

ENVIRONMENTAL QUALITY

CHAPTER 50

SOLID WASTE MANAGEMENT

Subchapter 17

Compost License and Operation Standards

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17.50.1701 APPLICABILITY AND SCOPE (1) Except as provided in (2), this subchapter applies to all facilities that compost, or use in a composting process, any organic solid waste that can be biologically decomposed, including yard and garden waste, manure, animal processing by-products, animal mortalities, food waste, biosolids, septage, agricultural waste, and clean wood waste.

(2) This subchapter does not apply to:

(a) on-site household composting;

(b) community garden compost operations;

(c) a business that accepts finished compost for bagging or handling; and

(d) composting when:

(i) compost materials include only barn and farm wastes that are derived from on-site agricultural operations; and

(ii) composting occurs at the site of generation or at contiguous property owned or leased by the generator.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1702 DEFINITIONS In this subchapter, the following terms apply:

(1) "Active compost" means organic material that is undergoing rapid decomposition in a controlled process.

(2) "Aerated static pile" means a forced aeration method of composting in which a free-standing compost pile is aerated by a blower moving air through perforated pipes located beneath the pile.

(3) "Aerobic" has the meaning provided in ARM 17.50.403.

(4) "Agricultural operations" means the production of plant and animal commodities, including livestock, poultry, or other animals.

(5) "Animal mortality composting" means the composting of wild animals, livestock, or poultry carcasses, including but not limited to: cattle (Bovinae); chicken and turkeys (Phasianidae); goats, sheep, and bison (Bovidae); moose, elk, and deer (Cervidae); and horses (Equidae).

(6) "Barn waste" has the meaning provided in ARM 17.50.403.

(7) "Biogas" is a mixture of carbon dioxide and methane produced during the composting process.

(8) "Biosolids" are nutrient-rich organic materials resulting from the treatment of domestic sewage in a treatment facility.

(9) "Community garden compost operation" means a compost operation located at a community garden or in a neighborhood setting that: has less than one-half acre of working area; accepts less than 40 cubic yards annually; and accepts only yard and landscape compostable materials, clean and untreated wood chips, or vegetable food wastes.

(10) "Composting" has the meaning provided in ARM 17.50.403.

(11) "Composting amendment" means an ingredient added to raw materials included to improve the overall characteristics of the compost.

(12) "Composting process" means:

(a) static pile composting process;

(b) aerated static pile windrow composting process;

(c) turned windrow composting process;

(d) vermicomposting;

- (e) in-vessel compost process; or
(f) other processes approved by the department on a case-by-case basis for the controlled biologic decomposition of organic solid waste.
- (13) "Curing" means the final stage of composting in which stabilization of the compost continues, but the rate of decomposition has slowed sufficiently to a point where turning or forced aeration is no longer necessary.
- (14) "Facility" has the meaning specified in ARM 17.50.502.
- (15) "Farm waste" has the meaning specified in ARM 17.50.403.
- (16) "Feedstock" has the meaning provided in ARM 17.50.403.
- (17) "Finished compost" is organic material produced by composting to the extent that the material will not reheat due to action of microorganisms when subject to optimum oxygen, moisture, nutrients, and temperature.
- (18) "Floodplain" has the meaning provided in ARM 17.50.403.
- (19) "Food waste" means food intended for human consumption that is discarded or uneaten.
- (20) "Food waste residuals" means waste derived from households, commercial, or industrial facilities, including raw or cooked fruits and vegetables, grain, dairy products, meats, and compostable food service packaging that may be commingled. The term does not include offal from butchering and animal processing facilities.
- (21) "Forced aeration" means supplying air to a compost pile or vessel by using blowers to move air through the material being composted.
- (22) "Infectious waste" has the meaning specified in 75-10-1003, MCA.
- (23) "In-vessel composting process" means a process in which compostable material is enclosed in a drum, silo, bin, or similar container under controlled conditions.
- (24) "Leachate" has the meaning specified in ARM 17.50.502.
- (25) "Major compost facility" has the meaning specified in ARM 17.50.403.
- (26) "Minor compost facility" has the meaning specified in ARM 17.50.403.
- (27) "On-site household composting" means the process of converting a family's yard, landscape, or residential food waste into compost within the family's private property.
- (28) "Pathogen" means any organism capable of producing disease or infection, including, but not limited to, bacterium, protozoan cyst, parasite, virus, fungus, nematode, or helminth ovum.
- (29) "Sewage sludge" or "septage" has the meaning specified in ARM 17.50.802.
- (30) "Solid waste management system" has the meaning specified in ARM 17.50.403.
- (31) "Vermicomposting" means the process by which worms convert organic waste into a nutrient-rich soil amendment.
- (32) "Windrow composting process" means the process in which compostable material is placed in long, narrow, low piles, and aerated mechanically or by a forced aeration system.
- (33) "Yard waste" has the meaning specified in ARM 17.50.403.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1703 GENERAL LICENSE REQUIREMENTS FOR COMPOST

