

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Land and Materials Administration Resource Management Program
1800 Washington Blvd. Suite 610 Baltimore Maryland 21230
410-537-3314 800-633-6101 www.mde.maryland.gov/composting

GENERAL COMPOSTING FACILITY PERMIT

Permit No. GP-CF01

Effective Date:

Expiration Date:

PART I. COVERAGE UNDER THIS GENERAL PERMIT:

A. Property Rights

Authorization conveyed under this general permit does not convey any property rights in either real or personal property, or any exclusive privilege or franchise, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

B. Suspension or Revocation

1. In addition to other reasons authorized by statute or regulations, coverage under this general permit may be suspended or revoked if the permittee lacks, or is in violation of, any federal, State or local approval necessary to conduct the activity authorized by this general permit, including a local zoning or land use approval.
2. In addition to other reasons authorized by statute or regulation, after written notification and an opportunity to request a hearing, the **Maryland Department of the Environment (Department)** may suspend, revoke, or modify coverage under this general permit if the Department finds that:
 - a. False or inaccurate information was contained in the Notice of Intent (NOI) or Composting Facility Operations Plan (CFOP) submitted to the Department, or in any other information required to be submitted to the Department under this general permit. Once a permit registration has been approved by the Department, **the terms in the CFOP become permit conditions and are enforceable;**
 - b. As part of a regulated activity by a permittee, there is or has been a violation of:
 - i. Any applicable State law or regulation;
 - ii. Any term or condition of this general permit;
 - iii. Any term or condition of a State or National Pollutant Discharge Elimination System (NPDES) discharge permit issued under Code of Maryland Regulations (COMAR) 26.08.02.09 or COMAR 26.08.04; or
 - iv. Any term or condition of an air quality permit issued under COMAR 26.11.02;
 - c. **Deviations** from the CFOP submitted to the Department have occurred, as determined by the Department;



- d. The Department or an authorized representative of the Department has been refused entry to the premises for the purpose of inspecting or sampling to ensure compliance with the terms and conditions of this general permit;
 - e. Conditions exist which are causing or may cause an undue risk to the environment or public health, safety, or welfare as may be determined by the Department;
 - f. The permittee has been negligent in operating the composting facility; or
 - g. Any other good cause exists for suspending, revoking, or modifying authorization under this general permit.
3. In addition to other reasons authorized by statute or regulation, the Department may immediately suspend or revoke coverage under this general permit in accordance with COMAR 26.04.11.16A(2) if the Department determines there is an immediate and substantial threat to the environment, public health, safety, or welfare.

C. Administrative, Civil, and Criminal Liability

Nothing in this general permit shall be construed to preclude the institution of any legal action nor to relieve the permittee from administrative, civil, or criminal responsibilities and/or penalties for non-compliance with Title 9 of the Environment Article, Annotated Code of Maryland, or any federal, local, or other State law or regulations.

D. Right of Entry

1. The permittee shall allow the Department's authorized representatives, at reasonable times and upon presentation of credentials to:
 - a. Enter the facility covered under this general permit or any location where records are required to be kept under the terms and conditions of this general permit;
 - b. Have access to and copy any records required to be kept under statute, regulation, or the terms and conditions of this general permit;
 - c. Inspect any equipment or process regulated under this general permit;
 - d. Inspect any collection, treatment, pollution management or control facilities, or transport vehicles regulated under this general permit;
 - e. Sample waste, feedstocks, compost, groundwater, surface water, contact water, stormwater, soil, or vegetation on the site of the facility authorized by this general permit; and
 - f. Obtain photographic documentation or evidence.
2. **The Department may exercise its rights of entry through use of an unmanned aircraft system to conduct inspections, collect samples, or make visual observations through photographic or video recordings.**



E. Applicability

This authorization applies to a person choosing to operate a Tier 1 or Tier 2 composting facility in the State of Maryland under the provisions of this general permit.

F. Authorization and Authority

1. To be authorized to operate under this general permit, a person is required to submit a NOI and CFOP in accordance with COMAR 26.04.11.11 and to comply with all the terms and conditions of this general permit and any other requirements of law and regulation.
2. The Department may require a person to obtain an individual Composting Facility Permit if the Department determines site-specific permit conditions are necessary to ensure compliance with the general restrictions in COMAR 26.04.11.04B, facility location and design requirements in COMAR 26.04.11.08, or operating requirements in COMAR 26.04.11.09.
3. Authority for this general permit is Environment Article, §§9-1701 and 9-1725, Annotated Code of Maryland, and COMAR 26.04.11.05—.06 and .11.

