

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

RESOLUTION NO. RO2-021

**WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
SPECIFIED COMPOSTING OPERATIONS**

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds that:

1. California Water Code (CWC) section 13260(a)(1) requires that any person discharging wastes, or proposing to discharge wastes within any region, other than to a community sewer system, that could affect the quality of the waters of the State, shall file a report of waste discharge.
2. CWC section 13269 authorizes the Regional Board to waive waste discharge requirements (WDRs) for specific types of discharges where such a waiver is not against the public interest. Such waiver is conditional: it may be terminated for any type of discharge at any time; it does not authorize any discharge that is otherwise prohibited or regulated; it does not preclude the need for permits which may be required by other local or governmental agencies; and it does not preclude the Regional Board from taking enforcement actions for violations of the terms and conditions set forth in this Resolution, or for any discharges that cause or threaten to cause violation of provisions of the Water Quality Control Plan, or that create or threaten to create a condition of pollution or nuisance.
3. The Regional Board issued waivers for specified composting operations when it adopted Resolution No. 96-05 on April 3, 1996.
4. Senate Bill No. 390 was signed into law October 6, 1999 and revised section 13269 of the CWC. The revised section requires regional boards to:
 - review the terms, conditions, and effectiveness of each type of "Waiver of Waste Discharge Requirements and Water Quality Certification" included in their waiver policies;
 - renew waiver policies and individual waivers by January 1, 2003 (failure to renew waivers will automatically result in their termination);
 - issue general or individual WDRs for ongoing discharges whose waivers have been terminated and where it is determined that WDRs would provide a more appropriate and effective means of regulation;
 - enforce waivers; and,
 - renew/terminate waivers every five years.
5. The waiver for specified composting operations established by Resolution Nos. 96-05 must be reviewed and revised in order to comply with the requirements of section 13269.

6. The California Integrated Waste Management Board (CIWMB) has adopted regulations governing the composting of green material, animal material, sewage sludge, and municipal solid waste under Title 14, Division 30, Chapter 3.1. There are significant differences in the scope authority, and focus of the CIWMB's regulations governing composting and the State Water Resources Control Board's (State Board) regulations governing discharges of waste to land.
7. Local ordinances regulating specified composting operations have criteria for site placement to discourage runoff contamination from product to surface water, including springs, seeps, wetlands, and intermittent streams and wells.
8. Compliance with the terms and conditions of this Resolution is **not** sufficient to prevent the threat to water quality posed by discharges of the following wastes for treatment by composting:
 - (A) municipal solid waste;
 - (B) sludges (including sewage sludge, water treatment sludge, and industrial sludge);
 - (C) septage;
 - (D) liquid wastes, unless specifically approved by the Regional Board;
 - (E) animal waste, except manure when used as an additive;
 - (F) oil and grease; and
 - (G) hazardous, designated, and other wastes determined by the Regional Board to pose a potential threat to water quality.
9. "Green Waste" consists of, or contains, waste from plants, including leaves, clippings, cuttings, trimmings of grass, weeds, shrubbery, bushes, or trees, residential or community garden wastes, and untreated wood wastes, and does not include any substance included in Finding 8.
10. "Food processing waste" consists of, or contains, only pre-processed and post-processed waste derived from plants, or foods processed or produced at restaurants, hospitals, and food distributors, and does not include any substance included in Finding 8.
11. "Agricultural Waste" consists of the plant waste coming directly from an agricultural commodity, and is the product of farms and ranches, and by-products processed from these products. Agricultural waste includes agricultural, floricultural, silvicultural, vermicultural or viticultural products, and does not include any substance included in Finding 8.
12. "Paper waste" consists of nonhazardous paper and paper by-products, and does not include any substance included in Finding 8.
13. "Additive" consists of waste or products which are approved by the Regional Board for mixture with feedstock or treated wastes in order to adjust the moisture level, carbon-to-nitrogen ration, or porosity in order to create a condition favorable to composting, or to improve the end-product (including manures, fertilizers, and chemical amendments), and does not include any substance included in Finding 8.
14. "Discharger" means any person who discharges waste which could affect the quality of waters of the State, and includes any person who owns a waste management unit or who is responsible for the operation of a waste management unit.

