



## Composting Association of Vermont

[www.compostingvermont.org](http://www.compostingvermont.org)

*Recycle Wastes & Restore Soils for Healthy Plants, People, & Places*

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### Vermont Compost Facility Permitting Project: *Legal Compost*

Drafted by Tom Gilbert, with input from Holly Taylor, Robert Foster, Buzz Ferver, Karl Hammer, Tom Anderson, John Brabant (DEC), and Brian Jerose

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#### Issue Overview

Food wastes and other organic residuals are increasingly considered a 'resource', and there is general agreement among the solid waste districts and the agriculture community that this is a positive direction. Vermont's regulations for handling, disposing, and recycling of these materials have not kept pace with the demands of the market-place and the needs of the State's communities. Lack of clarity, along with conflicting and multiple permits for the same facility leave composters with significant non-compliance risks. These regulatory inconsistencies:

- impede the planning of alternatives to landfilling Vermont's organic residuals;
- inhibit the growth and capacity of the composting industry in Vermont, and;
- impact how present and future composters can manage the state's organic residuals as a resource.

We propose that a response to regulatory inconsistencies that impact compost production come from a resource management model, instead of the prevailing solid waste model. Our approach also needs to support an agricultural and composting landscape that is consistent with the state's sustainability goals.

- Diverting organic residuals from landfills to compost is an opportunity to improve soil health and water quality.
- Farm-based composting (including mortality composting), can positively impact farm viability and the diversification of a sustainable farm economy, *and* help improve soil health and water quality.

There is some desire from within the composting industry to explore goal-based regulations – versus sector and definition-based regulations. To date, an estimated three commercial composters have received inquiries from ACT 250; one has allegedly gone out of business as a result of ACT 250 determinations (Ruling documents still unavailable). The Agency of Natural Resources also now requires that anyone seeking a Categorical Composting Facility Permit consult with regional ACT 250 offices and determine if a Multi-Sector General Permit for storm water is necessary. According to the Standard Industrial Classification, which informs the Multi-Sector General Permit determination, composting activities are categorized under chemical fertilizer manufacturers. With the present regulatory ambiguities, current regulatory interpretations and requirements can be costly, unpredictable, and/or unnecessarily restrictive for composting activities.

In 2000, the Vermont legislature increased the diversion goals established under Act 78, and set a new target for a 50% reduction in landfilled material by 2005. In 2007 we are still under the 30% diversion level. Removing all organics from the waste stream could reduce the amount of landfilled material by an estimated 30 – 50%. However, without regulatory clarity the solid waste districts cannot confidently 'tool up' to remove more organics from the waste stream and handle them as a resource.

In addition to the need expressed by the composting industry to review the permit process, the Vermont Agency of Natural Resources (ANR) will begin a review of solid waste issues - including waste reduction/diversion - in the Fall/Winter of 2007/08. This is a timely opportunity to provide the state/ANR with input from the composting industry regarding how existing permitting and regulations impact composting. Response from Solid Waste Program Manager, Cathy Jamieson, was positive regarding our goal to contribute to this process. Input gathered through the Permitting Project: *Legal Compost* would also include recommendations for regulatory changes that:

- improve and promote a vibrant and ecologically sound composting industry;
- support functioning models;
- recognize the significant role of composters in managing the organic residuals produced in Vermont;
- provide stability for planning and programming that rely on composting facilities, thereby helping waste districts to minimize risk and maximize waste reduction, and;
- make it possible for compost to contribute in a significant way to address critical natural resource management concerns: soil health, erosion, and water quality.

### **Direct Impact of Regulatory and Permitting of Compost Facilities on the Farming Community**

The distribution of farmland in Vermont could make regional/local composting of organics a cost effective way to remove significant amounts of organics from the waste stream – and turn 'trash' into a valuable farm 'resource.' Currently generators in Vermont pay \$105/T in tipping fees. If all food waste is diverted this could redirect an estimated \$3 – 7 million of annual market derived revenue to commercial and farm-based composters.

*Current regulatory issues of concern to farmers include:*

Act 250: if the ingredients in a farm product (compost) include more than 51% of materials from off the farm (a likely scenario to make compost), then the activity (making compost) is no longer considered a farming activity and is subject to Act 250. See Environmental Board *Scott Farm decision DR # 413*.

The 51% refers to volume or weight of the ingredients. It is subject to interpretation and disclosure of proprietary formulas could compromise a composter's market advantage. Tracking this information is a significant burden.

Composting is currently regulated under the SIC code for Agricultural Chemicals – unnecessarily complicating the permitting process and discouraging composting.

Mortality composting: As composting becomes a preferred disposal method there is a need for ongoing education and training to use appropriate and approved mortality composting techniques.