G. Effective Date of Coverage

Authorization to operate a composting facility is effective on the date the Department acknowledges receipt and approval of the NOI and a CFOP that meets the requirements of COMAR 26.04.11.

H. Local Requirements

1. Nothing in this general permit authorizes the construction or the operation of the facility in violation of local government laws or regulations, including planning, zoning, and land use requirements.
2. The issuance of this general permit does not prevent any duly authorized local authority from taking action to enforce applicable local laws and regulations, including zoning, planning, and land use requirements.

PART II REQUIRED INFORMATION:

A. Required Information

All of the following must be accessible at all times and must be available on site at the facility prior to commencement of operations under this general permit:

1. A current version of the CFOP, including any updates and all information required to be included under COMAR 26.04.11.09;
2. An erosion and sediment control plan that meets the requirements of COMAR 26.17.01 and has been approved by the local soil conservation district or appropriate approving authority, if required;
3. A grading permit as required by the local jurisdiction;



4. An approved stormwater management plan as required by the local jurisdiction; and
5. Copies of all other applicable permits required under local, State, or federal laws, including the General Permit for Stormwater Discharges Associated with Industrial Activity, if required, and the air Permit to Operate and/or Permit to Construct, if required.

B. Submission of a Revised NOI or CFOP

1. A permittee shall submit a revised NOI a minimum of 60 calendar days before either of the following changes occurs:
 - a. A Tier 1 Facility becomes a Tier 2 Facility by beginning to accept Type 2 feedstocks;
 - b. A Tier 2 Small Facility becomes a Tier 2 Large Facility by increasing production to greater than 10,000 cubic yards of compost per year; and
 - c. The permittee shall submit to the Department, with the revised NOI, an updated CFOP incorporating any proposed operational changes to be made in association with a change in facility tier.
2. Prior to the occurrence of a change in facility tier, the facility shall:
 - a. Comply with all requirements of COMAR 26.04.11 and of this general permit applicable to the new facility tier; and
 - b. Receive written acknowledgement and approval from the Department of the revised NOI and CFOP.
3. If the permittee revises the CFOP for a reason other than a change in facility tier, the permittee shall submit to the Department, **within 15 calendar days**, a copy of the revised CFOP prior to changing operations.

PART III. CONDITIONS FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF THE FACILITY:

A. Feedstocks Authorized

1. The permittee is authorized to accept, process, and store only Type 1 and Type 2 feedstocks listed in the facility's current CFOP. This general permit does not authorize acceptance, processing, or storage of Type 3 feedstocks.
2. "Contaminated Feedstock" means feedstock that contains more than 2% by dry weight of:
 - a. Man-made inert material; or
 - b. Film plastic.
3. Under this permit, Type 1 feedstocks include:
 - a. Yard waste, which is defined as organic plant waste derived from gardening, landscaping, and tree trimming activities, including leaves, garden waste, lawn cuttings, weeds, and prunings;



- b. Other materials that the Department determines pose a low level of risk from hazardous substances, human pathogens, and physical contaminants.
4. Under this permit, Type 2 feedstocks include:
- a. Source-separated organics from residential curbside or drop-off programs and non-residential sources, including but not limited to pre-consumer and post-consumer food scraps and non-recyclable paper;
 - b. Department-approved animal manure and bedding based on factors such as moisture content and pathogen risk;
 - c. Department-approved industrially produced food processing materials;
 - d. Animal mortalities;
 - e. Manufactured organic materials such as waxed-corrugated cardboard, non-coated paper, and compostable products; and
 - f. Other materials that the Department determines pose a low level of risk from hazardous substances, and a higher level of risk from physical contaminants and human pathogens, compared to Type 1 feedstocks.
4. Type 3 feedstocks include:
- a. Sewage sludge and biosolids, as defined in COMAR 26.04.06.03;
 - b. Used diapers;
 - c. Mixed municipal solid waste; and
 - d. Any other feedstocks that are not Type 1 or Type 2 feedstocks and that the Department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens, compared to Type 1 and Type 2 feedstocks.

