

**Recycled Green Industries, LLC.** From June through December of 2011, Recycled Green Industries accumulated food scraps and yard waste at its composting facility in Woodbine without controls in place to screen out inorganic refuse or to prevent pollution of ground and surface water, and without the required refuse disposal and discharge permits. MDE documented discharges of wastewater containing elevated levels of nutrients and bacteria from the facility. Recycled Green stopped accepting food waste in December 2011 and removed accumulated raw material and products containing food waste from the facility.

On March 5, 2013, MDE and Recycled Green entered into a settlement agreement and consent order to resolve violations of solid waste management, sediment pollution, and water pollution control. Under the consent order, the company agreed to perform a nature and extent of contamination study to determine the extent of groundwater and/or surface water pollution from its composting activities and to develop and implement a corrective measures plan to address any ongoing water pollution. Recycled Green will also submit a revised operations and maintenance plan, including procedures for screening incoming material and rejecting or properly disposing of materials that cannot be composted, for maintaining aerobic conditions in compost piles, and for ensuring that the facility meets the operational and product quality standards set by the Department of Agriculture. In addition, Recycled Green agreed

to pay civil penalties of \$50,000; an additional penalty of \$25,000 was held in abeyance pending completion of the required corrective action.

# Permitting issue ends local firm's recycling of food scraps

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A Woodbine company that had been processing food scraps into composted materials with commercial applications — a process lauded by state and local officials as the next great frontier in recycling — has ceased those operations after hearing concerns about pollution from the Maryland Department of the Environment.

The impact has been far reaching, causing a string of institutions and the Howard County government, which were all sending food scraps to the facility, to find other, out-of-state facilities to handle the material.

Recycled Green Industries, which is still processing yard waste at its Carroll County facility off Kabik Court, received a verbal request to stop its food waste operations from the department on Dec. 22 because it did not have correct permits or processes in place to handle food scraps, according to a department spokesman.

Food scraps present different environmental concerns than yard waste, the spokesman said.

Namely, food contains "nutrients and potential pathogens" not found in yard waste, and are harmful to the environment when washed into surface and ground water, said Jay Apperson, the spokesman, in an email.

The department followed its verbal request with a letter to the company Jan. 9 that outlined concerns and gave a 12-point plan for the company to mitigate problems and become properly permitted.

The letter said water samples taken by the department on or near the company's property "confirm that the operation is generating polluted leachate and storm water and is discharging pollutants without a permit in violation of state law."

The letter also said, "In addition to the nutrients and bacteria found through laboratory analysis of samples collected from the site, elevated levels of biochemical oxygen demand and low dissolved oxygen were also detected, indicating the presence of excessive organic pollutants in discharges from the site."

Current guidelines on composting practices in the state recommend composting operations be "containerized, or operated in a manner to prevent ground or surface water contamination."

According to Mike Toole, Recycling Green's business development manager, the company's food scrap operations, which began two years ago, were outside, and consisted of mixing the food scraps into large mounds of yard waste, at the ratio of one part food scraps per every 30 parts of yard waste.

After processing, the material was sold as a natural fertilizer. The company also creates mulches and other ground covers.

The company has always passed inspections by the environmental department's land management administration, and was unaware its composting process was not permitted correctly and did not meet requirements.

Officials of MDE's water management administration first visited the company's facility last summer, Toole said.

When told of the pollution concerns, the company "voluntarily ceased accepting food waste," he said.

### **Too costly to continue**

Apperson said the company needs to obtain a permit that's in line with National Pollutant Discharge Elimination System protocols, as well as a state groundwater discharge permit and an air permit to run its concrete crusher.

The company may also need a mining permit, depending on the level of excavation intended for the property.

The department also spelled out steps the company would have to take to compost food materials, including installing a "low-permeability pad" or other surface, such as concrete, below the entire operation.

Until last week, Toole said the company was working to determine how to comply with the department's demands, but has since determined it'll be too costly to continue.

"We will have no choice but to abandon plans to re-engage in food waste recycling," he said.

Toole said he doesn't "understand what the difference is" between food scraps and the yard waste, and that composting shouldn't be lumped into the same category as waste disposal under state permitting.

Toole said the regulations are too complex and overbearing, and believes the company was already doing many things right.

