

Regulatory Barriers to Organics Diversion & Composting

Pennsylvania/ Regional Perspective

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The Presentation

- What Drives Us to Divert Organics?
- How We Are Doing w/ Recycling/ Organics?
- Look at PA, Other Regs, Local Laws
- Barriers to Organics Recycling
- How to Encourage More Organics Diversion and Composting?



Are Regulations a Big Problem?



Why Divert More Organics?

- Everyone Wants to Be “Green” (but as Kermit says, “It’s not easy being green”)
 - Corporate sustainability
 - More recycling, less waste
 - More resource reclamation, reuse
 - Less pollution, carbon footprint
 - Environmental benefits - models
- Economic Sustainability
 - More efficient ops., value-added services
 - Avoided hauling and disposal costs



Why Divert More Organics?

- **Zero Waste Goal**
 - Generate/ discard less, divert more
 - Is it achievable? We'll see in CA
- **How Well Do We Recycle in NE US?**
 - **Metals, Plastics, Fiber Recycling? Good**
 - 15-40% recycling rates are typical (40% max?)
 - Some areas better than others (rural is tough)
 - **Yard Waste Diversion/Composting? Good**
 - low-tech yard waste compost sites common
- **To Do More, We Need a New Plan**



So What's The Next Low-Hanging Fruit?

- What is “low-hanging fruit” anyway?
 - Measurable quantities; proven technology; implementable; good markets; cost-effective
- Food Waste/ Other Organics?
- 1/2 to 2/3 of wastestream is biodegradable
- But always look at best and highest use
 - e.g. high-quality paper should be reused
- Est. 15-30% +/- of wastestream is food waste, low value organics (e.g. soiled fiber)
- Can measurably reduce wastestream

Are Food Waste/ Other Organics the Low Hanging Fruit?

- **Quantity?**
 - Yes - one of larger components of waste
 - Pre-consumer vs. post-consumer - quality
 - Large-volume vs. small-volume generators - quantity, ease of collection and cost
- **Feasibility/Technology?**
 - Yes - Windrow, ASP, in-vessel systems
- **Cost?**
 - Can be cost-effective vs. alternatives
 - Avoided cost of disposal

Are Food Waste/ Other Organics the Low Hanging Fruit?

- **Markets for the Compost?**
 - Yes - soil amendment, mulch, organic component of blended soil, erosion-control treatment, top-dressing, etc.
 - Regional variations
- **Implementable?**
 - Regulations often affect implementability
 - Regs may also affect cost and materials use
- **Final Answer? Yes, but Regs. CRITICAL to Expanding Organics Programs**

Recycling Law in PA

- Act 101 of 1988 - PA's recycling law
 - “Mandated” Communities (2/3 of pop.) must curbside-collect 3 items + leaves
 - No loads of leaves to landfills
 - 35% statewide recycling goal (25% initial)
- Success to Date
 - In 67 counties, 15-40% recycling rates now
 - Statewide, 35% attained (?)
 - 450+ windrow leaf compost sites
 - 30 +/- sites that compost food waste

PA Composting Regulations

- **Regulated by Feedstock, Source, Size**
 - **Siting Criteria** - applies to all types
 - **Full Permit (Chapt. 281)** - MSW, biosolids - onerous
 - **Permit by Rule (PBR)** - yard waste (technology, acres (5 ac.), quantity (3,000 cy/ac.) caps); food waste with/extra OK
 - **General Permits (GP)** - New, or “DOA”
 - GP 30 - Yard Waste sites up to 15 acres
 - GP 17 - On Farm Composting - 5 acres, 1,000 cy/y food waste, no post-consumer, no bond (5+/- in PA w/ food)
 - GP 25 - MSW/ Residual - higher tons and types, pre & post-consumer waste, bonding req'd (5+/- in PA w/ food)
 - **Demonstration Permits** - 3 yrs typ. (5+/- in PA w/ food)
 - **Captive Site** - own/op. site + waste (14 in PA w/ food)

