



April 13, 2011

Mr. Ken Pickle  
Division of Water Quality – SPU  
1617 Mail Service Center  
Raleigh, NC 27699-1617

**RE: NPDES SW General Permit NCG240000 - Compost Operations**

Dear Mr. Pickle:

On behalf of the North Carolina Solid Waste Association of North America (NC SWANA), the following represents the NC SWANA's comments to the proposed Draft General Permit No. NCG 240000 for Compost Facilities from the State of North Carolina Department of Environment and Natural Resources, Division of Water Quality (NCDENR-DWQ). Please enter these comments into the official record for consideration.

The Session Law 2009-322 (HB 1100) directed NCDENR to establish stormwater control best management practices for composting operations for the purpose of protecting water quality. In response to this directive, the Compost Operation Stakeholder Advisory Group was formed. This group was comprised of specific stakeholders as identified in Section 1(e) of the session law and other interested parties including representation from NC SWANA. The collaborative process that was undertaken by the stakeholders produced a new Draft General Permit (NCG 240000) for the compost industry that is currently available for public comment, as well as a fact sheet to explain how the Draft General Permit was developed.

SWANA, a national organization, is dedicated to *"Advancing the practice of environmentally and economically sound management of municipal solid waste in North America"* and serves over 7,600 members nationwide. NC SWANA represents *"public and private solid waste professionals in North Carolina with the objective of developing and enhancing professionals in the field through environmentally sound and productive, innovative, economically competitive, and effective integrated municipal solid waste management systems with necessary and reasonable enforcement, and represents over 450 members in North Carolina"*. NC SWANA members design, permit, develop, and operate solid waste/recycling collection, processing, and disposal systems, and their mission includes the critical responsibility of protection of public health and the environment. We appreciate the Division of Water Quality's willingness to meet with stakeholders, including NC SWANA representatives, to discuss the proposed permit.

The following are comments, positions, and recommendations from the NC SWANA on the Draft General Permit and Fact Sheet. Where appropriate, recommendations have been made offering specific changes to the proposed permit.

## **General Comments**

1. Senate Bill 111 in 1989 banned Yard Waste from landfills as an attempt to save valuable capacity in our landfills for materials that could not easily be recycled. At that time, many communities started a collection service to manage this material and beneficially reuse it as compost although that was an economic burden. With the added testing and potential Best Management Practices requiring collection and treatment of process wastewater runoff, the economics of continued composting will worsen considerably. In some cases it may be cost prohibitive to process this material and more economically beneficial to landfill this material; therefore, NC SWANA requests that NCDENR revise the law to allow the landfilling of Yard Waste.
2. Under 15A NCAC 13B Section .0100 (40) composting is defined as “the controlled decomposition of organic waste by naturally occurring bacteria, yielding a stable, humus-like, pathogen free final product resulting in volume reduction of 30–75 percent.” SWANA’s interpretation is that mulching operations, including the storage of material prior to and after the mulching process, do not meet the definition of composting operations under regulation Section .1400 and are therefore not subject to this Draft General Permit.
3. NC SWANA maintains the position that composting under the Type 1 definition from regulation Section .1400 should be exempt from the stormwater permit process. These facilities are only permitted to accept yard and garden waste, silviculture waste, and untreated and unpainted wood waste, thus the composting process that takes place in these facilities is not unlike the natural decomposition process that occurs when vegetative materials break down naturally in the environment.
4. It is our understanding that if a compost facility is located within the boundary of a permitted municipal solid waste landfill, the compost operation would not be subject to this Draft General Permit (NCG240000), but would instead be covered under the landfill’s General Permit (NCG120000). Comparing both General Permits it is apparent that the monitoring and benchmark values are quite a bit more stringent for the compost permit. NC SWANA recommends that the monitoring/benchmark values for the compost facility Draft General Permit be equal to or less stringent than the landfill General Permit.
5. In the event of a natural disaster where a great deal of vegetative material is generated (such as a hurricane), many local governments have planned several temporary sites to store and process this disaster debris. NC SWANA believes that these sites should not be subject to this General Permit.

