



Mulching Facility Operation Exemption Guidance

September 2021

Rule 391-3-4-.04(7)(g) exempts mulching operations from obtaining a solid waste handling permit if compliance with conditions outlined in the rule are met.

Mulch, as defined by Rule 391-3-4-.01(44), is a product produced by grinding, shredding, or chipping of yard trimmings, land-clearing debris, untreated and unpainted wood, or any combination thereof, that has not undergone controlled aerobic decomposition to produce a stabilized organic product. Mulching, as defined by Rule 391-3-4-.01(45), is the grinding, shredding, or chipping of yard trimmings, land-clearing debris, untreated and unpainted wood, or any combination thereof, that has not undergone controlled aerobic decomposition to produce a stabilized organic product.

This document provides guidance to operators of mulching facilities regarding the conditions necessary to maintain the exemption and is limited in scope to the definitions provided above for mulch and mulching. Mulch piles must only contain the materials as defined above and must be segregated from other piles containing other recovered materials.

An exemptions checklist is included at the beginning of this document to guide operators in determining whether operations are exempt, followed by a detailed breakdown of each rule section.

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Exemptions Checklist

Conditions for Exemption				
<i>Are conditions met?</i>		<i>All conditions must be met to be exempt from obtaining a solid waste handling permit. If any condition is marked as "NO", a solid waste handling permit may be required.</i>		
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Are all stockpiles less than 25,000 square feet in area?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Are all stockpiles less than 25 feet in height?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Is mulch processed within 90 days?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Is there a fire plan?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Are activities involving open flames occurring 25 feet away from stockpile? This does not include activities required for stockpile maintenance (see below).
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	For stockpile maintenance activities involving open flames that occur within 25 feet of the stockpile, is a fireproof barrier used?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Is there a buffer between materials and property line?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Are best management practices being used to minimize stormwater runoff?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Are control measures in place for erosion and sediment control?
Speculative Accumulation				
<i>Are conditions met?</i>		<i>Mulch stockpile cannot be speculatively accumulated. If any condition is marked as "NO", a solid waste handling permit may be required.</i>		
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Can the material be feasibly sold, used, reused, or recycled?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Is 75% by weight or volume of the material at the facility recycled, sold, used, or reused during a rolling 12-month period?

Completed by: _____ Date: _____

Rule 391-3-4-.04(7)(g)1. states:

A stockpile must have no greater than the following maximum dimensions:

- *Area: 25,000 square feet*
- *Height: 25 feet*

Height no greater than 25 feet



Area less than 25,000 square feet

What does this mean?

- A stockpile can consist of the following materials:
 - Unprocessed yard trimmings
 - Land-clearing debris
 - Untreated and unpainted wood
 - Mulch
 - Any combination of the above materials
- Stockpile area cannot be larger than 25,000 square feet.
- Stockpile height cannot be taller than 25 feet at its highest point.

Compliance Tips

- The height of the pile will be estimated from the existing ground level to the highest point.
- The number of stockpiles is not restricted provided buffer requirements and fire lane requirements are met (see Rule 391-3-4-.04(7)(g)6.).

Area = Length x Width



- See Appendix A for additional area calculations.

Rule 391-3-4-.04(7)(g)2. states:

Unprocessed yard trimmings, land-clearing debris, untreated and unpainted wood or any combination thereof, must be processed no later than 90 days after receipt, unless otherwise stated in the Solid Waste Handling Permit.

What does this mean?

- Stockpile of incoming materials cannot sit for more than 90 days without processing.

Compliance Tips

- Daily inbound truck scale weight or volume (number of trucks and volume per truck) of unprocessed material must be recorded and maintained on site.
- Records must demonstrate that the estimate of weight or volume of unprocessed material in storage does not exceed 90 days.
- Unprocessed material should be processed on a first in, first out basis.
- If this requirement cannot be met, stop accepting inbound material until facility can come into compliance with the 90-day timeframe.
- Mulch is not subject to this criteria, only unprocessed material.

Rule 391-3-4-.04(7)(g)3. states:

Mulch is not accumulated speculatively if the person accumulating it can show that there is a known use, reuse, or recycling potential for the material; that the material can be feasibly sold, used, reused, or recycled; and that during a rolling 12-month period seventy-five percent (75%) by weight or volume of the products stored at a facility are recycled, sold, used, or reused. Any material that is accumulated speculatively and not in accordance with these requirements must be handled as solid waste.



What does this mean?

- Speculative accumulation refers to the buildup of materials that are not reused or sold.
- It is critical to avoid speculative accumulation to be exempt from solid waste handling permit requirements.
- At least 75% by weight or volume of the mulch stockpile must be reused or sold within a rolling 12-month period.
- Materials that are speculatively accumulated must be handled as solid waste.

Compliance Tips

- Daily records of truck scale weight and/or volume (number of trucks and volume per truck) of inbound and outbound material shipments and customers must be available for review should an inspection by an EPD representative be necessary.
- This review of inbound and outbound receipts will document the 75% criteria.
- Failure to demonstrate that material is not being speculatively accumulated may result in a requirement to obtain a solid waste handling permit.

