ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - SOLID WASTE PROGRAM ADMINISTRATIVE CODE

CHAPTER 335-13-14 COMPOSITING FACILITIES

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335-13-14-.01 Purpose.

The purpose of these regulations is to establish procedures to encourage and regulate the production and use of compost made from solid waste within the State of Alabama.
Author: Phillip D. Davis, S. Scott Story, Jonathan E. Crosby
Statutory Authority: Code of Ala. 1975, §§22-27-9, 22-27-12.
History: **New Rule:** Filed February 28, 2012; effective April 3, 2012. **Amended:** Filed April 24, 2018; effective June 8, 2018.
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335-13-14-.02 Definitions.

When used in this chapter, the following terms have the meaning given below:

(1) "Compost" means the humus-like end product produced by the composting of putrescible solid wastes.

(2) "Composting Facility" means the physical site or operation location where the composting of putrescible solid waste from

residential, commercial, or industrial property for revenue or non-revenue generating use occurs.

(3) "Composting Pad" means the surface, whether soil or manufactured, where the process of composting takes place, and where raw and finished materials are stored.

(4) "Feedstock" means biologically decomposable organic material used for the production of compost.

(5) "Humus" means a dark or black carbon-rich relatively stable residue resulting from the decomposition of organic matter that retains nutrients and slowly releases nutrients to plants and increases the ability of the soil to retain water.

(6) "On-site composting" means the composting of materials including solid waste generated at a residential, commercial, or industrial property by the **owner or tenant.**

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335-13-14-.03 Applicability.

(1) The following requirements shall be for operating and maintaining an acceptable "Composting facility" as defined by rule 335-13-14-.02.

(2) No person may receive, store or process solid waste for composting or operate a composting facility without being properly permitted by the Department, except as described by rule 335-13-14-.03(3). ADEM Admin. Code 335-13-5 outlines the procedures for obtaining a permit for new and existing composting facilities. Any person who operates a composting facility, without having applied for and been issued a permit from the Department shall be considered to be operating an unpermitted solid waste facility and shall be subject to enforcement action in accordance with this Division.

(3) Exceptions

(a) Composting of agricultural waste as defined and regulated by rule 335-6-7-.02.

(b) On-site composting as defined by rule 335-13-14-.02. However, if any on-site compost is used for revenue generation, then the generator is not exempt and shall comply with the requirements of this chapter.

(c) Facilities that receive solid waste and generate compost for use solely at their site.

(d) Facilities in operation on or before the effective date of this rule, shall be exempt from the requirements of rules 335-13-5-.02(1)(b)2.(i) and 335-13-14-.05, except for any major modifications that may occur after said date.

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335-13-14-.04 Application Requirements (Repealed 12/13/21).

(REPEALED)
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335-13-14-.05 Design Criteria.

(1) Specifications for site preparation measures including, but not limited to clearing and grubbing, stormwater control structures, leachate collection systems, access roads, screening, fencing, buildings, and compost pads, must be included in the engineering design report developed for the site.

(2) A composting facility shall not be located in the 100-year floodplain.

(3) A composting facility shall not cause a discharge of pollutants into waters of the State, including wetlands, that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), Alabama Water Pollution Control Act, Code of Ala. 1975, §§22-22-1 to 22-22-14 and/or section 404 of the Clean Water Act, as amended.

(4) A composting facility shall not cause non-point source pollution of waters of the State, including wetlands, that violates any requirements of an area wide and State-wide water quality management plan that has been approved under the Alabama Water Pollution Control Act.

(5) A composting facility shall not be permissible in wetlands, beaches or dunes.

(6) A composting facility shall be located outside the boundaries of the coastal area, unless no other reasonable alternative is available. If a site within the coastal area is proposed for development as a composting facility, it shall be demonstrated to the satisfaction of the Department that siting, design, construction, and operation will ensure that present levels of coastal plants and animals will be maintained.

(7) The applicant shall design the facility so that the bottom elevation of the composting facility shall be a minimum of five (5) feet above the highest measured groundwater level, as determined by a minimum of two measurements taken during each of the three consecutive months of February, March and April with no two measurements taken within any twelve-day period. If the measurements are taken outside of February, March and April, the minimum bottom elevation of the composting facility shall be ten (10) feet above the highest measured groundwater level. The applicant shall submit to the Department all data known to exist concerning groundwater elevations at the proposed site and shall submit to the Department a location map showing all monitoring wells or piezometers and drilling logs for all monitoring wells or piezometers used to obtain any groundwater elevation data that is submitted. Nothing herein shall prevent the Department from requiring additional groundwater measurements or from requiring an additional buffer as it may deem appropriate with respect to a particular site.