FACILITIES (1) For purposes of this subchapter, the department adopts and incorporates by reference:

(a) 40 CFR part 503, Appendix B – Pathogen Treatment Process (58 FR 9387, Feb. 19, 1993, as amended at 64 FR 42573, Aug. 4, 1999), which is available at <http://www.ecfr.gov/> or by contacting U.S. Government Publishing Office 701 North Capitol Street N.W., Washington, DC or 1 (866) 512-1800.

(2) A person may not construct, expand, or operate a new minor compost facility, animal mortality compost facility, or major compost facility without the applicable license from the department after March 11, 2017. A person operating an existing compost facility must comply with the applicable provisions of the 17.50.1701 through 17.50.1719 within twelve months after March 11, 2017.

(3) A compost facility regulated under this subchapter must employ a low permeability work pad designed and constructed to:

(a) prevent ponding of storm water or leachate below compost to ensure ground water protection;

(b) prevent release or discharge of water that has come into contact with compost to surface water or ground water;

(c) direct storm water or leachate to the appropriate collection system; and

(d) accommodate equipment used by the facility without damage or failure.

(4) A licensed compost facility:

(a) shall comply with all local zoning and land-use laws of the terms of a conditional use permit;

(b) may not be located in wetlands or a floodplain;

(c) may only accept appropriate feedstock necessary for the approved license;

(d) shall ensure finished compost contains no more than two percent sharp or angular inorganic objects;

(e) composting biosolids, septage, sewage sludge, or meeting the definition of a major compost facility provided for in ARM 17.50.403, shall comply with the ground water monitoring provisions in ARM Title 17, chapter 50, subchapter 13 and meet the requirements in 40 CFR part 503, Appendix B – Pathogen Treatment Process (58 FR 9387, Feb. 19, 1993, as amended at 64 FR 42573, Aug. 4, 1999); and

(f) shall locate feedstock receiving or storage areas, composting piles or windrows, or curing or finished compost in accordance with Table 1.

Table 1
Minimum Horizontal Separation Requirements
for Compost Facilities

<u>Item</u>	<u>Separation (feet)</u>
1. Property line	100
2. Property line (animal carcass facility)	300
3. Residence or place of business	500
4. Potable water well or supply	200
5. Surface water body	200
6. Drainage swale	150

(5) The owner or operator of a compost facility shall obtain a Montana pollutant discharge elimination system (MPDES) permit from the department before the facility discharges storm water to state surface waters, or disturbs more than one acre of ground during construction or operation.

(6) The owner or operator of a compost facility located at a licensed solid waste management system (SWMS) shall operate according to the department-approved facility and maintenance plan for the SWMS.

