

Agency of Natural Resources
Solid Waste Management Program
103 South Main Street - 1 South
Waterbury VT 05671-0404
(802) 241-3444 Fax:(802) 244-5141

COMPOSTING EXEMPTIONS AND CATEGOREICAL COMPOSTING FACILITY APPLICATION INFORMATION

March 6, 2006

GENERAL INFORMATION

Subchapter 11 of the Vermont Solid Waste Management Rules (eff. October 15, 2004) address most composting facilities and activities in Vermont. Unless the activity meets the criteria to qualify for an exemption or categorical certification all composting activities and facilities are required to meet the certification requirements set forth in Subchapters 3-10 of these Rules. For reference, a copy of the Solid Waste Management Rules may be obtained at the web site below or by contacting the Solid Waste Management Program at: 241-3444.

<http://www.anr.state.vt.us/dec/wastediv/solid/pubs/RULESOCT1504.pdf>

COMPOSTING CERTIFICATION EXEMPTIONS

The following activities are exempt from the provisions of the solid waste management rules:

- (1) Composting of animal manure and absorbent bedding used for soil enrichment;
- (2) Composting of site-generated plant, wood, or food waste;
- (3) Composting of one (1) ton or less (dry weight) per year of off-site generated plant, food, or wood waste;
- (4) Composting of one (1) ton or less (dry weight) per year of site-generated compostable animal offal and carcasses in addition to any necessary amount of approved high carbon bulking agent up to a limit of 10 tons (dry weight); and
- (5) On site composting, on a farm of ten (10) or more acres in size, of any amount of site-generated compostable plant or food waste, less than 5 tons (dry weight) per week of site-generated compostable animal offal and carcasses in addition to any necessary amount of approved high carbon bulking agent up to a limit of 50 tons (dry weight), and less than 5 tons (dry weight) per year of off-site generated compostable plant or food waste.

COMPOSTING CATEGORICAL CERTIFICATIONS

The following composting activities are eligible for categorical certifications:

- (1) Composting of more than one (1) ton (dry weight) of plant and wood waste from off-site per year;
- (2) On site composting, on a farm of ten (10) or more acres in size, or other composting operations specifically approved by the Secretary either of which

incorporate in addition to any amount of plant and wood waste, any amount of site-generated food waste, and any amount of approved high carbon bulking agents, the following:

- (A) Seven (7) tons (dry weight) or less, per week, of food waste from off-site; and
- (B) Seven (7) tons (dry weight) or less, per week, of animal offal and carcasses from on or off-site.

NOTE: The composting of any amount of septage and sludge does not qualify for a Composting Certification Exemption or for a Categorical Composting Certification.

CATEGORICAL COMPOSTING CERTIFICATION APPLICATION

Under § 6-1104 of the Rules, a person who intends to operate Categorical Composting Facility must complete and submit an application to the Solid Waste Management Program. If the facility conforms to the requirements of the Rules, a Categorical Disposal Facility Certification will be issued for a term of up to five (5) years. If the operator of the facility is not the landowner, both the land owner and the operator must sign this application as co-applicants. The landowner and the operator will be co-permittees under the Certification. There is no application fee for this certification. Please submit your application to:

Solid Waste Management Program
103 South Main Street - 1 South
Waterbury, VT 05671-0404

Questions concerning this application should be directed to the Certification and Compliance Section, Solid Waste Management Program at (802) 241-3444.

NOTIFICATION OF ADJOINING RESIDENCES AND LANDOWNERS¹

Under § 6-1104(c)(3) an applicant must notify all adjoining residences and landowners by mail about the planned composting operation at least 14 days prior to submitting this application to the Solid Waste Program .

SOLID WASTE IMPLEMENTATION PLAN ACCEPTABILITY/INCLUSION

Section 6-309(c)(5) of the Rules requires that an application include a letter from the municipality, solid waste alliance or solid waste district that indicates that the facility is acceptable under the solid waste implementation plan, if any. Some planning entities now require that a categorical facility be included in its plan. We recommend that you contact the appropriate planning entity as soon as possible before you submit your application to determine what is required. You must submit evidence with the application that the facility is either acceptable or is

¹ the term “adjoining residences and landowners” shall include those residences and landowners residing on land adjacent to the facility applied for, notwithstanding the presence of a road, railroad, other right of way or a watercourse located on the boundary of the parcel of land on which the facility is located.

included in the Solid Waste Implementation plan. Please refer to the Solid Waste Planning website at: <http://www.anr.state.vt.us/dec/wastediv/solid/SWPlanning.htm>

NOTICE OF APPLICATION

10 VSA §6605c (d) requires an applicant to submit a notice and a copy of the application to the municipality in which the facility is proposed to be or is located and to any adjacent Vermont municipality if the facility is located on a boundary. This submittal must be made on or before the date the application is submitted to the Solid Waste Program. It is recommended that you file the notice of the application at the same time you notify adjoining residences and landowners. Attached is a Notice of Application form.

