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Resolve
123rd Legislature
First Regular Session

Chapter 139
S.P. 176 - L.D. 564

Resolve, To Streamline the Regulation of Agricultural Composters

Preamble. Whereas, the Legislature recognizes the benefits of agricultural composting operations to the environment, farms and rural economies; and

Whereas, the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection share an interest in encouraging the development of geographically dispersed agricultural composting operations; now, therefore, be it

Sec. 1 Department of Environmental Protection directed to revise rules.

Resolved: That the Commissioner of Environmental Protection shall revise the Department of Environment Protection's rules pertaining to the licensing of solid waste processing facilities to clearly differentiate licensing requirements for agricultural composting operations from requirements for operations that compost municipal sludge, septage, industrial sludge or other materials with a higher risk of contamination. For the purposes of this resolve, "agricultural composting operation" means composting that takes place on a farm and uses only animal manure, animal carcasses and offal, fish waste, leaves, wood chips, animal bedding and other vegetative waste, produce and other vegetable and food waste. The Commissioner of Environmental Protection, in consultation with the Commissioner of Agriculture, Food and Rural Resources, shall review and revise the tiers that determine volumes of materials that may be composted at an agricultural composting operation without triggering the requirement for a waste facilities license from the Department of Environmental Protection; and be it further

Sec. 2 Department of Agriculture, Food and Rural Resources to establish components of a compost management plan. Resolved:

That the Commissioner of Agriculture, Food and Rural Resources, working with the Department of Environmental Protection, shall develop necessary components of a compost management plan for agricultural composting operations. The purpose of a plan is to demonstrate that the facility is designed to prevent the discharge of pollutants, control leachates, minimize odors and the dispersion of disease vectors and ensure a stable, high-quality end product. A compost management plan must be specific to the proposed compost site and the farm's available land base for the operation. The 2 departments shall provide technical assistance in the development of a compost management plan to persons proposing to establish or expand an agricultural composting operation; and be it further

Sec. 3 Commissioners to report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources.

Resolved: That, no later than December 3, 2007, the Commissioner of Agriculture, Food and

Rural Resources and the Commissioner of Environmental Protection shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources on the status of the rules revision required under section 1, and a description of elements to be included in a compost management plan for agricultural composting operations under section 2. The commissioners shall report on any other activities initiated or materials produced to provide guidance to farmers considering developing or expanding an agricultural composting operation. The commissioners shall articulate in their report agreement on jurisdictional boundaries relating to oversight of agricultural composting operations, unresolved issues and recommendations to further the goal of encouraging appropriate siting, design and operation of agricultural composting operations; and be it further

Sec. 4 Authority to submit legislation. Resolved: That the Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation pertaining to the regulation of agricultural composting operations to the Second Regular Session of the 123rd Legislature.

Effective September 20, 2007