

**DRAFT STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER NO. DWQ-2012-TENT**

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE
DISCHARGE OF WASTES AT COMPOST MANAGEMENT UNITS

A. FINDINGS

The California State Water Resources Control Board (hereinafter **State Water Board**), finds that:

1. **DISCHARGER.** A Discharger, as the term applies under these *General Waste Discharge Requirements for the Discharge of Wastes at Compost Management Units, Order No. DWQ-2012-TENT* (hereinafter the **Order**), is any person responsible for discharging, or proposing to discharge waste to a Compost Management Unit (**CMU**); or any person who owns and/or operates a CMU; or any person responsible for ensuring compliance with the maintenance and monitoring operations at the CMU, as required under this Order.
2. **COMPOST MANAGEMENT UNIT LOCATIONS.** The scope of this Order includes all CMUs, as defined herein, which are located within the State of California.
3. **MATERIAL DISCHARGE.** The following discharges to land and associated composting activities are not expected to pose a significant threat to the waters of the State, so long as the discharges are carried out in accordance with this Order.
 - a. **Feedstocks:** The following types of feedstocks, as defined in Attachment A, or combination of materials, also known as in-process or active compost may be discharged to land at a CMU, provided the Discharger maintains compliance with the requirements of this Order:
 - i. Agricultural materials;
 - ii. Anaerobic digestate;
 - iii. Biosolids;
 - iv. Food materials;
 - v. Green materials;
 - vi. Manure;
 - vii. Paper materials; and/or
 - viii. Vegetative food materials.
 - b. **Exempt Composting Activities:** The following composting-related activities, as defined in Attachment A of this Order, are considered unlikely to produce an adverse effect in waters of the State, provided that discharges of wastewaters (i.e., runoff to surface waters and/or percolation to groundwater) from these activities do not occur. Therefore, these activities are conditionally exempt from the requirements of this Order (so long as such offsite discharge does not occur), but may be subject to other federal, State, or local regulations:
 - i. Agricultural Composting;
 - ii. Chipping and Grinding Facilities and Operations;

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- iii. Composting conducted at a Publicly Owned Treatment Works (**POTWs**), contingent on composting activities are covered by an existing WDR or NPDES permit;
 - iv. Lot Clearing for Fire Protection;
 - v. Non-Commercial Composting; and
 - vi. Within-Vessel and Fully-Enclosed Composting.
- c. **Additives and Amendments:** The use of additives and amendments, as defined and limited by this Order, is not expected to pose a significant threat to water quality as long as the Discharger maintains compliance with the requirements and prohibitions of this Order.
- d. **Threshold Volume:** To be consistent with the numeric thresholds used by the California Department of Resources Recycling and Recovery (**CalRecycle**) for notification and registration tiers, the State Water Board will use a value of 12,500 cubic yards (**cy**) for the total volume, on site at any time, of any combination of feedstocks, additives, amendments, active or stabilized compost as the numeric threshold used as part of the tier assessment under this Order.
4. **DIVERSION OF WASTE.** The diversion of compostable wastes from disposal in landfills is desirable, but only if such diversion does not result in degradation, contamination, or pollution of surface water or groundwater. The purpose of adopting general waste discharge requirements (**WDRs**) for discharges at CMUs of those feedstocks specified in **Finding No. A.3.a** of this Order is to provide an efficient and cost effective means of allowing properly managed CMUs in the State to process these diverted materials into a beneficially useful compost product in a manner that protects water quality.

Pursuant to California Water Code (**Water Code**) section 13263(i), the State Water Board may prescribe general WDRs for a category of discharges, such as those specified in this Order – provided the general standards are appropriate. In accordance with Water Code section 13263(i), the State Water Board finds the discharges regulated by this Order:

- a. Are produced by the same or similar operations;
- b. Involve the same or similar types of feedstocks, additive, and/or amendments;
- c. Require the same or similar treatment standards; and
- d. Are more appropriately regulated under general discharge requirements than individual discharge requirements.

It is therefore in the public interest for the State Water Board to adopt these general WDRs for CMUs.

5. **THREAT TO WATER QUALITY.** When conducted outdoors, operations at CMUs are exposed to precipitation, which can cause piles of feedstocks, additives, amendments, and compost (active or stabilized) to generate wastewaters (i.e., mixtures of process storm water and leachate). Wastewaters can then percolate to groundwater, or mix with surface water, if not properly managed. For the purposes of this Order, wastewaters refers collectively to, but may not be limited to any compost leachate, washwater, process storm water, process water runoff, or any storm water coming into contact with: any pile containing feedstocks, additives, amendments, compost (active or stabilized), or

combinations thereof; any residual materials derived from feedstocks, additives, amendments, or compost (active or stabilized); or any other wastewaters at the CMU, because such liquids have the potential to percolate to groundwater, or come into contact with surface water, if not properly managed.

If not mitigated and managed in accordance with the requirements and prohibitions of this Order, these activities have the potential to cause adverse groundwater quality impacts characterized by elevated concentrations of nutritive salts (e.g., nitrate), non-nutritive salts (e.g., sodium chloride) and other pollutants. Potential surface water impacts can include these constituents of concern, in addition to sediment, oxygen-reducing materials, pathogens, pesticides and herbicides. The threat to water quality from outdoor composting activities can be mitigated through the incorporation of design specifications, water quality monitoring, and best management practices to prevent either the formation of wastewaters or by preventing the wastewaters from percolating to groundwater or flowing off-site to surface water bodies.

6. **WASTE CLASSIFICATION.** CCR Title 27, sections 20200 to 20230 establish a waste classification system. Wastes are classified as either inert waste, nonhazardous solid waste, or designated waste. Inert wastes pose minimal risk to water quality, nonhazardous solid wastes present a greater risk than inert wastes, and designated wastes pose the greatest risk to water quality. Wastes specified in **Finding No. A.3.a** meet the definition of nonhazardous solid waste.

CCR Title 27 section 20200(a)(1) allows a finding to be made that, "...a particular waste constituent or combination of constituents presents a lower risk of water quality degradation than indicated by classification according to this article." Therefore, to the extent that a particular compostable waste type, as specified in **Finding No. A.3.a**, could be characterized as designated waste, such waste types shall be regulated as a nonhazardous solid waste under this Order pursuant to CCR Title 27 section 20200(a)(1) because the wastes specified in **Finding No. A.3.a** present a lower risk to water quality than typical designated wastes when managed as required by this Order.

The only CCR Title 27 regulations that apply to nonhazardous solid waste apply to such wastes that are disposed of in a landfill. As specified in **Finding No. A.4**, the purpose of adopting this Order is to provide an efficient and cost effective means of allowing properly managed CMUs in the State to process diverted compostable wastes (i.e., feedstocks) from landfills into a compost product, in a manner that protects water quality. Therefore, for compost operations eligible for coverage under this Order, the CCR Title 27 regulations shall not apply so long as the Discharger continues to meet the requirements of this Order.

7. **DESIGN SPECIFICATIONS.** The implementation and compliance with the Design Specifications contained within this Order will be protective of water quality. The Discharger's eligibility for enrollment under one of the three Design Specification tiers established under this Order is best based on the following three considerations:
- a. Which of the feedstocks specified in **Finding No. A.3.a** are discharged, or proposed to be discharged, at the CMU;
 - b. The total volume of feedstocks, additives, amendments, and compost (active or stabilized) discharged (i.e., stored and treated), or proposed to be discharged at the CMU at any time; and
 - c. The ability to conduct composting in a manner such that leachate will not form.

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8. **LEGAL AUTHORITY.** In accordance with Water Code section 13000 *et seq.*, this Order: implements the regulations and policies adopted by the State Water Board, including that agency's regulations under California Code of Regulations (**CCR**) Title 23; implements applicable provisions of the California Health and Safety Code; and is consistent with CalRecycle's regulations in CCR Title 14, section 17850 *et seq.*
9. **CLASSIFICATION OF A COMPOST MANAGEMENT UNIT.** CMUs are any area of land or portion of a Compost Facility, at which feedstocks, additives, amendments, compost (active or stabilized) and/or wastewaters are discharged for treatment or storage. CMUs also include containment structures and ancillary features for precipitation, drainage control, and monitoring. CMUs that qualify for being included under this Order are limited to the following classifications:
 - a. **Existing Permitted Compost Management Units.** CMUs, for the purposes of this Order, are considered to be existing CMUs if they received all permits and WDRs necessary from the Regional Water Board for construction and operation, on or before the initial effective date of this Order.
 - b. **New Compost Management Units.** CMUs, for the purposes of this Order, are considered to be new CMUs if the Discharger either:
 - i. Received all permits and WDRS necessary from the Regional Water Board for construction and operations, after the initial effective date of this Order; or
 - ii. Began operating a CMU on or before the initial effective date of this Order, the discharge is not currently regulated by an Order (i.e. a conditional waiver, individual or general WDRs that remain in effect) regulating the discharge of waste to land, adopted by either the State Water Board or Regional Water Boards. This absence of an effective order includes, but is not limited to, those CMUs that were previously regulated pursuant to the requirements of a *Conditional Waiver of Waste Discharge Requirements for Composting Operations (Green Waste Composting Waiver)* adopted by a Regional Water Quality Control Board (**Regional Water Board**) prior to 1999 and that have continued to operate in accordance with that waiver, after it was rescinded, but for which the Regional Water Board has not adopted individual WDRs.
10. **STORM WATER DISCHARGES.** CMUs where storm water flows off site to waters of the United States, the Discharger must enroll under State Water Board Order No. 97-09-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Storm Water Permit)*, or any future revision of this permit.
11. **STORM WATER MANAGEMENT.** The General Storm Water Permit requires the Discharger to prepare a Storm Water Pollution Prevention Plan (**SWPPP**) describing the best management practices (**BMPs**) that will be implemented to meet its requirements, reducing pollutant discharges to waters of the State. If CMUs are required to obtain coverage under both this Order and the General Storm Water Permit, the SWPPP must describe the BMPs that will be implemented to meet the requirements of the General Storm Water Permit and this Order as appropriate.
12. **MONITORING.** A release of waste, or waste constituents derived from a CMU may create, threaten to cause, or contribute to conditions of pollution, contamination or

nuisance as defined under Water Code section 13050. Pursuant to Water Code section 13263, conditions of this Order must include, but are not limited to, the conductance of individual, group, or watershed-based monitoring, unless the Regional Water Board waives monitoring for a specific CMU, pursuant to Water Code section 13269(a)(23). Furthermore, Water Code section 13267(b) provides that: "In conducting an investigations specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposed to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of the state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including cost, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports."

Technical reports on operation, maintenance, and performance relate directly to the Regional Water Board's need to know in a timely manner whether the Discharger is effectively operating and maintaining the CMU. Wastewater and/or groundwater, as required pursuant to the requirements of this Order, are necessary to measure whether effective operation mitigates impact on groundwater quality. This necessitates a comparison of constituents of concern in samples collected at the CMU. The cost burden of regularly obtaining information about potential impacts on water quality and submitting the required reports is reasonable given the costs of remediation in the event of failure. The technical reports required by this Order and the attached *Monitoring and Reporting Program No. DWQ-2012-TENT for Discharges Enrolled under General Waste Discharge Requirements for Discharges of Waste at Compost Management Units* (hereinafter the **MRP**) are necessary to assure compliance with these WDRs.

13. **WATER QUALITY CONTROL PLAN.** The Regional Water Boards have each adopted a Water Quality Control Plan for their respective Regions (hereinafter **Basin Plan**), which have subsequently been approved by the State Water Board. Revisions to each Basin Plan have also been adopted by each individual Regional Water Board and approved by the State Water Board. The Basin Plans designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives in all receiving waters identified in the Basin Plans. This Order implements the Basin Plans.
14. **ANTI-DEGRADATION.** In regulating the discharge of waste, pursuant to State Water Board Resolution No. 68-16, the State Water Board is required to maintain high quality waters of the State (i.e., background water quality) until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Board's policies (e.g., quality that exceeds water quality objectives). Further, any activity that produces a waste must be required to meet WDRs that will result in the best practicable treatment or control to assure that (1) pollution or nuisance will not occur, and (2) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

The State Water Board has considered the requirements of State Water Board Resolution No. 68-16 and finds that the degradation of groundwater or surface water by the select group of Dischargers described in this Order is not consistent with maximum benefit of the people of the State. Therefore, this Order includes requirements that will result in the best practicable treatment or control of the discharge to prevent degradation of groundwater and surface water.

15. **APPLICATION.** Water Code section 13260(a) requires any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, to file a Report of Waste Discharge. For the purposes of this Order, a Notice of Intent (**NOI**) and accompanying technical report (as described in Attachment B and C of this Order, respectively) is equivalent to the aforementioned Report of Waste Discharge. After the Regional Water Board determines that the NOI is complete and that the CMU can be appropriately regulated under this Order, a Notice of Applicability (**NOA**) will be by the Regional Water Boards' Executive Officer.

Upon issuance of a NOA for coverage under this Order, the Discharger's approved NOI becomes incorporated by reference into this Order, as it applied to the CMU. The Discharger is responsible for carrying out all operations at the CMU in a manner that complies with this Order, including the site specific manner of compliance indicated in the Discharger's approved NOI.

16. **ENFORCEMENT ACTIONS.** Pursuant to Water Code section 13350, any person who discharges waste, or causes or permits waste to be deposited where it is discharged into the waters of the State is in violation of this Order and will be liable civilly. Remedies for such illegal actions may be proposed in accordance with Water Code sections 13350(d) and 13350(e).

Water Code section 13304(a) requires any person who has discharged or discharges waste into the waters of the State in violation of any WDR or other order or prohibition issued by a Regional Water Board or State Water Board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the water of the State and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the Regional Water Board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to overseeing cleanup and abatement efforts.

In overseeing all cleanup and abatement efforts, the Regional Water Board is a governmental agency that must expend limited staff resources to assure compliance with the law. Water Code section 13304(c) provide that the person or persons who discharged the waste, discharges waste, or threatened to cause or permit the discharge of the waste within the meaning of Water Code section 13304(a), are liable to that governmental agency to the extent of the reasonable cost actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action.

Any Discharger who violates any of the requirements of this Order or the MRP, or conditions for enrollment will be subject to permit modification, revocation and reissuance, or termination.

17. **SITE RESTORATION.** The release of wastes or waste constituents derived therefrom, at an unmanaged, inactive, or abandoned CMU may cause, threaten to cause, or contribute to the degradation of the waters of the State. Prior to terminating any waste discharge activity, rendering an unmanaged, inactive, or abandoned CMU formally closed, the Discharger shall fulfill the requirements for site restoration as specified in this Order, for the protection of the waters of the State.
18. **CALIFORNIA ENVIRONMENTAL QUALITY ACT.** The State Water Board circulated a Mitigated Negative Declaration for general WDRs, in support of this Order, for those material discharges specified in **Finding No. A.3** of this Order for composting, in

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accordance with the California Environmental Quality Act (**CEQA**) and with the terms and conditions of this Order contained therein. The State Water Board has assessed the potential impact on the physical environment of such discharges and has considered all of the comments received. The State Water Board adopted the Mitigated Negative Declaration in **Resolution No. TENTATIVE**.

19. **RESPONSIBILITY FOR MONITORING AND MAINTENANCE.** The Discharger, as a condition of this Order, may be required to conduct regular maintenance and monitoring to ensure the protection of water quality and beneficial uses. Dischargers are financially responsible for covering the costs associated with these activities pursuant to this Order, until the Regional Water Board, on behalf of the State Water Board, has determined that the CMU no longer poses a threat to water quality.
20. **ANNUAL FEES.** The Discharger is required to pay an annual fee (i.e., waste discharge permit fee) as determined by the State Water Board, and pursuant to Water Code section 13260 *et seq.* The filing fee accompanying the NOI is the first year's annual fee. The annual fee is based on the threat to water quality and complexity of the discharge in accordance with CCR Title 23 section 2200. Dischargers enrolled under this Order have been assessed a threat/complexity rating of 3-C, the lowest rating possible.
21. **WATER RESOURCES FACTORS.** The State Water Board, pursuant to Water Code section 13241, has considered all water resource-related environmental and economic factors related to discharges of wastes associated with CMUs.
22. **PUBLIC PARTICIPATION.** All of the findings contained within this Order, supplemental information and details in the Information Sheet, and incorporated references were considered in establishing the following General WDRs for CMUs.

All applicable Discharges and other interested parties and persons were notified of the intent to adopt Statewide General WDRs for Discharges of Waste at CMUs, and were provided with an opportunity for a public hearing and an opportunity to submit written comments.

