

Summary of Compost & Compost-Related Fertilizer Regulations

NEW JERSEY

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: [Ross Hull](#), New Jersey Department of Environmental Protection, 609-984-3438

Conditionally Exempt from Permitting:

1. Backyard composting
2. Leaf mulching activities on land deemed actively devoted to agricultural or horticultural use, subject to certain operating conditions;
3. Composting facilities which meet certain criteria, including:
 - a. Facility receives only yard trimmings (grass clippings, leaves and brush), on a maximum of three acres, and receives no more than 10,000 cubic yards per year;
 - b. If grass clippings are received, no more than 10 percent by volume of all yard trimmings received per year;
 - c. Windrows shall terminate no closer than 50 feet from the facility property line and 150 feet from any area of human use or occupancy; or if the facility receives grass, the composting windrows shall terminate a minimum of 500 feet from any area of human use or occupancy.;
 - d. Facility has been included in district Solid Waste Management Plan of county in which facility is to be operated.

Yard trimmings composting facilities that do not meet permitting exemption criteria

Level of technology	Buffer with leaves only (ft.)	Use for grass	Buffer with grass (ft.)
Minimal	2500 ¹	No	N/A
Low	50/500 ²	No	N/A
Intermediate	50/150/250 ³	Yes	1000 ⁴
High	50 ⁵	Yes	50 ⁵

Notes:

1. From operations to sensitive land uses.
2. From operations to property line/to sensitive land uses.
3. From operating to property line/to sensitive land uses/to inhabited structure.
4. From grass clipping staging and handling areas to sensitive land uses.
5. Building setback for enclosed operations.

Composting facilities receiving organic materials including but not limited to source separated food waste and source separated vegetative food waste:

1. Floor of the composting structure must be impermeable (10-5 cm/sec or greater).
Leachate control must be provided wherever leachate is generated;
2. Operations must be fully enclosed except in those cases where vegetative food material is the only food material received;
3. If not fully enclosed, facility must meet the buffer requirements for recycling centers handling grass clippings.

Fertilizer

New Jersey Fertilizer and Soil Conditioner Law

Chapter 66, Laws of 1970

<http://www.state.nj.us/agriculture/divisions/md/pdf/FERTILIZER%20LAW%202002-2nd.pdf>

Pertinent Definitions

Commercial fertilizer means a fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale; except that it shall not be considered to include unmanipulated animal or vegetable manures, agricultural liming materials, or wood ashes.

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

Soil conditioner means any substance intended or claimed to improve the chemical or physical characteristics of the soil which is sold, offered for sale, or intended for sale; except that it shall not be considered to include decomposed organic material having an ash content not exceeding

25% by dry weight, unmanipulated animal or vegetable manures, agricultural liming materials, or any other materials that may be exempted by regulation.

License Requirement Per Manufacturing Facility	Submitted annually
License Fee Per Manufacturing Facility	Paid annually
Labeling Requirements	Yes
Inspection Fee	Paid semi-annually for commercial fertilizers and soil amendments.
Tonnage Reports	Submitted semi-annually for commercial fertilizer, and annually for liming materials
Inspection Responsibility	NJ Dept. of Agriculture
Contact Person	Glenn Freeman , (609) 292-5484
Website	http://www.state.nj.us/agriculture/