



March 2, 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.

Waste Management 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 that are due to you by 12 noon on Monday, March 2nd. We would have preferred having more time to review and comment on the proposed order. Until it was released in mid-January for the first time, the only documents we had previously reviewed were draft concepts over 1 year ago. We very much would have appreciated an informal workshop prior to the start of the formal General Order Comment period. Waste Management (WM) has found the order to be complex and unclearly written in a number of key areas. For this reason, we are respectfully requesting that sufficient time be provided for the composting industry to evaluate your staff's response to the concerns articulated herein and those articulated by others.

WM provides comprehensive solid waste, recycling and resource recovery operations in California at approximately 100 locations throughout the state. We own and operate composting operations in California and are contemplating the development of additional such facilities. This is, and will be, largely in response to the demand by our customers to increase the beneficial use of organic waste that WM manages. Indeed, the State of California has recently enacted AB 1826 that mandates that large generators of organic waste use service providers that will beneficially use and recover the value contained in the organic waste. Composting is playing, and will continue to play, a large role in accomplishing increased beneficial use of organic waste. However, such operations can only be conducted if economically practical – while fully protecting the quality of California's ever important – and increasingly limited -- water resources.

WM supports the development of the General Order, but our comments seek to provide maximum flexibility to respond to the wide range of hydrographic and site conditions that exist throughout California – from the North Coast to the Mojave Desert. While a single General Order that is applicable

to most operations is beneficial, it must be flexible enough to respond to the inherent variability of California's diverse geography.

Following are WM's concerns regarding the language and the interpretation of the General Order (GO), in the relative order of priority and concern:

1. **The Order does not Constitute Minimum Statewide Standards.** The GO is not being proposed as a "Rule of General Application" and is not considered a formal rule making applicable 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 Waivers. This is a very important point that should be clearly articulated in the GO itself as well as the SWRCB resolution adopting the GO. This is essential to make clear that RWQCB's 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.
2. **The General Order and WDRs.** 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 Waivers. 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.
3. **Compost Feedstock vs. Finished Product.** 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 waste material (rather, they are an industrial product), and stormwater that contacts these *processed materials* should be regulated under the general industrial stormwater permit – just as any other material pile is regulated. Finished compost may be applied without specific SWRCB and RWQCB regulations to lands throughout the state. Stockpiles of this processed and non-waste materials should not be regulated separately through this order – rather regulated in a manner consistent with the IGP for Stormwater. One of the ironies of the proposed GO is that a finished product pile located at a compost operation would be regulated through the GO. However, a similar finished product pile located offsite would be regulated through the Stormwater IGP. The final GO should regulate compost product piles in a similar manner. WM 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 wholly consistent with the Stormwater IGP.
4. **Additives and Amendments.** Types and amount of additives and amendments should not be limited – at least not limited for Tier 2 facilities. As far as WM can tell, there is no rational basis

for limiting additives and amendments at Tier 2 operations. The discharger should not be limited in the general WDR and instead be provided an opportunity to request, specify and justify the appropriate level of additives and amendments in the site specific Report of Compost Site Information and Waste Water Management Plan (i.e. peat moss, gypsum). 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 to enter the facility as an additive or amendment and not necessarily be limited by an arbitrary 30% threshold.

In addition, the GO must more clearly indicate that materials used as feedstocks, provided they are a listed feedstock, are not subject to any percentage limitation when used as a feedstock.

5. **Chip and Grind Operations (C&GOs).** Stand alone C&GOs are not part of this permit. However, C&GOs that are located at compost operations are proposed 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&GOs more heavily regulated by this order. Should not other types of non-compost C&G operations be subject to at least Tier 1 requirements? However, as stated above, a C&GO within a facility with WDRs or a Conditional Waiver would not be subject to the GO. Rather, C&GOs within sites that are subject to a WDR or a CW would have to comply with the WDR or conditions of the Waiver.
6. **Water Terminology.** The proposed GO uses the terms Stormwater, 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. A example diagram (or diagrams) depicting the use of these terms would be very helpful. Further, the distinction between Stormwater 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 Stormwater IGP. When are discharges from a compost operation subject to the GP regulated as stormwater or as process wastewater?
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.
8. **Separated at the Point of Generation.** 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 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”.

9. **Telephone and Email communications.** Page B-8, notification of violations only can occur “by telephone”. WM requests that emails also be allowed to communicate with the RWQCB.
10. **Enclosed Units.** 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.
11. **Impoundment Discharges.** Does this refer to Wastewater or Stormwater? 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.

Waste Management wishes to continue working cooperatively with the State and Regional Boards to ensure that the water quality of the state is protected from any harmful impacts of composting operations – while at the same time ensuring that compost operations may be sited and operated in a cost-effective manner. Please let me know if you have any comments, questions or concerns regarding these comment.

Sincerely,



Charles A. White, P.E.
Consultant to Waste Management

4127 Frontera Drive
Davis, CA 95618

916-761-7882

cwhite1@wm.com

Cc: Leslie Graves, Staff, SWRCB, Leslie.Graves@waterboards.ca.gov