

**15A NCAC 13B .1409 ALTERNATIVE PROCEDURES, VERMICOMPOSTING, AND ANAEROBIC DIGESTION REQUIREMENTS**

(a) An owner or operator of a composting facility subject to the provisions of this Section may request in writing the approval of an alternative procedure for the facility or the compost that is produced. The following information shall be submitted to the Solid Waste Section:

- (1) the specific facility for which the exception is requested;
- (2) the specific provisions of this Section for which the exception is requested;
- (3) the basis for the exception;
- (4) the alternate procedure or requirement for which the approval is sought and a demonstration that the alternate procedure or requirement provides equivalent protection of the public health and the environment; and
- (5) a demonstration of the effectiveness of the proposed alternate procedure.

The Division shall approve the request if the alternative procedure is equivalent to procedures provided in the rules of this Section and is protective of the public health and the environment.

(b) Vermicompost Facilities. This Paragraph shall be applicable to vermicompost facilities that receive solid waste as defined in G.S. 130A-290. Facilities that receive only animal manure or only municipal wastewater treatment sludge, or both, shall not be subject to this Paragraph.

- (1) The following operations shall be exempt from the requirements of this Section:
  - (A) backyard vermicomposting; and
  - (B) farming operations where the vermicompost is produced from materials grown on the owner's land and re-used on the owner's land.
- (2) Vermicompost facilities meeting the following conditions shall be exempt from the permitting requirements in Rule .1405 of this Section:
  - (A) the site receives pre- and post-consumer food waste, manure, vegetative agricultural waste, yard and garden waste, untreated, unpainted, and uncontaminated wood material, source separated paper, or any combination thereof;
  - (B) no more than 100 cubic yards of material shall be onsite at any time. This volume shall include feedstock storage, processing, pre-composting, and active vermicomposting, but shall not include finished vermicompost;
  - (C) outdoor areas of the site used for feedstock storage, processing, pre-composting, or vermicomposting in open areas or open containers or bins shall meet the siting criteria and setback requirements of Rule .1404(a)(1) through (a)(10) of this Section, except that the minimum setback to the property line shall be at least 50 feet and the minimum setback to residences or dwellings not owned and occupied by the owner or operator shall be at least 200 feet;
  - (D) outdoor feedstock storage, processing, pre-composting, and vermicomposting operations areas, that are enclosed on all sides in containers or bins shall maintain a minimum setback to the property line of at least 25 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) surface water shall be diverted from the operational and storage areas. Leachate shall be contained onsite and treated to meet the standards of the applicable off-site disposal method;
  - (G) for facilities producing vermicompost that is distributed to the public or used in public areas, the owner meets the pathogen testing and record keeping requirements of Rule .1407(b) and .1408(a) of this Section for a Type 3 facility; and
  - (H) the site operates in accordance with all applicable State or local laws, ordinances, rules, regulations, or orders.
- (3) A permit shall be required for vermicompost facilities that do not meet the conditions of Subparagraphs (1) or (2) of this Paragraph. A permit application for a vermicomposting facility shall include the information required by Rules .1404 and .1405 of this Section, except that Rules .1405(9)(f) through (9)(h) of this Section do not apply. Operations or parts of operations that are indoors shall be exempt from the siting requirements of Rule .1404 of this Section. Permitted vermicomposting facilities shall be subject to:
  - (A) Rule .1406(1) through (9), (14), and (16) of this Section;
  - (B) Rule .1407 of this Section;

- (C) Rule .1408 of this Section; and
  - (D) Rule .1410 of this Section.
- (c) Anaerobic Digestion Facilities. This Paragraph shall be applicable to anaerobic digestion facilities that receive solid waste as defined in G.S. 130A-290. Facilities that receive only animal manure or only municipal wastewater treatment sludge, or both, shall not be subject to this Paragraph.
- (1) A solid waste management permit shall be required for the areas of the facility that manage solid waste. These areas shall include the incoming waste receiving area, the digestate handling area, and the digestate final disposition and any other areas of the operation where solid waste is exposed to the environment.
  - (2) A permit application shall contain:
    - (A) the information required by Rules .1404 and .1405 of this Section, with the exception of Rule .1405(9)(f) through (9)(h). Operations or parts of operations that are in buildings enclosed on all sides shall be exempt from the siting requirements of Rule .1404 of this Section; and
    - (B) drawings of the following within the waste management areas:
      - (i) hoppers, bays, or vessels, and all other site-specific features related to solid waste management activities; and
      - (ii) for indoor operations, plan and profile drawings of the buildings with areas and features labeled.
  - (3) Permitted anaerobic digestion facilities shall be subject to:
    - (A) Rule .1406(1) through (9), (14), and (16) of this Section;
    - (B) Rule .1407 of this Section for the digestate;
    - (C) Rule .1408 of this Section; and
    - (D) Rule .1410 of this Section.

*History Note:* Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29; Eff. December 1, 1991;  
RRC objection due to lack of statutory authority Eff. April 18, 1996;  
Amended Eff. June 1, 1996;  
Readopted Eff. November 1, 2019.