

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Env-Sw 600 COMPOSTING FACILITY REQUIREMENTS

Statutory Authority: RSA 149-M:7

REVISION NOTE:

Document #8459, effective 10-28-05, readopted with amendments, renumbered, and redesignated former Chapter Env-Wm 2300 as Env-Sw 600, pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. The source notes for each section of Env-Sw 600 identify the former subtitle Env-Wm and number for the respective rule prior to Document #8459.

PART Env-Sw 601 APPLICABILITY

Env-Sw 601.01 Applicability.

(a) The rules in this chapter shall apply to processing/treatment (P/T) facilities that produce compost from solid waste, hereinafter referred to as composting facilities.

(b) The requirements in this chapter shall apply as the complement of the P/T requirements in Env-Sw 500.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2301.01); ss by #10596, eff 7-1-14

PART Env-Sw 602 PERMITTING REQUIREMENTS

Env-Sw 602.01 Permit Required.

(a) A permit issued pursuant to the solid waste rules shall be required for construction, operation and closure of a composting facility, unless exempt pursuant to Env-Sw 302.03 or Env-Sw 608.

(b) The type of permit required shall be as specified in Env-Sw 302.

(c) If the facility also composts sludge or septage as defined by RSA 485-A:2, the facility shall comply with the permitting requirements in Env-Wq 800 or Env-Wq 1600, as applicable.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2302.01); ss by #10596, eff 7-1-14

Env-Sw 602.02 Permit Application Requirements. The applicant for a composting facility permit shall prepare the application in accordance with:

(a) Env-Sw 314 for a standard permit;

(b) Env-Sw 313 for an emergency permit;

(c) Env-Sw 312 for a research and development permit; and

(d) Env-Sw 311 for a permit-by-notification.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly

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Env-Wm 2302.02); ss by #10596, eff 7-1-14

PART Env-Sw 603 SITING REQUIREMENTS

Env-Sw 603.01 Applicability.

(a) The siting requirements in this part shall apply to all composting facilities, except:

- (1) Facilities that hold a permit issued under RSA 149-M prior to the 2005 re adoption of the solid waste rules;
- (2) Permit-exempt facilities identified in Env-Sw 302.03 or Env-Sw 608;
- (3) Permit-by-notification facilities having an active life of 90 days or less;
- (4) Research and development permit facilities by Env-Sw 312.02(b); and
- (5) Emergency permit facilities as provided by Env-Sw 313.02(b).

(b) The siting requirements in this part shall apply as the complement of siting requirements in Env-Sw 1003 for all facilities, Env-Sw 1102 for facilities having an active life longer than 90 days, Env-Sw 1203 for permit-by-notification facilities, Env-Sw 503 and, for facilities also composting sludge or septage as defined by RSA 485-A:2, Env-Ws 800 or Env-Ws 1600, as applicable.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2303.01); ss by #10596, eff 7-1-14

Env-Sw 603.02 Siting Requirements. A composting facility which has the potential to discharge leachate to the ground or generate odors shall comply with the siting standards for landfills, as specified in Env-Sw 804.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2303.02); ss by #10596, eff 7-1-14

PART Env-Sw 604 DESIGN REQUIREMENTS

Env-Sw 604.01 Applicability.

(a) The design requirements in this part shall apply to all composting facilities, except:

- (1) Permit-exempt facilities identified in Env-Sw 302.03 or Env-Sw 608;
- (2) Permit-by-notification facilities having an active life of 90 days or less;
- (3) Research and development permit facilities as provided by Env-Sw 312.02(b); and
- (4) Emergency permit facilities as provided by Env-Sw 313.02(b).

(b) The design requirements in this part shall apply as the complement of the design requirements in Env-Sw 1004 for all facilities, Env-Sw 1103 for facilities having an active life longer than 90 days, Env-Sw 1200 for permit-by-notification facilities, Env-Sw 504 and, for facilities also composting sludge or septage as defined by RSA 485-A:2, Env-Ws 800 or Env-Ws 1600, as applicable.

