

1 Michael R. Lozeau
2 Douglas J. Chermak
3 LOZEAU DRURY LLP
4 410 12th Street, Suite 250
5 Oakland, California 94607
6 Tel: (510) 836-4200
7 Fax: (510) 836-4205
8 E-mail: michael@lozeaudrury.com
9 doug@lozeaudrury.com

Received
AUC 2014
Office of the
Chief Counsel

7 Attorneys for Petitioner RENEWED EFFORTS OF
8 NEIGHBORS AGAINST LANDFILL EXPANSION

9 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

10 IN RE: CENTRAL DISPOSAL SITE, Petaluma,) PETITION TO REVIEW
11 California) CALIFORNIA REGIONAL WATER
12) QUALITY CONTROL BOARD,
13) NORTH COAST REGION'S
14) FAILURE TO ACT ON
15) PETITIONER'S JUNE 17, 2014
16) REQUEST

17 Pursuant to Water Code § 13320, Renewed Efforts of Neighbors Against Landfill
18 Expansion ("RENALE") hereby petitions the State Water Resources Control Board ("State
19 Board") to review the California Regional Water Quality Control Board, North Coast Region's
20 ("Regional Board") failure to act on RENALE's June 17, 2014 request for the Regional Board to
21 order the Central Disposal Site to immediately comply with the Waste Discharge Requirements
22 for Operation, Corrective Action, New Construction, and Closure at the Sonoma County Central
23 Disposal Site ("WDRs"), Order No. R1-2013-0003, certified by the Regional Board on March
24 14, 2013. The Central Disposal Site is the County of Sonoma's landfill facility located at 500
25 Mecham Road in Petaluma, California.

26 **I. NAME AND CONTACT INFORMATION OF PETITIONER.**

27 Roger Larsen
28 Renewed Efforts of Neighbors Against Landfill Expansion
68 Wambold Lane
Petaluma, CA 94952
rogerjlarsen@aol.com

1 **II. REGIONAL BOARD FAILURE TO ACT BEING PETITIONED.**

2 This petition seeks review of the Regional Board’s failure to take any action in response
3 to Petitioner’s June 17, 2014 request (“Regional Board Petition”) to immediately take the
4 following actions:

5 1) To immediately issue a cease and desist order pursuant Water Code § 13301 requiring
6 the County of Sonoma and each and every operator of the compost facility at the
7 Central Disposal Site to comply forthwith the following provisions contained in
8 Order No. R1-2013-0003:

- 9 a. Discharge Prohibition A(3), which provides that “[t]he discharge of waste
10 including solids, liquids, leachate, or landfill gas to surface water, surface
11 water drainage systems or groundwater is prohibited”;
- 12 b. Discharge Prohibition A(11), which provides that “[t]he discharge of waste to
13 surface waters or within 50 feet of surface waters is prohibited”; and,
- 14 c. Discharge Prohibition A(15), which provides that “[t]he discharge of wastes
15 from activities occurring upon or within the landfill footprint, including
16 composting activities, to stormwater sedimentation basins, surface, and/or
17 ground water is prohibited.”

18 2) To immediately issue a clean-up and abatement order pursuant to Water Code §
19 13304 requiring the County of Sonoma and the operators of the compost facility at
20 the Central Disposal Site to immediately close the facility to any additional waste
21 deliveries and to remove all compostable materials and waste from the composting
22 facility pending compliance with Order No. R1-2013-0003’s prohibitions.

23 A true and correct copy of Petitioner’s June 17, 2014 request is attached hereto as Exhibit

24 A. On August 8, 2014, the Regional Board responded to RENALE’s petition, indicating that
25 was favorably inclined towards the County’s proposal to build a large containment pond at the
26 landfill to capture most wastewater and stormwater falling on the Compost Facility. The
27 proposed pond would take two to three years to be installed. RENALE does not believe that the
28 County has demonstrated the economic and technical feasibility of the proposed pond or whether

1 its suggested schedule is realistic given the likely administrative and legal challenges that will
2 confront the proposal. Nevertheless, rather than enforce the long-violated terms of the County's
3 WDRs, the Regional Board indicated its intention to extend the existing violations using a Time
4 Schedule Order. The Regional Board's August 8, 2014 letter amounts to a denial of RENALE's
5 petition for the Board to immediately enforce the WDRs no discharge requirement with
6 measures that would achieve no discharge immediately.

7 **III. THE DATE THE REGIONAL BOARD FAILED TO ACT.**

8 Petitioner sent its June 17, 2014 request via certified mail and it was received by the
9 Regional Board on June 22, 2014. On August 8, 2014, the Regional Board responded by
10 indicating it would not implement the enforcement measures requested by RENALE.
11 Alternatively, the Regional Board failed to act as of August 19, 2014. Pursuant to Water Code
12 Section 13220(a), Petitioner appropriately brings this petition within 30-days of the Regional
13 Board's decision or, alternatively, the 30-day period commencing 60 days after the request was
14 made to the Regional Board to act.