How to regulate an agricultural activity that may or may not be integral to farming activities.

On farm composting supports the Agency of Agriculture's goals for farm viability and a working landscape with high resource value and quality of life cache' that also broadly benefits all Vermonters. Farmers who make and use compost as a best management practice can:

- improve soil health and resiliency to withstand weather extremes (drought and heavy rain)
- reduce phosphorus and chemical runoff
- improve crop health, yield and nutritional value
- reduce need for commercial fertilizer (up to 100%), and pesticides
- reduce volume and transportation costs for manure management
- increase the quantity of high quality soil
- improve water quality
- have potential cash income as a diversion destination for organics that previously went to landfills.

There is an opportunity for the State of Vermont to set up a regulatory climate that supports organics diversion, composting, and commercial compost site development as a critical component in advancing a sustainable economy, while simultaneously increasing revenue opportunities for private composters, solid waste districts, and farmers. We invite interested stakeholders to be at the table as we map the regulatory changes that will allow for the composting of significant quantities of organic residuals statewide; and that will clarify the regulations that impact composting. We look to the Agency of Natural Resources, the Agency of Agriculture and the Solid Waste Districts for technical and regulatory expertise, leadership, and financial support for this critical work.

**Proposed Scope of Work:**

CAV will convene a regulatory review and the development of recommendations for siting compost facilities to include:

1. Convene a Technical Advisory Committee to refine and monitor scope of work.
2. CAV Program Director to serve as the project manager.
3. Secure funding for the project from stakeholders and grants.
4. Hire research intern.
5. Outreach to identify stakeholder groups and keep them informed (see query list on pg 4).
6. Organize and facilitate a series of stakeholder meetings (3 - 4) to:
  - a. Clarify existing regulations and permit requirements.
  - b. Identify stakeholder constituent and member concerns.
  - c. Identify specific areas in which current and future regulations and policies can be improved to foster a vibrant, ecologically sound composting industry. (Includes research of what regulations are/are not working well in other states/provinces/countries.)
  - d. Develop specific recommendations for State level policy and regulatory changes in Vermont.
7. Prepare a final report of recommendations to improve composting facility permitting in Vermont.
8. Share recommendations with critical policy makers and regulatory agencies, including but not limited to: ANR, Agency of Agriculture, NRCS, Ag and Natural Resources House and Senate Committees.

**Stakeholders identified as of 8/1/07:**

1. CAV members
2. Waste Management Districts
3. Agency of Agriculture
4. DEC Waste Division
5. ACT 250
6. Legislators - Agriculture and Natural Resource Committees
7. DEC Water Quality Division: Storm Water and Ground Water
8. USDA - NRCS
9. League of Cities and Towns, individual municipalities
10. Farmers, Farm/Ag organizations – VFB, NOFA, GMDFCF
11. Watershed, Conservation, and Environmental organizations
12. Regional Planning Organizations, Town Planners
13. 'Cow Power' and other biomass-to-electricity groups

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**CAV Mission:**

The Composting Association of Vermont promotes the production and use of compost as an integral link between soil health and sustainable agriculture and communities. The Association educates and advocates on

composting issues to: improve soil and plant health; conserve water; reduce erosion; improve water quality; lessen landfill burden, and; decrease the use of fertilizers and pesticides.

### **Timeline for Permitting Project: *Legal Compost***

(See other side for summary of S. 136 Solid Waste Study Group timeline.)

#### Fall 2007

- Hire intern (complete)
- Begin research (started)
- Submit outline to ANR of needs and barriers to increase production and use of compost (complete)
- Secure project funding
- Initial and follow-up contacts with stakeholder groups (approx 12 – 15 stakeholder groups)
- Contract with facilitator, develop Agendas for stakeholder meetings (3 - 4)
- Project outreach and education

Articles in Agriculture and Composting publications

Presentations to stakeholder groups

Website development

#### Winter 2008

- Seek additional funding as needed
- Continue outreach and education
- Continue research
- Logistics, prep and PR for stakeholder meetings
- Finalize agendas for stakeholder meetings
- Keep stakeholder groups informed

#### Spring 2008

- Complete research (April)
- Seek additional funding as needed
- Hold stakeholder meetings in April, May, June
- Meet with ANR Solid Waste Study Group (SWSG) as needed
- Prepare and circulate draft Report and Recommendations to stakeholder groups and advisors, revise as needed

#### Fall / Winter 2009

- Submit Report and Recommendations to critical policy makers and regulatory agencies, including but not limited to: ANR, Agency of Agriculture, NRCS, Agriculture and Natural Resources House and Senate Committees.
- Keep stakeholders informed
- Meet with ANR Solid Waste Study Group (SWSG) as needed
- Meet with policy makers as needed to ensure understanding of needs and goals of stakeholders.

