

SUBCHAPTER A: GENERAL INFORMATION
§§332.1 - 332.8
Effective January 8, 2004

§332.1. Purpose.

The purpose of this chapter is to establish regulations that will divert organic materials from the typical municipal solid waste stream, and promote the beneficial reuse of those materials while maintaining standards for human health and safety and environmental protection.

Adopted November 1, 1995

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§332.2. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) **Agricultural materials** - Litter, manure, bedding, feed material, vegetative material, and dead animal carcasses from agricultural operations.
- (2) **Agricultural operations** - Operations involved in the production of agricultural materials.
- (3) **Air contaminant** - Particulate matter, radioactive material, dust, fumes, gas, mist, smoke, vapor, or odor or any combination thereof produced by processes other than natural. Water vapor shall not be considered an air contaminant.
- (4) **All-weather roads** - A roadway that has been designed to withstand the maximum load imposed by vehicles entering and exiting the facility during all types of weather conditions.
- (5) **Anaerobic composting** - The controlled biological decomposition of organic materials through microbial activity which occurs in the absence of free oxygen. Anaerobic composting does not include the stockpiling of organic materials.
- (6) **Backyard operations** - The composting, land application and mulching of non-industrial organic material, such as grass clippings, leaves, brush, clean wood material or vegetative food material, generated by a homeowner, tenant of a single or multi-family residential or apartment complex, or a commercial or institutional complex where the composting, land application or mulching occurs on the dwelling property and the final product is utilized on the same property. Backyard operations includes neighborhood composting demonstration sites which generate less than 50 cubic yards of final product per year.

(7) **Batch (or Sampling batch)** - The lot of produced compost represented by one analytical sample (3000 cubic yards or 5000 cubic yards depending on facility type).

(8) **Beneficial reuse** - Any agricultural, horticultural, reclamation, or similar use of compost as a soil amendment, mulch, or component of a medium for plant growth, when used in accordance with generally accepted practice and where applicable is in compliance with the final product standards established by this chapter. Simply offering a product for use does not constitute beneficial reuse. Beneficial reuse does not include placement in a disposal facility, use as daily cover in a disposal facility, or utilization for energy recovery.

(9) **Bulking agent** - An ingredient in a mixture of composting materials included to improve structure and porosity (which improve convective air flow and reduce settling and compaction) and/or to lower moisture content. Bulking agents may include but are not limited to: compost, straw, wood chips, saw dust or shredded brush.

(10) **Clean wood material** - Wood or wood materials, including stumps, roots, or vegetation with intact rootball, sawdust, pallets and manufacturing rejects. Clean wood material does not include wood that has been treated, coated or painted by materials such as, but not limited to, paints, varnishes, wood preservatives, or other chemical products. Clean wood material also does not include demolition material, where the material is contaminated by materials such as but not limited to paint or other chemicals, glass, electrical wiring, metal and sheetrock.

(11) **Commission** - The Texas Natural Resource Conservation Commission and its successors.

(12) **Compost** - The stabilized product of the decomposition process that is used or distributed for use as a soil amendment, artificial top soil, growing medium amendment, or other similar uses.

(13) **Composting or functionally aerobic composting** - The controlled, biological decomposition of organic materials through microbial activity which occurs in the presence of free oxygen. Composting or functionally aerobic composting does not include the stockpiling of organic materials.

(14) **Cured compost (CC)** - A highly stabilized product which results from exposing mature compost to a prolonged period of humification and mineralization.

(15) **Dairy material** - Products which have a Standard of Identity defined in the Code of Federal Regulations, Title 21 §131.

(16) **Distribute** - To sell, offer for sale, expose for sale, consign for sale, barter, exchange, transfer possession or title, or otherwise supply.

(17) **Executive director** - The Executive Director of the Texas Natural Resource Conservation Commission or his duly authorized representative.

(18) **Facility** - All structures, other appurtenances, and improvements within the property boundaries used for receiving and storage of organic materials and processing them into useable final products.

(19) **Feedstock** - Any material used for land application or as a basis for the manufacture of compost, mulch or other useable final product.

(20) **Final product** - Composted material meeting testing requirements of §332.71 of this title (relating to Sampling and Analysis Requirements for Final Product) and awaiting distribution or disposal.

(21) **Fish feedstocks** - Fish, shellfish, or seafood and by-products of these materials whether raw, processed, or cooked. Fish feedstocks does not include oils and/or greases that are derived from these same materials.

