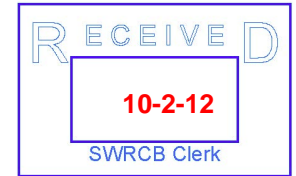




JOINT STATE OFFICE



September 12, 2012

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

Re: Comments on Draft Initial Study for the General Waste Discharge Requirements for the Discharge of Wastes at Compost Management Units

Dear Ms. Townsend:

The California Refuse Recycling Council is appreciative of the opportunity to participate in the ongoing development of the proposed General Waste Discharge Requirements for the Discharge of Wastes at Compost Management Units (Order No. DWQ-2012-XXXX). The use of compost in agriculture is important to current and future development of sustainable practices which will reduce the amount of water used by farmers and preserve and enhance the health and productivity of the soil throughout California. Additionally, the composting industry has been instrumental in helping the communities we serve achieve the 50% waste diversion required by AB 939, while preserving the lifespan of local landfills. Furthermore, the diversion of organic waste from landfills and increased agricultural use of compost have both been identified as crucial greenhouse gas reduction strategies.

As an industry that facilitates the recycling of organic waste, we work on a daily basis to keep our state clean and healthy. We are certain that multiple requirements of the Statewide WDRs are overly prescriptive and/or burdensome and would cause economic hardship to the composting industry, particularly in the context of the current business climate in our state and the inability of composting operators to pass on the exorbitant costs of many of the proposed Water Quality Protection Measures (WQPMs). Additionally, the intent of the Board is unclear in parts of the Order and additional clarification would be helpful.

General Scope and Impact on Industry

Since the 2003 sunset of the previous Conditional Waiver of Waste Discharge Requirements for

Composting Operations (adopted by the SWRCB in 1996), compost industry representatives have sought a new waiver that would establish regulatory certainty for composting operators as the nascent industry struggles to expand to meet Californian's desire to "close the loop" on organic materials management and landfill diversion.

Unfortunately, the process has become overly aggressive in its approach – placing rigorous monitoring and reporting requirements and economically unachievable operating surface design specifications on an industry that is needed to grow markedly over the next few coming years to meet landfill diversion goals. Dozens of composting facilities have been operating over the last several decades in our state and – despite numerous requests from stakeholders – staff has failed to substantiate any significant impairment of groundwater at any location, while the potential limited risk has often been cited as substantive reason for the proposed order. The Draft Initial Study developed for the proposed Order highlights the innocuousness of the large majority of the materials composted:

“Preliminary water quality information collected indicates that composting of the feedstocks and additives, and/or the incorporation of amendments as specified in the Order, is relatively innocuous, when compared to the composting of such feedstocks as municipal solid waste, animal carcasses, and/or untreated sewage sludge.”

Additionally, the development of these WDRs has proceeded without any analysis of the economic burden to be placed on composting operators. Meanwhile, agricultural operations, chipping and grinding facilities, and land application sites – all of which represent an equitable threat to water quality, albeit at a lesser cost – are excluded from this rulemaking while processing and discharging the overwhelming percentage of the same organic materials as composters. Many composters will not survive either the cost of these regulations nor the competitive imbalance they will enhance. Lastly, by allowing Regional Board discretion in implementation of this Order, the likelihood of uneven enforcement further impairs the potential for a level playing field.

Water Quality Protection Measures

The composting industry economics will not bear the cost of the requirements for compost pads which focus on the protection of groundwater through low permeability liners from 1 to 2 feet thick – liners that cost a minimum of \$50,000 per acre to design and construct. The approach taken is to borrow from construction standards for landfills and impoundments, where there is a depth of standing liquid over the liner. In the case of impoundments, liquid depth over the liner is by design. In a landfill, although designed to minimize liquid over the liner, it can't be visually monitored or repaired. In the case of a compost pad, ponding of liquid can be observed and low spots repaired as they occur.

The most effective way to prevent the vertical migration of liquids into ground water at a

compost facility is to provide good drainage off of the pad to an impoundment and prevent ponding on the pad. This can be accomplished through maintenance of slopes, reducing slope length to drainage conveyances, positioning windrows to avoid blocking storm water runoff, etc. If storm water that is contaminated from contact with organics can be efficiently drained to a surface impoundment, then contamination from vertical migration through the pad will not occur.

Conclusion

Our membership believes that properly-run composting operations do not pose as significant a threat to water quality – particularly to a level that would justify such costly proposed WQPM requirements – as outlined in the Order. Our members have a commitment to effective recycling and environmental protection that is unwavering. Green materials and other compostable materials that are diverted from disposal account for a significant percentage of both the state’s landfill diversion mandate and greenhouse gas reduction goals. The continued success of green material recycling programs is dependent upon the development of cost-effective, practical regulations that will protect the environment in balance with the substantial benefits of composting operations to the sustainable future of our state.

Sincerely,

Evan W.R. Edgar

Kathy Lynch

Regulatory Affairs
Northern District

Regulatory Affairs
Southern District