15 **IV. STATEMENT OF REASONS THE REGIONAL BOARD'S FAILURE TO**
16 **ACT WAS INAPPROPRIATE OR IMPROPER.**

17 The County of Sonoma has been operating the composting facility at the Central Disposal
18 Site in clear violation of the discharge prohibitions contained in Order No. R1-2013-0003. As
19 described in a March 18, 2014 letter sent on behalf of the Regional Board to Susan Klassen,
20 Director of the Sonoma County Department of Transportation and Public Works ("March
21 letter"), attached hereto as Exhibit B, the Central Disposal Site has been continually discharging
22 compost wastewater from the compost facility to local receiving waters. The March letter
23 observes that the sediment controls at the compost deck of the Central Disposal Site will be
24 "dwarfed by the volume of runoff and sediment generated on the compost deck during a large
25 storm event." The March letter concludes that the Regional Board is "concerned by the lack of
26 progress in developing a viable long-term discharge elimination plan within the proposed
27 timeframe of completion before the next rainy season..." Also in the March letter, the Board set
28

1 a deadline of October 1, 2014 for the County to cease all discharges of compost wastewater to
2 receiving waters, threatening monetary penalties of up to \$10,000 per day of discharge if the
3 County failed to meet this deadline.

4 The Regional Board subsequently issued a letter to Henry Mikus, Executive Director of
5 the Sonoma County Waste Management Agency, dated August 8, 2014 (“August letter”), and
6 attached hereto as Exhibit C. The August letter discusses a potential long-term plan to be in
7 place by the winter of 2016 or 2017 but acknowledges that discharges from the compost facility
8 will occur during the winters of 2014-2015, 2015-2016, and possibly 2016-2017. The August
9 letter makes no mention of the threat contained in the March letter to cease all discharges of
10 compost wastewater by October 1, 2014.

11 The Regional Board referenced its August letter in a letter it sent to Petitioner’s counsel
12 on the same day, August 8, 2014, attached hereto as Exhibit D. In that letter, the Board implied
13 that it preferred to let the Central Disposal Site continue to operate its composting operations
14 rather than strictly comply with the prohibitions of Order No. R1-2013-0003. Thus, rather than
15 address the Central Disposal Sites’ ongoing violations of its WDRs, the Regional Board
16 essentially ignored RENALE’s request to immediately stop the Central Disposal Site’s ongoing
17 violations of its WDRs, including the WDRs’ non-discretionary discharge prohibitions. The
18 Regional Board’s failure to respond to Petitioner’s request and enforce the requirements of Order
19 No. R1-2013-0003 was thus inappropriate and improper.

20 **V. STATEMENT OF POINTS AND AUTHORITIES.**

21 The present matter is straightforward – the Regional Board has failed to take action to
22 enforce the mandatory discharge prohibitions of Order No. R1-2013-0003 vis-à-vis the compost
23 facility at the Central Disposal Site. Discharges from the compost facility contain harmful
24 pollutants that flow to sedimentation basins at the Central Disposal Site. During large storm
25 events, those basins discharge to channels that flow directly to Stemple Creek, a water of the
26 state. Such discharges from the compost facility are in direct contravention to Discharge
27 Prohibitions A(3), A(11), and A(15) in Order No. R1-2013-0003.

1 **VI. PETITIONER IS AGGRIEVED.**

2 Petitioner RENALE and its respective members are aggrieved by the Regional Board's
3 failure to act. Petitioner's members live at the Happy Acres subdivision, located on Meham
4 Road northeast of and directly adjacent to the Central Disposal Site. They are concerned about
5 the environmental and public health impacts of the Central Disposal Site, especially the
6 composting facility. Petitioner's members use and enjoy Stemple Creek for recreation and other
7 activities. Where that creek is polluted and degraded by compost leachate and storm water
8 runoff from the compost facility of the Central Disposal Site, Petitioner's members' recreational
9 uses and aesthetic enjoyment of the creek are reduced.

10 **VII. REQUESTED STATE BOARD ACTION.**

11 Petitioner requests that State Board issue an order 1) finding that the Regional Board's
12 failure to act was improper, and 2) requiring either the Regional Board or the State Board to
13 perform all of the actions requested in the Regional Board Petition.

14 **VIII. STATEMENT OF COPIES SENT TO THE REGIONAL BOARD AND
15 DISCHARGER.**

16 Copies of this petition are being sent to the Regional Board, State Board, the County of
17 Sonoma, the Sonoma County Waste Management Agency, Central Disposal Site, and Sonoma
18 Compost Company at the following addresses and, where known, e-mail addresses:

19 John W. Corbett, Chair
20 Matthias St. John, Executive Officer
21 Regional Water Quality Control Board
22 North Coast Region
23 5550 Skylane Boulevard, Suite A
24 Santa Rosa, CA 95403
25 matt.st.john@waterboards.ca.gov
26 John.corbett@waterboards.ca.gov

Susan R. Klassen, Director
County of Sonoma – Transportation and
Public Works Department
2300 County Center Dr., Ste B-100
Santa Rosa, CA 95407
Susan.Klassen@sonoma-county.org

