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DRAFT 330 CMR 25.00: AGRICULTURAL COMPOSTING PROGRAM DRAFT

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25.01: Purpose

330 CMR 25.00 establishes criteria whereby the Department of Agricultural Resources shall regulate and register agricultural composting operations. Department of Agricultural Resources regulations apply to agricultural compost operations that are exempt from site assignment pursuant to the Department of Environmental Protection regulations promulgated at 310 CMR 16.00.

25.02: Definitions

Agricultural Composting: the composting of agricultural materials and other compostable materials according to the criteria outlined in 330 CMR 25.05(1) by an agricultural operation resulting in stabilized compost products for agricultural and horticultural uses.

Agricultural Composting Guidelines: guidelines established by the Department intended for use by Massachusetts farmers engaged in agricultural composting.

Agricultural Composting Operation: the agricultural business operated by the applicant responsible for the management and operation of a composting site on an agricultural unit.

Agricultural Unit: a parcel of land whose use, in the determination of the Department, is predominantly for agriculture or farming as defined in M.G.L. c. 128, § 1A and which has been actively farmed for at least three (3) years prior to the application for a composting registration.

Agricultural Materials: 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, plant materials, leaves, and other vegetative materials.

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Applicant: the person named in the application as the owner of a property interest in the site or the operator of the proposed facility where the owner has entered into an agreement with an operator at the time the application is filed.

Biodegradable Material: a product capable of being broken down into carbon dioxide, water and humus by the action of living things such as microorganisms.

Bulking Agent: a material added to waste to increase porosity and facilitate aeration during composting.

Compostable Material: an organic material excluding sanitary wastewater treatment residuals, that has the potential to be composted and which is source separated from solid waste.

Composting: a process of accelerated biodegradation and stabilization of compostable materials under controlled aerobic conditions using methods that can include windrows, vessels or aerated static piles yielding a product that can safely be used.

Department: the Massachusetts Department of Agricultural Resources.

Feedstock: compostable material used in the production of compost.

Food Material: source separated material produced from human or animal food production, preparation and consumption activities which consists of, but is not limited to, fruits, vegetables, grains, and fish and animal products and by-products.

In-Vessel Composting: a diverse group of composting methods in which composting materials are contained in a building, reactor, or vessel.

MassDEP: the Massachusetts Department of Environmental Protection.

On-Site: on land owned and/or operated by the applicant and which is predominantly used for agriculture or farming as defined in M.G.L. c. 128, § 1A.

Off-Site: on land not owned or operated by the applicant.

Physical Contaminant: any non-biodegradable material such as plastic, metal, glass, stones, or masonry debris.

Registration: agricultural composting registration issued to an applicant by the Department.

Source Separated: separated from solid waste at the point of generation and kept separate.

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Windrow: a long, relatively narrow and low pile of composting materials.

25.03: Exemptions

Agricultural units where all the feedstocks are generated by the agricultural operation and composted on the agricultural unit shall be exempt from obtaining a Registration from the Department, provided the operation incorporates good management practices, has a maximum volume of 5,000 cubic yards of compost per acre at any given time (if using open piles or windrows), and complies with the policies of the Department.

25.04: Composting Materials

- (1) All materials received for composting from off-site locations must be source separated compostable material.
- (2) In addition to agricultural materials generated on-site by the agricultural operation, registered agricultural compost operations may only use compostable materials generated off-site which are listed as example materials in 310 CMR 16.04 (2)(b) Table 1 Examples of Organic Materials, unless otherwise approved by the Department.
- (3) Physical contaminants must be removed from feedstock materials prior to mixing at the compost site. Separated physical contaminants must be appropriately removed and disposed of in a timely manner.
- (4) Animal carcasses originating off-site may not be brought onto an agricultural unit where livestock and poultry are kept or raised.
- (5) Animal carcasses may not be brought onto any agricultural unit without clear authorization in the Agricultural Composting registration certificate.

25.05: Agricultural Composting Registration

The Department may issue a Registration if it determines that the criteria set forth below have been satisfied by the applicant. Percentages of materials are to 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.

(1) Criteria for a Registration

- (a) The agricultural composting operation is located on an agricultural unit.

