

567—105.1(455B,455D) General. This chapter shall apply to the composting of solid and yard wastes. Composting facilities may include vermicomposting, turned windrows, aerated static piles, aerated in-vessel systems, or other methods approved by the department. Composting facilities existing as of June 19, 2002, must comply with the requirements of this chapter within two years or by the permit renewal date, whichever is later.

105.1(1) Definitions. For the purposes of this chapter, the following definitions apply:

“Agricultural waste” means organic materials normally discarded during the production of plants and animals from agronomic, horticultural or silvicultural operations. “Agricultural waste” includes but is not limited to manure, crop residuals, bedding, and other vegetative by-products produced during farm processing. Dead animals are not included.

“Best management practices” means the practices described in the most recent version of the Compost Facility Operating Guide published by the United States Composting Council or other best management practices as approved by the department.

“Bulking agent” means a material that contributes structure and porosity, usually a dry, rigid material such as shredded wood or tire chips.

“Compostable” means an organic material that undergoes degradation by biological processes during composting to yield carbon dioxide, water, inorganic compounds and biomass.

“Compostable plastics” means a plastic that undergoes degradation by biological processes at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residue. Testing according to ASTM D6400-00 criteria should be used to designate compostable plastics.

“Composting” means the accelerated biological decomposition of organic matter under managed aerobic conditions resulting in a stable, innocuous final product.

“Composting facility” means all related receiving, processing, production, curing, and storage areas and necessary roads, buildings, equipment, litter control devices, pollution control devices, fire control devices, landscaping, gates, personnel and maintenance facilities, sewer and water lines, and process water.

“Compost leachate” means a liquid that has percolated through or drained from compost.

“Compost maturity,” according to Test Methods for the Examination of Composting and Compost (TMECC), means an organo-chemical state of compost that indicates the presence or lack of organic phytotoxic chemicals in stable compost. Measurements for maturity are based on the amount of volatile fatty acids present. Mature compost will have fatty acids of no more than 2 mg/g dry weight solids or as specified in the most recent version of TMECC.

“Compost stability,” according to TMECC, means a stage in the composting process when microbial activity is diminished with the corresponding decrease of available organic carbon and other energy sources. Stability is measured through respiration. Stable compost will have oxygen uptake rates in the range of 0-3.5 mg O₂/g BVS/hr. or as specified in the most recent version of TMECC.

“Cured compost” means compost that is both stable and mature according to the definitions found in this chapter.

“Curing” means a process in which compost is further monitored to control pathogen regrowth while increasing stability and maturity.

“Finished compost” means cured and, if necessary, screened or refined.

“Household organic waste” means general household compostable items such as food residuals and paper produced on premises.

“Infectious waste” means waste that is infectious, including but not limited to contaminated sharps, cultures, and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

“Municipality” means any city or county in the state.

“Nuisance” means whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property, and a civil action by ordinary proceedings may be brought to enjoin and abate the same and to recover damages sustained on account thereof.

“Organic materials” means any material of animal or plant origin.

“*Premises*” means a geographically contiguous property owned by a generator or noncontiguous property owned by a generator and that is connected by a controlled right-of-way to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by public or private right-of-way are a single premises.

“*Small compost facilities*” means facilities meeting the requirements set forth in rule 105.5(455B,455D).

“*Solid waste composting*” means the composting of any organic material with or without yard waste. For the purposes of this chapter, facilities exempt under 105.2(455B,455D) are not considered solid waste composting facilities. In addition, facilities in compliance with 105.4(455B,455D), 105.5(455B,455D) or 105.6(455B,455D) are not considered solid waste composting facilities. Only facilities that are required to obtain or have a permit are considered solid waste composting facilities.

“*Vector*” means a carrier organism that is capable of transmitting a pathogen from one organism to another. Vectors include, but are not limited to, birds, rats and other rodents, and insects.

“*Yard waste*” means vegetative matter such as grass clippings, leaves, garden waste, brush and trees, and any clean wood waste which is necessary as bulking agent and which is free of coatings and preservatives.

105.1(2) There are three different levels of compost facility regulation:

a. Exempt operations in accordance with 105.2(455B,455D).
b. Permit by rule. Yard waste composting facilities are exempt from permitting if operated in conformance with 105.3(455B,455D) and 105.4(455B,455D). Facilities that compost dead farm animals are exempt from permitting if operated in conformance with 105.3(455B,455D) and 105.6(455B,455D). Small quantity solid waste compost operations as defined in 105.5(455B,455D) are exempt from permitting if operated in conformance with 105.3(455B,455D) and 105.5(455B,455D).

c. Solid waste composting. Solid waste composting facilities must obtain a permit from the department. Solid waste composting facilities involving municipal sewage sludge shall also operate in conformance with 567—Chapter 67.

105.1(3) Burial of yard waste at a sanitary landfill is prohibited. Acceptance of yard waste by a hauling firm or at a transfer station for burial at a sanitary landfill is also prohibited. However, yard waste that has been separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting. Yard waste accepted by a sanitary landfill for the purposes of soil conditioning shall be used only on finished areas of the landfill that have received the final earthen cover, developed areas with intermediate cover, and restoration of soil borrow areas. Burning of yard waste at a sanitary disposal project is prohibited.

105.1(4) Each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. Municipalities which provide for collection of solid waste shall also provide for separate collection of yard waste.

105.1(5) Land application of yard waste shall be in conformance with 567—Chapter 121.