In a public meeting, all comments pertaining to this Order were heard and considered.
23. **STRATEGIC PLAN.** The issuance of this Order establishing General WDRs for CMUs is consistent with the goal to provide water resources protection, while considering economic and environmental impacts as stated in the Strategic Plan of the State Water Board and the Regional Water Boards.
24. **DELEGATION OF AUTHORITY.** The State Water Board delegates to the nine Regional Water Board Executive Officers by adoption of this Order, all the powers and authority that may be delegated pursuant to Water Code section 13223. The State Water Board intends for the Executive Officers to make modification or revisions in appropriate cases to the maintenance and monitoring requirements contained within the MRP; and to grant a Discharger's enrollment or termination under this Order and MRP pursuant to the eligibility and termination criteria established in this Order.
25. **DEFINITIONS.** In order to improve clarity, the definitions for terms and phrases having special meaning under this Order (e.g., "additives") are listed in Attachment A to this Order, which is hereby incorporated by reference and made a part of this Order.
26. **APPLICABILITY.** All materials and CMUs described in **Finding Nos. A.3 and A.9** respectively, will be subject to the requirements herein upon the initial effective date of this Order, with exception to those CMUs described in **Finding No. A.9.a** for which the

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existing requirements, as determined by the Regional Water Board, are more protective of water quality.

IT IS HEREBY ORDERED, pursuant to Water Code, Division 7, and regulations adopted thereunder; any Discharger subject to the provisions of this Order shall comply with the following:

B. ENROLLMENT PROCEDURE

1. **New Compost Management Units.** Under this Order, Discharger's must submit to the appropriate Regional Water Board a complete *Notice of Intent to Comply with the Terms of General Waste Discharge Requirements for Discharges of Waste at a Compost Management Unit* (Attachment B), including the appropriate filing fee – pursuant to CCR Title 23 section 2200 – and a technical report including, but not limited to the information requested in Attachment C of this Order. Dischargers operating new CMUs (as defined in **Finding No. A.9.b**) at the time of adoptions of this Order must seek enrollment under this Order, within **6 months** upon its adoption by the State Water Board. Any Discharger planning to begin operating a new CMU must be enrolled under this Order, or individual WDRs, prior to receiving any feedstocks, additives, and/or amendments.
2. **Existing Permitted Compost Management Units.** At any time, the Discharger of an existing permitted CMUs, as defined in **Finding No. A.9.a**, may seek rescission of individual WDRs, and seek enrollment and authorization to discharge under this Order by submitting to the appropriate Regional Water Board a complete NOI (Attachment B). The NOI must be filed with an appropriate filing fee – pursuant to CCR Title 23 section 2200 – and a technical report including, but not limited to the information requested in Attachment C of this Order. Dischargers of CMUs subject to individual WDRs issued by the Regional Water Boards are not required to enroll under this Order if the requirements of the individual WDRs are more protective than those prescribed in this Order.
3. **Notice of Applicability.** Coverage under this Order will be extended to the Discharger by a Regional Water Board Executive Officer on behalf of the State Water Board, upon receipt of a Notice of Applicability (**NOA**).
4. **Notice of Intent Updates.** The Discharger must submit an updated NOI to be accepted by a Regional Water Board's Executive Officer for those instances specified in **Reporting Requirements, section I.2** of this Order. For the submittal of an updated NOI, a filing fee is not required.
5. **Termination of Enrollment.** At any time, enrollment under this Order may be terminated if any of the following occur:
 - a. The Regional Water Board Executive Officer determines, based on site-specific conditions or management practices at the CMU, that the requirements of this Order are not adequate for the protection of the waters of the State, and thereby requires the Discharger to apply for individual WDRs. The applicability of this Order to such Dischargers will immediately terminate on the date of adoption of individual WDRs pursuant to **Finding No. A.9.a**; or
 - b. The Discharger, for reasons expressed to the Regional Water Board Executive Officer, through the submission of a Notice of Termination (**NOT**) and a Report of Waste Discharge, applies for issuance of individual WDRs pursuant to **Finding No. A.9.a**. The filing of a request by the Discharger for modification, revocation and reissuance, or termination of this Order does not stay any requirement of this Order; or

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- c. After terminating all waste discharge activities at the CMU, the Discharger, for reasons expressed to the Regional Water Board Executive Officer, must submit a NOT as an attachment to the *Site Restoration Notification* (submitted pursuant to **Reporting Requirements, section I.11** of this Order). The filing of a request by the Discharger for termination of this Order does not stay any requirements of this Order; or
- d. The Discharger may propose in a NOT submitted to the Regional Water Board Executive Officer, that composting activities at the CMU have changed, allowing for the CMU to meet the criteria for exemption, pursuant to **Finding No. A.3.b** of this Order. The filing of a request by the Discharger for modification, revocation and reissuance, or termination of this Order does not stay any requirement of this Order.

C. GENERAL DISCHARGE SPECIFICATIONS

- 1. The use of additives, defined in this Order and reported in an approved NOI, is allowed provided that the additives (other than water) total no more than 30% –on a dry-weight basis– of the total feedstocks for any given batch of compost. Approved additives consist of:
 - a. Fertilizing material (as defined in Attachment A of this Order) applied at rates that will be consumed or fixed/immobilized during active composting;
 - b. Manures (as defined in Attachment A of this Order);
 - c. Water (when applied at a rate that does not produce leachate); or
 - d. Other material listed in an NOI approved by the Regional Water Board Executive Officers.
- 2. The use of any amendments, as defined in this Order and reported in the approved NOI, is allowed provided these are handled, stored, and processed in a manner only as proposed in the approved NOI and that the use of these amendments does not pose a threat to water quality.
- 3. All feedstocks, additives, amendments, and compost (active or stabilized) exposed to precipitation or run-on having the potential to either produce process storm water or leachate that would otherwise be in direct contact with the ground surface must be located on containment structures constructed as required by this Order, or as approved by the Regional Water Board Executive Officer upon approving the NOI.
- 4. All CMUs must be constructed to allow all necessary equipment to operate on them during all times of the year that feedstocks, additives, amendments, and/or compost (active or stabilized) is present without damage to the CMU or containment structures or incapacitation of the equipment. In the event that any damage occurs to the containment structure, the Discharger must repair any damaged areas immediately and report each such incident to the Regional Water Board within 24-hours of the damaging event, pursuant to the **Reporting Requirements, section I.9** of this Order.
- 5. The Discharger must design, construct, and maintain any containment structure, or CMU to prevent to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout, notwithstanding precipitation events, equipment movement, and other aspects of CMU operation.

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6. The Discharger must, to the satisfaction of the Regional Water Boards, reuse the liquids captured in any wastewater or storm water detention pond at the CMU, in an effort to: maintain capacity in the ponds; prevent overflow; prevent potential violation of an NPDES permit; and/or prevent evapoconcentration of constituents during the dry season. In the event the Discharger finds, to the satisfaction of the Regional Water Board, that it is infeasible to reuse of the liquids captured in any wastewater detention pond at the CMU, the Regional Water Board Executive Officer may approve, as proposed by the Discharger in an NOI, an alternative disposal method to land for wastewaters.
7. All wastewater detention ponds must be monitored in accordance with the **Monitoring Requirements, section F** of this Order. The results of that sampling must be reported to the appropriate Regional Water Board in accordance with the **Reporting Requirements, section I.3** of this Order.
8. To minimize the potential impacts to the waters of the State, the Discharger, to the satisfaction of the Regional Water Boards, must minimize the potential for piles of feedstocks, additives, amendments, or compost (active or stabilized) to become over saturated and generate leachate.
9. The Discharger must maintain all containment structures and monitoring systems in good working order whenever feedstocks, additives, amendments, compost (active or stabilized), and/or wastewaters are present at the CMU;

D. PROHIBITIONS

1. Discharges of the following wastes to CMUs pose a significant threat to the quality of the waters of the State, and are therefore prohibited from being discharged to any CMU regulated under this Order. Dischargers proposing to compost any of the following wastes must contact the Regional Water Board for individual WDRs.
 - a. Wastes classified as “hazardous” as defined in the CCR Title 22, section 66261.3;
 - b. Liquid wastes (excluding leachate, wastewater, process storm water, or washwater, as defined in Attachment A of this Order);
 - c. Medical wastes as defined in the California Health and Safety Code, section 117690;
 - d. Municipal Solid Waste as defined the Code of Federal Regulations (**CFR**) Title 40, Part 258.2, other than those wastes, additives, and amendments specified in **Finding Nos. A.3.a and A.3.c** of this Order;
 - e. Septage;
 - f. Sludges (including untreated sewage sludge, water treatment sludge, and industrial sludge);
 - g. Wood containing lead-based paint or wood preservatives, or ash from such wood;
 - h. Biosolids (other than those meeting the conditions specified under State Water Board Order No. 2004-0012-DWQ, *General Waste Discharge Requirements for the Discharge of Biosolids to Land for the Use as a Soil Amendment in*

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Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities and CFR Title 40, Part 503);

- i. Animal carcasses, as defined in Attachment A of this Order; and
 - j. Any feedstock, additive, or amendment other than those specifically named in **Finding Nos. A.3.a and C.1** of this Order, or listed in an approved NOI;
2. The following activities conducted at CMUs pose a significant threat to the quality of the waters of the State, and are therefore prohibited from being performed at any CMU regulated under this Order.
- a. Any volume or weight percentage of any feedstock, additive, or amendment, exceeding those specified in this Order;
 - b. Wastewaters discharged directly on the containment structure ground surface areas, unless used for dust control or controlled irrigation, and does not result in ponding;
 - c. Discharges of feedstocks, additives, amendments, compost (active or stabilized) or wastewaters must not cause, threaten to cause, or contribute to the degradation of the waters of the State, pursuant to the Regional Board's Basin Plan.
 - d. Discharges of feedstocks, additives, amendments, or compost (active or stabilized) must not spontaneously combust;
 - e. Discharges of feedstocks, additives, amendments, compost (active or stabilized) or wastewaters must not be discharged to lands not owned or controlled by the Discharger, for the purposes of storage or composting.
 - f. Feedstocks, additives, amendments, compost (active or stabilized), or wastewaters discharged to surface waters or surface water drainage courses, except as specifically allowed under an NPDES permit applicable to the discharge;
 - g. Liquids other than ambient precipitation, water, or wastewaters (as defined in this Order) discharged to any runoff detention basin, as defined in Attachment A of this Order;
 - h. Concentration of constituents in any wastewater or storm water detention pond, through evapoconcentration, to reach hazardous levels as defined in CCR Title 22 section 66261.3.
 - i. Any feedstock, additive, amendments, or compost (active or stabilized) stored, processed, or composted outside of the designated storage, processing, and composting area, as those boundaries are defined in an approved NOI.
3. Dischargers of CMUs located on, or proposing to site a new CMU on a property placed on the Cortese List, maintained by the Department of Toxic Substances Control, providing information about the location of hazardous materials release sites.
- E. **DESIGN SPECIFICATIONS.** Dischargers must implement one of the following design specification tiers based on the feedstock types discharged to the CMU

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1. **Tier 1:** This tier is applicable to any CMU to which the Discharger proposes to discharge, or is actively discharging, no more than 12,500 cubic yards (**cy**) of feedstock at any given time, so long as the discharge meets the following additional limitations. For the purposes of this tier, the feedstocks discharged are restricted to those defined in this Order as “agricultural material”, “green material”, “paper material”, “vegetative food material”, or a combination of these feedstocks, and must only be discharged to a storage or composting area at a CMU described in an approved NOI. If at any time, either the volume or types of feedstocks discharged at a Tier 1 CMU are exceeded, the operation is no longer eligible for enrollment as a Tier 1 CMU, and the Discharger must submit a revised NOI to the appropriate Regional Water Board, within 30 days of the triggering event, proposing reclassification to either Tier 2 or Tier 3, as appropriate, or if not, then within 90 days of the triggering event, submitting a Report of Waste Discharge for regulating the discharge under individual WDRs.
 - a. The Dischargers must, to the satisfaction of the Regional Water Board, ensure and certify under penalty of perjury that at the Tier 1 CMU:
 - i. The discharge of feedstock, as specified in the preceding paragraph, will not contribute to, cause, or threaten to cause a condition of contamination, pollution or nuisance;
 - ii. Containment structures are properly designed, constructed, and maintained to prevent conditions of contamination, pollution, or nuisance resulting from the discharge of waste;
 - iii. Areas used for the storage and/or treatment of feedstocks, additives, amendments, compost (active or stabilized), or wastewaters are:
 - (1) Designed, constructed and maintained to control and manage all run-on, runoff, and precipitation which falls onto or within the boundaries of these areas, under conditions of a 25-year, 24-hour storm event;
 - (2) Protected from inundation by surface flows associated with the site-specific maximum peak flow from the 25-year, 24-hour storm event that may occur during the period of processing, storage or treatment of materials. In the event precipitation exceeds the 25-year, 24-hour storm event, liquids and storm water must be discharged in a manner consistent with the General NPDES Storm Water Permit and must not contribute to, cause, or threaten to cause contamination, pollution, or nuisance; and
 - (3) Capable of preventing degradation of waters of the State as a result of waste discharge, processing, storage, and treatment. Such structures are designed, constructed, and maintained to (1) prevent ponding and impede vertical movement of liquid phase constituents of concern, and (2) reliably transmit any free liquid present during storage, treatment, and processing of materials (such as the act of composting as a treatment of feedstocks) laterally to a containment structure (e.g., pond, storage tank, etc.), to prevent liquids from entering ground or surface waters over the lifetime of the CMU and prevent a condition that could contribute to, cause, or threaten to cause a condition of contamination, pollution, or nuisance.

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- iv. Wastewater detention ponds, if used at the CMU, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration evaporation, the crest of wind-driven wastes, and water reused in the compost), all runoff from the CMU in addition to the ambient precipitation that falls into the wastewater detention pond, under conditions of a 25-year, 24-hour storm event. In the event precipitation exceeds the volume of the 25-year, 24-hour storm event, wastewater and storm water must only be discharged in a manner consistent with the General NPDES Storm Water Permit and must not contribute to, cause, or threaten to cause contamination, pollution, or nuisance;
 - v. Berms, if used on or around the CMU, must be designed, constructed, and maintained (unless superseded by more stringent NPDES permit requirements) to prevent run-on to and runoff from the CMU without overflow, resulting from a 25-year, 24-hour storm event. Berms must be adequately protected from erosion, and must not cause, threaten to cause, or contribute to conditions resulting in the infiltration of wastewaters, contamination, pollution, or nuisance; and
 - vi. Drainage conveyance systems, if used on or around the CMU, must be designed, constructed, and maintained for the conveyance of wastewaters from all composting and storage areas to a wastewater detention pond. Ditches must be lined and appropriately located and sized to capture and transmit, without overflow or infiltration, all wastewaters of the CMU in addition to all storm water that falls on the CMU as a result of a 25-year, 24-hour storm event. Ditches must be adequately protected from erosion, and must not cause, threaten to cause, or contribute to conditions resulting in the infiltration of wastewaters, contamination, pollution, or nuisance.
- b. The Discharger must, to the satisfaction of the Regional Water Board, comply with all applicable monitoring requirements in accordance with **Monitoring Specifications, section F** of this Order.
2. **Tier 2:** This tier is applicable to any CMU for which the Discharger proposes to discharge or is actively discharging either (1) Tier 1 feedstocks (limited to “agricultural material”, “green material”, “paper material”, “vegetative food material”, or any combination of these feedstocks) in volumes greater than 12,500 cy; or (2) any feedstocks or combination of feedstocks specified in **Finding No. A.3.a** of this Order in any volume, to any storage or composting area at a CMU.
- a. The Discharger must, to the satisfaction of the Regional Water Board, and certify under penalty of perjury, ensure that at the CMU:
 - i. The discharge of feedstock as specified in the preceding paragraph, will not contribute to, cause, or threaten to cause a condition of contamination, pollution or nuisance (including odors);
 - ii. The working surface for all composting and storage areas must be designed, constructed, and maintained to prevent conditions of contamination, pollution, or nuisance. All working surfaces must meet the following specifications:

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- (1) All working surfaces must have a hydraulic conductivity of 1×10^{-6} cm/s or less, and meet one of the following construction and material specifications:
 - (a) Asphalt concrete or Portland cement concrete designed to minimize the potential for cracking and to allow equipment to operate without damage;
 - (b) Compacted clay, with a minimum thickness of one foot and protected from desiccation and installed in a manner such that the integrity will not be impaired by the operation of heavy equipment used at the CMU; or
 - (c) An equivalent engineered alternative as proposed in an approved NOI.
 - (2) The slope of the containment structure and working surface area are designed, constructed, and maintained to (1) prevent ponding and impede vertical movement of liquid phase constituents of concern; (2) reliably transmit any free liquid present during the storage, treatment, and processing of materials laterally to a containment structure to prevent liquids from entering surface water or groundwater over the lifetime of the CMU; and (3) prevent a condition that could contribute to, cause, or threaten to cause a condition of contamination, pollution or nuisance; and
 - (3) Liquids are conveyed to a wastewater detention pond. The ponds shall be designed, sized, and operated such that conveyance of liquids resulting from a site-specific maximum peak volume from at least a 25-year, 24-hour storm, will not cause damage to the collect and conveyance structures, and will cause neither the erosion or inundation of the containment structure or working surface;
- iii. All wastewater detention ponds are designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must meet the following specifications:
- (1) The wastewater detention pond must have, and maintain, a hydraulic conductivity of 1×10^{-6} cm/s or less, and may be constructed of the following materials:
 - (a) A liner system that includes a single composite liner system consisting of a 40-mil synthetic geomembrane (60-mil if high-density polyethylene) underlain by either one foot of compacted clay, or a geosynthetic clay liner that is installed over a prepared base;
 - (b) A liner system that includes Portland cement concrete – designed to minimize cracking and infiltration – underlain by a 40-mil synthetic geomembrane (60-mil if high-density polyethylene); or

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- (c) An equivalent engineered alternative as propose in an approved NOI.
 - (2) The wastewater detention pond must be capable of containing, without overflow or overtopping (taking into consideration evaporation, the crest of wind-driven waves, and water reused in the compost), all runoff from the CMU in addition to the ambient rainwater that falls into the wastewater detention pond, under conditions of a 25-year, 24-hour storm event. In the event that rain fall exceeds the volume of the 25-year, 24-hour storm event, wastewater and storm water must only be discharged in a manner consistent with the General NPDES Storm Water Permit and must not contribute to, cause, or threaten to cause contamination, pollution, or nuisance;
- iv. Berms on or around all CMUs, including storage areas. Such berms must be designed, constructed, and maintained (unless superseded by more stringent NPDES permit requirements) to prevent run-on to and runoff from the CMU without overflow, resulting from a 25-year, 24-hour storm event, including at all points of ingress and egress by heavy equipment or vehicles (e.g., for cleanout and other maintenance purposes). Berms must be adequately protected from erosion, and must not cause, threaten to cause, or contribute to conditions that result in contamination, pollution, or nuisance, or the infiltration of wastewaters..
- v. Drainage ditches are designed, constructed, and maintained for the conveyance of wastewaters from all composting and storage areas to a wastewater detention pond, and to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must meet the following specifications:
- (1) Drainage ditches must have, and maintain, a hydraulic conductivity of 1×10^{-6} cm/s or less, and may be constructed of the following materials:
 - (a) A liner system that includes Portland cement concrete – designed to minimize cracking and infiltration – underlain by a 40-mil synthetic geomembrane (60-mil if high-density polyethylene); or
 - (b) An equivalent engineered alternative as propose in an approved NOI.
 - (2) Ditches must be appropriately located and sized to capture and transmit, without overflow, erosion, or infiltration, all wastewaters of the CMU in addition to all storm water that falls on the CMU as a result of a 25-year, 24-hour storm event. Any precipitation volume in excess of the 25-year, 24-hour storm event must be handled in accordance with the General Storm Water Permit.
- vi. All composting and storage areas are designed, constructed, and maintained as part of the entire storm water and wastewater management system to control and manage all wastewater, in addition to

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all run-on, runoff, and precipitation which fall onto or within the boundaries of these areas.

- b. The Discharger must, to the satisfaction of the Regional Water Board, comply with all applicable monitoring requirements in accordance with **Monitoring Specifications, section F** of this Order.
3. **Tier 3:** This tier is applicable to any CMU for which the Discharger proposes to discharge or is actively discharging those feedstocks specified in **Finding No. A.3.a** of this Order, and advocating that: (1) existing containment structures and/or current management practices at the CMU are equally protective of the waters of the State, as those specified for Tier 2 CMUs (**Design Specifications, section E.2** of this Order); and (2) current management practices at the CMU prohibit the emergence of leachate from any feedstock, additive, amendment, or compost (active or stabilized) pile.
- a. The Discharger must, to the satisfaction of the Regional Water Board and certifying under penalty of perjury, ensure that at the CMU:
 - i. The discharge of feedstocks specified in **Finding No. A.3.a** of this Order, will not contribute to, cause, or threaten to cause a condition of contamination, pollution or nuisance (including odors);
 - ii. Discharges of feedstocks, additives, amendments, and compost (active or stabilized) must be managed such that leachate will not form. Pursuant to **Finding No. A.16** of this Order, noncompliance with this specification may result in modification, revocation and reissuance, or termination of the Discharger's enrollment under this Order.
 - iii. Liquids, including ambient precipitation, are not applied to feedstocks, additives, amendments, or stabilized compost in excess of the material's holding capacity (i.e., the amount of moisture it can hold without producing free liquids);
 - iv. Containment structures (including, but not limited to, pads, wastewater detention ponds, berms) are properly designed, constructed, and maintained to prevent conditions of contamination, pollution, or nuisance resulting from the discharge of waste;
 - v. Composting and storage areas are designed, constructed and maintained to control and manage all run-on, runoff, and precipitation which falls onto or within the boundaries of these areas;
 - vi. Composting and storage areas are protected from inundation by surface flows associated with the site-specific maximum peak flow from the 25-year, 24-hour storm event that may occur during the period of processing, storage, or treatment of materials. In the event precipitation exceeds the 25-year, 24-hour storm event, liquids and storm water must be discharged in a manner consistent with the General NPDES Storm Water Permit and must not contribute to, cause, or threaten to cause contamination, pollution, or nuisance; and

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requirements of this Order or the MRP, either through the Discharger's inspection, or an inspection report provided by the Local Enforcement Agency (**LEA**) or Regional Water Board. The Discharger must take immediate steps to implement temporary measures to mitigate these areas.

5. The Discharger must, for the purposes of dust control, limit the volume of water used and the rate of water applied, to a minimum necessary to reduce immediate dust hazards.

H. **SITE RESTORATION SPECIFICATIONS.** Any Discharger (1) no longer discharging feedstocks, additives, amendments, or compost (active or stabilized) at a CMU; and (2) permanently terminating operations, must implement the following requirements, unless the Discharger demonstrates to the satisfaction of the Regional Water Board, that it is infeasible to attempt site restoration:

1. The Discharger must remove and legally (pursuant to federal and State regulations) recycle, reuse, or appropriately dispose of all remaining storm water or wastewaters from the CMU, which includes, but may not be limited to sludges, precipitates, and settled solids;
2. The Discharger must remove and legally (pursuant to federal and State regulations) recycle, reuse, or dispose of all piles, soils, or other residuals (i.e., dust, particulates) containing feedstocks, additives, amendments, compost (active or stabilized) at the CMU;
3. The Discharger must jointly notify the appropriate Regional Water Board and LEA, in writing, at the conclusion of the site restoration activities, or portion thereof, in the case of incremental site restoration, certifying under penalty of perjury that all site restoration activities were performed in accordance with the site restoration requirements of this Order, and all other applicable federal, State, and local regulations. This notification must be incorporated as an attachment to the Dischargers' NOT.

I. **REPORTING REQUIREMENTS**

1. **General Reporting Requirements.** The Discharger must furnish:
 - a. To the appropriate Regional Water Board, within a reasonable timeframe:
 - i. Any information which the Regional Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating enrollment under this Order, or to determine compliance with this Order;
 - ii. Upon request by the Regional Water Board, copies of records required to be kept by this Order; and
 - iii. Any information submitted to another regulatory agency, which may be of interest to the Regional Water Board;
 - b. To the appropriate LEA or other regulatory agency, within a reasonable timeframe, any information submitted to the Regional Water Board, which may be of interest to that agency.
2. **Updated Notice of Intent.** The Discharger must submit an updated NOI at least **120 days** prior to (1) any significant changes at the CMU (e.g., change in feedstock types on site etc.); (2) any proposed change to the Design Specification contained in this Order (e.g., working surface construction materials); (3) any proposed change to the monitoring

program at the CMU; or (4) any change in activities at the CMU that may affect compliance with the terms and conditions of this Order or the MRP.

3. **Design Report and CQA Plan.** The Discharger must submit a *Design Report* and a *Construction Quality Assurance (CQA) Plan* at least **30 days** prior to any new construction of any working surfaces, wastewater detention ponds, berms, ditches, or any other water quality protection containment structure (as proposed in a Regional Water Board approved NOI) for Regional Water Board approval prior to construction prior to constructing these containment structures at a CMU. The *Design Report* must include water balance calculations for basins, design of stormwater conveyance features for run-on and runoff control, liner materials and thicknesses, rationale for liner system design for all working surfaces and wastewater detention ponds, and design of any other pertinent CMU containment features. The *CQA Plan* must ensure testing and quality assurance of liner materials and compacted soils in accordance with commonly accepted engineering practices, American Society for Testing and Materials (**ASTM**) test methods, and/or other appropriate material standards. The *Design Report* and *CQA Plan* must be prepared under the direction of a California-registered civil engineer or certified engineering geologist who must sign and provide their registration number(s) on the report/plan.
4. **CQA Report.** The Discharger must submit a *CQA Report* within **30 days** after completion of construction of any working surface, wastewater detention pond, or approved engineered alternative (as proposed in the Dischargers NOI) under an approved *CQA Plan*, the Discharger must submit a *CQA Report* documenting that the containment structures at the CMU were properly constructed and tested as outlined in **Reporting Requirements, section I.3** of this Order, The *CQA Report* must be prepared under the direction of a California-registered civil engineer or certified engineering geologist who must sign and provide their registration number(s) on the report.
5. **Wastewater Detention Pond Monitoring and Maintenance Report Requirements.** The Discharger must furnish to the appropriate Regional Water Board, a *Wastewater Detention Pond Monitoring and Maintenance Report* on an annual basis. The *Wastewater Detention Pond Monitoring and Maintenance Report* must be received by the appropriate Regional Water Board no later than 5:00 pm on **1 February** of each year (or next subsequent immediate business day, if falling on a weekend or State-observed holiday), and may be submitted as part of the *Annual Monitoring and Maintenance Report*, and must contain the information specified in **Reporting Requirements, section D.2.b** of the MRP.
6. **Tier 3 - Specific Monitoring Report Requirements.** If operating pursuant to the Tier 3 Design Specifications of this Order, the Discharger must furnish to the appropriate Regional Water Board, a *Tier 3 - Specific Monitoring Report* on an annual basis. The *Tier 3 - Specific Monitoring Report* must be received by the appropriate Regional Water Board no later than 5:00 pm on **1 February** of each year (or next subsequent immediate business day, if falling on a weekend, or State-observed holiday), and may be submitted as part of the *Annual Monitoring and Maintenance Report*, and must contain the information specified in **Reporting Requirements, section D.2.d** of the MRP.
7. **Working Surface Conditions and Maintenance Report Requirements.** The Discharger must furnish to the appropriate Regional Water Board, a *Working Surface Conditions and Maintenance Report* on an annual basis. The *Working Surface Conditions and Maintenance Report* must be received by the appropriate Regional Water Board no later than 5:00 pm on **1 February** of each year (or next subsequent immediate business day, if falling on a weekend, or State-observed holiday), and may be submitted as part of the *Annual Monitoring and Maintenance Report*, and must contain the information specified under the **Reporting Requirements, section D.2.b** of the MRP.

8. **Re-Certification Report Requirements.** The Discharger must furnish a *Re-Certification Report* to the appropriate Regional Water Board, should the Discharger become aware of any area of non-compliance with this Order or the MRP, either through the Discharger's inspection, and or inspection report provided by the LEA or Regional Water Board, the Discharger must take immediate steps to implement temporary measures to mitigate these areas. The Discharger must provide the appropriate Regional Water Board with a *Re-Certification Report* no later than **30 days** after completing all mitigation measures, or **30 June** of that year, whichever is earliest. The *Re-Certification Report* must contain the information specified under the **Reporting Requirements, section D.3.a** of the MRP.
9. **Violations Notification Requirements.** If the Discharger determines a violation of the requirements of this Order or the MRP occurred at the CMU, must notify the appropriate Regional Water Board by telephone within **48-hours** once the Discharger has knowledge of the violation. This notification must include a description of the noncompliance and its cause, the period of noncompliance (providing exact dates and times); and if the noncompliance has not been corrected: the anticipated time the noncompliance it is expected to continue. Also included in the notification must be steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance. Depending on the severity of the violation, the Regional Water Board may require the Discharger to submit a separate technical report regarding the violation within **10 working days** of the initial notification.
10. **Change in Ownership Notification Requirements.** The Discharger must notify the appropriate Regional Water Board and LEA, in writing, at least **45 days** in advance of any transfer of the Order's responsibility and coverage from the current owner to a new owner for maintenance and monitoring of the CMU. This notification will consists of the current owners NOT (Attachment D of this Order), and include:
 - a. A statement of acknowledgment that the current owner is liable for violations occurring up to the transfer date and that the new owner is liable for violations occurring after the date that ownership of the property transfers.
 - b. A statement of acknowledgement that the new owners must accept responsibility for compliance with this Order, including financial assurances that the State may require, for implementation of monitoring and maintenance of the CMU.
 - c. The new owners NOI and technical report (if applicable), as an attachment to the NOT; and
 - d. A copy of notification for change in ownership submitted to the LEA, as an attachment to the NOT.
11. **Site Restoration Notification Requirements.** The Discharger must jointly notify the appropriate Regional Water Board and the LEA, in writing, at least **30 days** in advance of any intent to comply with the **Site Restoration Specifications, section H** in this Order. The Discharger must include a statement that all site restoration activities will conform to the requirements of this Order, and all other applicable federal, State, and local regulations.
12. **Significant Maintenance Activities Notification Requirements.** The Discharger must notify the appropriate Regional Water Board, either in writing, e-mail, facsimile, or telephone, at least **2 working days** prior to any significant maintenance as specified under the **Reporting Requirements, section D.3.c** of the MRP.

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13. **Release Notification Requirements.** The Discharger must notify the appropriate Regional Water Board, by telephone, e-mail, or mail within **24-hours** of concluding a potential occurrence of a release from the CMU as specified under the **Reporting Requirements, section D.3.c** of the MRP.
14. **Incomplete Reports and Notifications.** Where the Discharger becomes aware that they failed to submit any relevant facts in a NOI or submitted incorrect information in a NOI; or in any report or notification to the Regional Water Board, the Discharger must promptly submit such facts or information within **24-hours**.
15. **Endangerment of Health and Environment.** In addition to providing the LEA with notification of any areas of noncompliance which may endanger human health or the environment – pursuant to CCR Title 14, section 17850 *et seq.*, – the Discharger must also notify the appropriate Regional Water Board by telephone or e-mail within **24-hours**. For the purposes of the Regional Water Board, this notification must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance.
16. **Monitoring and Reporting Program.** Pursuant to Water Code section 13267, the Discharger must comply with the MRP. In the event that a site specific MRP becomes necessary, the Discharger must comply with the requirements specified in an individual MRP issued to the Discharger by the Regional Water Board Executive Officer, pursuant to the delegated authority specified in **Provisions, section J.18** of this Order. Failure to comply with the MRP or a site-specific MRP issued by the Regional Water Board Executive Officer, may subject the Discharger to civil liability pursuant to Water Code section 13268.
17. **Monitoring Wells.** The Discharger must comply with all notice and reporting requirements of the California Department of Water Resources and with any local agency well permitting requirements with regard to the construction, alternation, destruction, or abandonment of all monitoring wells used for compliance with this Order and the MRP, as required under Water Code sections 13750 through 13755, and local agency requirements.
18. **Reporting Declaration.** All application, reports, or information submitted to the Regional Water Boards must be signed and certified as follows:
 - a. The NOI must be signed as follows:
 - i. *For a corporation* – by a principal executive officer of at least the level of vice president.
 - ii. *For a partnership or sole proprietorship* – by a general partner or the proprietor, respectively.
 - iii. *For a municipality, State, federal, or other public agency* – by either a principal executive officer or ranking elected official.
 - iv. *For a military facility* – by the base commander or the person with overall responsibility for environmental matters in that branch of the military.
 - b. All other reports required by this Order and other information required by either the State or Regional Water Boards must be signed by a person designated in

paragraph (a) of the **Reporting Requirements, section I.18** of this Order, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:

- i. The authorization is made in writing by a person described in paragraph (a) of the **Reporting Requirements, section I.18** of this Order;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - iii. The written authorization is submitted to the Regional Water Board.
- c. Any person signing a document under this section must make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

19. **Use of Registered Professionals.** Any report submitted in compliance with the requirements of this Order, which requires technical interpretation, proposes a design, or a design change that might affect the CMUs containment features, wastewater detention ponds, or monitoring systems must be approved by a registered civil engineer or a certified engineering geologist appropriately licensed by the State of California.

