

330 CMR: DEPARTMENT OF ~~FOOD AND AGRICULTURE~~ AGRICULTURAL RESOURCES

330 CMR 25.00: AGRICULTURAL COMPOSTING PROGRAM

Section

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25.01: Purpose

330 CMR 25.00 establishes program criteria whereby the Department of ~~Food and Agricultural Resources~~ may register and provide education and technical assistance to agricultural composting operations. Agricultural Compost Operations registered by the Department of Agricultural Resources ~~Food and Agriculture~~ are conditionally exempt from site assignment pursuant to the Department of Environmental Protection regulations pursuant to 310 CMR 16.03(2)(c). ~~Agricultural compost operations registered by the Department of Food and Agriculture are conditionally exempt from site assignment pursuant to the Department of Environmental Protection regulations (310 CMR 16.05 (3)(g) and (h)).~~ The program is intended to ensure that waste compostable materials are composted properly on farms in order to protect the natural resources of the Commonwealth and to minimize potential for nuisance conditions.

25.02: Definitions

Agricultural Composting: means the composting of ~~A~~ agricultural ~~wastes~~ Materials and other Compostable Mmaterials on an Agricultural Unit resulting in stabilized compost products for agricultural and horticultural uses.

Agricultural Composting Guidelines means guidelines established by the Department for use by farmers engaged in Agricultural Composting and requirements for those holding a Registration.

Agricultural Composting Operation means the agricultural business operated by the Applicant.

Agricultural Materials means organic materials produced from the raising and processing of plants and animals as part of agronomic, horticultural, aquacultural or silvicultural operations, including, but not limited to, animal manures, animal products and by-products (including carcasses), bedding materials, and plant materials. ~~leaves, and other vegetative materials.~~

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Agricultural Unit means: ~~a parcel of land whose use, in the determination of the Department, is predominantly used for agriculture and which conducts activities listed as defined in M.G.L. c. 128, § 1A and which has been actively farmed for at least two (2) years prior to the application for a Registration.~~

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Agricultural Waste means: ~~discarded organic materials produced from the raising of plants and animals as part of agronomic, horticultural or silvicultural operations, including but not limited to animal manure, bedding materials, plant stalks, leaves, other vegetative matter and discarded by-products from the on-farm processing of fruits and vegetables.~~

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Applicant means the ~~person named in the application as the owner of the Agricultural Unit or as the operator of the proposed Agricultural Composting Operation.~~

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Biodegradable Product ~~Material~~ means a product ~~meeting the standards of the American Society for Testing and Materials (ASTM) D6400 and D6868 as of November 23, 2012. capable of being broken down into carbon dioxide, water and humus by the action of microorganisms.~~

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Bulking Agent means a material added to Agricultural Materials to increase porosity and facilitate aeration during Composting.

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Compostable Material(s) ~~means: -an organic material, excluding sanitary wastewater treatment residuals, -that has the potential to be composted, -excluding wastewater treatment residuals and which is Source Separated from solid waste, -which is not co-mingled or contaminated by significant amounts of toxic substances.~~

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Composting means: ~~a process of accelerated biodegradation and stabilization of organic Compostable Material under controlled aerobic conditions using methods that can include, but not limited to, windrows, vessels or aerated static piles and yielding a product which can safely be used.~~

Department means: the Department of ~~Food and Agriculture~~ Agricultural Resources.

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DEP: the Department of Environmental Protection.

Feedstock means Compostable Material used in the production of compost, from which Physical Contaminants have been removed as much as possible.

Group 2 Materials means those materials defined in Table 1: *Examples of Organic Materials* as set forth in 310 CMR 16.04 (3)(b) or other organic materials with a carbon to nitrogen ratio of 30:1 or less.

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~~Disposal: the final dumping, landfilling or placement of solid waste materials into or on land or water or the incineration of solid waste.~~ ~~On-Site means:-~~ an Agricultural Unit owned and/or leased by the Applicant.

~~Off-Site means~~ ~~on land not owned or~~, leased, or operated by the Applicant or land owned or leased by the Applicant that is not an Agricultural Unit.