27 Michael Lauffer
28 Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
mlauffer@waterboards.ca.gov

Henry Mikus, Executive Director Sonoma
County Waste Management Agency
2300 County Center Dr., Ste B-100
Santa Rosa, CA 95407
Henry.Mikus@sonoma-county.org

1 Trish Pisenti
2 Central Disposal Site
3 500 Mecham Road
4 Petaluma, CA 94952
5 Trish.Pisenti@sonoma-county.org

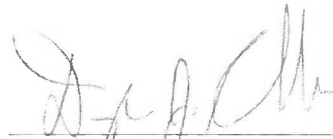
Alan Siegle, Co-Owner
Will Bakx, Co-Owner
Sonoma Compost Company
550 Mecham Road
Petaluma, CA 94952
alansiegle@sonomacompost.com
willbakx@sonomacompost.com

6 **IX. ISSUES RAISED BEFORE REGIONAL BOARD.**

7 Petitioner certifies that each of the issues set forth above were presented in writing to the
8 Regional Board in RENALE's petition to the Regional Board dated June 17, 2014.

9 Respectfully submitted.

10
11 Dated: August 25, 2014



12 _____
13 Douglas J. Chermak
14 Attorneys for Petitioner Renewed Efforts of Neighbors
15 Against Landfill Expansion
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EXHIBIT A



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
michael@lozeaudrury.com

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 17, 2014

John W. Corbett, Chair
Matthias St. John, Executive Officer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Re: Petition to Regional Board to Take Actions to Enforce Violations of Order No. R1-2013-0003 at Central Disposal Site's Composting Facility

Dear Chair Corbett and Mr. St. John,

On behalf of Renewed Efforts of Neighbors Against Landfill Expansion ("RENALE"), we respectfully submit this petition for the California Regional Water Quality Control Board, North Coast Region ("Regional Board") to promptly enforce within the next 60-days violations of the Porter-Cologne Water Quality Control Act ("Porter-Cologne" or "Act") that are occurring at the Central Disposal Site, the County of Sonoma's landfill facility located at 500 Mechem Road in Petaluma, California. The violations in particular relate to the operations of the composting facility at the Central Disposal Site. Pursuant to Waste Discharge Requirements for Operation, Corrective Action, New Construction, and Closure at the Sonoma County Central Disposal Site ("WDRs"), certified by the Regional Board on March 14, 2013, Order No. R1-2013-0003, the County of Sonoma and the operators of the Central Disposal Site's composting facility are prohibited from discharging waste including solids, liquids, leachate, or landfill gas to surface water, surface water drainage systems, or groundwater. Order No. R1-2013-0003, Discharge Prohibition A(3). Discharge Prohibition A(11) provides that "[t]he discharge of waste to surface waters or within 50 feet of surface waters is prohibited." Discharge Prohibition A(15) further provides that "[t]he discharge of wastes from activities occurring upon or within the landfill footprint, including composting activities, to stormwater sedimentation basins, surface, and/or ground water is prohibited."

Despite these mandatory prohibitions on discharging any waste either to sedimentation basins or waters of the State, the County and other operators of the composting facility have been

discharging waste from the composting facility to surface water drainage systems, stormwater sedimentation basins, and surface waters since operations were initiated at the compost facility.

Members of RENALE live at the Happy Acres subdivision, located on Mecham Road northeast of the Central Disposal Site, and are concerned about the environmental and public health impacts of the Facility, especially the composting facility. RENALE petitions the Regional Board to immediately enforce Order No. R1-2013-0003 by ordering the County and the composting facility's operators to immediately close the composting facility and to immediately remove all composting materials and waste from the site pending either any long-term construction changes to the site that would comply with the permit's discharge prohibitions or, as RENALE would prefer, the permanent closure and relocation of the composting facility to a more isolated and environmentally appropriate site.

RENALE appreciates the Regional Board's efforts to date to protect the waters of Stemple Creek. However, although focusing both the Regional Board and the County on the ongoing violations, those efforts thus far have only served to allow the County and operators of the composting facility to take additional time to develop a plan and achieve compliance with the discharge prohibitions. On March 18, 2014, you sent a letter on behalf of the Regional Board to Susan Klassen, Director of the Sonoma County Department of Transportation and Public Works ("Regional Board letter"), notifying the County that the Central Disposal Facility and the composting facility have been continually discharging compost wastewater to local receiving waters. Your letter observes that the Best Management Practices ("BMPs") at the compost deck of the Facility will be "dwarfed by the volume of runoff Sonoma County Waste Management Agency recently abandoned a plan to reduce wastewater discharges during the 2013-2014 rainy season. The letter concludes that the Regional Board is "concerned by the lack of progress in developing a viable long-term discharge elimination plan within the proposed timeframe of completion before the next rainy season..." Also in the letter, the Board set a deadline of October 1, 2014 for the County to cease all discharges of compost wastewater to receiving waters. If the County does not meet this deadline, the Board threatens monetary penalties of up to \$10,000 per day of discharge.

