

Summary of Compost & Compost-Related Fertilizer Regulations In the Northeast States

Updated January 2011

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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 in each of the ten Northeast states 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. The document is organized by state, with separate sections compost and fertilizer for each. 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.

Connecticut

Compost

Contact: [KC Alexander](#), Department of Environmental Protection (DEP), (860) 424-3365

All permits or approvals for composting facilities must be secured prior to operation. DEP strongly recommends that operators of composting facilities which do not require permits contact the DEP Recycling program for technical assistance.

With Respect to Solid Waste Management Permits

- Composting is considered a volume reduction activity.
- A composting facility requires a solid waste volume reduction permit only if the processing capacity of the facility exceeds 1 ton/hour.
- Stockpiling raw organic materials on-site for longer than 45 days constitutes disposal and would require all appropriate disposal facility permits including groundwater discharge permits from the Water Management Bureau.
- Composting facilities which process only leaves and sheet leaf composting activities are exempt from needing solid waste volume reduction and water discharge permits provided they register with and/or notify the department on forms specified by the Commissioner. Composting facilities are required to report to DEP on such things as volume received, residue produced, markets used etc. Facility operators should consult their individual permit conditions and appropriate regulations for specific requirements.

With Respect to Water Protection Permits

- The need for a wastewater discharge permit as it relates to composting facilities is typically decided on a case-by-case basis.
- Actual or potential discharge should be eliminated as a pollution prevention measure whenever possible.
- Composting activities at POTW's are generally regulated through NPDES permits.
- Registration for a storm water discharge general permit may be required

Abbreviations and Terms

CNMP: Comprehensive Nutrient Management Plan.

NPDES: National Pollutant Discharge Elimination System.

POTW: Publicly Owned Treatment Works.

Wastewater Discharge Permit: Includes Individual Permits to Discharge to Groundwater; Individual NPDES Permits; Stormwater Construction General Permit; and Industrial Stormwater General Permit

Continues on next page

Summary of CT DEP Waste & Water Bureau Permits & Approvals that may be Required for Composting Operations (see note on next page*)

| Type of Material | Where Material Is Generated | Where Material Is Composted | Type of Facility | Permit or Approvals Needed |
|-----------------------------------|------------------------------------|------------------------------------|---|---|
| Source Separated Organic Material | On-site | On-site | Source Separated Organic Materials Operation (enclosed) | Solid Waste Volume Reduction Permit only if >1 tph |
| Source Separated Organic Material | On-site | On-site | Source Separated Organic Materials Operation (not enclosed) | Solid Waste Volume Reduction Permit only if >1 tph and Water Discharge Permit or CNMP** |
| Source Separated Organic Material | Off-site | Off-site | Volume Reduction Facility (enclosed) | Solid Waste Volume Reduction Permit only if >1 tph |
| Source Separated Organic Material | Off-site | Off-site | Volume Reduction Facility (not enclosed) | Solid Waste Volume Reduction Permit only if >1 tph and Water Discharge Permit or CNMP** |
| Mixed Municipal Solid Waste | Off-site | Off-site | Volume Reduction Facility (enclosed) | Solid Waste Volume Reduction Permit only if >1 tph and certificate of need. |
| Mixed Municipal Solid Waste | Off-site | Off-site | Volume Reduction Facility (not enclosed) | Solid Waste Volume Reduction Permit only if >1 tph and certificate of need and Water Discharge Permit |
| Leaves | Off-site | Off-site | Leaf Composting Facility | Registration through Recycling Program |
| Leaves | Off-site | On-farm | Sheet Leaf Composting Location | Notification through Recycling Program |
| Agricultural Waste | On-farm | On-farm | On-site Agricultural Composting Facility | Comprehensive Nutrient Management Plan** |
| Agricultural Waste | On-farm | Off-farm | Volume Reduction Facility | Solid Waste Volume Reduction Permit only if >1 tph may need Water Discharge Permit |
| Agricultural Waste | Off-farm | On-farm | Volume Reduction Facility | Solid Waste Volume Reduction Permit only if >1 tph. May need Water Discharge permit. |
| Biosolids With Bulking Agent | On-site | On-site | Publicly Owned Treatment Works | NPDES Permit Amendment and EPA 503 Permit |
| Biosolids With Bulking Agent | On-site | Off-site | Volume Reduction Facility | Solid Waste Volume Reduction Permit <u>and</u> EPA 503 Permit |

