

# Summary of Compost & Compost-Related Fertilizer Regulations

## NEW HAMPSHIRE

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:** [Donald Maurer](#), New Hampshire Department of Environmental Services, 603-271-3713

Types of permits required for compost facilities incorporating food waste in leaf and yard and/or manure composts.

#### **"Permit-by-Rule" Permit**

Facilities that compost food waste, farming residues, yard waste and/or manure at the same location as generated shall be deemed to hold a permit-by-rule, provided that the requirements of Env-Wm 2308.02 are met.

#### **"Permit-by-Notification" Permit**

Are limited to facilities managing 30 tons of food waste or less per day.

Acceptable Food Wastes for Permit-by-Notification

- a. Only food wastes that are generated by establishments located within New Hampshire.
- b. Food wastes that may be composted are limited to the following:
  1. Vegetable matter (i.e., produce) and bakery wastes generated by retail food sales outlets;
  2. Food preparation wastes from commercial and institutional kitchens that are limited to vegetable matter, edible vegetable oils, and bakery wastes; and/or
  3. Vegetable wastes generated as byproducts of food processing operations (e.g., canning, freezing).

Unacceptable Food Wastes for Permit-by-Notification

- a. Dairy products and their derivatives, meat, and meat byproducts are specifically excluded from the food wastes that may be composted.
- b. No non-food matter (such as plastic and paper bags and wrappings, ties, and string) may be included in the food wastes being composted.

**"Emergency" Permit**

Shall apply to a composting facility which operates for a limited period of time in response to an emergency for which no other readily available response exists and for which a delayed response to obtain another type of permit would result in an unnecessary risk to public health, safety or the environment.

**"Research and Development" Permit**

Shall apply to a composting facility that is a research and development project as defined by Env-Wm 103.47.

**"Standard" Permit**

Shall apply to a composting facility that is not eligible for the above-described permits.

**Quality Assurance and Control Standards**

Apply only to composts that use feedstocks other than: yard waste, animal manure, or food waste. Testing will comply with NH Sludge Rules (Env-Wm 800), which are based on 503 rules. Testing schedules are as follows:

- Less than 1 dry ton per day - Semi-annual testing, with six grab samples composited monthly
- 1 to 10 dry tons per day - Monthly testing, with four grab samples composited weekly
- More than 10 dry tons per day - Weekly testing, with five grab samples composited daily

## Fertilizer

### [Fertilizer & Liming Materials RSA 431](#)

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XL-431.htm>

#### **Pertinent Definitions**

*Fertilizer* means 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 other products exempted by rule by the commissioner.

*Agricultural liming materials* mean products whose calcium and magnesium compounds are capable of neutralizing soil acidity.

|                                             |                                                                                                                                   |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>Registration Requirement Per Product</b> | Submitted annually for both fertilizers and liming materials                                                                      |
| <b>Registration Fee Per Product</b>         | Paid annually for both fertilizers and liming materials                                                                           |
| <b>Labeling Requirement</b>                 | Yes                                                                                                                               |
| <b>Inspection Fee</b>                       | Paid semi-annually for commercial fertilizers                                                                                     |
| <b>Tonnage Reports</b>                      | Submitted semi-annually for commercial fertilizers, and annually for liming materials                                             |
| <b>Inspection Responsibility</b>            | Commissioner of Agriculture, Markets, and Food or the commissioner's authorized agent                                             |
| <b>Contact</b>                              | <a href="#">Richard Uncles</a> , (603) 271-3685                                                                                   |
| <b>Website</b>                              | <a href="http://www.agriculture.nh.gov/divisions/markets/index.htm">http://www.agriculture.nh.gov/divisions/markets/index.htm</a> |