

**DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITTING AND COMPLIANCE DIVISION**

**PROGRAMMATIC ANALYSIS OF THE LICENSING OF SMALL COMPOSTER OPERATIONS
FOR THE JUSTIFICATION OF A CATEGORICAL EXCLUSION
PURSUANT TO ARM 17.4.607**

WASTE AND UNDERGROUND TANK MANAGEMENT BUREAU – SOLID WASTE PROGRAM

JUSTIFICATION FOR A CATEGORICAL EXCLUSION

The preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), pursuant to the Montana Environmental Policy Act (MEPA), is not required for the actions that qualify for a “categorical exclusion”. The phrase “categorical exclusion” refers to a type of action which does not individually, collectively, or cumulatively require an EA or an EIS, as justified by a programmatic review.

The following programmatic review describes actions that seldom, if ever, cause significant impact. The programmatic review also identifies the circumstances that could cause an otherwise excluded action to potentially have significant environmental impacts and provides the procedure whereby these situations would be discovered and appropriately analyzed.

The Department believes a categorical exclusion from preparation of an EA or EIS for the licensure of Small Composter Operations is justified by the following programmatic review.

DESCRIPTION OF PROJECT – SUMMARY OF PROGRAMMATIC ANALYSIS

Section 75-10-221 Montana Code Annotated (MCA) requires that all solid waste management systems operating in the State of Montana obtain a license from the Department of Environmental Quality (Department). Up to this point, small composter operations in the State of Montana have only been registered with the Department. The Department is in the process of adopting rules that require the licensure of small compost operations and specify the operational requirements applicable to those operations that meet the definition of a small composter as defined in ARM 17.50.403(44) as:

“an operation that (a) has less than two acres of active working area; (b) accepts less than 10,000 cubic yards annually; and (c) produces less than 1,000 tons of compost annually; and either: (i) accepts primarily yard waste, with a maximum of 25% barn or farm waste, by weight; or (ii) accepts primarily farm or barn waste generated on-site.”

Currently, the Department requires only the one-time registration of small composter operations. The licensing of small composter operations will occur on an annual basis, thereby allowing for the tracking of current composters and maintaining information on materials composted.

The raw materials used by small composters are limited to farm or barn waste generated on-site and yard waste, including grass clippings and tree waste, generated from offsite sources. Since small compost facilities compost limited amounts of material and are restricted in the kinds of material they can accept, they have less potential for adverse environmental impacts. The application forms will be simpler and less detailed than those for large composters. This facilitates the application and licensing of these smaller, simpler facilities, and encourages recycling. The information required still allows the Department to properly evaluate the environmental impacts of these facilities to identify whether circumstances warrant a more comprehensive environmental analysis.

The small composter license application form is included in Appendix A. This form provides an outline of the specific information required regarding the plan of operations, information specific to the site and material being composted, and information about the applicant. If the Department concludes the completed application meets the criteria set out in this programmatic analysis, no further analysis under the MEPA is required.

BENEFITS AND PURPOSE OF PROJECT: The benefits and purpose of the project are to provide for clear and consistent regulation of small composter operations while maintaining protection of human health and the environment. The Department has a standardized plan for the submittal of information to facilitate the review and licensing of small composter operations to maximize the efficiency of the decision-making and licensing process for the applicant. This documentation provides a categorical exclusion from the more detailed application process and environmental analysis required for large composting operations. The proposed rules more efficiently allocate Department solid waste staff and resources towards licensing and compliance activities associated with larger, more complex solid waste management facilities. There are no licensing fees assessed for small composter operations.

AGENCY ROLES AND RESPONSIBILITIES: The Department is responsible for ensuring activities proposed under the Solid Waste Management Act are in compliance with the Act and with other State and Federal regulations. Licenses issued pursuant to these regulations do not confer any property rights to a licensee. Each licensee is responsible for obtaining any special use permits and complying with other applicable agency, county, and local/city restrictions and requirements.

ALTERNATIVES CONSIDERED

In addition to the proposed licensing action, the Department considered the “no-action” alternative. The “no-action” alternative would be to maintain the current requirement to individually review and register small composting operations. However, the “no-action” alternative would not accomplish the intended goal of increasing the effective use of Department staff and resources. The “no-action” alternative would continue to require a one-time registration with no additional reporting or maintenance requirements.

