

Central Valley Regional Water Quality Control Board

04 May 2012

David Lamon, City Services Director
City of Marysville
P.O. Box 150
Marysville, CA 95901

FILE COPY

**COMMENTS ON INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (IS/MND),
FEATHER RIVER ORGANICS COMPOST FACILITY OPERATIONAL MODIFICATIONS
(PROJECT), RECOLOGY YUBA-SUTTER (APPLICANT), YUBA COUNTY, SCH#2012042038**

Central Valley Water Board staff (staff) has completed review of the IS/MND Plan dated April 2012 for the Project. The review focused on the water quality and water rights aspects of the proposed Project. Staff comments are as follows:

1. **Report of Waste Discharge (ROWD).** The IS/MND states that the Feather River Organics Compost Facility (Compost Facility) is currently operating under a Waste Discharge Requirements (WDR) conditional waiver. As allowed by Water Code Section 13269, the Central Valley Water Board formerly regulated green waste composting facilities under Resolution No. 96-031 *Conditional Waiver of Waste Discharge Requirements for Composting Operations* (hereafter waiver). In 1999, passage of Senate Bill 390 modified Water Code Sections 13269 and 13350 to sunset all existing waivers of WDR as of 1 January 2003. Therefore, the referenced waiver for compost facilities expired 1 January 2003 and has not been renewed by the Central Valley Regional Board. Consequently, Recology Yuba-Sutter (Applicant) is currently operating a compost facility at the Recology Yuba-Sutter Disposal Inc. landfill without a WDR permit.

Whenever, wastewater is generated, stored, or disposed to land, Waste Discharge Requirements (WDRs) are required. In accordance with California Water Code Section 13260, the Applicant is required to submit a ROWD at least 150 days prior to initiation of the Project. If the ROWD is deemed complete, revised or new WDRs will be generated for public comment and subsequent adoption.

The ROWD must include all applicable information about the Project and the proposed measures to protect water quality (groundwater and surface water). We expect that the Applicant will consult with Central Valley Water Board staff on information expected in the ROWD prior to its submittal. The ROWD should characterize the production process, storage, and disposal of leachate from compost piles containing food material as a permanent feedstock at the Facility. The ROWD should specifically address how wastewater

from the composting operation will be prevented from entering ground water and surface water resources.

2. **Water Quality.**

- a. **Surface Water.** Discharges to surface waters from the site primarily occurs through precipitation related events. Since the Feather River Organics Compost Facility is an industrial operation at a closed landfill that discharges storm water to waters of the U.S. it must seek coverage under a National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with industrial activities. Please see Item 4.c below for further details on probable water quality impacts to surface waters due to storm water discharges.
- b. **Groundwater.** The current composting operations are being conducted over the LF-1 (South Area) waste unit at the closed Recology Yuba-Sutter Disposal Inc. landfill. This landfill waste unit covers about 42 acres. Waste was placed in this unlined area from 1967 through 1984. Thereafter, it was closed in accordance with regulations that existed at the time. There is no leachate collection and removal system between the waste and groundwater. Furthermore, it is unclear what the hydraulic conductivity of the closure cover was at the time the waste unit was closed since it predated CA Title 27 regulations for landfill closure covers. Additionally, our files indicate that there have been sporadic detections of Volatile Organic Compounds (VOCs) in site groundwater monitoring wells related to LF-1. In order to prevent leachate, wastewater, and storm water from percolating through the existing cover over LF-1 to groundwater resources the Applicant must provide adequate mitigation measures in the design, construction, and operation of the proposed Project that prevents liquid from the composting facility from seeping into the landfill cover. Before the initiation of any operations containing the addition of food waste at the current site WDRs should be adopted.

3. **Water Rights.** Regional Board staff cannot foresee any water rights impacts from the proposed Project.

4. **Other General Requirements.**

- a. **Antidegradation Considerations.** All wastewater discharge must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

If the Applicant needs a Regional Water Board permit, the antidegradation analysis is a mandatory element in the permitting process. The Applicant needs to investigate groundwater quality, and potential impacts to groundwater quality, as part of their evaluation of the Project's impact on the environment.

- b. **Construction NPDES Storm Water Permit.** *A National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Storm Water Discharges Associated with Construction Activities, SWRCB Order No. 2009-0009-DWQ is required when a Project involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation. Currently, construction activity that involves soil disturbances on construction sites one acre or greater or which are part of a larger common plan of development or sale require a construction storm water permit.*

- c. **Industrial NPDES Storm Water Permit.** *The Applicant's proposed Project falls under several categories of the NPDES General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities. Compliance with the General Permit is dependent on the Standard Industrial Classification (SIC) codes of the Project. The SIC codes of activities requiring coverage are listed in the General Permit. Currently, the Recology Yuba-Sutter Disposal Inc. landfill is covered under the General Permit using the following SIC Codes: 4953 (Refuse Systems), 5093 (Scrap and Waste Materials), and 4212 (Local Trucking without Storage). The current industrial storm water permit for the landfill site (WDID# 5S58I001223) does not specifically address storm water quality discharged from the Feather River Organics Facility operations. The Storm Water Pollution Prevention Plan (SWPPP) must be updated to reflect current and proposed Feather River Organics Facility operations at the closed landfill. Our records show that there have been numerous exceedences of benchmarks of storm water quality prior to being discharged from the landfill site to waters of the U.S. The proposed Project's addition of food waste to the compost facility's feedstock without adequate control measures could further degrade storm water runoff quality to surface waters.*

Thank you for the opportunity to comment on the IS/MND Plan for this Project. If you have any questions, please call me at (916) 464-4815 or via email at vkjain@waterboards.ca.gov.



VINOO JAIN, P.E.
Water Resources Control Engineer
Title 27 Permitting and Mining

cc: State Clearinghouse, Sacramento
Stephanie Kendall, Yuba County Environmental Health Department, Marysville