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October 10, 2012

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

Re: General Waste Discharge Requirements for the Discharge of Wastes at Compost Management Units – Comments on CEQA Draft Initial Study/ Mitigated Negative Declaration

Dear Ms. Townsend:

The California Compost Coalition is appreciative of the opportunity to comment on the CEQA Draft Initial Study (IS) and Mitigated Negative Declaration (MND) for the proposed General Waste Discharge Requirements (WDRs) for the Discharge of Wastes at Compost Management Units (Order No. DWQ-2012-XXXX).

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.

We understand that the CEQA process does not involve any analysis of the economic burden to be placed on composting operators and the development of these WDRs has proceeded without such. However, given the certainty that numerous operators will not be able to bear the cost of compliance – particularly where operating pads will need to be constructed at costs exceeding \$50,000 per acre – the IS has failed to evaluate the environmental impacts that will result from the loss of composting infrastructure due to the certain closure of facilities.

Upon the loss of composting sites, the organic materials they currently manage will either be landfilled or discharged at other lower cost options: agricultural operations, chipping and grinding facilities, and land application sites – all of which represent an equitable threat to water quality – and all of which are excluded from this rulemaking while already processing an overwhelming share of the same organic waste materials as those handled by composters.

The IS is deficient in its analysis with respect to the impacts created by the loss of composting infrastructure in three particular sections: Air Quality, Greenhouse Gas Emissions, and Public Services:

Air Quality

The IS fails to discuss the potential impacts of volatile organic compound (VOC) emissions that will be generated by materials which will no longer be composted. Research by Dr. Fatih Buyuksonmez at San Diego State University ("Biogenic Emissions from Green Waste and Comparison to the Emissions Resulting from Composting Part II: Volatile Organic Compounds (VOCs)" 2007), which can be provided upon request,

shows that treating green material by composting reduces VOCs by an estimated 60 to 90 percent over uncontrolled (i.e., non-composted) degradation of green material. Given the VOC emissions factors attributable to the feedstock stockpiles in the emissions study work cited by both the San Joaquin Valley Air Quality Management District and the South Coast Air Quality Management District during their recent development of rules governing green material composting (Rule 4566 and Rule 1133 respectively; both adopted in 2011), green material is a significant VOC source outside of active composting. Based upon the San Diego State study, a reasonable conclusion can be made that the green material which can no longer be sent to a composting facility – given the anticipated reduction in composting resulting from adoption of these WDRs – will propagate the release of VOCs to the atmosphere, as opposed to the controlled management methods employed in composting.

Greenhouse Gas Emissions

Following the adoption of AB 32, the California Air Resources Board approved a Scoping Plan, developed to identify mitigation strategies for the release of greenhouse gasses (GHGs) into the atmosphere. Among the Scoping Plan's Recommended Measures, RW-3 (High Recycling/Zero Waste) prescribes composting as an effective option to reduce the landfilling of organic materials, since landfill methane production is identified as a significant source of GHGs.

The loss of available composting capacity expected following adoption of these proposed WDRs will significantly hinder the State's ability to achieve its near-term GHG reduction goals from the waste sector; the IS does not properly consider these impacts on GHG emissions.

Public Services

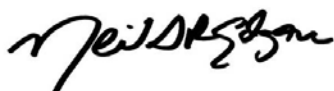
Solid waste management is an essential public service provided by all jurisdictions within the State of California. The Department of Resources Recycling and Recovery (CalRecycle) regulates solid waste activities, including the diversion of materials from landfilling, to meet environmental goals established by the Legislature. In 2011, AB 341 (Chesbro) was signed into law – which among other goals – mandates that jurisdictions source reduce, recycle, or compost 75% of their solid waste by 2020; CalRecycle has released their draft plan, titled “*California's New Goal: 75% Recycling*”, which identifies a wide range of policies and programs designed to meet this stated target. Among the critical underpinnings to achieving the lofty 75% recycling goal, CalRecycle has identified the expansion of statewide composting capacity as key, in order to divert organic materials (currently the largest segment of disposed materials in landfills).

The contraction of available composting capacity expected following adoption of these proposed WDRs will impair and/or disrupt the ability of jurisdictions throughout the State to meet their statutory and regulatory obligations in the delivery of solid waste management services to their citizens; the IS does not properly consider these impacts on public services.

Conclusion

The lack of any economic analysis regarding the impacts of these proposed WDRs on the affected industry is shortsighted and has left the IS bereft of the required analysis of likely environmental impacts should they be adopted in their current form. 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 both of which are based upon overriding environmental considerations. 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,



Neil S.R. Edgar
Executive Director