The Discharger must provide documentation that plans and reports required under this Order are prepared by or under the direction of, appropriately qualified professionals. The California Business and Professions Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals. A statement of qualifications and registration numbers of the responsible lead professionals must be included in all plans and reports submitted by the Discharger. The lead professional must sign and provide registration number to the report, plan or document.

20. **Report Submittals.** Pursuant to CCR Title 23 sections 3892(d) and 3893, the Discharger must:

- a. Submit all reports and notifications required under this Order, and other information requested by the State or Regional Water Boards to determine compliance with the requirements of this Order, electronically over the Internet to the State Water Board’s Geotracker system in conformance with data dictionaries found in CCR Title 27, Division 2, Subdivision 2 (Monitoring and Release Information) and specifications contained in the *State Water Resources Control Board EDF Guidelines and Restrictions* (version 1.2i) and *Survey XYZ Guidelines and Restrictions* (version 6). These data dictionaries and documents are available through links provided at <http://www.waterboards.ca.gov/ust>;

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- b. Upload to Geotracker all water quality analytical data in Electronic Deliverable Format (**EDF**) and in accordance with the specification provided in CCR Title 23 section 3893; and
 - c. Upload all reports and notifications in a searchable Portable Document Format (**PDF**), which includes the signed transmittal letter and professional certification.
- J. **PROVISIONS.** Materials discharged at any CMU must not cause, threaten to cause, or contribute to conditions of pollution, contamination, or nuisance. These discharges must at all times conform with all applicable water quality standards including but not limited to, all applicable provisions and prohibitions contained in the applicable Basin Plan, including beneficial uses, water quality objectives, and implementation plans.
- 1. **Duty to Comply.** Any noncompliance with this Order constitutes a violation of the Water Code and is grounds for enforcement action, and/or termination of enrollment under this Order.
 - 2. **Corrective Action.** The Discharger must take all reasonable steps to minimize or correct any adverse impact to the environment resulting from noncompliance with this Order, including accelerated or additional monitoring necessary to determine the nature and impact of the noncompliance.
 - 3. **Responsibility for Monitoring and Maintenance.** Dischargers must be responsible for covering the costs associated with the activities necessary to maintain compliance with this Order until the Regional Water Board has determined that the CMU or site activities no longer poses a threat to water quality.
 - 4. **Proper Maintenance.** The Discharger must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the specification of this Order. Proper maintenance includes assuring effective performance, and, for laboratory and process controls, includes adequate and appropriate quality assurance procedures.
 - 5. **Maintenance Period.** The CMU maintenance period must continue until the Regional Water Board finds that any feedstocks, additives, amendments, compost (active or stabilized), wastewaters, or other waste constituents or degradation products will not threaten the waters of the State, pursuant to **Site Restoration Specifications, section H** of this Order.
 - 6. **Revision of Waste Discharge Requirements.** This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 - a. Violation of any terms or conditions of this Order;
 - b. Obtaining this Order by misrepresentation or failure to disclose fully relevant facts; or
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- The filing of a request by the Discharger for the modification, revocation and re-issuance, or termination of this Order or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

7. **Change in Ownership.** This Order is not transferable to any person except after notice to the appropriate Regional Water Board. The Discharger must submit a *Change in Ownership Notification*, pursuant to the **Reporting Requirements, section I.10** of this Order.
8. **Property Rights.** This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from liability under federal, State, or local laws, nor create a vested right for the owner and operator to continue the regulated activity.
9. **Entry and Inspection.** Under the authority of Water Code section 13267, the Discharger must allow the State Water Board and/or Regional Water Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - a. Enter premises where a regulated facility or activity is located or conducted, or where records must be kept under the specification of this Order;
 - b. Have access to a copy, at reasonable times, any records that must be kept under the specification of this Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or specified under this Order;
 - d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the Water Code, any substances or parameters at any location; and
 - e. To photograph or videotape any structures, facilities, activities, or other conditions that could result in adverse impacts to water quality and that are pertinent to compliance with this Order.
10. **Repository for Waste Discharge Requirements.** A complete and correct copy of this Order must be maintained at the local offices of the Discharger, and must be available to maintenance personnel at all times.
11. **Severability.** The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provisions to other circumstances, and the remainder of this Order, must not be affected thereby.
12. **Effective Date.** This Order becomes effective on October __, 2012.
13. **Penalties for Investigations, Monitoring, or Inspection Violations.** The State Water Board and Regional Water Boards reserve the right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
14. **Civil Monetary Remedies.** The Water Code section 13550 *et seq.* provides that any person who intentionally or negligently violates any conditions issued or amended by the State Water Board, is subject to administrative civil liability of up to 10 dollars per gallon of waste discharged, or if no discharge occurs, up to 100 dollars per day of violation. The Superior Court may impose civil liability of up to 10,000 dollars per day of violation or, if a cleanup and abatement order had been issued, up to 15,000 dollars per day of violation.

DRAFT ORDER NO. DWQ-2012-TENT
*Statewide General Waste Discharge Requirements for the
Discharge of Wastes at Compost Management Units*

15. **Other Regulations.** Dischargers enrolled under this Order may be subject to additional federal, State, or local regulations.
16. **Requesting Reconsideration or Judicial Review.** Pursuant to Water Code section 13330 *et seq.*, any person aggrieved by the Order may, not later than **30 days** from the date of adoption, file a petition for a writ of mandate for reconsideration by the State Water Board or judicial review. Petitions which are not received within **30 days** of the State Water Boards adoption of the Order will not be subject to review by any court.
17. **Definitions.** Definitions of terms used in this Order must be as set forth in the Water Code section 13050; Health and Safety Code section 117690; California Code of Regulations Title 22 section 66261.3; Code of Federal Regulations Title 40 Part 258.2; and Attachment A of this Order.
18. **Delegation of Authority.** The State Water Board delegates to the nine Regional Water Board Executive Officers by adoption of this Order, all the powers and authority that may be delegated pursuant to Water Code section 13223. The State Water Board intends for the Executive Officers to make modification or revisions in appropriate cases, to the maintenance and monitoring requirements contained within the *Monitoring and Reporting Program No. DWQ-2012-TENT for Discharges Enrolled under General Waste Discharge Requirements for Discharges of Waste at Compost Management Units*; and to grant Discharges enrollment or termination under this Order and the MRP pursuant to the eligibility and termination criteria established in this Order.

**DRAFT STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER NO. DWQ-2012-TENT**

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE
DISCHARGE OF WASTES AT COMPOST MANAGEMENT UNITS
(ATTACHMENT A)

DEFINITIONS

For the purpose of the *General Waste Discharge Requirements for Discharges of Wastes at Compost Management Units*, Order No. DWQ-2102-TENT (hereafter referred to as the **Order**), the following terms, phrases, or abbreviations have a narrow scope of meaning, and are as follows:

“**active compost**” means any feedstock, additive, or amendment, or combination thereof, in the process of being rapidly decomposed and is unstable. “Active compost” is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of active compost per day, or the equivalent of oxygen uptake.

“**additive**” means materials or products that are listed either in **General Discharger Specifications, section C.1** of this Order, or in the Dischargers’ approved Notice of Intent. Additive materials are stockpiled at the Compost Management Unit and mixed with feedstocks to adjust the moisture level, carbon-to-nitrogen ratio or other nutrient balance, or to increase porosity, or to create condition favorable to composting. Additives allowed under this Order include chemical fertilizers (when applied at rates that will be consumed or fixed/immobilized during active composting), manures (as defined in this Attachment), water, or any other material listed for that purpose in the Discharger’s approved Notice of Intent under this Order. Additives, other than water, may not exceed 30 percent – on a dry-weight basis – of the total feedstocks to be treated for any given batch of compost. Additives do not include any substance listed in **Prohibitions, section D** of this Order, and shall not be considered as either feedstocks or amendments.

“**agricultural composting**” refers to composting conducted in agricultural settings where (1) the feedstock consists of materials generated on-site by the production and processing of farm, ranch, agricultural, horticultural, silvicultural, floricultural, vermicultural, or viticultural products, including manures, orchard and vineyard prunings, and crop residues; and (2) the resulting compost is returned in a similar amount to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity.

“**agricultural material**” consists of pre-consumer plant materials coming directly from lands used in the production of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, including orchard and vineyard prunings, and crop residues. Agricultural materials must not contain any substance included in **Prohibitions, section D** of the Order.

“**amendments**” means materials added to stabilized compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include substance listed in **Prohibitions, section D** of this Order, and shall not be considered as either feedstocks or additives.

“**anaerobic digestate**” is the solid material remaining after the anaerobic digestion of any combination of agricultural materials, biosolids, food materials, green materials, manure, paper materials, or vegetative food materials – as defined in this Attachment – , and does .

“**animal carcasses**” refers to any whole or part (including, but may not be limited to the flesh, organs, blood, bones, and marrow) of a carcass of a bird, fish, or mammal, which cannot meet the definition of “food material” as defined in this Attachment.

“**background water quality**” means the measured concentration of constituents or indicator parameters in water or soil that has not been affected by waste constituents or leachate from a Compost

Management Unity. Concern arises from liquids whose concentrations are in excess of the established background water quality concentration and/or basin plan objectives established by the individual Regional Water Quality Control Boards.

“**beneficial uses**” is as defined in Division 7, section 13020(f) of the California Water Code.

“**biosolids**” means sewage sludge that has been treated and tested and shown to be capable of being beneficially and legally used as a soil amendment for agriculture, silviculture, horticulture, and land reclamation activities as specified under Title 40 Code of Federal Regulations Part 503, and are as described in the State Water Resources Control Board Water Quality Order No. 2004-0012-DWQ, “*General Waste Discharge Requirements for the Discharge of Biosolids to Land for the Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities*” as applicable for coverage under that general order.

“**California Environmental Quality Act (CEQA)**” refers to statute, promulgated in the Public Resources Code, beginning with Section 21000, and regulations, promulgated in California Code of Regulations, Title 14, beginning with Section 15000, requiring State and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

“**California Water Code (Water Code)**” refers to Division 7, Section 13000 *et seq.*, also known as the Porter-Cologne Water Quality Act, entrusting the State Water Resources Control Board and nine Regional Water Quality Control Boards with broad duties and powers to preserve and enhance all water quality and beneficial uses of the State’s immensely complex waterscape.

“**chipping and grinding facilities and operations**” refers to those sites that do not produce compost, but mechanically reduce the size, or otherwise engages in the handling of “green material”, and for which each load of “green material” is removed from the site within 48-hours from receipt, unless the Discharger has received written permission from the Local Enforcement Agency allowing the “green material” to remain onsite for up to 7 days.

“**composting**” refers to the process in which solid materials are decomposed in the presence of oxygen under controlled conditions through the action of bacteria and other microorganisms.

“**composting conducted at a publicly owned treatment works**” refers to the composting of treated biosolids at a publicly owned treatment works, currently operating pursuant to permit or waste discharge requirements issued by a Regional Water Quality Control Board or State Water Resources Control Board.

“**Compost Facility**” means the entire parcel of property at which feedstock, additive, amendments, compost (active or stabilized), and/or wastewaters are discharged for the production of compost. Such a facility may include one or more Compost Management Units.

“**Compost Management Unit (CMU)**” means an area of land, or a portion of a Compost Facility, at which feedstocks, additives, amendments, compost (active or stabilized), and/or wastewaters are discharged for treatment or storage. The term includes containment structures and ancillary features for precipitation, drainage control, and monitoring.

“**containment structures**” refers to any berm, ditch, working surface, wastewater detention pond, or other mechanism – approved by the Regional Water Quality Control Board Executive Officer on behalf of the State Water Resources Control Board – at a Compost Management Unit designed, constructed, and maintained to limit feedstock, additives, amendments, and/or compost (active or stabilized) from threatening to cause, causing, or contributing to conditions of contamination, pollution, or nuisance.

“**contamination**” is as defined in Division 7, section 13020(k) of the California Water Code.

“**depth to groundwater**” is the vertical distance measured, in feet, from the native ground surface to the first encountered groundwater.

“**distance to domestic drinking water supply wells**” is the horizontal distance measured, in feet, from the nearest edge of the Compost Management Unit to the center of the domestic well head.

“**Electronic Deliverable Format (EDF)**” is as defined in California Code of Regulations Title 23, Division 3, Chapter 30, Article 1, section 3891.

“**evapoconcentration**” is the process by which the ratio of solute to water solvent is increased by the removal of the solvent and retention of the solute.

“**feedstock**” refers to those materials specified in **Finding No. A.3.a** of the Order used in the production of compost. Feedstocks shall not be considered as either additives or amendments.

“**fertilizing material**” is as defined in Division 7, section 14533 of the Food and Agriculture Code.

“**food material**” means materials resulting from the production or processing of food for animal or human consumption, but is no longer intended for such consumption, that is separated from the municipal solid waste stream, Food material includes, without limitation, food waste from food facilities (as defined in Health and Safety Code section 113789), food processing establishments (as defined in Health and Safety Code section 111955), grocery stores, institutional cafeterias (such as prisons, schools, and hospitals), restaurants, and residential food scrap collection. Food material must not contain any substance included in **Prohibitions, section D** of the Order.

“**geocomposite liner**” means a manufactured material using geotextiles, geogrids, geonets, and/or geomembranes in laminated or composite form.

“**geomembrane**” means flexible materials in planar form manufactured to meet specific engineering purposes. Commonly, they are used as a barrier to waste solids and fluids. The term “geomembrane” is synonymous with “synthetic liner” and “flexible membrane liner”.

“**Geotracker**” is as defined in California Code of Regulations Title 23, Division 3, Chapter 30, Article 1, section 3891.

“**Green Composting Waiver**” refers to the “*Conditional Waiver of Waste Discharge Requirements For Composting Operation*”. Adopted by most Regional Water Boards in 1996, this waiver covered the composting of green waste, and some food processing waste, agricultural waste, and paper waste (as defined in the Green Composting Waiver), discharged to land with a volume in excess of 500 cubic yards.

“**green material**” consists of, or contains, materials from plants, including leaves, clippings, cuttings, trimmings of grass, weeds, shrubbery, bushes, or trees, residential or community garden waste, and untreated wood waste, and does not include any substance included in **Prohibitions, section D** of the Order.

“**groundwater**” means water below the land surface that is at or above atmospheric pressure (i.e., perched, unconfined, or confined water).

“**groundwater elevation**” is the vertical distance measured, in feet, from mean sea level to the water table of the first encountered groundwater below the ground surface.

“**hydraulic conductivity**” means the ability of natural and artificial materials to transmit fluid. For water, including aqueous solutions, the term is expressed as a measure of the rate of flow (e.g., cubic centimeters per second) one can expect through a unit-area (e.g., one square centimeter) cross

section of the material when the hydraulic gradient is unity (e.g., one centimeter of head loss per centimeter of travel through the material). The resulting numerical value is expressed in velocity units (e.g., centimeters per second).

“in-progress compost” refers to, and is synonymous with “active compost”.

“leachate” means the liquid that percolates through the compost pile or any pile of feedstocks, additives, amendments, compost (active or stabilized), or combinations thereof.

“liner” means a material or combination of materials designed, constructed, and maintained to contain any wastewater, storm water, feedstock, additive, amendment, compost (active or stabilized) discharged at a Compost Management Unit. Liners must meet the requirements specified in the Order.

“lot clearing for fire protection” refers to the storage of yard trimmings at a publicly designated site for the collection of lot clearing necessary for fire protection provided that the public agency designating the site has notified the fire protection agency.

“mammalian tissue” means materials consisting of, but may not be limited to, mammalian flesh, organs, hide, blood, bone, and/or marrow.

“manure” means accumulated herbivore or avian excrement (e.g., horse manure, cattle manure), which includes feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

“National Pollutant Discharge Elimination System (NPDES)” refers to the national program under the Clean Water Act section 402, for regulation of discharges of pollutant from point sources to waters of the United States. Discharges are illegal unless authorized by a National Pollutant Discharge Elimination System permit.

“non-commercial composting” is synonymous with backyard composting and community composting, whereby composting is conducted by a household, including, but not limited to, single family residences, duplexes, apartment buildings, or neighborhood, provided the feedstock does not contain greater than one cubic yard of food material, and that all feedstocks are generated and used onsite or within the residential neighborhood.