There is no reason at this point for the Regional Board to allow blatant violations to continue pending whatever long-term plans the facility may wish to implement. The Regional Board should immediately issue a cease and desist order pursuant to Water Code § 13301 requiring the County and each and every operator of the compost facility to comply forthwith with Order No. R1-2013-0003's prohibitions. The Regional Board also should immediately issue a clean-up and abatement order pursuant to Water Code § 13304 requiring the County and the compost facility's operators to immediately close the facility to any additional waste deliveries and to remove all compostable materials and waste from the composting site pending compliance with Order No. R1-2013-0003's prohibitions.

Petition to Enforce Violations of Order No. R1-2013-0003 at Central Disposal Site
June 17, 2014
Page 3 of 4

RENALE asks that these enforcement steps be taken by the Regional Board within 60-days of the date of this letter. Should the Regional Board not take the requested enforcement steps, RENALE would intend to petition the State Water Resources Control Board to review the Regional Board's inaction as provided by Water Code § 13320(a).

Sincerely,



Michael R. Lozeau
Lozeau Drury LLP
Attorneys for RENALE

cc via first-class mail:

Susan R. Klassen, Director
County of Sonoma – Transportation and Public Works Department
2300 County Center Dr. Ste B-100
Santa Rosa, CA 95407

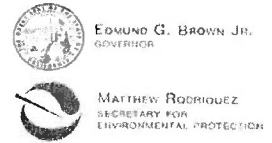
Henry Mikus, Executive Director
Sonoma County Waste Management Agency
2300 County Center Dr. Ste B-100
Santa Rosa, CA 95407

Trish Pisenti
Central Disposal Site
500 Mecham Road
Petaluma, CA 94952

Alan Siegle, Co-Owner
Sonoma Compost Company
550 Mecham Road
Petaluma, CA 94952

Will Bakx, Co-Owner
Sonoma Compost Company
550 Mecham Road
Petaluma, CA 94952

EXHIBIT B



North Coast Regional Water Quality Control Board

March 18, 2014

Susan Klassen
Deputy Director
County of Sonoma
Department of Transportation and Public Works
2300 County Center Drive, Suite B-100
Santa Rosa, CA 95403

Dear Ms. Klassen:

Subject: Status of Efforts to Reduce and Eliminate Wastewater Discharges from the Compost Site and Sonoma County Central Disposal Site, Pursuant to WDRs Order No. R1-2013-0003

File: Sonoma County Central Disposal Site, WDID Nos. 1B801490SON and 1B99011RSON

For almost a year now, we have been in correspondence with Sonoma County Waste Management Agency (SCWMA) directly and through its consultant, SCS Engineers, with respect to the point source discharge of wastewater from the compost deck at the Central Disposal Site. As you are aware, the WDRs (R1-2013-0003) adopted March 14, 2013 by the Regional Water Board acknowledge and enforce our Basin Plan prohibition related to point source discharges of waste to coastal streams in the North Coast Region, and state that "[t]he discharge of wastes from activities occurring upon or within the landfill footprint, including composting activities, to stormwater sedimentation basins, surface, and/or ground water is prohibited." The WDRs required in part that the Discharger (Sonoma County) provide us with a plan and schedule, by May 15, 2013, to cease all discharges of compost wastewater to receiving waters.

On or around May 14, 2013, we received the "Proposed Discharge Compliance Plan" (Plan), prepared by SCS, responding to the WDR directive. That Plan proposes design, review, and construction of an approved storm water compliance alternative by fall of 2014. In the months since receiving the Plan, we have explored first with SCS, then with Mr. Henry Mikus of SCWMA, questions on a number of issues, as discussed below, relating to both

short-term and long-term options and efforts to reduce and ultimately eliminate wastewater discharges to receiving waters, and various options and efforts to improve the quality of the leachate/wastewater discharged from the site in the interim. On February 20, 2014, Terri Cia and Diana Henriouille de Gonzalez of my staff met with Mr. Mikus, and County staff Glenn Morelli, Trish Pisenti, and Alex Sebastian at the compost site to observe current conditions and BMPs, and to discuss the status of treatment and disposal efforts underway.

Compost Wastewater Treatment

The Plan proposes a possible long-term option involving treatment of compost wastewater prior to surface water discharge. This option is not compatible with our Basin Plan prohibition, and we have advised SCWMA that it is not a viable long-term option. However, in the interim before zero discharge is achieved, we encourage any effort to remove or reduce pollutants in or transported by compost wastewater. SCWMA has advised us of two treatment measures being employed: 1) sediment control BMPs at the lower end of the compost deck and 2) aeration in the upper compost pond. The latter treatment effort is intended to reduce odors, and is not directly a water quality issue unless it somehow affects the quality of the wastewater discharged from the pond; accordingly, this effort is not subject to formal review or approval by the Regional Water Board. With respect to the sediment controls, our staff observed check dams and wattles near the lower corner of the compost deck during the recent site visit and noted they appear to be collecting some sediment from the compost deck runoff. However, we note that given the great size of the compost deck above these controls, they are likely dwarfed by the volume of runoff and sediment generated on the compost deck during a large storm event.

