

	<b>OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
<b>Original Effective Date:</b> January 25, 2012  <b>Revised Date:</b>   <b>Reformatted Date:</b> July 5, 2013	<b>Subject:</b> Yard Clippings Management Variances <b>Program Name:</b> Solid Waste Section <b>Number:</b> OWMRP-115-32 <b>Page:</b> Page 1 of 8		<b>Category:</b> <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive

*A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.*

**PURPOSE:**

The purpose of this policy is to provide direction to staff in evaluating requests for variances at yard clippings composting facilities and to provide guidance to the regulated community concerning the sufficiency of such requests and to promote consistency when evaluating compliance with Part 115.

**AUTHORITY:**

Section 11521 of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

**STAKEHOLDER INVOLVEMENT:**

This policy was developed with the input from the Michigan Compost Council and the Solid Waste Advisory Committee. In addition, the Department of Attorney General has reviewed this policy.

**POLICY:**

On December 26, 2007, 2007 PA 212 added Section 11521 to Part 115. Section 11521 became effective on March 26, 2008. Section 11521 contains a number of requirements that must be met to manage yard clippings properly, and allows the DEQ the option to approve specific alternate management practices related to the composting and management of yard clippings. This policy is intended to identify the information needed by DEQ staff for determining whether or not to grant an approval of an alternate management practice provided for by Section 11521.

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**PROCEDURES:**

*Requests Under Subsection 11521(2)(c) for a Greater Volume at a Site Not Designed for Composting*

In accordance with Subsection 11521(2)(c), a person may temporarily accumulate yard clippings at a site not designed for composting if no more than 1,000 cubic yards (yds<sup>3</sup>) are placed on-site **unless a greater volume is approved by the DEQ**. In order to request an approval to temporarily store more than 1,000 yds<sup>3</sup> of yard clippings at a site, the owner/operator of the site must provide the following information to the DEQ for consideration:

- The location of the site – including a site map that shows distances to property lines, surface waters, roads, residences, wells, and sensitive receptors (church, hospital, nursing home, licensed day care center, or school);
- The name and contact information for the person who owns the real property on which the site is located and the person who operates the site;
- The proposed maximum volume of yard clippings to be accumulated at the site;
- A justification as to why more than 1,000 yds<sup>3</sup> of yard clippings need to be accumulated at the site;
- The location where the yard clippings will be transported to and managed as provided in Subsection 11521(1) after temporary storage at the site, except that the yard clippings may not be moved to another site for temporary accumulation;
- The date that the volume on-site is expected to be more than 1,000 yds<sup>3</sup> and the date by which the yard clippings are to be removed from the site unless additional time is approved by the Director;
- A description of how the site will be managed in order to minimize the potential to cause a nuisance or result in a violation of the NREPA; and
- A description of the records necessary to demonstrate compliance with Subsection 11521(2), and the location and manner in which they are to be maintained.

If staff has determined that the proposed volume has a minimal potential to cause a nuisance or result in a violation of the NREPA, based on site-specific conditions and the information provided in the request, approval for a greater volume during the specified time frame/dates may be granted. Staff may consider any existing nuisances, violations, and environmental impacts at the site when determining whether or not to grant the approval. A written response approving or denying the request will be sent to the requestor.

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Requests Under Subsection 11521(2)(d) for Additional Accumulation Time at a Site Not Designed for Composting

In addition to being able to request a greater volume at a temporary accumulation site not designed for composting, the owner/operator of the site may request additional time that yard clippings may be accumulated on the site. Subsection 11521(2)(d) requires that yard clippings placed on a site on or after April 1, but before December 1, be moved to another location and managed as provided in Subsection 11521(1) within 30 days after being placed on-site, **unless the Director approves a longer time period based on a demonstration that additional time is necessary.**

In order to request additional time for temporary storage at a site not designed for composting, the owner/operator of the site must provide the following information to the DEQ for consideration:

- The location of the site – including a site map that shows distances to property lines, surface waters, roads, residences, wells, and sensitive receptors (church, hospital, nursing home, licensed day care center, or school);
- The name and contact information for the person who owns the real property on which the site is located and the person who operates the site;
- The proposed maximum volume of yard clippings to be accumulated at the site;
- A justification as to why the site needs additional time (i.e., a demonstration of necessity) to remove the yard clippings from the site;
- The location where the yard clippings will be transported to and managed as provided in Subsection 11521(1) after temporary storage at the site;
- The date that the yard clippings will be removed and managed as provided in Subsection 11521(1) after temporary storage at the site, except that the yard clippings may not be moved to another site for temporary accumulation;
- A description of how the facility will be managed in order to minimize the potential to cause a nuisance or result in a violation of the NREPA; and
- A description of the records necessary to demonstrate compliance with Subsection 11521(2), and the location and manner in which they are to be maintained.

