

Georgia Department of Natural Resources
Environmental Protection Division
Compost Rule Revision
Stakeholder Group Meeting 2
June 24, 2009

Stakeholders Attending

Jim Corley, Athens-Clarke County Solid Waste Department / SWANA
Todd Edwards, Association County Commissioners of Georgia
Britt Faucette, Filtrexx International
Mike Giles, Georgia Poultry Federation
Julie Hester, Georgia Department of Agriculture
Jason Governo, University of Georgia
Murray Griffin, Atlantic Coast Consulting / NSWMA
Gloria Hardegree, Georgia Recycling Coalition/Atlanta Recycles/G-ROC
Wayne King, US Composting Council
Tim Lesko, Greenco Environmental
Billy Malone, DeKalb County Solid Waste
Jennifer Szabo, Department of Community Affairs

Stakeholders Unable to Attend

Sharyn Dickerson, SWANA (Represented by Jim Corley)
Holly Elmore, Green Foodservice Alliance
Tom Gehl, Georgia Municipal Association
Mike Huff, NSWMA
Jon Huffmaster, Georgia Farm Bureau (Represented by Murray Griffin)
Ciannat Howett, Emory University
Boyd Leake, Community Environmental Management, Inc.
Charlie Slade, Community Waste Services, Inc.
Michael Snipes, Laurens County Solid Waste Management Authority
John Wuichet, US Army, Installation Management Command

Georgia EPD/US EPA Team Members Attending

Stephanie Busch, Manager, Waste Reduction Unit
Rachel Cochran, Small Business Environmental Assistance Program
Roy Edwards, Sustainability Division
Lon Revall, Waste Reduction and Abatement Program
Teresa Shiflett, Small Business Environmental Assistance Program
Mary Beth VanPelt, EPA Region 4 (Grant Administrator)
Jennifer Vogel, Solid Waste Program, Municipal/County Permitting
Derrick Williams, Solid Waste Program, Commercial/Industrial Permitting

Facilitators

Courtney Tobin and Tyler Reinagel, Fanning Institute, University of Georgia

Welcome and Introductions

Stephanie Busch of EPD welcomed everyone to the second meeting. Since the first meeting, she informed everyone that a draft strawman document had been produced and distributed to the group via email so that everyone would have the opportunity to share this document with their constituencies.

Because there were some stakeholders present who were not at the first meeting, brief introductions were made.

Goals for the Day

The group was presented with a list of three goals for the day:

- 1) Clarify strawman and make general observations
- 2) Create list of recommendations on how to move forward with the strawman document
- 3) Construct a roadmap for final meeting on July 15

The information requests from the first meeting were reviewed and no further needs were identified. In addition to the information that was emailed, a document including definitions to common terms from a variety of states was distributed to the group.

Overall Impressions of the Strawman Document

Before addressing specific observations and recommendations about the strawman document, the group was asked to make general observations.

Regarding terminology, group members cautioned everyone to exercise caution in using the term “waste.” Just as it was observed during the first meeting that there were negative connotations with the “Solid Waste Handling Permit” (SWHP) in the composting process because of the name, there was a negative connotation that accompanied “yard waste,” “foodwaste,” etc. Instead, these items can be referred to as “recoverables,” “recyclables,” and other more positive terms.

The first observation was that the document was structured around differing feedstocks that are used in composting operations. In this same notion, the United States Composting Council (USCC) has a manual and guide for composters that has been peer reviewed in the scientific community and breaks feedstocks into six different categories.

Those categories are:

- Food processing materials
- Manure and ag byproducts

- Forestry
- Bio-solids and sewage sludge
- Leaves, brush, yard trimmings
- Source-separated organic waste

Photocopies of the applicable pages from the USCC Manual/Guide were distributed by Wayne King, Stakeholder Group representative for USCC.

Among the benefits that were observed about the USCC classifications were the ability to adapt to changes in technology and comprehensive definitions that have been reviewed by experts and compiled into a cohesive document.