NO-ACTION: Under the No-Action Alternative, the Department would require each applicant to register their small composting operation with the Department using the current Small Composter Registration Form. The current registration process is a one-time action that does not require any further Department resources for inspection or regulation. The registration process does not allow for the reporting of annual feedstock use or production rates, so the Department would have no way of tracking recycling efforts. Appendix B contains a copy of the current Small Composter Registration Form.

PROPOSED ALTERNATIVE: Under this alternative, the Department would use a standardized approach to process the small composter license application. Upon receipt of a complete new Small Composter Operation license application, the Department will review the application and a final decision will be made as to whether the project will be licensed or denied, or if additional information is required in order to process the application.

Appendix A contains the small composter license application form. The form outlines and defines the information required to process the license application, including the Small Composter Site Operations and Maintenance Plan submittal requirements. The proposed rules include new licensing and reporting requirements.

IMPACTS AND AFFECTED ENVIRONMENTS

The level of impacts to the physical, biological, social, and economic environments have been reviewed and are presented in Tables 1 and 2. The proposed rules would include requirements limiting operations to levels that are protective of human health and the environment. Department staff would enforce the proposed rules by inspecting these facilities periodically, as well as reviewing the information each facility will be required to submit on an annual basis.

TABLE 1 - PREDICTED IMPACTS OF THE PROPOSED PROJECT ON THE PHYSICAL & BIOLOGICAL ENVIRONMENTS

RESOURCE	LEVEL OF IMPACT ¹					
	Major	Moderate	Minor	None	Unknown	Appendix
1. Terrestrial and Aquatic Life and Habitat				✓		
2. Water Quality, Quantity, and Distribution				✓		
3. Geology and Soil Quality, Stability and Moisture				✓		
4. Vegetation Cover, Quantity and Quality				✓		
5. Aesthetics				✓		
6. Air Quality				✓		
7. Unique, Endangered, Fragile or Limited Environmental Resources				✓		
8. Demands on Environmental Resources of Water, Air, and Energy				✓		
9. Historical and Archaeological Sites				✓		

¹ CUMULATIVE IMPACTS: No impacts are anticipated as the Department limits the type and amount of material used and the maximum volume of compost produced for small composting operations. Small Composter licenses will be issued after the submittal of a complete application and the Department's review and approval of the application and the site operation and maintenance plan.

TABLE 2 - PREDICTED IMPACTS OF THE PROPOSED PROJECT ON THE SOCIAL & ECONOMIC ENVIRONMENTS

RESOURCE	LEVEL OF IMPACT ¹					
	Major	Moderate	Minor	None	Unknown	Appendix
1. Social Structure and Mores				✓		
2. Cultural Uniqueness and Diversity				✓		
3. Local and State Tax Base and Tax Revenue				✓		
4. Agricultural or Industrial Production				✓		
5. Human Health				✓		
6. Access to and Quality of Recreational and Wilderness Activities				✓		
7. Quantity and Distribution of Employment				✓		
8. Distribution of Population				✓		
9. Demands for Government Services				✓		
10. Industrial and Commercial Activity				✓		
11. Locally Adopted Environmental Plans and Goals				✓		

¹ CUMULATIVE IMPACTS: No impacts are anticipated as the Department limits the type and amount of material used and the maximum volume of compost produced for small composting operations. Small Composter licenses will be issued after the submittal of a complete application and the Department's review and approval of the application and the site operation and maintenance plan.

PREFERRED ALTERNATIVE

The Department's preferred alternative is to adopt the general Small Composter License rules and application requirements described in this programmatic analysis without modifications.

RECOMMENDATIONS FOR FURTHER ENVIRONMENTAL ANALYSIS

EIS More Detailed EA No Further Action

Rationale for recommendation: This licensing process for Small Composter operations would be a more efficient way for an applicant to apply for a license and for the Department to review the application. Because the Department restricts the type and volume of feedstock materials composted, and the maximum volume of compost produced, there would be no impact to the existing environments from the small composting operation. A Small Composter license will be issued after the complete application, including the O&M Plan, has been reviewed and approved by the Department. The production of compost from the raw materials that the small composters are restricted to use is considered a beneficial reuse of a waste product.