Reducing Discharge Volumes During the Current Winter Season

The initial Plan did not propose any efforts to reduce wastewater discharges during the 2013-14 rainy season. However, as our discussions proceeded with SCS and Mr. Mikus, SCWMA proposed to capture a portion of the runoff from each storm, diverting approximately 200,000 gallons of the first flush runoff into Baker tanks and emptying the tanks at an appropriate wastewater treatment facility between storms. While we encouraged SCWMA to pursue this option while working towards zero discharge, we learned recently that SCWMA had decided not to pursue this option after the Local Enforcement Agency (LEA) expressed interest in reviewing the project. Mr. Mikus advised us that as an alternative, SCWMA was instead going to review the option of capturing a portion of the runoff from each storm into the lower compost pond, and emptying that pond between storms. We have just received a proposal from Mr. Mikus indicating that the first 200,000 gallons of each storm will be collected in the lower pond.

In parallel to the first flush plans, we understand that the compost operators have been attempting to pump retained liquids from the upper pond between storms and spraying the liquids onto the road above the compost deck or reincorporating them into compost material, in an effort to address neighbor complaints about odors. This effort reportedly ensured that the pond was empty prior to the large storm in early February 2014, and we

understand that these efforts have continued, more recently with the assistance of the County, with a portion of the liquid being trucked offsite to the subregional wastewater treatment plant (WWTP) on Llano Road for treatment and disposal. We understand that to date, more than 1,000,000 gallons of leachate has been trucked to the WWTP, and these efforts will continue in the short term.

Reducing the Volume of Wastewater Generated During the Wet Season

We asked SCWMA whether the working area at the compost facility could be reduced over the rainy season so that less wastewater/contaminated runoff is generated, so less will overflow after the ponds are full. We were initially advised that this would not be a good option because it would interfere with the County's waste volume reduction goals/requirements. On more recent discussion, we learned that the compost facility takes wastes above and beyond those diverted from the landfill and representing the county's waste diversion goals. Therefore, we understand that there is some room for reduction of the working area, while still meeting the County's waste diversion goals. We recommend that both the County and SCWMA explore this option further.

We also asked whether finished compost material might be housed at an offsite facility, and were advised that this would require revision of the LEA permit, thus would likely prove too complicated. We encourage the County to explore this option and determine whether it is feasible to work with SCWMA to pursue LEA permit modification to allow for offsite storage of some portion of the compost material.

Long Term Elimination of Discharge/Zero Waste Discharge

Leachate ponds and pipeline

We understand that installing the plumbing and directing compost wastewater to the landfill's leachate disposal system is feasible from an engineering standpoint, but we have been advised that there are a number of obstacles associated with operating agreements, permits, and other agency concerns, all beyond the control of SCWMA and the compost operators. We also understand that these obstacles are being addressed and progress on removing them or resolving them is being made. We encourage the County to continue these efforts and to work with SCWMA to develop estimates of the compost deck storm runoff that might be diverted to the leachate ponds and pipeline and to describe conditions and restraints on the volume and timing of diversions.

New onsite ponds

The May 2013 Plan indicated that any proposed long term plan would require the creation of additional onsite capacity. Accordingly, the Plan indicated that SCWMA and its consultants were proposing to develop and design plans to construct one or more new ponds. Our staff learned during the February 2014 site visit that this option is apparently no longer viable and is not being pursued for development as SCWMA has been advised that the prospective pond locations are not available for use due to operational or construction needs associated with the landfill. During the site visit, our staff, Mr. Mikus,

and County staff observed and discussed various other potential locations both on and possibly offsite that might accommodate ponds while not interfering with other activities on the landfill site. We are not sure what further effort has been made to explore these or other possible sites since our visit, but understand from discussion at our Board meeting on March 13 that SCWMA and County staff are exploring possible onsite storage areas. We look forward to hearing more about this effort.

In summary, we have been encouraged by the recent stepped up efforts by SCWMA, the County, and the compost facility operators to reduce wastewater discharges over this winter season, and by the County's assistance in this effort, and we hope that you continue to work together over the remainder of the season to minimize the volume of discharges with future storms. We are, however, concerned by the lack of progress in developing a viable long-term discharge elimination plan within the proposed timeframe of completion before the next rainy season, and by the numerous obstacles that reportedly hinder this effort. It appears that some of the options that are physically possible are more directly in the control of the County than of the compost operators. Furthermore, as the named Discharger in our WDRs, the County of Sonoma is the entity ultimately responsible for ensuring that waste discharges from the Central Disposal Site comply with our WDRs and requirements and prohibitions incorporated therein. Accordingly, we are placing you on notice that we are setting a deadline of October 1, 2014 to cease all discharges of compost wastewater to receiving waters. Discharges occurring after that date will subject you to potential penalties of up to \$10,000 per day of discharge and \$10 per gallon of discharge over the first 1000 gallons, pursuant to Water Code section 13385.