## **Draft General Permit No. NCG240000**

### PART I-INTRODUCTION

6. Under SECTION A: General Permit Coverage of the permit, it states in Paragraph 1 that in order to receive a Certificate of Coverage, “all persons desiring to have facilities covered by this General Permit must submit a Notice of Intent and applicable fees” prior to the actual discharge. For existing facilities that are presently composting there is no timeline delineating how to

comply with having all the plans, training and programs required under the permit in a reasonable timeframe.

The Session Law (Section 3.(d)) requires that, not later than January 1, 2011, the Department shall begin phase-in of the revised water quality permitting procedures for the compost industry and that a complete phase-in of the revised water quality permitting procedures shall be accomplished not later than October 1, 2012. The phase-in needs to be explained in detail to the regulated community and should allow the regulated community sufficient time to budget, train, permit and implement the changes for their respective facilities. For example, most local governments appropriate budgets six months in advance of the upcoming fiscal year.

In addition, Paragraph 5 of Section A requires application for individual permits are made “at least 180 days prior to commencement of discharge.” This section should include a discussion of when existing facilities should apply if desired.

#### PART II-MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

7. The Draft General Permit requires that both stormwater and process water discharges be sampled and analyzed quarterly for various characteristics. SWANA requests this information be compiled and analyzed by NCDENR and made available to the public in an annual report.
8. SECTION B, Table 1, provides the analytical monitoring requirements for stormwater discharges. Based on the NCDENR Fact Sheet, there appear to be metals detected from Type 2 and 3 compost feedstocks but not Type 1. NC SWANA recommends adjusting the stormwater analytical monitoring to coincide with the specific type of composting facility.
9. Under SECTION E: Process Wastewater Discharges: Effluent Limitations and Monitoring Requirements, the definition of “Finished Compost” in the second paragraph is vague. NC SWANA recommends defining “finished compost” as product that has achieved the operational monitoring requirements as defined in 15A NCAC 13B .1406 (10), (11) and (12).
10. Per the Fact Sheet, the effluent limitation characteristics, in Table 8, were developed based on a very limited data set from a highly variable feedstock. Based on this data and the chosen discharge characteristics, each study facility would exceed the limitations stated in Table 8. These violations under the process wastewater discharge permit would result in a Civil Penalty and/or imprisonment. NC SWANA believes this is excessive when compared to Table 3 for stormwater discharges. The total suspended solids value for stormwater is 100 mg/L versus 30-45mg/L for process wastewater and the fecal coliform value for stormwater is 1000 mg/L versus 200-400 mg/L for process wastewater. NC SWANA recommends several options:
  - Provide a 5-year study period to allow the collection of data from North Carolina facilities so that a reasonable discharge limitation may be set.
  - Raise the effluent limitation to be equivalent to the stormwater benchmark values.
  - Provide a tiered response to exceedances, like the stormwater discharges, to allow the facilities to address problems in a timely fashion.

11. Table 7 requires quarterly monitoring of total flow. Many facilities have been designed for overland flow to reduce concentrated flows. Note 3 on Table 7 requires the flow be recorded by a continuous flow measurement instrument. This will require the collection and concentration of flows which are storm dependent. NC SWANA recommends the total flow discharge characteristic be removed.

#### PART IV-STANDARD CONDITIONS

12. In SECTION A: Compliance and Liability, 1. Compliance Schedule, the second paragraph should include a compliance schedule for process wastewater discharge limitations. Given the limited knowledge of the potential pollutants and the best management practices to achieve the goals as set, NC SWANA recommends that a two-year analysis and implementation period from the issuance of the Certificate of Coverage be granted.

#### **NC DENR FACT SHEET**


13. This sheet indicates that DWQ “reviewed two (2) published studies of untreated compost discharges, as well as pollutant monitoring results collected under three (3) DWQ stormwater permits previously issued to composting operations”. NC SWANA would like to obtain a copy of these studies to make available to our membership.


We also request the deadline for comments be extended to allow our members and others of the regulated community to review these studies and provide feedback with respect to the Draft General Permit. At the very least, the deadline for public comments (April 18, 2011) should be extended to after the meeting date currently set with the impacted community for April 28, 2011. The new extension period should allow sufficient time to formally submit any comments raised in the community meeting.

We appreciate your consideration regarding this request. Should you have questions, feel free to contact either of us.

Respectfully,

**North Carolina Chapter of SWANA**

  
Michele Sakwa  
Chapter President

  
Joe Readling, PE  
Technical Committee Chair