

Composting Exemptions and Basic Definitions

Authority: Section 9-1725, Environment Article, Annotated Code of Maryland, & Code of Maryland Regulations (COMAR) 26.04.11

Permitting Exemptions - A Composting Facility Permit is not required for the following:

Composting Facility:

- Complies with the general restrictions in COMAR 26.04.11.04;
- At all times, uses no more than 5000 ft² of area in support of composting operations and is a Tier 1 or Tier 2 facility; maintains any raw feedstock storage piles at a height of 9 feet or less; and maintains any active composting pile, curing, or finished compost piles at a height of 12 feet or less;
- Is a Tier 3 facility that operates under a permit issued under COMAR 26.04.06 or COMAR 26.04.07;
- Is a Tier 1 or Tier 2 facility that operates under a refuse disposal permit which includes design and operational conditions specific to the composting activity;
- Is located on a residential property and composts organic materials generated on the residential site, if the resulting compost is used on the residential site for personal, household, or family purposes;
- Is managed by State or local government and composts animal mortalities as part of roadway or other maintenance activities.

On-Farm Composting Facility:

- On-farm composting facility up to any size if the farm composts only materials generated on the site (or a site controlled by the same operator) and uses all compost on site (or a site controlled by the same operator).
- On-farm composting facility that uses no more than 40,000 ft² of area in support of composting operations, if the composting facility: 1) complies with the general restrictions in COMAR 26.04.11.04; 2) by no later than January 1, 2017 for an existing composting facility, or before commencement of operations for a new composting facility, is constructed and operated in accordance with: a) a Nutrient Management Plan, if required under COMAR 15.20.07; and (b) either: (i) a Soil Conservation and Water Quality Plan ; or (ii) an Agricultural Waste Management System Plan that addresses the composting activity; and 3) composts only one or more of the following: a) organic materials generated on site or at another farm controlled by the same operator; b) animal manure and bedding, regardless of the place of generation; and c) type 1 feedstocks, regardless of the place of generation.
- On-farm composting facility that uses no more than 5000 ft² of area in support of composting operations; maintains any raw feedstock storage piles at a height of 9 feet or less; and maintains any active composting pile, curing, or finished compost piles at a height of 12 feet or less.

Basic Definitions:

- **"Tier 1 Facility"** means a composting facility that accepts "Type 1 feedstocks".
- **"Type 1 feedstock"** means "Yard waste".
- **"Yard waste"** means organic plant waste derived from gardening, landscaping, and tree trimming activities. Yard waste includes leaves, garden waste, lawn cuttings,
- **"Tier 2 Facility"** means a composting facility that accepts "Type 2 feedstocks" and includes a composting facility that accepts Type 1 feedstocks in addition to Type 2
- **"Tier 2 Facility"** does not include a composting facility that accepts Type 3 feedstocks.
- **"Tier 2 Small Facility"** means a Tier 2 facility that produces 10,000 cubic yard or less of compost/year.
- **"Tier 2 Large Facility"** means a Tier 2 facility that produces more than 10,000 cubic yards of compost/year.

- **"Type 2 feedstock"** means: a) source-separated organics from residential curbside or drop-off programs and non-residential sources, including but not limited to pre-consumer and post-consumer food scraps and non-recyclable paper; b) department-approved animal manure and bedding, with Department approval based on factors such as moisture content and pathogen risks; c) department-approved industrially produced food processing materials, including industrial poultry and seafood residuals; d) animal mortalities; e) manufactured organic materials such as waxed-corrugated cardboard, non coated paper, and compostable products; and f) other materials that the Department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens, compared Type 1 feedstocks.
- **"Tier 3 Facility"** means a facility that accepts any Type 3 feedstocks, regardless of whether other feedstock Types are also accepted.
- **"Type 3 feedstock"** means: a) sewage Sludge, as defined in COMAR 26.04.06.03; b) biosolids, as defined in COMAR 26.04.06.03; c) used diapers; d) mixed municipal solid waste; and e) any other feedstocks that are not Type 1 or Type 2 feedstocks and that the Department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens, compared to Type 1 and Type 2 feedstocks.

Consult COMAR 26.04.11.02 for all composting definitions

Questions - Call Tariq Masood at 410-537-3326