B. Facility Design

1. Prior to acceptance of **Type 1 and/or Type 2 feedstocks** at the facility, the facility shall be located, designed, and constructed in compliance with the requirements in COMAR 26.04.11.08 applicable to the facility's tier, as defined in COMAR 26.04.11.02.
2. The facility shall be designed in a manner that allows the facility to be operated in accordance with the approved CFOP submitted with the NOI and to meet all other requirements in COMAR 26.04.11 and this general permit.
3. The facility shall have the following minimum depth to the seasonal high water table for any surfaces used for feedstock receiving, feedstock storage, active composting, curing, or compost storage:
 - a. For a composting facility located outside the coastal plain province, as shown in COMAR 26.04.02.13, the minimum depth shall be 4 feet.
 - b. For a composting facility located within the coastal plain province, as shown in COMAR 26.04.02.13, the minimum depth shall be:



- i. For a composting facility located in an area with an applicable groundwater protection report approved by the county health department under COMAR 26.04.02.04, the depth specified in the report as the minimum soil treatment zone for an on-site sewage disposal system, but no less than 2 feet; and
- ii. For a composting facility located in an area where no approved groundwater protection report applies, 4 feet.
- c. Areas of a composting facility that are located completely indoors are exempt from the minimum depth to the seasonal high-water table.

C. Facility Operation

The permittee shall operate the facility in accordance with the NOI and the approved CFOP and the requirements in COMAR 26.04.11.04, .09, .12, .13, and .15 that apply to the feedstock types accepted by the facility.

D. Hours of Operation

1. The permittee shall ensure that the facility's operating hours comply with the CFOP and any local zoning requirements.
2. The composting facility shall have a sign at its entrance that lists the name and address of the composting facility, the days and hours of operation, and emergency contact information, including name, address, and telephone number. The emergency contact person shall be available by telephone at all times when the facility is closed.
3. The permittee shall not operate the composting facility outside the posted hours of operation unless approved by the Department, and authorized under any local zoning laws. If authorized by local zoning laws, the following activities are not considered operating for purposes of the prohibition on operating outside of the posted hours of operation: administrative tasks, indoor equipment maintenance, environmental monitoring or other activities not associated with handling or processing of feedstocks, compost, contact water or use of heavy equipment.

E. Operational Requirements

The facility may not be operated in such a manner as to:

1. Create a nuisance;
2. Be conducive to insect and rodent infestation or the harborage of animals;
3. Cause nuisance odors or other air pollution in violation of COMAR 26.11.06 or involve construction of a source of air pollution subject to a permit to construct or operation of a source of air pollution subject to a permit to operate unless permitted pursuant to COMAR 26.11.02;
4. Cause a discharge of pollutants derived from organic materials or solid waste to waters of this State unless otherwise permitted by the Department;
5. Harm the environment; or



6. Create other hazards to the public health, safety, or comfort as may be determined by the Department.

F. Supervision

The composting facility shall be under the direct supervision of a responsible party on site at all times during operation. The responsible party shall be accountable for ensuring that the terms and conditions of this general permit are met. The facility shall operate under the supervision of a certified composting operator in accordance with **COMAR 26.04.11.09B** and COMAR 15.18.04.03.

G. Controlled Access

1. Access to the facility shall be controlled at all times.
2. Gates, fencing, and other ingress/egress controls around the perimeter of the facility shall be adequate to prevent access when the facility is not in operation.
3. Access to the facility shall be limited to those times when authorized personnel are on duty at the facility and supervisory personnel are on site.

H. Inspection and Receipt of Incoming Feedstocks

1. All incoming loads of material shall be inspected to ensure that materials not authorized to be composted under this general permit or feedstock types other than those identified in the CFOP are not accepted by the permittee. The CFOP shall specify:
 - a. Procedures for visually inspecting each incoming load to assess the estimated portion of unauthorized material in the load;
 - b. Procedures to follow in the event that an operator observes significant quantities of unauthorized materials in the incoming load, including:
 - i. Notifying the hauler or generator of the feedstocks; and
 - ii. Rejecting the load, if unauthorized materials are present in more than *de minimis* quantities, as defined in the CFOP; and
 - c. Procedures for preventing, identifying, segregating, handling, storing, and recycling or disposing of unauthorized material.
2. If the Department determines that the permittee has accepted feedstocks containing unauthorized materials in more than *de minimis* quantities, the Department may require the permittee to modify its CFOP to provide for rejection of loads containing more than a maximum percentage of unauthorized materials.
3. Any solid waste shall be segregated and stored in a manner to prevent any wastes or runoff from wastes from entering the waters of the State.
4. All solid waste shall be properly disposed of at an appropriate permitted solid waste acceptance facility:
 - a. Within the timeframe specified in the CFOP;
 - b. As required by the local regulating authority; and



