

11/17/11

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Summary of the Expired
"Conditional Waiver of Waste Discharge Requirements for Composting Operations"

Legislative Background

When several of the California Regional Water Quality Control Boards adopted the *Conditional Waiver of Waste Discharge Requirements for Composting Operations* (hereinafter "Green Waste Conditional Waiver") in 1996, the California Water Code (CWC), section 13269, authorized the Regional Water Boards to waive waste discharge requirements (WDRs) for a specific discharge or for a specific type of discharge, so long as the waiver was in the best interest of the public. Additionally, CWC section 13260(a) required any person discharging or proposing to discharge waste within any region, other than to a community sewer system, that could affect the quality of the waters of the State, shall file a Report of Waste Discharge (ROWD). To compensate for the cost incurred by the Regional Water Boards during the review of the submitted ROWDs, Title 23 of the California Code of Regulations (23 CCR), section 2200, authorizes the Regional Water Boards to assess a fee of \$750. However, if the fee amount is not entirely absorbed during the review process, 23 CCR, §2200.4, requires the Regional Water Boards to calculate a refund, payable to the Discharger at a rate of \$50 per hour.

Definitions

Provided here are those terms previously defined within the Green Waste Conditional Waiver.

- green waste: consists of or contains waste from plants, including leaves, clippings, cuttings, trimmings of grass, weeds, shrubbery, bushes, or trees, residential or community garden wastes, and untreated wood wastes.
- food processing waste: consist of or contains only pre-processed and post-processed waste derived from plants, or foods processed or produced at restaurants, hospitals and food distributors.
- agricultural waste: consists of plant waste coming directly from an agricultural commodity, and is the product of farms and ranches and by-products processed from these products, as defined in Division 21, Part 2, Chapter 1, §58619, of the Food and vermicultural and viticultural products.
- paper waste: consists of non-hazardous paper and paper by-products.
- additive: consist of waste or products (including manures, fertilizers, and chemical amendments) for mixture with feedstock or treated wastes in order to adjust the moisture level, carbon to nitrogen ratio, or porosity in order to create a condition favorable to composting, or to improve the end-products.
- Discharger: means any person who discharges waste which could affect the quality of waters of the state, and includes any person who owns a waste management unit or who is responsible for the operation of a waste management unit [23CCR, §2601].

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Conditional Waiver Requirements

The Green Waste Conditional Waiver established the following requirements regarding the acceptable materials for storage and treatment by composting.

- Any person discharging or proposing to discharge up to 500 cubic yards at any given time of green waste, food processing waste, agricultural waste or paper waste for storage and treatment by composting shall not be required to file a ROWD and shall not be subject either to the conditions and requirements of the Green Waste Conditional;
- Any person discharging or proposing to discharge waste whose total volume exceeds 500 cubic yards at any given time (including green waste, food processing waste, agricultural waste, paper waste, and any approved additives) for storage and treatment by composting under the terms of the Green Waste Conditional Waiver shall submit a ROWD, documenting compliance with the conditions set forth in the Green Waste Conditional Waiver, and either a Notice of Intent to comply with the requirements set forth in State Water Resources Control Board Orders Nos. 91-13-DWQ and 92-12-DWQ for discharge of storm water or documents that NPDES storm water permit requirements are not applicable to the discharger's composting facility, together with the appropriate filing fee;

The Green Waste Conditional Waiver also establishes that it is insufficient to prevent the threat to water quality posed by discharges of the following wastes for treatment by composting: municipal solid waste; sludge (including sewage sludge, water treatment sludge, and industrial sludge); septage; animal waste (except manure when used as an additive); oil and grease; and hazardous, designated waste, and other wastes determined by the Water Board to pose a potential threat to water quality;

- Discharges of green waste, food processing waste, agricultural waste, or paper waste for storage and treatment by composting shall not cause or threaten to cause a conditions of contamination, pollution or nuisance;
- The use of additives is allowed, provided that such use of additives does not pose a threat to water quality;
- Dischargers shall design, construct and maintain the areas used for storage and treatment of green waste, food processing waste, agricultural waste, or paper waste and additives to control and manage all runoff, runoff, and precipitation which fall onto or within the boundaries of the storage and treatment areas;
- All areas at which green waste, food processing waste, agricultural waste, or paper waste and additives are discharged for storage or composting shall be protected from inundation during the period of storage of wastes or treatment. In the event that rainfall exceeds the 24-hour, 25-year storm even, liquids and storm

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water shall be discharged in a manner consistent with the General NPDES Storm Water Permit and shall not cause or threaten to cause contamination, pollution, or nuisance;

- Prior to the onset of the rainy season, the discharger shall conduct an annual survey of the operation in order to assure that the site has been graded and prepared for the rainy season to eliminate and prevent erosion and to prevent ponding;
- All areas upon which waste is discharged for storage and treatment shall have surfaces capable of preventing degradation of waters of the state as a result of waste storage and treatment. Such surfaces shall be designed, constructed and maintained to: (1) impede vertical movement of liquid phase constituents and (2) reliably transmit most of the liquid generated during storage and treatment of waste laterally across the upper surface of the layer, thereby preventing significant quantities of liquids from entering ground or surface waters throughout the lifetime of the operation. If the equipment operating near or on storage and treatment areas produces subsidence, cracking, or otherwise compromises any surface, the discharger shall repair any damaged area immediately;

• If visible leachate, ponding, cracking or subsidence of surfaces is observed, the discharger shall immediately take necessary measures to maintain the performance standards used in the design of storage and treatment areas;

• Jurisdiction of the Green Waste Conditional Waiver did not preempt or supersede the authority of federal, state, municipal or other local agencies to prohibit, or control discharges of waste subject to their jurisdiction.

Violations

Failure to comply with the terms and conditions of the Green Waste Conditional Waiver, or fails to notify the Regional Water Board within 30 days of any significant changes (e.g. nature of discharge, ownership, quantities, area or season of operation or the termination of operation), the Discharger will be found to be discharging waste in violation of CWC §13264.

