

**SUBCHAPTER B: OPERATIONS REQUIRING A NOTIFICATION**  
**§§332.21 - 332.23**  
**Effective September 12, 2002**

**§332.21. Operations Requiring Notification.**

The following operations are subject to all the requirements of this subchapter, the General Requirements found in §332.4 of this title (relating to General Requirements), and the air quality requirements of §332.8 of this title (relating to Air Quality Requirements).

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

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

Adopted November 1, 1995

Effective November 29, 1995

**§332.22. Notification.**

(a) The operator shall notify the executive director in writing of the existence of the facility 30 days prior to construction by completing TNRCC Compost Form Number 1, "Notice of Intent to Operate a Compost Facility," available from the commission.

(b) The applicant shall include a list of adjacent and landowners and their addresses. Upon receipt of the notification, the chief clerk shall mail notice of the planned facility to the affected landowners. The chief clerk shall also mail notice to other affected landowners as directed by the executive director.

Adopted November 1, 1995

Effective November 29, 1995

**§332.23. Operational Requirements.**

Operation of the facility shall comply with all of the following operational requirements.

(1) Aerobic composting required. The facility shall utilize functionally aerobic composting methods, although an anaerobic composting phase may be utilized in the early stages of processing, if it is followed by a period of functionally aerobic composting.

(2) Pathogen reduction. One of the following protocols shall be used to reduce pathogens during composting:

(A) Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the composting materials shall be maintained at 55 degrees Centigrade or higher for three days; or

(B) Using the windrow composting method, the temperature of the composting materials shall be maintained at 55 degrees Centigrade or higher for 15 days or longer. During the period when the composting materials are maintained at 55 degrees Centigrade or higher, there shall be a minimum of five turnings of the windrow.

(3) Prohibited substances. Fungicides, herbicides, insecticides or other pesticides that contain constituents listed in 40 CFR Part 261, Appendix VIII-Hazardous Constituents or on the Hazardous Substance List as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) shall not be applied to or incorporated into feedstocks, in-process materials or processed materials.

(4) 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.

(5) The facility shall be subject to the requirements of §328.4 of this title (relating to Limitations on Storage of Recyclable Materials) and §328.5 of this title (relating to Reporting and Recordkeeping Requirements).

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