(22) **Foreign matter** - Inorganic and organic constituents which are not readily decomposed, including metals, glass, plastics and rubber, but not including sand, dirt, and other similar materials.

(23) **Grab sample** - A single sample collected from one identifiable location.

(24) **Grease** - See the definition of Oil in this section.

(25) **Hours of operation** - Those hours which the facility is open to receive feedstock, incorporate feedstock into the process, retrieve product from the process, and/or ship product.

(26) **Land application** - The spreading of yard trimmings, manure, clean wood material and/or vegetative food materials onto the surface of the land or the incorporation of these materials within 3 feet of the surface.

(27) **Leachate** - Liquid which has come in contact with or percolated through materials being stockpiled, processed, or awaiting removal and which has extracted, dissolved or suspended materials. Leachate also includes condensate from gases resulting from the composting process.

(28) **Manure** - Animal excreta and residual materials that have been used for bedding, sanitary or feeding purposes for such animals.

(29) **Mature compost** - Mature compost is the stabilized product of composting which has achieved the appropriate level of pathogen reduction (ie. PFRP or PSRP) and is beneficial to plant

growth, and meets the requirements of Table 2 of §332.72 of this title (relating to Final Product Grades)

(30) **Maturity** - A measure of the lack of biological activity in freshly aerated materials, resulting from the decomposition of the incoming feedstock during the active composting period.

(31) **Meat feedstocks** - Meat and meat by-products whether raw, processed, or cooked including whole animal carcasses, poultry and eggs. Meat feedstocks does not include oils and/or greases that are derived from these same materials.

(32) **Mixed municipal solid waste** - Garbage, refuse, and other solid waste from residential, commercial, industrial non-hazardous, and community activities which is generated and collected in aggregate.

(33) **Mulch** - Ground, coarse, woody yard trimmings and clean wood material. Mulch is normally used around plants and trees to retain moisture and suppress weed growth, and is intended for use on top of soil or other growing media rather than being incorporated into the soil or growing media. Mulch does not include wood that has been systemically killed using herbicides.

(34) **Municipal sewage sludge** - Solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works.

(35) **Nuisance** - Nuisances as set forth in the Texas Health and Safety Code, Chapter 341, the Texas Water Code, Chapter 26, and §101.4 of this title (relating to Nuisance).

(36) **Oil** - Any material rendered from vegetative material, dairy material, meat and fish feedstocks, that is soluble in trichlorotrifluoroethane. It includes other material extracted by the solvent from an acidified sample and not volatilized during the test. Oil and greases do not include grease trap waste.

(37) **One hundred-year floodplain** - Any land area which is subject to a 1.0% or greater chance of flooding in any given year from any source.

(38) **Operator** - The person(s) responsible for operating the facility or part of a facility.

(39) **Quality Assurance/Quality Control (QAQC) plan** - A written plan to describe standard operating procedures used to sample, prepare, store, and test final product, and report test

results. The plan outlines quality assurance criteria, as well as quality control procedures, needed to meet the operational specifications of 30 TAC Chapter 332.

(40) **Quality Assurance Program Plan (QAPP)** - A QAQC plan prepared by the TNRCC that may be substituted for the QAQC plan.

(41) **Paper** - A material made from plant fibers (such as but not limited to wood pulp, rice hulls, and kenaf). The sludge byproduct resulting from the production of paper may be approved as a feedstock pursuant to §332.33(b) of this title (relating to Required Forms, Applications, Reports, and Request to Use the Sludge Byproduct of Paper Production).

(42) **Permit** - A written document issued by the commission that, by its conditions, may authorize the owner or operator to construct, install, modify, or operate a facility or operation in accordance with specific limitations.

(43) **Person** - Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

(44) **PFRP** - The process to further reduce pathogens as described in 40 Code of Federal Regulations Part 503, Appendix B.

(45) **PSRP** - The process to significantly reduce pathogens as described in 40 Code of Federal Regulations Part 503, Appendix B.

(46) **Positively-sorted organic material** - Positively-sorted organic material includes materials such as, but not limited to, yard trimmings, clean wood materials, manure, vegetative material, paper, meat and fish feedstocks that are sorted or pulled out as targeted compostable organic materials from mixed municipal solid waste prior to the initiation of processing.

(47) **Processing** - Actions that are taken to land apply feedstocks or convert feedstock materials into finished compost, mulch or a useable final product. Processing does not include the stockpiling of materials.

