



**San Joaquin Valley**  
**AIR POLLUTION CONTROL DISTRICT**

**Draft New Rule 4566**  
**(Organic Material Composting**  
**Operations)**

**(District Project CEQA # 20100641)**  
**(SCH No. 2011072019)**

**Initial Study and Final Negative Declaration**

**August 2011**

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT  
GOVERNING BOARD 2011**

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**AIR POLLUTION CONTROL OFFICER:**

SEYED SADREDIN



**A. PROJECT BACKGROUND INFORMATION**

**1. Project Title:**

Draft New Rule 4566 (Organic Material Composting Operations)

**2. Lead Agency Name and Address:**

San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg Avenue  
Fresno CA 93726-0244

**3. Contact Person:**

CEQA: Mark Montelongo  
(559) 230-6000

Permits: Koshoua Thao  
(559) 230-6000

**4. Project Location:**

This rule applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility located within the boundaries of the San Joaquin Valley Unified Air Pollution Control District (see Exhibit 1, Map of District boundaries).

**5. Project Sponsor's Name and Address:**

San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg Avenue  
Fresno CA 93726-0244

**6. Assessor's Parcel Number:**

Not applicable to this project.

**7. General Plan Designation/Zoning:**

Not applicable to this project.



**Exhibit 1**  
**San Joaquin Valley Unified Air Pollution Control District Boundaries**





## **8. Project Description:**

Consistent with the *2007 Ozone Plan* commitments, Draft New Rule 4566 would establish VOC limits, including operational and administrative requirements, for organic material composting operations. Stockpile operations at composting operations would also be subject to draft rule requirements. Organic material is defined in the rule as food material, green material, or a mixture thereof, and may include wood material and a total of less than 100 wet tons per year of biosolids, animal manure, or poultry litter. Operations composting more than 100 wet tons of biosolids are subject to District Rule 4565 for that portion of the organic material.

While composting of organic material is one of the desired alternative methods to divert reusable material from landfills, there are potential impacts to the air quality within the SJVAB. However, the District also recognizes that several composting operations are already taking measures to help reduce emissions through responsible composting practices.

During composting operations, active composting is a significant part of the process in which the compost feedstock is rapidly decomposing. VOC emissions occur in the highest amounts during the active phase. Curing composting follows the active phase and is characterized by lower VOC emission rates. Draft New Rule 4566 utilizes the significant difference in emissions between the active phase and curing phase as a means to focus the VOC reduction efforts to a shorter period of the compost development process. This focus reduces the cost of implementation of the rule while ensuring sufficient VOC reduction effectiveness.

Draft New Rule 4566 would establish VOC emission reduction requirements on the basis of actual throughputs, rather than the maximum allowable capacity limits, for the composting operations.

- Composting operations with an organic material receiving volume of less than 200,000 wet tons per year of organic material would be subject to the watering system requirements.
- Composting operations with an organic material receiving volume of greater than or equal to 200,000 tons per year and less than 750,000 tons per year would be subject to both the watering system and the finished compost cover requirements.
- Composting operations with total throughput of 750,000 tons per year or more would be subject to the engineered control systems.

The draft rule further reduces VOC emissions from the composting operations by limiting the number of days that the organic material could be stockpiled.

- Composting operations with less than 100,000 tons per year of organic material would be subject to a 10-day stockpile requirement.



- Composting operations with 100,000 tons per year or more of the material would be subject to a three-day stockpile requirement. Please refer to Section III (Current and Proposed Regulations) of this report for additional information.

Table 1 shows the draft rule requirements for composting operations, based on total throughput.

<b>Table 1 – Summary of Draft Rule 4566 Requirements</b>		
<b>Throughput Classification</b>	<b>Draft Requirements</b>	
	<b>Compost, cover, or remove stockpile</b>	<b>Composting Controls</b>
Throughput < 100K tpy	Within 10 days	Watering system
100K tpy ≤ Throughput < 200K tpy	Within 3 days	Watering system
200K tpy ≤ Throughput < 750K tpy	Within 3 days	Watering System and Compost Cover
Throughput ≥ 750K tpy	Within 3 days	Engineered Controls

**9. Other Agencies Whose Approvals Are Required and Permits Needed:**

This project is a rule development project and does not require permits from any agency. The United States Environmental Protection Agency has authority to approve the rule for inclusion into California’s State Implementation Plan.