*Note: This table is intended to guide DEP staff and potential applicants as to the waste and/or water permits or approvals that may be required for specific types of composting facilities. The information provided herein is not to be relied upon as an accurate and complete description or interpretation of the provisions in any solid waste or water protection regulation. It is also not meant to cover every scenario that may arise. The DEP strongly recommends that anyone who is currently operating or interested in establishing a composting facility become familiar with pertinent regulations on statutes and contact the appropriate staff person for technical assistance prior to final decision.

**Must demonstrate that composting is an integral part of the farming operation.

Links to Online Resources:

- [CT DEP Composting & Organics Recycling Web page](http://www.ct.gov/dep/cwp/view.asp?a=2718&q=325344&depNav_GID=1645)
http://www.ct.gov/dep/cwp/view.asp?a=2718&q=325344&depNav_GID=1645
- [Leaf Composting Facility Registration Packet](http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324210&depNav_GID=1643#Leaf)
http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324210&depNav_GID=1643#Leaf
- [Sheet Leaf Composting Notification Packet](http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324210&depNav_GID=1643#SheetLeaf)
http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324210&depNav_GID=1643#SheetLeaf
- [Stormwater Construction General Permit Information](http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324212&depNav_GID=1643#StormwaterConstructionGP)
[http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324212&depNav_GID=1643#Stormwater ConstructionGP](http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324212&depNav_GID=1643#StormwaterConstructionGP)
- [Industrial Stormwater General Permit Information](http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324212&depNav_GID=1643#StormwaterIndustrialGP)
[http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324212&depNav_GID=1643#StormwaterI ndustrialGP](http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324212&depNav_GID=1643#StormwaterIndustrialGP)
- [Wastewater Discharge Permit Information](http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324212&depNav_GID=1643)
http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324212&depNav_GID=1643

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Fertilizers

Substitute House Bill No. 5055 Public Act No. 00-96

[An Act Concerning Soil Amendments and Agricultural Liming Materials](http://cga.ct.gov/2000/act/pa/2000PA-00096-R00HB-05055-PA.htm)

<http://cga.ct.gov/2000/act/pa/2000PA-00096-R00HB-05055-PA.htm>

Pertinent Definitions

A soil amendment means any substance that intends to improve the physical or chemical characteristics of the soil, but doesn't mean commercial fertilizers, agricultural liming materials, unmanipulated animal and vegetable manures, compost, pesticides, or other materials exempted by regulations adopted by the commissioner under section 12 of this act.

Commercial 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 gypsum.

| | |
|--|--|
| Registration Requirements Per Product | Submitted annually |
| Registration Fee Per Product | Paid annually for fertilizers |
| Labeling Requirements | Yes |
| Inspection Fee (Tonnage Tax) | Paid annually for fertilizer |
| Reporting Requirements | Submitted annually for fertilizer |
| Inspection Responsibility | CT Department of Agriculture |
| Contact | Wayne Nelson , Agricultural Commodities Control Officer, (860) 713-2565 |
| Website | http://www.ct.gov/doag/ |

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Delaware

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)

<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.

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

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Maine

Compost

Contact: [Mark King](#), Maine Department of Environmental Protection, 207-592-0455

Regulation: <http://www.state.me.us/dep/rwm/rules/index.htm> (chapters 400 and 410)

Classifications of Residual

For the purpose of determining composting requirements, residuals shall be classified as Type IA, Type IB, or Type IC.

- **Type IA residual.** "Type IA residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio greater than or equal to 25:1, such as leaf and yard waste, wood chips and some vegetative wastes.
- **Type IB residual.** "Type IB residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio greater than 15:1 but less than 25:1, such as animal manure and most produce and vegetable wastes.
- **Type IC residual.** "Type IC residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio of 15:1 or less, such as fish wastes.

