



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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GAIL FARBER, CHAIR
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February 19, 2015

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

Dear Ms. Townsend:

COMMENT LETTER – GENERAL ORDER FOR COMPOSTING OPERATIONS AND ASSOCIATED DRAFT EIR

DRAFT ENVIRONMENTAL IMPACT REPORT AND PROPOSED GENERAL WASTE DISCHARGE REQUIREMENT FOR COMPOSTING OPERATION DATED JANUARY 6, 2015

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the State Water Resources Control Board's (State Water Board) Notice of Availability (NOA), Notice of Public Workshop, and Notice of Public Meeting, Compost Fact Sheet, Draft Environmental Impact Report (DEIR) and Proposed General Waste Discharge Requirements for Composting Operations (Draft Order), which was released for public review and comments on January 13, 2015. The Task Force recognizes and commends the State Water Board's efforts to adopt general waste discharge requirements for composting operations in California for use by the Regional Water Quality Control Boards at their discretion. The Task Force strongly believes that an integrated approach is necessary to reduce our dependence on landfilling while considering the health and safety of the public and environment. In order to facilitate an integrated approach, the proposed regulations regarding composting waste handling operations must be applied uniformly to all technologies. This would help create a level playing field for all landfill diversion technologies to be successful in the future and help compliance with AB 341(2011).

Based on our review of the DEIR and the Draft Order dated January 6, 2015, we have the following comments:

General Comments

- Recommend incorporating measures to insure that the proposed Order would be consistent with the Clean Air Act and Clean Water Act requirements under the purview of other State, regional, special districts (such as Sanitation and Flood Control Districts), and local jurisdictions. As an example, since the Air Quality Management Districts, Air Pollution Control Districts, and the local jurisdiction Health Officer will play a regulatory and enforcement role in monitoring any odor complaints, it is imperative that their input also be incorporated into this process.
- Recommend there be a clear distinction in the definitions between “feedstock” and “finished compost.”
- Recommend measuring quantities by mass rather than by volume. This reduces the subjective nature of converting volume quantities as proposed to mass quantities using a bulk density factor. Bulk densities will vary at different facilities and with different load combinations.
- All pilot facilities should have clear parameters and requirements regarding the duration of the pilot program. It is recommended that once the facility’s pilot permit expires the appropriate Local Enforcement Agency must then re-evaluate the effectiveness of the pilot program, and the owner/operator must then reapply for a permanent permit.
- Recommend using the previously established State Water Board hydraulic conductivity of 1×10^{-6} cm/s or less on all graded surfaces on site OR justify the adequacy of hydraulic conductivity of 1×10^{-5} cm/s considering that feedstock are not limited to green materials only. Compost operations should be required to have emergency inspections, in addition to their annual inspection, after disasters to determine the integrity of the all liners, berms, vessels, and drainage systems for all tiers.
- Recommend that both the Draft Environmental Impact Report and the Draft Order address issues regarding ponding water with respect to vectors, odor, and treatment of runoff (emphasis added). Deaths resulting from the infection of both the West Nile and the Hanta Virus have been recorded in California as recent as the summer of 2012 and 2013.

Specific Comments

- **Compost Fact Sheet** – Expand the list of “organic” materials listed to include “manure.” Also define the term “Organic,” “Compostable Organic,” and Non-compostable Organic.”

- **General Order And Its Attachment A** – Finding No.2 of the General Order states “Composting is the biological decomposition of organic materials by microorganisms under controlled aerobic conditions to create a product.....(emphasis added)”

There is a clear need for the State Water Board to define the terms “organic”, “organic material,” and “compostable organic,” such as green materials, and “non-compostable organic,” such as a plastic liner (i.e. an “organic material” but it is not compostable) which the General Order proposes to be used to protect underground water quality from composting operation (emphasis added). These terms are being used by State Water Board throughout the Draft Order and its DEIR without having defined their terminology. The Task Force respectfully requests State Water Board to (1) define these terms through the regulatory process, and (2) void further use of these undefined terms.

Defining the above terms would eliminate confusion among stakeholders and elected officials and reduce the regulated community expenditures in otherwise complying with the General Order.

- **DEIR, Impact 6.5, “odor”** – The document identifies the “odor impact” as “Significant” and “Unavoidable” even with implementation of the mitigating measures listed (emphasis added). Specifically one the mitigating measures identified states “*Develop and comply with an Odor Impact Minimization Plan pursuant to the requirements of California Code of Regulations, title 14, section 17863.4.*” However, the stated mitigating measure needs a significant improvement. We strongly recommend that an Odor Impact Minimization Plan must be required to include a timeframe by which the Enforcement Agency (EA) (or any other appropriate regulatory agency) must direct the composting facility operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in Section 17863.4.1 of the California Code of Regulations, Title 14. We also strongly recommend specifying a timeframe (possibly a week) within which the EA and/or the appropriate regulatory agency would review the results of the Report in order to reduce and eliminate the time the public is exposed to the odor nuisance.

If the foregoing measures are ineffective in addressing the odor nuisance then alternatives should be considered such as enclosing operations within a structure that operates under negative pressure. As an another alternative, the facility’s permitted daily waste intake can be incrementally reduced until such time the nuisance is eliminated or reduced to a level that is no longer a nuisance to the public. Considering odor nuisances are hazardous to public health and safety, it is imperative that mitigation measures be clearly established to ensure such nuisances are addressed in an efficient and timely manner. We are looking forward to much improved odor mitigation measures in the final General Odor and final EIR.

In addition to the comments provided above, we recommend the State Water Board find mechanisms to ensure that chipping and grinding operations would also be subject to similar levels of regulations as composting facilities.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

We appreciate your consideration our comments and look forward to working with you in developing an effective statewide order for composting facilities. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor Pro Tem, City of Rosemead

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cc: Mr. Matthew Rodriguez, Secretary, CalEPA
Ms. Felicia Marcus, Chair, SWRCB
State Water Resources Control Board (Thomas Howard, Lisa Babcock, Scott Couch,
Brianna Bergen)
CalRecycle (Caroll Mortensen)
California Air Resources Board (Mary Nichols)
California Department of Food and Agriculture (Annette Jones)
South Coast Air Quality Management District (Mohsen Nazemi)
Antelope Valley Air Quality Management District (Eldon Heaston)
Each Member of the Los Angeles County Integrated Waste Management Task Force