States that have adopted rules and permitting structures that have been influenced by the USCC guides include Minnesota, Pennsylvania, Washington, and California. In addition, the USCC has committees in place that are doing outreach to other states that are in the process of changing their rules.

The second larger observation was that the operations components of the rule outlined in the strawman needed a great deal of attention. Among the larger concerns that existed regarding operations were the need for training to be more universal, how to handle/phrase odor issues, the maintenance of facilities/piles to effectively respond to fires, and the need for specific record-keeping rules.

Next, the group discussed the definitions that were provided in the document. According to many of the constituencies represented in the group, there was still a lack of clarity and many questions that were raised when this draft was shared.

The fourth concern that was raised was the treatment of industrial waste in the draft. In its presented form, all industrial waste was treated as a Category D feedstock. Because of the significant variation in what might be considered “industrial,” the common opinion was that industrial waste be treated on a case-by-case basis with demonstration criteria for a particular waste being set *after* EPD is approached by a potential applicant for a SWHP.

Fifth was the concern that the permitting structure does not address the alternate permitting that is taking place through the Watershed Protection Branch of EPD. The notion of having a single branch handle all compost permitting was “parked” in a list of recommendations to be provided separate from the draft rule. Even though this is the case, several stakeholders recommended that the final draft rule consider the requirements of water quality/watershed protection as it relates to buffer definitions for composting operations (wells, homes, other structures, etc.).

The final observation about the strawman was that the document in its current form would not encourage potential new composters to enter the market. Among the concerns noted

were the cost of pad requirements and the cost of engineers associated with startup and market entry. This observation was discussed at length and resulted in several recommendations that were “parked” for discussion at the end of the day (see *Further Recommendations* section below).

Specific Observations

Definitions

Food Waste

Based on the list of definitions that was compiled and distributed by EPD, the stakeholder group generally thought that Kansas had a good working definition for “Food Waste.” Their definition identified food in the broader definition for “Source-Separated Organic Waste” (SSO). The simplicity of the rule was identified as the most appealing characteristic to stakeholders.

In dealing with food waste, it was also thought that New Hampshire’s “Permit by Notification” structure would be beneficial for small-scale composters.

The biggest concern to composters was that there be a continuous supply of this feedstock that is economically available.

The final point raised in regard to food waste was that some states included sludge and others did not.

Sewage/Sludge

The inclusion of sludge in the food waste definition spawned a discussion of the differences between sewage and sludge. The popularly accepted definition offered to the group and agreed upon by many stakeholders was that “bio-solids” are treated sludge. The consensus was that no one in the group was aware of composters that were using untreated sludge in their processes. As with food waste, the biggest concern was that there be a continuous supply of this feedstock that is economically available to composters.

Odor-Free

The term “odor free” used in the definition of composting was identified and observed as not being correct by current standards. This definition was lifted from O.C.G.A. 12-8.

Wastewater/Runoff Water

The terms “wastewater” and “runoff water” should be differentiated and their definitions clearly articulated in the context of the rule.

Curing

The current definition of curing (as defined by USCC) was offered to the group to jumpstart the conversation. There was no dissent to this definition voiced, but it segued into a conversation about the larger role of curing in composting.

The consensus that emerged was that the “curing” had little to do with the composting process, but was more important in marketing the final product. Further, ensuring the finished product was “safe to use” was thought to be the most important role for EPD as it relates to curing.

The group determined that the best way to handle curing in the new rule would be to assume that the product has been processed correctly and for EPD to address the assessment of the final product.

Pathogenic/Non-Pathogenic

The group was asked for feedback on how to distinguish between “low levels” of pathogens and “high levels” of pathogens, and what role pathogen testing should play in the proposed rule.

The consensus of the group was that “pathogens are everywhere” and eliminating them entirely should not be the goal.