1. The Regulation of Composting and Utilization Facilities

A. Exemptions. The following composting and utilization facilities are exempt from the requirement to obtain a solid waste license:

1. Facilities that, each month, compost less than:
 1. Ten (10) cubic yards of type IA residuals;
 2. Five (5) cubic yards of type IB residuals;
 3. (Three (3) cubic yards of type IC residuals; or
 4. Twenty (20) cubic yards of animal carcasses from routine animal mortalities at the site of generation pursuant to the Department of Agriculture Rules Chapter 211, Rules and Regulations relating to Disease Control of Domestic Animals and Poultry.
2. Facilities that compost 10,000 cubic yards or less of animal manure per year.

B. Permit-By-Rule Composting Of Wood, Leaf And Yard Wastes

Applicability

1. New Facilities: The permit-by-rule licensing provisions of this section shall apply to owners or operators of facilities that compost type IA residuals and grass clippings and that meet all of the standards of this section. Failure to meet any of these standards will require formal application to the Department for a license to develop and operate the solid waste processing facility under sections 2-4 or section 9. The Department assumes that the processing of type IA residuals and grass clippings in strict conformity with these permit-by-rule provisions will meet the standards of Chapter 400, section 4. Facilities licensed under this section are exempt from the requirements of Chapter 400, section 9. No variances to the requirements of this section may be granted.
2. Existing Licensed Facilities. Paragraphs (1), (2) and (7)-(15) of section 8.B are operating requirements for the following facilities that had licenses effective on November 2, 1998:
 - a. Wood, leaf, and yard waste composting facilities licensed under the permit-by-rule provisions of former Chapter 408, section 1.B (effective May 24, 1989); and
 - b. Type IA composting facilities licensed under the permit-by rule provisions of former Chapter 567, Section C-2.a (effective December 23, 1989).

Standards and Operating Requirements

3. The composting facility may only receive type IA residuals and grass clippings. It may not accept painted wood, treated wood, plywood, chipboard, plastic, wood with fasteners, nails, glue, adhesives, resins, paint, or coatings, or wood that is otherwise contaminated.
4. The total waste handling area may not exceed three (3) acres and on-site storage areas may not exceed one (1) acre. Individual storage piles may not exceed 10,000 square feet.
5. Setback Distances: At the time a complete permit-by-rule notification is submitted to the Department, proposed storage, processing, composting, or curing of any regulated residual may not lie within:
 - . 500 feet of any water supply spring;

- a. 500 feet of any water supply well and any residence, unless owned by the site operator or owner;
 - b. (100 feet of any protected natural resource;
 - c. In, on or over a protected natural resource, or on land adjacent to the following areas, without first obtaining a permit pursuant to 38 M.R.S.A. Section 480-A et seq.;
 - i. a coastal wetland, great pond, river, stream or brook, or significant wildlife habitat contained within a freshwater wetland; or
 - ii. freshwater wetlands consisting of or containing:
 - a. under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments; or
 - b. peatlands dominated by shrubs, sedges and sphagnum moss;
 - d. 100 feet of any property boundary;
 - e. 100 feet of the solid waste boundary of an active, inactive, or closed solid waste landfill; and
 - f. A 100-year flood plain.
6. Soils: The applicant may only compost, cure and store residuals on:
- . Soils that a Maine certified soil scientist has determined are moderately well drained to well drained, as classified by the Natural Resources Conservation Service, and that is at least 24 inches above the seasonal high water table, bedrock, and sand or gravel lenses;
 - a. A pad constructed with the top at least 2 feet above the seasonal high water mark and is either composed of:
 - i. 2 feet of glacial till (having between 15 and 35% fines) covered with a 6 inch drainage layer of gravel; or
 - ii. Soil covered with asphalt or concrete.
 - b. A surface determined by a Maine certified soil scientist, soil engineer or other qualified individual as being suitable for the proposed activity, taking into account the other aspects of the facility design; or
 - c. On a land area under a permanent, roofed structure.
7. Drainage: Surface water drainage must be diverted away from processing, composting curing, and storage areas.
8. Slopes: Compost windrows must be constructed on a pad or surface with a maximum slope of 6%. Where necessary, the working surface for windrows must be constructed to prevent ponding.
9. The facility must be operated so that it does not contaminate water, land or air from the handling, storage or composting of wood, leaf, and yard wastes.
10. Inspection and access control: The operator must control unauthorized access to the site and visually inspect incoming residual so that only type IA residuals and grass clippings are deposited at the facility.
11. Windrow: Incoming type IA residuals must, within one week, be formed into windrow piles 10 feet high by 15 to 20 feet wide at the base, or which otherwise provide for the proper conditions under which aerobic composting may occur.

