dramatically increase the amount of organics diverted from landfills and redirect those materials to composting and anaerobic digestion (AD). Therefore, increased compost and AD infrastructure will play, a large role in accomplishing increased beneficial use of organic waste and reducing GHG emissions. Increasing this infrastructure to meet 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.

Republic supports the development of the General Order and are comments are intended to add clarity and reasonable flexibility so that we can meet the requirements of increased organics diversion while protecting water quality goals and responding to the inherent variability of California's diverse geography.

We appreciate the time and effort taken by your staff to work with us on this General Order.

Republic's specific comments regarding the language and the interpretation of the General Order (GO) are listed below:

1. **Compost Operations on Landfills.** In conversations with staff, we understand that existing and future compost operations that are located entirely within a site such as a landfill with WDRs that specifically include the compost operation are not subject to the provisions of the GO. The GO should specifically state that RWQCB has complete authority to appropriately regulated compost operation through existing and future landfill WDRs.
2. **The Order Allows RWQCB Flexibility.** 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.
3. **Compost Feedstock vs. Finished Product.** As we have discussed with staff, processed and non-waste materials at a compost site should not be regulated through this order – rather regulated through the IGP for Storm water. Under the proposed GO, finished product piles located at a compost site would be regulated through the GO. However, a similar finished product pile located offsite would be regulated through the Storm water IGP. The final GO should regulate compost product piles in a similar manner. We recommend that the final GO clearly delineate between feedstock/active compost areas and finished product storage activities. Finished product storage areas should be regulated in a manner consistent with the Storm water IGP.
4. **Additives and Amendments.** The types and amount of additives and amendments should not be limited for Tier 2 facilities. The order is not clear in the distinction between an additive and amendment and when the 30% limit applies. As we understand from discussion with staff, the limit for an amendment would apply only to finished product. An acceptable alternative would be to continue with a default 30% limit, but allow the discharger to go above this limit if the site-specific plan clearly addresses measures that will be taken to ensure the specific additive or amendment will be managed in a way to protect water quality. An example would be digestate from an Anaerobic Digestion facility that has been through the PFRP process. Such material should be allowed as an additive or amendment with no limitations.
5. **Zero Discharge.** The Order appears to require zero discharge for all compost operations by requiring them to “contain storm water on-site.” This seems to conflict the design requirement to collect, transfer, and contain the 25-year, 24-

- hour storm. The Order should be revised to confirm that discharge of storm water exceeding the 25-year, 24-hour storm is allowed, and if an NPDES permit is required, such discharges will be subsumed under the operative California Industrial General Permit.
6. **Water Terminology.** The proposed GO uses the terms Storm water, Wastewater, Process Wastewater, and Non-process Wastewater. The use of these terms is unclear and confusing. The GO should be edited to provide a clearer understanding of these terms and how they are used in the GO.
 7. **Economic Analysis and Pads.** The Economic Analysis contained within the EIR appears to assume that there will be no economic impact due to construction of operating pads due to these new standards. It fails to discuss the costs of wastewater treatment and/or disposal. Calculations for pond sizing in economic analysis appear to use “average” rainfall amounts, not the 25 year annual return values required to be installed, significantly underestimating the per facility cost of pond installation. Requiring installation of a pan lysimeter beneath an existing lined detention pond will require the rebuilding of most existing ponds. Instead, water quality goals can be achieved by installation of down gradient groundwater monitoring wells. The economic impact of this requirement as compared to less costly alternatives capable of achieving the same environmental objectives must be considered and should be part of the economic analysis.
 8. **Separated at the Point of Generation.** The GO used 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 or at a subsequent location. Definition of “Food Material” provides little clarification as to the allowance of food-soiled paper/packaging and other potential contaminants from wet/dry collection, dirty MRF residuals, where food material may not be “separated from solid waste to the maximum extent possible at the point of generation”. We recommend removing that phrase.
 9. **Impoundment Discharges** Are impoundment discharges wastewater or storm water? 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.

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Republic intends to continue working cooperatively with the State and Regional Boards to ensure the achievement of water quality goals at composting operations, while ensuring that we can expand our compost infrastructure in a cost-effective manner.

Please let me know if you have any comments, questions or concerns regarding these comment.

Sincerely,



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Cc: Leslie Graves, Staff, SWRCB