If staff has determined that the proposed time period has a minimal potential to cause a nuisance or result in a violation of the NREPA based on site-specific conditions and the information provided in the request, approval for additional time may be granted. Staff may consider any existing nuisances, violations, and environmental impacts at the site when

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determining whether or not to grant additional time. A written response approving or denying the request will be sent to the requestor.

*Requests Under Subsection 11521(4)(c)(ii) for a Greater Volume at a Site That Qualifies as a Registered Composting Facility*

At a site that qualifies as a registered composting facility, Subsection 11521(4)(c)(ii) requires that composting and management at the site not result in more than 5,000 yds<sup>3</sup> of yard clippings and other compostable material, compost, and residuals present on any acre of land **unless the DEQ approves an alternate volume**. In order to request an approval for a volume greater than 5,000 yds<sup>3</sup>, the owner/operator must provide the following information to the DEQ for consideration:

- The location of the site – including a site map that shows distances to property lines, surface waters, roads, residences, wells, and sensitive receptors (church, hospital, nursing home, licensed day care center, or school).
- The name and contact information for the person who owns the real property on which the site is located and the person who operates the site.
- An explanation as to why the composting and management at the site is unable to meet the 5,000-yds<sup>3</sup> volume limit on any acre for the yard clippings and other compostable material, compost, and residuals present. The explanation must include details regarding the various volumes of material to be managed (i.e., finished compost, residuals, grass/leaves, shredded vs. unshredded).
- The proposed alternate (maximum) volume of yard clippings and other compostable material, compost, and residuals on any acre at the composting facility.
- A detailed explanation regarding any potential advantages for composting and management of a volume greater than 5,000 yds<sup>3</sup> on any acre at the composting facility, such as improved decomposition, reduction in odors, environmental considerations, improved handling, site considerations, etc.
- A site management plan detailing how the management of alternate volumes of yard clippings and other compostable material, compost, and residuals will be handled, including necessary equipment and personnel, site engineering controls, operational procedures, storm water management, odor control mechanisms, site map with pile size and volumes noted, and a description of the records necessary to demonstrate compliance with Subsection 11521(4), including, but not limited to, the records required by Subsection 11521(4)(d) and the location and manner in which they are to be maintained.

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- Any additional information/documentation to be considered that demonstrates how the composting operation will be performed in a manner that prevents nuisances, minimizes anaerobic conditions, does not result in violations of the NREPA, including, but not limited to, creating a facility as defined in Section 20101 of Part 201, Environmental Remediation, of the NREPA.

Solid Waste Section (SWS) staff will conduct the review of the request, seek input from district staff, and conduct an inspection of the site, as appropriate. If staff has determined that the proposed alternate volume has a minimal potential to cause a nuisance or anaerobic conditions, or result in a violation of the NREPA based on the site-specific conditions and the information provided in the request, a written approval of a greater volume may be granted. Staff may consider any existing nuisances, violations, and environmental impacts at the site when determining whether or not to grant an approval.

Lined Composting Sites Volume Approval Under Subsection 11521(4)(c)(ii)

Sites operated on an impervious surface that is in compliance with *2005 Annual Administrative Code Supplement* (AACS), R 299.4130, are approved to manage the following volumes of material on any acre of the property at the site as long as the following conditions are met:

- The owner/operator of the site notifies the DEQ, in writing, certifying that they will comply with the required management standards;
- The owner/operator demonstrates that their site contains an impervious surface that is in compliance with R 299.4130;
- The site is managed in a manner that does not result in a nuisance, anaerobic conditions, or a violation of the NREPA; and
- A description of the records necessary to demonstrate compliance with Subsection 11521(2) or with Subsection 11521(4), including, but not limited to, the records required by Subsection 11521(4)(d), and the location and manner in which they are to be maintained.

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MATERIAL	VOLUME (Cubic yards/acre)	MANAGEMENT REQUIREMENTS
Unshredded, uncompacted leaves, brush, and/or straw	16,000	Piles are less than 20 feet high, 25 feet wide, and are turned at least every 90 days
Shredded compacted leaves, brush, and/or straw	13,000	Piles are less than 15 feet high, 20 feet wide, and are turned at least once every 60 days
Mixtures of grass, leaves, brush, and/or straw	10,000	Piles are less than 10 feet high, 20 feet wide, and are turned at least once every 30 days

Requests Under Subsection 11521(4)(c)(iii) for Additional Accumulation Time at a Site Which Qualifies as a Registered Composting Facility

