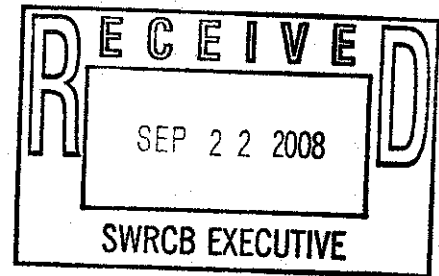




September 22, 2008

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RE: Comments on Resolution No. R9-2007-0104. Specifically, Conditional Waiver No. 8: DISCHARGES/DISPOSAL OF SOLID WASTES TO LAND; 8.II.B. Specific Waiver Conditions for Discharges to Composting Operations (Pg D-36)

The Association of Compost Producers (ACP) is a non-profit association of public and private organizations dedicated to building healthy soil, by increasing the quality, value and amount of compost being used in California. ACP appreciates the opportunity to submit the following comments on the "Proposed Approval of an Amendment to the Water Quality Control Plan for the San Diego Basin (Basin Plan) to incorporate revised conditional waivers of waste discharge within the San Diego Region," specifically our comments relate to "8.II.B. Specific Waiver Conditions for Discharges to Composting Operations."

Our comments fall into two main categories: 1) General comments about the "Specific Waiver Conditions," and 2) Specific recommendations on how the San Diego Water Board (California Regional Water Quality Control Board, San Diego Region) should move forward with the waiver within the Basin Plan.

General Comments:

The San Diego Water Board (SDWB) is proposing in the conditional waiver (8.11.B.) that, "the following conditions apply to minimize or eliminate the discharge of pollutants to waters of the state." These five areas, abbreviated here, are:

1. Cover compost piles (w/ permanent structures or by temporary means "plastic sheeting")
2. Divert drainage from piles

3. Buffer zone (100 feet) between piles and surface water
4. Leachate not adversely affect surface waters
5. Specific wastes not added without information on any potential threat.

In general, we do not have any issue with proposed conditions 2-4. They already apply to most permitted compost facilities. However, with respect to #1, the SDWB has not demonstrated that rain falling on compost piles actually proposes a threat to surrounding water bodies. In fact, it is the experience of most composters in the region, that rain water is easily absorbed in compost piles which simply means that less water will need to be added to the pile to keep it moist enough for appropriate composting conditions. Rain, therefore, actually reduces that composters' water bill!

If rain is a problem for water quality on compost piles, the SDWB, should be providing actual evidence that rain falling on compost piles causes any discharge of pollutants from the compost piles. Potential pollution that cannot be completely controlled by the other four proposed conditions. For example the SDWB should provide evidence of the:

- Amount of potential discharge based on certain rain events (inches/hour relative to pile sizes & composition), and
- Water quality characteristics of discharge, if any.

We believe that the SBWD will be hard pressed to actually demonstrate that rain falling on compost piles poses a water quality problem in our region because the evidence is lacking.

Additionally with respect to #5, ACP has concerns over restrictions and prohibitions relative to "sewage sludge" that has been used in compost operations for animal waste, green waste, and combinations thereof. Specifically compost operations outlined in Chapter 4 Attachment A in Table 4-4, sections 3d, 4f, 5c, and 8b and in Appendix D Table D-1 in the same numbered sections prohibit the introduction of sewage sludge into compost facilities or the use of the finished product unless it is demonstrated that there will be no potential adverse affect on water quality. However:

- First, this would appear to be in direct conflict with the State Water Board's General Order for biosolids and the Integrated Waste Board's policy on biosolids compost operations.
- Second, such compost operations and use are already regulated under NPDES permits, WDR's, and/or CIWMB permits.
- Third, numerous co-composting operations are in operation in California and produce compost products that meet both EPA and California Integrated Waste Management standards. This compost is much sought after by the farming and landscaping and golf course industries and has been used with multiple beneficial environmental results for the past 80+ years throughout the Southwest.

There have been decades of documented beneficial reuse of organic carbon and nutrients contained in biosolids (quality controlled treatment of sewerage solids) to enhance soil and crop production. These results are also strongly supported by exhaustive research at Universities across the nation, documenting the tremendous benefits that biosolids and biosolids compost provide to soils and crops. Improvements such as increased soil tilth, moisture retention, and soil fertility are realized through the addition of organic matter and valuable nutrients such as nitrogen and phosphorus, as well as other constituents vital for plant health. The improved moisture retention realized from composts containing various feedstocks including biosolids, greenwaste, woodwastes and other sources, provides a critical benefit to water scarce regions of the US, such as in California. Agricultural application of compost also replenishes depleted

carbon reserves in soil and reduces our society's carbon footprint. Many California soils, including those in the San Diego Region, would benefit from these additions of organic matter and nutrients provided by biosolids compost as opposed to inorganic fertilizer. The United States Environmental Protection Agency developed risk and technologically based regulations for the land application of biosolids, which have been mimicked and refined by the State Water Board as published in their 2004 General Order.

Given the above situation, we believe that the Regional Water Boards will save a lot of time and money if it actually engages with the compost industry participants prior to writing waiver "requirements." And this only *if there are known environmental problems* that cannot be controlled using already existing regulations and "best management practices" (BMPs), instead of needing to build structures, provide periodic "plastic sheeting," or create new regulations

Recommendations:

Based on the above general comments we specifically recommend that the State Water Board approve the WDR revisions *only if they are modified to:*

1. Eliminate the compost pile coverage requirement in the waiver. It has not proven necessary to protect water quality.
2. The delete the references to "sewage sludge". The documentation has already been provided and articulated in the General Order that if managed properly there will be no adverse affect on water quality. It would be an onerous requirement if it had to be documented on a case by case basis by anyone wishing to co-compost with animal waste or green waste.
3. Fund appropriate studies (in conjunction with the California Integrated Waste Management Board) that actually demonstrate under what *extreme conditions* (100 year rain event?) where rainfall falling on compost piles could possibly pose a water quality threat in our region. As mentioned under comments, we do not know of a single situation where this is a current problem.
4. Work with the compost industry (ACP and others), directly and immediately, to craft more workable BMPs to ensure protection of surface waters.

In Conclusion:

The Association of Compost Producers is committed to environmental enhancement by building healthy soil with compost. We also actively participate in initiatives that promote "net environmental benefits" by achieving cross media enhancement of air, water, soils and bioenergy production, from our ever more intensely managed soils. We strongly urge the San Diego Water Board, and other Regional Water Boards, to work directly with compost scientists as well as our industry members to improve the quality of California's watersheds, by working to further enhance the soils that are the foundation of a healthy watershed. Based on sound scientific evidence and recent technologies, we can collaborate to generate ever more effective "best management practices" that will optimize overall environmental quality.

Thank you for your serious consideration of our comments and recommendations.

Sincerely,



Dan Noble
Executive Director
and

ACP Board of Directors:

Bob Engel, Engel & Gray Inc.
Kathy Kellogg-Johnson, Kellogg Garden Products
John Gundlach, Garick Corporation
Lorrie Loder, Synagro
Mike Moore, Orange Co. Sanitation District
Mike Sullivan, Sanitation Districts of Los Angeles County
Jeff Ziegenbein, Inland Empire Utilities Agency

CC: Brenda Smyth, Division Chief, Sustainability Program; Statewide Technical and Analytical Services Division, California Integrated Waste Management Board
John H. Robertus, Executive Officer, California Regional Water Quality Control Board, San Diego Region