



## A Brave New World of Water Regulations

For composting operators, managing water at their facility is on the verge of taking a quantum leap in a completely different direction. Whether that is forward or backward is a matter of perspective, but it will undoubtedly mean a significant increase in the cost of doing business.

Starting July 1, 2015, the new General Permit for Storm Water Dischargers Associated with Industrial Activities (IGP) brings a host of new requirements including training of personnel and consultants, new applications and Storm Water Pollution Prevention Plans, discharge response actions, and electronic reporting, to name a few. The new statewide Waste Discharge Requirements (WDRs) being promulgated by the State Water Resources Control Board (SWRCB) are clarifying that, while composting facilities may still need coverage under the IGP, a significant portion of water running off of compost operations areas, which has been in contact with active composting or equipment, is wastewater.

Heretofore, most facilities have been considered by regulators as managing stormwater under the old IGP, conditional waivers, and/or WDRs for their site. Now, stormwater is largely something that falls outside of a facility and is prevented from running onto the site or segregated from composting operations. As witnessed by many solid waste industry sectors – among other industrial operations statewide – Clean Water Act lawsuits by entities with environmental interests have continued to raise the bar on enforcement, even used as a tool by angry neighbors with NIMBY concerns.

One such action was a key to the unfortunate, pending

closure of Sonoma Compost's facility at the Sonoma Central Landfill, as chronicled on the back page of this publication. A new replacement facility at the landfill – with all the air and water quality protecting whistles and bells – is estimated to cost \$52 million to handle 200,000 tons per year.

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The new wastewater definition could entail separate ponds for stormwater and wastewater, new facility drainage design and improvements, and wastewater treatment, among other options, to accommodate an effective “zero discharge” policy for wastewater which will mean its costly pumping and hauling to a proper treatment facility during wetter periods of the year.

Many operators will need to consider shrinking the footprint of their composting area (perhaps accomplished by the use of aerated static pile technologies), placing roofs over their composting activities, or other creative, yet unquestionably expensive, measures to reduce the volume of wastewater generated.

As we forge ahead into this brave new world, CCC will continue to seek out new sources of funding for infrastructure investment, new innovations and incentives to build markets, push for consistent enforcement and a level playing field, and assist in ensuring the durability and coordination of efforts of the various governmental agencies and stakeholders who have exhibited a new or renewed interest in healthy soils, greenhouse gas reduction, landfill diversion, water efficient landscaping, and other policy drivers in the hope that a rising tide will lift all compost “boats” fast enough to keep them afloat.

## Key Bill Summaries

**SB 367 (Wolk)**, the Agriculture Climate Benefits Act, would promote carbon farming projects, including carbon sequestration through compost and biochar use on agricultural lands. This bill would enhance the long-term viability of California agriculture by supporting activities which reduce global warming impacts that may negatively impact it and the rest of the state and support California agriculture in pursuing reductions in greenhouse gas emissions and increased carbon storage in agricultural soils and woody vegetation.

**AB 761 (Levine)** would require CDFA to prioritize funding for projects that provide the greatest benefit, including carbon farming and related co-benefits such as reduced irrigation demand, increased yield and resiliency, enhanced habitat and biodiversity, reduced water quality impacts, enhanced soil structure, and increased soil water-holding capacity. The bill also requires CDFA, in consultation with the Department of Conservation, the Department of Resources Recycling and Recovery, the state Air Resources Board, and the Department of Water Resources, to develop and adopt project solicitation and evaluation guidelines.

**AB 1045 (Irwin)** would require CalEPA to coordinate with CalRecycle

to develop and implement policies to aid in diverting 50% of organic waste from landfills by 2020 by promoting the use of agricultural, forestry, and urban organic waste as feedstock for compost and by promoting the appropriate use of that compost throughout the state. It also requires CalEPA to promote policies that reduce at least five million metric tons of greenhouse gas (GHG) emissions per year through the development and application of compost on working lands in coordination with CDFA.