We look forward to discussing this matter with you further and working together to ensure that compost wastewater discharges to waters of the State are controlled and eliminated before the start of the 2014 winter rainy season. If you have any questions regarding this matter, please contact Diana Henriouille de Gonzalez at (707)576-2350 or, by email, at Diana.Henriouille@waterboards.ca.gov or David Leland at (707)576-2069 or, by email, at David.Leland@waterboards.ca.gov.

Sincerely,

Original Signed By David Leland For

Matthias St. John
Executive Officer

140318_DSH_ef_Central_compost_summaryandzerodischarge_schedule

cc: Henry Mikus, Sonoma County Waste Management Agency, Henry.Mikus@sonoma-county.org
Leslye Choate, Sonoma County LEA, Leslye.Choate@sonoma-county.org
Rick Downey, Republic Services, RDowney@republicservices.com

EXHIBIT C



North Coast Regional Water Quality Control Board

August 8, 2014

Henry Mikus, Executive Director
Sonoma County Waste Management Agency
2300 County Center Drive, Ste. B-100
Santa Rosa, CA 95403

Dear Mr. Mikus:

Subject: Comments on Sonoma County Waste Management Agency's (SCWMA) July 2014 Plan and Schedule to Cease All Discharges of Compost Wastewater to Receiving Waters

File: Sonoma County Central Disposal Site, WDRs Order No. R1-2013-0003

We are in receipt of the above-referenced plan and schedule (Plan) to address continuing discharges of compost wastewater to waters of the State and United States. The Plan is part of the SCWMA's evolving response to address a directive under Waste Discharge Requirements (WDRs) Order No. R1-2013-0003, for the County of Sonoma's Central Disposal Site, that requires submittal of a plan and schedule, by May 15, 2013, to eliminate discharges of wastewater from the composting area to receiving waters. That requirement implements the Water Quality Control Plan for the North Coast Region (Basin Plan) prohibition on point source discharges to coastal streams; the Basin Plan indicates that existing discharges to such waters should be eliminated at the earliest practicable date.

Regional Water Board staff have reviewed the Plan and have discussed various aspects of the Plan with both you and Stu Clark. Based on our review and discussion of the Plan, we have the following response and comments.

The Plan describes and provides an anticipated schedule for implementing three parallel efforts to address wastewater discharges over both the short and long term:

Long-term plans

1) Large pond

The Plan provides design details for a proposed 29,000,000-gallon compost stormwater pond, to be classified as a Class II surface impoundment, per California Code of Regulations, title 27 (Title 27). The Plan also describes the anticipated process to obtain necessary approvals to construct the pond, and a schedule for both the permitting and construction of the pond. The Plan indicates a number of decision points where the SCWMA may opt to abandon the project due to cost or a

change in plans. Specifically, final siting and design features associated with the proposed permanent composting facility, either at the Central Disposal Site or at the "Site 40" alternative may lead to a determination that the pond is no longer needed or that a smaller or differently sited pond is more appropriate. Given that various critical decision points regarding or affecting the SCWMA's intentions with regard to pursuing the pond project are pending, most notably in August and November 2014, we are not commenting on the pond design at this time. We will discuss this proposal with you pending the outcome of the SCWMA Board's November 2014 meeting. In the meantime, to facilitate our timely review and approval of your proposal, we encourage you to ensure that all pond siting, design, construction, operations, monitoring, financial assurance, and closure information is consistent with Title 27 requirements for Class II surface impoundments.

2) Zero discharge facility

The Plan indicates that the SCWMA proposes to select a final site for the new compost facility, either at the Central Disposal Site or at Site 40, and to pursue permitting/approvals, design, and construction of the facility at the preferred site.

The schedule provided indicates that efforts associated with both the zero discharge facility and the large pond (should the latter project be carried through to completion) are expected to be implemented on roughly the same schedule, completed and operational either by winter 2016 or winter 2017. Accordingly, assuming that the SCWMA does not opt to discontinue operations on the current compost site before a long-term zero discharge solution is implemented, it is likely that under any long-term scenario, the current compost facility will need to rely on interim measures to control and minimize discharge over the winters of 2014-15, 2015-16, and possibly 2016-17.

Short-term plans

3) Interim measures

The Plan discusses four components intended to reduce the volume or improve the quality of wastewater discharged from the compost operations area. These components are more or less the same as those employed or discussed over the previous rainy season, but have been expanded or refined for the upcoming rainy season. Specifically, these measures include: a) reduced working area on the compost deck; b) combining the two ponds directly downgradient of the compost area to increase storage capacity; c) additional sediment/solids control features on the compost deck; and d) pumping, hauling, and disposing of compost contact water at appropriate offsite locations.

a) Reduced working area

The Plan indicates that drainage from a portion of the compost deck, comprising approximately 18% of the total deck area, can be relatively easily isolated from runoff from the remainder of the deck. Accordingly, the SCWMA board has authorized the purchase of a new windrow turner that will allow the compost operator to consolidate compost windrows and to ensure that wet weather operations are limited to the larger area of the deck, and that the smaller portion that drains separately is kept free of materials or activities that could produce leachate or that could introduce compost-related wastes into stormwater runoff.

