

## **CAV Stakeholder meeting May 19, 2008**

Section II, III & IV of these notes represent participating stakeholder's suggestions and concerns. The Composting Association of Vermont provides access to this material as part of a statewide stakeholder process to review and make recommendations for future composting site permitting regulations.

These notes are divided into 4 sections:

- I. Presentation notes and Q & A on agriculture regulations regarding composting
- II. Big picture visioning: What are we trying to create....and why?
- III. Small group reporting summaries – what do we still need
- IV. Wrap-up comments

The notes from the afternoon small group work were reorganized into a 'Permitting Outline.' This is available as a separate document. Since the May meeting, Cathy Jamieson, ANR Solid Waste Division Manager, reviewed the outline and made suggestions for a few additions. These are noted - fr. ANR.

### **I. Review of agriculture regulations: David Lane, Phil Benedict**

- Agriculture regulations: 1. Have to be a farmer, 2. Has to do with how you deal with composting on your farm, it is an integrated part of your farm in order to fall under the AAPs (very narrow focus for composting under agriculture)
- The AAPs refer to composting only in one place in the definitions, Ag deals with farming and processes related to farming; composting is a mechanism for a livestock farmer to manage manure as a semi-solid rather than as a liquid; more and more farmers are in the diversified operations and they will often purchase manure so they can build a fertilizer/soil amendment product to use on their farms in lieu of purchasing fertilizer; composting is an ag activity when it is integral to the farm operations itself; composting on its own is not farming; managing microbes is not a farming activity; if you look at the solid waste laws, animal manure and bedding are not waste (so they have economic value provided that they are used as a soil nutrient); with the new law passed this year, high carbon bulking materials are not solid waste anymore either; both of those parameters could impact how you are treated or what kind of regulatory scheme you need to go through; when composting is part of a farm operation, depending on what you're composting (if it includes something defined as a solid waste), then you need to be permitted; ag also looking at what specific feedstock is being used for composting and what the subsequent compost is used for (animal mortality compost used on vegetable soil);
- Robert: animal mortality? (DEC has a procedure about how many animals you can compost under the solid waste law; there is an exemption for farms over 10 acres but it depends on how many animals you are composting; on-going composting of animals requires permitting – dead animals are considered solid waste – but there are exemptions)
- Cathy: bulking materials require Act 250 jurisdiction? New law does not effect how Act 250 looks at the situation (depends on final use of compost; farms are exempt from Act 250 but commercial facilities are not exempt)
- Vicky: the grey area on inputs and outputs and whether a farm is still a farm? (back to zero, new bill does not clarify this issue, needs to be worked out with environmental board)
- Nancy: what is the better way to deal with manure: liquid or composting? (depends on what kind of farm, how you want to handle your waste, what kinds of animals you have, where your farm is situated, no simple answer) composting is a valuable way to deal with manure? (an acceptable way, helps stabilize

soil, when you factor in greenhouse gas emissions how does that impact the value? Compost is a reduction process)

## II. Big picture visioning: What are we trying to create....and why?

### 1. What are the goals for composting that we want Vermont's regulatory system to support?

- Streamline & unify regs
- Understanding fertilizer offsets
- Move nutrients to where needed / balancing
- "Right" nutrient content for agricultural purpose
- Balancing environmental impact for eco protection / benefit
- Maintain positive farmer relationship w/ Act 250
- Reduce incoming feedstocks and nutrients
- Create export products
- Capture / recycle nutrients
- Protect public health
- Support on-farm composting for farmers
- Difference between farm & SW systems==>public vs private enterprise
- Partnerships continue and can evolve
- Diversion of SW from landfills
- Solid waste reduction
- Increase soil production
- Public participation
- Simplicity! Include low tech management options
- Energy consumption as opposed to other
- To not have state regulatory goals for composting. Address the big picture - protect the environment
- Manage nutrients so they are used in the most sustainable way [soil organics]
- Regs based on objectives not on what you can/cannot do
- Methane recovery systems still need to be able to operate
- Highest use of the carbon with composting being one piece of this
- Product quality
- Compost as part of an integrated system
- Reduce greenhouse gas emissions by keeping organics out of landfills
- Keep \$\$\$ within VT by not purchasing outside fertilizer
- Improve soil biology, carbon

### 2. What are the characteristics of an ideal/successful regulatory system for composting? (i.e. How do we want the system to work?)