“nuisance” is as defined in Division 7, section 13020(m) of the California Water Code.

“pad” see definition for “working surface.”

“paper material” means nonhazardous paper and paper by-products, and does not include any substance identified in **Prohibitions, section D** of the Order.

“point of compliance (POC)” means a vertical surface located along the hydraulically downgradient limit of a Compost Management Unit and that extends down through the upper most aquifer underlying the Compost Management Unit.

“pollution” is as defined in Division 7, section 13020(l) of the California Water Code.

“Portable Document Format (PDF)” is as defined in California Code of Regulations Title 23, Division 3, Chapter 30, Article 1, section 3891.

“precipitation” is any condensate of atmospheric water vapor deposited onto any Compost Management Unit, and includes hail, mist, rain, sleet, or snow.

“process storm water” means any storm water falls onto, or otherwise coming into contact with any pile at the Compost Management Unit containing feedstocks, additives, amendments, compost (active or stabilized), or combinations thereof, and running off the aforementioned piles without flowing through the pile.

“process water” means liquids (e.g., domestic well water) used in the production of compost.

“publicly owned treatment works (POTW)” is as defined in Part 403, section 403.3(q) of Title 40 Code of Federal Regulations.

“Regional Water Quality Control Board (Regional Water Board)” is as defined in Division 7, section 13020(b) of the California Water Code.

“run-off” means any precipitation, wastewater, or other liquids that drain from any part of a Compost Management Unit.

“run-on” means any precipitation, wastewater, or other liquids that drain onto any part of the Compost Management Unit.

“septage” means any waste removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar wastewater handling device that has not passed through a municipal wastewater treatment facility.

“sewage sludge” means any solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a municipal wastewater treatment facility. It includes solids removed or used during primary, secondary, or advanced wastewater treatment processes. It does not include grit or screening material generated during preliminary treatment of domestic sewage at a municipal wastewater treatment facility.

“sludge” refers to the solid, semi-solid, or liquid residue produced by water, wastewater, or sewage treatment processes.

“stabilized compost” means any feedstock, additive, or amendment, or combination thereof, discharged to land for treatment by composting, which have undergone the “Process to further Reduce Pathogens (PFRP), as described in California Code of Regulations Title 14, sections 17868.3, and that has reached a stage of reduced biological activity as indicated by reduced temperatures and rate of respiration below that of active compost.

“storm water” refers to any form of precipitation that falls on the or near a Compost Management Unit, but does not come into contact with: any pile containing feedstocks, additives, amendments, compost (active or stabilized), or combinations thereof; any residual materials derived from feedstocks, additives, amendments, or compost (active or stabilized); or other wastewaters.

“Title 14 California Code of Regulations (CCR Title 14)” refers to that body of regulations, promulgated by the Department of Resources Recycling and Recovery, beginning with section 17850 of Division 7, Chapter 3.1, establishing standards and regulatory requirements for intentional and inadvertent composting resulting from the handling of compostable materials.

“Title 23 California Code of Regulations (CCR Title 23)” refers to that body of regulations, promulgated by the State Water Resources Control Board, under Division 3, establishing standards and regulatory requirements for the assessment of annual fees associated with waste discharge requirements.

“Title 27 California Code Regulations (CCR Title 27)” refers to the body of consolidated regulations, jointly promulgated by the State Water Resources Control Board and the Department of

Resources Recycling, under Division 2, establishing standards and regulatory requirements for the treatment, storage, processing, or disposal of waste discharged to land.

“vegetative food material” means food material resulting from the production or processing of food for animal or human consumption, but is no longer intended for such consumption, that is derived solely from plants and is separated from the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise remain in its essentially natural state and no salts, preservatives, fats or oils, or other adulterants shall have been added. Vegetative food material must not contain any substance included in **Prohibitions, section D** of the Order.

“water quality control plan (Basin Plan)” is as defined in Division 7, section 13020(j) of the California Water Code.

“washwater” refers to a type of wastewater generated from the washing of vehicles and/or equipment at any Compost Management Unit.

“wastewater” refers collectively to any compost leachate, washwater, process storm water, process water runoff, or any storm water coming into contact with: any pile containing feedstocks, additives, amendments, compost (active or stabilized), or combinations thereof; any residual materials derived from feedstocks, additives, amendments, or compost (active or stabilized); or any other wastewaters.

“wastewater detention pond” means a lined basin designed to capture any process storm water, leachate, or washwater that otherwise runoff to surface waters or surface water drainage course or percolate to groundwater in violation of the Order. Wastewater detention ponds may also include other containment vessels (i.e., above or below ground tanks) approved for use at a Compost Management Unit, by the Regional Water Quality Control Board Executive Officer for the collect and potential reuse of the wastewaters.

“Water Boards” refers collectively to the State Water Resources Control Board and the nine Regional Water Quality Control Boards.

“Waste” is as defined in California Water code section 13020(d).

“Water Quality Objectives” is as defined in California Water Code section 13050(h).

“waters of the State” is as defined in California Water Code section 13050(f).

“working surface” means any area at a Compost Management Unit used for the storage and/or treatment of feedstocks, additives, amendments, or compost (active or stabilized).

“within-vessel composting” refers to the action of storing and composting any allowable feedstock under this Order, within a fully enclosed vessel or container (e.g., drum, silo, bin, tunnel, reactor, building) where by all wastewaters are retained and managed such that the potential to affect the waters of the State are eliminated.

**DRAFT STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY CONTROL BOARD ORDER NO. DWQ-2012-TENT**

**NOTICE OF INTENT
TO COMPLY WITH THE STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS
FOR THE DISCHARGE OF WASTES AT COMPOST MANAGEMENT UNITS
(ATTACHMENT B)**

1. DISCHARGER INFORMATION

Owner Name:				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:
Facsimile Number:		Email Address:		
Owner Type (check one):	<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Other:

Operator Name (if different than above):				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:
Facsimile Number:		Email Address:		

2. COMPOST MANAGEMENT UNIT INFORMATION

Compost Facility or Management Unit Name:				
Physical Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:
Type (check one):		Compost Management Unit Size (acres):		
<input type="checkbox"/> Existing Permitted Compost Management Unit Regional Water Board Order No.: _____		Input Capacity of Feedstock (cubic yards):		
<input type="checkbox"/> New Compost Management Unit		Throughput Capacity (cubic yards):		

Assessor Parcel Number(s):	Hydrologic Basin:
Township/Range/Section: T____R____S____ B&M	Closest named surface water: (e.g. Sacramento River):

3. REASONS FOR FILING

<input type="checkbox"/> New Discharge or Unit	<input type="checkbox"/> Existing Discharge or Unit	<input type="checkbox"/> Expansion or Change in Operations
<input type="checkbox"/> Changes in Ownership/Operator		<input type="checkbox"/> Other:

4. STORM WATER PERMIT

Is there an Industrial Storm Water Permit for this facility? Yes No If yes, what is the WDID Number:
 Related to storm water, have you received a “No Exposure Certification”, “Notice of Termination”, or “Notice of Exemption” for this facility? Yes No If yes, please provide a copy

The Notice of Intent for coverage under the Industrial Storm water Permit may be obtained over the internet at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

5. OTHER PERMITS

Has another agency issued permits or other entitlements (e.g., solid waste facility permit, notification permit, conditional use permit, building permit, grading permit) for the unit? Yes No

For each permit or entitlement, list the type, issuing agency, and date of issuance:

6. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Has a CEQA determination been made by an agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	Name of agency:
Type of determination:	Date of determination:
If the CEQA determination was made after the date of adoption of this General WDR, then include a copy of the CEQA determination with this NOI.	

7. EXEMPT COMPOSTING ACTIVITIES

As defined in this General WDR (**Finding No. A.3.b**) are the composting activities conducted at the Unit exempt?
 No or Yes (indicate which by checking one of the following boxes)

Chipping and grinding Onsite composting of agricultural materials In-Vessel Composting

Temporary collection and storage Non-commercial composting POTW onsite composting of treated biosolids

8. PROCESS

Allowable Materials (check all that apply, and specify the quantity onsite at any time):			
<input type="checkbox"/> agricultural material	cu. yds.:	<input type="checkbox"/> anaerobic digestate	cu. yds.:
<input type="checkbox"/> biosolids	cu. yds.:	<input type="checkbox"/> food material	cu. yds.:
<input type="checkbox"/> green material	cu. yds.:	<input type="checkbox"/> manure	cu. yds.:
<input type="checkbox"/> paper material	cu. yds.:	<input type="checkbox"/> vegetative food material	cu. yds.:
Maximum total permitted volume (cubic yards):			
Months during which compostable materials will be on-site:			
Additives/Amendments and maximum dry weight percentage used (list):			

9. SITE CONDITIONS

Highest anticipated depth to groundwater (feet below ground surface):
Average ground surface material hydraulic conductivity (centimeters per second):
Annual average precipitation (inches per year):
Distance to nearest domestic drinking water supply well (feet):

10. DESIGN SPECIFICATION TIERS

(check one)
<input type="checkbox"/> Tier 1 <input type="checkbox"/> Tier 2 <input type="checkbox"/> Tier 3
(Design Specifications, section E.1) (Design Specifications, section E.2) (Design Specifications, section E.3)

11. TIER 3 - SPECIFIC MONITORING

If the box for Tier 3 Design Specification has been marked, indicate the type of Tier 3 - Specific Monitoring to be implemented at the Unit	
<input type="checkbox"/> Vadose zone monitoring	<input type="checkbox"/> Groundwater monitoring

12. TECHNICAL REPORT

Provide a complete technical report with all the information required in Attachment C of this Order

13. FILING FEE

This NOI must include a filing fee that serves as the first year's annual fee. Pursuant to Water Code section 13260 <i>et seq.</i> Dischargers covered under this Order have been assessed a threat and complexity ranking of 3C, as defined under California Code of Regulations Title 23 section 2200(a), for which the corresponding fee is currently \$1,389. The amount of the fee may be subject to change. The NOI is to be accompanied by a check, made out to the <i>State Water Resources Control Board</i> for the payment of the filing fee.
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14. CERTIFICATION

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.	
_____ Signature (Owner or Authorized Representative)	_____ Date
_____ Print Name	_____ Title
_____ Telephone Number	_____ Email

**DRAFT STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY CONTROL BOARD ORDER NO. DWQ-2012-TENT**

REQUIREMENTS FOR A TECHNICAL REPORT IN SUPPORT OF A NOTICE OF INTENT TO
COMPLY WITH THE STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE
DISCHARGE OF WASTES AT COMPOST MANAGEMENT UNITS
(ATTACHMENT C)

The technical report required as part of the Notice of Intent (**NOI**), must be organized such that each item listed below is addressed in the same format, including the numbering scheme. The entire *General Waste Discharge Requirements for the Discharge of Wastes at a Compost Management Unit*, Order No. DWQ-2012-TENT (hereinafter **Order**) should be thoroughly reviewed for its requirements prior to preparation of this technical report. The minimum information needed to provide a complete review by the appropriate Regional Water Board staff is listed below. This list may not reference all information needed for every Compost Management Unit (**CMU**).

The technical report must be prepared under the direction of a California-registered professional Civil Engineer or Certified Engineering Geologist and signed (including registration number) by that professional.

A. GENERAL INFORMATION (also include on the NOI form where applicable).

1. Property owner. Include the name, address, telephone number, facsimile number, email address, and type of ownership (i.e., individual, corporation, etc.).
2. Compost Management Unit (**CMU**) operator. Include the name, address, telephone number, facsimile number, email address.
3. Address where legal notices may be served (if different than above).
4. Name and location of the CMU. Use the most accurate location, which may include: address; nearest town; cross streets.
5. Type of CMU (i.e., new or existing permit), as defined in **Finding No. A.9** of the Order.
 - a. Existing Permitted CMUs. CMUs which have received all permits and WDRs necessary from the Regional Water Board for construction and operation, on or before the initial effective date of this Order. Dischargers must identify any known Regional Water Board orders on the property.
 - b. New CMUs. CMUs which have received all permits and WDRs necessary from the Regional Water Board for construction and operation, after the initial effective date of this Order. Dischargers must identify if the CMU was formerly covered under the *Conditional Waiver of Waste Discharge Requirements for Compost Operations* (**Green Water Composting Waiver**).
6. Size of the CMU (in acres).
7. Assessor's parcel number(s) (**APN**).
8. Section, township and range with base and meridian.
9. Regional Water Quality Control Board office
(http://www.waterboards.ca.gov/waterboards_map.shtml)
10. Any plans for CMU expansion.
11. Input capacity of the feedstock (in cubic yards)

12. Amount of stabilized compost produced (in cubic yards), and foreseeable uses.

B. DESIGN INFORMATION

1. Provide the current and/or proposed design of all working surfaces, berms, and conveyance ditches for the storage and/or treatment of feedstocks (as defined in Attachment A of this Order), additives, amendments, and compost (active or stabilized), along with information demonstrating that these containment structures comply with the appropriate tiered Design Specification, as specified in **Design Specifications, section E** of the Order. Dischargers proposing that feedstocks, additives, amendments, and/or compost (active or stabilized) will remain unsaturated, the technical report must include a discussion of the methods and monitoring to ensure that the material remains unsaturated, including contingency plan.
2. Provide information on how wastewaters (as defined in Attachment A of the Order) will be managed in accordance with this Order, and if applicable the Industrial Storm water Permit. The SWPPP for the CMU may be incorporated and referenced to supply this information. The information must include a description of and/or plan illustrating all precipitation controls, containment structures, (i.e., conveyance systems for storm water and/or wastewaters, wastewater detention ponds), and Best Management Practices (**BMPs**), including:
 - a. A storm water conveyance system for controlling of run-on and runoff.
 - b. Grading and conveyance of wastewaters to a detention pond, or sanitary sewer systems.
 - c. A water balance showing that all wastewater detention ponds will have the capacity to hold all liquids that flow to them, and all ambient rainwater that falls into them, under conditions of a 25-year, 24-hour storm event, while taking into consideration evaporation and water that is reused in the compost.
 - d. Recirculation of wastewaters for reuse during the composting process.
 - e. Those to prevent contaminants from impacting runoff, such that runoff may be discharged under the Industrial Storm water Permit. Examples include, but may not be limited to covering of piles of feedstocks, additives, amendments, or compost (active or stabilized).
3. If applicable, provide the current and/or proposed design of any containment structures used in the Order, showing that they meet the appropriate tiered Design Specifications, as specified in **Design Specifications, section E** of the Order. The Discharger must provide an explanation in the technical report as to how the proposed liner system will protect groundwater from contamination, or pollution based on site-specific factors.
4. Include a grading plan for a proposed CMU, or an as-built grading plan for an existing permitted CMU, or if applicable a proposed grading plan for an existing permitted CMU.
5. For Dischargers enrolling under Tier 3 Design Specifications, provide:
 - a. Information as to how piles of feedstock, additives, amendments, and compost (active or stabilized) will be managed such that leachate will not form; and
 - b. The design of the proposed groundwater or vadose zone monitoring system for the site. Include the proposed design and location of monitoring wells or vadose

zone monitoring structures pursuant to the conditions in **Design Specifications, section E.3** of the Order for Tier 3 CMUs.

6. Provide information regarding coverage under the General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial Storm water Permit); a copy of the NOI to comply with the Industrial Storm water Permit or WDID number; and a copy of the Storm Water Pollution Prevention Plan (**SWPPP**) for the CMU (if applicable).
7. If any new construction is proposed, provide information regarding the need for coverage under the General Permit for Storm Water Discharges Associated with Construction Activities, whether an NOI to comply with the permit will be or has been submitted to the State Water Board and whether a SWPPP has been or will be prepared.

C. SITE CONDITION INFORMATION

1. Describe the climate, including:
 - a. Maximum, minimum, average annual precipitation at the nearest climatological station (measurements in inches/year). Include the name of the station; and
 - b. Mean pan evaporation at the nearest climatologic station (measurements in inches/year) and the name of the station.
 - c. Provide the 25-year, 24 hour precipitation event precipitation in inches, based on Department of Water Resources, Bulletin 195: *Rainfall Depth-Duration-Frequency for California*, revised November 1982, updated August 1986 (or other cited reference).
2. Discuss the average hydraulic conductivity (in centimeters per second) and thickness (in feet) of the existing or proposed working surface.
3. Discuss the groundwater conditions underlying the CMU, including:
 - a. Maximum, and average depth to the first encountered groundwater below the native ground surface – in feet – and identify the source of the information;
 - b. Maximum, and average groundwater elevation of the first encountered groundwater – in feet – relative to mean sea level;
 - c. Identification of the direction of groundwater flow and the source of the information;
 - d. An estimate of the maximum anticipated depth to groundwater (in feet below ground surface) and groundwater elevation (in feet above mean sea level) below the native ground surface for the first encountered groundwater, and identify the source of the information; and
 - e. If available, water quality data from groundwater wells at or near the CMU, and the source of the information.
4. Describe the land uses within one-mile from the perimeter of the CMU.
5. Discuss the location and distance (in feet) to the nearest domestic drinking water supply well from the nearest property boundary of the CMU.

