



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair



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Secretary for
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Protection

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14 August 2001

Mr. Paul Sherman
Norcal Waste Systems, Inc.
160 Pacific Avenue, Suite 120
San Francisco, CA 94111

WAIVER OF WASTE DISCHARGE REQUIREMENTS, YSDI COMPOSTING FACILITY, YUBA COUNTY

We have reviewed your 18 May 2001 amended Report of Waste Discharge (RWD) and the additional information provided in your 3 July 2001 letter on the proposed Yuba Sutter Disposal, Inc. (YSDI) composting facility. Norcal Waste Systems, Inc. is requesting that the Board waive waste discharge requirements for greenwaste composting at the facility as authorized by Regional Board Resolution No. 96-031, the Conditional Waiver of Waste Discharge Requirements for Composting Operations (enclosed).

We have determined that the proposed composting project will not adversely affect water quality provided it is operated in accordance with your submittals to this office, Resolution No. 96-031, and General Industrial Storm Water Permit No. 5S58S001223.

Waste discharge requirements for the YSDI composting facility are hereby waived. This waiver is granted with the condition that the facility will be operated as described in the amended RWD and in accordance with Resolution No. 96-031 and applicable Yuba County Health Department and Planning Department requirements and conditions.

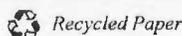
If you have any questions, please contact Robert Busby at (916) 255-3136.

GARY M. CARLTON
Executive Officer

Enclosure

cc: Mr. Jacques Graber, California Integrated Waste Management Board, Sacramento
Ms. Deborah Biersteker, Yuba County Department of Environmental Health, Marysville
Mr. Donald Gambelin, Norcal Waste Systems, Inc., San Francisco

California Environmental Protection Agency



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. 96-031

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
COMPOSTING OPERATIONS

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against public interest; and

WHEREAS, Section 13260 (a) of the California Water Code (CWC) requires that any person discharging waste or proposing to discharge waste 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 (RWD); and

WHEREAS, CWC Section 13269 authorizes the Board to waive waste discharge requirements (WDRs) for a specific discharge or for a specific type of discharge. Such waiver is conditional: it may be terminated for any type of discharge at any time, does not authorize any discharge that is otherwise prohibited or regulated, does not preclude the need for permits which may be required by other local or governmental agencies, and does not preclude the Board from taking enforcement actions for violations of the terms and conditions set forth in this Order or for any discharges that cause or threaten to cause violation of provisions of the Basin Plan or that create or threaten to create a condition of pollution or nuisance; and

WHEREAS, Title 23 of the California Code of Regulations (23 CCR) Section 2200 authorizes the Board to require the discharger to submit a fee of \$750 to the Board to cover staff review of the RWD. Pursuant to 23 CCR Section 2200.4, the Board will calculate any refund using a rate of \$50 per hour. Any unused fee funds will be refunded to the discharger; and

WHEREAS, 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 Title 23 regulations governing discharges of waste to land; and

WHEREAS, "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

RESOLUTION NO. 96-031
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR COMPOSTING OPERATIONS

-2-

WHEREAS, "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

WHEREAS, "agricultural waste" consists of plant waste coming directly from an agricultural commodity, and is the product of farms and ranches and by-products processed from these products, as defined in Division 21, Part 2, Chapter 1, Section 58619, of the Food and Agriculture Code. Agricultural waste includes agricultural, floricultural, silvicultural, vermicultural or viticultural products; and

WHEREAS, "paper waste" consists of nonhazardous paper and paper by-products; and

WHEREAS, "additive" consists of waste or products (including manures, fertilizers, and chemical amendments) for mixture with feedstock or treated wastes in order to adjust the moisture level, carbon to nitrogen ratio, or porosity in order to create a condition favorable to composting, or to improve the end-product; and

WHEREAS, "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 [23 CCR Section 2601]; and

WHEREAS, 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:

1. municipal solid waste;
2. sludges (including sewage sludge, water treatment sludge, and industrial sludge);
3. septage;
4. animal waste, except manure when used as an additive;
5. oil and grease; and
6. hazardous, designated, and other wastes determined by the Board to pose a potential threat to water quality; and

WHEREAS, discharges of up to 500 cubic yards at any given time 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; and

WHEREAS, discharges whose total volume exceeds 500 cubic yards at any given time (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

RESOLUTION NO. 96-031
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR COMPOSTING OPERATIONS

-3-

state through discharge of leachate containing organic or inorganic by-products of decomposition into ground or surface waters. However, proper management practices will prevent any discharge of waste or associated leachate to waters of the state; and

WHEREAS, the use of additives approved by Board staff during review of the RWD is not expected to pose a significant threat to water quality; and

WHEREAS, it is not against the public interest for the 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; and

WHEREAS, Section 402 of the Clean Water Act (33 U.S.C. Section 1342(p) and regulations adopted by the U.S. Environmental Protection Agency (40 CFR Section 122.26) require that facilities which discharge storm water associated with industrial activity be regulated by a National Pollutant Discharge Elimination System (NPDES) permit. The State Water Resources Control Board (SWRCB) 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 General Permit; and

WHEREAS, the conditions of the waiver of WDRs provided for by this Resolution implement the Water Quality Control Plan, Third Edition, for the Sacramento River Basin and the San Joaquin River Basin; and the Water Quality Control Plan for the Tulare Lake Basin; and are consistent with applicable provisions of SWRCB regulations governing discharges of waste to land [23 CCR) Sections 2510-2601, "Chapter 15"]; and

WHEREAS, the Board has circulated a Negative Declaration for Conditional Waiver of WDRs for the discharge of green waste, food processing waste, agricultural waste or paper waste for composting, in accordance with the California Environmental Quality Act (CEQA) and with the terms and conditions of the waiver of WDRs contained herein. The Board has assessed the potential impacts on the physical environment of such discharges and has considered all of the comments received. The Board has by Resolution No. 96-030 adopted the Negative Declaration. Individual composting operations may have site-specific or local impacts on the physical environment that cannot be anticipated at this time; such impacts may require supplemental environmental assessment under CEQA by state or local governmental agencies; and

RESOLUTION NO. 96-031
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR COMPOSTING OPERATIONS

-4-

WHEREAS, this Resolution does not preempt or supersede the authority of federal or state agencies, or municipalities or other local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.

Waiver of Waste Discharge Requirements

RESOLVED, that WDRs for discharge of green waste, food processing waste, agricultural waste, or paper waste to land for composting are waived, as follows:

1. Any person discharging or proposing to discharge up to 500 cubic yards at any given time of green waste, food processing waste, agricultural waste or paper waste for storage and treatment by composting shall not be required to file an RWD and shall not be subject either to the Conditions set forth in this Resolution or to the issuance or waiver of WDRs.
2. Any person discharging or proposing to discharge waste whose total volume exceeds 500 cubic yards at any given time (including green waste, food processing waste, agricultural waste, paper waste, and any approved additives) for storage and treatment by composting under the terms of this Resolution shall submit a RWD to the Board documenting compliance with the conditions set forth in this Order, and either a Notice of Intent to comply with the requirements set forth in SWRCB Order Nos. 91-13-DWQ and 92-12-DWQ for discharge of storm water or documentation that NPDES storm water permit requirements are not applicable to the discharger's composting facility, together with the appropriate filing fee. Such persons shall comply with the conditions set forth in this Resolution; and

Conditions

RESOLVED, that any RWD submitted pursuant to this Resolution shall contain the following information:

- A. name and address of discharger;
- B. name, address, and telephone number of contact person if discharger is a corporation or limited partnership;
- C. name of landowner if different from name of discharger;
- D. address or legal description of property upon which green waste, food processing waste, agricultural waste, or paper waste will be discharged;

RESOLUTION NO. 96-031
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR COMPOSTING OPERATIONS