(7) Specific analytical methods described in "Test Methods for Evaluating Solid Waste Physical/Chemical Methods" (SW-846) may be required by the department to characterize incoming feedstock if deemed necessary by the department.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1706 MAJOR COMPOST FACILITY FINANCIAL ASSURANCE

(1) The owner or operator of a major compost facility that is required to conduct ground water monitoring during the active life and post-closure care period, pursuant to ARM Title 17, chapter 50, subchapter 13 shall obtain financial assurance prior to commencing composting operations to ensure adequate financial resources are available for closure and post-closure monitoring.

(2) The financial assurance mechanism must comply with the requirements of ARM 17.50.540.

(3) Compost facilities licensed under the provisions of ARM Title 17, chapter 50 prior to March 11, 2017 and that are required to conduct ground water monitoring must meet the requirements of (1) and (2) within 12 months of March 11, 2017.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1707 APPLICATION FOR MINOR COMPOST FACILITY LICENSE

(1) An applicant for a minor compost facility license shall submit to the department an application for a license. On a form provided by the department, the applicant shall provide at least the following information:

(a) the name, address, and telephone number of each owner or operator, and of one or more persons having the authority to take action in the event of an emergency;

(b) the name of the compost facility, and its physical address, legal description, location with respect to the nearest inhabited area, and the mailing address if different from physical address;

(c) documentation of ownership of the property or documentation demonstrating the applicant has the property owner's approval to operate a minor compost facility on the property;

(d) latitude and longitude of the proposed location;

(e) site map and vicinity map, including facility layout and any drainages;

(f) total acreage of the proposed facility and the total acreage to be used for the composting process;

(g) maximum operational capacity and a description of the types and estimated quantities of feedstock to be composted; seed material or compost starter,

if used; in-process compost; and finished compost on-site;

- (h) an operation and maintenance plan as required by 17.50.1712;
- (i) a closure plan as required by 17.50.1718; and
- (j) the type of composting process used and the final use of the finished compost.

(2) After review of the application, the department may request any other information necessary to protect human health and the environment.

(3) An applicant shall submit with the application a copy of a proposed policy of general liability insurance to cover bodily injury or property damage to third persons caused by sudden accidental occurrences at the facility that meets the requirements of ARM 17.50.1114.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1708 APPLICATION FOR ANIMAL MORTALITY COMPOST FACILITY LICENSE (1) An applicant for an animal mortality compost facility license shall submit to the department an application for a license on a form provided by the department and provide at least the following information:

(a) the names, addresses, and telephone numbers of each owner or operator, and the name(s) of one or more persons having the authority to take action in the event of an emergency;

(b) name of the compost facility, physical address, legal description, location with respect to the nearest inhabited area, and the mailing address if different from physical address;

(c) documentation of ownership of the property or documentation demonstrating the applicant has the property owner's approval to operate an animal mortality on the property;

(d) latitude and longitude of the proposed location;

(e) site map and vicinity map, including facility layout and any drainages;

(f) total acreage of the proposed facility and the total acreage to be used for the composting process;

(g) maximum operational capacity and a description of the types and estimated quantities of feedstock to be composted, seed material or compost starter, if used, in-process compost, and finished compost on-site;

(h) operation and maintenance plan as required by 17.50.1712;

(i) closure plan as required by 17.50.1718;

(j) type of composting process used and the final use of the finished compost; and

(2) After an application review, the department may request any other information necessary to protect human health and the environment.

(3) An applicant shall submit with the application a copy of a proposed policy of general liability insurance to cover bodily injury or property damage to third persons caused by sudden accidental occurrences at the facility that meets the requirements of ARM 17.50.1114.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1711 APPLICATION FOR MAJOR COMPOST FACILITY LICENSE

(1) An applicant for a major compost facility license shall submit to the department for approval an application for a license on a form provided by the department and provide at least the following information:

(a) names, addresses, and telephone numbers of each owner or operator, and one or more persons having the authority to take action in the event of an emergency;

(b) legal description and ownership status of the proposed location, including the land owner's name and address and documentation demonstrating that the applicant has approval to operate a major composting facility on the property;

(c) names, addresses, and contact information of abutting property owners;

