

# Summary of Compost & Compost-Related Fertilizer Regulations

## DELAWARE

Updated May 2010

### Introduction

Nationally, organics, such as food and yard waste, constitute more than 25% of the municipal solid waste stream. And, this doesn't even include animal waste, such as manure. There is a renewed interest in diverting organics to compost and in producing value added products.

This document provides an overview of the existing laws as they pertain to the production of compost and fertilizer from compost. It is critical information for any compost processor or producer of fertilizer from compost. In addition to an overview of the laws, where they are available, hyperlinks to the full text are provided, as well as contact information for the regulatory agencies.

### Compost

**Contact:** [James Short](#), Delaware Department of Natural Resources and Environmental Control, 302-739-9403

The following activities are exempt from Regulations Governing Solid Waste. All other activities fall under the guise of the Regulations Governing Solid Waste.

1. Disposal on a farm of the agricultural wastes that are generated on the farm or result from the operation of the farm.
2. Composting, on a private property, the leaves, grass clippings, and other vegetation originating on the property. For all composting operations, written approval must be obtained from the Department prior to commencing the composting operation. To obtain an approval, a person must submit the following to the Department:
  - a. A written plan of operation sufficient to assure the Department that the person understands the principles and proper methods of composting and has the intention and capability of applying proper methods and of conducting the operation in a manner that will not pose a threat to human health or the environment; and
  - b. A statement of how the applicant proposes to use or dispose of the compost
3. Disposal of clean fill.
4. Creation of brush piles on the property on which the material was generated.
5. The use of vegetative matter and untreated ground wood products to construct berms on the property on which the material was generated. (Notification must be made to the Department prior to commencing this activity.)

6. Recycling of solid waste into specific market applications. (Written approval must be obtained from the Department prior to commencing this activity. Approval will be based on demonstration that there is an available market for the intended recycled material.)
7. NOTE: Revisions to the compost regulations are expected to be enacted in 2006.

## **Fertilizer**

### **Title 3. Chapter 21, Commercial Fertilizers and Soil Conditioners**

<http://delcode.delaware.gov/title3/c021/index.shtml>

**Approved June 25, 1971, and enacted January 1, 1972**

#### **Pertinent Definitions**

*Commercial fertilizer* means any substance containing one or more recognized plant nutrient(s) which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes and gypsum, and other products exempted by regulation of the Secretary.

*A soil conditioner* means any substance or mixture of substances imported, manufactured, prepared or sold for manure soil-enriching or soil-corrective purposes or intended to be used for promoting or stimulating the growth of plants increasing the productivity of plants, improving the quality of crops, or producing any chemical or physical change in the soil, except commercial fertilizer as defined in this chapter, and un-manipulated animal and vegetable manures, agricultural liming materials and gypsum.

<b>Registration Requirements Per Product</b>	Submitted annually
<b>Labeling Requirements</b>	Yes
<b>Inspection Fee</b>	Paid semi-annually
<b>Tonnage Reports</b>	Submitted semi-annually
<b>Inspection Responsibility</b>	Secretary of the State Department of Agriculture
<b>Contact</b>	<a href="#">Teresa Crenshaw</a> , (302) 698-4525
<b>Website</b>	<a href="http://www.dda.delaware.gov">http://www.dda.delaware.gov</a>