The bill requires CalEPA to convene the Department of Resources Recycling and Recovery, Air Resources Board and the State Water Resources Control Board, to ensure proper coordination of agency regulations and goals to implement these measures.

**AB 876 (McCarty)** requires a county or regional agency to include in its annual report to CalRecycle an estimate of the amount of organic waste that will be generated by the county over a 15-year period; an estimate of the additional organic waste recycling facility capacity that will be needed to process the organic waste generated; and, areas identified by the county or regional agency as locations for new or expanded organic waste recycling facilities capable of safely handling the material.

## Cap-and-Trade Revenue Allocation on Recess

Whether it be \$2.2 billion from the Governor's 2015-2016 Budget May Revise or the Senate's \$2.7 billion amount, the Cap-and-Trade revenue allocation will probably not occur until after the Legislature gets back from their summer recess on August 17, 2015.

Many legislative bills with policy positions to receive this revenue will move forward, but the actual amount of funding will be determined by a budget trailer bill later in August. The Governor has proposed \$60 million to CalRecycle with compost and anaerobic digestion to be allocated \$30 million and another \$6 million for compost application R&D. The Assembly upped the amount to \$75 million and the Senate is in flux on the amount. This means grant applications will not be noticed until September 2015.

### [SB 367 \(Wolk\)](#)

TOPIC: Carbon farming program for greenhouse gases to promote sustainable agriculture projects.

STATUS: Heard 7/1/15 in Assembly Agriculture Committee. Passed as amended. **SUPPORT**

### [AB 1045 \(Irwin\)](#)

TOPIC: Requires CalEPA to establish food waste diversion goals and related GHG reductions, and enhance coordination of CalRecycle, ARB, and SWRCB to achieve organics waste diversion goals.

STATUS: Heard 7/1/15 in Senate Environmental Quality Committee. From committee: Amend, and do pass as amended and re-refer to Committee on Appropriations. **SUPPORT**

### [AB 761 \(Levine\)](#)

TOPIC: CDFA to establish potential funding and set evaluation guidelines for carbon farming projects.

STATUS: Heard in Senate Agriculture Committee on 6/30/15. Passed as amended, and re-referred to the Committee on Environmental Quality. Set for hearing on 7/15/15. **WATCH**

### [AB 876 \(McCarty\)](#)

TOPIC: Requires jurisdictions to report to CalRecycle tonnage and identify 15-year organics processing capacity.

STATUS: Heard 7/1/15 in Senate Environmental Quality Committee. From committee: Amend, and do pass as amended and re-refer to Committee on Appropriations. **SUPPORT**

### [AB 590 \(Dahle\)](#)

TOPIC: Makes greenhouse gas funds available to the California Energy Commission to make monthly incentive payments to maintain the current level of biomass power generation in the state and to revitalize idle biomass facilities in certain regions.

STATUS: Heard 6/30/15 in Senate Energy, Utilities and Communications Committee. Passed with amendments, and re-referred to the Committee on Environmental Quality.

**SUPPORT**, work to amend to allow projects of 3 MW or below.

## Waste Discharge Requirements for Composting Facilities

The State Water Resources Control Board (SWRCB) is continuing efforts to establish statewide regulations for composting facilities. SWRCB intends to adopt General Waste Discharge Requirements (WDRs) that would assist their regional boards in the regulation of composting facilities which they have deemed a substantial threat to water quality. The SWRCB officially released a revised new Draft WDRs language, including a revised Draft Environmental Impact Report (DEIR) – but without a revised economic analysis – on May 29, 2015. A public workshop was held at the SWRCB Board Meeting on June 16, 2015 to provide information and receive comments on the DEIR and proposed WDRs.

The new Draft WDRs have relaxed measures in many areas, including pond size requirements, which have reduced the overall cost impacts of

the regulations in accordance with our comments and those of other stakeholders. The Board members requested that staff make some additional efforts to meet stakeholder requests for additional clarity on the new language as well as give a better representation of the economic costs of the implementation.

