



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

November 15, 2011

Mr. Roger Mitchell, P.G., Engineering Geologist
State Water Resources Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Mr. Mitchell:

**COMMENTS REGARDING DRAFT CONCEPTS
FOR A PROPOSED STATEWIDE ORDER FOR COMPOSTING FACILITIES**

The Los Angeles County Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the State Water Resources Control Board's (SWRCB) "Draft Concepts for a Proposed Statewide Order for Composting Facilities" (Draft Concepts), which was released for public review and comments on August 24, 2011. The Task Force has been involved with the SWRCB's stakeholder workgroup meetings, and at the meeting of October 19, 2011, Mr. Mike Mohajer, a member of the Task Force, provided the enclosed electronic correspondence regarding Appendix A of the Draft Concept while indicating that formal comments would be forthcoming from the Task Force. We have now completed our review of the Draft Concepts in concert with our August 13, 2008, comments to the Department of Resources Recycling and Recovery (CalRecycle, formerly CIWMB) regarding Strategic Directive 6.1 Discussion of Potential Options for the Organic Diversion Facilities Siting Project (copy enclosed). The Task Force would like to offer the following:

General

As provided by the State, composting is limited to the **aerobic** decomposition process of solid waste (emphasis added). As proposed, the solid waste materials used in the composting process include, but are not limited to, vegetative waste, paper/pulp, food waste, compostable municipal solid waste, animal carcasses, biosolids, and manure.

As recognized by the Draft Concepts, it is the policy of the State (CalRecycle) to reduce the amount of **organic** matter being landfilled by 50% by the year 2020 (emphasis added). It is also the State's "policy goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020 and thereafter" (AB 341, Chapter 476 of the 2011 State statute). As such, composting (as defined) must play a major role if we are to achieve the State "policy goal" as well as the goal established by CalRecycle. However, in achieving these goals, one cannot disregard the impact of composting operations on public health and safety and our environment due to potential surface and groundwater pollution, odor, criteria air pollutant emissions, etc. The Draft Concepts attempts to identify potential negative impacts on surface and groundwater under the purview of SWRCB as well as recognizing potential mitigating measures. The Task Force is in general support of the proposed mitigating measures identified in the Draft Concepts, especially in regard to their use in the urbanized areas of California such as Los Angeles County.

Water Quality Protection Measures

Considering the type of solid waste materials that are proposed to be processed at the subject composting facilities, the use of the proposed pad, pond, berm, and drainage system seems to be appropriate depending on the facility location. For example in an area such as Los Angeles County, any discharge from a composting facility to a storm drain and/or a Publicly Owned Treatment Works (POTW) is extremely prohibitive due to the requirements of the storm water permit (National Pollutant Discharge Elimination System (NPDES)) issued to the jurisdictions in Los Angeles County by the Los Angeles Region Water Quality Control Board (RWQCB) as well as the capacity limitation of the existing POTWs. Thus, the requirement for construction of a pond, berm, and drainage system is a must. However, the same may not be appropriate for a facility that is located in a rural area or at a landfill with an existing Waste Discharge Requirement Permit and a NPDES Permit. This must be recognized by the Draft Concept with appropriate needed provisions.

Definitions

The Task Force is concerned that some of the definitions and terminologies used in the Draft Concepts are inconsistent with those used by CalRecycle. Specifically, we have the following comments:

1. Under the heading "Background" on page 1, sixth paragraph, it has been stated that "The development of the statewide order is being done in coordination with other composting related activities. Assembly Bill 939 (Integrated Waste Management Act) directed every jurisdiction to a waste diversion rate of 50

percent on and after the year 2000. The CalRecycle's Strategic Directive 6.1 calls for a 50 percent reduction of organics within the waste stream by the year 2020. Also the California Code of Regulations Title 14 adopted by CalRecycle includes definitions and threshold sizes of composting facilities that the proposed statewide order attempts to consider for some consistency." However, the definitions and terminologies on Appendix A of the Draft Concepts are generally inconsistent with those used by CalRecycle as listed in the California Code of Regulations, Title 14, Section 17852. Maintaining consistency throughout the terminologies applied to composting processes by the two agencies, as well as those by the California Air Resources Board (CARB), the Department of Food and Agriculture (CDFA), Department of Public Health (CDPH), and Air Pollution Control Districts (APCDs)/Air Quality Management Districts (AQMDs), is essential in order for the proposal to be comprehensive and effective among the impacted entities and stakeholders.

2. The definition of "Nuisance" in Appendix A should be expanded by inserting the word "human" within the first bullet to read "Is injurious to human health, or is indecent or offensive..." Furthermore, considering the potential difficulties in substantiating the existence of a nuisance, as described in the definition in connection with facility operations, the matter should be further discussed and be revised as an element of the proposed "regulation" in concert with CalRecycle, CARB, CDFA, CDPH, APCDs/AQMDs and the working group.
3. The definitions listed in the Appendix A needs to be expanded to include definitions for "organic waste" and "compostable organic waste" materials.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended) and Chapter 3.67 of the Los Angeles County Code, 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 and 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.

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We appreciate you considering 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
Council Member, City of Rosemead

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Enc. (2)

cc: Mr. John Laird, Secretary, California Natural Resource Agency
Mr. Matt Rodriguez, Secretary, CalEPA
Mr. Charles Hoppin, Chair, SWRCB
State Water Resources Control Board (Thomas Howard and Lisa Babcock)
Ms. Caroll Mortensen, Director, CalRecycle
CalRecycle (Mark Leary, Howard Levenson and Brenda Smyth)
Mr. Jared Blumenfeld, Administrator, EPA Pacific Southwest Region (Region 9)
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each Member of the Los Angeles County Integrated Waste Management Task Force