Windrows must run with the slope of the pad such that runoff is not trapped by the windrows.

12. Grass: Grass clippings must immediately be incorporated, and thoroughly mixed into established windrows at a ratio of no more than one part grass to three parts type IA residuals (1 grass: 3 carbonaceous-material) by volume. The composting facility must not accept grass clippings unless there is a sufficient volume of type IA residuals on hand to meet this ratio. Unamended grass may not be stockpiled for any length of time at the site.
13. Windrow turning: The windrow must be turned at least four times per year. There must be no more than 6 months between any two turnings.
14. Distribution: Compost must be distributed for use within one year of completion of the compost process, and within three (3) years of receipt of the raw materials for composting.
15. Fire control: The operator must develop and implement a plan to prevent spontaneous combustion in residual and compost piles at the site.
16. Annual Report: By February 28th of each year, the operator must submit an annual report covering the previous calendar year. The annual report must contain;
 - . The estimated weight or volume of residuals received at the facility;
 - a. The estimated volume or weight of compost distributed from the facility;
 - b. The estimated volume or weight of compost stored on site as of December 31st; and
 - c. A description of any problems in operations encountered during the year, and steps taken to correct those problems.
17. Closure: The facility must be closed in a manner that minimizes the need for further maintenance; and so that the closed facility will not pollute any waters of the state, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance. At a minimum, the applicant must remove all wastes and compost from the facility; and broom-clean the facility structures and equipment.

Notification Requirements

At least 18 working days prior to acceptance of type IA residual or grass clippings at the facility for composting, the applicant shall submit to the Department a permit-by-rule notification on a form developed by the Department. This notification must include:

1. The applicant's name, address, telephone number and contact person.
2. The appropriate application fee.
3. Description: A brief description of the proposed project including a description of the residual to be processed.
4. Title, Right, or Interest: A demonstration of sufficient title, right or interest to property proposed for development, as specified in Chapter 2, section 7.
5. Topographic Map. The most recent full size U.S. Geological Survey topographic map (7 1/2 minute series, if available) of the area, showing the location of the proposed facility, and the property boundary.
6. Flood Plain Map. When the site is within 1/4 mile of a 100 year flood plain, the application must include the most recent Federal Emergency Management

- Agency flood insurance rate map of the area with the location of the facility clearly marked.
7. Tax Map: A copy of the local tax map marked with the facility location and the names and addresses of abutters marked on it. The map must indicate all residences within 500 feet of the waste handling area.
 8. Soil and Pad Design: One of the following:
 - a. A certification from a Maine certified soil scientist that the soils where residuals will be composted and cured are moderately well drained to well drained, as classified by the Natural Resources Conservation Service, and that are at least 24 inches above the seasonal high water table, bedrock, and sand or gravel lenses;
 - b. A description of the pad or other surface that the residual will be composted and cured on, and which of the standards in section 8.4.B that surface meets; or
 - c. A certification from a Maine certified soil scientist, soil engineer or other qualified individual that the surface is suitable for the proposed activity, taking into account the other aspects of the facility design; or
 - d. A certification that all composting and curing will be conducted under a permanent, roofed structure.
 9. A fire control plan to prevent spontaneous combustion in residual and compost piles.
 10. Public Notice. A copy of the public notice and other information to demonstrate that the applicant is fulfilling the requirements of Chapter 400, section 3.
 11. Certification. A statement signed by the facility landowner and the person responsible for the facility stating that all standards and requirements of this section will be met throughout operation and closure of the facility.

C. Reduced Procedure for Select Compost Facilities

Applicability

This section applies to compost facilities that choose to follow the siting, design and operational standards in this section and compost the following residuals:

1. Any amount of type IA residuals; and/or
2. Up to 400 yds³ monthly of type IB residuals; and/or
3. Up to 200 yds³ monthly of type IC residuals; or up to 200 yds³ monthly of type II residuals.