CCC is continuing to work with staff, the Board, and CalEPA to identify some funding options to help meet these escalating costs so the composting industry will be able to afford and achieve BOTH the necessary expansion to meet the State's organic materials recycling goals AND the attainment of water, air, and product quality objectives.

The SWRCB plans to adopt these WDRs at their August 4, 2015 Board Meeting.

## New IGP for Stormwater Dischargers

On April 1, 2014, the California State Water Resource Control Board adopted the NPDES General Permit for Storm Water Dischargers Associated with Industrial Activities, NPDES No. CAS000001 to replace the current Industrial General Permit (IGP) instituted in 1997. The 2014 IGP will significantly increase the number of industries affected while imposing new and increased compliance requirements. The 2014 IGP implementation date was originally scheduled for July 1, 2015 with specific documents to be uploaded to the State Water Board's Storm Water Multiple Application and Report Tracking System (SMARTS), making all reports readily available to the public. Due to technical issues with their web access, the date has been extended until August 14, 2015.

Multiple changes have been made to the new IGP that will require your full attention: mandatory best management practices (BMPs), increased monitoring and sampling requirements, mandatory electronic reporting, required Qualified Industrial Stormwater Practitioner (QISP) training for onsite staff and/or consultants, and a host of other measures that can have a bearing on the ability of a facility to comply in a cost-effective manner. In order to help mitigate costs, operators may enroll in a "compliance group" option for facilities and dischargers of the same industry type with similar activities, pollutant sources and pollutant characteristics. All currently compliant facilities are classified as Baseline and subject to reduced requirements; minor violations and non-compliance can quickly escalate a site into Level 1 and onto Level 2, both with much higher bars for compliance.

### TITLE 14/27

TOPIC: Revision to Compostable Materials & Transfer/Processing Regulations

CalRecycle is updating regulations to address a broad list of topics, mainly related to the expanding diversion of organic materials from landfills.

STATUS: Another version of proposed draft language addressing many issues raised, including physical contaminant limits for compost and limits on land application of agricultural and food processing materials, was released on June 29, 2015. Comments are due July 14, 2015.

### WASTE DISCHARGE REQUIREMENTS FOR COMPOSTING FACILITIES – REGULATORY UPDATE

The State Water Resources Control Board (SWRCB) is continuing efforts to establish statewide regulations for composting facilities. The SWRCB has officially released new draft language on May 29, 2015. The new draft language contained several key provisions which had been requested by CCC and other stakeholders and were a positive step towards workable, cost-effective regulations. A public workshop was held at their June 16, 2015 Board Meeting to provide information and receive comments on the DEIR and proposed WDRs. The SWRCB plans to adopt these WDRs at their August 4, 2015 Board Meeting.

CCC and other stakeholders met with staff to provide alternative regulatory language in an effort to make some final tweaks to proposed measures that could ease the burden on smaller facilities who may find themselves in Tier II, under current definitions.



## For Whom the Bell Tolls

The California Compost Coalition (CCC) is a registered Lobbying Coalition with the Fair Political Practices Commission (FPPC), created in 2002 by a group of compost operators in response to demands for increased recycling of organic materials and production of clean compost, bioenergy, renewable natural gas, and biochar.

The California Compost Coalition represents member organic material recyclers and compost operators with a unified statewide voice on many issues: product safety and standards, government regulations, environmental planning, and marketing.