~~Physical Contaminants means:-~~ any non-biodegradable ~~Product/material~~ such as, but not limited to, plastic, metal, glass, stones, or masonry debris.

~~Registration means:- approval~~ ~~the~~ agricultural composting registration issued by the Department, ~~as an agricultural composting operation.~~

~~Source--Separated means~~ separated from solid waste at the point of generation and kept separate from solid waste.

~~Small Scale Agricultural Composting Operation means~~ an Agricultural Unit of less than five acres.

25.03: Agricultural Composting Registration

The Department may ~~register~~ ~~issue~~ a Registration ~~agricultural composting operations~~ if ~~the~~ Department determines ~~that~~ all criteria set forth below have been satisfied by the Applicant:

(1) ~~T~~he Agricultural Composting Operation is located on ~~an~~ Agricultural Unit;

~~—T~~he Applicant has submitted a completed application ~~on the appropriate form~~ provided by the Department. ~~A Small Scale Agricultural Compost Operation will be provided with an alternative application.~~ ~~Each~~All application forms ~~will~~shall include at least the following information:

(2)

- (a) a description of the intended method of Composting;
- (b) compost site location information;
- (c) a description of each type of Feedstock to be composted;
- (d) the source(s) of the Compostable Material, clearly indicating On-Site or Off-Site generation;
- (e) the frequency with which the Compostable Materials will be collected and/or received at the Agricultural Composting Operation; and
- (f) ~~c~~ompost end use information including estimated volume and percentage of the total quantity of Agricultural Compost produced over the course of a calendar year to be used On-Site and Off-Site.

(2);

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~~(3)~~ (3) The Agricultural Composting Operation meets at least one of the following criteria. Percentages will be determined on a weight basis using volume-to-weight conversions supplied in the Agricultural Composting Guidelines when measured weights cannot be supplied by the Applicant:

~~Applicant:~~

a. ~~Compostable Agricultural~~ Materials generated from On-Site Agricultural Activities make up at least fifty percent (50%) of the Compostable Materials used in the composting process. A high carbon Bulking Agent is exempt from this threshold if needed for odor or leachate management; or

(a)

b. ~~The Agricultural Unit uses at least fifty percent (50%) of the finished compost it produces as part of its On-Site activities in accordance with 330 CMR 31.00; "Nutrient Application Requirements for Agricultural Land and Land Not Used for Agricultural Purposes"; or~~

(b)

(c) ~~The Agricultural Unit, over the course of the calendar year, generates manure which is composted with a quantity of Feedstocks and Bulking Agents sufficient to provide a favorable compost mix, and the volume of Feedstocks and Bulking Agents when combined do not exceed four times the volume of manure inputs generated On-Site.~~

(4) ~~The Applicant agrees to a allow a site visit(s) by the Department, at all reasonable times and without prior notice, to assess the initial application and throughout the term of the Registration to determine compliance with the Registration, and to comply with the Department's Agricultural Compost~~

(5) ~~The Applicant demonstrates knowledge and capability to conduct the agricultural composting operation to produce a stabilized compost product, successfully completes a Department approved compost training program. The Department shall maintain a list of approved compost training programs. -An application submitted prior to the promulgation of 330 CMR 25.00 March 2016 may be approved subject to the Applicant successfully completing such a training program within one year after the promulgation of 330 CMR 25.00 by March 2017.~~

25.03 continued

(6) ~~In the case of an Agricultural Unit where all the Feedstocks are generated by the Agricultural Composting Operation and composted on the Agricultural Unit, the Department will only grant a Registration if the maximum volume of compost per acre, at any given time, will be less than 5,000 cubic yards.~~

(7) ~~The Agricultural Unit must shall receive less than fifteen tons per day of Group 2 Materials as defined in Table 1: Examples of Organic Materials as set forth in 310 CMR 16.04 (3)(bB) or other organic materials with a C:N ratio of 30:1 from Off-Site.~~

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(8) The granting of the Registration will be in the best interest of the agricultural community and there is no demonstrated history by the Applicant of non-compliance with environmental laws or regulations of the Commonwealth or poor Composting practices.