**10. Name of Person Who Prepared Initial Study:**

Mark Montelongo  
 Air Quality Specialist

**B. FINDINGS**

District staff has prepared a Final Draft Staff Report for the proposed amendments to the rule, incorporated herein by reference, which demonstrates that the proposed amendments to the rule would not have an adverse impact on air quality. Pursuant to CEQA Guidelines §15063(a), District staff prepared an Initial Study for the proposed project. The District issued a Notice of Intent to adopt a Negative Declaration that was made available for public review and comment from July 12, 2011 to August 10, 2011. The District received comments from the California Regional Water Quality Control Board and the Department of Transportation. All comments were duly considered and addressed in preparation of the Final Negative Declaration. A copy of the comment letters and District response to comments are incorporated into this document as Appendix A and Appendix B, respectively.

The District finds that there is no substantial evidence that the project may have a significant effect on the environment. District staff has prepared a Negative Declaration for the project. Upon approval of the proposed rule by the District’s Governing Board, District staff will file a Notice of Determination with each County Clerk within the boundaries of the District, CEQA Guidelines §15075(d).



**C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture Resources         | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources            | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |

**D. DETERMINATION**

I certify that this project was independently reviewed and analyzed and that this document reflects the independent judgment of the District.

- I find that the proposed project is exempt from CEQA requirements under California Code of Regulation §15061(b)(3), and a Notice of Exemption has been prepared.
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION has been prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signature: J. Steven Worthley  
 Printed name: J. Steven Worthley  
 Title: Chair

Date: 8/18/11



**E. ENVIRONMENTAL IMPACT CHECKLIST**

<b>I. AESTHETICS</b> Would the proposal:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surrounding?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area				X
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting aesthetics of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on aesthetics, as identified above (a-d).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				
<p><b>II. AGRICULTURE RESOURCES</b>            In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measures methodology provided in the Forest Protocols adopted by the California Air Resources Board.</p> <p>Would the project:</p>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>





<b>II. AGRICULTURE RESOURCES</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use of conversion of forest land to non-forest use?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting agriculture resources of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on agriculture resources, as identified above (a-e).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				



<b>III. AIR QUALITY</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.  Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. District Staff has prepared a Staff Report: <i>Draft New Rule 4566 (Organic Material Composting Operations)</i>, incorporated herein by reference, for consideration by the District's Governing Board.</p>				
<p>District Staff has prepared an <i>Emission Reduction Analysis</i>, incorporated within the Final Draft Staff Report for the proposed project, which demonstrates that implementation of this project is expected to result in obtaining a 1,518 tons/year (4.2 tons/day) reduction in VOC emissions from composting. Implementation of certain control measures could result in increased fossil fuel consumption. These ancillary activities could result in a 1.4 tons/year increase in oxides of nitrogen (NOx), a 0.2 tons/year increase in VOC emissions and a 0.1 tons/year increase in particulate matter 10 microns (PM10). However, the District concludes that overall reductions in VOC emissions outweigh potential increases in NOx, VOC and PM10 emissions. Thus, implementation of Draft Rule 4566 would have a less than significant impact on air quality.</p>				
<p>The District concludes that there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on air quality, as identified above (a-e).</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				



<b>IV. BIOLOGICAL RESOURCES</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting biological resources of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on biological resources, as identified above (a-f).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				



<b>V. CULTURAL RESOURCES</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting cultural resources of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on cultural resources, as identified above (a-d).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				
<b>VI. GEOLOGY/SOILS</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X



VI. GEOLOGY/SOILS (Continued)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

**Discussion:** The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting geology/soils of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on geology/soils, as identified above (a-e).