6. Discuss whether the CMU is located within a 100-year flood plain based on the federal Emergency Management Agency's (**FEMA**) designation and any design features to prevent inundation of the feedstocks, additives, amendments, and/or compost (active or stabilized). Include a reference to the appropriate Flood Insurance Rate Map and Community-panel number.
7. Identify all nearby groundwater recharge areas and surface water bodies, including streams, ditches, canals, and other natural drainage courses.
8. Identify if the CMU is located on a property listed on the Cortese List maintained by the Department of Toxic Substances Control, for hazardous materials release sites (http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm). In the event the CMU is located on a hazardous materials release site, specify the site name and EnviroStor identification number.

D. SITE MAP. Provide a detailed site map showing the following:

1. Location and size (in acres) of the working surface used for the storage of feedstocks, additives, and amendments;
2. Locations and size (in acres) of the working surface used for active composting;
3. Location and size (in acres) of the area used for the storage of stabilized compost;
4. Location and size/capacity of all berms and ditches for the conveyance of wastewaters;
5. Location, size (in acres), and capacity (in acre feet) of all wastewater detention ponds (if applicable or proposed);
6. Location (if applicable) of all sampling points for the monitoring of wastewaters detained within ponds pursuant to the requirements of the Order. The Discharger must submit this information to the State Water Board's Internet Geotracker system in accordance with CCR Title 23 section 3890 *et. seq.*;
7. Location (if applicable) of all sampling points for the monitoring of storm water runoff from the CMU under the Industrial Storm water Permit. The Discharger must submit this information to the State Water Board's Internet Geotracker system in accordance with CCR Title 23 section 3890 *et. seq.*; and
8. Location, or proposed location of all Tier 3 CMU groundwater monitoring wells or vadose zone monitoring structures pursuant to the conditions in **Design Specifications, section E.3** of the Order for Tier 3 CMUs, specifying the:
 - a. Total depth of the well of existing monitoring wells or estimated depth of proposed monitoring wells (in feet below ground surface);
 - b. The existing or estimated screened interval of each well (in feet below ground surface); and
 - c. Depth, location, and design of vadose zone monitoring structures.

The Discharger, pursuant to CCR Title 23 section 3893(b) must additionally submit this information, in PDF format, to the State Water Board's Internet Geotracker system in accordance with CCR Title 23 section 3890 *et. seq.*

E. COMPOSTING METHOD

1. Identify the compost feedstock types, volumes, sources, and suppliers.
2. Identify the additives, sources, suppliers and the maximum dry weight percentage used in the active compost.
3. Identify the amendments, sources, suppliers and the maximum dry weight percentage used in the stabilized compost.
4. Describe the method of composting (i.e., windrow, static, forced air, or mechanical)
5. Discuss the typical operation cycle and process time.

F. OPERATIONS AND MONITORING SPECIFICATIONS

1. Include a proposal for an annual survey of the operation prior to the rainy season to assure that the site has been graded and prepared for the rainy season to eliminate and prevent erosions and to prevent ponding, in compliance with requirements of the Order.
2. Describe the inspection and maintenance program that will be undertaken regularly during storage and treatment operations, such as inspection of the containment structures for emergence of leachate, ponding, or surface failures such as cracking or subsidence, in compliance with specification of the Order.
3. Describe the means by which composting and storage aspect of the operation will be conducted in a manner that does not cause, threaten to cause, or contribute to conditions of contamination, pollution, or nuisance (including odors).
4. Describe the method(s) to immediately correct conditions that would violate **Prohibitions, section D** of this Order.
5. Describe and provide information demonstrating the equipment (e.g. “Scarabs”, loaders, and trucks) necessary to correct conditions that would violate **Prohibitions, section D** of this Order, can be operated in the working surface areas during wet conditions.
6. Provide information on how the working surfaces will be, or have been, compacted in compliance with, and meet the permeability requirements as specified in **Design Specification, section E** of the Order.
7. Describe and provide all necessary information demonstrating how leachate seeps will be prevented from occurring at Tier 3 CMUs.
8. For Dischargers enrolled under Tier 3 Design Specifications, include a proposal for establishing, operating, and monitoring either a groundwater or vadose zone monitoring network (pursuant to **Design Specifications, section Error! Reference source not found.** of this Order) capable of meeting the applicable Tier 3 CMU monitoring requirements specified in this Order and the MRP.
9. For Dischargers enrolling under Tier 3 Design Specifications, Provide and justify the statistical methods to determine background concentration limits for each naturally occurring constituent specified in **Monitoring Requirements, section B.1.h, Table No. 1** of the MRP, or otherwise proposed in an approved NOI.

- G. **SITE RESTORATION.** The technical report shall include a plan for site restoration of the CMU upon completion of operations under this Order. The site restoration plan, in addition to all activities required under CCR Title 14 section 17870, shall address returning the surface soils and drainage patterns to their pre-project state, to the extent feasible, and establishing soil erosion control by planting a suitable mixture of vegetation.

**DRAFT STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY CONTROL BOARD ORDER NO. DWQ-2012-TENT**

**NOTICE OF TERMINATION
OF COVERAGE UNDER THE STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE
DISCHARGE OF WASTES AT COMPOST MANAGEMENT UNITS
(ATTACHMENT D)**

This document is only to be used for compost facilities/management units that have been issued a Notice of Applicability by the Regional Water Quality Control Board Executive Officer. Submission of this Notice of Termination constitutes official notification that the facility/management unit identified below no longer wishes to be covered under the General Order.

1. DISCHARGER INFORMATION

Owner Name:				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:
Owner Type (check one):	<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Other:
Operator Name (if different than above):				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

2. COMPOST FACILITY/MANAGEMENT UNIT INFORMATION

Name:				
Physical Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:
Type (check one): <input type="checkbox"/> Existing Permitted Compost Management Facility/Unit Regional Water Board Order No.: _____ <input type="checkbox"/> New Compost Management Facility/Unit			Assessor Parcel Number(s):	
Township/Range/Section: T____ R____ S____ ____ B&M			Hydrologic Basin:	
Closest named surface water: (e.g. Sacramento River):				

3. REASONS FOR FILING

<input type="checkbox"/> Change in Ownership (Provision, section J.7 of this Order)	<input type="checkbox"/> Applying for Individual Waste Discharge Requirements (Enrollment Procedure, section B.5.b of this Order)
<input type="checkbox"/> Completion of Site Restoration Activities (Enrollment Procedure, section B.5.c of this Order)	<input type="checkbox"/> CMU meets Criteria for Exemption (Enrollment Procedure, section B.5.d of this Order)
<input type="checkbox"/> Other:	

Please briefly explain the reason for termination in the space below.

4. SITE RESTORATION

Provide a technical report demonstrating that the entire Compost Facility/Management Unit has met the requirements for site restoration in accordance with **Site Restoration Specifications, section H** of this Order, and provide certification of that site restoration by signing this form where indicated.

5. CERTIFICATION

I certify under penalty of perjury that 1) I am not required to be covered under the statewide General Waste Discharge Requirements for the Discharge of Waste to a Compost Management Unit, **Order No. DWQ-2012-TENT (Order)** , 2) that the above referenced Compost Facility/Management Unit has met the requirements for Site Restorations in accordance with **Site Restoration Specifications, section H** of this Order, and 3) this documents and all attachments were prepared under my direction or supervision in accordance with a systems designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I am understand that submittal of this Notice of Termination does not release the Discharger from liability for any violations of the Order.

_____ Signature (Owner or Authorized Representative)	_____ Date
_____ Print Name	_____ Title
_____ Telephone Number	_____ Email

**DRAFT STATE WATER RESOURCES CONTROL BOARD
MONITORING AND REPORTING PROGRAM NO. DWQ-2012-TENT**

**FOR ORDER NO. DWQ-2012-TENT: STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS
FOR THE DISCHARGE OF WASTES AT COMPOST MANAGEMENT UNITS**

A. FINDINGS

The California State Water Resources Control Board (hereinafter **State Water Board**) finds that:

1. **LEGAL AUTHORITY.** In accordance with California Water Code (**Water Code**) section 13000 *et seq.*, this *Monitoring and Reporting Program for the General Waste Discharge Requirements for the Discharge of Wastes at Compost Management Units, Order No. DWQ-2012-TENT* (hereinafter the **MRP**) implements the regulations and policies adopted by the State Water Board, including that agency's regulations under California Code of Regulations (**CCR**) Titles 23 and 27; implements applicable Regional Water Quality Control Plan (**Basin Plan**) provisions adopted for each respective Regional Water Quality Control Board (**Regional Water Board**); implements applicable provisions of the California Health and Safety Code; and is consistent with CalRecycle's regulations in CCR Title 14, section 17850 *et seq.*
2. **PURPOSE.** This MRP is necessary to determine compliance with *General Waste Discharge Requirements for the Discharge of Wastes at Compost Management Units, Order No. DWQ-2012-TENT* (hereinafter the **Order**). This MRP also prescribes a monitoring program, pursuant to **Monitoring Specifications, section F** of the Order, to ensure the protection of water quality and beneficial uses of groundwater and surface waters throughout the State.
3. **DISCHARGER.** A "Discharger", as the term applies under the Order and this MRP, is any person responsible for discharging, or proposing to discharge waste to a Compost Management Unit (**CMU**); or person who owns and/or operated a CMU; or any person responsible for ensuring compliance with the maintenance and monitoring operations at the CMU, as required under the Order and this MRP.
4. **BASIS FOR MONITORING.** Dischargers enrolled under the Order are automatically subject to the requirements and provisions of this MRP, unless the Regional Water Board Executive Officer issues a replacement or updated MRP to address site-specific conditions at an enrolled CMU. If operating outdoors, CMUs are exposed to precipitation, and the potential exists to saturate piles of feedstocks, additives, amendments, and compost (active or stabilized), which can generate wastewaters (e.g., process storm water, leachate, etc.). Wastewaters can then percolate to groundwater, or enter surface waters if not properly managed. A release of wastes, waste constituents, or waste degradation products derived from these sites may create, threaten to create, or contribute to a condition of contamination, pollution, or nuisance as defined in Water Code section 13050. As a condition of enrollment under the Order, the Discharger is required to implement a monitoring and reporting program in order to determine at the earliest feasible time whether a release of waste has occurred or is threatening to occur in an effort to protect water quality. The requirements of this MRP constitute the minimum monitoring program standards required for CMUs located within the State.
5. **BASIS FOR REQUIRING TECHNICAL AND MONITORING REPORTS.** Water Code section 13267 provides that the State Water Board may require the Discharger, past Dischargers, or suspected Dischargers, to furnish technical and monitoring reports provided that the burden, including costs, of these reports must bear a reasonable relationship to the need for, and the benefits to be obtained from, the required reports. In requiring those reports, the State Water Board must provide the Discharger with a written explanation with regard to the need for the reports, and must identify the evidence that supports requiring the person to provide the reports.

The technical and monitoring reports required by this MRP are needed to ensure that Dischargers – enrolled under **Order No. DWQ-2012-TENT** – conduct their composting operations in a manner that does not result in an adverse impact to surface or groundwater resources. The burden of providing the required reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

6. **BASIS FOR SITE MAINTENANCE.** Inadequate maintenance at CMUs may create conditions whereby waste constituents or solid materials may be discharged in a manner that creates, threatens to create or contribute to a condition of contamination, pollution, or nuisance, adversely affecting the quality of waters of the State.

Regular monitoring and reporting of conditions at CMUs is essential for the Discharger, the Regional Water Board, and/or the State Water Board to intervene as early as possible, to correct problems where releases of wastes or waste constituents threaten to create, or contribute to a condition of contamination, pollution, or nuisance.

7. **APPLICABILITY.** All CMUs, as described in **Finding No. A.9** of the Order will be subject to the requirements herein upon the initial effective date of this Order, with exception to existing permitted CMUs (**Finding No. A.9.a** of the Order) for which more stringent waste discharge requirements (**WDRs**) have been issued by a Regional Water Board.

IT IS HEREBY ORDERED that pursuant to Water Code section 13267, the Discharger shall comply with the following MRP requirements. Failure to comply with requirements of this MRP can result in the imposition of civil monetary liability.

B. MONITORING REQUIREMENTS

1. STANDARD MONITORING PROVISIONS

- a. Pursuant to **Monitoring Specifications, section F** of the Order, any Discharger subject to the specification of the Order must implement, to the satisfaction of the Regional Water Boards, the requirements specified in this MRP.
- b. The Discharger, in accordance with the Order, must monitor and sample all liquids (e.g., groundwater, wastewaters) as directed in this MRP, for those analytes specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, or as proposed in an approved Notice of Intent (**NOI**). Sample collection must follow standard United States Environmental Protection Agency (**USEPA**) methods, and must be analyzed at a laboratory accredited by the California Department of Public Health.
- c. All monitoring instruments and equipment must be properly calibrated and maintained as necessary to ensure accuracy of measurements.
- d. The Discharger must retain records of all monitoring information, including all calibration and maintenance records, and copies of all reports required by this MRP, for a minimum of **5years** from the date of sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding the discharge or when requested by the Regional Water Board. Records of monitoring information must include at a minimum:
- i. The date, identity of sample, monitoring point from which the sample was collected, and time of sampling or measurement;
 - ii. The name of the individual(s) who performed the sampling or measurements;
 - iii. Date and time that analyses were started and completed;
 - iv. The analytical techniques or method used, including method of preserving the sample and the identity and volume of reagents used;
 - v. Calculation of results;

- vi. Results of analyses performed and method used (as proposed in an approved NOI) for calculating the concentration limits for each naturally occurring constituents, based on background water quality monitoring data;
 - vii. Results of analyses and the method detection limit (**MDL**) for each non-naturally occurring constituents;
 - viii. Laboratory quality assurance results (e.g., percent recovery, response factor, etc.); and
 - ix. Chain of Custody forms.
- e. The Discharger must, to the satisfaction of the Regional Water Boards, collect all analytical samples required under this MRP, in a manner that assures sample integrity.
 - f. The Discharger must certify under penalty of perjury that all monitoring systems at the CMU are designed and certified by a registered geologist or registered civil engineer.
 - g. The Discharger must certify under penalty of perjury that all monitoring wells and other borings drilled to satisfy the requirements of the Order and this MRP must be drilled by a licensed drilling contractor (or by a drilling crew under the direct supervision of a person who is a professional geologist or engineering geologist), and must be logged during drilling under the direct supervisions of a person who is a professional geologist or registered civil engineer, and who has expertise in stratigraphic well logging. These logs must be submitted to the appropriate Regional Water Board upon completion of the drilling as part of the *Annual Monitoring and Maintenance Report*.
 - i. Soils must be described in the geologic log in accordance with current industry-wide practices.
 - ii. Rock must be described in the geologic log in a manner appropriate for the purpose of the investigation.
 - iii. Where possible, the depth and thickness of saturated zones must be recorded in the geologic log.
 - h. Dischargers enrolled under the Order and subject to the requirements specified in this MRP must, as part of any wastewater detention pond, leachate seep, groundwater, and/or vadose zone monitoring, collect and analyze samples for the constituents of concern specified in Table No. 1 below. For those monitoring parameters specified below as field parameters are Constituents of Concern (**COCs**) that are tested for verifying produced-water-reading stability during the pre-sampling purge, prior to taking test samples, and as such, field parameters are not subject to compliance testing. All other COCs listed in Table No. 1 below are subject to compliance testing during each reporting period for each monitoring point (i.e, wastewater detention ponds, lysimeters, groundwater monitoring wells).