We are encouraged by your efforts to find ways to reduce the compost working area and, thus, to reduce the volume of wastewater generated during rainy periods.

b) Pond combination

Continuing to develop a proposal made by SCWMA staff in early 2014, the Plan describes a project to enlarge and combine the two sediment ponds located directly downgradient of the compost deck, ponds SP-4 and SP-8. Project drawings and specifications submitted August 4, 2014 show a pond lined with 60-mil geomembrane over a geocomposite material, and with a 20-foot wide access ramp extending from the pond perimeter to the pond bottom. The liner on the pond bottom will be covered with a layer of sand overlain by aggregate base. The pond design includes a spillway that should ensure that a 2 foot minimum freeboard is maintained. This project will provide approximately 2 million gallons of holding capacity for runoff from the compost deck, effectively doubling the available storage capacity over what is presently available.

We are encouraged that you have continued to pursue this idea, and hope that you are able to complete the project as proposed in advance of the 2014 rainy season. We understand that the pond design is also subject to review and approval by Sonoma County and Republic Services. Please keep us apprised of status of their review/ approval, as well as subsequent progress in pond construction and completion. Finally, as indicated in a July 22, 2014 email from Diana Henrioulle to you, as well as in a telephone call between Ms. Henrioulle and Stu Clark on August 1, 2014, we are interested in receiving further information about proposed pond maintenance and operations. On August 6, 2014, you provided a one-page document entitled "Operations Plan." Ms. Henrioulle will review this submittal and follow up with any questions or comments in separate correspondence.

c) Additional best management practices on the compost deck

Over the previous rainy season, SCWMA installed check dams and straw wattles at various key points on the compost deck and leading from the deck to the sediment basins. The Plan indicates that for upcoming rainy seasons, SCWMA intends to install additional sediment traps and to protect finished compost material from contact with rain water through tarping and/or berming.

While noting that management practices/measures for runoff treatment can likely only remove a small fraction of the pollutants entrained in the runoff from the compost deck, we acknowledge that pollutants removed are pollutants not discharged to the stormwater system and, potentially, to waters of the State and the United States. In addition, measures to prevent rain water from coming into contact with pollutant sources will also help to improve the overall quality of the runoff leaving the compost area. We would expect that any improvements to the quality of the wastewater from the compost area will help to increase SCWMA's options for offsite wastewater disposal as it should reduce the potential effect the wastewater may have on UV transmittance. We support your continued efforts to improve the quality of the wastewater from the compost deck through the use of best management practices.

d) Pump/truck

Over the previous rainy season, SCWMA commenced an effort to minimize the amount of compost water discharged to surface waters by pumping and trucking wastewater to the City of Santa Rosa's Laguna Wastewater Treatment Facility. We understand that through those efforts, approximately 2 million gallons of wastewater was removed from the site, at a rate of up to 100,000 gallons per day, and consequently prevented from discharging to receiving waters. The Plan indicates that over the upcoming rainy season, SCWMA proposes to continue and expand the pumping and hauling effort.

We understand that the trucking company used last year committed to hauling up to 300,000 gallons of wastewater per day, if the disposal destination is to be the Laguna facility. However, we understand that the total amount that the Laguna facility will be able to handle in the future is uncertain at this time, due to questions about the effects that the compost wastewater may have on the UV transmittance of effluent under treatment at the Laguna facility. As a result, you indicate in the Plan that SCWMA is exploring disposal options with several other wastewater treatment facilities, and that a better estimate of the minimum daily outhaul capacity will not be available until mid to late September.

In telephone calls between Stu Clark and Regional Water Board staff on August 1, 2014 and in email correspondence provided August 4, 2014, we understand that at this time, SCWMA can commit to pumping and trucking out a minimum of 60,000 gallons of wastewater per day, Monday through Friday, if available in the SP4/SP8 combined pond, for disposal at East Bay Municipal Utility District in Oakland and/or at the Laguna facility. Further, we understand from Ms. Henriouille's conversation with Stu Clark on August 1, 2014 that the available budget for this component of the interim plan will accommodate additional pumping and trucking for offsite disposal in the event that additional disposal capacity/locations are identified. Finally, we understand that if additional disposal options or additional disposal capacity at locations nearer than Oakland become available, you will work to optimize the daily outhaul of wastewater within the available budget.

We believe this element is critical to the success of efforts to minimize compost wastewater discharges to receiving waters over the next few or several winters while long-term solutions are being constructed and brought online. We strongly encourage you to make every effort to maximize the amount of wastewater you can remove each day from the site during and between rainfall events.

Taken as a whole, the proposed interim measures represent a significant addition to the measures already in place since the past rainy season. These measures will provide a net improvement in the quality of runoff from the compost deck, a net increase in the amount of runoff that can be stored onsite, a net increase in the amount that can be hauled off the site, and, overall, both a net reduction in potential runoff and a lower pollutant load in any such runoff. We encourage you to aggressively implement the interim measures and to continue to work on the long-term solutions in earnest.