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Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2304.01); ss by #10596, eff 7-1-14

Env-Sw 604.02 General Design Requirements. A composting facility shall be designed to operate in conformance with Env-Sw 605.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2304.02); ss by #10596, eff 7-1-14

Env-Sw 604.03 Process Design Requirements.

(a) The composting process shall be designed to operate in a manner to meet the pathogen reduction criteria specified in 40 CFR 503, such as, but not limited to, one of the following methods:

- (1) Using the windrow composting method, such that:
 - a. The solid waste shall be maintained under aerobic conditions during the compost process;
 - b. A minimum of 5 turnings shall be required during a period of 15 consecutive days when the temperature of the mixture shall not be less than 55°C (131°F) at 6 to 8 inches below the surface of the pile; and
 - c. In turning the compost pile, the exterior of the compost pile shall be turned into the interior of the compost pile to assure that all solid waste is exposed to composting conditions;
- (2) Using the aerated static pile composting method, the compost pile shall be insulated and a temperature of not less than 55°C (131°F) shall be maintained throughout the compost pile for at least 3 consecutive days; or
- (3) Using the enclosed vessel composting method, the mixture shall be maintained at a temperature of not less than 55°C (131°F) throughout the mixture for at least 3 consecutive days.

(b) The composting facility shall have sufficient temperature monitoring to ensure that the pathogen reduction criteria specified in 40 CFR 503 are met, such as the following:

- (1) For a windrow or an aerated static pile process, monitoring 6 to 8 inches and 18 to 24 inches below the pile surface;
- (2) For an aerated static pile process, monitoring 6 to 8 inches and 18 to 24 inches from the outlet of the aeration pipe; and
- (3) For an enclosed vessel system, monitoring 6 to 8 inches and 18 to 24 inches inside the vessel wall and 6 to 8 inches from the aeration piping when operating in the positive aeration mode.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2304.03); ss by #10596, eff 7-1-14

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Env-Sw 604.04 Waste Collection, Storage and Processing Area Design Requirements.

- (a) Waste collection, storage and processing areas shall be designed in conformance with Env-Sw 504.
- (b) Areas used for windrows and aerated static piles shall conform to the same design requirements as specified for waste stockpiles in Env-Sw 404.05.
- (c) Facility design shall include provisions to limit the production and off-site dispersal of odors.

Source. #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2304.04); ss by #10596, eff 7-1-14

PART Env-Sw 605 OPERATING REQUIREMENTS

Env-Sw 605.01 Applicability.

- (a) The operating requirements in this part shall apply to all composting facilities, except:
 - (1) Permit-exempt facilities identified in Env-Sw 302.03 or Env-Sw 608;
 - (2) Permit-by-notification facilities having an active life of 90 days or less;
 - (3) Research and development permit facilities as provided by Env-Sw 312.02(b);
 - (4) Emergency permit facilities as provided by Env-Sw 313.03(b).
- (b) The operating requirements in this part shall apply as the complement of the operating requirements in Env-Sw 1005 for all facilities, Env-Sw 1105 for facilities with an active life longer than 90 days, Env-Sw 1204 for permit-by-notification facilities, Env-Sw 505 and, for facilities also composting sludge or septage as defined by RSA 485-A:2, Env-Ws 800 or Env-Ws 1600, as applicable.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.01); ss by #10596, eff 7-1-14

Env-Sw 605.02 General Operating Requirements.

- (a) A composting facility shall operate in a manner to meet the pathogen reduction design criteria, as specified in Env-Sw 604.03(a), and consistently produce either a Class AA or Class A compost as specified by Env-Sw 605.05.
- (b) Temperature shall be monitored as specified in Env-Sw 604.03(b) and shall be recorded daily.
- (c) Operational records, in conformance with Env-Sw 1105.06, shall include:
 - (1) The source, description and quantity of all materials received at the facility;
 - (2) For facilities producing other than Class AA compost, a sampling log, which shall identify:
 - a. The date and time of sampling;
 - b. The person taking the sample;
 - c. The sampling method and location;

