



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue, Governor

Dee Freeman, Secretary

December 31, 2009

MEMORANDUM

TO: The Honorable Bob Atwater, Co-Chair, Environmental Review Commission
The Honorable Daniel Clodfelter, Co-Chair, Environmental Review Commission
The Honorable Charles Albertson, Co-Chair, Environmental Review Commission
The Honorable Lucy Allen, Co-Chair, Environmental Review Commission

FROM: Dee Freeman

RE: Compost Water Quality Permitting and Stakeholder Group Report

Session Law 2009-322 requires the Department of Environment and Natural Resources to report by December 31, 2009 to the Environmental Review Commission on the progress of the implementation of the provisions of the Session Law. Attached is the end-of-year report.

If you have any questions, please contact Coleen Sullins, Director of the Division of Water Quality, at 807-6300.

Cc: Ms. Elizabeth Biser
Ms. Robin Smith
Ms. Coleen Sullins



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

December 31, 2009

**Report to the Environmental Review Commission on Water Quality
Permitting for Composting Operations**

Background

SL 2009-322 directed the NC Department of Environment and Natural Resources (DENR) to: 1) develop standard stormwater management practices and process water treatment standards for composting operations; 2) adopt clear definitions of stormwater and wastewater based on a review of scientific information; and 3) establish water quality permitting procedures for the composting industry, taking into consideration the nature of the composting operation and its potential for water quality impacts. In meeting these requirements, DENR was directed to receive input and assistance from a Compost Operation Stakeholder Advisory Group.

The North Carolina Chapter of the US Composting Council requested the session law in order to expedite permitting of composting facilities and to clarify the water quality standards that apply to the composting industry.

The Division of Water Quality (DWQ) permitting of composting operations had slowed because a more in-depth review of discharges from compost facilities caused DWQ to reexamine the type of water quality permit required for compost operations. New water quality data indicated that some compost operations discharge leachate that has the qualities of wastewater rather than stormwater. DWQ's review of permit requirements slowed issuance of both DWQ water quality permits and compost operation permits issued by the Division of Waste Management.

The session law further requires DENR to report to the Environmental Review Commission (ERC) on the progress achieved in implementing the provisions of the session law no later than December 31, 2009.

Progress to Date

DWQ convened a steering committee for the Compost Operation Stakeholder Advisory Group, consisting of those participants most active in the preparation and passage of SL 2009-322. The steering committee includes one representative each from the North Carolina Chapter of the US Composting Council, DWQ, DWM, and the Division of Pollution Prevention and Environmental Assistance. The steering committee then moved forward with inviting representatives from each of the eight stakeholder groups identified in the session law. Each group agreed to contribute to the stakeholder process and designated a representative from their organization. A few other additional stakeholders expressed interest in the process and are participating in the stakeholder group.

The first meeting of the Compost Operation Stakeholder Advisory Group was December 9, 2009 in Raleigh. This meeting served as a kick-off meeting, where ground rules were established and the group reached consensus as to the purposes of the stakeholder group. The steering committee had interviewed all the stakeholder representatives prior to the first meeting to identify issues and the responses to the interview process were discussed in the larger group. Key issues include the need for clarification of the distinction between wastewater and stormwater discharges; whether certain low-risk subsets of the composting industry might be eligible for expedited or reduced water quality permitting requirements; and consideration of the economic impact of regulatory decisions.

The steering committee anticipates that 5 or 6 monthly meetings of the stakeholder group will likely be required to achieve the objectives of SL 2009-322. Additional meetings have been scheduled for January and February. The Department is available to make additional progress reports as the process moves forward, at the direction of the ERC.

Table: Compost Operation Stakeholder Advisory Group members from the organizations named in the session law plus DENR participants

Representative	Organization
Craig Coker Frank Franciosi, alternate, (<i>steering committee</i>)	NC Chapter US Composting Council
Allen Hardison	NC County Commissioners Association
Jeri Covington Erin Wynia, alternate	NC League of Municipalities
Joe Hack	NC Solid Waste Association of North America
Jim Lanier Doug Lassiter, alternate	NC Septic Tank Association
Billy Dunham Mack Dunham, alternate	NC Pumpers Group
Bill Lord Dr. William Hunt, alternate	NC Cooperative Extension Service
Scott Carpenter Lindsay Roberts, alternate	NC American Water Works Association-WEA
Michael Scott (<i>steering committee</i>) Elizabeth Patterson, alternate	Div. of Waste Management
Scott Mouw (<i>steering committee</i>) Brian Rosa, alternate	Div. of Pollution Prevention and Environmental Assistance
Ken Pickle (<i>steering committee</i>) Jon Risgaard, alternate	Div. of Water Quality