

2.25 COMPOSTING FACILITY PERMITS

□ *Question: Am I composting organics, like yard trimmings, food scraps, manure, etc.?*

Why do I need this approval?

The permit assures the proper management and recycling of organics such as yard trimmings, pre-consumer and post-consumer food scraps, non-recyclable paper, Department-approved animal manure and bedding, industrially produced food processing materials, animal mortalities, manufactured organic materials like waxed-corrugated cardboard, non-coated paper and other materials that the Department determines pose a low level of risk from hazardous substances and a higher level risk from physical contaminants and human pathogens. These facilities produce compost which may be sold to consumers. Composting regulations (COMAR 26.04.11) provides that a permit (General or Individual) is required for a composting facility that uses greater than 5000 ft² area in support of composting operation. Since the conditions required for several types of composting facilities are similar regardless of location, and have been regulated by almost identical permit provisions, the Department developed a general permit for these similar activities. The general permit contains conditions and parameters applicable to the composting operations that process all acceptable organic materials under the regulations. The Department may exclude a particular facility from coverage under the general permit and require the applicant to submit a separate application for an individual composting facility permit.

What laws or regulations give MDE the legal authority to issue this approval?

STATE: Environment Article - §9-1701 and §9-1725;
COMAR 26.04.11.

What is the process to get this approval?

FOR GENERAL PERMIT

- 1) Applicant submits to the Department the required Notice of Intent (NOI), Composting Facility Operation Plan (CFOP) and a Site Plan. Submission of a NOI signifies that the signatory party intends to be authorized to operate a composting facility.
- 2) The Department reviews the NOI, CFOP, and Site Plan for completeness.
- 3) Authorization to operate a composting facility under the general permit is effective in the date the Department acknowledges receipt of the NOI.

FOR INDIVIDUAL PERMIT

- 1) Applicants submits 10 copies of a completed application with supporting information to the Department.
- 2) The Department publishes a Notice of the Application on the Department’s website and allow 30 calendar days for public comment on the application before issuance of the permit.
- 3) The Department distributes copies of the application to state, local and federal agencies for review and comment and conducts an inspection of the proposed site.
- 4) Once the application is deemed technically complete and the review process is complete, the Department issues the permit and publishes a Notice of Issuance of Permit on the Department website.

Is this approval directly related or contingent on other approvals?

No

Are there any other requirements?

Applicant for an individual permit must submit a description of any variances from the composting regulations for which the applicant is seeking approval. A list of all existing and applicable permits under federal, state, and local law and regulations is required. A marketing plan and strategy for the compost produced at the facility, and detailed engineering plans and specifications are required to submit with the application.

Applicant for a general or individual permit need to contact the Department’s Water and Science Administration to check if there is a need for any discharge permit or storm water permit under COMAR 26.04.02or 26.08.04 respectively, for the proposed operation. The applicant also need to confirm zoning requirements from the local government of the county where the proposed facility to be placed.

How long should I expect it to take to get this approval once I submit a complete application?

Type of Approval	Turnaround Time
General Permit	120days
Individual Permit	270 days

Once I get this approval, how long will it last?

General Permit – Maximum of five years. Coverage expires on the date of expiration of the permit.
Individual - Maximum of five years

How much will this approval cost?

No fee.

Who do I contact with additional questions?

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Visit www.mde.maryland.gov/composting for additional information.