Table No. 1 – Constituents of Concern

MONITORING PARAMETERS	UNITS	SAMPLING FREQUENCY	REPORTING FREQUENCY
Field Parameters			
pH ¹	pH Units	Semi-annually	Annually
Specific Conductance ¹	µmhos/cm or µS/cm	Semi-annually	Annually
Turbidity ¹	NTU	Semi-annually	Annually
Monitoring Parameters			
Ammonia as Nitrogen	mg/L	Semi-annually	Annually
Arsenic	mg/L	Semi-annually	Annually
Biological Oxygen Demand (BOD)	mg/L	Semi-annually	Annually
Cadmium	mg/L	Semi-annually	Annually
Calcium	mg/L	Semi-annually	Annually
Chemical Oxygen Demand (COD)	mg/L	Semi-annually	Annually
Chloride	mg/L	Semi-annually	Annually
Chlorophenoxy Herbicides	µg/L	Semi-annually	Annually
Chromium	mg/L	Semi-annually	Annually
Fluoride	mg/L	Semi-annually	Annually
Lead	µg/L	Semi-annually	Annually
Magnesium	mg/L	Semi-annually	Annually
Mercury	mg/L	Semi-annually	Annually
Nickel	mg/L	Semi-annually	Annually
Nitrate + Nitrite as Nitrogen	mg/L	Semi-annually	Annually
Nitrate as (NO ₃)	mg/L	Semi-annually	Annually
Nitrite as Nitrogen	mg/L	Semi-annually	Annually
pH	pH Units	Semi-annually	Annually
Potassium	mg/L	Semi-annually	Annually
Selenium	mg/L	Semi-annually	Annually
Sodium	mg/L	Semi-annually	Annually
Specific Conductance	µmhos/cm or µS/cm	Semi-annually	Annually
Sulfate	mg/L	Semi-annually	Annually
Thallium	mg/L	Semi-annually	Annually
Total Dissolved Solids	mg/L	Semi-annually	Annually
Total and Fecal Coliform	MPN/100 mL	Semi-annually	Annually
Total Kjeldahl Nitrogen (TKN)	mg/L	Semi-annually	Annually
Total Phosphorous	mg/L	Semi-annually	Annually

¹ These constituents of concern are field parameters measured during each sampling event.

Note: mg/L = milligrams/liter; µg/L = micrograms/liter; NTU = nephelometric turbidity units; µS/cm = microsiemens per centimeter; µmhos/cm = micromhos per centimeter; MPN/100 mL = Most Probable Number per 100 milliliters

- i. The point of compliance for any water standard at any CMU enrolled under the Order, and subsequently this MRP, is a vertical surface located at the hydraulically down-gradient limit of the CMU that extends down through the uppermost aquifer underlying the CMU.

2. WASTEWATER DETENTION POND MONITORING

- a. Any Discharger enrolled under the Order, and having a wastewater detention pond onsite (e.g., as required for Tier 2 CMUs, **Design Specifications, section E.2** of the Order), must:
 - i. Perform quarterly inspections of the wastewater detention pond whereby the Discharger:

- (1) Evaluates the condition of the liner system;
 - (2) Estimates the available capacity, and the current volume of wastewaters (gallons) or solids (cubic yards) contained in the pond; and
 - (3) Evaluated the general conditions of the ancillary containment structures (i.e., ditches, berms, working surfaces) associated with the conveyance of wastewaters to the detention pond.
- ii. Conduct semi-annual monitoring consisting of, but may not be limited to, the collection of wastewater samples from the wastewater detention pond, and analysis of those samples for the constituents specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, in accordance with **Monitoring Requirements, section B** of this MRP, whereby the Discharger:
- (1) Makes an accurate determination of the field parameters specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP;
 - (2) Sample each wastewater detention pond as consistently in the reporting period as feasible, considering the time needed to collect and analyze the samples, review the analytical data, and to prepare this information for submittal to the appropriate Regional Water Board.
- b. Pursuant to **Reporting Requirements, section I.3** of the Order, the Discharger must submit a *Wastewater Detention Pond Monitoring Report* to the appropriate Regional Water Board, in accordance with **Reporting Requirements, section D.2.b** of this MRP, incorporating the aforementioned monitoring information and required analytical data, presented in accordance with **Monitoring Specifications, section B** of this MRP.

3. TIER 3 – SPECIFIC MONITORING

- a. **General.** Pursuant to **Design Specifications, section E.3.b** of the Order, Dischargers of Tier 3 CMUs must conduct routine leachate monitoring, and either groundwater or vadose zone monitoring, in accordance with **Monitoring Requirements, section B.3** of this MRP. The resulting monitoring information must be submitted to the appropriate Regional Water Board, in accordance with **Reporting Requirements, section B** of this MRP, as part of the *Tier 3 – Specific Monitoring Report*.
- b. **Leachate Monitoring.** Dischargers enrolled under the Order who are implementing the requirements for Tier 3 CMUs, and who observe leachate at any time seeping from any feedstock, additive, amendment, or compost (active or stabilized) pile at the CMU must:
- i. Notify the appropriate Regional Water Board pursuant to **Reporting Requirements, section D.3.b** of this MRP;
 - ii. To the greatest extent feasible:
 - (1) Make an accurate determination of the field parameters specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP; and
 - (2) Collect and analyze samples for the analytes specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP and in accordance with **Standard Monitoring Provisions, section B.1** of this MRP;
 - iii. Return the leachate to either the source pile, or otherwise managed as approved in an NOI as appropriate under the requirements of the Order and this MRP; and

- iv. Determine and report, in accordance with Reporting Requirements sections I.6 and I.9 of the Order, the cause of the leachate seep; and the measures taken to successfully mitigate, and prevent leachate seeps from occurring in the future. Dischargers may be subject to modification, revocation and reissuance, or termination under this Order, pursuant to **Finding No. A.16** of the Order.

- c. **Groundwater Monitoring.** Unless a Regional Water Board determines, based on site specific conditions, that either groundwater or vadose zone monitoring is unwarranted, Dischargers enrolled under the Order who are implementing the requirements for Tier 3 CMUs must semi-annually monitor either the groundwater or vadose zone underlying the CMU, as follows:
 - i. Dischargers of CMUs having site conditions such that the highest anticipated depth to groundwater is equal to, or less than 150 feet below ground surface (**bgs**) must:
 - (1) Install and maintain a sufficient number of groundwater monitoring, as proposed in an approved NOI, adequate to monitor the groundwater beneath the CMU. This system of monitoring wells, at a minimum, must consist of one background well located at the hydraulically up gradient limit of the CMU , and two compliance wells located along the point of compliance at the CMU, as specified in **Monitoring Requirements, section B.1.i** of this MRP;
 - (2) Install and maintain each groundwater monitoring well to a depth sufficient to yield groundwater samples from the uppermost water-bearing unit and provide the best assurance of the earliest possible detection of a release from the CMU;
 - (3) During the first year of operation under the Order, implement a groundwater monitoring program, whereby:
 - (a) Quarterly groundwater samples will be collected from the CMUs background monitoring well(s), and analyzed for those naturally occurring constituents specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, unless otherwise proposed in an approved NOI;
 - (b) Concurrently, groundwater samples will be collected from the CMUs background and compliance monitoring wells semi-annually, and be analyzed for those non-naturally occurring constituents specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP;
 - (c) Static groundwater elevations in all groundwater monitoring wells will be measured to the nearest 0.01 foot prior to pumping, for each groundwater sampling event;
 - (d) Groundwater, prior to purging and sampling of any groundwater monitoring well, will be assessed to identify the presence of a floating immiscible layer. If an immiscible layer is found, the Discharger must notify the Regional Water Board within **24 hours** of the discovery;
 - (e) An accurate determination of the field parameters specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, will be made for each groundwater monitoring well prior to collecting samples;
 - (f) Groundwater samples should be collected as consistently in the reporting period as feasible, considering the time needed to collect and analyze the samples, review the analytical data, potentially retests and evaluation, and to prepare this information for submittal to the appropriate Regional Water Board.

- (4) Implement a semi-annual groundwater monitoring program, whereby:
 - (a) Groundwater samples will be collected from the CMUs background and compliance monitoring wells semi-annually, and be analyzed for both naturally and non-naturally occurring constituents specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP;
 - (b) Static groundwater elevations in all groundwater monitoring wells will be measured to the nearest 0.01 foot prior to pumping, for each groundwater sampling event;;
 - (c) Groundwater, prior to purging and sampling of any groundwater monitoring well, will be assessed to identify the presence of a floating immiscible layer. If an immiscible layer is found, the Discharger must notify the Regional Water Board within **24hours** of the discovery;
 - (d) An accurate determination of field parameters specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, will be made for each groundwater monitoring well prior to collecting samples;
 - (e) Groundwater samples should be collected as consistently in the reporting period as feasible, considering the time needed to collect and analyze the samples, review the analytical data, potentially retests and evaluation, and to prepare this information for submittal to the appropriate Regional Water Board.
- ii. All groundwater monitoring activities conducted at the CMU in accordance with **Monitoring Requirements, section B.3.c** of this MRP, must coincide with the timing specified in **Reporting Requirements, section D.4, Table No. 2** of this MRP.
- d. **Vadose Zone Monitoring.** Dischargers of CMUS having site conditions such that the highest anticipated depth to groundwater is greater than 150 feet bgs must:
 - i. Install and maintain a pan lysimeter sufficiently sized and constructed, as proposed in an approved NOI, to:
 - (1) Provide the best assurance of the earliest possible detection of a release from the CMU;
 - (2) Make an accurate determination of the field parameters specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP;
 - (3) Monitor for wastewaters through the collection and analysis of samples for the analytes specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP and in accordance with which **Standard Monitoring Provisions, section B.1** of this MRP; and
 - (4) Allow for the return of wastewaters either to the material piles onsite, or be otherwise managed as approved in an NOI.

The Discharge, in an approved NOI, may propose an alternative type of vadose zone monitoring to provide the best assurance of the earliest possible detection of a release from the CMU.

- ii. Implement a semi-annual vadose zone monitoring program, whereby:

- (1) The conditions of the pan lysimeter, or approved alternative, will be evaluated;
- (2) The volume of wastewaters, if present, will be estimated in gallons;
- (3) The field parameters, specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, will be accurately determined in the event wastewaters are present;
- (4) Wastewater, if present, will be collected in a manner that assures sample integrity, and analyzed for those constituents shown in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP;
- (5) Wastewater, if present, should be collected and sampled as consistently in the reporting period as feasible, considering the time needed to collect and analyze the samples, review the analytical data, and to prepare this information for submittal to the appropriate Regional Water Board.

C. DATA ANALYSIS

1. The Discharger must ensure, to the satisfaction of the Regional Water Boards, that the method of analysis for each of the constituents specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, is appropriate for the expected concentration.
2. The Discharger, for the analytical results produced from each monitoring point (i.e., wastewater detention pond, leachate seep, groundwater monitoring well) sampled during the respective reporting period (**Reporting Requirements, section D.4** of this MRP) must:
 - a. Tabulate the cumulative (current and historical) data for at least the previous five years (if available);
 - b. Flag the analytical results that:
 - i. For those naturally occurring constituents specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, falling at or above the established background water quality concentrations;
 - ii. For those non-naturally occurring constituents specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, falling between the MDL and the practical quantitation limit (**PQL**); or
 - (1) MDLs and PQLs must be derived by the laboratory for each analytical procedure, according to State of California laboratory accreditation procedures. In a relative interference-free laboratory derived MDLs and PQLs are expected to closely agree with published USEPA MDLs and PQLs;
 - (2) If the laboratory suspect that, due to a change in matrix or other effects, the MDL and PQL for a particular analytical run differs significantly from historic MDL and PQL values, the results must be flagged and reported in the QA/QC report;
 - (3) The MDL must always be calculated such that it represents a concentration associated with a 99 percent reliability of a non-zero results;
 - (4) The PQL must represent the lowest concentration at which a numerical value can be assigned with reasonable certainty.

- iii. For any of the constituents specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP, falling at or above applicable Basin Plan water quality objectives (including background values).
 - c. For each applicable monitoring point, generate a time-series graph (e.g., semi-log plot), presenting the current and historical (at least the previous five years) analytical monitoring data for those constituents specified in **Monitoring Requirements, section B.1.h, Table No. 1** of this MRP.
3. Dischargers enrolled under the Order, who are implementing the requirements for groundwater monitoring at a Tier 3 CMU, pursuant to **Monitoring Requirements, section** of this MRP, whereby the Regional Water Board Executive Officer, through review of the analytical data, suspects there is physical evidence of a release at the CMU, may be required to:
- a. Perform statistical analysis of the data to determine there is a measurably significant evidence of a release from the CMU, at any monitoring point; and/or
 - b. In the event the Discharger cannot determine there is measurably significant evidence of a release from the CMU, as a result of limited historical groundwater analytical data at the CMU, increase the groundwater sampling and analysis at the CMU from semi-annually to quarterly.

The statistical method, by which the Discharger must review the analytical data, will be specified by the Regional Water Board Executive Officer.

4. If the Discharger determines, pursuant to the evaluation requirements above, that there is measurably significant evidence of a release from the CMU at any groundwater monitoring well, the Discharger may demonstrate, to the satisfaction of the Regional Water Board, that a source other than the CMU caused the evidence of a release or that the evidence is an artifact cause by an error in sampling, analysis, evaluation, or by natural variation in the groundwater. The Discharger, however, must not be relieved of the requirements specified in this MRP, until such time as the Regional Water Board informs the Discharger that a successful demonstration has been made. The Dischargers enrollment under the Order and this MRP, pending review by the Regional Water Board Executive Officer may be subject to modification, revocation and reissuance, or termination.

D. REPORTING REQUIREMENTS

1. STANDARD REPORTING REQUIREMENTS

- a. **General.** The Discharger must furnish to the appropriate Regional Water Board, within a reasonable time, any information which the State or Regional Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating enrollments under the Order or this MRP. The Discharger must also furnish, upon request by the State or Regional Water Board copies of records required to be kept by the Order.
- b. **Report Submittals.** In accordance with **Reporting Requirements, section I.20** of the Order, the Discharger must submit all reports required under this MRP in a searchable, electronic format (i.e., Portable Document Format (**PDF**) and Electronic Deliverable Format (**EDF**) via the State Water Board's Internet Geotracker system at <http://geotracker.waterboards.ca.gov/>. The electronic data must be uploaded on or prior to the regulatory due dates set forth in **Reporting Schedule, section D.4** of this MRP. The Discharger must upload to the Geotracker system the following information (if applicable):
 - i. **Laboratory Analytical Data.** Analytical data (including geochemical data) for all water samples in EDF format. Water and wastewater data includes analytical results of samples collected from monitoring wells, lysimeters, or other approved monitoring systems at the CMU.

- ii. **Location Data.** The latitude and longitude of any permanent monitoring points for which data is accurate to within one meter and referenced to a minimum of two reference points from the California Spatial Reference System (**CSRS-H**), if available.
 - iii. **Monitoring Well Elevation Data.** The surveyed elevation relative to a geodetic datum of any permanent monitoring well. Elevation information must be provided for the top of groundwater well casings, the bottom of the screened interval, and the bottom of the groundwater monitoring well (if a sump exists) for all groundwater monitoring wells.
 - iv. **Depth to Water Data.** The depth to groundwater and elevation of groundwater surface must be provided in monitoring wells even if groundwater samples are not actually collected during the sampling event.
 - v. **Monitoring Well Screen Intervals.** The depth to the top of the screened interval and the length of screened interval for any permanent monitoring well.
 - vi. **Compost Management Unit Map.** A map or maps which display discharge locations, streets bordering the Compost Facility, and sampling locations for all soil, water, and vapor samples. The sample map is a stand-alone document that may be submitted in various electronic formats. An updated map may be submitted at any time.
 - vii. **Boring Logs.** Boring logs prepared by an appropriate licensed professional.
 - viii. **Electronic Report.** A complete copy (as searchable PDF document) of all maintenance and monitoring reports, including the signed transmittal letter, professional certifications, and all data presented in the reports.
 - ix. **Report Submittal Format.** Larger documents must be divided into separate files at logical places in the report to keep the file size manageable. All correspondence and documents submitted to the appropriate Regional Water Board must include a reference code in the header or subject line identifying the Regional Water Board office name and, if applicable, the first initial of the branch name (e.g., "Central Valley Region – F").
- c. **Use of Licensed Professionals.** Any report submitted in compliance with the requirements of this MRP, which required technical interpretation, proposes a design or design change (or which notes occurrences) that might affect the CMUs containment and/or monitoring systems structures must be approved by a registered civil engineer or a certified engineering geologist licensed by the State of California.

The Discharger must provide documentation that plans and reports required under this MRP are prepared by, or under the direction of, an appropriately qualified professional pursuant to **Reporting Requirements, section D.1.f** of this MRP. The California Business and Professions Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of licensed professionals. The lead professional must sign and stamp (including registration number) the report, plan or document.

