

Summary of Compost & Compost-Related Fertilizer Regulations

MASSACHUSETTS

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: [Sumner Martinson](#), Massachusetts Department of Environmental Protection, (617) 292-5969

[Site Assignment Regulations for Solid Waste Facilities 310 CMR 16.00](http://www.mass.gov/dep/service/regulations/310cmr16.00)
<http://www.mass.gov/dep/service/regulations/310cmr16.pdf>

Regulatory categories for compost facilities as of June 8, 2001.

Conditionally exempt 16.05(4)

1. Backyard Composting
2. Leaf Composting Operations. Transfer or compost less than 50,000 cy or 10,000 tons clean leaves and yard waste containing no greater than 25% grass clippings by volume.
3. Agricultural Waste Composting. For agricultural wastes, located on a farm engaged in "agriculture" or "farming" as defined in M.G.L. c. 128, s. 1A. Register with DFA. May also use:
 - a. Leaf and yard material
 - b. Wood waste
 - c. Clean newspaper or cardboard
 - d. Clean shell and bone
 - e. Non-ag sources of manures and animal bedding materials
 - f. Not more than 10 tons or 20 cubic yards per day of vegetative materials
 - g. Not more than 5 tons or 10 cubic yards per day of food materials

4. Composting on Industrial, Commercial, or Institutional Sites. Located at an industrial, commercial, or institutional sites or zoos.
 - Composts less than 4 cubic yards or 2 tons per week of vegetative material or food material or animal manures (generated on-site).
 - at least 30 days prior to commencement of operations, operator notifies the Department and the board of health.

Determination of Need (DON) Process 16.05(6)

1. Leaves and yard materials greater than 50,000 cubic yards or 10,000 tons of leaves and yard waste on site at any time. Volume per unit area limit of: 5,000 cubic yard per acre.
2. Vegetative materials (including vegetative sludges) less than or equal to 40 cubic yards or 20 tons per day.
3. Food materials (including food sludges or paper sludges) less than or equal to 20 cubic yards or 10 tons per day.
4. Agricultural composting operations which are not exempt under 310 CMR 16.05 (4)(C).

Subject to Solid Waste Site Assignment Regulations

1. Facilities which accept vegetative materials greater than 40 cubic yards or 20 tons per day.
2. Facilities which accept food materials greater than 20 cubic yards or 10 tons per day.
3. Facilities which accept any amount of residential source-separated organic materials.
4. Facilities which accept any amount of sludge and combine it with mixed solid waste or food materials or vegetative materials.
5. Facilities which accept any amount of mixed solid waste.
6. As determined by the Department either: via DON or noncompliance with conditional exemption criteria.

Fertilizer

[Fertilizer Law, Chapter 128, Sections 64-83](http://www.mass.gov/legis/laws/mgl/gl-128-toc.htm)

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Pertinent Definitions

Commercial fertilizer, any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by regulation of the commissioner.

Specialty fertilizer, commercial fertilizer distributed primarily for non-farm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries.

Soil Conditioner, any manipulated substance or mixture of substances whose primary function is to modify the physical structure of soils so as to favorably influence plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum. Examples of unmanipulated vegetable manures are hay, straw, peat, and leaf mold. Charcoal, sand, pumice, and clay, are unmanipulated natural substances.

License Requirement Per Product	Submitted annually for fertilizer manufacture and/or distribution of commercial fertilizers for "farm use"
License Fee Per Product	Paid annually
Labeling Requirement	Yes for all commercial fertilizers, soil conditioners, and agricultural liming materials that are distributed in containers
Inspection Fee	Paid semi-annually
Tonnage Reports	Submitted semi-annually
Inspection Responsibility	MA Department of Agricultural Resources
Contact Person	Robert Rondeau , (617) 626-1804
Website	http://www.mass.gov/agr/farmproducts/fertilizer/index.htm