

Frequently Asked Questions on New Compost Rule

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Waste & Materials Management
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This guidance document answers questions about Wisconsin's new composting regulations (NR 502.12, Wis. Adm. Code), effective June 1, 2012.

General

- 1. *When do the new compost facility rule changes go into effect?***
The rule changes go into effect June 1, 2012. We recognize that this is fairly short notice for many compost operators. We will work with compost operators to transition to the new rules. We would like to have the rules fully implemented by all compost facility operators by September 1, 2012.
- 2. *Why the rule changes?***
The new rules make it easier to compost food and certain other organic materials. In addition, the new rules provide compost operators with the opportunity to have their compost classified as "Class A Compost" if the compost meets certain testing requirements found in the rule. The rule changes also bring facility standards in Wisconsin up to date with best industry practices, and will help ensure that composters are making compost, not creating waste storage piles that can cause nuisance odors and other environmental problems.
- 3. *I operate a yard residuals composting facility. Can I start accepting food scraps for composting?***
Yes, but you will need to change your license to a "Source-separated compostable material" (SSCM) composting facility license. SSCMs include a wide variety of non-industrial organic materials including food, herbivorous animal manure, aquatic plants, non-recyclable paper and vegetative food processing residuals. Under the new rule, SSCM facilities must submit a plan of operation for review by the DNR staff specialist.

Temperature Monitoring

- 4. *Who will have to monitor the temperature of their compost piles?***
All licensed compost facility operators, as well as on-farm compost operators accepting non-farm raw materials from off-site, must monitor temperatures and maintain records of temperature readings and pile turning frequency to demonstrate that pathogen reduction procedures are being followed. See DNR's guidance document *Temperature Monitoring at Licensed Compost Facilities* (go to <http://dnr.wi.gov/> and search 'compost temperature') for more details.
- 5. *Will temperature and turning records have to be sent to the DNR?***
No. Facility operators will simply need to maintain records of temperature readings and pile turning frequency to demonstrate that pathogen reduction procedures are being followed. During an inspection, a DNR specialist may ask for temperature records to help track down the cause of any problems that are observed.

Stormwater Management

6. *What type of inspections of stormwater discharge are required?*

Once per quarter, operators of licensed compost facilities must visually inspect the performance of their stormwater discharge controls (e.g., berms, ditches, basins) during a rainstorm or snowmelt event. They must also inspect the site twice a year to identify any continuing discharges unrelated to storm events (e.g., from machinery, if present). **NOTE: These requirements have been added to the compost regulations to address storm water discharges from your facility. If you comply with these requirements, your facility will not need a separate DNR industrial storm water discharge permit. If your facility is covered under a separate industrial storm water discharge permit, the terms of that permit take precedence.**

Reporting

7. *Do compost facility operators need to submit a report to the DNR each year?*

A report is not required but there will be three additional questions on the annual license renewal form that licensed compost facility operators fill out each year. The questions will first appear on the 2013 annual license renewal form. The questions are very simple and ask about the type and amount of material composted in the previous year. This information will be used to develop a statewide total composting tonnage for the basic categories of material, helping us evaluate whether our efforts to divert useful materials from landfills are successful.

Sampling and Testing

(NOTE: only applies to largest (i.e., “non-exempt”) sites and those wishing to produce Class A compost)

8. *Who has to sample and test their finished compost?*

Only operators wishing to have their compost classified as Class A compost and a handful of operators with facilities having a capacity greater than 20,000 cubic yards of yard material or those greater than 5,000 cubic yards that process food, animal manure or certain other non-yard materials. If you are a yard materials compost facility with less than 20,000 cubic yards of material, you do not have to test your compost and you may skip the rest of these FAQs.

9. *For those that need to test, how often must they sample their finished compost?*

Operators may choose among the following options:

- every 2,000 tons or 4,000 cubic yards, with a minimum of one sample per year, or
- according to US Composting Council’s Seal of Testing Assurance (STA) program, or
- a different frequency approved by DNR

10. *For what characteristics must the finished compost be analyzed?*

Sample the finished compost for the parameters listed in s. NR 502.12 (16) Table 1 and 2, Wis. Adm. Code. These parameters include trace metals, physical contaminants (e.g., glass and plastic pieces), pathogens, stability and maturity.

11. *Who has to meet the limits in Table 1 and 2?*

Only those who are sampling their compost to be classified as Class A compost.

12. *What procedures must be followed when sampling the compost?*

Samples must be collected, handled and analyzed according to the US Composting Council’s (USCC’s) Test Methods for Evaluation of Compost and Composting (TMECC) or alternative methods approved by DNR. Samples must be tested at a lab certified under the USCC’s Seal of Testing Assurance Program or another lab approved by DNR. See <http://compostingcouncil.org/seal-of-testing-assurance/>.

Note: None of the currently certified labs are located in Wisconsin. Some Wisconsin labs will analyze compost samples but use methods for testing soil and manure which provide less accurate and less consistent results than the certified lab test methods designed specifically for compost material.

13. Do the test results need to be submitted to the DNR?

No, but they must be available, upon request, to DNR, potential users of the compost, and to the general public.

14. Which compost facilities must sample leachate?

Leachate sampling only applies to non-exempt composting facilities having a capacity greater than 20,000 cubic yards of yard material or those greater than 5,000 cubic yards that process food, animal manure or certain other non-yard materials.

Contact DNRWasteMaterials@wisconsin.gov for further information.

***Disclaimer:** This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.*

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Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

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WA-19-1584-C

DOCUMENT TITLE

Frequently Asked Questions on New Composting Rule

PROGRAM/BUREAU

Waste and Materials Management

STATUTORY AUTHORITY OR LEGAL CITATION

Ch. 289, Wis. Stats., NR 502, Wis. Adm. Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

November 4, 2019

DATE FINALIZED

December 2, 2019

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink that reads "Joseph P. Van Rossum".

December 2, 2019

Signature

Date