- c. Prior to or within 24 hours after the solid waste container becomes full.
5. Any hazardous waste shall be separated and handled in accordance with the applicable requirements of COMAR 26.13.01 "Disposal of Controlled Hazardous Substances."
6. Feedstocks may not be accepted, processed, or stored in quantities that cause the facility to exceed the maximum capacity or annual throughput specified in the CFOP.

I. Pad Requirements

1. All surfaces used for feedstock receiving, feedstock storage, active composting, curing, and compost storage, shall be sloped between 1 and 6 percent, as determined by site conditions and as sufficient to prevent ponding, except for areas located indoors, which shall have slope sufficient to prevent ponding and facilitate cleaning.
2. For Tier 1 Facility, the surfaces used for feedstock receiving, feedstock storage, active composting, curing, and compost storage shall be composed of an all-weather pad, as defined in COMAR 26.04.11.02.
3. For Tier 2 Small Facility, the surfaces used for feedstock receiving, feedstock storage, curing, and compost storage shall be composed of an all-weather pad. Surfaces used for active composting shall be composed of:
 - a. An all-weather pad with a 6-inch layer of carbon-rich substrate such as wood chips placed beneath each active composting pile or windrow, above the all-weather pad; or
 - b. A low-permeability pad constructed in accordance with the requirements for Tier 2 Large Facilities in COMAR 26.04.11.08E(4), if the requirements for management of contact water in COMAR 26.04.11.08E(2) or COMAR 26.04.11.08F(3) are also met.
4. For Tier 2 Large Facility, surfaces used for curing and compost storage shall be composed of an all-weather pad. Surfaces used for feedstock receipt, feedstock storage, and active composting shall be constructed of a low-permeability pad that meets the following requirements:
 - a. A pad constructed on the surface of the ground shall have a hydraulic conductivity of 1×10^{-5} cm/sec or less;
 - b. A pad that is buried shall have a hydraulic conductivity of 1×10^{-6} cm/sec or less;
 - c. A pad made of asphalt concrete or Portland cement concrete shall be designed to minimize the potential for cracking and allow equipment to operate without damage; and
 - d. A pad made of compacted clay shall have a minimum thickness of 1 foot and shall be protected from desiccation and installed in a manner such that the integrity of the pad will not be impaired by the operation of heavy equipment used on the pad.



J. Access Roads

1. The facility shall have all-weather road access, as defined in COMAR 26.04.11.02, and shall have fire lanes sufficient to provide emergency equipment with access to all portions of all piles of feedstocks, active composting material, curing material, and compost. The width and location of fire lanes shall comply with any State and local requirements, including COMAR 29.06.01.08.
2. All access roads and fire lanes shall be passable in all weather conditions by emergency vehicles, loaded delivery vehicles, and other transportation vehicles and shall be provided and maintained from the entrance gate of the facility to the feedstock receipt, feedstock storage, composting, curing, compost storage, and solid waste storage areas.

K. Storage of Unprocessed Feedstocks

1. By the end of the operating day on which they are received, Type 2 feedstocks shall be:
 - a. Incorporated into active composting piles;
 - b. Transferred to leak-proof containment; or
 - c. Mixed with carbon-rich bulking material and covered in a manner that prevents nuisance odors and scavenging by vectors.
2. Upon receipt, Type 2 feedstocks with free liquid shall be promptly mixed with drier feedstocks, bulking material, or compost so that the liquid is absorbed and not allowed to flow from the piles or windrows.
3. Feedstock storage piles shall be in an area that is enclosed or visually screened from adjoining properties, unless the absence of an enclosure or visual screening is specifically identified in the CFOP and authorized under local law, and the CFOP identifies other design or operational controls to prevent nuisances including noise, dust, odors, and blowing debris.
4. The distance between feedstock storage piles and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
5. The distance between feedstock storage piles and a dwelling not owned or operated by the operator of the composting facility shall be a minimum of 300 feet.
6. The distance between feedstock storage piles and a domestic well shall be a minimum of 100 feet.
7. The distance between feedstock storage and a stream, lake, or other body of water except an impoundment for use in the composting process shall be a minimum of 100 feet.
8. The maximum height and width of each feedstock storage pile and the minimum spacing of piles shall be specified in the CFOP and shall comply with any local requirements for pile size or placement. Where applicable, local requirements for



pile size and spacing shall be referenced in the CFOP.