(d) total acreage of the proposed facility and total acreage to be used for the composting process;

(e) a ground water monitoring plan or a demonstration meeting the requirements of ARM 17.50.1303;

(f) a 1:24,000 site map that delineates within one mile of the proposed facility boundaries basic information including:

(i) surface water, potable and monitoring wells, wetlands, and floodplains;

(ii) residences, fences, buildings, roads, bridges, railroads, airports, and historic sites;

(iii) proposed buildings, fences, roads, and parking areas;

(iv) drainages and culverts;

(v) storage and loading facilities or areas; and

(vi) direction of prevailing winds;

(g) closure and post-closure care plans;

(h) an operation and maintenance plan that meets the requirements of 17.50.1712.

(2) An applicant shall submit with the application a copy of a proposed policy of general liability insurance to cover bodily injury or property damage to third persons caused by sudden accidental occurrences at the facility that meets the requirements of ARM 17.50.1114.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1712 OPERATION AND MAINTENANCE PLAN FOR COMPOST FACILITIES (1) The owner or operator of a compost facility regulated under this subchapter shall submit an operation and maintenance plan that includes the following information:

(a) description of measures to:

(i) prevent storm water flow or run-off onto the operation during peak discharge from a 25-year, 24-hour storm event;

(ii) contain and manage leachate generated when precipitation comes in contact with composting materials or feedstock;

(iii) control on-site and prevent offsite nuisance conditions such as noise, dust, odors, vectors, and windblown debris;

(iv) prevent water pollution at and beyond the site boundaries;

(v) control access to prevent unauthorized site access and illegal dumping; and

(vi) minimize nuisance odors and to reduce the likelihood such odors will impact receptors;

- (b) description of the composting procedures specifically defining all activities, and periods of non-activity; including:
 - (i) description of personnel required and their responsibilities;
 - (ii) estimated traffic volume, plan for entrance and egress, and procedures for unloading trucks;
 - (iii) procedures for operation during wind, heavy rain, snow, or freezing conditions;
 - (iv) description of the method(s) for maintaining compost piles at 45 percent to 60 percent moisture content;
 - (v) a plan for frequency and temperature regime as required by 17.50.1716 Table 2;
 - (vi) a plan for testing finished compost for weed seed and pathogen destruction, trace metals, compost stabilization, herbicide residuals, and applicable compost sampling and analysis requirements as required by 17.50.1716;
 - (vii) a list of equipment available for use;
 - (viii) a detailed description of the windrow construction, if used; and
 - (ix) a process flow diagram of the entire process for in-vessel systems, if used; and
 - (x) location of compost facility records outlined in 17.50.1713;
- (c) maximum operational capacity and a description of the types of feedstocks to be composted including estimated quantities of:
 - (i) feedstocks;
 - (ii) in-process compost;
 - (iii) finished compost on-site; and
 - (iv) seed material or compost starter if used;
- (d) a description of the scales or other means used to document the quantity of output of finished product;
- (e) a description of the finished product use;
- (f) the method of aeration;
- (g) plan for the removal and disposal of solid waste and finished compost that cannot be used in the expected manner;
- (h) contingency plans that describe the corrective or remedial procedures to be taken in the event of:
 - (i) the delivery of unapproved feedstock;
 - (ii) contamination of surface water or ground water; and
 - (iii) the occurrence of nuisance conditions;
- (i) a description of monitoring that will occur involving the composting process of the site;
- (j) a site map with contours, delineating boundaries of:
 - (i) the composting area, feedstock, and other stockpiles in relation to property boundary;
 - (ii) on-site drainage flow paths for leachate or storm water;
 - (iii) direction of prevailing winds by season;
 - (iv) access roads and on-site roads;
 - (v) location of water supply wells, buildings, residences, surface water bodies, and drainage swales within 1,000-feet of the site; and
 - (vi) identification of all current and proposed facility buildings.
- (2) The owner or operator of a composting facility shall review the operation and maintenance plan every five years after the date of the issuance of the license

to determine if significant changes in the operation have occurred. If the review indicates that significant changes have occurred, the owner or operator shall update the operation and maintenance plan to reflect the changes and submit the update to the department for approval. If the review does not indicate significant changes have occurred, the owner or operator shall inform the department in writing that the operation and maintenance plan has been reviewed and an update is not necessary.