- d. **Transmittal Letter.** A letter summarizing the significant findings must be submitted with each report. The transmittal letter must include the following minimum information:
- i. A summary of any area of non-compliance with this MRP which incurred during the reporting period. The summary may include verbal and written notices of violations from State and local regulatory agencies regarding monitoring and/or maintenance deficiencies or violations noted by the Discharger, such as the exceedance of water quality protection standards (pursuant to the Regional Water Boards' Water Quality Control Plan [**Basin Plan**]), failure to

conduct monitoring as required by this MRP, failure to implement adequate BMPs, or any other violation of this MRP.

- ii. A discussion of any condition identified since the last report was submitted, that does not comply with the requirements of this MRP or the Order, and a description of all actions taken or planned to achieve compliance. If areas of non-compliance have not occurred since the previous submittal, this must be stated in the transmittal letter.
- iii. The person signing the transmittal letter must make the declaration certification provided in **Reporting Requirements, section D.1.f** of this MRP.
- e. **Incomplete Reports.** In the event the Discharger becomes aware that it failed to submit any relevant facts in an NOI or in any report to the Regional Water Board, the Discharger must promptly submit such facts or information.
- f. **Reporting Declaration.** All application, reports, or information submitted to the Regional Water Boards must be signed and certified as follows:
 - i. The NOI must be signed as follows:
 - (1) *For a corporation* – by a principal executive officer of at least the level of vice president.
 - (2) *For a partnership or sole proprietorship* – by a general partner or the proprietor, respectively.
 - (3) *For a municipality, State, federal, or other public agency* – by either a principal executive officer or ranking elected official.
 - (4) *For a military facility* – by the base commander or the person with overall responsibility for environmental matters in that branch of the military.
 - ii. In addition to those persons designated in **Reporting Requirements, section D.1.f.i** of this MRP, applications, reports, or other information submitted to the appropriate Regional Water Board may signed and certified by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in **Reporting Requirements, section D.1.f.i** of this MRP;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - (3) The written authorization is submitted to the Regional Water Board.
 - iii. Any person signing a document under this section must make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

2. ANNUAL MONITORING AND MAINTENANCE REPORT

a. General.

- i. The Discharger may submit all applicable annual reports specified in **Reporting Requirements, sections D.2.b-d** of this MRP, to the appropriate Regional Water Board under one cover in accordance with **Reporting Schedule, section D.4** of this MRP.
- ii. The Discharger, when presenting new analytical data as part of any applicable annual report specified in **Reporting Requirements, sections D.2.b-d** of this MRP, to the appropriate Regional Water Board, must include a copy of the complete laboratory analytical report(s), signed by the laboratory director, and at a minimum contain:
 - (1) Complete sample analytical reports;
 - (2) Complete laboratory quality assurance/quality control (**QA/QC**) reports;
 - (3) A discussion of the sample and QA/QC data;
 - (4) A properly completed “chain of custody” from the analyzed samples; and
 - (5) A transmittal letter stating whether or not all of the analytical work was supervised by the director of the laboratory, and contain the following statement:

“All analyses were conducted at a laboratory certified for such analyses by the California Department of Health Services in accordance with current United States Environmental Protection Agency (**USEPA**) procedures.”
- iii. The Discharger, when presenting new analytical data as part of any applicable annual report specified in **Reporting Requirements, sections D.2.b-d** of this MRP, to the appropriate Regional Water Board, must specify in the test methods used to analyze any water or wastewaters collected pursuant to the **Monitoring Requirements, section B** of this MRP. Dischargers proposing to use a test procedure or method other than those included in the most current version of “*Test Methods for Evaluations of Solid Waste, Physical/Chemical Methods, SW-846*” or 40 CFR, Part 136, “*Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantification,*” must submit a *Sampling and Analysis Plan* containing the rationale for the change, to the appropriate Regional Water Board for review and approval by the appropriate Regional Water Board Executive Officer prior to implementing the requested change.
- iv. The Discharger observing any deficiencies or non-compliance associated with any applicable monitoring requirements specified in the Order or this MRP, must incorporate a discussion of the observed deficiency/non-compliance as part of any applicable annual report.
 - (1) The Discharger must include as part of the discussion:
 - (a) The observation date and time;
 - (b) The type of deficiency/non-compliance observed at the CMU;
 - (c) The cause for the deficiency/non-compliance;
 - (d) The corrective actions undertaken, or planned to resolve the deficiency/non-compliance, including the date and time of repairs; and

- (e) The measures undertaken by the Discharger to prevent the reoccurrence of this observed deficiency/non-compliance; and
 - (f) Photographs of the observed deficiencies/non-compliance.
 - (2) The Discharger must maintain a permanent log, kept at the office of the Discharger, recording all deficiencies/non-compliances observed at the CMU. The Discharger must make the permanent log available for review upon request. The permanent log must:
 - (a) Document the action undertaken to correct each deficiency, including a photograph showing the area after corrective action; and
 - (b) List all State and local agencies contacted, the results of the inspections, and any actions taken to correct all noted deficiencies.
- b. **Working Surface Conditions and Maintenance Report.** All Dischargers enrolled under the Order must, at a minimum, perform quarterly inspections of the working surface, berms, ditches, erosion control best management practices (**BMPs**), or other containment structures (as proposed in the Discharger approved NOI), and report the resulting observations annually to the appropriate Regional Water Board. The Discharger must, as part of the Working Surface Conditions and Maintenance Report, include the following information to the appropriate Regional Water Board:
 - i. A discussion of any significant findings, including any deficiencies with regards to:
 - (1) The date and time of inspections;
 - (2) The condition of the working surface, including, but not limited to berms and ditches;
 - (3) The effectiveness of erosion control BMPs;
 - (4) Maintenance activities associated with, but not limited to, the working surface, berms, ditches, and erosion control BMPs.
 - ii. All observed deficiencies must be photographed and recorded in the *Working Surface Conditions and Maintenance Report* and in a permanent log that is kept at the office of the Discharger. The permanent log must be made available for review upon request. Documentation of the action to correct each deficiency and a photograph showing the area after corrective action must be included in the *Working Surface Conditions and Maintenance Report* and the permanent log. The permanent log must list all State and local agencies, the results of the inspections, and any actions taken to correct all noted deficiencies.
 - iii. As part of the *Working Surface Conditions and Maintenance Report* the Discharger must certify, under penalty of perjury, that the working surface, berms, ditches, erosion control BMPs, and all other approved containment structures are constructed, maintained, and functioning properly, and are protective of the waters of the State. In the event maintenance activities are undertaken as part of a corrective action to mitigate deficiencies with effectiveness of the wastewater detention pond, the Discharger, following the completion of corrective measures, must submit to the appropriate Regional Water Board, a *Re-Certification Report* as specified in **Reporting Requirements, section D.3.a** of this MRP.
- c. **Wastewater Detention Pond Monitoring and Maintenance Report.** Any Discharger enrolled under the Order, and having a wastewater detention pond onsite (e.g., Tier 2 CMUs), or as proposed in the Dischargers' approved NOI, must conduct wastewater detention pond monitoring (specified in **Monitoring Requirements, section B.2** of this MRP), and report on the resulting information annually to the appropriate Regional Water Board.

- i. The Discharger, at a minimum, must include the following information in the Wastewater Detention Pond Monitoring and Maintenance Report:
 - (1) The date and time of inspection;
 - (2) An evaluation of the general condition of the wastewater detention pond liner system, including, but not limited to an estimate of the available capacity, and the current volume of volume of wastewaters (gallons) and solids (cubic yards) contained in the detention pond;
 - (3) An evaluation of the general conditions of the ancillary containment structures (i.e., ditches, berms, working surface) associated with the conveyance of wastewaters to the detention pond; and
 - (4) A discussion of the general maintenance activities undertaken associated with the wastewater detention pond;
 - (5) A discussion of any observed deficiencies or non-compliance, as required in **Reporting Requirements, section D.2.c.i(5)** of this MRP, associated with the wastewater detention pond during the reporting period
 - ii. The Discharger, as part of the *Wastewater Detention Pond Maintenance and Monitoring Report*, must certify, under penalty of perjury, that the wastewater detention pond is constructed, maintained, and functioning properly, and is protective of the waters of the State. In the event maintenance activities are undertaken as part of a corrective measure to mitigate deficiencies with effectiveness of the wastewater detention pond, the Discharger, following the completion of corrective measures, must submit to the appropriate Regional Water Board, a *Re-Certification Report*, as specified in **Reporting Requirements, section D.3.a** of this MRP.
- d. **Tier 3 – Specific Monitoring Report.** Applicable solely to those Dischargers owning and/or operating, and implementing the design specification for a Tier 3 CMU as proposed in an approved NOI. The Discharger operating a Tier 3 CMU must conduct leachate monitoring and either groundwater or vadose zone monitoring in accordance with **Monitoring Requirements, section B.3** of this MRP, and report on the resulting information pursuant to the requirements specified in **Reporting Requirements, section D.4** of this MRP. At a minimum, *Tier 3 - Specific Monitoring Reports* must include all analytical data and graphical representations of that data, as specified in **Monitoring Requirements, section B.3** of the MRP, as well as the following information:
- i. A discussion of any significant findings, including any deficiencies with regards to:
 - (1) The date and time of inspections;
 - (2) The condition of all groundwater and/or vadose zone monitoring structures; and
 - (3) Maintenance activities associated with any groundwater or vadose zone monitoring structure.
 - ii. All observed deficiencies must be photographed and recorded in the *Tier 3 - Specific Monitoring Report* and in a permanent log that is kept at the office of the Discharger. The permanent log must be made available for review upon request. Documentation of the action to correct each deficiency and a photograph showing the area after corrective action must be included in the *Tier 3 - Specific Monitoring Report* and the permanent log. The permanent log must list all State and local agencies, the results of the inspections, and any actions taken to correct all noted deficiencies.

- iii. As part of the *Tier 3 - Specific Monitoring Report* the Discharger must certify, under penalty of perjury, that all of the groundwater and/or vadose zone monitoring structures are constructed, maintained, and functioning properly. In the event maintenance activities are undertaken as part of a corrective action to mitigate deficiencies with effectiveness of any groundwater or vadose zone monitoring structure, the Discharger, following the completion of corrective measures, must submit to the appropriate Regional Water Board, a *Re-Certification Report* as specified in **Reporting Requirements, section D.3.a** of this MRP.
- iv. Initial *Tier 3 – Specific Monitoring Report* must be submitted in accordance with **Reporting Requirements, section D.2.d** of this MRP, and at a minimum provide:
 - (1) All analytical data collected in accordance **Monitoring Requirements, section B.3** of this MRP;
 - (2) The method of analysis for calculating the concentration limits for the naturally occurring constituents (as proposed in an approved NOI), and non-naturally occurring constituents specified in **Monitoring Requirements, section B.1.h, Table No.1** of this MRP; and
 - (3) The concentration limits for the constituents specified in **Monitoring Requirements, section B.1.h, Table No.1** of this MRP.
- v. In the event leachate, at any time, is observed seeping from any feedstock, additive, amendment, or compost (active or stabilized) pile at a Tier 3 CMU, the Discharger must conduct leachate monitoring (specified in **Monitoring Requirements, section B.3.b** of this MRP), and report on the resulting information annually to the appropriate Regional Water Board. As part of the *Tier 3 Specific Monitoring Report*, the Discharger must report the following minimum information to the appropriate Regional Water Board:
 - (1) A discussion of any significant findings, including any deficiencies with regards to:
 - (a) The date and time of observed seep;
 - (b) The pile type (i.e., feedstock, additive, amendment, compost (active or stabilized) or composition there of;
 - (c) The cause for the leachate seep (i.e., overwatering, precipitation, etc.);
 - (d) To the satisfaction of the Regional Water Boards, the estimated volume (in gallons) and/or rate (gallons per day) of leachate being generated; and
 - (e) Maintenance activities associated with release of leachate.
 - (2) All observed leachate seeps must be photographed and recorded in the *Tier 3 – Specific Monitoring Report*, and in a permanent log that is kept at the office of the Discharger. The permanent log must be made available for review upon request. Documentation of the action to correct each deficiency and a photograph showing the area after corrective action must be included in the *Tier 3 – Specific Monitoring Report* and the permanent log. The permanent log must list all State and local agencies, the results of the inspections, and any actions taken to correct all noted deficiencies.

3. OTHER REPORTS AND NOTIFICATIONS

- a. **Re-Certification Report.** Any Discharger enrolled under the Order, and subject to the requirements of the MRP, must submit to the appropriate Regional Water Board a *Re-Certification Report* following the completion of all corrective actions associated with mitigating any deficiencies observed at the CMU. The *Re-Certification Report* must include:
 - i. A description of the deficiency, including, but not limited to, the date and time the deficiency was observed, the location of the deficiency, and type of deficiency; and
 - ii. A description of the mitigating measures completed to correct the deficiency, including, but not limited to, the date and time of the corrective measures, the work activities performed,
 - iii. A statement certifying, under penalty of perjury, that the affected containment structures are again constructed, maintained, and functioning properly, and if applicable, protective of the waters of the State.

- b. **Violations Notification.** If the Discharger determines there has been a violation of the requirements specified in either the Order or this MRP, the Discharger must notify the Regional Water Board office by telephone as soon as practicable, within 24-hours or no later than the following business day, once the Discharger has knowledge of the violation. The Regional Water Board may, depending on the severity of the violation, require the Discharger to submit a separate technical report regarding the violation within **10 working days** of the initial notification. Pursuant to **Finding No. A.16** of the Order, the Discharger's permit may also be subject to modification, revocation and reissuance, or termination.

- c. **Significant Maintenance Activities Notification.** The Discharger must notify the appropriate Regional Water Board, either in writing, e-mail, facsimile, or telephone, at least **2 working days** prior to any significant maintenance activities at the CMU. Significant maintenance activities might include, but are limited to:
 - i. Activities which could alter existing surface drainage patterns;
 - ii. Activities which could change the existing slope configuration; or
 - iii. Activities resulting in the installation or destruction of any monitoring system at the CMU (e.g., groundwater monitoring wells, lysimeter, etc.)

4. REPORTING SCHEDULE.

- a. All reports submitted on an annual basis, in accordance with the requirements of the Order and this MRP, must be received by the appropriate Regional Water Board at or before 5:00 pm on or before the due date specified in **Reporting Schedule, section D.4.d, Table No. 2** of this MRP.
- b. All applicable reports submitted on an annual basis, to the appropriate Regional Water Board, may be combined under one cover in accordance with **Reporting Schedule, section D.4** of this MRP.
- c. All other applicable reports must be submitted to the appropriate Regional Water Board as specified in **Reporting Requirements, section D.3** of this MRP.
- d. Reporting Schedule.

Table No. 2: Reporting Schedule

Report Type	Report Frequency	Report Period	Report Due close of business
Annual Monitoring and Maintenance Report	Annually	1 January – 31 December	1 February ¹

¹In the event 1 February falls on a weekend, the Discharger may submit the applicable report on the next immediate subsequent business week day.

E. PROVISIONS.

1. **ENFORCEMENT DISCRETION.** Pursuant to Water Code section 13350, the State Water Board and Regional Water Boards reserve their right to take any enforcement action authorized by law for violations of the terms and conditions of this MRP.
2. **ENFORCEMENT NOTIFICATION.** Failure to comply with the requirements of this MRP may subject the Discharger to enforcement action, including but not limited to: imposition of administrative civil liability in an amount not to exceed \$1,000 for each day the violation occurs under Water Code section 13268; not to exceed \$5,000 for each day in which the violation occurs under Water Code section 13350; and not to exceed \$10,000 for each day in which the violation occurs under Water Code section 13308; or referral to the Attorney General for injunctive relief or civil or criminal liability.
3. **REQUESTING RECONSIDERATION OR JUDICIAL REVIEW.** Pursuant to Water Code section 13330 *et seq.*, any person aggrieved by this MRP may, not later than **30days** from the date of adoption, file a petition for a writ of mandate for reconsideration by the State Water Board, or judicial review. Petitions which are not received within **30days** of the State Water Boards adoption of the MRP will not be subject to review by any court.
4. **DELEGATION OF AUTHORITY.** The State Water Board has delegated to the nine Regional Water Board Executive Officers, all the powers and authority that may be delegated pursuant to Water Code section 13223. The State Water Board intends for the Executive Officers to make modification or revisions in appropriate cases, to this MRP; and to grant Discharges enrollment or termination under the Order and this MRP pursuant to the eligibility and termination criteria established in the Order.
5. **APPLICABILITY.** This MRP **Order No. DWQ-2012-TENT** must be implemented by all Dischargers subject to the General Waste Discharger Requirements Order **No. DWQ-2012-TENT**, unless an individual MRP has been issued for the site.

Ordered by: TENTATIVE
Tom Howard
Executive Director