- Compliment other states rules (bordering states)
- Definitions cover range of feedstocks beyond farm and home generated
- Risk based
- Easily configured--no surprises!
- Clear, reviewable, revisable
- Incentive based regs.; not punitive
- Affordable

Cost share to work towards larger good issues  
Regulatory process as partner w/ businesses  
Have balance of equities. Currently, one thing can't do the whole project regardless of benefits  
Permitting incentives: reward for good and/or previous compliance  
Public education about composting  
Clear  
Consistent  
Predictable  
Timely  
Adaptable to different interests – eg farm management, societal problems (trash)  
Enforceable  
One-stop-shop: differing goals & purposes across agencies can make working together confusing.  
Appropriate regulation for scale of environmental impact  
The reg system needs to be adequately funded and staffed [ie. raised as a priority]

### *3. What are the benefits of these characteristics?*

National Leadership  
Help achieve state's goals for waste and emissions reduction, water protection, etc.  
Predictable expectations improves business climate around composting  
Model to inform other state regulatory systems, not just composting  
Cost savings for generators (more expensive to landfill)  
Transportation savings (\$ & GHGs) with more, smaller sites  
Opportunity to localize organics recycling  
Increase sustainability in all sectors (economic, health, environment)  
Enhance state reputation as "green"  
Better composting systems w/ fewer problems  
Apply more of state funds to support innovation (TA) instead of enforcement  
Educated public understands composting & the regulatory process, better able to participate in local benefit / impact discussions  
Less political  
Increase jobs  
Soil improvements & increase ability to grow food locally  
Allows more private investment  
Indirectly might benefit waste treatment facilities  
Transparent & informed decisions to build trust in management approaches  
Protect health & the environment [the state declaration of purpose]  
Maybe communities would have nutrient man'g't plans, eg. like farms  
Enable businesses to make rational choices – business plans are possible  
Cheaper to applicant

### *4. What are the limitations/challenges?*

Public policy–balance agency missions  
Who assumes risk–balance  
How to include soil ethics, ecological modeling in economics of composting  
Number of people and amount of material in Vermont can limit access to capital for projects  
Educating legislators  
Resources→infrastructure: staff & money

Finding larger structure and format that composting issues/considerations fit into (eg. environmental protection); how to not lose sight of larger issues in process of creating regs  
Resolving competing goals (eg, electricity generation through methane capture)  
Consumer's perspective→know what you're getting: certification of products  
Lack of scientific understanding  
Weighing environmental benefits of different practices/approaches to handling organics  
Inter-agency conflict  
Education of media  
Lack of time—not meeting current time lines  
Bad publicity  
Highest and best use of materials is changing  
Finding the right leader  
Requires a big up-front effort between agencies & by everyone to get started  
Desire not to be political yet process is overseen by a political body. Need to realize/work with this.  
Make sure we address the right questions; What problems are composters having today?  
The economics—how to have economically viable composting  
Options for handling liquid generated by composting

### III. Components for an ideal regulatory system – what still needs to be addressed

#### Small group reports:

##### Group 1:

- Discharge (air, water, measuring risk at each site)
- By-product (quality assurance)
- End product (know what is coming out at the end, measure and allow as long as criteria are met)
- No parity between new and old sites (how to balance this?)
- Composting general permit that would be regulated with ACPs, as complicated or simple as created (prescriptive in what cannot be done)
- Scale (what is appropriate scale for tiers, determined by what? Volume, location of neighbors, etc.)
- Avoid archaeological sites

##### Group 2:

- Three topics: permitting should be highly contingent on risk-based assessment of facility; how to create goal-based regulations that set minimum prescriptive base lines for facilities but allow for innovation; miscellaneous pieces (how to have programmatic goals in tandem with regulatory goals,
- Regulatory infrastructure: leverage regulatory process to get as much social gain as possible, see regulators as those who can improve facilities and gather information from facilities
- Embody the idea of nutrient management plan in all work
- Areas for more information: risk-based definitions, end use of product standards for differing uses, what it would look like to have minimum baseline

##### Group 3:

- Science/risk-based regulations (can deal with technical assistance, federal regulations, can explain to the public why decisions are made, sustainability, data can be shared), multi-tiered system (based on science, research and development, address end use concerns, feedstock and scale of facility, health and safety issues, environmental issues, matching regulatory schemes for type of activity), process to figure out the lead agency (promote efficiency, save costs), create non-conflicting definitions among agencies

(consistencies, coordinating regulations among agencies), recognize value of goal-based and prescriptive-based regulations (goals inspire people to be innovative, prescriptive brings in the science)

