



Department of the Environment

Composting Policy - Are We There Yet?:

MDE Composting Workgroup Report

Presented June 20, 2013

By Hilary Miller

**To Maryland Recycling Network and Solid Waste
Association of North America**

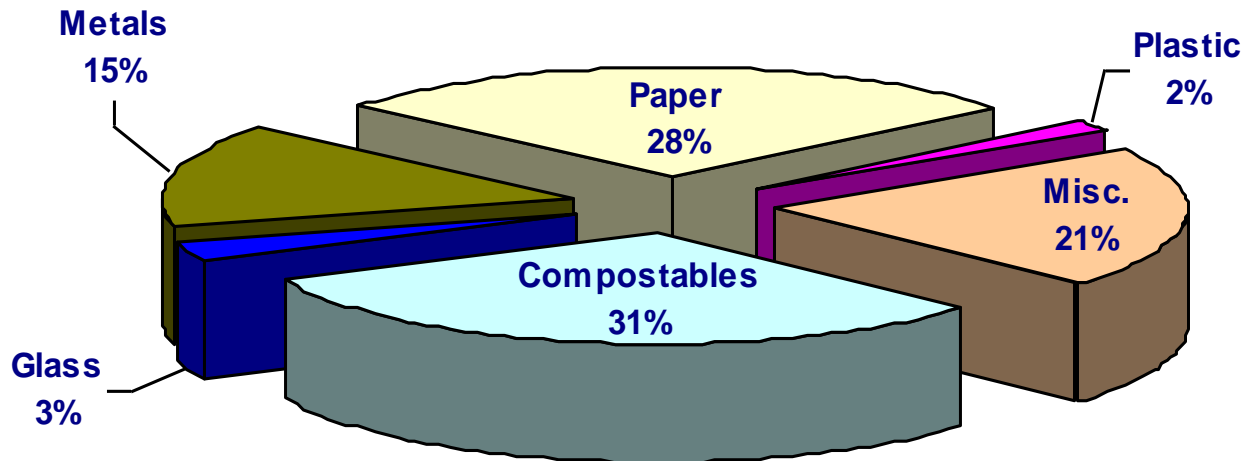


MSW Generation 2011 - Organics (Source: USEPA)

- Food waste (SCRAPS!) = 14.5%
- Yard trimmings = 13.5%
- Wood = 6.4%
- Paper & paperboard = 28%
- Total Compostables = 62.4% (food waste + yard trimmings = 29%)

Maryland MRA Materials Recycled Breakdown 2011 (Source: MD County Annual Reports)

Figure 8 – MRA Materials Recycled Breakdown



MDE Composting Workgroup

- 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
 - Report on the composting study by January 1, 2013.

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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.

MDE Composting Workgroup

- 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.

MDE Composting Workgroup

- 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.

MDE Composting Workgroup

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);

MDE Composting Workgroup

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;

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Summary of Report Recommendations, continued:

- 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;

MDE Composting Workgroup

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.

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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

- Chapter 686, Acts of 2013 (House Bill 1440) signed by Governor May, 2013.
- 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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