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25.04: Composting Materials

(1) Registered agricultural compost operations can only use defined agricultural wastes and other compostable material allowed by DEP regulation pursuant to 310 CMR 16.05(g) and (h) whether those materials are generated on-site or off-site.

(2) Physical contaminants must be removed from the raw materials prior to mixing at the compost site. Separated physical contaminants must be appropriately disposed. Materials received from off-site locations must be source separated.

25.045: Operation of Registered Agricultural Composting Facilities Operations

All Registered Agricultural Composting Operations must shall comply with all of the following, at a minimum:

(1) The Agricultural composting facilities Unit must shall be secure from illegal dumping of waste materials.

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(2) Composting operations The Applicant shall comply with all state and local regulations governing agricultural composting including those which relate to siting requirements (310 CMR 16.00) and must shall comply with the Department's Agricultural Composting Guidelines.

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(3) The operation of the composting facility The Agricultural Composting Operation must shall be done conducted in a manner to minimize odors, noise, drift of materials, and risk to humans or the environment.

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(4) No more than twenty-five percent (25%) by volume of the total compost mixture shall be Group 2 Materials.

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(5) Adequate and appropriate Bulking Agent or other organic materials with a carbon to nitrogen ration of greater than 30:1 is readily available On-Site to mix with incoming Group 2 Materials.

(6) All materials received for Composting from Off-Site must shall be Source Separated, and must be listed as materials in 310 CMR 16.04 (2)(b) Table I Examples of Organic Materials.

(7) All Group 2 Materials shall be thoroughly mixed into the compost windrows or piles to ensure such an extent that it is unrecognizable as a separate material upon delivery.

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(8) The maximum volume of compost per acre, at any one time, shall be less than 5,000 cubic yards.

(95) Physical Contaminants ~~must~~shall be removed as much as possible from Feedstock prior to mixing at the Agricultural Unit.

~~25.04:~~ continued

(106) Animal carcasses may not be brought from Off-Site onto any Agricultural Unit where livestock and poultry are kept unless approved by the Department and specifically stated in the Registration.

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~~(4) All demonstration composting facilities must be available to the Department for educational purposes on such terms as the Department may require, for the purpose of complying with M.G.L.c. 21H, § 7B.~~

~~(5) If an agricultural compost operator makes nutrient claims of their finished compost material, then such operators are subject to M.G.L. c. 128, §§ 64 through 83 and, 310 CMR 15.00.
25.056: Revocation of Agricultural Composting Registrations and Revocations~~

(1) Registrations will be valid from the date of issuance until March 1 of the next calendar year.

(2) Applications for renewal of a Registration ~~must~~shall be submitted annually no later than February 15 of each year, on a form provided by the Department.

~~(+) The Department may revoke a Registration If the Department if it finds ~~that~~ any portion of the Agricultural Composting Registration ~~application~~~~

~~(2) ~~includes~~application includes false or misleading information ~~or;~~ or ~~the~~if the operation of a ~~R~~egistered ~~Agricultural Ceomposting~~ facility ~~Operation~~ is ~~in i~~ violation ~~n~~~~

~~(2)~~

~~(3) of these regulations or the Agricultural Composting Guidelines, or is acting not in the best interest of Massachusetts agriculture.~~

~~(4) A person who is denied a Registration, a renewal of Registration, or whose Registration is revoked shall have the right to request an adjudicatory hearing regarding the Department's decision within twenty-one (21) calendar days of the date of service of the decision by filing a notice of claim with the Department in accordance with the procedures set forth in Massachusetts General Law Chapter 30A. The adjudicatory hearing shall follow the informal hearing rules as set forth in 801 CMR 1.00.~~

~~the Department may suspend or revoke the registration which will also revoke the exemption status and thereby the operator must comply with DEP Regulations for Determination of Need for Site Assignment as set forth in 310 CMR 16.05(4).~~

REGULATORY AUTHORITY
330 CMR 25.00: M.G.L. c. 21H, § 7

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