#### Group 4:

- Feedstocks (regulations that clarify the acceptable feedstocks, different tiered process for different kinds of feedstocks), more meaningful public engagement process, stormwater/liquid/nutrient management clarification, learn from other states (research and development), managing collection aspect (assure quality of compost), compost should be included in the definition of a farm (should be seen as a nutrient rather than as a waste), coordination among agencies (have a flow chart to know when different agencies get involved)

#### Group 5:

- Elements to include: clear and concise, air quality, surface water, ground water, etc.;
- Basis for regulations: balance of equity (project needs to be looked at holistically, benefits for state), clarity of jurisdiction (regulations are clear and consistent and you know what will be required of you and your project), timely rulings (need to be able to make quick decisions to save money), studies of public good should be publicly funded (should not be burden of applicants), keep end use of product in mind (small scale with organic feedstocks vs. large scale with biosolids), focus on what is most important and avoid over-regulation (is level of regulation appropriate? What do you gain from that level of regulation), diversify state's energy portfolio (keep energy producing projects in mind, promote that type of activity), encourage innovation and creativity and take leadership at regulatory level (figuring out how to get to yes rather than to no, be flexible, make decisions that create precedence)

#### Group 6:

- ACPs (best practices, standards for composting facilities), Act 250 (might be disincentive for the commercial or farm sector to pursue composting projects, criteria are fine but the implementation and oversight is problematic and costly, maintain criteria but incorporate them into another process by a lead agency other than Act 250), change attitude at agency of agriculture so that regulations be perceived as beneficial to farms as well as to society at large (farms enroll in certification system), making regulations with overall do no harm environmental goals (process should not allow bypass of environmental criteria, also meets needs of farmers and composters), process needs to be an honest wing of competing interests (neighborhood impacts, etc.), operations plans should be included in certification/permitting process, address resources necessary to implement regulatory system (funding, staff, technical assistance), process should meet scale, impact, etc., review criteria should maybe include that the decision making entity look at the carbon footprint of the operation (local scale vs. large scale), need to come up with good clear definitions for all the parts that are going to be regulated (what is a farm, 51% rule)

#### **IV. Wrap-up Comments & Common themes:**

- Lead agency: some of federal regulations are driving this so consider this in deciding lead agency, some federal regulations overlap and some conflict, not a single agency that issues a permit but rather that it oversees all relevant permit processes including those of other agencies, need to have a point person, makes sense to have agency of agriculture if we look at materials as nutrients (rather than as waste), every agency is strained so there is fear about taking on additional responsibilities, depending on site one agency might have more oversight than another agency (but need point person in that lead agency), problems arise when a facility grows to the point where it is out of compliance (e.g., no longer agricultural but rather commercial)

- Local decentralized system or large-scale centralized system? Need to determine direction before creating regulatory system, facilities that cause the most problems are the large facilities, need to be able to address both small and large scale facilities, where do digesters fit into the picture (need a diverse portfolio for managing organics – what would be the healthiest portfolio?), need a more clearly articulated overarching goals for managing organics, what in the current regulatory system works and where does it need to be improved or scrapped altogether?
- Additions and/or amendments to goals: Keep the carbon footprint perspective in overall goals, system should be consistent with and appropriate to the needs of Vermont context
- Gaps, what have we missed, where do we need more information? Participation of Act 250 folks (can't make progress without their involvement), survey districts in terms of their plans for organics over the next five years (Act 250 has thrown off plans – how?, not clear where they are going, depends on this process and other processes, goal is to get organics out of the waste stream), SWIPs have information about organics? (diversion rate for organics is currently only 5%, can report back on general goals), gathering point for research and development on composting issues? (does not exist right now), generators and composters need to be mapped (e.g., CVSWMD GIS system), need tool to assess impact of composting, any examples of integration of existing models (goals-based and prescriptive-based regulations), more information about end use (e.g., WRAP document)
- What should the outcomes of this process be? What can we accomplish? Come out with a platform about how the regulatory agencies can be coordinating; who gets this information and how does it inform public policy (Write a white paper? How to gain consensus? Prepare a presentation for legislature to start discussion about kind of policy that is needed?); define a farm?; take broader recommendations and look at recommendations for regulatory change; how does the H.873 legislative study group impact the work of this group?

NOTE: The Legal Compost Project includes compiling the work product and recommendations from the stakeholder meetings to share with policymakers and for general distribution.