(48) **Recyclable material** - For purposes of this chapter, a recyclable material is a material that has been recovered or diverted from the solid waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products which may otherwise be produced from raw or virgin materials. Recyclable material is not solid waste unless the material is deemed to be hazardous solid waste by the administrator of the United States Environmental Protection Agency, whereupon it shall be regulated accordingly unless it is otherwise exempted in whole or in part from regulation under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Protection Act. If, however, recyclable materials may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or

disposing of the material.

(49) **Recycling** - A process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Recycling includes the composting process if the compost material is put to beneficial reuse as defined in this section.

(50) **Residence** - A single-family or multi-family dwelling.

(51) **Run-off** - Any rainwater, leachate, or other liquid that drains over land from any part of a facility.

(52) **Run-on** - Any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

(53) **Semi-mature compost (SMC)** - Organic matter that has been through the thermophilic stage and achieved the appropriate level of pathogen reduction (ie. PFRP or PSRP). It has undergone partial decomposition but it is not yet stabilized into mature compost. Semi-mature compost shall not be packaged, as uncontrolled microbial transformations will occur.

(54) **Solid waste** - Garbage; rubbish; refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining and agricultural operations from community and institutional activities.

(55) **Source-separated** - Set apart from waste after use or consumption by the user or consumer.

(56) **Source-separated organic material** - Organic materials from residential, commercial, industrial, and other community activities, that at the point of generation have been separated, collected and transported separately from non-organic materials, or transported in the same vehicle as non-organic materials but in separate compartments. Source-separated organic material may include materials such as, but not limited to, yard trimmings, clean wood materials, manure, vegetative material, and paper. Yard trimmings and clean wood material collected with whitegoods, as in brush and bulky item collections, will be considered source-separated organic materials for the purposes of these rules.

(57) **Stockpile** - A collection of materials that is either awaiting processing or removal.

(58) **Unauthorized material** - Material which is not authorized to be processed in a particular type of composting, mulching or land application facility.

(59) **Vegetative material** - Fruit, vegetable or grain material whether raw, processed,

liquid, solid, or cooked. Vegetative material does not include oils and/or greases that are derived from these same materials.

(60) **Vector** - An agent, such as an insect, snake, rodent, bird, or animal capable of mechanically or biologically transferring a pathogen from one organism to another.

(61) **Voucher** - Provides the same information as required on a label to persons receiving compost distributed in bulk.

(62) **Wetlands** - Those areas defined as wetlands in the Texas Water Code, Chapter 26.

(63) **Wet weight** - The weight of the material as used, not a weight that has been adjusted by subtracting the weight of water within the feedstock.

(64) **White goods** - Discarded large household appliances such as refrigerators, stoves, washing machines or dishwashers.

(65) **Yard trimmings** - Leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material not greater than six inches in diameter, that results from landscaping maintenance and land-clearing operations. Yard trimmings does not include stumps, roots, or shrubs with intact root balls.

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§332.3. Applicability.

(a) Permit required. The following compost operations are subject to the general requirements found in §332.4 of this title (relating to General Requirements), and the requirements set forth in Subchapters D - G of this chapter (relating to Operations Requiring a Permit; Source-Separated Recycling; Household Hazardous Waste Collection; and End-Product Standards), and the air quality requirements in §332.8 of this title (relating to Air Quality Requirements). These operations are required to obtain a permit from the commission under Chapters 305 and 281 of this title (relating to Consolidated Permits; and Applications Processing):

(1) operations that compost mixed municipal solid waste;

(2) operations that add any amount of mixed municipal solid waste as a feedstock in the composting process; and

(3) operations that commercially compost grease trap waste on or after September 1, 2003. Grease trap waste is material collected in and from an interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the

solids resulting from de-watering processes.

(A) All proposed operations that compost any amount of grease trap waste must apply for a permit and must have a permit prior to operating.

(B) Existing facilities that are composting grease trap waste under a current registration can continue to operate as authorized by that registration if:

(i) the person holding the registration submits an application for a permit under Subchapter D of this chapter not later than the 30th day after receiving notice from the commission of the requirement to submit an application under Texas Health and Safety Code, §361.428(d); and

(ii) the commission declares the application administratively complete on or before June 1, 2004.