-5-

- E. description of composting operation which includes an explanation describing the manner in which storage and treatment areas will be designed, constructed, and managed in order to impede the migration of liquid phase constituents to ground or surface water;
- F. total expected precipitation from the 24-hour, 25-year storm event;
- G. general description of land and water use within a one-mile radius of the operation;
- H. soil characteristics, including soil permeability;
- I. average depth to ground water;
- J. date of commencement of operation;
- K. 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;
- L. determination whether a seasonal or a continuous operation;
- M. verification of CEQA compliance or statement that compliance is unnecessary;
- N. a scaled, topographic map indicating the following:
 - 1. the property boundary;
 - 2. all on-site and adjacent surface water bodies, including perennial and intermittent streams, and artificial drainages;
 - 3. location of nearest domestic, agricultural or municipal water supply well within one mile of the operation;
 - 4. specific areas of the site used for onloading and offloading, storage and treatment (composting) of wastes, and for curing or storage of compost of treated wastes;
 - 5. final grades of all storage and treatment areas;
 - 6. berms, if any;
 - 7. water retention basins, if any; and

RESOLUTION NO. 96-031
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR COMPOSTING OPERATIONS

-6-

8. topography of the compost operation and surrounding landscape.
- O. Additional site-specific information if required by a Board in order to determine whether a proposal meets the conditions of this waiver; and

RESOLVED, that any discharger who violates or fails to comply with the terms and conditions contained in this Resolution or who fails to notify the 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 Section 13264; and

RESOLVED, that 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; and

RESOLVED, that the use of additives is allowed, provided that such use of additives does not pose a threat to water quality, and

RESOLVED, that the discharge of any waste other than green waste, food processing waste, agricultural waste, paper waste, or approved additives on any area used to store or treat wastes is prohibited; and

RESOLVED, that containment structures such as berms, liners or surface impoundments shall be maintained in order to ensure proper performance whenever wastes are discharged; and

RESOLVED, that the discharger shall design, construct and maintain the areas used for storage and treatment of green waste, food processing waste, agricultural waste, or paper waste and 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, or paper waste and additives are discharged for storage or composting 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 consistent with the General NPDES Storm Water Permit and shall not cause or threaten to cause contamination, pollution, or nuisance; and

RESOLVED, that prior to the onset of the rainy season, the discharger shall conduct an annual survey of the operation in order to assure that the site has been graded and prepared for the rainy season to eliminate and prevent erosion and to prevent ponding; and be it further

RESOLUTION NO. 96-031
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR COMPOSTING OPERATIONS

-7-

RESOLVED, that the discharger shall allow Board staff to:

- A. copy any record required to be kept under the terms and Conditions of this Resolution;
- B. sample any waste, additives, discharge, runoff or runoff; and
- C. take recordings, photographs, or videotapes of the facility; and be it further

RESOLVED, that 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:

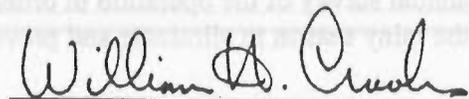
(1) impede vertical movement of liquid phase constituents and (2) reliably transmit most of the liquid generated during storage and treatment of waste laterally across the upper surface of the layer, thereby preventing significant quantities of liquids from entering ground or surface waters throughout 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; and be it further

RESOLVED, that 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 is observed, the discharger shall immediately take necessary measures to maintain the performance standards used in the design of storage and treatment areas; and be it further

RESOLVED, that a discharger shall notify the Board of: (1) any significant change in the nature and quantity of waste composted, area of operation, or season of operation; or (2) termination of operation; and be it further

RESOLVED, that this Resolution shall remain in effect until such time as it is rescinded.

I, WILLIAM H. CROOKS, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a conditional waiver of WDRs, adopted by the California Regional Water Quality Control Board, Central Valley Region on 26 January 1996.



WILLIAM H. CROOKS, Executive Officer