Rule 391-3-4-.04(7)(g)4. states:

The facility shall have on site a fire plan detailing steps to prevent, contain, and extinguish a fire. The fire plan shall include documentation that the local fire authority or a Georgia State Certified Fire Inspector conducted a fire safety survey.

What does this mean?

- A fire plan shall be created to demonstrate the steps that the operator will take to prevent and quickly extinguish fires.
- A fire safety survey shall be conducted by a local fire authority or a Georgia State Certified Fire Inspector.
- The fire safety survey shall include, but not be limited to, information on documentation about types of fire hazards, location of hazards, emergency action plan, and required PPE.

Compliance Tips

- Perform a walkthrough of the facility with the local fire authority or a Georgia State Certified Fire Inspector to assess the layout of the structures, type and volume of combustible material storage, and other hazards that may be encountered when responding to an emergency.
- Local fire authority could include the local fire department, fire marshal, or volunteer fire department.
- Georgia State Certified Fire Inspector can be found by calling the Georgia Fire Standards & Training Council at (478) 993-4521
- The fire plan should be reviewed and updated by the responsible party no more than every five years, or whenever there are changes to the site layout or operations.
- A separate guidance document is provided to aid the operator/owner in developing a fire plan (See Fire Plan Template).

Rule 391-3-4-.04(7)(g)5. states:

Activities involving open flames and other flammable materials (oil, gas, fuel) shall not be allowed within 25 feet of a stockpile, with the exception of maintenance activities involving torches and welding equipment, as long as a fireproof barrier is used.



What does this mean?

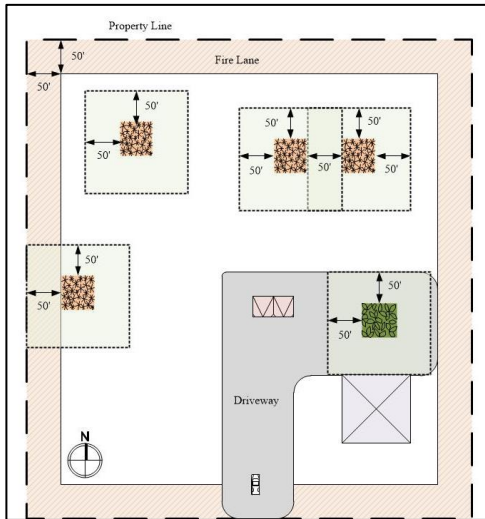
- Activities, including but not limited to, welding, open burning, and fueling vehicles, shall not take place within 25 feet of stockpile without proper fire prevention measures and records.
- Maintenance activities can take place near the stockpile as long as a fireproof barrier is used.

Compliance Tips

- Any activities involving open flames and maintenance should be documented in the fire plan, and compliance with this rule should be strictly enforced.
- A hot work permit (see Fire Plan Template) should be kept on site that documents activities involving maintenance within 25 feet of stockpiles.

Rule 391-3-4-.04(7)(g)6. states:

The facility must provide a buffer between unprocessed yard trimmings, land-clearing debris, untreated and unpainted wood, mulch, and any combination thereof and the property line. The buffer shall be set by the local fire authority or a Georgia State Certified Fire Inspector and documented in the fire plan. If the local fire authority or a Georgia State Certified Fire Inspector does not establish a buffer, the minimum buffer shall be 50 feet. The buffer may include the fire lane.



What does this mean?

- Facility must have a buffer around all stockpiles.
- There must also be a buffer between stockpiles and the property line.
- The buffers must be a minimum of 50 feet unless otherwise designated by the local fire authority or Georgia State Certified Fire Inspector.

Compliance Tips

- The buffer could also be the fire lane as set by the local fire authority and documented in the fire plan and fire safety survey.
- The fire plan should include a site plan that designates buffers and fire lanes (See Appendix G in the Fire Plan Template).

Rule 391-3-4-.04(7)(g)7. states:

The facility shall utilize best management practices from the most recent edition of the Georgia Stormwater Management Manual to minimize the exposure of material storage areas to rain, snow, snowmelt, and runoff.



What does this mean?

- Stormwater control measures are required.
- The Georgia Manual for Stormwater Management includes a detailed discussion of stormwater practices and can be accessed at:
<https://atlantaregional.org/natural-resources/water/georgia-stormwater-management-manual/>

Compliance Tips

- Stormwater runoff must be controlled to prevent discharge of pollutants into waters.
- Best management practices (BMPs) to prevent and control spills and leaks must be implemented. These can include structural, vegetative, and/or managerial practices to reduce water pollution.
- Structural BMPs include:
 - Retention ponds
 - Porous pavement
 - Interlocking tiles or bricks
- Vegetative BMPs include:
 - Landscaping
 - Grassed swales or ditches
 - Hay or pine straw filtration strips
- Managerial practices BMPs include:
 - Spill prevention and waste reduction practices to minimize contamination

Rule 391-3-4-.04(7)(g)8. states:

The facility shall have erosion and sediment control measures adequate to prevent the escape of sediment from the facility property into Waters of the State. Construction and operating areas must utilize best management practices from the most recent edition of the Manual for Erosion and Sedimentation Control in Georgia.



