

**Excerpted from H.873 as passed by the House and Senate - Pgs 18 - 21**

Sec. 10. COMPOSTING FACILITY REGULATORY REVIEW

(a) The general assembly finds that composting is an important management technique necessary for the existing and future management of solid waste in Vermont and for the management of manure and agricultural wastes on farms. The agency of natural resources, the natural resources board, and the agency of agriculture, food and markets should work together to protect the environment, assure the continued viability of composting facilities in the state, assure continued composting on farms, and assure that the goals of this section are accomplished.

(b) Notwithstanding 1 V.S.A. §§ 213 and 214, until July 1, 2010, no composting facility holding a permit under 10 V.S.A. chapter 159 issued after January 1, 2001 shall be required to obtain a permit or a permit amendment under 10 V.S.A. chapter 151, except that a composting facility shall be required to obtain a permit under 10 V.S.A. chapter 151 if:

(1) development at the composting facility exceeds the scope of the composting facility's certification under 10 V.S.A. chapter 159, and the development is not authorized by the secretary of natural resources under 10 V.S.A. chapter 159; or

(2) there is a substantial change at the composting facility, as it exists on the effective date of this act, that would require a permit under 10 V.S.A. chapter 151, and the change is not otherwise authorized by the secretary of natural resources under chapter 10 V.S.A. chapter 159.

(c) A composting facility that holds a certification by the agency of natural resources under 10 V.S.A. chapter 159 issued after January 1, 2001 shall be allowed to continue operations until July 1, 2010 under the terms of the composting facility's existing certification, an amendment to the composting facility's certification, or an interim certification. Until July 1, 2010, such a composting facility shall not be subject to any requirement of an order under 10 V.S.A. chapter 159, 201, or 211 issued before the effective date of this act that requires the composting facility

to obtain a permit under 10 V.S.A. chapter 151 or that is contrary to an authorization, certification, or requirement of the secretary under 10 V.S.A. chapter 159.

(d) For the purposes of this section, “composting facility” shall mean a facility engaged in the controlled biological decomposition of organic matter through active management to produce, use, or sell a stable humus-rich material but shall not mean sewage or septage or materials derived from sewage or septage.

(e) On or before July 1, 2008, the agency of natural resources shall convene a study committee to review the existing regulatory requirements for composting in the state and to recommend amendments or improvements to the existing rules governing the construction, alteration, or operation of a composting facility. The committee shall consist of:

- (1) the secretary of natural resources or his or her designee;
- (2) the secretary of agriculture, food and markets or his or her designee;
- (3) two representatives of the composting association of Vermont, appointed by the association;
- (4) a representative of the Vermont League of Cities and Towns, appointed by the league;
- (5) a representative of an interested environmental group, appointed by the senate committee on committees;
- (6) a representative from the Vermont association of solid waste managers, appointed by the association;
- (7) the state historic preservation officer or his or her designee; and
- (8) a representative of the natural resources board, appointed by the chair of the board.

(f) The committee shall issue a final report of its findings to the house committee on fish, wildlife and water resources, the senate committee on natural resources and energy, and the house and senate committees on agriculture by January 15, 2009. The report shall include:

(1) Recommended rules for the construction, alteration, or operation of a composting facility;

(2) Recommendations for increasing public awareness of the benefits of composting;

(3) Recommendations for increasing awareness within the composting community and those interested in initiating a composting operation of the existing regulations governing composting; and

(4) The contact information of an individual or department at the agency of natural resources that can assist interested persons in understanding and complying with the agency's regulations for composting.