Draft Notes: Composting Stakeholder Workgroup Meeting
June 01, 2018
Scribe: Todd Moore, NHDES

Attendees:
Mike Nork (MAN), NHDES Solid Waste
Pam Hoyt-Denison (PHD), NHDES Solid Waste
David Jeffers, Lakes Region Planning Commission
Debra Darby, Organix Solutions
Lilly Zemba, NHDES Solid Waste Intern
Jill Crowley, NHDES Solid Waste Intern
Bill Meagher III, Louriero Engineering Assoc.
Judy Houston, NHDES Wastewater/Residuals
Cheri White, Dept of Ed, Office of Nutrition
Jen Gornnert, Dept of Ag, Dir. Division of Regulatory Services
Felicia Morrisette, RMI

Via Phone:
Matt Smith – UNH
Jessica Saturly Hall – Upper Valley Compost Co.

Introductions
MAN update:

DES held 2 composting trainings this week. Partnered w/Mark King from MEDEP
Working with couple facilities re: pilot projects
MAN going to animal mortality mgt symposium next week

FINISHED PRODUCT
Jen (Dept Ag): Compost not regulated by Dept Ag, other than under organics certification program (regulate the ingredients/inputs, not the finished product) – NH Dept. of Ag is organic certification agent for USDA

Discussion re: current regs do follow some composts into the market depending on ingredients
Q: Cheri White: Background on regs in question: federal, state, etc?
MAN: State, NHDES rules. More discussion re: regulations, Judy noted residuals covered by NHDES water division, not waste division
PHD: some federal requirements 40CFR part 503 re: sludge residuals mgmt

Discussion re: current regs following compost into market. Class A, AA, Off-spec.
Class AA: unrestricted use based on rebuttable presumption that the input feedstocks are of minimal concern (leaf/yard waste, agricultural manures, source separated food waste, bulking agents)

Class A: may be land applied if passes testing requirements/specs, but not on crops intended for direct human consumption. Product is derived from sewage sludge and other compostable feedstocks
Off-spec: essentially anything that does not fall into Class AA or Class A. Needs to be managed as a residual waste

Bill: Likes rules as they are. Class AA/A/Off-spec designations give contractors confidence in acceptable uses depending on the specific application (highway medians, landfill cap, etc.)
Matt UNH: Agrees should keep classes. Would go even further. Keep size requirements. If a producer makes bad compost, it can hurt the entire industry. Possible loophole if someone makes poor quality compost and mixes it with loam or other soils to side-step the classification system?? PHD: mixtures are still regulated
Jessica: State should not regulate quality standards unless issues of health/safety or environmental impact. Producing a poor quality vs producing a product that is not safe.

Jen: Suggestion – is there an industry group that can help?
MAN: US Composting Council has 'Seal of Testing Assurance' (STA) standard that may provide some guidance

Bill: noted contractors take topsoil and grub waste, mix it and re-sell/re-use it on different sites.

Jen: Noted contractors moving soil one place to another can spread invasive species. Possibly violation of invasive species regulations

Jen: Ag only 'regulates' compost through organic certification program – i.e. whether a compost is eligible for use on organic farms based on the ingredients the compost was derived from.

General discussion re: 'organic' certification.
Jess S-H: notes organic not tied to safety. It deals with other issues.

Dave, LRPC: Question: has farm that composts material on a farm. If bring food waste from off-site, does that make compost Class A vs Class AA?
PHD: No, on-site/off-site is trigger for permit. On/site/off-site does not affect class of compost.

BREAK

MAN: When should testing be required?
Scale of facility?
Ingredients?
Jen Ag: many regs based on scale – focus on larger facilities because of potential scale of impact. Impact of large producer can be greater than small producer

Felicia: noted that small amount can have impact. Just test everything across the board
Jessica S-H: NH has very little composting infrastructure. Want to promote infrastructure – important part of waste management. Noted that compost testing is expensive and time-consuming. Important to have scale component to testing requirements
MAN: noted VT rule based on Tiers. Different requirements for different tiers. A similar model could be based on scale.
Jen Ag: Start with ingredients and if there are items present that trigger concern for quality/safety of finished product. Certain items may have lower level of confidence, others may have higher level of confidence.
PHD: noted existing rules set up that way.
Felicia: should arsenic be included in testing (not currently included)? Why are PCBs included?
Discussion re: arsenic. Judy H noted arsenic naturally occurring in NH soil & water – may have intentionally been left out.
Felicia: noted PCBs not included Federal 503's
PCB consensus: not sure why it is in current rules.
Felicia: perhaps biosolids composting should fall under only one set of rules (e.g. Water Quality rules, Env-Wq 800)
Bill: estimates Class A testing ~$400. Does not seem excessive to him.
Bulking agents: Can currently use only approved bulking agents for class AA. Several people noted should look at whether we should have an approved list or criteria. One suggestion was refer to an approved list. NHDES noted that rulemaking would not likely allow "des-approved' unless the rule specified the criteria on which NHDES would evaluate.
MAN: may be better to define criteria for determining acceptable bulking agents, but not actually define specific items – hard to anticipate all possibilities and would be difficult to keep an "approved" list updated. At very least include examples and "…other materials that meet X criteria."

Jessica S-H: Currently bring compost into NH from certified organic producer in Vermont. Is it required to have out of state compost meet NH's labeling requirements?
PHD: noted that labeling requirements apply to Class A compost only. Intention is to mean that the product must meet same standards if produced out of state (or must meet applicable standards of source state – no additional requirements beyond this)

Judy & Felica noted sludge is different: NH required that meet the source state requirements, and more stringent of NH and source state.

Debra: Who regulates 'air' (odors, emissions)?

Ingredients in Class AA and potential inputs of concern:
Discussion regarding animal mortalities – depends on cause of death and whether specified risk material is present (eg prion dieseases like BSE, chronic wasting disease, etc.)

Potential concerns re: euthanized animals – unclear if the chemicals will break down in the composting process.
Jen Ag: noted horses allowed to receive pharmaceuticals that animals produced for food cannot.
MAN: noted MEDEP looked at pharmaceuticals. Found many were broken down by composting process.
Jessica S-H: noted to keep focus on the concerns.US Composting Council may be a resource
MAN: look at USCC STA program – perhaps incorporate by reference?
Jen Ag: Noted Dept ag recently went through rulemaking of veg producers. Initial version had compost requirements. Significant comments. Dept of Ag pulled compost requirements and switched to referencing organic certification.