



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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Public Comment
CEQA- Composting General Order NOP
Deadline: 6/14/19 by 12 noon

June 13, 2019

Governor's Office of Planning & Research

State Water Resources Control Board
Attn: Jeanine Townsend, Clerk to the Board
P.O. Box 100
Sacramento, CA 95812-2000

JUN 13 2019
STATE CLEARING



Subject: SCH No. 2015012021– Comment Letter – Notice of Preparation, Supplemental Environmental Impact Report for Amendment of General Waste Discharge Requirements for Composting Operations for a – Statewide Project

Dear Ms. Townsend:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to review and provide comments on the Notice of Preparation (NOP), and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process. The State Water Resources Control Board (State Water Board), acting as Lead Agency, has prepared and circulated a NOP for a Supplemental Environmental Impact Report, to provide information to, and solicit consultation with, Responsible Agencies in the approval of the Amendment of the Composting General Order project (proposed project).

The proposed project is a statewide project to be implemented at composting sites regulated by the State Water Board. The proposed project would amend the existing General Waste Discharge Requirements for Composting Operations by allowing herbivore manure to be used as a feedstock at Tier I facilities. The State Water Board also proposes to amend the General Order by expanding the Agricultural Composting exemption to include non-agricultural sites, allow the composting of both on-site and off-site materials, and increase the export limit of composted material.

CalRecycle does not have comments on the NOP at this time; however, reflected below are differences between CalRecycle and State Water Board authoritative purview. As per Titles 14 and 27 of the California Code of Regulations (CCR), CalRecycle authorizes Local Enforcement Agencies (LEA) to ensure the applicable permitting, operation and closure of solid waste facilities in the state, and the proper storage and transportation of solid wastes.

Title 14 CCR, Section 17852(a)(25) defines manure as an agricultural material. Under an Agricultural Material Composting Operation Enforcement Agency Notification, an unlimited quantity of manure can be handled on site. If Agricultural Material is part of the



feedstock, then stockpiling/handling limitations differ between non-agricultural and agricultural zoned sites.

Adding manure as a compost feedstock, for both State Water Board's Tier I and II facilities, will not affect CalRecycle regulated operations within agriculture zoned and non-agriculture zoned areas, but it may affect activities that have been identified as excluded from Title 14 regulatory tier requirements (Section 17855, Excluded Activities). Additionally, for sites that are excluded from CalRecycle's regulatory standards, the potential environmental impacts associated with the increase of handling and composting of agricultural material are: odors, fire hazards, vectors, and litter control. It is recommended that any State Water Board Tier I, Composting Operations (with the intent to export (sell or give away) more than a 1,000 cubic yards of material) contact the LEA for clarification on the applicable regulatory tier in accordance with CalRecycle's regulatory requirements.

The State Water Board proposes to amend the General Order by expanding the Agricultural Composting exemption to include non-agricultural sites, allowing the composting of both on-site and off-site materials, and increasing the export limit. The resulting compost would be returned to the same agricultural site, or an agricultural site owned by the owner of the composting activity, and allow up to 5,000 cubic yards (cy) to be exported (sold or given away) annually in order to be consistent with the small volume conditional exemption. With regard to the proposed exemptions from the State Water Board's tiered process, up to 5,000 cy of agricultural material (originally 1,000 cy) can be exported. In order to be excluded from a tiered permit, CalRecycle has established a limit of up to 1,000 cy of agricultural material that can be exported. Sites that are currently exempted from the State Water Board's tiered process would also be excluded from CalRecycle's tiered process.

The State Water Board's increase of exported agricultural material, from 1,000 cy to 5,000 cy, would not qualify as an excluded activity under CalRecycle if it was above 1,000 cy of agriculture material per 14 CCR, Section 17855(a)(1), Excluded Activities. In addition, both the State Water Board and CalRecycle require compost material to be returned to the agriculture site, but in different ways:

- State Water Board requires the material to be returned to the land owned by the same owner of the composting operation
- CalRecycle requires that a similar amount of the material produced is returned to the same agricultural site or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity.

Lastly, the State Water Board proposes to amend the General Order to allow herbivore manure to be used as a feedstock at Tier I facilities (herbivore manure is only allowed at Tier II facilities currently) where groundwater monitoring wells are installed and a groundwater protection monitoring plan is implemented. Requiring onsite monitoring


wells is a Tier II specific requirement in lieu of an operations working surface in the current General Order; with the proposed changes, a Tier I facility could now accept manure without a specific requirement for a lined detention pond per approval by the regional board.

CalRecycle staff thanks the Lead Agency for the opportunity to review the NOP and provide comments on the impacts related to both agencies' permitting requirements. CalRecycle staff hopes that this comment letter will be useful to the Lead Agency preparing the SEIR and in carrying out their responsibilities in the CEQA process. As the CEQA document develops for the project, CalRecycle staff requests the following:

- Subsequent environmental documents, public notices, and;
- Notices of Determination
- 10 days advance notice for the adoption of the CEQA document.

If you have any questions regarding these comments, please contact me at 916.341.6337 or by e-mail at Jeffery.Esquivel@calrecycle.ca.gov.

Sincerely,



Jeffery Esquivel, Sr. Environmental Scientist
Permitting & Assistance Branch
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc:

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