



Composting Association of Vermont

Reclaiming Organics For Good

7 April 2020

Re: DRAFT Solid Waste Management Rules Comment Period

Dear Dennis and team,

The Composting Association of Vermont (CAV) advances the production and use of compost as vital to soil health through practices that contribute to water quality, plant vigor, and environmental resilience. CAV demonstrates the value of compost through education, policy, outreach, and partnerships to reduce waste, capture energy, and create jobs. Our members include SWMEs; commercial, community and backyard composters; farmers; organics haulers; academics; concerned citizens; and soil health enthusiasts.

In my position as Director, I am often contacted for help interpreting the organics and compost management rules, especially as they pertain (or don't pertain) to community composting sites. Some of my comments on the Draft Rules (below) are suggested changes, while others reflect my understanding and the guidance I would give. For the latter, you might consider strengthening the language – or clarifying it – especially if my interpretations are not in line with your intentions.

Should you need further clarification, or would like to discuss any of my comments, please feel free to contact me.

Sincerely,

Natasha Duarte, Director
Composting Association of Vermont

§ 6-201 Definitions (starting on p. 11)

“Composting” means the controlled [aerobic](#) biological decomposition of organic matter through active management to produce a stable humus-rich material compost (as that term is defined in 10 V.S.A. §6602 and subchapter 11 of these Rules).

Comment: Adding “aerobic” brings this is in line with **§ 6-1102 Organic Specific Definitions (e)** "Compost" means the product of composting; consisting of a group of organic residues or a mixture of organic residues and soil that have been piled, moistened, and allowed to undergo [aerobic biological decomposition](#). means a stable humus-like material produced by the controlled biological decomposition of organic matter through active management, but shall not mean sewage, septage, or materials derived from sewage or septage. (p. 145)

“Food residual” means source separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable in a manner consistent with 10 V.S.A. § 6605k. Food residual includes pre-consumer and postconsumer food scraps. “Food residual” does not include meat and meat-related products when these materials are composted by a resident on site.

Question: Is the highlighted text being called out because meat and eat-related products are can still be landfilled, under the Universal Recycling Law? I imagine that this is not restricting residents from composting meat and meat-related products (in backyard systems), should they choose? Some of the compost tumblers CAV promotes reach PFRP temps, and residents are in fact composting meat and bones in them. Green Cones are also promoted for residential disposal of these materials.

Note that this definition also appears in § 6-1102 Organic Specific Definitions (starting on p.144); item (p)

“Organics” means any carbon-based plant or animal material or byproduct thereof which will decompose into soil and is therefore free of non-organic materials and contamination. Examples of organic materials include food residuals, leaf and yard residuals, grass clippings, and paper products. Domestic waste (human and pet feces) is not included in this definition of organics.

Comment: Although not called out specifically, I assume that manures fall under the highlighted part of this definition.

“Organic Drop-Off” means a registered facility that is not located on a certified solid waste facility and is approved for the collection of food residuals.

Comment: My understanding of this is that an “Organic Drop-Off” site requires subsequent transport of collected organics to a site, and does not include collection of organics at a composting site. An example of this would be a community composting site, where people drop off organics for later integration into the composting system. In this case, the collections area is part of – and not separate from – the site. In contrast, if a business wanted to allow their employees to bring foodscraps from home to the businesses organics tote (or dumpster), they would need to register their business with ANR as an “Organic Drop-Off” site. Is this correct?

“Organics Recovery Facility” or “ORF” means a facility where organic materials are collected, treated, and/or stored in preparation for transfer to an anaerobic digester or compost operation. This includes on-farm anaerobic digesters that process food residuals on-site prior to introduction to the digester.

Question: How are these different that “Organic Drop-Off”?

