

.1402 GENERAL PROVISIONS FOR SOLID WASTE COMPOST FACILITIES

(a) Applicability. The provisions of this Rule apply to compost facilities that compost solid waste or co-compost solid waste with sludges that are not classified as a solid waste, functioning as a nutrient source. Facilities that co-compost with sewage sludge shall comply with all applicable federal regulations regarding sludge management at 40 CFR 501 and 503. 40 CFR 503, subpart B is hereby incorporated by reference, including subsequent amendments or additions. Copies of the Code of Federal Regulations may be obtained from the Solid Waste Section at 401 Oberlin Road, Suite 150, Raleigh, NC 27605 at no cost.

(b) The provisions of this Section do not apply to compost facilities that compost sludge with municipal solid waste functioning only as a bulking agent.

(c) Solid Waste Compost Facilities that have been permitted prior to the effective date of this Rule shall meet the requirements of this Section within one year of the effective date of this Rule, or, within two years if more than one hundred thousand dollars (\$100,000) of capital investment is necessary to comply with changes.

(d) Solid waste compost produced outside the State of North Carolina and imported into the state shall comply with the requirements specified in Rule .1407 of this Section.

(e) Compost that is disposed shall not count toward waste reduction goals.

(f) Solid waste compost facilities shall be classified based on the types and amounts of materials to be composted.

- (1) Type 1 facilities may receive yard and garden waste, silvicultural waste, untreated and unpainted wood waste or any combination thereof.
- (2) Type 2 facilities may receive pre-consumer meat-free food processing waste, vegetative agricultural waste, source separated paper or other source separated specialty wastes, which are low in pathogens and physical contaminants. Waste acceptable for a Type 1 facility may be composted at a Type 2 facility.
- (3) Type 3 facilities may receive manures and other agricultural waste, meat, post consumer-source separated food wastes and other source separated specialty wastes or any combination thereof that are relatively low in physical contaminants, but may have high levels of pathogens. Waste acceptable for a Type 1 or 2 facility may be composted at a Type 3 facility.
- (4) Type 4 facilities may receive mixed municipal solid waste, post collection separated or processed waste, industrial solid waste, non-solid waste sludges functioning as a nutrient source or other similar compostable organic wastes or any combination thereof. Waste acceptable for a Type 1, 2 or 3 facility may be composted at a Type 4 facility.
- (5) The listed waste types in Subparagraph (f)(2) of this Rule shall be considered to be low in pathogens and physical contaminants if handled so as to prevent development of contaminants or exposure to physical contamination. The listed waste types in Subparagraph (f)(3) of this Rule are likely to have high pathogens and low physical contamination. In determining whether a specific waste stream is acceptable for composting in a Type 2 or Type 3 facility, the Division shall consider the method of handling the waste prior to delivery to the facility as well as the physical characteristics of the waste. Testing for pathogens and physical contaminants may be required where a determination cannot be made based upon prior knowledge of the waste. Test methods shall be in accord with Appendices A and B to meet requirements of Table 3.
- (6) Small facilities are those that receive less than 1000 cubic yards of material for composting per quarter, and occupy less than two acres of land, except that a Small Type 1 facility shall process or store less than 6,000 cubic yards of

- material per quarter.
- (7) Large facilities are those that receive 1000 cubic yards or more of material for composting per quarter or occupy two acres or more of land, except that a Large Type 1 facility shall process or store more than 6,000 cubic yards of material per quarter.
- (g) A permit is not required for the following operations:
- (1) Backyard composting.
 - (2) Farming operations and silvicultural operations where the compost is produced from materials grown on the owner's land and re-used on the owner's land or in his associated farming operations and not offered to the public.
 - (3) Small Type 1 Facilities meeting the following conditions:
 - (A) Notification of the Solid Waste Section prior to operation and on an annual basis as to:
 - (i) Facility location;
 - (ii) Name, address and phone number of owner and operator;
 - (iii) Type and amount of wastes received;
 - (iv) Composting process to be used; and
 - (v) Intended distribution of the finished product.
 - (B) Agreement to operate in accordance with operational requirements as set forth in Rule.1406 and the setbacks in Rule .1404(a)(1) - (10) of this Section.
 - (C) Facility operates in accordance with all other state or local laws, ordinances, rules, regulations or orders.
 - (D) Facility is not located over closed-out disposal site.
 - (E) Safety measures are taken to prevent fires and access to fire equipment or fire fighting services is provided.

History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29; Eff. December 1, 1991; Amended Eff. May 1, 1996.