

STAFF REPORT

CONSIDERATION OF A RESOLUTION TO ADOPT FINAL WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR CENTRALIZED DAIRY MANURE ANAEROBIC DIGESTER OR CENTRALIZED DAIRY MANURE CO-DIGESTER FACILITIES

BACKGROUND

The California Department of Energy's *Bioenergy Action Plan for California* found that the cost of dealing with California's time consuming and complex siting and permitting process can hamper bioenergy project development. State Water Resources Control Board Resolution No.2007-0059 supports implementation of the *Bioenergy Action Plan for California* and ...*"renews its commitment in this plan to identify clear and consistent procedures that are used to protect water quality from the harvesting of biomass and the operation of biomass facilities; conduct prompt reviews of planning documents, environmental documents prepared under the California Environmental Quality Act (CEQA) and monitoring proposals for biomass harvesting and biomass facilities, work...to ensure that adequate criteria for water protection and water quality are put into place on agricultural and forest lands in California."*

The proposed General Order and the accompanying Monitoring and Reporting Program streamline the Central Valley Water Board's permitting process for centralized dairy manure digester and co-digester facilities, and provide for the protection of the beneficial uses of surface and groundwater.

The proposed General Order will apply to centralized dairy anaerobic digester or co-digester facilities that use only dairy manure as well as to co-digesters that import either manure or organic feedstock to supplement manure feedstocks, and to associated land application areas.

Dairy operations that are in compliance with Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2007-0035 (Dairy General Order) which supply dairy manure (liquid, solid, or both) to a centralized dairy manure-only digester and receive back from a centralized dairy manure-only digester the same mass or a lesser mass of waste and of the same character as the waste supplied, may continue to be regulated under the Dairy General Order.

The proposed General Order requires that all digester process wastewater and digestate must be applied to land application areas (cropland) for nutrient recycling and in accordance with a certified nutrient management plan. All land application areas to which centralized dairy digester or co-digester wastes are applied must be regulated under the proposed General Order. When centralized

digester waste is applied to Dairy General Order dairy cropland, those discharges and the fields accepting the discharge will be subject to the proposed General Order. The certified nutrient management plan required by this order must account for both dairy and centralized digester nutrients. The Central Valley Water Board can request a Report of Waste Discharge of these Dairy General Order dairies if circumstances indicate the necessity for individual waste discharge requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

In accordance with the California Environmental Quality Act (CEQA), the Central Valley Water Board, acting as the lead agency, adopted Resolution No. R5-2010-0116 on 10 December 2010, which certified a Dairy Manure Digester and Co-digester Facilities, Program EIR.

The proposed General Order incorporates all mitigation measures for the significant environmental impacts identified in the Dairy Manure Digester and Co-digester Facilities program EIR, except for measures within the jurisdiction of other public agencies. Mitigation measures addressing significant impacts under the jurisdiction of other public agencies can and should be adopted by those agencies as identified in Appendix A of the Program EIR. With respect to impacts 5.6 (cumulative impact on groundwater quality) and 6.6 (cumulative impact on air quality) identified in the EIR, the Central Valley Water Board, must make a finding of overriding considerations in accordance with Title 14 CCR Section 15093. That finding is incorporated by reference into the proposed General Order.

The Program EIR identified significant environmental impacts, and proposed mitigation measures. A listing of the significant environmental impacts, the written findings regarding those impacts required by Section 15091 of the CEQA Guidelines, and the explanation for each finding are contained in a Finding of Fact and Statement of Overriding Considerations to be adopted with the proposed General Order.

Pursuant to sections 15091(d) and 15097 of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program has been incorporated into the proposed General Order as enforceable permit provisions for potential impacts to water quality. For mitigation measures not traditionally within the expertise of the Central Valley Water Board, mitigation measures have been incorporated in the permit enrollment process.

DIFFERENCES BETWEEN THE DAIRY MANURE ANAEROBIC DIGESTER OR CO-DIGESTER GENERAL ORDER

The Proposed Centralized Dairy Manure Anaerobic Digester or Centralized Dairy Manure Co-digester Facilities General Order (Centralized Digester General Order) contains many requirements similar to those contained in Dairy Manure Anaerobic Digester or Co-digester Facilities General Order R5-2010-0130 (Digester General Order). However, the proposed General Order does not address the dairy operations portions covered under the Digester General Order.

All mitigation measures required by the Program EIR have been incorporated into the proposed Centralized Digester General Order either as enforceable provisions of the Order for those mitigation measures dealing with water quality, or into the application process, for those mitigation measures for which other agencies have responsibility.

The Monitoring and Reporting Program (MRP) for the proposed Centralized Digester General Order was also written to follow the format of the Digester General Order MRP and contains many similar requirements.

CONTENTS OF THE CENTRALIZED DIGESTER GENERAL ORDER

The proposed General Order requires submittal of a complete Notice of Intent (NOI) and a Facility Information Report prior to issuance of a Notice of Applicability by the Executive Officer. The NOI requires facility and ownership information and contains a checklist of information needed to process the application. The FIR must include a description of the digester facility and identification of land application areas, a Waste Management Plan and a Salt Minimization Plan.

The proposed General Order requires implementation of the Waste Management Plan, Salt Minimization Plan, and the preparation and implementation of a Nutrient Management Plan for land disposal of digester wastes. The proposed General Order also requires compliance with State Water Resources Control Board Resolution 68-16 (Antidegradation Policy), and monitoring and reporting to ensure the protection of beneficial uses of waters of the State and compliance with the proposed General Order.