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- d. The lab to which the samples were sent for analysis; and
 - e. The results of the analysis, including quality assurance and quality control provisions;
- (3) A temperature data log, which shall identify:
- a. The date, time and location of data collection;
 - b. The person collecting the data;
 - c. Calibration data for the temperature device;
 - d. The data collection method; and
 - e. The data;
- (4) Quantity of bypass waste removed prior to composting;
- (5) Quantity of non-compostables and other residual waste removed after composting; and
- (6) Locations to which or persons to whom Class A compost is distributed.
- (d) All wastes received by the facility shall be inspected to identify and remove wastes that are not suitable for composting, including:
- (1) Wastes that are not organic in nature; and
 - (2) Wastes which are prohibited wastes as specified in (e) below and any other waste having the potential to adversely affect the capabilities for producing either a Class AA or Class A compost.
- (e) A composting facility shall not receive or compost the following types of waste:
- (1) Asbestos;
 - (2) Batteries;
 - (3) Explosive or contained gaseous wastes;
 - (4) White goods;
 - (5) Construction and demolition debris;
 - (6) Bulky wastes;
 - (7) Recyclable materials other than paper or cardboard products certified for distribution and use as a composting bulking agent pursuant to Env-Sw 1500;
 - (8) Household hazardous waste and hazardous waste;
 - (9) Liquid wastes;
 - (10) Infectious waste or treated infectious waste;
 - (11) Deceased persons;
 - (12) Contaminated soils or absorbent media;
 - (13) Radioactive materials as defined and regulated by the New Hampshire rules for the control of radiation, He-P 2000 and He-P 4000; and
 - (14) Sludge or septage as defined by RSA 485-A:2, except in accordance with a permit issued pursuant to RSA 485-A, as applicable.

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Source. #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.02); ss by #10596, eff 7-1-14

Env-Sw 605.03 Product Quality Assurance/Quality Control Requirements. The following requirements shall apply to facilities producing other than a Class AA compost, except for small food waste composting facilities permitted pursuant to Env-Sw 607.02 which compost sludge in compliance with Env-Ws 800:

(a) Sampling and analysis of the compost shall be performed in accordance with a quality assurance/quality control plan (QA/QC plan) which:

- (1) Conforms to the minimum requirements specified by (b) below;
- (2) Assures all compost distributed by the facility meets the standards set forth in Env-Sw 605.05; and
- (3) Is approved by the department as a condition of the permit.

(b) Except as provided by (c) below, sampling and analysis shall occur no less frequently than specified in Table 600-I:

Table 600-I Sampling and Analysis of Compost		
Average Compost Produced (Dry Tons/Day)	ANALYSES	
	Total Solids; Total Volatile Solids; Total Kjeldahl Nitrogen, Ammonia, Nitrate & Nitrite; Total Phosphorous; Total Potassium; pH; Heavy Metals (Cadmium, Total Chromium, Copper, Lead, Mercury, Nickel, Zinc)	Total Polychlorinated Biphenyls
Less than 1	Semiannually, with 6 grab samples composited monthly	Annually, with 12 grab samples composited monthly
1 to 10	Monthly, with 4 grab samples composited weekly	Semiannually, with 6 grab samples composited monthly
More than 10	Weekly, with 5 grab samples composited daily	Semiannually, with 6 grab samples composited monthly

(c) By obtaining a type I-B permit modification pursuant to Env-Sw 315, the permittee may reduce the sampling and analysis frequency in (b) above to the frequencies specified in 40 CFR 503 after 3 years of meeting the quality criteria specified in Env-Sw 605.05;

(d) The results of laboratory analyses shall be reported to the department in accordance with Env-Sw 303 on a quarterly basis for those facilities that produce at least one dry ton of compost per day and on a semi-annual basis for those facilities that produce less than one dry ton of compost per day;

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(e) Reporting of the analyses shall include copies of the laboratory reports, with all results reported on a dry weight basis except pH, total solids and total volatile solids, and a narrative of the findings, trends and results;

(f) Analysis of nitrogen series, including total kjeldahl nitrogen (TKN), ammonia (NH₃), nitrite (NO₂), and nitrate (NO₃), shall be performed on either fresh grab samples or grab samples that are immediately frozen and remain frozen throughout the pre-analysis storage period;

(g) Additional analyses for salts or other pollutants shall be required for the compost if, during the permit application process, the proposed operating procedures and waste through-put characterization indicate that salt or other pollutants are likely to be present in the compost; and

(h) If the compost is produced using septage or sludge, the pathogen testing requirements in 40 CFR 503.32 shall apply.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.03); ss by #10596, eff 7-1-14

Env-Sw 605.04 Compost Classes.