If these conditions are not met, or if the applicant chooses to site, design or operate the facility in a manner that would not meet the standards of this section, then the applicant must submit a formal application to the Department for a license to develop and operate the compost facility under sections 2-3. Facilities licensed under this section are subject to the operating standards in section 4.

Reduced Procedure Siting and Design Standards

In addition to the general siting and design standards contained in section 2, all compost facilities licensed under this section must comply with the following standards:

1. Working surface: mixing, composting, curing, storing or otherwise handling residuals, and compost at the facility must be on surfaces meeting one of the following standards:
 - a. On soils that a Maine certified soil scientist has determined are moderately well drained to well drained, as classified by the Natural Resources Conservation Service, and that are at least 24 inches above the water table, bedrock, and sand or gravel deposits.
 - b. On a pad that is constructed a minimum of 2 feet above the seasonal high water table and is either composed of:
 - i. a minimum of 18 inches of soil material having between 15 and 35% fines, covered with a minimal 6 inch drainage layer of compacted gravel; or
 - ii. Soil covered with asphalt or concrete.
 - c. Alternative surface: on a surface determined by a soil scientist, soil engineer or other qualified individual as being suitable for the proposed activity, taking into account the other aspects of the facility design, such as a roofed structure or in-vessel system. An applicant must arrange a pre-application meeting with the Department if proposing an alternative surface under this section.
2. Pad: At facilities handling type IC residuals, the applicant must construct a receiving and mixing pad covered with asphalt, concrete, or other impervious material. For facilities processing type II residuals, or more than 750 cubic yards of type IC residuals annually, the applicant must construct a pad covered with asphalt, concrete, or other impervious material for the entire waste handling area, excluding the storage area for compost having a Dewars stability class of 4 or greater.
3. Storm Water and Leachate Control: Surface water drainage must be diverted away from receiving, processing, composting, curing, and storage areas. The facility must also be designed to manage run-off and leachate to prevent contamination of groundwater or surface water. Water falling on the facility during a storm of intensity up to a 25-year, 24-hour storm event must infiltrate or be detained such that the storm water rate of flow from the facility after construction does not exceed the rate prior to construction. The facility design must include provisions to contain, collect and treat any leachate generated at the facility.
4. Slopes: Surfaces on which composting takes place must slope between 2% and 6%, and where necessary, be graded to prevent ponding of water.

Operating Requirements

In addition to the operating requirements of section 4, all compost facilities licensed under this section are subject to the following additional operating requirements. Except for facilities subject to section 8.A(2)(b), facilities licensed under the permit-by-rule provisions of former Chapter 567, section C-2.a (effective December 23, 1989) and whose licenses were in effect on November 2, 1998 are also subject to the operating requirements of section 4, and the following additional operating requirements:

1. Pad Inspection: All soil surfaces that are used for residuals mixing and composting must annually be graded clean and re-compacted. All concrete and asphalt pads must annually be scraped clean and inspected for cracks or other deformities, and repaired as needed. The operator must maintain the minimum 2-foot separation to bedrock, groundwater and sand or gravel deposits.
2. Odor Control: The facility must be operated to prevent nuisance odors at occupied buildings. The facility must:
 - a. Operate and maintain the odor control system approved by the Department;
 - b. Receive incoming putrescible residuals on a pile of sawdust or other sorbent, high carbon compost amendment;
 - c. Contain and treat process air or cover odorous piles with a layer of finished compost or other suitable compost amendment;
 - d. Properly aerate piles such that composting is aerobic throughout the pile;
 - e. Blend materials to achieve a homogenous mix throughout the pile; and
 - f. Alter the compost recipe as needed to alleviate odorous emissions.
3. Pathogen treatment and vector attraction reduction: Type IC and Type II residuals must be composted to achieve a Class A Pathogen Reduction and Class A Vector Attraction Reduction in accordance with Chapter 419 , Part B-1.d, unless otherwise approved in the facility's utilization license issued under Chapter 419 or Chapter 567. To attain these standards by composting, all of the following standards must be met:
 - a. Pathogen Reduction: Through the process of composting, each particle of residual is maintained at 55 degrees Celsius or higher for three consecutive days. For windrow systems, this standard is presumed to be met if the residual is maintained at operating conditions of 55 degrees Celsius or higher for 15 days or longer, and during the period when the compost is maintained at 55 degrees or higher, there is a minimum of five turnings of the compost pile.
 - b. Vector Attraction Reduction: Residual must be treated by an aerobic composting process for 14 days or longer. During that time, the temperature of the residual must be higher than 40 degrees Celsius and the average temperature of the residual must be higher than 45 degrees Celsius.
 - c. Analytical Standard: The density of Salmonella sp. bacteria in the finished compost must be less than three Most Probable Number per four grams of total solids (dry weight basis). In the absence of analytical data on Salmonella sp. this standard is presumed to have been met when the density of fecal coliform in the finished compost is shown to be less than

