Composting Policy - Are We There Yet?: MDE Composting Workgroup Report

Presented June 20, 2013
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To Maryland Recycling Network and Solid Waste Association of North America
MSW Generation 2011 - Organics (Source: USEPA)

- Food waste (SCRAPS!) = 14.5%
- Yard trimmings = 13.5%
- Wood = 6.4%
- Paper & paperboard = 28%
- Total Compostables = 62.4% (food waste + yard trimmings = 29%)
Figure 8 – MRA Materials Recycled Breakdown

- Metals: 15%
- Glass: 3%
- Compostables: 31%
- Misc.: 21%
- Paper: 28%
- Plastic: 2%
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• Chapter 363, Acts of 2011 (HB 817) required MDE to:
  – Maintain a website on composting and ways to promote composting in order to encourage waste diversion;
  – Conduct a composting study in conjunction with MDA and MES;
  – Recommend how to promote composting in MD; and
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• Legislation proposed due to:
  – Increased interest in composting in MD, particularly food composting;
  – Water pollution and odor problems from some recent composting facilities in MD; and
  – Confusing MD law, regulations, and guidance on composting.
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- Workgroup members included:
  - Current and prospective composters;
  - Legislators;
  - UM and USDA;
  - Baltimore, Calvert, Frederick, Harford, Howard, Montgomery, & Prince George’s Counties;
  - Environmental groups;
  - NSWMA, NMWDA, MDSWA, USCC;
  - EPA Region 3; and
  - MDA, MES, MDE.
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- Meetings of full workgroup from May 2012 through December 2012.

- Technical Subgroup and Education & Outreach Subgroup meetings monthly in the Fall 2012.

- Speakers from other states by conference call.

- Former Technical Subgroup continues to meet to assist MDE in developing regulations.
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Summary of Report Recommendations:

– General Assembly should pass legislation to authorize MDE to adopt regulations governing design and operation of composting facilities, including a new definition of solid waste to exclude material composted properly;

– MD should consider adapting the USCC model composting regulations as a basis for MD regulations;

– MDE should have a single application for composting facilities to cover water discharge permits, air permits, and land/composting permits;
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Summary of Report Recommendations, continued:

- Revenue should be set aside for composting education and outreach activities;

- Standards for design and operations should be based on available science and established national public health and relative environmental risk protocols associated with feedstock or type of composting facility;

- The State should endorse a variety of compost uses in its guidance and manuals (Soil Erosion & Sediment Control Manual; Stormwater Design Manual; SHA approved compost and compost products usage; SHA Recycled Materials Task Force);
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Summary of Workgroup Recommendations, continued:

- State and local agencies should take affirmative steps to explore and encourage composting and the use of finished composting;

- DBED, local economic development agencies, MDA, MES, and MDE should work to identify financial and technical assistance for companies interested in composting in MD;

- MD Agricultural Education Foundation and UM Extension should be resources for composting education and technical assistance;
- DBED and local economic development agencies should assist in locating properties able to manage organics;

- MDE, MDA, and local governments should launch an education and outreach campaign to highlight composting and compost use;

- New composting legislation and regulations should allow flexibility to accommodate conditions that are equally or more protective than the requirements prescribed;
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Summary of Report Recommendations, continued:

- Backyard composting should be exempt from State regulation;

- Composting at community gardens should be exempt from a compost facility permit if the site falls within an established small facility exemption threshold, to be determined;

- On-farm composting should be exempt from permitting if the materials being composted are generated on site, composted on site, and used on site in accordance with MDA nutrient management requirements.
Conclusions:

- Generally supported food donation as a priority for management of edible food scraps.

- Some support for promotion of increased residential composting (decentralized/diverse organics recovery).

- Agreed that MD should embrace larger, centralized and regional composting facilities to encourage growth in the State’s composting industry.
Composting Regulations – Enabling Legislation

- Changes definitions of solid waste, recyclable materials, and recycling.
- Defines composting facility and solid waste stream.
- Exempts farm or residential composting if organic materials generated and composted on site.
Composting Regulations – Enabling Legislation

Provides authority for MDE to adopt regulations to:

– Establish conditions to construct and operate composting facility;

– Establish a tiered system of permits or approvals for composting facilities based on feedstock type, size of facility, and other factors MDE determines;

– Establish design and operational conditions for composting facilities to protect public health and environment and to minimize nuisances;

– Establish exceptions to any requirement to obtain a composting facility permit or approval;

– Exempt certain organic materials that are composted from being designated as solid wastes; and

– Establish any other provisions necessary.
Current Activities:

- 11 composting facilities registered with MDA to sell compost.
- Former Technical Subgroup meeting monthly to discuss draft regulations.
- MDE meeting internally to further draft regulations.
- Draft regulations will be circulated and there will be a public participation process.
- Regulations on track to be finalized by end of December 2013.
- MDE Staff drafting composting outreach and education materials.
GOT COMPOST?! 

Any questions, comments, or suggestions? 

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