(a) Class AA compost shall be compost meeting the definition in Env-Sw 102.32.

(b) Class A compost shall be compost meeting the criteria specified in Env-Sw 605.05.

(c) All other compost shall be designated "off-spec compost."

Source. #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.04); ss by #10596, eff 7-1-14

Env-Sw 605.05 Class A Compost. Compost shall be designated as Class A compost if it meets the following criteria:

(a) The finished compost shall be sufficiently stable that it shall not reheat upon standing to greater than 20°C above ambient temperature;

(b) The concentration of heavy metals in the finished compost shall not exceed the ceiling concentrations provided in Env-Ws 800 for sludge and sludge mixtures, determined on the basis of representative samples using EPA test procedures in EPA manual SW 846 (2007);

(c) The finished compost shall contain less than one ppm dry weight total polychlorinated biphenyls (PCB);

(d) The finished compost shall not exceed 10 millimeters (0.39 inch) particle size;

(e) The finished compost shall be produced from a composting process which:

(1) Has a minimum retention time, including active composting and curing, of 90 days; or

(2) Achieves 60 percent reduction in organic matter;

(f) The finished compost shall contain no glass, metal or plastic of size or shape that could cause injury;

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(g) The finished compost shall contain no more than 2% non-organic and non-mineral material not including sand and other inorganic soils, by weight; and

(h) If the finished compost is produced using sludge or septage, the Class A pathogen reduction requirements in 40 CFR 503.32(a) shall apply.

Source. #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.05); ss by #10596, eff 7-1-14

Env-Sw 605.06 Uses, Class AA Compost. Pursuant to Env-Sw 1503.10(a), Class AA compost shall be certified for distribution and use as compost to be applied to land, without restriction.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.06); ss by #10596, eff 7-1-14; ss by #10596, eff 7-1-14

Env-Sw 605.07 Uses, Class A Compost. Pursuant to Env-Sw 1503.10(b) and (c), Class A compost shall be certified for distribution and use as compost to be applied to land, except where crops are grown for direct human consumption. However, Class A compost may be used on land where food chain crops are grown, such as crops that are fed to livestock but not consumed directly by humans.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.07); ss by #10596, eff 7-1-14

Env-Sw 605.08 Uses, Off-Specification Compost.

(a) Except as provided in (b) below, compost which is not Class AA or Class A shall be:

- (1) Managed as residual waste in accordance with the facility's residuals management plan; and
- (2) Not certified in accordance with Env-Sw 1500 for distribution and use as compost to be applied to land.

(b) Compost that meets all of the standards of a Class A compost, except that its particle size exceeds 10 millimeters (0.39 inch) shall be certified for distribution and use as compost in landfill cover systems, pursuant to Env-Sw 1500.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.08); ss by #10596, eff 7-1-14

Env-Sw 605.09 Compost Identification.

(a) Prior to distribution, all Class A compost shall be clearly marked to:

- (1) Show its classification; and
- (2) Identify the following:
 - a. Type of waste from which it was derived;
 - b. Use restrictions;
 - c. Recommended safe uses;

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d. Application rates; and

e. Maximum allowable contaminant levels as provided in Env-Sw 605.05 and average contaminant concentrations to date.

(b) The requirements in (a) above shall apply to both compost distributed in bulk and in bag form.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.09); ss by #10596, eff 7-1-14

Env-Sw 605.10 Out-of-State Compost.

(a) Compost produced out-of-state which does not meet the criteria for Class AA or Class A compost or which is produced by a facility that has not complied with the regulatory requirements of the state in which it is located, shall not be certified for distribution and use pursuant to Env-Sw 1500 and therefore shall be deemed a solid waste upon entering New Hampshire and shall be managed as such.