The norm for state-level testing in labs is the “most probable number” method for testing of the final product. To that end, the norms identified by the USCC are:

- 1) Lower than 1,000 MPN/GRAM-fecal coliform
- 2) Lower than 3 MPN/GRAM-salmonella

As a whole, the group agreed that pathogens are not a good measure to distinguish feedstock and that they should not be used to classify compost “mid-process,” but rather only as a final product.

Feedstocks

Hazardous waste was addressed in the context of the strawman, but the group was in agreement that it should not be allowed.

While there was clarity and definitiveness in the discussion over *hazardous* waste, that was not the case with *industrial* waste. One of the group members proposed the question, “How does industrial waste differ from food waste in industrial park?” This question was intended to point out the inherent challenges in making broad classifications rather than considering specific qualities of feedstocks.

Because the USCC already has a scientifically reviewed and well-established classification structure for feedstocks, it was proposed that the new rule be based on those classes.

Because the prescribed treatment process is based on these categories that are not considering chemical characteristics of the feedstocks, there are often expensive processes involved that may or may not be necessary. Because of the high costs associated with this treatment, the proposed rule would drive potential composters away from the industry.

Feedstocks are also distinguished on whether they come from on-site or from off-site (from a third party). This does not acknowledge that there may be same/similar risk levels involved, but relies solely on where the feedstocks originate.

In the same capacity, it was observed that by structuring the new EPD rule around the classes already established by USCC, scientific review will have already taken place and education efforts to the general public and local government officials will be eased.

Instead of identifying specific feedstocks within the proposed categories, the group discussed and achieved consensus on identifying characteristics of feedstocks and issues that could accompany them in the process as a method of classification. Among the considerations would be identifying different pathogens, defining pathogen ratios, and water content, among others.

Several stakeholders pointed out that no matter what final decision is made, EPD and composters should exercise caution when dealing with carbon sources and incineration.

Siting Criteria

The biggest hurdle for those in the industry is overcoming the negative connotations that accompany a SWHP. Siting is an issue that directly involves local governments and they do not have the expertise held by those actually engaging in composting. The education of local government officials and the general public on composting issues was “parked” for attention outside of the general rule (see *Further Recommendations*).

Among the ideas suggested by the group were:

- 1) Reduction/elimination of groundwater testing requirements over time for facilities with a demonstrated history of safe operations
- 2) Exploring options for renaming the permit required for composting to get away from the “solid waste” connotations
- 3) Ensuring consistency in buffer requirements (produce, dairy, meat, etc.)

- 4) Developing educational programs through RDCs, EPD, and others in conjunction with the 10-year solid waste plans
 - a. Should include both short term (5-year) and long term (10-year) objectives

Classes of Facilities

The proposal offered was that classes of facilities could be reduced to three types based on the following feedstock categories:

- 1) “Woody” waste, high carbon feedstocks
- 2) SSO (no sewage)
- 3) Mixed municipal waste, sewage

In order to place facilities in the appropriate class, clearer definitions are needed. This is going to include more focused and clearly articulated training needs for the different classes and the volumes of production at which classification will need to occur (i.e., when a backyard composter begins gathering feedstocks from other sources, what is the threshold for *not* needing a permit). There was great concern among stakeholders that large volume producers not go unregulated, which is currently happening across the state.

As written, the group also expressed concern that there was little direction for new composters and those wishing to enter the market. There was too much ambiguity in these “start-up” procedures.

Several stakeholders were also concerned that, as written, the rule might encourage poor recipe development and leave open a loophole for those who might want to take shortcuts in production. This could be dangerous for the industry as a whole. The example that was provided was the 75% requirement in the proposed “Class 2.”

There was also a need for a guidance document that addresses issues of volume and weight.

The overarching concern with the classifications was that they did not necessarily provide a level playing field for all composters, which was the primary concern during the first stakeholder meeting. Instead, the strawman (in its first draft form) has more rigidity than the current rule and makes it more daunting for new composters, which might serve to *discourage* them from entering the composting industry. One example of this would be the cost-effectiveness of having a groundwater monitoring system rather than a composting pad for “safer” feedstocks. In addition, it was noted that current tipping fees at landfills do not serve to *encourage* composting or other alternate uses of feedstocks.