What does this mean?

- Erosion and sediment control measures are required.
- The Manual for Erosion and Sediment Control in Georgia 2016 outlines the permitting requirements and BMPs for controlling erosion from land disturbing activities and subsequent sediment transport from stormwater into the Waters of the State of Georgia. The manual can be accessed at:
https://gaswcc.georgia.gov/sites/gaswcc.georgia.gov/files/related_files/site_page/GS_WCC-2016-Manual-As-Approved-by-Overview-Council.pdf

Compliance Tips

- Surface runoff from disturbed areas must be controlled by appropriate erosion and sedimentation control measures or devices.
- The local issuing authority of the county should be consulted for these requirements.
- Structural BMPs include:
 - Check dams
 - Silt fences
 - Sediment ponds
- Vegetative BMPs include:
 - Permanent vegetation
 - Sodding

Rule 391-3-4-.04(7)(h) states:

Existing facilities producing mulch that have stockpiles of unprocessed yard trimmings, land clearing debris, untreated and unpainted wood, mulch, or any combination thereof on the effective date of this rule shall comply with the above sections(g) 1 - 8 within 6 months of the effective date of the rule.

What does this mean?

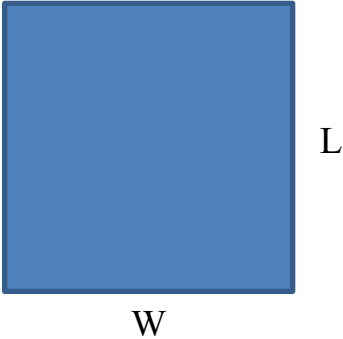
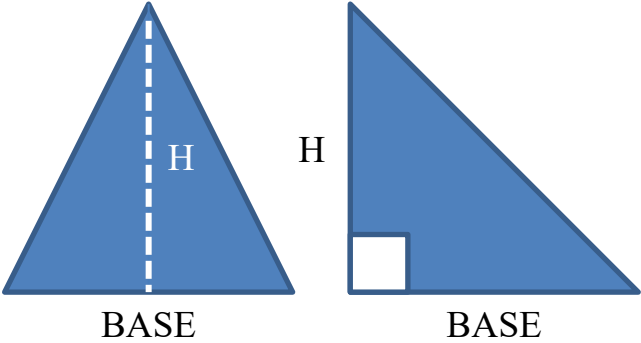
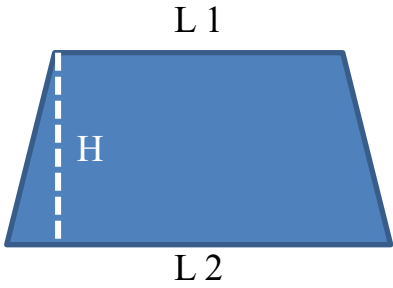
- The rules become effective June 30, 2021.
- Existing facilities must come into compliance with the new rules by December 31, 2021.

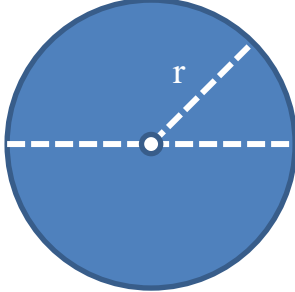
Compliance Tips

- It is recognized that existing facilities may need some time to implement changes to comply with these conditions to qualify for the exemption.
- Six (6) months are granted for existing facilities to come into compliance with the new Rule.
- Existing facilities, not in compliance with this rule after December 31, 2021, may be required to apply for a solid waste handling permit.

Appendix A - Area Calculations

Useful Formulas

Shape	Formula	Example
Square/ Rectangle	$\text{Area} = \text{Length} \times \text{Width}$	 <p style="text-align: center;">W</p>
Triangle	$\text{Area} = \frac{\text{Base} \times \text{Height}}{2}$	 <p style="text-align: center;">BASE</p> <p style="text-align: center;">BASE</p>
Trapezoid	$\text{Area} = \frac{\text{Length 1} + \text{Length 2}}{2} \times \text{Height}$	 <p style="text-align: center;">L 2</p>

Shape	Formula	Example
Circle	$Area = \pi r^2$ <p><i>r is the radius, which is the distance between the center of the circle to the circle's perimeter</i></p> $\pi (\text{pi}) = 3.14$	

Unit Conversions

Length

- 1 mile = 1,760 yards = 5,280 feet = 63,360 inches
- 1 yard = 3 feet = 36 inches

Area

- 1 acre = 43,560 square feet = 4,840 square yards
- 1 square mile = 27,878,400 square feet = 640 acres
- 1 square foot = 144 square inches

Volume

- 1 cubic foot = 1,728 cubic inches = 7.48052 gallons = 0.03704 cubic yards = 29.922 quarts
- 1 acre foot = 43,560 cubic feet = 325,828.8 gallons = 1,613.33 cubic yards

Weight

- 1 pound = 16 ounces = 0.0005 tons
- 1 ton = 2,000 pounds = 32,000 ounces