- 1000 Most Probable Number per gram of total solids (dry weight basis).
This analytical standard must be met at the time the compost is utilized.
4. Static Pile composting: The following additional standards apply to composting type IC or type II residuals using the static pile method:
 - a. the static piles must be aerated during the active composting stage;
 - b. detention time in the static aerated pile must be at least 21 days;
 - c. unless an auger, tub grinder hammer mill, or other Departmentally approved mixer is used to mix the initial ingredients for the pile, the pile must be broken down half way through the active compost process and reformed.
 - d. the pile must be maintained with an insulating blanket of at least 12 inches of finished compost, sawdust, or other material as approved by the Department during the active compost phase to maintain temperatures throughout the pile and control odors.
 5. Stability: Residuals that have completed the active composting phase must also be cured until the equivalent of a dewar's stability class of IV or greater is achieved, unless otherwise approved in the facility's utilization license issued under Chapter 419.
 6. An operations log must be kept at the facility and made available for Department review during normal business hours containing the following:
 - a. source and volume of residual received on a daily basis;
 - b. date of individual pile construction and breakdown;
 - c. pile composition (mixture recipe);
 - d. date and time of turning or otherwise aerating;
 - e. process monitoring data;
 - f. date the pile is put into curing and the date it is taken out of curing; and
 - g. date, time and type of samples obtained from the facility
 7. The facility may not receive more than the volumes in section 9.A.
 8. Residuals must be handled on approved surfaces. Type IC and type II residuals must be offloaded and mixed on a receiving pad meeting the standards in section 9.B(2).

Fertilizer

Title 7, Subchapters V and V-A, [Maine Commercial Fertilizer Law](http://www.mainelegislature.org/legis/statutes/7/title7ch103sec0.html)

<http://www.mainelegislature.org/legis/statutes/7/title7ch103sec0.html>

Title 7, Chapter 103, [Subchapter 5-B: Maine Plant and Soil Amendment Act](http://janus.state.me.us/legis/statutes/7/title7ch103sec0.html)

<http://janus.state.me.us/legis/statutes/7/title7ch103sec0.html>

Pertinent Definitions

A fertilizer material means any substance containing nitrogen, phosphorus, potassium or any recognized plant nutrient element or compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

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

A *Soil amendment* is any product distributed consisting of a soil-amending ingredient and other ingredients. *Soil-amending ingredients* are any substances that are intended to improve the chemical, biological, or physical characteristics of the soil, except commercial fertilizers, plant-amending ingredients, agricultural liming materials, unmanipulated animal and vegetable manures, pesticides and other like material, exempted by rule.

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|--|---|
| Registration Requirements Per Product | Submitted annually |
| Registration Fee Per Product | Paid annually |
| Labeling Requirements | Yes |
| Inspection Fee | Paid annually for liming materials |
| Tonnage Reports | Submitted annually for liming materials and soil amendments |
| Inspection Responsibility | Commissioner of Agriculture, Food and Rural Resources or his authorized agent |
| Contact | Hal Prince , (207) 287-7522 |
| Website | http://www.maine.gov/agriculture/index.shtml |

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Massachusetts

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.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)

<http://www.mass.gov/legis/laws/mgl/gl-128-toc.htm>

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 |

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New Hampshire

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)

<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.

