

Summary of 4/14 meeting notes

Permitting Project: *Legal Compost*

Note: We tried to take out all duplication from the 4/14 small group meeting notes and to group the information under what we hope are logical thematic headings. Material was then further segregated depending on whether it related to existing regulations or if it was identified as a consideration for future recommendations. The second section (II.) lists the broad visioning issues that were also identified on 4/14. We will work with these more on the 19th.

I. Synopsis of key issues/barriers/challenges from April 14 meeting

Current issues

Act 250 issues:

- What triggers Act 250?
- 51% of what: feedstock coming from off-site, composting product or all farm products, bulking agents, animal feed, bedding if on-site or off-site source, product going off farm, total size of operation or size of particular activity
- What is the definition of a farm for Act 250 purposes?
- Does full certification bio-solids/sludge facility also require Act 250?
- What about institutional sites, eg. colleges, hospitals?

Solid Waste rules/categorical certification issues:

- What triggers categorical certification: weekly average or actual tonnage per week?
- If a farm/composting facility receives "waste," does it become a transfer station?
- What other permits are required in addition to categorical certification (e.g., stormwater)?

Stormwater issues:

- When is a stormwater permit required? For what?
- Stormwater management for irrigation – on farm, other sites

Agriculture/AAP issues:

- Can the AAP model be adopted as part of how composting is regulated in Vermont? (Develop ACPs? See below under 'Future issues')

Definitions issues:

- What is a farm?
- What is composting?
- Is composting farming?
- How is "primary activity" defined for MSGP?

Future issues

Future issues (not covered in current regulatory system):

- Coordination of, and sharing information about oversight and changes to permitting processes
- Technical assistance for applicants to permitting processes
- Clarify who resolves conflicts
- No unfunded mandates
- Differentiate small scale vs. commercial operations
- Clarify whether/when materials are "waste" or "commodity"
- Clarify when new regulations are triggered as a facility grows in size
- What would regulations look like for a closed system, eg. farm, resort
- Clarify who should be involved in jurisdiction and why
- Clarify who has jurisdiction over what (local and state levels)
- Clarify how to handle proprietary information during permitting process
- Clarify relationship between bio-solids rules and composting rules
- Develop ACPs (accepted composting practices)
- Utilize scientific information for assessing risk, composting processes, and quality assurance
- Include economic development incentives
- Mandate training
- Regulations need to cover energy generation from composting
- Regulations need to allow for types of composting – windrow, closed, in-vessel, digesters
- Regulatory consistency statewide

II. Big picture vision/foundational/meta issues

- Adopt ecological systems perspective or other as foundation for composting and regulation in Vermont
- Clarify a hierarchy of carbon use
- Develop goals-based or definition-based rules
- Develop science/risk-based or percentage-based rules
- Dovetail composting goals with other state environmental goals
- Common intention across agencies
- Organics are not 'waste', they are inputs for another process