

# PROPOSED NEW COMPOSTING FACILITIES PERMITTED ON ALPP PROPERTIES BY CB 21-2018

## CB 21 – Composting Facilities are to be Allowed as an Accessory Use on ALPP – 106.1, (pages 7-9)

### SECTION 105.0 RR (Rural Residential) District

#### C. Accessory Uses

The following are permitted accessory uses in the RR District, except that only the uses listed in Section 106.1 shall be permitted on County preservation easements. More than o

### SECTION 106.1: County Preservation Easements

#### C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

## CB 21 – Composting Facilities on ALPP are to be subject to Section 128.0.I (page 11)

### X. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

## CB 21 – Section 128.0.I, “Tier I or Tier II” Composting Facilities up to 3 acres to be Allowed on ALPP (pages 15-17)

### SECTION 128.0: Supplementary Zoning District Regulations

#### I. Permits for Special Farm Uses

#### 9. COMPOSTING FACILITY

A TIER I OR TIER II-SMALL COMPOSTING FACILITY, AS DEFINED IN COMAR, IS PERMITTED AS AN ACCESSORY USE TO FARMING IN THE RC AND RR DISTRICTS PROVIDED THAT:

- A. THE COMPOSTING FACILITY SHALL NOT EXCEED THREE ACRES.

## CB 21 – ALPP May Sell (Unlimited amounts of) Compost, provided no outstanding installment ALPP purchase agreement. (page 18)

IN ACCORDANCE WITH PARAGRAPHS C. AND D. OF THIS SUBSECTION 9, A FARMER WHO PRODUCES COMPOST IN EXCESS OF THE AMOUNT THAT MAY BE USED ON THE FARMER’S FARM IN ACCORDANCE WITH THE NUTRIENT MANAGEMENT PLAN FOR THE FARM MAY SELL THE EXCESS COMPOST, PROVIDED THERE IS NO OUTSTANDING INSTALLMENT PURCHASE AGREEMENT FOR AN AGRICULTURAL LAND PRESERVATION EASEMENT ON THE PROPERTY, OR, IF THERE IS SUCH AN INSTALLMENT PURCHASE AGREEMENT, SALES MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).

**What are MDE Tier Types 1 and Tier 2 “Small” (As Are To be Allowed on ALPP by CB 21) – Ref: “Permitting Guidance for Maryland Composting Facilities, June 12, 2015”, MDE**

Tier 1	Tier 2 - Small
<ul style="list-style-type: none"> <li>Composts only Type 1 feedstocks.</li> </ul>	<ul style="list-style-type: none"> <li>Composts only Type 1 and Type 2 feedstocks.</li> <li>Produces ≤ 10,000 cubic yards of compost per year.</li> </ul>

**What Feedstock Types Permitted are permitted by MDE on Tier 1 and Tier 2 “Small” – This includes Industrial Food Processing Materials, Food Scraps, Animal Mortalities, and any “Compostable Products” (whatever that includes?)**

Type 1	Type 2
<ul style="list-style-type: none"> <li>Yard waste</li> </ul>	<ul style="list-style-type: none"> <li>Food scraps</li> <li>Non-recyclable paper</li> <li>Department approved animal manure and bedding</li> <li>Department approved industrial food processing materials</li> <li>Animal mortalities</li> <li>Compostable products</li> </ul>

**MDE Design Requirements for Composting facilities (Note that an “all-weather pad” is required).**

**Appendix C – Table of Major Design Requirements for Composting Facilities**

Tier	Pad Requirements <sup>1, 3</sup>	Water Collection Requirements <sup>1</sup>
Exempt from CF Permit	None (but must avoid prohibited acts in COMAR 26.04.11.04)	None (but must avoid prohibited acts in COMAR 26.04.11.04)
NWW Composting	Subject to NWW regulations at COMAR 26.04.09 and conditions of the NWW Recycling Facility Permit.	<p><u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.</p> <p>Subject to NWW regulations at COMAR 26.04.09 and conditions of the NWW Recycling Facility Permit.</p>
Tier 1	<p>All-weather pad</p> <p>Slope 1-6% (except indoor facilities)</p> <p>Distance from water table 2 - 4 ft, depending on location within coastal plain province and other factors.</p>	<p><u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.</p>
Tier 2 – Small	<p>All-weather pad</p> <p>Slope 1-6% (except indoor facilities)</p> <p>Distance from water table 2 - 4 ft, depending on location within coastal plain province and other factors.</p> <p>6-inch carbon-rich substrate beneath active piles</p> <p>Active piles must be covered with one of the following:</p> <ul style="list-style-type: none"> <li>6 inches compost</li> <li>6 inches high-carbon material such as wood chips</li> <li>Synthetic cover</li> <li>Roof</li> </ul>	<p><u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.</p>

<sup>1</sup> An applicant for an individual Composting Facility Permit may apply for a variance from one or more of these requirements for proposed facility designs that would be equally protective of the environment.

<sup>2</sup> “Covered” means that the feedstock and active piles are covered with a synthetic cover or tarp or the piles are under a roof, as long as the roof has a means of preventing run-on from contacting the materials (such as walls, berms, etc.)

<sup>3</sup> Except where otherwise specified, the pad requirements apply to the feedstock receipt, feedstock storage, active composting, curing, and compost storage areas.