SITING LIMITATIONS

A composting facility shall not receive a categorical certification if it is sited in the following prohibited areas:

- (a) Within three (3) feet above seasonal high groundwater, or within six (6) feet above bedrock;
- (b) Within one hundred (100) feet of Class B Waters, as designated by the Water Resources Board;
- (c) Within a Class I Groundwater Area; a Class I or Class II wetland or their associated buffer zones, as defined in the Vermont Wetlands Rules, unless a Conditional Use Determination has been issued by the Agency; a Class III wetland, as defined by the Vermont Wetlands Rules, unless a Water Quality Certification has been issued pursuant to 40 CFR Part 401, or has been waived by the Agency; or in a watershed for Class A Waters. If you do not know whether the proposed facility is located in a Class I, II or III wetland, an associated buffer zones, or in a class A watershed, please contact the Water Quality Division at 241-3770.
- (d) Within an approved public water supply Source Protection Area for a groundwater source serving a public water system. The Water Supply Division may grant an exception to this requirement on a case by case basis provided the applicant can show no adverse effect on the public water system source; or
- (e) Within 150 feet of a public highway or the property line(s) of adjacent properties, or as otherwise determined by the Secretary.

If you have any question whether the facility is located in a Class I, II, or III wetland or associated buffer zones, or in a class A watershed, please contact the Water Quality Division at (802) 241-3770.

If you have any questions concerning the location of a Source Protection Area for a public water system please contact the Water Supply Division at (802) 241-3400.

RE-CERTIFICATION

For those facilities that were issued a Categorical Composting Certification prior to July 1, 1998, the operator must re-apply for and receive either a new Categorical Composting Certification or shall cease operation of the facility by January 1, 2002.

OTHER STATE PERMITS

We recommend that you contact the Permit Specialist assigned to the Region within which the project is located. The Permit Specialist will identify other state permits you may need to obtain prior to commencing the project. Please see the attached map to identify your local Regional Office.

REGIONAL OFFICES

DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) DISTRICT ENVIRONMENTAL COMMISSIONS (ACT 250)

DISTRICTS 1, 8, & 9

450 Asa Bloomer State Office Bldg.
Merchants Row
Rutland, VT 05701-5903

DEC Permit Specialist.....786-5907
DEC Regional Engineer786-5900
Act 250 (Dist #1 & 8)786-5920
Act 250 (Dist #9)879-5614
DEC River Management.....786-5906

DISTRICTS 2 & 3

100 Mineral St, Ste #303
Springfield, VT 05156

DEC Permit Specialist.....885-8850
DEC Regional Engineer885-8855
Act 250 (Dist #2, 3, & 3A)885-8855
DEC River Management.....786-5906
DEC Wetlands476-2678

DISTRICTS 4 & 6

111 West Street
Essex Junction, VT 05452

DEC Permit Specialist.....879-5676
DEC Reg. Engineer (Dist #4 & 6)879-5656
DEC Reg. Engineer (Dist #9)786-5900
Act 250 (Dist #4, 6, & 9)879-5614
DEC River Management.....879-5631
DEC Wetlands (Dist #4).....879-2396
DEC Wetlands (Dist #6).....241-3754

DISTRICTS 3A & 5

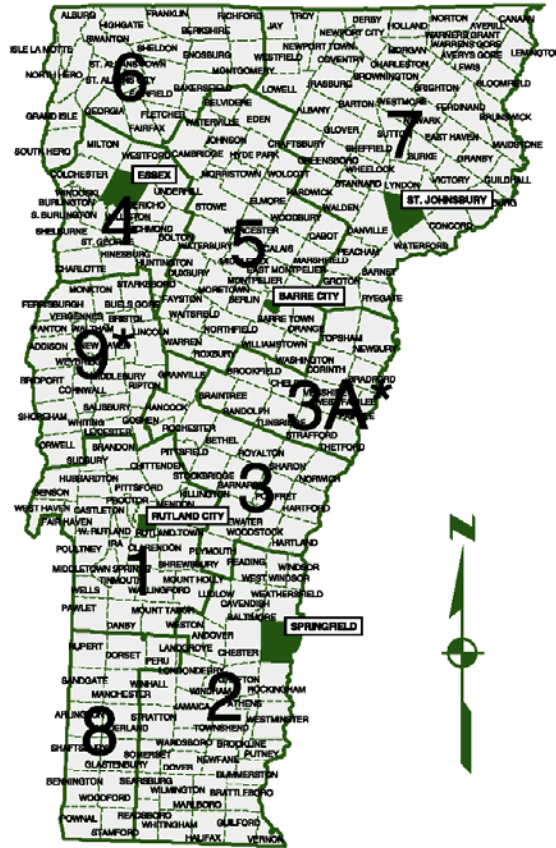
5 Perry Street, Suite 80
Barre, VT 05641-4282

DEC Permit Specialist.....476-0195
DEC Regional Engineer476-0190
Act 250 (Dist #3A)885-8855
Act 250 (Dist #5)476-0185
DEC River Management.....476-2679
DEC Wetlands (Dist #3A).....476-2678
DEC Wetlands (Dist #5).....241-3762

DISTRICT 7

1229 Portland St-Ste 201
St. Johnsbury, VT 05819

DEC Permit Specialist (Tues)751-0127
DEC Regional Engineer751-0130
Act 250751-0120
DEC River Management.....476-2679
DEC Wetlands241-3762



DEC and ACT 250 Regional Office Map
February 17, 2006

3A* NOTE:

For towns in District 3A, contact the Springfield Office for Act 250 Permits. For Water Supply, Wastewater Disposal and Subdivision Permits, District 3A must contact the Barre Office.

9* NOTE:

For towns in District 9, contact the Essex Junction Office for Act 250 Permits. For Water Supply, Wastewater Disposal and Subdivision Permits, District 9 must contact the Rutland Office.