



CB- 60 -2017



**NATURAL WOOD WASTE RECYCLING
AND COMPOSTING REGULATIONS**

**COUNTY COUNCIL PRESENTATION
JULY 10, 2017**



Background/History

- **2014:** CB20 (ZRA 149) – reinstated pre-Comp zoning regulations
- **July 2014- February 2015-** Wood Waste Task Force met and issued Majority and Minority Report
- **July 2015-** MDE adopts new composting regulations
- **August 2015-** ZRA 160 submitted by Dayton Rural Preservation Society
- **November 2015- March 2016-** Mulch Work Group convened by the CoEx and facilitated by DPZ
- **May 2017-** ZRA 180 submitted by DPZ and Councilmembers Sigaty and Fox
- **May 25, 2017-** Planning Board hearing for ZRA's 160 and 180 – recommended support of ZRA 180
- **June 2017-** CB 60 filed



Mulch Work Group

Participants :

- County technical staff (zoning, resource conservation, Soil Conservation, fire department, environmental services)
- 2 individuals from farming community
- 2 individuals from residential community

Purpose- sounding board for proposed regulatory text amendments-
focus on guiding zoning regulations:

- ✦ Size and scale
- ✦ Setbacks
- ✦ Road conditions and access
- ✦ Screening/buffering
- ✦ Ag Pres parcels
- ✦ Permitted activities vs Conditional Uses

COMAR 26.04.11

Composting Regulations



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Composting Regulations

- Compost is regulated by the Maryland Department of Agriculture (MDA).
- MDA also administers and tracks “Certified Composters” including testing
- Composting as a process is regulated by Maryland Department of the Environment (MDE).
- Neither limit local zoning from establishing further restrictions.



Permits

- MDE issues General Permits and Individual Permits for Compost and Natural Wood Waste Processing.
- General Permit - requires agreeing to a set of pre-published, detailed rules. A public hearing not required – you apply, you agree - permit issued.
- Individual Permit - when rules either cannot be followed or will not be agreed to. You apply, you explain which rules you cannot follow and how the intent of the rules will be met, public meeting held - MDE considers issuing permit.



COMAR 26.04.11

- Compost regulations approved in 2015 and are quite detailed and generally set the rules for a General Permit.
- They also outline when Compost Facilities need permits.
- They apply to composting grass, leaves, vegetation, food scrap, manure, and in some cases animal carcasses.
- Separate COMAR regulations apply to biosolids or sewage sludge.



Exemptions from Permits

- Area <5,000 sf (50' x 100') – no permit.
- When all material is generated, composted, and used on the farm – no permit.
- Farms where less than 40,000 sf is used “in support of composting” and where only vegetation and manure are composted and covered by a Nutrient Management Plan and other agricultural plans – no permit.



Summary of On-Farm Exemptions

On-Farm Facilities

1. Exempt up to any size

- Composts only feedstocks generated on-site.*
- All compost used on-site.*

2. 40,000 ft² exemption

- Feedstocks generated on-site* PLUS may accept Type 1 and manure/bedding off-site.
- Must have one of two agricultural plans that address certain aspects of the composting.
- No limitation on distribution of finished compost.

3. 5,000 ft² exemption

- Pile height limits
- No limitation on feedstocks used or distribution of finished compost.

4. Emergency animal mortality composting

- If approved by MDA.

* “On-site” includes the farm where composting takes place and other farms owned or controlled by the same operator.



Summary of Other Exemptions

Non-Farm Facilities

- 1. “Backyard” composting.**
 - Located at a residence.
 - Feedstocks generated on site.
 - Compost used on site.
- 2. 5,000 ft² exemption [SAME AS FOR FARMS].**
 - Pile height limits apply.
- 3. Animal mortality composting at government-managed site.**
 - For roadway or other maintenance.
- 4. Composting at a solid waste acceptance facility (e.g. Landfill).**
 - Under Refuse Disposal Permit containing composting conditions.



Composting Facility Sizes

- Tier 1 Facility – composts grass, leaves and vegetation.
- Tier II Small Facility – composts grass, leaves, vegetation, food scrap and manure. Generates less than 10,000 cy of product per year.
- Tier II Large Facility – composts grass, leaves, vegetation, food scrap and manure. Generates more than 10,000 cy of product per year
- Environmental protections get tighter with each step.