L. Active Composting Piles

1. Active windrows or piles shall be composed only of Type 1 feedstocks, Type 2 feedstocks, and compost.
2. The distance between active composting piles or windrows and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
3. The distance between feedstock storage piles and a dwelling not owned or operated by the operator of the composting facility shall be a minimum of 300 feet.
4. The distance between feedstock storage piles and a domestic well shall be a minimum of 100 feet.
5. The distance between feedstock storage and a stream, lake, or other body of water except an impoundment for use in the composting process shall be a minimum of 100 feet.
6. Except for already covered piles or Type 1 piles, a 6-inch layer of compost or carbon-rich material shall be placed over active composting piles by the end of the operating day on which they are formed and again after each time the piles are turned.
7. Active windrows or piles shall be in an area that is enclosed or visually screened from adjoining properties, unless the absence of an enclosure or visual screening is specifically identified in the CFOP and authorized under local law, and the CFOP identifies other design or operational controls to prevent nuisances including noise, dust, odors, and blowing debris. The maximum height and width of each active composting pile or windrow and the minimum spacing of piles or windrows shall be specified in the CFOP and shall comply with any other local requirements for pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

M. Curing

1. Material that is being cured shall be kept separate from feedstocks or active composting material.
2. The distance between curing piles and a property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
3. The distance between feedstock storage piles and a dwelling not owned or operated by the operator of the composting facility shall be a minimum of 300 feet.
4. The distance between feedstock storage piles and a domestic well shall be a minimum of 100 feet.
5. The distance between feedstock storage and a stream, lake, or other body of water except an impoundment for use in the composting process shall be a minimum of



100 feet.

6. Areas used for curing shall be separated from contact water in a manner that prevents contact water from entering the curing area, including by run-on or by direct application.
7. The maximum height and width of each curing pile and the minimum spacing of piles shall be specified in the CFOP and shall comply with any local requirements for pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

N. Compost Storage

1. Compost may not be stored longer than 12 months, unless otherwise approved by the Department.
2. The permittee shall ensure that a market or use is identified and available for the compost that is, or is to be, produced.
3. The maximum height and width of each compost storage pile and the minimum spacing of piles shall be specified in the CFOP and shall comply with any local requirements restricting pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.
4. The distance between curing piles and a property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
5. The distance between feedstock storage piles and a dwelling not owned or operated by the operator of the composting facility shall be a minimum of 300 feet.
6. The distance between feedstock storage piles and a domestic well shall be a minimum of 100 feet.
7. The distance between feedstock storage and a stream, lake, or other body of water except an impoundment for use in the composting process shall be a minimum of 100 feet.

O. Monitoring

1. In order to ensure that temperature and moisture conditions are maintained and controlled during composting, the permittee shall:
 - a. Take temperature readings in accordance with the temperature monitoring plan specified in the CFOP, which shall include methods to ensure pathogen reduction requirements are met and a maximum temperature upon which piles must be turned or actively aerated; and
 - b. Monitor moisture levels in accordance with the monitoring plan specified in the CFOP, which shall include a target moisture range.
2. A record of all temperature readings, moisture monitoring results, dates and times that windrows or piles were turned, and all other information required to be recorded by COMAR 26.04.11.12 shall be updated daily when the facility is in operation and maintained and kept on site at all times.



3. Upon request by the Department, the permittee shall collect and analyze samples of any waste, feedstocks, compost, groundwater, surface water, contact water, stormwater, soil, or vegetation and report the results of such sampling to the Department.

P. Dust

Dust resulting from the facility's operation shall be controlled at all times.