(b) Any compost marketed in New Hampshire that is not marked in accordance with Env-Sw 605.09 shall be deemed to be a solid waste regardless of its state of origin and shall be managed as such.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2305.10); ss by #10596, eff 7-1-14

PART Env-Sw 606 CLOSURE REQUIREMENTS

Env-Sw 606.01 Applicability.

(a) The closure requirements in this part shall apply to all composting facilities, except:

- (1) Permit-exempt facilities identified in Env-Sw 302.03 and Env-Sw 608;
- (2) Permit-by-notification facilities having an active life of 90 days or less;
- (3) Research and development permit facilities as provided by Env-Sw 312.02(b); and
- (4) Emergency permit facilities as provided by Env-Sw 313.02(b).

(b) The closure requirements in this part shall apply as the complement of the closure requirements in Env-Sw 1006 for all facilities, Env-Sw 1106 for facilities having an active life longer than 90 days, Env-Sw 1205 for permit-by-notification facilities, Env-Sw 506 and, for facilities also composting sludge or septage as defined by RSA 485-A:2, Env-Ws 800 or Env-Ws 1600, as applicable.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2306.01); ss by #10596, eff 7-1-14

Env-Sw 606.02 Closure Requirements.

(a) To comply with Env-Sw 1006.02(e), all finished compost which is certified for distribution and use shall be removed to places where it shall be used accordingly or removed to an authorized facility.

(b) To comply with Env-Sw 1006.02(b), all unfinished compost shall be removed to an authorized facility to be finished or disposed.

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(c) To comply with Env-Sw 1006.02(e), no waste or compost shall remain at the site following closure under a claim of permit exemption pursuant to Env-Sw 302.03.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2306.02); ss by #10596, eff 7-1-14

PART Env-Sw 607 PERMIT-BY-NOTIFICATION FACILITIES

Env-Sw 607.01 Purpose. The purpose of the rules in this part is to identify composting facilities eligible for a permit-by-notification pursuant to Env-Sw 311.

Source. #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2307.01); ss by #10596, eff 7-1-14

Env-Sw 607.02 Small Food Waste Composting Facilities. A facility which composts food waste shall be eligible for a permit-by-notification pursuant to Env-Sw 311, provided that the facility meets each of the following requirements:

- (a) The facility shall comply with the requirements of Env-Sw 1200;
- (b) The facility shall restrict its operations to composting one or more of the food wastes specified in (e) below, mixed with yard waste, animal manure, farming crop residuals, sludge as defined in RSA 485-A:2, XI-a, an approved bulking agent as defined in Env-Sw 102.06, or a combination thereof;
- (c) If the facility composts sludge, it shall hold a valid permit issued pursuant to Env-Ws 800;
- (d) The food waste portion of the compost mixture described in (b) above shall be no more than 20% of the entire mixture by volume;
- (e) The facility shall receive and compost the following types of food waste only:
 - (1) Vegetable matter, including produce, and bakery wastes generated by retail food sales outlets;
 - (2) Food preparation waste from commercial and institutional kitchens that is limited to vegetable matter, edible vegetable oils, and bakery wastes; and
 - (3) Vegetable wastes generated as byproducts of food processing operations, including canning and freezing;
- (f) The facility shall not receive or compost:
 - (1) Dairy products and their derivatives;
 - (2) Meat;
 - (3) Meat byproducts; or
 - (4) Non-food matter other than the non-food wastes allowed pursuant to (b) above, for instance:
 - a. Plastic and paper bags;
 - b. Plastic and paper wrappings;