As we have discussed with you, after we have received the additional information you propose to furnish in mid to late September, we expect to develop a Time Schedule Order (TSO) incorporating the key elements, milestones, deliverables, and due dates you have presented in your Plan and provided us in subsequent discussions. In addition, we expect to include monitoring and reporting requirements and a description of potential enforcement consequences in the event of missed deadlines. With respect to our response to compost wastewater discharges to receiving waters occurring during the period before a long-term zero discharge option is implemented, we remind you that we retain our enforcement authority, and that we use that authority with discretion. Your continued and diligent efforts at pursuing both the long-term solution and in continuing to identify and implement appropriate interim measures to minimize the amount of wastewater discharged to receiving waters will factor significantly in our decisions with respect to the nature of any enforcement response we might consider or recommend to the Board.

We look forward to continuing to work with you in this matter, and thank you for your efforts to date. Please contact Diana Henriouille at (707)576-2350 or, by email, at Diana.Henriouille@waterboards.ca.gov or David Leland at (707)576-2069 or, by email, at David.Leland@waterboards.ca.gov if you have any questions or comments.

Sincerely,

Original Signed By David Leland For

Matthias St. John
Executive Officer

140808_DSH_of_Central_Compost_response_to_SCWMA_zero_disch_plan

cc: Stu Clark, DEI - stu@dedwardsinc.com
Susan Klassen, SCDPW - Susan.Klassen@sonoma-county.org
Leslye Choate, Sonoma County LEA - Leslye.Choate@sonoma-county.org
Trish Pisenti, SCDPW - Trish.Pisenti@sonoma-county.org
Patrick Carter, SCWMA - Patrick.Carter@sonoma-county.org
Will Bakx, Sonoma Compost - willbakx@sonomacompost.com
Alan Siegle, Sonoma Compost - alansiegle@sonomacompost.com
Rick Downey, Republic Services - rdowney@republicservices.com
Roger Larsen - rogerjlarsen@aol.com
Michael Lozeau, Lozeau Drury, LLP - michael@lozeaudrury.com

EXHIBIT D



North Coast Regional Water Quality Control Board

August 8, 2014

Michael Lozeau
Lozeau Drury, LLP
410 12th Street, Ste. 250
Oakland, CA 94607

Dear Mr. Lozeau:

Subject: Response to your Petition to the Regional Water Board to Take Actions to Enforce Violations of Order No. R1-2013-0003 at Central Disposal Site's Composting Facility

File: Sonoma County Central Disposal Site, WDRs Order No. R1-2013-0003

Thank you for your June 17, 2014 letter regarding the subject matter. Please be advised that we consider the discharge of wastewater from the compost facility at the Central Disposal Site to be a serious water quality concern, hence our requirements imposed through Order No. R1-2013-0003 and subsequent correspondence with and to the County of Sonoma and the Sonoma County Waste Management Agency (SCWMA). Note also that in the interest of landfill waste reduction, this Regional Water Board would prefer to find a solution that allows Sonoma County to continue to operate a viable facility to manage and compost waste generated within the County.

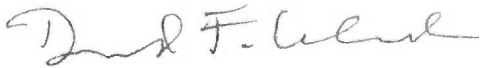
We have been in close communication with SCWMA as they have been working on identifying short and long term measures to address this concern. While the projects proposed in the SCWMA's July 2014 plan will not lead to zero discharge over the next 2-3 winters, it does provide what appears to be a realistic long-term path to zero discharge by Fall 2017 at the latest, the interim steps appear reasonable, and the obstacles preventing more timely completion or more expansive interim measures appear quite real as well. Accordingly, we have provided SCWMA with the August 8, 2014 response which we cc'd to you by email. Please note, as stated in that response, we intend to issue a Time Schedule Order to SCWMA pending receipt of further information about daily volumes and destinations of compost wastewater to be pumped and trucked for offsite disposal during the rainy season.


JOHN W. CORSETTI, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylark Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

Thank you for your continuing interest in this matter. We will keep you on our mailing list for this matter as it progresses. If you have any questions regarding this letter, please contact Diana Henriouille at (707)576-2350 or, by email, at Diana.Henriouille@waterboards.ca.gov or David Leland at (707)576-2069 or, by email, at David.Leland@waterboards.ca.gov.

Sincerely,



 Matthias St. John
Executive Officer

140808_DSH_ef_response_to_Lozeau_Drury_061717_letter_re_compost

cc: Stu Clark, DEI - stu@dedwardsinc.com
Susan Klassen, SCDPW - Susan.Klassen@sonoma-county.org
Leslye Choate, Sonoma County LEA - Leslye.Choate@sonoma-county.org
Trish Pisenti, SCDPW - Trish.Pisenti@sonoma-county.org
Patrick Carter, SCWMA - Patrick.Carter@sonoma-county.org
Will Bakx, Sonoma Compost - willbakx@sonomacompost.com
Alan Siegle, Sonoma Compost - alansiegle@sonomacompost.com
Rick Downey, Republic Services - rdowney@republicservices.com
Roger Larsen - rogerjlarsen@aol.com