

Compost Study Committee
Meeting Minutes
December 9, 2008

Attendees:

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:

Amy Shollenberger, Director, Rural Vermont
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:

Vicky Viens, Compost Specialist, Waste Reduction Section, DEC
Dave DiDomenico, Solid Waste Program, DEC

Facilitator:

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

Minutes

Approval of the minutes for the November 19, 2008 and the December 1, 2008 meetings were tabled until next meeting.

Update on Act 250 Questions:

Melanie reviewed answers to four questions that were raised at the last meeting. A summary of the answers was sent to the committee via e-mail.

1. The Land Use Panel supports a new on-farm exemption for composting projects using only manure produced on the farm and clean, dry, high-carbon bulking agent from any source. In other words, unlimited imports of approved bulking agents where the only other ingredient is manure produced on the farm. This would be in addition to on-farm exemptions for "principally produced" and "principally used" -- not instead of them. ANR will develop the list of bulking agents.

2. A Solid Waste Management District is a municipality under Act 250. Municipal projects are not subject to Act 250 unless they physically disturb 10 or more acres, including land incident to the use. A Solid Waste District can set up a compost facility; hire an employee or consultant to run daily operations, and as long as they maintain control and responsibility and there is not a separate commercial operation involved would not need an Act 250 permit. Project has to be for use/benefit of municipality and general public. Melanie will check on whether the land can be leased and still be a municipal project.

3. Beyond application fees, the estimated cost of Act 250 applications is not something that Act 250 has available. The application fee is based on the project construction cost, and is in statute at 10 V.S.A. § 6083a. It is \$150 plus \$4.75 per \$1000 of the first \$15 million, and \$2.25 for construction costs above that, with a cap of \$135,000. Melanie will check on whether portable equipment, like a portable compost turner, is included in the construction costs.

4. Mortality and Pathogens issues. There was further discussion about these issues and related comments from a member of the Land Use Panel regarding the Cornell Study that discussed the potential impacts of prions and pathogens.

Two handouts were presented by AAFM. One was from the Kansas Department of Health and Environment and the second from the Canadian Food Inspection Agency. Both regulate compost from the composting of carcasses of ruminants. Kansas addresses specified risk materials. Kansas has requirement the compost be used on site and a five year prevention of animal grazing of this area.

The concern is with prions and not pathogens. Most members seem to agree that the composting process does eliminate pathogens of concern.

This is an area that the committee will not be able to resolve for this report. There is a desire to see this as something for future discussion; need more stakeholders and experts in the conversation.

Discussion of Report, Education Section:

The Vermont Association of Conservation Districts, the UVM Extension Service, consultants such as Highfields and WASTE NOT Resource Solutions should be added to the “current programs” list.

Three groups to add as potential partners are watershed associations, NRCD’s and the Water Quality division of ANR.

CAV is looking at the possibility of setting up demonstration sites around the state, possibly at transfer stations. Suggest adding demonstration sites to number two under specific recommendations.

A suggestion was made about circulating information between State agencies and that there be some sort of challenge between agencies. State should “walk the talk” as had been mentioned in a previous meeting.

We would like to get additional feedback for this section along with what to include in Appendix section. Send any suggestion to both Dave and Vicki by end of business, Friday, December 12.

Discussion of Report, Contact Program:

ANR proposed that the Solid Waste Program be the contact. There will be two primary contact people within the program, but others can be contacted if primary people are not in. The committee agreed with this.

Review of List of Issues the Committee Agrees On:

See the revised list (and the education section of the report) on the website:
http://www.anr.state.vt.us/dec/wastediv/solid/Compost_Work_Group.htm

The list was revised on December 3, based on comments from the last meeting. A summary of the changes was provided.

Committee doesn't agree that on-farm mortalities need to stay on farms. We are in agreement that non-ruminant mortalities based compost can leave the farm. Work with Ag to come up with acceptable language.

Addition to number three of the agreement section: Act 250 exemptions now include principally produced, principally used, and made solely from manure produced on the farm plus bulking agents. Melanie will send this language if needed.

Under the areas to be resolved section, the committee decided to form two lists, one to be resolved for report and things to be resolved in the future. Need to focus on issues that might be able to be resolved. Also, would like further input from other parties for those issues that can't be resolved.

Discussion of what to include in the footprint of the facility. One suggestion was to err on the side of being more inclusive, so there are no arguments about what is or isn't included. If everything is included, may need to increase the acreage. Act 250 includes the project footprint plus any impacts or project components needed to comply with Act 250, such as tree-lined buffers, all access roads, etc., if going for a Stonybrook designation. The sense of the group was that some of these things, like aesthetic buffers, should not be included in the footprint. Other option is to include just the area where the actual composting operation is taking place. Agreement on this is not an urgent issue. This is a detail that can to be worked out within the regulatory process.

A scenario was presented. A farm wishes to compost two hundred cubic yards of pre and post consumer food waste. Currently the farm would get a categorical certification from the Solid Waste Program, but may not have applied for an Act 250 permit. The facility may be subject to Act 250 jurisdiction under current law, even if they haven't applied. This may discourage these sites from continuing. Whether the site would be exempt under the straw proposal is a different question.

The slaughterhouse issue is unlikely to be resolved. This may be worked out in development of the ACP's. Agreed that the discussion is around ruminants. There was agreement to continue practice of allowing of composting of post consumer meat to be distributed.

The committee will not be able to reach agreement on the Act 250 exemptions. There was a question of what impacts/concerns Act 250 has that won't be addressed by solid waste districts or ANR. Melanie previously circulated a list of Act 250 criteria. Traffic has been the example most often cited, but Act 250 also protects streams, headwaters, historic resources, primary agricultural soils, compliance with the municipal plan, and other resources, and ensures that there is no undue air or water pollution even if no ANR permit is required, and no undue adverse effect on aesthetics (including noise and odor), for example. Act 250 provides notice and an opportunity to be heard to adjoining landowners and other potentially interested parties that would be lost if a new project is exempt. Also, Act 250 jurisdiction provides a mechanism for enforcing permit conditions if there are problems at a particular project. Without Act 250 jurisdiction, you lose the ability to address these problems beyond issues covered by ANR permits. Solid Waste Districts do not have regulatory authority currently, but do a lot of work assisting composting facilities.

General Discussion:

Examples of liquid waste were presented in response to a question at a previous meeting. Some of the liquids that are brought into the Addison district include rotten fish food, coconut oil, palm oil, liquid fertilizers, etc. (Terri will e-mail the list).

Question of whether fields, where liquids are being applied, are part of the compost facility or not. Initial thought is that the fields may be part of an ANR permit, may need a nutrient management plan, but would not necessarily be part of the active site. It was suggested that as long as a no construction was required on the fields that it would not be part of the facility.

Comment on clean high carbon bulking agents. Bulking agents need to be stable for storage.

Question regarding the exemption of yard waste. There is a concern for contaminants, leachate, and proper management.

Next Meeting:

December 16th we will be meeting in the laundry Building conference room and will also have available the telephone conference option. We will discuss the draft report, assuming we can get it to that point.