APPENDIX A

**DEPARTMENT OF ENVIRONMENTAL QUALITY
 PERMITTING AND COMPLIANCE DIVISION
 WASTE AND UNDERGROUND TANK MANAGEMENT BUREAU
 SOLID WASTE PROGRAM
 P.O. Box 200901
 HELENA, MT 59620-0901
 PHONE: 406-444-5300
 FAX: 406-444-1374**

SMALL COMPOSTER FACILITY LICENSE APPLICATION

<i>Section 1 – General Information</i>	
<i>Applicant Name:</i> _____ <i>Business Name:</i> _____ <i>Applicant Title:</i> _____	<i>Business Mailing Address:</i> _____ <i>City:</i> _____ <i>Zip:</i> _____ <i>Phone:</i> _____ <i>Fax:</i> _____ <i>Email:</i> _____
<i>Section 2 – Site Location Information</i>	
<i>Proposed Site Location/Physical Address:</i> _____ _____ _____	
<i>Site Legal Description (Location): (Section, Township, and Range [to nearest 1/4 Section])</i> <i>Latitude/Longitude:</i> _____ <i>Is applicant listed above the owner of the facility property:</i> <input type="checkbox"/> <i>YES</i> <input type="checkbox"/> <i>NO</i> <i>(Attach proof of ownership. If applicant is not the legal landowner, provide current landowner information below)</i> <i>Landowner Name:</i> _____ <i>Landowner Mailing Address:</i> _____ <i>City:</i> _____ <i>State:</i> _____ <i>Zip:</i> _____ <i>Landowner Phone Number:</i> _____	
<i>Total acreage of proposed facility:</i> _____ <i>Total acreage available for composting:</i> _____ <i>(limited to 2 acres)</i>	

Section 3 – Attachments

Recycling Facility Operation and Maintenance Plan (required)

An operation and maintenance plan MUST BE INCLUDED that provides provisions for EACH of the following items:

- (a) Schedule of Operation
- (b) Site access controls;
- (c) Types and sources of raw materials to be composted, including a description of the source, quality, and quantity of the feedstock;
- (d) Daily traffic flow and procedures for unloading trucks
- (e) Procedures for operation during wind, heavy rain, snow, or freezing conditions;
- (f) List of equipment available for use;
- (g) Description of any seed material or compost starter used
- (h) Description of the ultimate use for the stabilized compost;
- (i) Method of aeration;
- (j) Method of removal from the site and a plan for the disposal of stabilized compost that cannot be used in the expected manner;
- (k) Description of personnel required and their responsibilities;
- (l) Surface water run-on and run-off control;
- (m) Calculation of 24-hour, 25-year storm run-off event;
- (n) Description of any monitoring that will occur involving the composting process or the site;
- (o) A contingency plan that outlines steps taken in the event (i) unapproved materials are delivered to the site, (ii) odors are detected, (iii) groundwater contamination is identified, or (iv) other undesirable conditions are noted.
- (p) For windrow systems, a detailed description of the windrow construction;
- (q) For in-vessel systems, a process flow diagram of the entire process

MAPS (required)

The following maps MUST BE INCLUDED that provide the following information:

- (a) A site map that delineates the boundary lines of:
 - (i) Composting area in relation to property boundary;
 - (ii) Composting facility drainage with contour intervals no greater than 5-feet, including run-on and run-off controls, ditches, and swales;
 - (iii) Direction of prevailing winds;
 - (iv) Location of access roads and on-site roads;
 - (v) Location of property boundaries and names/addresses of all contiguous landowners;
 - (vi) Location of water supply wells, buildings, residences, surface water bodies, and drainage swales within 1,000-feet of the site; and,
 - (vii) Identification of all current and future facility buildings.
- (b) A vicinity map of 1:24,000 scale that delineates the following areas within one-mile of the facility boundaries, including:
 - (i) Zoning and land use;
 - (ii) Residences;
 - (iii) Surface waters;
 - (iv) Access roads, bridges, railroads, airports;
 - (v) Historic sites and other manmade or natural features relating to the project.

Section 4 – Certifications

APPLICANT CERTIFICATION – OWNER SIGNATURE

I am the party responsible for operation of this proposed facility. I certify that the abovedescribed solid waste management system will be constructed and operated in accordance with Sections 75-10-201 through 75-10-233, Montana Code Annotated (MCA), the rules adopted pursuant thereto, and in accordance with conditions which have or may be imposed in the license. I have personally examined and am familiar with the information in this application and all attached documents. To the best of my knowledge, information, and belief, the submitted information is accurate and complete.

Applicant printed name

Applicant Signature

Date

LOCAL PLANNING AND ZONING CERTIFICATION

(To be signed by appropriate local government official having knowledge of local zoning ordinances)

I hereby certify that the site of the planned solid waste management system is in accordance with local governmental zoning and ordinances.