**Mitigation:** None

**Reference:** Proposed Draft New Rule 4566 and supporting staff report.

VII. GREENHOUSE GAS EMISSIONS Would the project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:** Global climate change (GCC) is the cumulative change in the average weather of the earth that may be measured by changes in temperature, precipitation, storms, or wind. Global Climate Change is now generally accepted by the scientific community to be occurring and caused by "greenhouse gases" (GHG). Greenhouse gases are gases which allow direct sunlight (relative shortwave energy) to reach the Earth's surface unimpeded. As the shortwave energy (that in the visible and ultraviolet portion of the spectra) heats the surface, longer-wave (infrared) energy (heat) is reradiated to the atmosphere. Greenhouse gases absorb this energy, thereby allowing less heat to escape back to space, and 'trapping' it in the lower atmosphere.

The scientific and political communities in the State of California have collectively concluded that a significant and growing scientific body of evidence supports the need for regulating GHG emissions. The California Global



Warming Solutions Act of 2006 (AB 32) created a comprehensive, multi-year program to reduce GHG emissions in California, to 1990 levels by the year 2020. Currently, the California Air Resources Board (ARB) and the Legislature are working to develop policies and programs to implement AB32.

The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations.

Composting is viewed as having an environmental benefit as compared to natural decomposition. Natural decomposition of materials left in place to decay is relatively inefficient and releases more gaseous emissions into the air. The effect of piling the material in the composting process delays release of gases into the air and allows more bacterial activity that turns these gaseous emissions into stored carbon. As a global warming issue, the total amount of carbon released is to be considered. The amount of carbon in different forms is decreased by the amount processed by bacteria into cell matter. The United States Environmental Protection Agency (USEPA) has assessed the balance between the cellular uptake and the amount of carbon emissions and nitrous oxide emissions. USEPA determined that the thirty year retention of carbon far outweighed the combined emissions of carbon and nitrous oxide converted into equivalents of carbon.

Implementation of Draft New Rule 4566 is not expected to either increase or decrease the amount of composting activity that currently occurs within the San Joaquin Valley air basin. In that regard, the impact of rule implementation is environmentally neutral.

One proposed method of reducing VOC emissions is to apply a layer of finished compost to the pile after turning. Based on results from a compost study (*San Diego State University Research Foundation – Comparison of Mitigation Measures for Reduction of Emissions Resulting from Greenwaste Composting*), the practices of applying the finished compost cover after turning was found to significantly reduce VOC emissions. The study also notes that the proposed control method may effect methane and nitrous oxide emissions. The study also indicates, global warming potential of VOC emissions has not been established therefore, it is not possible at this time to quantify the control measure's net effect on global climate change. As presented in the *Emission Reduction Analysis*, implementation of Draft New Rule 4566 is expected to reduce VOC emissions from composting by 1,518 tons/year (4.2 tons/day). Reducing VOC emissions reduce formation of tropospheric ozone. Thus, implementation of the proposed VOC control measures is expected to have an indirect, positive influence on global climate change.

Implementation of certain control measures could result in increased fossil fuel use. The District estimates that increased fossil fuel use could result in a 1.4 tons/year increase in oxides of nitrogen (NOx), a 0.2 tons/year increase in VOC, a 0.1 tons/year increase in particulate matter 10 microns (PM10), and a 183 tons/year increase in CO<sub>2</sub> emissions. In addition per District Policy (*APR-2015*), project greenhouse gas emissions less than or equal to 230 metric tons- CO<sub>2</sub>e/year are considered to be equivalent to zero. Therefore, it is reasonable to conclude GHG emissions associated with the project, will have a less than cumulatively significant impact.

Quantification of potential changes in global climate change that may result from implementation of Draft New Rule 4566 requires a degree of speculation and conjecture that is inappropriate and discouraged under CEQA (CCR §15187(d)). From a qualitative perspective, the District concludes that overall reductions in VOC emissions and the concomitant reduction in tropospheric ozone formation outweigh potential increases in NOx emissions and CO<sub>2</sub> emissions associated with increased fossil fuel consumption. Therefore, the District finds that there is no substantial evidence, in light of the whole record before the District, that the project could have a cumulatively significant impact on global climate change, as identified above (a-b).

**Reference:** Proposed Draft New Rule 4566 and supporting staff report.



<b>VIII. HAZARDS &amp; HAZARDOUS MATERIALS</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X



**Discussion:** The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting hazards and hazardous materials of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on hazards and hazardous materials, as identified above (a-h).