Requirements also should consider how things are being done across state lines. For example, establishing a composting operation in North Florida vs. South Georgia.

Training

The discussion on training centered on the question, “What is a trained operator?”

The USCC has addressed the issue of training and conducted research on this issue. It indicated that only three states have a training guide and that of those three, NJ is commonly perceived to have the best.

The group identified several considerations that should be made when determining how the rule will address training:

- 1) Composting operations cannot be expected to have a trained operator onsite at all times
 - a. They *should* be on-site during processing times
- 2) Training curriculums must be specific to the type of facility being operated
- 3) Peer training programs should be in place for on-site training
- 4) The entire staff at composting sites does not need to be trained on all issues
- 5) Fire training should be addressed in the curriculum for all employees
- 6) Requirements should include some certification requirement

Among the other points raised during the discussion of training were:

- 1) Training formats already exist from the USCC and SWANA, among others
- 2) NRCS, Cooperative Extension, and the Georgia Department of Agriculture might want to consider getting involved in training
 - a. This might be particularly relevant for Cooperative Extension, which has been trying to find its identity/redefine itself in recent years
- 3) UGA training was taking place, but there was relatively low attendance
 - a. The last symposium was held two and a half years ago
 - b. Sessions have had to be cancelled because of lack of participants

Testing

The next issue raised was what level of testing is appropriate/necessary to be included in the rule.

As a whole, the group acknowledged this as an operational issue. Further, testing should be conducted on the back-end of the composting process, ensuring that the final/finished product is of the appropriate quality and the industry standards are maintained. This does not preclude front-end testing from taking place, as in the context of the group’s discussion, it would be appropriate to test at the front-end for proper classification of feedstocks.

Whatever testing requirements are implemented, it will be important to consider costs that will be incurred by composters. This includes testing air quality (which was identified as expensive and time-consuming) among others. Caution should also be exercised in preventing testing standards (as dictated by the rule) from negatively impacting design standards.

Background on Testing Requirements from the Department of Agriculture

In response to questions raised in small-group discussions during the first meeting, Julie Hester (the stakeholder representing the Department of Agriculture) provided the group with information about the requirements for testing in place at the Department of Agriculture.

She informed the group that the Department of Agriculture only deals with testing of the end product. They are not involved in testing of the raw materials or production process. In the “end product” testing, how the product is labeled is what the department is most concerned with. In this capacity, testing of a product claiming to be a “soil amendment” would be different from a product claiming to be a “fertilizer.”

Further Recommendations

Throughout the first two meetings, the group has had discussions and provided recommendations about topics that are beyond the scope of this stakeholder group. The recommendations that stemmed from the first meeting and those that came up during the second meeting were collected and are going to be passed on along with the draft rule that will be produced from these meetings.

The recommendations to date are:

- 1) Enabling the use of grant money for private sector development of composting
- 2) Consolidating all permitting in a single EPD branch
- 3) Creating a comprehensive list of definitions from first meeting
- 4) How to handle existing sites under a revised rule (grandfather, create a timeline for compliance, etc)
- 5) Tipping fees must be raised at landfills to discourage dumping/encourage composting
- 6) Legislative action to lift the yard trimmings ban in municipal solid waste landfills must be prevented

Wrap-Up

In conclusion, the goals of the day were revisited and a roadmap for the final meeting was constructed.

Derrick Williams (EPD) informed the group that the next draft of the rule would be distributed to the group no later than Friday, July 10 by email. Stephanie Busch thanked everyone for their attendance and informed the group that the third, and final, meeting of the group will take place at the same time at the Department of Community Affairs Offices on Wednesday, July 15. Directions and parking information will be shared by email before that date.

UPDATE via email (July 9, 2009)

An informational call will be held July 15th from 8:30 – 11 a.m. The third meeting of the stakeholder group will be rescheduled for August.