

New Rules Regulating Composting Facilities

Background

On Aug. 20, 2009, the Oregon Environmental Quality Commission adopted new rules for regulating composting facilities. The new rules became effective Sept. 14, 2009, when they were filed by the Secretary of State. This document provides a brief summary of the new rules. For additional information and copies of the rules, please see the contact information below.

Introduction

Composting facilities are operations that process certain organic feedstocks into a finished product called compost. The most commonly used feedstocks for composting are yard debris, wood waste, manure and food waste. Composting can be an efficient method for recycling organic materials that might otherwise be disposed of in a landfill, and by avoiding uncontrolled anaerobic decomposition in landfills, it prevents the release of methane, a significant component of greenhouse gas.

The use of compost offers numerous benefits: when incorporated into soil, it can improve soil tilth and fertility; it can provide a more stable form of nitrogen less susceptible to leaching into water supplies; and on heavy soils, compost helps reduce compaction and increases infiltration. Incorporation of compost into soil stores carbon, helping to reduce atmospheric carbon.

Composting also contributes to achieving the state's solid waste recovery goal of 50 percent by 2009. In 2006, 41 permitted composting facilities in the state composted more than 591,000 tons of feedstock, accounting for 15 percent of all solid waste diverted from landfills.

DEQ supports and encourages composting. At the same time, DEQ is aware that, if not conducted in the proper manner, or if conducted at an improper location, composting presents potential environmental problems, most notably to surface water and groundwater.

What is the objective of the new rules?

The new rules provide a regulatory program that encourages composting by clarifying environmental requirements, exempting more small facilities, making the rules more focused

and efficient and providing regulation tailored to the potential environmental harm at each facility, while ensuring all operations protect public health and the environment.

Significant changes to the composting rules

The new rules are addressed in Oregon Administrative Rule Chapter 340, Divisions 93, 96 and 97. They make the following significant changes to the structure of DEQ's composting program:

- All facilities, both existing and new, will be screened to evaluate the degree of environmental risk posed by the facility. Low-risk facilities will operate under a *registration permit*. Higher-risk facilities will be required to provide an *operations plan* for DEQ approval that addresses the identified risks. These facilities will operate under a *composting permit*.
- The rules adopt performance standards that clearly describe the environmental standards every composting facility must meet.
- The rules give operators the responsibility and flexibility to design, construct and manage their operations – subject to DEQ approval – to meet the performance standards.
- DEQ will focus its inspection, technical assistance and compliance efforts on facilities that present significant environmental risks.
- The rules remove limitations on feedstocks agricultural composters may use. They also require that agricultural composters meet the same performance standards as all other composters.

Other changes to the composting rules

The new rules also:

- Redefine feedstock types based on physical contaminants and pathogen-carrying properties.
- Exempt more small facilities (under 100 tons of feedstock per year) from screening and permitting.



State of Oregon
Department of
Environmental
Quality

Land Quality Division

Solid Waste Program

811 SW 6th Ave.
Portland, OR 97204
Phone: (503) 229-6832
(800) 452-4011
Fax: (503) 229-6977
www.oregon.gov/DEQ/

- Eliminate the previous permit exemption for institutional composting facilities. Such facilities composting more than 100 tons per year are required to submit screening information.
- Implement a fee for initial facility screening; adjust fees for plan approval and annual compliance fees.
- Clarify design and operational requirements for composting facilities.
- Add testing requirements for pathogen reduction.
- Clarify financial assurance requirements for composting facilities and specify that financial assurance requirements apply to all solid waste disposal facilities covered in Oregon Administrative Rule 340, Division 96.
- Add public notice requirements for renewal of several solid waste permits.

Who may be affected?

The proposed rules apply to all existing and new composting facilities, including commercial, agricultural, institutional and government composting facilities.

The rules generally will not apply to small composting operations, including most home composting operations.

If I own or operate a composting facility, what do I need to do?

All composting operations that compost 100 or more tons of feedstock per year (or more than 20 tons per year of animal carcasses or meat waste) must submit screening information to DEQ no later than Monday, March 15, 2010 (180 days after the rules went into effect). The local DEQ contact listed below can help you determine the size of your facility and also help you assemble the required screening information.

What happens after screening?

Through the screening process, DEQ will determine the level of environmental risk presented by each operation. Operations that are low risk will receive a *registration* (a simple permit). Facilities with greater risk may be required to submit an *operations plan* to DEQ that shows how the facility will operate to achieve environmental protection. After DEQ approves the operations plan, the facility can receive its *composting permit*. For existing facilities that need to make environmental improvements, DEQ will work with those facilities to develop a reasonable implementation schedule.

How were the new rules developed?

DEQ convened a workgroup with representatives from the commercial refuse and recycling industry, composting operations, the Composting Council of Oregon, farm composters and local and regional governments to develop the new rules. DEQ also met with the Oregon Department of Agriculture and Oregon State University Extension Service. With these partners, DEQ conducted outreach to the agricultural community and convened a workshop for agricultural composters.

How to obtain copies of the new rules

The new rules and related documents are available at www.deq.state.or.us/lq/sw/compost/. For hard copies, please contact Christie Nuttall, Portland, at (503) 229-6832, toll-free in Oregon at 1-800-452-4011, ext. 6832.

Regional contacts:

DEQ Northwest Region

Stephanie Rawson
2020 SW Fourth Ave., # 400
Portland, OR 97201
Tel: (503) 229-5562
E-mail: rawson.stephanie@deq.state.or.us

DEQ Western Region

Bob Barrows
165 East 7th, Suite 100,
Eugene, OR 97401
Tel: (541) 687-7354
E-mail: barrows.bob@deq.state.or.us

DEQ Eastern Region

Bruce Lumper
400 East Scenic Drive, #307
The Dalles, OR 97058
Tel: (541) 298-7255, ext. 240
E-mail: lumper.bruce@deq.state.or.us

Alternative formats

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at (503) 229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696.