



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Habitat Conservation Planning Branch  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



June 11, 2019

Governor's Office of Planning & Research

**JUNE 14 2019**

**STATE CLEARINGHOUSE**

Jeanine Townsend  
Clerk to the Board  
State Water Resource Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Ms. Townsend:

AMENDMENT OF GENERAL WASTE DISCHARGE REQUIREMENTS FOR  
COMPOSTING OPERATIONS (ORDER WQ-2015-0121-DWQ) (PROJECT)  
NOTICE OF PREPARATION FOR SUPPLEMENTAL ENVIRONMENTAL IMPACT  
REPORT; SCH # 2015012021

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) for a supplemental environmental impact report from the State Water Resource Control Board (SWRCB) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife resources. We appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** SWRCB

**Objective:** The objective of the Project is to amend the current General Waste Discharge Requirements for composting operations. This general order addresses water quality protection from composting practices.

**Location:** Statewide

**Timeframe:** Undetermined

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the SWRCB in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

### COMMENT 1:

**Issue:** The project lacks explicit requirement for Sustainable Groundwater Management Act (SGMA) coordination.

**Specific impact:** While the Project mentions in several places that the Order does not supersede local law or regulation, it does not specifically require or recommend coordination with local groundwater sustainability agencies (GSAs) and groundwater sustainability plan (GSP) development and implementation. Absent coordination with local GSAs, composting facilities may risk failure to meet GSA minimum thresholds, thereby undermining GSA progress towards groundwater basin sustainability and SGMA compliance.

**Why impact would occur:** SGMA includes specific environmental considerations and protections<sup>1</sup> and requires groundwater basins to avoid 'significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies' to achieve sustainability (Water Code §10721 subd. (x)(4)). GSP regulations require a number of water quality components including: descriptions of groundwater quality issues that may affect beneficial uses of groundwater and identification of known contamination sites/plumes (Cal. Code of Regs., tit. 23, §354.16 subd. (d)); development of a minimum threshold for degraded water quality (Cal. Code of Regs., tit. 23, §354.28 subd. (c)(4)); and

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<sup>1</sup> SGMA affords ecosystems specific statutory and regulatory consideration:

1. Groundwater Sustainability Plans (GSPs) must consider impacts to groundwater dependent ecosystems (Water Code §10727.4 subd. (l)).
2. GSPs must identify potential effects on all beneficial uses and users of groundwater, including fish and wildlife preservation and enhancement (Cal Code of Regs., tit. 23 §666), that may occur from undesirable results (Cal Code of Regs., tit. 23 §354.26 subd. (b)(3)).
3. GSPs must account for groundwater extraction for all Water Use Sectors including managed wetlands, managed recharge, and native vegetation (Cal Code of Regs., tit. 23 §351 subd. (a), §356.2 subd. (b)(4)).

creation of a monitoring system sufficient in spatial and temporal data to determine groundwater quality trends and to address known issues (Cal. Code of Regs., tit. 23, §354.34 subd. (c)(4)). Without coordination amongst all basin stakeholders, achieving groundwater quality sustainability goals increases in difficulty.

**Evidence impact would be significant:** Most Tier I and Tier II composting facilities fall within alluvial groundwater basins, many of which are governed by SGMA.

## COMMENT 2:

**Issue:** Monitoring sampling and reporting frequency required by the Project may be insufficient to prevent adverse groundwater quality impacts.

**Specific impact:** The NOP proposed changes to the Project require Tier I composting facilities that wish to include herbivore manure as feedstock to implement a Groundwater Protection Monitoring Plan. The current Groundwater Protection Monitoring Plans require a minimum of quarterly sampling and annual reporting. These monitoring data may be insufficient in temporal resolution to capture real impacts to groundwater quality, especially following outlier meteorological events. Annual reporting may also lead to delayed enforcement actions when groundwater sampling yields evidence of groundwater quality impacts.

**Why impact would occur:** If groundwater quality impacts occur unnoticed or unreported in-between sampling periods, constituents can propagate throughout the aquifer system and carry broad contamination potential depending on the constituent and aquifer characteristics. Absent frequent groundwater sampling and reporting, potential groundwater contamination may occur without SWRCB awareness or ability to intervene.

**Evidence impact would be significant:** Any Tier I facility wishing to add herbivore manure as feedstock under this Project will use their Groundwater Protection Monitoring Plan monitoring results to justify why their operations are not compromising groundwater quality. If these monitoring data are insufficient in temporal resolution, groundwater resources may suffer adverse water quality impacts.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be



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mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).  
The types of information reported to CNDDDB can be found at the following link:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the SWRCB in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to CDFW,s Karen Carpio, senior environmental scientist, at (916) 653-3864 or [Karen.Carpio@wildlfie.ca.gov](mailto:Karen.Carpio@wildlfie.ca.gov).

Sincerely,



Richard Macedo  
Branch Chief  
Habitat Conservation Planning Branch

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