Requests for an accumulation of yard clippings for a greater period of time may only be made for registered composting facilities and temporary storage facilities. If yard clippings are composted on the property where the yard clippings are generated, composted at a composting facility containing not more than 200 yds<sup>3</sup> of yard clippings, composted on a farm, managed at an anaerobic digester, composted at a municipal solid waste landfill, or processed at a solid waste processing plant, the yard clippings must be managed according to the time limits as defined in:

Rule 299.4105(l) "Speculative accumulation" means the storage of material intended for recycling or reuse at a site for a period of over 1 year, or for low-hazard industrial waste accumulated at the site of generation, a period of 3 years. A material is not accumulated speculatively, however, if the person who accumulates it can show that the material can be recycled into marketable raw materials or new products and that, during the period, the amount of material that is recycled or that is transferred to a different site for recycling equals not less than 75%, by weight or volume, of the amount of material that was accumulated at the beginning of the period.

However, if yard clippings are composted on the property where the yard clippings are generated, composted at a composting facility containing not more than 200 yds<sup>3</sup> of yard clippings, composted on a farm, managed at an anaerobic digester, composted at a municipal solid waste landfill, or processed at a solid waste processing plant, and the facility would like the extended period allowed for in Section 11521(4)(c)(iii), then they must be a registered composting facility.

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*New Yard Clippings at a Registered Composting Facility*

If an owner/operator of a registered composting facility wishes to maintain material that was brought to the site after March 26, 2008, on-site for a period in excess of time as outlined in Subsection 11521(4)(c)(iii), they must submit the following information to the DEQ for consideration:

- An explanation as to why the composting and management at the site is unable to meet the accumulation period requirement for yard clippings and other compostable material, compost, and residuals. The explanation must include details regarding the various volumes of material managed (i.e., finished compost, residuals, grass/leaves, shredded vs. un-shredded).
- A site management plan detailing the management of the various materials, including necessary equipment and personnel, site engineering controls, operational procedures, storm water management, odor control mechanisms, site map with pile size and volumes noted, and a detailed description of the records necessary to demonstrate compliance with Subsection 11521(4), including, but not limited to, the records required by Subsection 11521(4)(d), and the location and manner in which they are to be maintained. With regard to Subsection 11521(4)(d)(ii), records would include carbon-to-nitrogen ratios, the amounts of grass and the amounts of leaves, temperature readings, moisture content readings, records of turning, and laboratory analysis of finished products for each windrow/pile.
- Verification that the site does not contain over 5,000 yds<sup>3</sup> of yard clippings on any acre, unless they have been granted a written approval for a greater volume in accordance with this policy.
- Any additional information/documentation to be considered, which demonstrates how the facility will be managed in a manner that prevents nuisances and provides environmental protection.
- Material that was brought to the site after March 26, 2008, that is not in compliance with Subsection 11521(4)(c)(iii) is not eligible for an approval for additional accumulation time and owners/operators must ensure that all material is verified through records to have been on-site for less than three years. Only after the site comes into compliance with Subsection 11521(4)(c)(iii) for material brought to the site after March 26, 2008, will a variance be considered by the DEQ.

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Term of Coverage and the Amendment, Suspension, or Revocation of an Approval

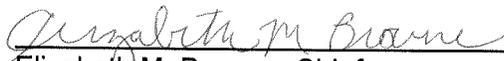
Any approval granted under Section 11521 of Part 115 continues in effect until amended, suspended, or revoked by the DEQ. DEQ staff may require additional information from the owner or operator of a temporary accumulation site or a registered composting facility as necessary to verify compliance with the conditions of the approval and Part 115. If the DEQ determines that the additional accumulation time or volume under an approval is the cause of, or results in, a nuisance, results in a violation of the NREPA, or otherwise threatens human health or the environment, the Chief of the SWS will send a written notice to the site owner/operator of the determination and advise them that a failure to correct the alleged violations and/or nuisance in a timely manner may result in the amendment, suspension or revocation of their approval.

All requests for a variance at a registered compost facility shall be submitted to the Chief of the SWS, Office of Waste Management and Radiological Protection (OWMRP), with a copy submitted to the local OWMRP district/field office.

All approvals or denials shall be in writing. SWS staff will develop an approval or denial letter, as appropriate, for the signature of the Chief of the SWS. SWS staff will communicate a decision to the requestor in a timely manner.

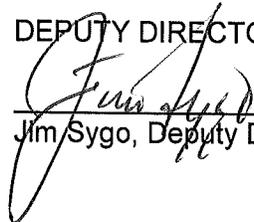
Questions regarding this policy should be directed to the Chief of the SWS, OWMRP.

OFFICE CHIEF APPROVAL:



Elizabeth M. Browne, Chief

DEPUTY DIRECTOR APPROVAL:



Jim Sygo, Deputy Director