**Mitigation:** None

**Reference:** Proposed Draft New Rule 4566 and supporting staff report.

<b>IX. HYDROLOGY/WATER QUALITY</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X





IX. HYDROLOGY/WATER QUALITY (Continued)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow				X
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting hydrology/water quality of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on hydrology/water quality, as identified above (a-j).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				
X. LAND USE/PLANNING Would the project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting land use/planning of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on land use/planning, as identified above (a-c).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				



<b>XI. MINERAL RESOURCES</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting mineral resources of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on mineral resources, as identified above (a-b).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				
<b>XII. NOISE</b> Would the project result in:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X



<b>XII. NOISE</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting noise of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on noise, as identified above (a-f).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				
<b>XIII. POPULATION/HOUSING</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				<b>X</b>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting population/housing of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on population/housing, as identified above (a-c).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				



<b>XIV. PUBLIC SERVICES</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				<b>X</b>
Fire protection?				<b>X</b>
Police protection?				<b>X</b>
Schools?				<b>X</b>
Parks?				<b>X</b>
Other public facilities?				<b>X</b>
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting public services of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on public services, as identified above (a).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				
<b>XV. RECREATION</b> Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				<b>X</b>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				<b>X</b>



**Discussion:** The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting recreation of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on recreation, as identified above (a-b).

**Mitigation:** None

**Reference:** Proposed Draft New Rule 4566 and supporting staff report.

<b>XVI. TRANSPORTATION/TRAFFIC</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and on motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standard established by the county congestion management agency for designated roads of highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X



<b>XVI. TRANSPORTATION/TRAFFIC</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting transportation/traffic of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on transportation/traffic, as identified above (a-f).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				
<b>XVII. UTILITIES/SERVICE SYSTEMS</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X



<b>XVII. UTILITIES/SERVICE SYSTEMS</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting utilities/service systems of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on utilities/service systems, as identified above (a-g).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively Considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X



<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				<b>X</b>
<p><b>Discussion:</b> The proposed project is a rule development project. The purpose of Draft New Rule 4566 (Organic Material Composting Operations), is to limit emissions of volatile organic compounds (VOC) from composting operations. Draft New Rule 4566 applies to composting operations, which include composting and/or stockpiling of organic material at a composting facility. The proposed Draft New Rule would establish VOC emission reduction requirements on the basis of actual throughputs, rather than maximum allowable capacity limits for composting operations. Implementation of the project would not impose requirements affecting mandatory findings of significance of existing or future composting facilities. Therefore the District concludes there is no substantial evidence of record to support a conclusion that approval and implementation of the project would have a detrimental impact on mandatory findings of significance, as identified above (a-c).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Draft New Rule 4566 and supporting staff report.</p>				





# Appendix A

Comments Received for Initial Study/Negative Declaration  
Proposed Draft New Rule 4566 (Organic Material Composting  
Operations)



**California Regional Water Quality Control Board  
 Central Valley Region**

**Katherine Hart, Chair**



Linda S. Adams  
 Acting Secretary for  
 Environmental Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
 (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

Edmund G. Brown Jr.  
 Governor  
**Received**

27 July 2011

AUG 01 2011

Mark Montelongo  
 San Joaquin Valley Air Pollution Control District  
 1990 East Gettysburg Avenue  
 Fresno, CA 93726

CERTIFIED MAIL  
 7010 3090 0001 4843 3890

Permits Srvc  
 SJVAPCD

**COMMENTS TO DRAFT NEGATIVE DECLARATION, DRAFT NEW RULE 4566 (ORGANIC MATERIAL COMPOSTING OPERATIONS) PROJECT, SCH NO. 2011072019, FRESNO COUNTY**

Pursuant to the State Clearinghouse's 12 July 2011 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Negative Declaration* for the Draft New Rule 4566 (Organic Material Composting Operations) Project, located in Fresno County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

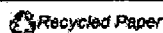
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

**California Environmental Protection Agency**





Draft New Rule 4566 (Organic Material  
Composting Operations) Project  
SCH No. 2011072019  
[Fresno County

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maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed for the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916)557-5250.

#### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. Water Quality Certification must be obtained prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

#### **Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.



Draft New Rule 4566 (Organic Material  
Composting Operations) Project  
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For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

If you have questions regarding these comments, please contact me at (916) 464-4745 or [gsparks@waterboards.ca.gov](mailto:gsparks@waterboards.ca.gov).

A handwritten signature in cursive script that reads "Genevieve Sparks".

Genevieve (Gen) Sparks  
Environmental Scientist  
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento



STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION  
DIVISION OF TRANSPORTATION PLANNING  
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[www.dot.ca.gov/hq/lpp/](http://www.dot.ca.gov/hq/lpp/)



*"Max your power!  
Be energy efficient!"*

August 4, 2011

Koshoua Thao  
SJVUAPCD  
1990 E. Gettysburg Avenue  
Fresno, CA 93726

**Draft New Rule 4566 (Organic Material Composting Operations) (SCH No. 2011072019)**

Dear Ms. Thao:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the proposed Draft New Rule 4566 (Organic Material Composting Operations). Draft New Rule 4566 would establish Volatile Organic Compound (VOC) limits, including operational and administrative requirements, for organic material composting operations.

At this time we have no specific comments or concerns, however, it is important to note that Rule 4566 would not cause any negative air quality impacts in the Central Valley. Instead it would decrease the amount of off-gas emissions currently produced by existing composting operations, and increase the soil quality for the Central Valley, which is very important given the role that agriculture plays to the regional economy.

Please let me know if I can be of any assistance. My telephone number is 916.653.0808, and I can be reached via e-mail at: [josh.pulverman@dot.ca.gov](mailto:josh.pulverman@dot.ca.gov).

Sincerely,

Joshua Pulverman  
Statewide Local Development-Intergovernmental Review Coordinator  
Office of Community Planning

c: State Clearinghouse, Governor's Office of Planning and Research (OPR)  
Marcus Evans, Transportation Planning North, Caltrans District 6

*"Caltrans improves mobility across California"*



# Appendix B

Response to Comments for Initial Study/Negative Declaration  
Proposed Draft New Rule 4566  
(Organic Material Composting Operations)



The San Joaquin Valley Air Pollution Control District (District) provided a Notice of Intent to adopt a Negative Declaration for the proposed Draft New Rule 4566 (Organic Material Composting Operations). The Initial Study and Negative Declaration were available for public review and comment from July 12, 2011 to August 10, 2011.

The following parties provided written comments on the Draft Negative Declaration:

- California Regional Water Quality Control Board (RWQCB)
- Department of Transportation (DOT)

All comments were duly considered and addressed in preparation of the Final Negative Declaration. A copy of the comment letters are incorporated into this document as Appendix A. A summary of salient comments and associated responses follow.

1. **Comment:** The Regional Water Quality Control Board is delegated with the responsibility of protecting the quality of surface and groundwaters of the state. The Water Board identifies several permits to help protect the quality of surface and groundwaters, which include: Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit-Water Certification, and Waste Discharge Requirements. **(RWQCB)**

**Response:** The District appreciates the RWQCB for providing comments on the Initial Study and Draft Negative Declaration. The comment characterizes the RWQCB's responsibility for protecting the quality of surface and groundwaters of the state of California and is not directed towards the proposed project. Thus, a response is not warranted. However, the District has considered the requirements of the Water Board by incorporating a ball test, or squeeze test, as part of the watering requirements to ensure adequate water is applied and operators don't over water. Although a ball test could help operators determine the moisture level in a windrow, the purpose of the test is to show whether the adequate amount of water has been applied prior to turning to help capture VOC emissions. Satisfying this requirement will also help protect the quality of surface and groundwaters within the region.

2. **Comment:** At this time, we have no specific comments or concerns, however, it is important to note that Rule 4566 would not cause any negative air quality impacts in the Central Valley. Instead it will decrease the amount of off-gas emissions currently produced by existing composting operations, and increase the soil quality for the Central Valley, which is very important given the role that agriculture plays to the regional economy. **(DOT)**

**Response:** The District appreciates the Department of Transportation for taking the time to comment on the Initial Study/Draft Negative Declaration for proposed Draft New Rule 4566. Furthermore, the District welcomes DOT's support of the District's efforts to improve air quality within the San Joaquin Valley.