

Compost Study Committee  
Meeting Minutes  
November 19, 2008

Attendees:

Amy Shollenberger, Director, Rural Vermont  
Phil Benedict, Director, Agriculture Resource Management and Environmental Stewardship Division, Agency of Agriculture, Food and Markets  
Brian Jerose, Partner, WASTE NOT Resource Solutions, Treasurer, Composting Association of Vermont (CAV)  
Teri Kuczynski, District Manager, Addison County Solid Waste Management District  
Pat O'Neill, Program Director, Composting Association of Vermont  
Melanie Kehne, Attorney, Land Use Panel (Act 250)  
Cathy Jamieson, Manager, Solid Waste Program, VT Department of Environmental Conservation (DEC)

Missing:

Jim Leland, Agency of Agriculture, Food and Markets  
Karen Horn, Vermont League of Cities and Towns  
Scott Dillon, Survey Archeologist, Vermont Department of Historic Preservation

Observers/Staff:

Dave Rogers, Rural Vermont  
Vicky Viens, Compost Specialist, Waste Reduction Section, DEC  
Dave DiDomenico, Solid Waste Program, DEC  
Carey Hengstenberg, Solid Waste Program, DEC

Facilitator:

Catherine Gjessing, Director of Policy, Research, and Planning, Agency of Natural Resources (ANR)

**Minutes**

The minutes for the October 28, 2008 meeting were approved with minor changes.

**Land Use Panel Meeting**

Melanie provided an overview of the straw proposal, highlighting any changes that had been made since the last meeting. Study committee members that had provided written comments to the straw proposal then provided explanations of their comments.

Rural Vermont (RV) is most concerned about the small composting scenario. RV feels that farm composting should be done closest to the manure source. If a farm has to go through the Act 250 process it will deter farmers from composting.

RV also commented that if a farm hires a person to manage and run a composting operation on a farm, an Act 250 permit should not be required if one would not be required if the farmers sells that same portion of land for the same operation.

The Composting Association of Vermont (CAV) mentioned animal mortality as it relates to composting. The issue of prions was discussed along with the Agency of Agriculture, Food and Markets' view on this.

CAV also provided an economic analysis for general composting of organics. On a per ton bases, annual revenues were presented for an operation that brings in bulking material and a nitrogen source. If the compost is then sold, the total revenue for the operation is less than \$20,000 per year, not including expenses. An Act 250 application would be an added cost to an already marginal business and could deter the operation.

The VNRC also commented. Their concerns are not based on facility size; they are based on impact. The VNRC is also concerned that enforcement of ACP's by ANR would not be adequate.

The Solid Waste District representative mentioned that the districts are responsible for meeting the state's goal of 50% reduction of waste going to a landfill. Composting is a large part of the reduction goal and composting is needed to divert organics.

### **Discussion of Straw proposal:**

It was suggested that the straw proposal categories be changed from Community/Municipal, Small and Medium to Small, Medium and Large respectively. Members of the study committee agreed with that. In addition, an area of operation was proposed for each tier:

Small	<=3 acres
Medium	<=10 acres
Large	> 10 acres

There was discussion of whether compost should be defined as an agricultural product. Currently, compost is not considered an agricultural product under the Act 250 definition unless it is principally produced on the farm. But as part of the straw proposal, Act 250 would exempt compost "principally used" or "principally produced" on the farm. Compost is not a commodity.

The committee developed a list of areas that the group does not have consensus:

Act 250 jurisdiction

Animal mortalities in compost

Pre and post consumer waste

The definition of compost (humus like instead humus rich) and it should include vermicompost

Size limits on composting facilities, volumes versus acreage

Liquids management, leachate treatment, run-on/run-off management.

A comment was made that a facility could be bumped to a “large” facility if the operations require more oversight, regardless of facility size.

There was a discussion of the ACP’s and what they would include and how they would be developed and then enforced. The ACP’s would include restrictive set backs, locations, etc. If not meeting the ACP’s, how do you hold them accountable. Issue of general permits where people don’t comply, how does it work. VNRC was concerned about this.

The group discussed what is included in the area of operation of a composting facility. The working area includes piles, storage, swale, retention pond, vegetative buffer (akin to production area). Question of whether to include roads. Suggestion to err on the side of including all project components for clarity, and increasing jurisdictional size limits if necessary. There was some discussion of the size of a small, medium and large facility. One suggestion for a large was greater than 15 acres. Comment that could create confusion with the Act 250 10 acre requirement for jurisdiction. Another comment that project working area would not affect whether a project needs an Act 250 permit.

Suggested that the risk to water quality from food scraps could be lower than manure. Comment that post consumer food waste has more contaminants.

One item not covered is mobile slaughter facilities. Waste product stays on the farm that the slaughtering occurs on. That material may be composted. What happens when they do their neighbor’s chickens?

If a farm needs a solid waste permit, jurisdiction goes to ANR.

What is concern of pre and post? From AAFM viewpoint, there is still disagreement. A request to clarify AAFM position has gone to the secretaries’ level. That conversation has not reached a conclusion.

Once this report is finalized, to extent that there are statutory or regulatory changes needed, they will go through a public process and everyone will be able to comment on the proposed changes.

### **Discussion of the Report:**

There was a suggestion to begin a straw report. List the issues that need to be addressed; starting with what the committee agrees on and what they don’t. Also list concepts that need to be addressed in developing the ACP’s. Committee should send ideas on the report contents, ACP’s, etc. to Dave.

### **Next Meetings:**

December 1<sup>st</sup> conference call, December 9, December 16 and January 6.

**To Do:**

ANR, put together a list of issue to review when developing the ACP's. Start to write report and send out to people as soon as possible, preferably prior to Dec 1 meeting.