

Summary of Compost & Compost-Related Fertilizer Regulations

PENNSYLVANIA

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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

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Pennsylvania has a semi tiered format where any facility larger than an individual backyard composting facility requires some level of notification or permitting from the Department of Environmental Protection. Below are definitions and selected selections from the Pennsylvania Code pertaining to the regulation of composting.

Definitions

Composting facility - A facility using land for processing of municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or continuous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for composting residential municipal waste that is located at the site where the waste was generated.

Composting pad - An area within a general composting facility where compost or solid waste is processed, stored, loaded or unloaded.

Facility - Land, structure and other appurtenances or improvements where municipal waste disposal or processing is permitted or takes place.

General composting facility - A composting facility other than a leaf composting facility.

General Permit - except as provided in Subchapter J, a regional or statewide permit issued by the Department for a specified category of beneficial use or processing of solid waste, the terms and conditions of which allow an original applicant, a registrant and a person or municipality that obtains a determination of applicability to operate under the permit if the terms and conditions of the permit and certain requirements of this article are met. Refer to Municipal Waste Regulations Chapter 271.811. For a listing of the general permit, see <http://www.depweb.state.pa.us/landrecwaste/cwp/view.asp?A=1238&Q=463606>

Leaf composting facility - A facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings. The term does not include a facility that is used entirely or partly for composting grass clippings.

Leaf waste - Leaves, garden residue, and shrubbery and tree trimmings, and similar material, but not including grass clippings.

Municipal recycling program - A source separation and collection program for recycling municipal waste or separated recyclable materials, or a program for designated drop-off points or collection centers for recycling municipal waste or source-separated recyclable materials, that is operated by or on the behalf of a municipality. The term includes a source separation and collection program for composting yard waste that is operated by or on the behalf of a municipality. The term does not include a program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

Municipal waste - Garbage, reuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, plant or air pollution control facility.

Normal farming operations - The customary and accepted activities, practices and procedures that farms adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products; and in the production, harvesting and preparation for market of agricultural, agronomic, horticultural, silvicultural and aquicultural crop and commodities; if the operations are conducted in compliance with applicable law, and if the use or disposal of these materials will not pollute the air, water or other natural resources of this Commonwealth. The term includes the storage and utilization of agricultural and food process wastes for animal feed, and the agricultural utilization of septic tank cleaning and sewage sludges that are generated offsite. The term also includes the management, collection, storage, transportation, use or disposal of manure, other agricultural waste and food processing waste on land where the materials will improve the condition of the soil, the growth of crops or in the restoration of the land for the same purposes.

Source separated recyclable materials - materials that are separated from municipal; waste at the point of origin for the purpose of recycling. The term is limited to clear glass, colored glass,

aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, plastics and other marketable grade papers.

Yard Waste - Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

Yard waste composting facility - A facility that is used to compost leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The term includes land affected during the lifetime of the operation, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection and treatment activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of the facility.

Subchapter B. GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS

§ 271.101. Permit requirement.

- a. Except as provided in subsection (b), a person or municipality may not own or operate a municipal waste disposal or processing facility unless the person or municipality has first applied for and obtained a permit for the facility from the Department under the requirements of this article.
- b. A person or municipality is not required to obtain a permit:
 1. For the use or application of agricultural waste in normal farming operations, unless the proposed use or application of the waste may cause pollution to air, water or other natural resources of the Commonwealth.
 2. For a Source separation and collection program for recycling municipal waste, or for drop-off points, or collection or processing centers for source separated recyclable materials.
 - a. For the use as clean fill of the following materials if they are separate from other waste:
 - i. uncontaminated soil, rock, stone, gravel, unused brick and block and concrete
 - ii. waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material
- c. Subsection (b) does not relieve a person or municipality of the requirements of an applicable environmental protection act or an applicable regulation promulgated under it.

Subchapter E. MUNICIPAL RECYCLING PROGRAMS (selected sections)

§ 272.421. Program Elements

The source separation program shall include, at a minimum, the following elements:

1. An ordinance or regulation adopted by the governing body of the municipality, in accordance with § 272.422 (relating to municipal ordinance).
2. A scheduled day during which separated materials are to be placed for collection at the curbside. Collection shall be at least once per month for materials other than leaf waste. Collection for leaf waste shall be scheduled as appropriate. If no curb exists, separated materials shall be placed at a location similar to the curb where they may be collected easily.
3. A system, including trucks and related equipment, that collects recyclable materials from the curbside or similar location at least once per month from each residence or other person generating municipal waste in the municipality.
4. A public information and education program, in accordance with § 272.423 (relating to public information and education).
5. Provisions for the recycling of collected materials.

§ 272.422 Municipal ordinance. (Selected sections)

1. Persons shall separate leaf waste from municipal waste generated at their homes, apartments and other residential establishments until collection, unless those persons have otherwise provided for the composting of leaf waste.
2. Persons shall separate high-grade office paper, aluminum, corrugated paper and leaf waste generated at commercial, municipal or institutional establishments and from community activities, and store the materials until collection. The ordinance may designate additional materials for recycling.

Chapter 281. COMPOSTING FACILITIES (selected sections)

§ 281.2. Yard waste composting facilities.

- a. A person or municipality that proposes to operate a yard waste composting facility, other than an individual backyard composting facility, without obtaining a composting facility permit from the Department shall notify the Department with the Following information:

Fertilizer

[Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance Law](#)

Act of 1955, P.L. 1795, No. 598

http://www.pacode.com/secure/data/007/chapter73/007_0073.pdf

Pertinent Definitions

Fertilizer means any substance containing nitrogen, phosphorus, potassium or any recognized plant nutrient, element or compound which is used or sold for its plant nutrient content, or claimed plant nutrients, or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

Soil Conditioner means those substances or mixture of substances intended for sale, offered for sale or sold for soil corrective purposes or claimed to be capable of producing any chemical or physical change in the soil.

License Requirement Per Manufacturing Facility	Yes
License Fee Per Manufacturing Facility	Paid annually
Labeling Requirements	Yes
Inspection Fee	Paid semi-annually for commercial fertilizers and soil conditioners
Tonnage Reports	Submitted semi-annually
Inspection Responsibility	PA Department of Agriculture
Contact Person	John Breitsman , (717) 772-5215
Website	www.agriculture.state.pa.us