(3) If the department determines that changes to the operation and maintenance plan are necessary to protect human health or the environment, the department shall notify owners and operators in writing of the new requirements. An owner or operator must update the operation and maintenance plan to reflect changed conditions and requirements and submit the changes to the department for approval within 45 days of receiving the written notice from the department.

(4) An owner or operator of an animal mortality composting facility shall also submit the following information as part of the operation and maintenance plan required in (1):

- (a) the source location of the animal mortalities to be accepted by the facility;
- (b) a description of the hormones, antibiotics, diseases, or euthanasia drug compounds that may be present in the animal mortality or by-products that the facility will accept;
- (c) the intended distribution and use of the final compost; and
- (d) methods and controls to prevent animal scavenging at the facility.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 666, Eff. 3/11/17.

17.50.1713 RECORDKEEPING AND ANNUAL REPORTING

REQUIREMENTS (1) The owner or operator of a compost facility subject to the provisions of this subchapter shall submit to the department an annual report on a form provided by the department by April 1 of each year.

(2) The owner or operator of a compost facility shall maintain the following records on site or in a location provided in the application, and these records must be made available to the department for inspection during normal business hours:

- (a) type and amount of feedstock(s) and bulking material(s) received, processed, and remaining on-site;
- (b) amount of finished compost sold or distributed offsite;
- (c) any ground or surface water quality monitoring data;
- (d) compost analytical data;
- (e) operational monitoring data, including composting time and temperature measurements according to the parameters outlined in the operations and maintenance plan;
- (f) windrow or pile aeration data;
- (g) financial assurance documentation, if required;
- (h) operations and maintenance plan;
- (i) closure plan; and
- (j) any other information determined by the department to be necessary to protect human health and the environment.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1716 SAMPLING AND ANALYSIS REQUIREMENTS FOR COMPOST

FACILITIES (1) For purposes of this subchapter, the department adopts and incorporates by reference:

(a) The United States Department of Agriculture Natural Resources Conservation Service Montana Operation and Maintenance Guide for Composting Facility (MT EFH, 4/14) available at <https://www.nrcs.usda.gov/wps/portal/nrcs/site/mt/home/> or by contacting NRCS Montana USDA Natural Resources Conservation Service, 10 East Babcock Street, Room 443, Bozeman, MT 59715-4704 or 1 (406) 587-6811; and

(b) US EPA Class A standard, 40 CFR 503.13, Table 2 which may be obtained at <https://www.gpo.gov/fdsys/granule/CFR-2010-title40-vol29/CFR-2010-title40-vol29-sec503-13> or by contacting the National Technical Information Service, 5301 Shawnee Road, Alexandria, VA 22312 or 1 (800) 553-6847.

(2) The owner or operator of a licensed compost facility must sample and analyze compost material based on the size and frequency requirements in Table 2, and verify that the finished compost meets the minimum standards established in Table 3:A through 3:E based on the type of licensed compost facility.

(3) Sampling procedures must be described in the facility's operation and maintenance plan and produce valid and representative analytical results.

(4) The following requirements apply to finished compost:

- (a) minor compost facilities – Table 3:D;
- (b) animal mortality compost facilities – Table 3:C through 3:E;
- (c) major compost facilities – Table 3:A through 3:E; and
- (d) facilities composting biosolids – Table 3:A through 3:E.

(5) The department may require sampling and analysis of additional constituents as determined to be necessary to protect human health and the environment.