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- c. Plastic and paper ties; and
- d. String;
- (g) No food waste shall be left uncovered at the facility for more than 2 hours;
- (h) Food waste not incorporated into working compost shall be stored at the facility:
 - (1) No longer than 24 hours from receipt; and
 - (2) In a closed container controlling the dispersal of odors and preventing the attraction of birds, insects, rodents and other vectors;
- (i) Access to windrows by compost turning equipment shall be maintained on a year round basis, including during periods of snowmelt, spring thaw, and high precipitation;
- (j) Supplies of water and pumping capabilities shall be available at the facility and used to keep the compost moist;
- (k) If manure is a primary constituent of the compost, sufficient quantities of an approved bulking agent shall be incorporated at all times to:
 - (1) Assure that the compost shall not become waterlogged; and
 - (2) Prevent the development of anaerobic conditions in the compost;
- (l) Compost windrows shall be turned sufficiently often to maintain aerobic conditions at all times throughout each windrow;
- (m) Prior to distribution and use, the compost shall be matured and stabilized to a condition which shall not cause it to re-heat when piled;
- (n) Prior to distribution and use, the finished compost shall be determined and certified by the permittee to meet the specifications of:
 - (1) Class AA compost, if no sludge has been incorporated and the compost otherwise meets the definition of a Class A compost as provided by Env-Sw 102.32; or
 - (2) Class A compost, if sludge has been incorporated and, based on the testing results obtained pursuant to a permit issued for the facility pursuant to RSA 485-A and Env-Ws 800, the compost meets Class A standards;
- (o) Following the cessation of facility operations or any other trigger event for closure as provided in Env-Sw 1006, the permittee shall close the facility in accordance with Env-Sw 1006 and Env-Sw 606, and Env-Ws 800, as applicable; and
- (p) Following closure, the permittee shall certify to the department in writing that the facility has been closed as required in (o) above, specifically including certification that the following conditions are met:
 - (1) All waste, including bypass and residual waste and unfinished compost, has been removed from the facility to an authorized facility for disposal or further management;
 - (2) All finished compost has been removed from the facility to locations that use or distribute the finished compost or disposed at an authorized facility; and
 - (3) The site has been cleaned pursuant to Env-Sw 1006.

Source. #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by

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#6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2307.02); ss by #10596, eff 7-1-14

PART Env-Sw 608 PERMIT-EXEMPT FACILITIES

Env-Sw 608.01 Purpose. The purpose of the rules in this part is to identify composting facilities which are permit-exempt, pursuant to Env-Sw 302.03(b)(2).

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2308.01); ss by #10596, eff 7-1-14

Env-Sw 608.02 General Conditions for Exemption.

(a) The composting facilities described in this part shall be exempt from obtaining a permit, subject to the following conditions:

- (1) The facility shall comply with the universal facility requirements in Env-Sw 1000; and
- (2) All waste managed at the facility shall be actively managed.

(b) A permit exemption shall not affect a person's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the permit-exempt activities.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2308.02); ss by #10596, eff 7-1-14

Env-Sw 608.03 Generator Composting Facilities.

(a) Subject to Env-Sw 608.02, no permit shall be required to compost the following wastes and materials at the waste generation site:

- (1) Yard waste or farming crop residuals;
- (2) Food waste limited to vegetable matter, edible vegetable oils and bakery waste;
- (3) Animal manure;
- (4) An approved bulking agent as defined in Env-Sw 102; or
- (5) Any combination of (1) - (4) above.

(b) The facilities described in (a) above shall include:

- (1) Composting operations at a private home for food waste generated by the home kitchen;
- (2) Composting operations at schools and other institutions, for food waste generated by cafeteria(s) at the institution; and
- (3) Farm based composting operations for food waste generated by the farm and farming crop residuals.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 600); ss by #8459, eff 10-28-05 (formerly Env-Wm 2308.03); ss by #10596, eff 7-1-14

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Env-Sw 608.04 Animal Carcass Composting Facilities Incidental to Livestock Operations.

(a) Subject to Env-Sw 608.02, no permit shall be required to compost animal carcasses provided that the composting operation is carried out in compliance with the requirements of the livestock mortality composting best management practices established in the “Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire”, revised July 2008, published by the New Hampshire Department of Agriculture, Markets, and Food.

(b) Facilities described in (a) above shall manage the finished compost in compliance with the livestock mortality composting best management practices established in the “Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire,” revised July 2008, published by New Hampshire Department of Agriculture, Markets, and Food.

Source. #10596, eff 7-1-14

APPENDIX

Rule Sections	Statute(s) Being Implemented
Env-Sw 600	RSA 149-M:6, III; RSA 149-M:7, II, III, V, VIII, XIV; RSA 149-M:9