Feedstock Types

NWW

- Natural Wood Waste (e.g. stumps, logs)

Type 1

- Yard waste (e.g. leaves, grass)

Type 2

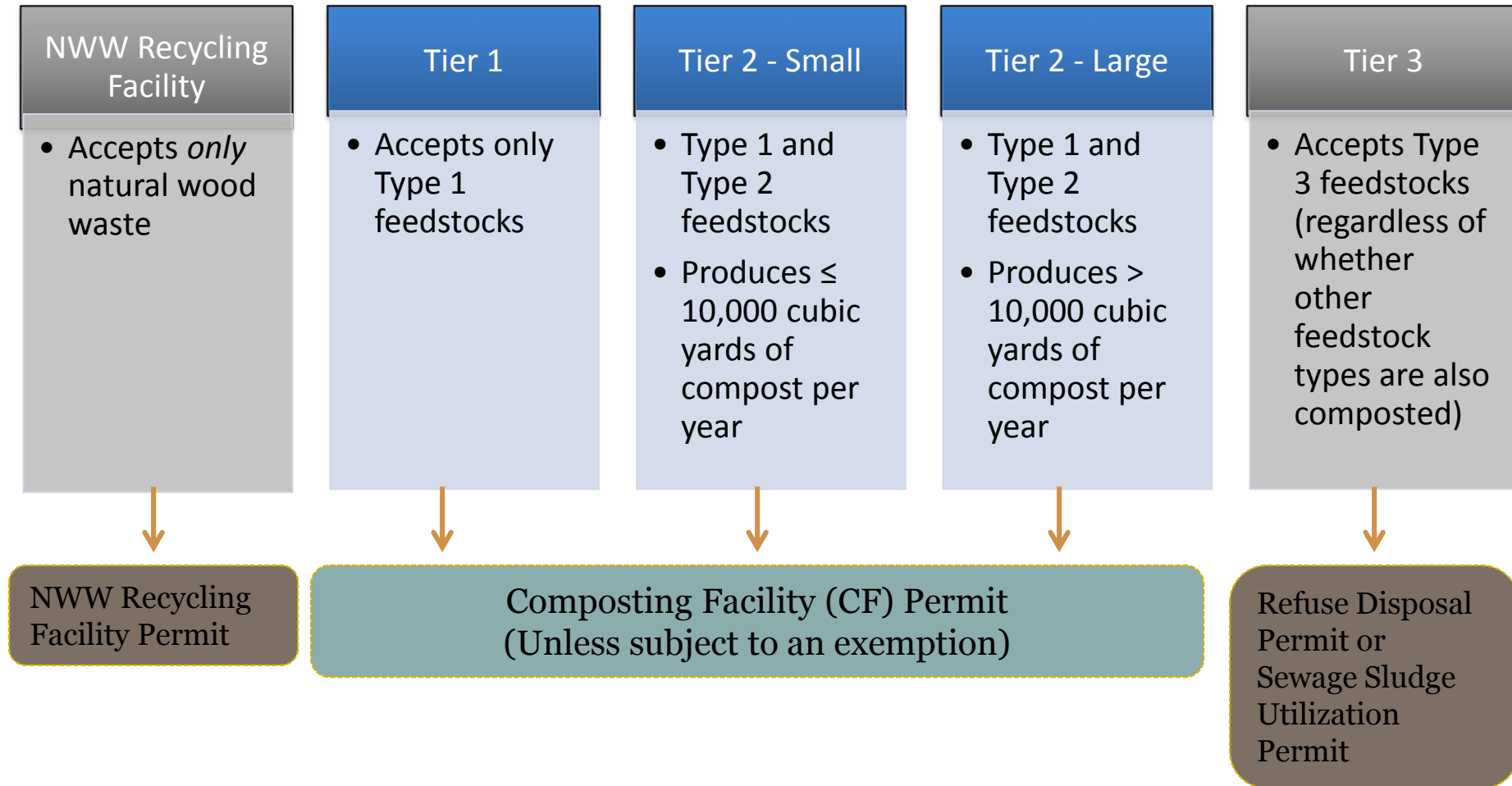
- Food scraps
- Non-recyclable paper
- Animal manure and bedding
- Industrial food processing materials
- Animal mortalities
- Compostable products

Type 3

- Sewage Sludge or Biosolids
- Used diapers
- Mixed municipal solid waste (MSW)



Facility Tiers





Regardless of whether permit is required:

- Apply to all composting facilities, even exempt ones.
- A person may not engage in composting in a manner which will likely...
 - Create a nuisance, harbor animals, cause an infestation of disease vectors.
 - Cause air pollution or operate without a required air permit.
 - Cause unpermitted discharge of pollutants to waters of the State.
 - Harm the environment, create hazards to public health, safety, or comfort.