(6) When finished compost exceeds the applicable minimum standards identified in Table 3:A through 3:E based on the facility type, the owner or operator shall:

- (a) reintroduce the material back into the active composting process;
- (b) dispose of the material at a licensed Class II solid waste management facility; or
- (c) otherwise use the material in a manner approved by the department.

Table 2:

TESTING FREQUENCY FOR COMPOST FACILITIES

<u>Finished Compost</u>	<u>Frequency</u>
Less than 5,000 cubic yards	annually
5,000 – 10,000 cubic yards	semiannually
10,000 + cubic yards	quarterly

Table 3:A

TEMPERATURE

- High temperatures (133°F for 3 days minimum) are required to destroy pathogenic microbes;
- High temperatures (>145°F) are required to destroy weed seeds/plants; and
- Temperatures that are too high (>160°F) shall require turning or other incorporation of air. If the pile gets too hot it will shut down (if moist and hot) and or combust.

Table 3:B

MAXIMUM CONSTITUENT CONCENTRATION FOR COMPOST
SOLD OR DISTRIBUTED FOR OFFSITE USE
HEAVY METALS

Parameter	Unit	Limit	Test Method found in EPA's SW-846
Arsenic	mg/kg	41	EPA dry wt. 6010A or 7061A; or EPA 3050 and 6010A or 7061A
Cadmium	mg/kg	39	AOAC 975.03B(b) and EPA dry wt. 6010A or 7130; or EPA 3050 and 6010A or 7130
Chromium	mg/kg	1200	EPA dry wt. 6010A or 7190; or EPA 3050 and 6010A or 7190
Copper	mg/kg dry wt	1500	EPA 6010A or 7210; or EPA 3050 and 6010A or 7210
Lead	mg/kg dry wt	300	EPA 6010A or 7420 or 7421; or EPA 3050 and 6010A or 7420 or 7421
Mercury	mg/kg dry wt	17	EPA 7471A
Molybdenum	mg/kg dry wt	54	EPA 6010A or 7480 or 7481; or EPA 6010A or 7480 or 7481; or EPA 3050 and 6010A or 7480 or 7481.
Nickel	mg/kg dry wt	420	EPA 6010A or 7520; or EPA 3050 and 6010A or 7520
Selenium	mg/kg dry wt	100	EPA 7740 or 7741A; or EPA 3050 and 7740 or 7741A
Zinc	mg/kg dry wt	2800	EPA 6010A or 7950; or EPA 3050 and EPA 6010A or 7950

Table 3:C

PATHOGENS

- The owner or operator of a compost operation shall ensure that:

- the density of the fecal coliform present in the compost is less than 1,000 most probable number (mpn) per gram of total solids (dry weight basis); or
- the density of *Salmonella* species bacteria in the compost is less than three mpn per four grams of total solids (dry weight basis) at the time the compost is to be sold or otherwise distributed for use.
- Upon request of the department the licensee shall test any other disease agents determined by the source of animal mortality.

Table 3:D

COMPOST PROPERTIES

Parameter	Units	Potting Grade^{1/}	Mulch/Top Dressing^{2/}	Soil Amendment^{3/}
pH	pH units	6-8.5	5.5-9.0	6-8.5
Moisture content	%, wet weight basis	30-60	30-60	30-60
Organic Matter Content	%, dry weight basis	30-65	>than 30	30-65
Soluble Salt Concentration	dS/m (mmhos/cm)	<6	<10	<10
Particle Size	% passing a selected mesh size, dry weight basis	99%<1/2"	99% <3" 25%+ <3/8"	99% <3/4"
Physical Contaminants (inert material)	%, dry weight basis	<1	<1	<1
Stability Indicator CO ₂ Evolution Rate	mg CO ₂ -C per g OM per day	<8	<8	<8
Nutrient content (total N, P ₂ O ₅ , K ₂ O, Ca, Mg)	%, dry weight	No limit, just informational.	No limit, just informational.	No limit, just informational.