(b) Registration required. The following compost operations are subject to the requirements found in §332.4 of this title, the requirements set forth in Subchapters C and G of this chapter (relating to Operations Requiring a Registration; and End-Product Standards), and the air quality requirements in §332.8 of this title:

(1) operations that compost municipal sewage sludge, except those facilities that compost municipal sewage sludge with mixed municipal solid waste;

(2) operations that compost positively-sorted organic materials from the municipal solid waste stream;

(3) operations that compost source-separated organic materials not exempted under subsection (d) of this section;

(4) operations that compost disposable diapers or paper products soiled by human excreta;

(5) operations that compost the sludge byproduct generated from the production of paper if the executive director determines that the feedstock is appropriate under §332.33 of this title (relating to Required Forms, Applications, Reports, and Request to Use the Sludge Byproduct of Paper Production); and

(6) operations that incorporate any of the materials set forth in paragraphs (1) - (5) of this subsection with source-separated yard trimmings, clean wood material, vegetative material, paper, manure, meat, fish, dairy, oil, grease materials, or dead animal carcasses.

(c) Operations requiring notification. The following operations are subject to all requirements

set forth in Subchapter B of this chapter (relating to Operations Requiring a Notification), the general requirements found in §332.4 of this title, and the air quality requirements in §332.8 of this title:

(1) operations that compost any source-separated meat, fish, dead animal carcasses, oils, greases, or dairy materials; and

(2) operations that incorporate any of the materials set forth in paragraph (1) of this subsection with source-separated yard trimmings, clean wood material, vegetative material, paper, or manure.

(d) Operations exempt from facility notification, registration, and permit requirements. The following operations are subject to the general requirements found in §332.4 of this title, the air quality requirements in §332.8 of this title, and are exempt from notification, registration, and permit requirements found in Subchapters B - D of this chapter. Operations under paragraphs (1) and (3) of this subsection are subject to the requirements of an exempt recycling facility under §328.4 and §328.5 of this title (relating to Limitations on Storage of Recyclable Materials; and Reporting and Recordkeeping Requirements):

(1) operations that compost only materials listed in subparagraphs (A) and (B) of this paragraph:

(A) source-separated yard trimmings, clean wood material, vegetative material, paper, and manure;

(B) source-separated industrial materials listed in §332.4(10) of this title excluding those items listed in §332.4(10)(A), (F) - (H), and (J) of this title;

(2) agricultural operations that generate and compost agricultural materials on-site;

(3) mulching operations;

(4) land application of yard trimmings, clean wood materials, vegetative materials, and manure at rates below or equal to agronomic rates as determined by the Texas Agricultural Extension Service;

(5) application of paper that is applied to land for use as an erosion control or a soil amendment; and

(6) on-site composting of industrial solid waste at a facility that is in compliance with §335.2 of this title (relating to Permit Required) and §335.6 of this title (relating to Notification Requirements).

§332.4. General Requirements.

All composting facilities and backyard operations shall comply with all of the following general requirements. Violations of these requirements are subject to enforcement by the commission and may result in the assessment of civil or administrative penalties pursuant to Texas Water Code, Chapter 7 (relating to Enforcement).

(1) Compliance with Texas Water Code. The activities that are subject to this chapter shall be conducted in a manner that prevents the discharge of material to or the pollution of surface water or groundwater in accordance with the provisions of the Texas Water Code, Chapter 26 (relating to Water Quality Control).

(2) Nuisance conditions. The composting, mulching, and land application of material shall be conducted in a sanitary manner that shall prevent the creation of nuisance conditions as defined in §330.2 of this title (relating to Definitions) and as prohibited by the Texas Health and Safety Code, Chapters 341 and 382 (relating to Minimum Standards of Sanitation and Health Protection Measures; and Clean Air Act), the Texas Water Code, Chapter 26 (relating to Water Quality Control), §101.4 of this title (relating to Nuisance), and any other applicable regulations or statutes.

(3) Discharge to surface water or groundwater. The discharge of material to or the pollution of surface water or groundwater as a result of the beneficial use or reuse and recycling of material is prohibited.

(4) Compliance with federal laws. Facility operations shall be conducted in accordance with all applicable federal laws and regulations.

(5) Compliance with state laws. Facility operations shall be conducted in accordance with all applicable laws and regulations of the State of Texas.

(6) Facility operations. Facility operations shall not be conducted in a manner which causes endangerment of human health and welfare, or the environment.