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(b) The agricultural composting operation complies with at least one (1) of the following:

1. Agricultural materials, whether generated on-site or off-site, make up fifty percent (50%) or more of the feedstocks used in the composting process over the course of a calendar year; or
2. The agricultural composting operation uses fifty percent (50%) or more of the finished compost in its on-site agricultural activities over the course of a calendar year; or
3. The agricultural composting operation, over the course of a 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 combined do not exceed four (4) times the volume of manure inputs generated on the agricultural unit.

(2) Submitting an Application for Registration.

In order to obtain a Registration, the applicant shall submit to the Department an application on a form supplied by the Department. The application shall include the following:

- (a) A description of the intended method of composting.
- (b) Compost site information.
- (c) A description of each type of feedstock to be composted over the course of a calendar year, including:
 1. Source of the material, clearly indicating whether the material is generated on-site or will come from off-site.
 2. Projected and planned volume or weight of each feedstock.
 3. Frequency with which the materials will be collected and/or received at the compost location.
- (d) Compost end-use information, including:
 1. Estimated volume and percentage of the total quantity of compost produced over the course of a calendar year that will be used on the agricultural unit.

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2. Estimated volume and percentage of the total quantity of compost produced over the course of a calendar year that will be used off the agricultural unit.

The Department may request additional information it deems necessary to issue a Registration to an applicant.

The Department may charge a fee for the issuance of a Registration and annual renewal as set forth in 801 CMR 4.02.

25.06: Conditions of a Registration

All Registrations issued by the Department shall be subject to the following:

- (1) The applicant or the manager of the operation shall successfully complete a Department-approved compost training program.
- (2) The applicant shall certify that there are no restrictions on the land that would prohibit the proposed agricultural composting operation. In the event that a restriction would prohibit, limit or impact the proposed composting operation, the applicant shall certify that all necessary approvals have been obtained prior to engaging in agricultural composting.
- (3) The applicant shall agree to a site visit by the Department and to comply with the Agricultural Composting Guidelines.
- (4) All demonstration composting operations 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, § 7 (b)B.
- (5) Registrations shall be valid from the date of issuance until March 1 of the next calendar year. Expiration of a registration will result unless a renewal is submitted in accordance with the requirements of (6) below.
- (6) Applications for renewal of a Registration must be submitted annually no later than February 15 on a form provided by the Department. The renewal form shall include an annual report section in which types and amounts of feedstocks composted during the previous year will be reported. The registration renewal and annual report shall be made available to MassDEP upon request.
- (7) The Department may deny an application or renewal for Registration if it has a reasonable expectation that granting such a registration will not be in the best interest of the agricultural community, or if there is a demonstrated history by the applicant of non-compliance with environmental laws or regulations of the Commonwealth, or a

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demonstrated history of poor composting practices. The denial of any Registration shall be subject to the hearing requirements set forth in M.G.L. c. 30A.

- (8) Each Registration shall be subject to such terms and conditions as the Department may reasonably impose and in accordance with the Agricultural Composting Guidelines.

25.07: General Performance Standards for an Agricultural Composting Operation

- (1) The agricultural unit must be secure from illegal dumping of waste materials.
- (2) The applicant shall comply with the Department's Agricultural Composting Guidelines and all other federal, state and local laws and regulations.
- (3) Composting must be done in a manner that minimizes the following: odors, noise, drift of materials, and risk to humans and the environment.
- (4) The agricultural unit has a maximum volume of compost per unit area of 5,000 cubic yards per acre of contiguous land (if using open piles or windrows).
- (5) No more than thirty (30) tons per day of Group 2 Materials as defined in Table 1: Examples of Organic Materials set forth in 310 CMR 16.04(2)(b) is accepted from off-site generators.
- (6) Any nutrient or soil conditioning claims for finished compost material are subject to M.G.L. c. 128, §§ 64 through 83, and 310 CMR 15.00.

25.08: Revocation of Agricultural Composting Registrations

If the Department finds that any portion of the Registration application or annual report includes false or misleading information, or the operation of a registered composting site is in violation of the regulations or guidelines, or is acting not in the best interest of Massachusetts agriculture, the Department may suspend or revoke the Registration which will also revoke the exemption status and thereby the operator shall be required to comply with MassDEP Regulations for a Solid Waste Management Facility at 310 CMR 16.00 and 310 CMR 19.00.

REGULATORY AUTHORITY

330 CMR 25.00: M.G.L. c. 21H, § 7.