^{1/} Potting Grade: Compost used within a blend of materials to formulate a potting mix or seed bed. Compost should not exceed 20-30% of the mix. Soluble Salt content of the mix should not exceed 2.5 dS/cm to 4 dS/cm depending on the plants to be grown.

^{2/} Mulch/Top Dressing: Compost is applied to the soil surface to help inhibit weed growth, conserve soil moisture, and reduce soil erosion. Compost is typically applied

at a 1-2 inch thickness. Contact with tree trunks or plant stems should be avoided.
^{3/} Soil Amendment: Compost is incorporated into the soil to improve soil quality (organic matter, water-holding capacity, aeration, drainage, and cation exchange capacity). Typical blends for soil amendment use is one part compost to two parts soil.

Table 3:E

RESIDUAL HERBICIDES

Parameter	Units	Potting Grade ^{1/}	Mulch/Top Dressing ^{2/}	Soil Amendment ^{3/}
Maturity Indicator (bioassay)	%, relative to positive control	Minimum 80	Minimum 80	Minimum 80
Seed Emergence Seedling Vigor	%, relative to positive control	Minimum 80	Minimum 80	Minimum 80

(7) Compost that contains sewage sludge or septage must meet the requirements in 40 CFR part 503 Appendix B – Pathogen Treatment Process (58 FR 9387, Feb. 19, 1993, as amended at 64 FR 42573, Aug. 4, 1999).

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1717 TEMPORARY SUSPENSION OF OPERATIONS (1) The owner or operator of a compost facility may temporarily suspend acceptance of compostable materials up to 180 days without having to implement a closure plan.

- (2) An owner or operator who exceeds the 180-day limit provided in (1) shall:
- (a) comply with the provisions in 17.50.1718; and
 - (b) notify the department that operations have been temporarily suspended if:
 - (i) no compostable materials will be received for 180 days; or
 - (ii) seasonal or weather conditions keep the effective operation of a compost facility from functioning according to [this subchapter].

(3) During suspension, the facility may not create a public nuisance or a health hazard.

(4) The owner or operator of a compost facility shall notify the department of the intention to resume operations at a temporarily suspended facility 30 days prior to accepting or managing compostable materials.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1718 CLOSURE PLAN (1) A closure plan must contain a description of all steps necessary to achieve closure of the compost facility including, but not limited to the removal, abandonment, or restoration of all:

- (a) stored material;

- (b) other wastes generated by the closure of the composting facility;
- (c) work pad or lined areas;
- (d) storm water control and leachate collection structures;
- (e) ground water monitoring wells, if necessary, pursuant to ARM Title 17, chapter 50, subchapter 13;
- (f) other structures and equipment;
- (g) vegetation and grade that existed prior to operation; and
- (h) any other steps determined by the department to be necessary to protect human health or the environment.

(2) The owner or operator of a compost facility that has not received, processed, or otherwise is not accepting composting materials at a compost facility, for more than 180 days, shall:

- (a) notify the department in writing of the intent to close the facility; and
- (b) begin implementation of the facility's closure plan.

(3) The owner or operator of a compost facility shall complete closure within 180 days after commencing closure. Extension of the closure period may be granted by the department if the owner or operator demonstrates that closure will take longer than 180 days, and that measures necessary to protect human health and the environment shall be maintained.

(4) Upon completion of all activities in the closure plan, the owner or operator of the composting facility shall provide written notification to the department that the facility has closed. Closure is not complete until the department has completed a final site inspection verifying the provisions of (2).

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.

17.50.1719 POST-CLOSURE CARE AND MAINTENANCE (1) The owner or operator of a compost facility subject to the provisions of ARM Title 17, chapter 50, subchapter 13, shall conduct post-closure care and maintenance for two years, or a longer period as the department determines necessary to protect human health or the environment. During the post-closure care period, the owner or operator shall:

- (a) continue to monitor and sample ground water or surface water, if applicable; and
- (b) inspect and maintain any cover material or vegetation.

History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2017 MAR p. 285, Eff. 3/11/17.