(7) Operations on a municipal solid waste landfill unit. No composting activities shall be conducted within the permitted boundaries of a municipal solid waste landfill without prior approval by the executive director as required by §305.70 of this title (relating to Municipal Solid Waste Permit and Registration Modifications).

(8) Operational requirement. Operations shall be conducted in such a manner to ensure that no unauthorized or prohibited materials are processed at the facility. All unauthorized or prohibited materials received by the facility shall be disposed of at an authorized facility in a timely manner.

(9) Leachate. Leachate from landfills and mixed municipal solid waste composting

operations shall not be used on any composting process, except mixed municipal solid waste composting, and shall not be added after the designation of an end-product grade unless the product is reanalyzed to determine end-product quality.

(10) Nonhazardous industrial solid waste. This chapter applies to the composting, mulching, and land application of only the following nonhazardous industrial solid waste when the composting occurs on property that does not qualify for the exemption from the requirement of an industrial solid waste permit pursuant to §335.2(d) of this title (relating to Permit Required):

- (A) dead animal carcasses;
- (B) clean wood material;
- (C) vegetative material;
- (D) paper;
- (E) manure (including paunch manure);
- (F) meat feedstocks;
- (G) fish feedstocks;
- (H) dairy material feedstocks;
- (I) yard trimmings; and
- (J) oils and greases.

(11) Industrial and hazardous waste. Any of the materials listed in paragraph (10) of this section that are not managed in accordance with the requirements of this chapter, all hazardous wastes, and any nonhazardous industrial solid wastes not listed in paragraph (10) of this section shall be managed in accordance with Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste).

(12) Chemicals of concern. The operator of a compost facility shall address the release of a chemical of concern from a compost facility to any environmental media under the requirements of Chapter 350 of this title (relating to Texas Risk Reduction Program) to perform the corrective action.

§332.5. Variances.

(a) In specific cases the executive director may approve a variance from the requirements of this chapter if the variance is not contrary to the public health and safety and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the chapter is observed. A variance may not be approved concerning the procedural requirements of this chapter, including application procedures and the filing of reports, or concerning the provisions of §332.8 of this title (relating to Air Quality Requirements).

(b) A request for a variance must be submitted in writing to the executive director. The request may be made in an application for a registration or permit. Any approval of a variance must be in writing from the executive director.

(c) If the variance is requested for a facility permitted under this Chapter, the commission must approve the variance.

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§332.6. Compost and Mulch Operations Located at Municipal Solid Waste Facilities.

(a) Facilities that compost or mulch materials considered to be exempt, notification or registered facilities in §332.3 of this title (relating to Applicability) may be located at municipal solid waste permitted facilities. The owner shall prepare and submit a modification request in accordance with the provisions of §305.70 of this title (relating to Municipal Solid Waste Class 1 Modifications) unless the municipal solid waste facility permit authorizes compost or mulch operations. If the municipal solid waste facility permit authorizes compost operations, the compost operation shall be conducted in accordance with the facility permit.

(b) Facilities considered to be permitted facilities in §332.3 of this title (relating to Applicability) may be located at municipal solid waste permitted facilities. The owner shall prepare and submit an application for a major permit amendment in accordance with the provisions of §305.62 of this title (relating to Amendment) and shall submit the information required by §332.47 of this title (relating to Permit Application Preparation) and shall fully comply with the provisions of §332.41 of this title (relating to Definition, Requirements, and Application Processing for a Permit Facility).

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§332.7. Compost Operations Located at Waste Water Treatment Facilities.

Municipal sewage sludge composting facilities considered to be registered facilities in §332.3 of this title (relating to Applicability) may be located at waste water treatment facilities that have received a water quality permit under the Texas Water Code, Chapter 26. The owner shall prepare and submit a modification to amend the water quality permit in accordance with the provisions of

Chapter 305 of this title (relating to Consolidated Permits). The applicant shall comply with the provisions of §332.4 of this title (relating to General Requirements) and §332.31 of this title (relating to Definition of and Requirements for Registered Facilities) except where those provisions conflict with the provisions of the water quality permit. If the wastewater treatment facility has received a water quality permit under the Texas Water Code, Chapter 26 which authorizes compost operations, the compost operation shall be conducted in accordance with the facility permit.

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§332.8. Air Quality Requirements.

(a) General requirements.