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

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New Jersey

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;

- 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/ |

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New York

Compost

Contacts:

| Department of Environmental Conservation | | |
|---|--------------------------------|--------------|
| Composting General | Gary Feinland | 518-292-5342 |
| Compost – Backyard | Debbie Jackson | 518-402-8705 |
| Compost – Backyard, Commercial, & Municipal | Sally Rowland | 518-402-8678 |

Subpart 360-5: Composting Facilities

(Statutory authority: Environmental Conservation Law, Sections 1-0101, 3-0301, 8-0113, 19-0301, 19-0306, 23-2305, 23-2307, 27-0101, 27-0106, 27-0107, 27-0109, 27-0305, 27-0703, 27-0704, 27-0705, 27-0911, 27-1317, 27-1515, 52-0107, 52-0505, and 70-0107)

Effective Date March 10, 2003

The regulation is available in its entirety online.

Sections

- [360-5.1 Applicability](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14693>
- [360-5.2 Definitions](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14692>
- [360-5.3 Exemptions and Registration](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14691>
- [360-5.4 General Permit Application Requirements for Organic Waste Processing Facilities](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14690>
- [360-5.5 Organic Waste Processing Facilities For Biosolids, Mixed Solid Waste, Septage And Other Sludges](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14689>
- [360-5.6 Source-separated Organic Waste Composting Facilities](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14688>
- [360-5.7 Yard Waste Composting Facilities](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14687>
- [360-5.8 Products Generated Outside New York State](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14686>
- [360-5.9 Research Projects](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14685>
- [360-5.10 Tables](#)
<http://www.dec.ny.gov/regs/4411.html?showprintstyles#14684>

Fertilizer

[Article 10 of the Agriculture and Markets Law relating to Sale and Analysis of Commercial Fertilizer with Rules and Regulations for Sale and Analysis of Commercial Fertilizer, Revised 1999](http://law.justia.com/newyork/codes/agriculture-markets/idx_agm0a10.html)

http://law.justia.com/newyork/codes/agriculture-markets/idx_agm0a10.html

Pertinent Definitions

Commercial 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, agricultural liming material, wood ashes, gypsum and other products exempted by regulation of the commissioner.

A *specialty fertilizer* means a commercial fertilizer distributed primarily for non-farm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries, and such other use as the commissioner may define by regulation.

| | |
|--|---|
| License Requirement Per Product | Submitted biennially for any type of fertilizer |
| License Fee Per Product | Paid biennially |
| Registration Fee Per Product | Submitted semi-annually for commercial fertilizers |
| Labeling Requirements | Yes |
| Tonnage Reports | Submitted annually for commercial fertilizers |
| Tonnage Fee | Paid annually for commercial fertilizers |
| Inspection Responsibility | Commissioner of the Department of Agriculture and Markets or his authorized agent |
| Contact Person | Robert Mungari , (518) 457-2087 |
| Website | http://www.agmkt.state.ny.us/ |

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Pennsylvania

Compost

Contact: [Patti Peck-Olenick](#), 717-787-7382

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 |

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Rhode Island

Compost

Contact: [Chris Shafer](#), Rhode Island Department of Environmental Management, (401) 942-1430

The Rhode Island Department of Environmental Management requires mixed solid waste composting facilities to obtain a license through the Office of Waste Management. Leaf and yard waste, and putrescible waste composting facilities are required to register with the Office of Waste Management.

Definitions

Backyard Composting - shall mean the composting on a residential site of certain wastes generated only at the site and where the compost produced is utilized on site and is not distributed or marketed. Wastes which may be composted include leaf and yard waste, certain food wastes including fruits and vegetables, tea leaves, coffee grounds, and egg shells: hair, sawdust, manures from animals that eat only plants, and other wastes acceptable to the Department for backyard composting.

Leaf and Yard Waste Composting Facility - shall mean a facility that is required to be registered with the Department that is designated and operated to compost leaf and yard waste and may also compost seaweed.

Mixed Solid Waste - shall mean heterogeneous and commingled solid waste, which may include readily biodegradable organic wastes, as well as other organic wastes that are not readily biodegradable and may also contain inorganic, non-compostable wastes.