PA Local Restrictions on Organics

- 2,600 +/- local municipalities (fiefdoms)
 - Health, safety & welfare, police powers
 - Can regulate and restrict nuisances
 - Local zoning and LD permit powers
 - Permitted, Special Exception, or Conditional Uses controlled
 - For ag. operations (PA's largest industry), right to farm protections - ACRE Law
 - On-farm composting protected w/ ACRE?
 - Odors, nuisances can be issues

PA Regs - The Good, Bad (and Ugly)

■ Good

- Siting criteria, setbacks - good, if not too restrictive
- GP-17 allows small organics ops. with minimal restrictions
- Many different permit options, fit many situations

■ Bad

- GPs based on who applied first, feedstocks and restrictions
- GPs not standardized, coordinated; req'ts vary, complicated
- Bonding and product testing req'ts can be onerous
- Often not regulated as a sustainable, farm-type operation
- GP-17 size and tons limits make the “business” side tough
- Captive Facility is overly restrictive on feedstock sources
- Even if meet state req'ts, local (x 2,600) can stop a project
- GP reviews not streamlined - 3 yrs for a GP-17 (Ugly!)



Other Pressures (+ & -) on Organics Management in PA

- **PADEP Staff Down** (budget) - changes come slower, but more willing to work together?
- **Rendering Plants** - new restrictions on accepting mortalities (mad cow), cost to farmer
- **Road Kill Deer Mortalities** - liability of chronic wasting disease
- **Poultry Disease Control** - Ag. Security
- **Organic Farm Certification** - types of organic feedstocks restricted
- **Landfill Organics Bans?** - none yet in PA (other than leaves), but the protocol is here

Landfill Bans and Carbon Credits, “+” or “-”?

- Landfill Bans on Organics
 - Encourages diversion, composting, etc.
 - But who enforces?
 - Must have alt. programs in place first!
 - Impact on carbon credit eligibility?
- Carbon Credits
 - Additionality Requirement (beyond the regs)
 - If LF organics ban or required, then no CC?
 - Existing good practices “penalty” also?

Regs In A State Of Flux

- **PA - Major Regs Overhaul Stalled**
 - Planning, Composting Regs may advance
 - Opportunities to work cooperatively?
- **NY - Allows Small Facility Exemptions**
 - Permit Exemptions - manures, 3,000 cy yd waste
 - Registration - to 10,000 cy/y yd waste, 1,000 cy food waste; other FW; revisions considered
- **MD - Strong WTE Push Politically**
 - Grassroots sustainability effort, composting
- **VA - New Regs Drafted, Under Review**

Can We Work Together On This?



How Can We Improve the Regs?

- **Standardize the Permitting Process**
 - Registration/ PBR; GPs; Full Permit (logical range)
 - Practical design/operating criteria (BMP concept)
 - Limit bonding/ testing/ app. req'ts, bigger projects
 - Offer standard state model regs. (USCC)? (1 vs. 50)
 - Will streamline reviews (esp. w/ short staff)
 - But recognize local/regional needs & variations (e.g. air basins & VOCs)
 - State Organics Orgs. working w/ regulators (PA)
- **Consider Standard Training/Cert.**
 - Regs trng. tied to permit type, like Ohio
 - Many Orgs. offer Compost Opr. Training

How Can We Improve the Regs?

- **Higher Feedstock Site Volume Limits**
 - To make on-farm composting more competitive
- **Relax Some Feedstock Type, Source Limits**
 - E.g. pre-consumer vs. post-consumer food waste
 - E.g. MSW vs. residual; on-site vs. off-site sources
- **Promote Good Local Model Regs.**
- **Advocate Sustainability**
- **The timing is good!**

The Goal - A New Mindset - Managing A Natural Resource vs. Regulating An Organic Waste



Let's Think Outside the Box!



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