(1) Any composting or mulching operation which has existing authority under the Texas Clean Air Act does not have to meet the air quality criteria of this subchapter. Under Texas Clean Air Act, §382.051, any new composting or mulching operation which meets all of the applicable requirements of this subchapter is entitled to an air quality standard permit authorization under this subchapter in lieu of the requirement to obtain an air quality permit under Chapter 116 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification).

(2) Those composting or mulching operations which would otherwise be required to obtain air quality authorization under Chapter 116 of this title, which cannot satisfy all of the requirements of this subchapter, shall apply for and obtain air quality authorization under Chapter 116 of this title in addition to any notification, registration, or permit required in this subchapter.

(3) Any composting or mulching operation authorized under this chapter which is a new major source or any modification which constitutes a major modification under nonattainment review or prevention of significant deterioration review as amended by the Federal Clean Air Act amendments of 1990, and regulations promulgation thereunder, is subject to the requirements of Chapter 116 of this title, in addition to any notification, registration, or permit required in this chapter.

(4) Composting facilities that do not wish to comply with the requirements of this section, are required to apply for and obtain air quality authorization under Chapter 116 of this title. Once a person has applied for and obtained air quality authorization under Chapter 116 of this title, the person is exempt from the air quality requirements of this chapter.

(5) No person may concurrently hold an air quality permit issued under Chapter 116 of this title and an air quality standard permit authorized under this chapter for composting or mulching operations at the same site.

(6) Composting or mulching operations which have authorization under this chapter shall comply with the general requirements in §332.4 of this title (relating to General Requirements), and subsections (b), (c), (d), or (e) of this section.

(7) The operator of a composting or mulching operation operating under an air quality standard permit shall maintain on file at all times and make immediately available documentation which shows compliance with this section.

(b) Exempt operations. Composting and mulching operations that are considered exempt operations under §332.3(d) of this title (relating to Applicability), and that meet the following requirements are entitled to an air quality standard permit.

(1) If the total volume of materials to be mulched and/or composted, including in-process and processed materials at any time is greater than 2,000 cubic yards, the setback distance from all property boundaries to the edge of the area receiving, processing, or storing feedstock or finished product must be at least 50 feet.

(2) All permanent in-plant roads and vehicle work areas shall be watered, treated with dust-suppressant chemicals, or paved and cleaned as necessary to achieve maximum control of dust emissions. Vehicular speeds on non-paved roads shall not exceed ten miles per hour.

(3) Except for initial start-up and shut-down, the receiving chamber on all grinders shall be adequately filled prior to commencement of grinding and remain filled during grinding operations to minimize emissions from the receiving chamber or grinding operations shall occur inside an enclosed structure. In addition, all grinders not enclosed inside a building shall be equipped with low-velocity fog nozzles spaced to create a continuous fog curtain or the operator shall have portable watering equipment available during the grinding operation. These controls shall be utilized as necessary for maximum control of dust when stockpiling ground material.

(4) All conveyors which off-load materials from grinders at a point which is not enclosed inside a building shall have available a water or mechanical dust suppression system. These controls shall be utilized as necessary for maximum control of dust when stockpiling ground material.

(5) If there are any changes to the composting or mulching operation that would reclassify it from an exempt operation to a notification, registration, or permit facility as authorized under §332.3 of this title, the operation shall obtain an air quality standard permit for a notification, registered, or permitted composting operation.

(c) Notification operations. Composting operations required to notify under §332.3(c) of this title which meet the following requirements are entitled to an air quality standard permit.

(1) The setback distance from all property boundaries to the edge of the area receiving, processing, or storing feedstock or finished product must be at least 50 feet.

(2) All permanent in-plant roads and vehicle work areas shall be watered, treated with dust-suppressant chemicals, or paved and cleaned as necessary to achieve maximum control of dust emissions. Vehicular speeds on non-paved roads shall not exceed ten miles per hour.

(3) Prior to receiving any material with a high odor potential such as, but not limited to, dairy material feedstocks, meat, fish, and oil and grease feedstocks, the operator shall insure that there is an adequate volume of bulking material to blend with/cover the material, and shall begin processing the material in a manner that prevents nuisances.

(4) Except for initial start-up and shut-down, the receiving chamber on all grinders shall be adequately filled prior to commencement of grinding and remain filled during grinding operations to minimize emissions from the receiving chamber or grinding operations shall occur inside an enclosed structure. In addition, all grinders not enclosed inside a building shall be equipped with low-velocity fog nozzles spaced to create a continuous fog curtain or the operator shall have portable watering equipment available during the grinding operation. These controls shall be utilized as necessary for maximum control of dust when stockpiling ground material.