Mixed Solid Waste Composting Facility - shall mean a solid waste management facility that is designed and operated to produce compost from the compostable portion of a mixed solid waste input stream.

Putrescible Waste - shall mean solid waste including, but not limited to, fish waste and other food wastes which contains organic matter capable of being decomposed by microorganisms and that has a tendency to form foul-smelling by-products, during decomposition, and may provide food for vectors or birds.

Putrescible Waste Composting Facility - shall mean a facility that is required to be registered with the Department that is designed and operated to receive, and compost putrescible waste with or without other waste.

Yard Waste - shall mean leaves, grass clippings, weeds, herbaceous garden waste, shrub and tree prunings, and brush.

Fertilizer

CHAPTER 2-7 Commercial Fertilizer

[Regulation](#)

<http://www.rilin.state.ri.us/Statutes/TITLE2/2-7/INDEX.HTM>

Pertinent Definition

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 unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes and gypsum, and other products exempted by regulation of the director.

| | |
|---|---|
| Registration Requirement Per Product | Submitted annually |
| Registration Fee Per Product | Paid annually |
| Labeling Requirements | Yes |
| Inspection Fee | Paid annually |
| Tonnage Reports | Submitted annually |
| Inspection Responsibility | Department of Environmental Management Division of Agriculture |
| Contact Person | Peter Susi , (401) 222-2781 x 4517 |
| Website | http://www.dem.ri.gov/programs/bnatres/agricult/index.htm |

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Vermont

Compost

Contact: [Carey Hengstenberg](#), Vermont Agency of Natural Resources, (802) 241-2653

Certification Exemptions

- a. The following activities are exempt from the provisions of the solid waste management rules:
 1. Composting of less than 10 tons (dry weight) per year of yard waste;
 2. Composting of less than 5 tons (dry weight) per year of site generated source separated organic waste;
 3. Composting any amount of the following farm generated materials: agricultural waste, newspaper, and yard waste;
 4. Composting of wood;
 5. Composting of any other material authorized by the Secretary and predicated by adequate demonstration by the applicant.
- b. Composting of any amount of septage and/or sludge does not qualify for an exemption.
- c. If the Secretary determines that a composting activity has or may pose a threat to the public health and safety, the environment, or constitutes a nuisance, the activity will not be exempt from the provisions of the solid waste management rules.

Categorical Certifications

- a. The following composting activities are eligible for categorical certifications:
 1. Composting of more than 10 tons (dry weight) of yard waste per year;
 2. Composting of up to 5 tons (dry weight) of compostable material per year;
 3. Composting that occurs on a farm, or other composting operations specifically approved by the Secretary in writing, that incorporate in addition to any amount of site-generated compostable materials, the following:
 - i. wood waste; or
 - ii. 1 ton (dry weight) per day, weekly average, of other compostable material, in addition to any amount of yard waste.
- b. Composting of any amount of septage and/or sludge does not qualify for categorical certification.

Full Certification

Facilities would need to apply for full certification if they do not fall within the required limits to qualify for exemption certification or categorical certification.

Fertilizer

6 V.S.A. Chapter 28--Fertilizer & Lime

[Vermont Fertilizer and Lime Regulations](#)

<http://www.vermontagriculture.com/ARMES/documents/FertilizerRegs.pdf>

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 or health, except unprocessed animal or vegetable manures and other products exempted by the commissioner.

A *fertilizer* material is a substance which either:

- contains important quantities of at least one of the primary plant nutrients: nitrogen, phosphorus, or potassium;
- has 85 percent or more of its plant nutrient content present in the form of a single chemical compound; or
- is derived from a plant or chemical residue or by-product or natural material deposit which has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

| | |
|---|---|
| Registration Requirement Per Product | Submitted annually |
| Labeling Requirements | Yes |
| Inspection Fee | Paid annually for fertilizer |
| Tonnage Reporting Requirements | Submitted annually for fertilizer |
| Inspection Responsibility | Commissioner of Agriculture, Food and Markets |
| Contact Person | Jim Leland , (802) 828-3478 |
| Website | http://www.vermontagriculture.com/index.htm |

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