(Printed name of local official)

(Title)

(Signature of local official)

(Date)

APPENDIX B

**PERMITTING AND COMPLIANCE DIVISION
WASTE MANAGEMENT SECTION
PO BOX 200901
HELENA, MT 59620-0901
Phone: (406) 444-4400
Fax: (406) 444-1374**

TO: Prospective Registrants for a Small Composter Operation.

The enclosed checklist and registration form is for anyone wishing to register a small compost operation. Please number or label the attachments or enclosures that you have included with your application form and note those which are included. Remember to return the checklist with your application.

Small compost operations which receive wastes from more than one source are required to register with the Department on the attached forms. To register as a small compost facility, **all** of the following requirements must be met:

- 1) There must be less than two acres of active working area.
- 2) The operation must accept yard waste only. Yard waste may contain no more than 25% barn waste by volume.
- 3) The operation must accept less than 10,000 cubic yards of material annually.
- 4) There must be less than 1,000 tons of compost produced annually.

Large composters must be licensed. Any facility which does not meet all of the requirements for small composters, or which accepts sewage sludge, or composts two or more diverse waste streams, is a large composter.

The registration of this solid waste management system is a quick and easy process. **Registration is free of charge.** The Department will review each submitted application to ensure that it is complete. **Unless all the needed enclosures are included, it is unlikely that your registration will be considered complete.** If additional information is needed, the Department will notify the applicant through a **Request for More Information** that will specify what additional information is required.

Registration of small composters is done primarily so that the Department can monitor efforts to achieve legislative waste reduction goals. In addition, it provides the Department and the citizens with information on where these activities are being conducted. This facilitates information transfer on waste management alternatives.

Under Montana statutes, the department has continuing authority to inspect solid waste management systems. Inspections may be conducted only during reasonable hours and only after presentation of appropriate credentials identifying the inspector as a duly authorized employee of the department.

[See Section 75-10-205, MCA.]

Thank you for your cooperation. If we can be of any assistance in this process, please contact us.

SMALL COMPOSTER REGISTRATION CHECKLIST

- _____ 1) Location map from item #5a.
- _____ 2) Detailed plan and map of site from item #5b.
- _____ 3) Composting operation and maintenance plan (from item #11).
- _____ 4) List and addresses of adjacent landowners (from item #6).
- _____ 5) Calculations of waste accepted per year (from item #13).
- _____ 6) Appropriate signature(s).

COMPOST GUIDELINES

Suggested Separation Distances:

Property line	50 feet
Residence or place of business	200 feet
Potable water supply or well	200 feet
Surface water body	200 feet
Drainage swale	25 feet

Minimum turning frequency:

As needed to control odors.
At least monthly, March 1 to October 31
Winter, may not be needed.

SMALL COMPOST SITE REGISTRATION FORM

1. Name of proposed facility: _____
Mailing address of proposed facility: _____
Facility telephone: _____
2. Name of registrant: _____
Mailing address of registrant: _____
Registrant's telephone: _____
3. Legal description of proposed location: _____

General description of facility location: _____

4. Please provide the name and address of the owner of the property.
Name: _____
Address: _____
5. Please include the following:
a) Map of the proposed location of proposed facility in relation to local population center or county. Show adjacent residences and access roadways.
b) Plan of proposed facility:
6. Include a description of adjacent land use **and** a list of names and addresses of all adjacent landowners.
7. Total acreage of site: _____
Acreage used for active composting: _____

SMALL COMPOST SITE REGISTRATION FORM

- 8. Solid waste management facilities may not be located in areas that will pollute ground or surface waters. Please show on the maps from Item 5 the distance to ground water or surface water resources.
- 9. Is the site within a 100-year flood plain? Yes () No ()
- 10. What is the depth to ground water? _____
- 11. Facilities must be operated in a manner that is not a nuisance or a public health hazard. Please include an operation and maintenance plan that discusses the following:
 - a) A general description of the waste management system.
 - b) The days and hours the site will be open.
 - c) The number of workers on-site.
 - d) The types of waste accepted.
 - e) The compost method used.
 - f) Equipment needed for operation.
 - g) Finished product use.
- 12. What is the proposed opening date for this facility? _____
- 13. Estimated amount of waste to be accepted per year: _____
- 14. To be signed by applicant:

I am the party responsible for operation of this proposed facility. I certify that the above-described small composting site will be constructed and operated in accordance with Sections 75-10-201 through 75-10-233, Montana Code Annotated (MCA), the rules adopted pursuant thereto, and in accordance with conditions which have or may be imposed by the Department.

Signature: _____

Printed name: _____

Title: _____

Date: _____