(5) All conveyors which off-load materials from grinders at a point which is not enclosed inside a building shall have available a water or mechanical dust suppression system. These controls shall be utilized as necessary for maximum control of dust when stockpiling ground material.

(6) If there are any changes to the composting or mulching operation that would reclassify it from a notification operation to a registration or permit operation as authorized under §332.3 of this title, the operation shall obtain an air quality standard permit for a registered or permitted composting operation.

(d) Registered operations. Composting operations required to obtain a registration under §332.3(b) of this title that meet the following requirements are entitled to an air quality standard permit.

(1) All permanent in-plant roads and vehicle work areas shall be watered, treated with dust-suppressant chemicals, or paved and cleaned as necessary to achieve maximum control of dust emissions. Vehicular speeds on non-paved roads shall not exceed ten miles per hour.

(2) Prior to receiving any material with a high odor potential such as, but not limited to, dairy material feedstocks, sewage sludge, meat, fish, and oil and grease feedstocks, the operator shall insure that there is an adequate volume of bulking material to blend with or cover the material, and shall begin processing the material in a manner that prevents nuisances.

(3) All material shall be conveyed mechanically, or if conveyed pneumatically, the conveying air shall be vented to the atmosphere through a fabric filter(s) having a maximum filtering velocity of 4.0 ft/min with mechanical cleaning or 7.0 ft/min with air cleaning.

(4) Except for initial start-up and shut-down, the receiving chamber on all grinders shall be adequately filled prior to commencement of grinding and remain filled during grinding operations to minimize emissions from the receiving chamber or grinding operations shall occur inside an enclosed structure. In addition, all grinders not enclosed inside a building shall be equipped with

low-velocity fog nozzles spaced to create a continuous fog curtain or the operator shall have portable watering equipment available during the grinding operation. These controls shall be utilized as necessary for maximum control of dust when stockpiling ground material.

(5) All conveyors which off-load materials from grinders at a point which is not enclosed inside a building shall have available a water or mechanical dust suppression system. These controls shall be utilized as necessary for maximum control of dust when stockpiling ground material.

(6) If there are any changes to the composting or mulching operation that would reclassify it from a registration operation to a permit operation as authorized under §332.3 of this title, the operation shall obtain an air quality standard permit for a permitted composting operation.

(e) Permit operations. Composting operations required to obtain a permit under §332.3(a) of this title that meet the following requirements are entitled to an air quality standard permit.

(1) All permanent in-plant roads and vehicle work areas shall be watered, treated with dust-suppressant chemicals, or paved and cleaned as necessary to achieve maximum control of dust emissions. Vehicular speeds on non-paved roads shall not exceed ten miles per hour.

(2) Prior to receiving any material with a high odor potential such as, but not limited to, dairy material feedstocks, sewage sludge, meat, fish, oil and grease feedstocks, grease trap waste, and municipal solid waste, the operator shall insure that there is an adequate volume of bulking material to blend with or cover the material, and shall begin processing the material in a manner that prevents nuisances.

(3) All material shall be conveyed mechanically, or if conveyed pneumatically, the conveying air shall be vented to the atmosphere through a fabric filter(s) having a maximum filtering velocity of 4.0 ft/min with mechanical cleaning or 7.0 ft/min with air cleaning.

(4) Except for initial start-up and shut-down, the receiving chamber on all grinders shall be adequately filled prior to commencement of grinding and remain filled during grinding operations to minimize emissions from the receiving chamber or grinding operations shall occur inside an enclosed structure. In addition, all grinders not enclosed inside a building shall be equipped with low-velocity fog nozzles spaced to create a continuous fog curtain or the operator shall have portable watering equipment available during the grinding operation. These controls shall be utilized as necessary for maximum control of dust when stockpiling ground material.

(5) All conveyors which off-load materials from grinders at a point which is not enclosed inside a building shall have available a water or mechanical dust suppression system. These controls shall be utilized as necessary for maximum control of dust when stockpiling ground material.

(6) All activities which could result in increased odor emissions such as turning of compost piles shall be conducted in a manner that does not create nuisance conditions or shall only be

conducted inside a building maintained under negative pressure and controlled with a chemical oxidation scrubbing system or bio filter system.

Adopted December 17, 2003

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