(8) A composting pad, as defined by rule 335-13-14-.02, shall be provided for the receiving and storage areas, and the processing and curing areas. The surface shall be constructed of asphalt, concrete or compacted soil. If a compacted soil surface is utilized, the minimum requirement will be 24 inches of soil with a permeability of 1×10-7 cm/sec. A pad is not required for the storage of finished compost product.

(9) The raw material receiving and storage areas shall be covered in a manner to minimize exposure of the material to the elements.

(10) A stormwater control system shall be constructed to control at least the water volume from a 24-hour, 25-year storm. Stormwater or other water that comes in contact with the solid waste received, being stored, processed or composted, or which mixes with leachate shall be considered leachate.

(11) The composting facility shall have a leachate collection and removal system designed to collect and remove leachate from the waste receiving and storage areas and the processing area.

(12) Buffer zones around the perimeter of the composting facility shall be a minimum of 100 feet measured in the horizontal plane. No composting, storage practices, stormwater controls or leachate collection shall take place in the buffer zone.

Author: Phillip D. Davis, S. Scott Story

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335-13-14-.06 Operating Criteria.

(1) Compost offered for use must be produced by a process that encompasses turning on a regular basis to aerate the waste, maintain temperatures, and/or reduce pathogens. Compost may be produced by other composting techniques as approved by the Department.

(2) Used oil, hazardous waste, treated or untreated medical waste, treated wood, and asbestos containing waste shall not be accepted at a composting facility.

(3) Household hazardous waste shall not be accepted at a composting facility.

(4) Solid waste received at the composting facility shall be confined to a designated delivery or storage area until processed. Any solid waste not introduced into the processing operation within 72 hours shall be removed and disposed of at a municipal solid waste landfill.

(5) The site shall be graded to prevent ponding of water in the active composting area.

(6) Surface water drainage shall be diverted around and away from the composting area to prevent any washing or escape of waste from the property.

(7) Leachate shall be collected and disposed of in a manner approved by the Department.

(8) The composting facility shall be operated in a manner that controls vectors.

(9) The composting facility shall be operated in a manner that controls and minimizes odors. Should obnoxious odors arising from the composting facility operations be verified by the Department, measures to abate the odor shall be taken upon a determination by the Department that such measures are technically feasible.

(10) The composting facility shall be operated in a manner that prevents fires in accordance with the fire prevention plan.

(11) Open burning at any composting facility is prohibited except for burning resulting from land clearing activities at the site, if prior written approval is received from the Department and the Alabama Forestry Commission.

(12) Access to the facility shall be controlled so as to minimize the potential for scavenging of materials and unauthorized disposal of wastes.

(13) A sign shall be posted which identifies the composting facility owner or operator, hours of operation, waste that may be accepted, and the permit number.
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335-13-14-.07 Permitting Requirements (Repealed 12/13/21).

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335-13-14-.08 Recordkeeping And Reporting Requirements.

(1) An operating record for the composting facility shall be maintained at the facility or in a location approved by ADEM.

(a) The following information shall be maintained in the operating record as it becomes available.

1. Copy of the permit.

2. Permit application.

3. Fire prevention plan.

4. Stormwater and leachate discharge records.

5. Closure plan.

6. Certifications required for the normal operations of the facility.

7. Any other report or document generated in the normal operation of the facility that is submitted to ADEM.

(b) Information contained in the operating record shall be retained for at least three (3) years. Records relating to a

violation or enforcement action shall not be removed from the operating record until these matters are resolved.

(2) A composting facility shall submit a semi-annual report to ADEM utilizing an ADEM approved form for each reporting period of the calendar year (October through March and April through September). The report shall be submitted to ADEM by the 28th day following the end of the reporting period. The report shall contain the average daily volume of waste accepted at the facility and total volume of cured compost produced.
Author: Phillip D. Davis
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335-13-14-.09 Closure Requirements.

(1) Prior to closure of the composting facility, the owner or operator must submit to the Department and place in the operating record, a notice of intent to close.

(2) The owner or operator must begin closure of the composting facility no later than 30 days after the date of which composting activities cease.

(3) The owner or operator must complete closure activities in accordance with the closure plan within 180 days after the date of which composting activities cease.

(4) All remaining solid waste shall be removed from the site and disposed of at a municipal solid waste landfill permitted by the Department, and, if necessary, the site shall be stabilized to prevent the migration of sediment off-site due to stormwater runoff.
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335-13-14-.10 Public notice Requirements (Repealed 12/13/21).

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335-13-14-.11 **Public Hearing Requirements (Repealed 12/13/21).**

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