### Members

Agromin  
Atlas ReFuel  
Caglia Environmental  
California Wood Recycling  
CleanFleets.net  
Cold Canyon Compost  
CT Bioenergy Consulting LLC  
Marin Sanitary Service  
Mt. Diablo Recycling  
Napa Recycling Compost  
Northern Recycling Compost  
Organic Waste Solutions  
Phoenix Energy  
Quackenbush Mt. Compost  
Recology  
Sonoma Compost  
Tracy Delta Compost  
Upper Valley Recycling  
Zanker Road Resource Management  
Z-Best Compost Facility  
Zero Waste Energy, LLC

### Executive Committee

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Greg Kelley, Northern Recycling Compost  
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Christy Pestoni Abreu, UVR Compost  
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### Staff

Neil Edgar, Executive Director  
Evan Edgar, Regulatory Affairs  
Monica White, Sustainability Advisor  
Sean Edgar, Fleet Advisor  
Rita Athanacio, Communications

### Legislative Affairs

Justin Malan, EcoConsult  
Neil Edgar, Edgar & Associates Inc.

[www.californiacompostcoalition.org](http://www.californiacompostcoalition.org)

In what many industry observers and local stakeholders in Sonoma County view as a tragedy of major compost proportions, the local powers-that-be made a determination in late May that the two-decades old Sonoma Compost facility at the county's Central Landfill will be closed before the next rainy season, on October 15. Below are excerpts of a story that was published in the Santa Rosa Press Democrat on May 22; with some minor editorializing.

A hard-fought battle over a Clean Water Act lawsuit — costing ratepayers more than \$1.1 million — has spelled the end for Sonoma County's largest compost producer, Sonoma Compost Co. Under a settlement reached late Thursday night, Sonoma Compost must shut down operations atop the Central Landfill on Mecham Road west of Cotati by Oct. 15.

Sonoma Compost maintains that this was not about water quality, but rather a tool to shut the facility down. The North Coast Regional Water Quality Control Board has communicated clearly that they desire the facility to remain open. See their letter [here](#)<sup>1</sup>. Many solutions were explored and proposed, but solutions were met with roadblocks rather than means to resolve.

The deal, finalized Friday, means the composting site will be gone by October — in time for the rainy season — alleviating the potential that rainwater will hit compost heaps and pollute the creek below. The agreement settles the lawsuit between Sonoma County, the Sonoma County Waste Management Agency, and residents who filed suit under a group called Renewed Efforts of Neighbors Against Landfill Expansion.

Under a 25-year deal finalized April 1, that permanently transfers responsibility for the county's dump to Arizo-

na-based Republic Services, which runs the 170-acre Central Landfill, fees for dropping off waste at the landfill went up by more than \$19, to \$54 per ton. Now, so-called tipping fees are slated to go up again to cover the cost of trucking yard waste out of the county, to a proposed \$77 per ton, on the low end.

Curbside pickup fees also will go up, according to officials with the Waste Management Agency. It currently spends about \$3.5 million a year to haul out of the county some yard waste that it doesn't have the capacity to compost on site. Trucking all yard waste off site is expected to cost \$5.5 million a year, according to agency officials. To cover those costs, waste officials said, monthly rates for curbside pickup are slated to increase between \$1 and \$2 per can.

Building a new compost facility at the county's dump on Mecham Road is expected to cost at least \$52 million.

Scores of backyard gardeners, farmers, and landscapers, as well as powerful environmental and agricultural groups, attempted to avert the shutdown of Sonoma Compost this month, but those efforts have been fruitless. Many said the closure will negatively affect the environment by increasing greenhouse gases associated with trucking yard waste out of Sonoma County, and lead to higher business costs for local farmers.

"Sonoma Compost is by far the cheapest organic material available to farmers," said Evan Wiig, executive director of the Farmers Guild, a local nonprofit organization that advocates for sustainable farming practices. "Sonoma County stands out as a leader in sustainability, so to think that something so integral to our local economy and our progressive food movement is going away is heart-breaking."

<sup>1</sup>[http://sonomacompost.com/Documents/140808\\_response\\_to\\_Lozeau\\_Drury\\_letter\\_re\\_compost.pdf](http://sonomacompost.com/Documents/140808_response_to_Lozeau_Drury_letter_re_compost.pdf)