CB 60- 2017

- Considered Task Force recommendations and new COMAR requirements.
- Developed in conjunction with Councilmembers Sigaty and Fox.
- Input from the following disciplines:
 - ✦ Fire and Rescue Services
 - ✦ Howard Soil Conservation District
 - ✦ Environmental Health Services
 - ✦ DPZ Resource Conservation Division
 - ✦ Economic Development Authority
 - ✦ Office of Community Sustainability



Purpose of CB 60

- Allow farmers to mulch or compost excess organic waste as part of a farming operation
- Limit commercial wood waste and composting operations in the RC and RR districts to **non- ALPP properties**
- Establish a conditional use category and criteria for compost and natural wood waste recycling facilities that obtain an MDE permit
- Allow composting and natural wood waste recycling facilities in M-1, M-2 and Solid Waste Overlay districts



Comparison- Composting

Composting						
	Current			CB 60 *		
	MDE Permit Not Required	MDE Tier I	MDE Tier II	MDE Permit Not Required	MDE Tier I or Tier II Small Permit	MDE Tier II Large Permit
RC & RR	Accessory to principal use	Conditional Use - only yard waste composting	Not Permitted	Accessory to principal use	By Permit < 3 acres accessory to a farm All Other - Conditional Use - Up to 5 acres or 10 %	Conditional Use - Up to 5 acres or 10 %
ALPP	Accessory to principal use	Not Permitted	Not Permitted	Accessory to principal use	By Permit < 3 acres accessory to a farm	Not Permitted
M-1	Accessory to principal use	Conditional Use - only yard waste composting	Not Permitted	Accessory to principal use	By-Right	Conditional Use
M-2	Accessory to principal use	Not Permitted	Not Permitted	Accessory to principal use	By-Right	By-Right
SW	Accessory to principal use	By-Right	Not Permitted	Accessory to principal use	By-Right	By-Right



Comparison – Natural Wood Waste

Natural Wood Waste Recycling				
	Current		CB 60	
	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required
RC & RR	Accessory to a principal Farm	Conditional Use	Accessory to a principal Farm	Conditional Use - Up to 5 acres or 10 %
ALPP	Accessory to a principal Farm	Not Permitted	Accessory to a principal Farm	Not permitted unless accessory to a principal Tree Farming Use Only (Conditional Use) - Up to 2 acres or 15% of area actively farmed
M-1	By-Right	By-Right	By-Right	By-Right
M-2	By-Right	By-Right	By-Right	By-Right



Definitions

- New definitions which differentiate between:
 - ***Composting***- activities not requiring an MDE permit
 - ***Composting Facility***- requires an MDE permit
 - ***Natural Wood Waste*** – natural refuse that can be processed without an MDE permit
 - ***Natural Wood Waste Recycling Facility (NWWRF)***- requires an MDE permit
- New definitions for Firewood Processing and Sawmills



Permitted vs. Non-Permitted Activities

- Distinguishes MDE permitted activities from non-permitted for zoning purposes
- Operations that do not require an MDE permit are considered “accessory” to a farming use and are allowed by-right
- Operations that require an MDE permit in RR/RC will require a Special Farm Permit, Conditional Use, or are not permitted on Ag Pres
- Wood waste processing and removal of debris after a natural disaster that does not require an MDE permit is permitted



Activities permitted by-right

- Composting and Natural Wood Waste Recycling (NWWR) operations that do not require an MDE permit and are accessory to a farming use in any district where farming is permitted
- All Composting Facilities in M-2 and SWO
- Tier I and Tier II Small Composting Facilities in M-1
- NWWRFs in M-1 and M-2



M-1, M-2 and SWO

- Currently mulch manufacture is permitted by-right in M-1 and M-2 which CB 60 continues
- Composting feedstock other than yard waste is currently not permitted anywhere- unintended consequence of ZRA 149 that **needs to be addressed**
- Composting Facilities are akin to other solid waste uses allowed in industrial zones and the solid waste overlay
- These uses are also regulated by MDE- other industrial uses are not.