§ 6-302 Exemptions (starts on p. 31)

- (a) The following are exempt from the provisions of regulation under these Rules:
- (16) The following materials, when used as high-carbon bulking agents in composting:
 - (A) Clean wood chips and shavings;
 - (B) Bark wood chips;

- (C) Straw;
- (D) Shelled corn cobs;
- (E) Corn stalks;
- (F) Shrub trimmings;
- (G) Clean dry leaves, excluding any leaves vacuumed or accumulated from roadways;
- (H) Coarse sawdust;
- (I) Nut shells;
- (J) Pine needles – brown;
- (K) Non-legume hay – dry;
- (L) Heavily-bedded **horse** manure (carbon to nitrogen ratio of 22-50:1);

Comment: Suggest striking the word “horse”. Other types of bedded manure may meet the specified C:N of 22-50:1.

§ 6-1102 Organic Specific Definitions (starting on p.144)

As used in this Subchapter and Subchapter 12 the following additional definitions apply:

(k) "Contaminant" means any **non-biodegradable** material which lends impurity to compost, including but not limited to, glass, metal, plastics, and ceramics.

Comment: Perhaps allow room for contaminants that come along with some bio-degradable materials (e.g., PFAS)? Removing “non-biodegradable” may allow for more flexibility as we learn more about contaminants.

§ 6-1103 Organics Specific Exemptions (starting on p 147)

(a) The following activities are exempt from the requirements of this subchapter:

(1) A person(s) composting 100 cubic yards or less annually of combined feedstocks per year of total organics, of which not more than 42 cubic yards per year are food residuals and food processing residuals is not subject to regulation under these Rules. This exemption does not apply to the collection and composting of off-site generated animal offal, slaughterhouse wastes, or animal mortalities.

Comment: I have had conversations with Ben about the 42 cubic yard / 100 cubic yard issue (as stated in item 1 of this section), as it pertains to sites that may already be composting exempt materials greater than 100 cubic yards, that may want to add foodscraps – particularly with regards to supporting increased on-farm composting of food residuals. I have provided a few different iterations of language addressing this point.

Consider adding one of the following:

A person(s) already composting more than 100 cubic yards of otherwise exempt materials, who adds no more than 42 cubic yards per year of food residuals is not subject to regulation under these Rules. This exemption does not apply to the collection and composting of off-site generated animal offal, slaughterhouse wastes, or animal mortalities.

The composting of no more than 42 cubic yards or less of food residuals, provided that the food residuals do not exceed 42% of total composted materials.

Or amending (6) to read:

(6) The composting of **no more than 42 cubic yards of food residuals, and/or** 1,000 cubic yards or less of food processing residuals per year when the composting takes place on a farm.

(4) Facilities that compost solely any of the following materials, provided the compost is used for soil enrichment:

(A) any amount of animal manure;

Question: ... , that is allowable under the farm's nutrient management plan;

Is the above addition what is intended? Or does this include any amount of manure that may also be sold for soil enrichment elsewhere?

§ 6-1104 Compost Facility Types (starting on p. 149)

(b) Medium Scale Composting Facility – A facility is a medium scale composting facility under these Rules if the facility:

(2) composts the following materials:

(C) more than 10,000 cubic yards per year of leaf and yard waste; or

(D) compost 40,000 or less cubic yards per year of total organics consisting of any of the following feedstocks:

(i) not more than 5,000 cubic yards per year are food residuals or food processing residuals.

(ii) not more than 10 tons of animal mortalities, slaughterhouse waste or offal animal offal, and butcher waste per month.

(E) is a vermicomposting facility that is not eligible for the exemption provided by § 6-302(a)(17).

Comment: I'm just flagging (E), as it seems oddly out of place... perhaps this should be item (3)?

§ 6-1202 Organics Management Facility Types; Authorization (starting on p. 172)

(a) Organics Drop-Off Facilities. Facilities that accept solely food residuals at a volume of less than 144 gallons per week shall register with the Secretary pursuant to § 6-1206 of this subchapter.

Note: Facilities accepting more than 144 gallons per week of food residuals or any other materials shall obtain a certification in accordance with Subchapter 9. Any facility that collects food residuals and obtains certification under Subchapter 9 does not need to register under § 6-1202(a).

Question: Are other organics purposefully being omitted here? What about non-recyclable paper products (e.g., waxed or soiled fiber), for the facilities that accept them – can these be collected at an Organics Drop-Off Facility?

Comment: Overall, we're glad to see provisions and guidelines for Organics Drop-Off Facilities!