

15A NCAC 13B .1402 GENERAL PROVISIONS FOR SOLID WASTE COMPOST FACILITIES

(a) The provisions of this Rule shall apply to the following facilities:

- (1) facilities that produce compost or mulch from yard waste or from residues from agricultural products and processing;
- (2) vermicomposting facilities;
- (3) anaerobic digestion facilities; and
- (4) 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.

(b) Facilities that co-compost with sewage sludge shall comply with all applicable federal regulations regarding sludge management in 40 CFR 503, which is incorporated by reference including subsequent amendments and editions. Copies of the Code of Federal Regulations may be obtained from the U.S. Government Publishing Office website at www.gpo.gov at no cost.

(c) The provisions of this Section shall not apply to compost facilities that compost only wastewater treatment sludge with solid waste functioning only as a bulking agent.

(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) Solid waste compost facilities shall be classified based on the types and amounts of materials to be composted as follows:

- (1) Type 1 facilities may receive yard and garden waste, silvicultural waste, and untreated and unpainted wood waste.
- (2) Type 2 facilities may receive pre-consumer meat-free food processing waste, vegetative agricultural waste, source separated paper, and other source separated specialty wastes that 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 that are 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 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) In determining whether a specific waste stream listed in Subparagraphs (1) through (4) of this Paragraph is acceptable for composting, 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 shall be required if a determination cannot be made based upon prior knowledge of the waste. Test methods and constituents tested shall comply with Rule .1407(b)(2), (b)(3), (b)(5), and (b)(6) of this Section.
- (6) Small facilities.
 - (A) Small Type 1 facilities shall have an operations area less than two acres in size and shall be limited to no more than 6,000 cubic yards material onsite at any given time, including finished product.
 - (B) Small Type 2, 3, and 4 facilities shall have an operations area less than two acres in size and shall be limited to no more than 1,000 cubic yards material onsite at any given time.
- (7) Large facilities.
 - (A) Large Type 1 facilities shall have an operations area of two or more acres in size or have more than 6,000 cubic yards material onsite at any given time.
 - (B) Large Type 2, 3, and 4 facilities shall have an operations area of two or more acres in size or have more than 1,000 cubic yards material onsite at any given time.

(f) The following operations shall be exempt from the requirements of this Section:

- (1) backyard composting;
- (2) farming operations and silvicultural operations if the compost is produced from materials grown on the owner's land and re-used on the owner's land or associated farming operations and not offered to the public; and
- (3) persons receiving no more than 30 cubic yards of leaves from an offsite source on an annual basis.

(g) The following operations shall be exempt from the permitting requirements in Rule .1401 of this Section:

- (1) Small Type 1 Facilities meeting the following conditions:

- (A) notification to the Division prior to operation and on an annual basis as to:
 - (i) the facility location;
 - (ii) the name(s) and contact information of the owner and operator;
 - (iii) type and amount of wastes received;
 - (iv) the composting process to be used;
 - (v) the intended distribution of the finished product; and
 - (vi) for new facilities only, a letter from the unit of government having zoning jurisdiction over the site that states that the proposed use is allowed within the existing zoning, if any, and that any necessary zoning approval or permit has been obtained;
 - (B) the facility operates in accordance with the operational requirements as set forth in Rule .1406(1) through (11) and (16) of this Section and the setbacks in Rule .1404(a)(1) through (a)(10) of this Section;
 - (C) the facility operates in accordance with all other state or local laws, ordinances, rules, regulations or orders;
 - (D) the facility shall not be located over a closed-out disposal site; and
 - (E) safety measures shall be taken to prevent fires and access to fire equipment or fire-fighting services shall be provided.
- (2) Compost facilities meeting the following conditions:
- (A) the site receives for composting pre- and post-consumer food waste, manure, vegetative agricultural waste, yard and garden waste, land-clearing debris, untreated and unpainted wood waste, or source separated paper;
 - (B) material onsite, not including finished compost, shall not exceed 100 cubic yards at any time;
 - (C) the operations area shall be less than 1.0 acres total;
 - (D) the site operates in accordance with operational requirements as set forth in Rule .1406 of this Section and the setbacks in Rule .1404(a)(1) through (a)(10) of this Section, except that the buffer between property line and operations area shall be at least 50 feet and the buffer between the operations area and residences or dwellings not owned and occupied by the operator shall be at least 200 feet;
 - (E) the site is operated to prevent the release of particulates and odors outside of the property boundary, and the site does not attract vectors such as insects and rodents;
 - (F) for facilities producing compost that is distributed to the public or used in public areas, compost produced from the facility shall meet the pathogen testing and record keeping requirements per Rule .1407(b) and Rule .1408(a) of this Section; and
 - (G) the site operates in accordance with all applicable State or local laws, ordinances, rules, regulations, or orders.

*History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;
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