Special Farm Permits

- Required for:
 - Tier I and Tier II Small Composting Facilities that are accessory to a farming use and < 3 acres
 - Emergency Natural Wood Waste Recycling Facilities- up to 90 days as a result of a natural disaster
- Both permitted on Ag Preservation land
- Allows some oversight for facilities under 3 acres that qualify for an MDE permit, yet primarily support a farming operation
- Allows sale of **excess** finished compost and limited on-site sales



Limitations on ALPP Property

- Composting and natural wood waste recycling activities that do not require an MDE permit and are accessory to a farming operation are permitted.
- An MDE permitted Composting Facility is only permitted if it is a:
 - Tier I and Tier II Small, under 3 acres, and accessory to a farm
 - A composting facility Conditional Use is not allowed on Ag Pres (over 3 acres or Tier II large facility)
- NWWRF on Ag Preservation **only if** accessory to tree farm and the lesser of:
 - 2 acres
 - 2% of the easement or
 - 15% of the area actively farmed in trees



Conditional Use

- Composting Facilities that are a principal use and not located on ALPP Properties
 - Tier I and Tier II Small between 3 acres and 5 acres or 10% of the property
 - Tier II Large Composting Facilities up to 5 acres or 10% of the property
- NWWRF up to 5 acres or 10% of the property- not permitted on ALPP properties unless accessory to a tree farm



Conditional Use Criteria

- Allow for site specific review based on best management practices and subject to a Public Hearing
 - Evaluation by Howard Soil Conservation District.
 - Minimum lot size (10 acres) and maximum use area (5 acres or 10%).
 - Compliance with State and other regulations.
 - Review by Fire Marshall.
 - Provisions for leachate and run-off disposal.
 - Restrictions on hours of operations.
 - Road capacity review.
 - Restricts on-site sales.
 - Remediation plan.
 - Setbacks to property lines, residential dwellings, schools and wetlands.
 - Buffering, and screening.



Conditional Use Area

- COMAR 26.04.11.02(B)21-

“In support of composting” means used to conduct any phase of the composting process, including but not limited to feedstock receiving, feedstock preparation, active composting, curing, compost storage, composting equipment storage or maintenance, or storage of any solid waste or non-compostable materials.

- Howard County- All Conditional Uses must include the following elements in the CU Areas as specified in the Petition:
 - Existing and proposed uses and structures
 - Parking areas
 - Storage areas for equipment or materials
 - Points of ingress/egress
 - Landscaping and natural features such as steep slopes
 - Driveways
 - Setbacks



Conditional Use Area Example

9 Acre NWWR/Composting Facility on 95 Acres (Less Than 10%)





Criteria to address Environmental Impacts

- HCSCD Supplementary Project Evaluation (SPE) to protect natural resources and control dust, odor, and groundwater contamination
 - **Site Selection/Suitability-** analysis of soil type, slopes and other natural features
 - **Site Design-** optimal location based on MDE and NRCS Standards and Specification (i.e. windbreak, buffers, pollution control)
 - **Management of Operations-** Soil and Nutrient Management Plan will ensure MDE requirements and standards are met



Criteria to address Environmental Impacts

- MDE permit and operations plan to include:
 - Measures to prevent or control ground or surface water pollution, fires, odors, noise, dust, litter, vectors and other nuisances
 - Methods of controlling contact water and stormwater
 - Restrictions on pile heights
 - Erosion and sediment control plan approved by HCSCD
- Emergency Preparedness plan for review by Fire Marshall
- Treatment of leachate and stormwater runoff
- Control dissipation of airborne pollutants through setbacks, screening and buffering



Fire Safety Regulations

- Fire Code updated Spring, 2016, to incorporate recommendations of the Wood Waste Task Force
- CB 60 require review of the Fire Marshall of all composting facilities and NWWRF
- Deputy Chief, Daniel Merson review regulations



Code Enforcement

- Violations can take a long time to resolve
- Inspectors require evidence to issue a notice of violations
- Inspectors have visited sites evenings/weekends
- Cease and desist order requires court action
- Will be looking at violation process as part of the code rewrite



Summary

- CB 60 does not permit industrial or large scale mulch operations on ALPP properties
- Allows composting and wood waste recycling activities that do not require an MDE permit are farming related and accessory to a farm use
- MDE regulations, MDA- required Nutrient Management Plans, and Conditional Use criteria address many environmental issues
- CB 60 contains criteria (such as setbacks and size limits) that are enforceable and objective.
- Howard County Zoning Regulations includes a Conditional Use process to allow for public input.



Direction by County Executive and Sponsors

- Study additional road access criteria by road type to further limit truck traffic.
- Study need for specific emergency declaration in zoning regulations.
- Study IRS tax implications on ALLP properties based on commercial activities.
- Study establishing ALLP cumulative totals for composting and NWWR in association with tree farms.
- Determine need for Christmas tree farms as part of ALLP uses.
- Addition of MALPF properties to ZRA.
- Explore need for Tier 2 Large facilities.