15. Discharges of up to 500 cubic yards of green waste, food processing waste, agricultural waste, or paper waste for storage and treatment by composting on properties such as agricultural or residential property, parks, community gardens, or nurseries are unlikely to affect the quality of the waters of the State.
16. Dischargers whose total volume exceeds 500 cubic yards (including green waste, food processing wastes, agricultural waste, paper waste, or any approved additives) for storage and treatment by composting may affect the quality of the waters of the State through discharge of leachate containing organic or inorganic by-products of decomposition into ground or surface waters. Discharges of green waste, food processing waste, agricultural waste, or paper waste can be managed and treated in a manner that chemically or biochemically degrades by-products contained in waste and leachate, and contains, controls, or prevents any discharge of waste or associated leachate to waters of the State.
17. The use of additives as approved by the Regional Board is not expected to pose a significant threat to water quality.
18. It is not against the public interest for the Regional Board to waive the issuance of WDRs for discharges of green waste, food processing waste, agricultural waste, or paper waste to waste management units for composting, provided such units are properly designed and operated, and that such discharges comply with the conditions set forth in this Resolution.
19. Section 402 of the Clean Water Act and regulations adopted by the U.S. Environmental Protection Agency require that facilities which discharge storm water associated with industrial activity be regulated by a National Pollutant Discharge Elimination System (NPDES) permit. The State Board has adopted a General NPDES Permit for industrial activity (NPDES General Permit No. 91-13-DWQ, as amended by No. 92-12-DWQ. Accordingly, composting operations are included in Standard Industrial Classifications 2875 and 2879. Persons engaged in mixing fertilizers from purchased fertilizer materials (2875) or in manufacturing soil conditioners (2879) must, as a condition of this waiver of WDRs, obtain coverage and comply with the conditions of the NPDES General Permit Nos. 91-13-DWQ, 92-12-DWQ, and No. 97-03 DWQ.
20. The conditions of the waiver of WDRs provided for by this Resolutions implement the Water Quality Control Plan for the Regional Board, and are consistent with applicable provisions of State Board regulations governing discharges of waste to land.
21. The Regional Board has reviewed the Negative Declaration adopted by Resolution No 96-04 on May 6, 1996, and has not identified any changes in circumstances. The waiver adopted hereby shall apply only to the seven (7) existing waivers for specified composting operations located in the Los Angeles Region, including Ventura County as described in attachment A and is therefore exempt from further environmental review pursuant to 14 CCR 15301.
22. All subsequent specified composting operations will be subject to California State Water Resources Control Board Order for Statewide General Waste Discharge Requirements for Discharges of Greenwaste, which is scheduled for adoption in 2003.
23. Upon adoption of the Statewide General WDRs for Discharges of Greenwaste, the waiver holders described in Attachment A shall be required to apply for the WDR.

24. This Resolution does not preempt or supersede the authority of federal or State agencies, municipalities, or other local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.
25. The Regional Board held a public hearing on December 12, 2002 and considered all the evidence concerning this matter. Notice was given to all interested persons in accordance with CWC §13263 and §13267(c)

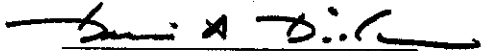
THEREFORE, BE IT RESOLVED that the Regional Board:

- I. Adopts the Waiver of WDRs for discharge of green waste, food processing waste, agricultural waste, or paper waste to land for composting by the seven (7) existing sites located in Los Angeles and Ventura Counties and identified on Attachment A, which is incorporated herein by reference.
- II. CONDITIONS
 - A. Any discharger who violates or fails to comply with the terms and conditions contained in this Resolution or who fails to notify the Regional Board within 30 days of any significant changes in the nature of the discharge, or in ownership, operation, or location of the facility, shall be found to be discharging waste in violation of CWC §13264.
 - B. The Dischargers identified in Attachment A shall apply for the Statewide General WDRs for Discharges of Greenwaste after the State has adopted them.
 - C. If the Statewide General WDRs for Discharges of Greenwaste has not been adopted, this waiver will be reviewed every five years with consideration for renewal by the Regional Board.
 - D. The discharge of green waste, food processing waste, agricultural waste, or paper waste for storage and treatment by composting shall not cause or threaten to cause a condition of contamination, pollution, or nuisance.
 - E. The use of additives is allowed, provided that such use of additives does not pose a threat to water quality, and provided that such use is approved by the Regional Board.
 - F. The discharge of any waste other than green waste, food processing waste, agricultural waste, paper waste, or additives (refer to Finding 13) on any area used to store or treat wastes is prohibited. Such wastes include but are not limited to those listing in Finding 8.
 - G. Containment structures such as berms, liners, or surface impoundments shall be maintained in order to ensure proper performance whenever wastes are discharged.
 - H. The discharger shall design, construct, and maintain the areas used for storage and treatment of green waste, food processing waste, agricultural waste, paper waste, or additives to control and manage all runoff, runoff, and precipitation which falls onto or within the boundaries of the storage and treatment areas. All areas at which green wastes, food processing wastes, agricultural wastes, paper waste, or additives are

discharged for storage or treatment shall be protected from inundation by surface flows associated with the 24-hour, 25-year storm event that may occur during the period of storage of wastes or treatment. In the event that rainfall exceeds the 24-hour, 25-year storm event, liquids and storm water shall be discharged in a manner approved by the Regional Board and shall not cause or threaten to cause contamination, pollution, or nuisance.

- I. Prior to the onset of the rainy season, the discharger shall conduct an annual survey of the composting facility in order to ensure that the site has been graded and prepared for the rainy season to eliminate and prevent erosion and to prevent ponding.
- J. The discharger shall allow the Regional Board staff to:
 1. copy any record required to be kept under the terms and conditions of this Resolution;
 2. sample any waste, additives, discharge, runoff or runoff; and
 3. take recordings, photographs or videotapes of the facility.
- K. All areas upon which waste is discharged for storage and treatment shall have surfaces capable of preventing degradation of waters of the state as a result of waste storage or treatment. Such surfaces shall be designed, constructed, and maintained to: (1) impede vertical movement of liquid phase constituents; and (2) reliably transmit most of the liquid generated during storage and treatment of waste laterally across the upper surface of the layer, thereby preventing significant quantities of liquids from entering ground or surface waters throughout the lifetime of the operation. If the equipment operating near or on storage and treatment areas produces subsidence, cracking, or otherwise compromises any surface, the discharger shall repair any damaged areas immediately.
- L. The discharger shall inspect storage and treatment areas for emergence of leachate, ponding, or surface failures such as cracking or subsidence; such inspections shall be frequent enough to ensure compliance with the conditions of this Resolution. If visible leachate, ponding, cracking, or subsidence of surfaces are observed, the discharger shall immediately take necessary steps to maintain the structural performance standards of the facility.
- M. The discharger shall notify the Regional Board of: any changes in existing Report of Waste Discharge by waived projects pursuant to this Resolution and shall include the following information disclosed regarding all alterations:
 1. date of commencement of anticipated changes;
 2. maximum cubic yards or tons of incoming waste per day, month, or year and anticipated quantities of compost to be generated in cubic yards or tons per day, month, or year;
 3. type of material used in operation;
 4. other site-specific changes, such as names and addresses of discharger, land and water use within a one-mile radius of the composting facility, berms or other physical alterations to operation site; and
 5. other pertinent site-specific information if required by the Regional Board in order to determine whether a proposal meets the conditions of this waiver.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region on December 12, 2002.



Dennis A. Dickerson
Executive Officer