"We're trying not to just open our arms and accept any and all food waste, by any stretch," he said.

Toole said that while losing the food scrap business did not have a major financial impact on the company, the company does see food scrap collection as having large potential moving forward — especially if more institutions and jurisdictions follow in the footsteps of its former food scrap clients like Howard County.

"We recognize the opportunity for growth in our business shows its greatest potential in food waste," Toole said.

Data from Howard County's pilot program show household waste dropped by about 25 percent among participating homes, county officials said.

### **Regulating confusion**

Since Recycled Green had to stop accepting its scraps, Howard has had to divert thousands of pounds of materials collected through its program, which had been sending food scraps to the Woodbine facility since September, to a facility in Delaware, officials said.

Recycled Green's other food scrap clients — including the University of Maryland, College Park, the [National Institutes of Health](#) in Montgomery County, and American University and National Geographic in the District of Columbia — also had to find other facilities to deal with their scraps, Toole said.

Apperson said MDE is supportive of recycling food waste into compost — if it's done in the proper way.

But Toole is not the only one that thinks its regulations are confusing.

In fact, based on a bill introduced by Del. Heather Mizeur of Montgomery County and passed by the General Assembly last year, MDE is required this year to study composting in the state, and the laws and regulations that govern it, and report back to the General Assembly by Jan. 1, 2013.

Apperson said MDE is currently in the process of reviewing and updating its standards for composting.

# Press Release

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Department of Environment Issues Enforcement Actions Agency Seeks Penalties, Corrective Actions for Alleged Violations of Land, Air and Water Regulations

**BALTIMORE, MD (May 23, 2013)** – The Maryland Department of the Environment today announced major enforcement actions in recent months for alleged violations of State and federal environmental laws to protect public health and our land, air, water and wetlands resources.

“The Maryland Department of the Environment's top priority is to protect public health and our environment. A consistent baseline of enforcement action prevents further pollution and risks to public health,” said MDE Secretary Robert M. Summers. “The majority of Maryland businesses comply with environmental laws. A strong and fair enforcement program protects our investment in the environment as well as the health and quality of life of all Maryland residents.”

## Water Pollution Enforcement Actions

*State law prohibits the discharge of any pollutant into waters of the State, unless such discharge is in compliance with the terms, conditions, and requirements of a discharge permit. A person must hold a discharge permit issued by MDE before the person may construct, install, modify, extend, alter or operate any facility or disposal system or any other outlet or establishment if its operation could cause or increase the discharge of pollutants into waters of the State.*

*It is unlawful for any person to introduce soil or sediment into waters of the State or to place soil or sediment in a condition or location where it is likely to be washed into waters of the State. State law requires that, prior to performing construction activity, a person obtain and implement a Soil Conservation District-approved erosion and sediment control plan that must be maintained for the life of the project for any proposed land clearing or earth disturbance greater than 5,000 square feet.*

*Earth disturbances that exceed one acre are required to obtain a National Pollutant Discharge Elimination System Permit for Stormwater Discharges Associated with Construction Activity from MDE. The NPDES Permit requires that an approved erosion and sediment control plan be obtained and implemented, that self-monitoring inspections occur, and that a log of such inspections be maintained.*

*State laws require that property owners notify MDE before conducting any work in tidal and nontidal wetlands, their buffers, and waterways of the State. MDE assesses the impact of any work on tidal and nontidal wetlands and, if appropriate, will issue a permit authorizing the work. The regulations governing wetlands were developed to protect the State's natural resources that depend on those wetlands and minimize impacts while allowing property owners reasonable use of their property.*

**Recycled Green Industries, LLC (Recycled Green) – Carroll County** – On March 5, 2013, MDE and Recycled Green Industries, LLC finalized an administrative Settlement Agreement to resolve alleged sediment control, sediment pollution, water pollution and refuse disposal violations at Recycled Green's Woodbine site. Under the terms of the settlement agreement, Recycled Green is required to correct the alleged violations and pay \$50,000 to the Maryland Clean Water Fund. The agreement also requires Recycled Green to pay MDE an additional, \$25,000 penalty if the company does not complete a corrective measures plan and implement a revised operations and maintenance plan.