Q. Emergency Preparedness

1. The permittee shall comply with the emergency preparedness plan that is included in the CFOP.
2. The emergency preparedness plan shall, at a minimum, contain:
 - a. A list of names and telephone numbers of the persons to contact in the event of a fire, flood, or other emergency situation at the facility;
 - b. A statement identifying a local fire agency that has been notified of the composting facility by the permittee;
 - c. A list of emergency response equipment present at the facility or available for use at the facility, the location of the equipment, and how the equipment must be used in the event of a fire or other emergency;
 - d. The procedures facility personnel shall follow from discovery of an emergency until the situation is corrected, including measures to minimize the occurrence, recurrence, or spread of fires and releases;
 - e. Location of known water supplies, fire hydrants, dry chemical extinguishers, or other materials that may be used for firefighting purposes;
 - f. Provision for reporting emergency situations to the Department without delay; and
 - g. Provision for familiarizing all employees with the requirements of the emergency preparedness manual.
3. The permittee shall revise the emergency preparedness plan if a change in the operations occurs, or if the Department requires revisions. Any changes made at the permittee's initiation shall be reported in writing to the Department prior to or within one business day of the change.

R. Nuisance Odor Prevention

1. The permittee shall comply with the nuisance odor prevention plan that is included in the CFOP and shall be maintained at the facility at all times.
2. The nuisance odor prevention plan shall, at a minimum, contain:
 - a. Methods and procedures to prevent and control odors and other potential nuisance conditions at the facility; and
 - b. A complaint response protocol.



3. In the event of an odor related complaint, the permittee shall complete the “Odor Assessment Form,” attached with this permit as “Appendix 1” and keep a copy of it at the facility.

S. Personnel and Equipment Maintenance

Adequate personnel and equipment shall be provided to:

1. Assure safe, continuous, and adequate operations;
2. Maintain compliance with the terms and conditions of this general permit and regulatory requirements; and
3. Assure prompt attention to correct problems associated with the construction and maintenance of the facility.

T. Fire Prevention and Control

1. The permittee shall notify the local fire agency of the composting facility prior to commencement of operations.
2. The permittee shall operate the facility in accordance with the applicable requirements of the local and State Fire Marshal.
3. The permittee shall take suitable measures to prevent and to control fires that may occur during operation of the facility.
4. An adequate water supply and the means to apply it shall be available in case of a fire. The Department, the local fire department, or the State Fire Marshal may direct that the permittee install, alter or expand the volume and manner of water supply or water storage capacity available at the site, or inclusion of other fire retardant materials such as ground or soil, and shall specify a time frame for compliance with that directive. Compliance within the specified time frame is a condition of compliance with this general permit.
5. A means to notify the local fire agency shall be available on-site at all times (e.g. telephone and radio).

U. Disposal of Solid Waste Prohibited

Nothing in the permit authorizes the acceptance of regulated solid waste or the disposal of regulated solid waste at the facility without approval from the Department as required by Section 9-204 of the Environment Article.

V. Noise Control

Nothing in this general permit authorizes the operation of the facility in a manner that violates the applicable noise provisions of any local law or regulation relating to noise control.



W. Wetland and Waterways Construction

The permittee shall operate the facility in accordance with the Maryland Non-Tidal Wetland and Waterways Regulations, COMAR 26.23.01 and 26.24.01.

X. Stormwater Management and Pollutant Discharge

1. Any stormwater discharges associated with industrial activity, as defined in 40 Code of Federal Regulations (C.F.R.) §122.26(b)(14), shall be managed in accordance with:
 - a. A NPDES discharge permit issued by the Department under COMAR 26.08.01 - .04;
 - b. State and local stormwater requirements; and
 - c. State and local erosion and sediment control requirements.
2. For Tier 2 Large facilities, contact water shall be collected and contained in a collection basin, tank, or other containment system designed in accordance with COMAR 26.04.11.08F prior to:
 - a. Reuse on feedstocks or active composting piles in accordance with the CFOP and in a manner that prevents contamination of materials that have undergone the pathogen reduction requirements in COMAR 26.04.11.09;
 - b. Transport off site for treatment at a permitted facility; or
 - c. Discharge pursuant to COMAR 26.08.01 - .04.
3. One foot of freeboard shall be maintained for a collection basin, open tank, or other containment system exposed to precipitation that is used to store contact water.
4. The permittee is responsible for ensuring that all required discharge permits are obtained prior to commencement of operations.

Y. Erosion and Sediment Control

The permittee shall operate the facility in accordance with the Erosion and Sediment Control Plan regulations as set forth in COMAR 26.17.01 and applicable local approval.

Z. Recordkeeping and Reporting

1. All records and information required to be maintained under this general permit or under COMAR 26.04.11.12 shall be retained by the permittee at the **facility** (unless otherwise authorized by the Department) for a minimum period of 5 years.
2. An annual report shall be submitted to the Department for each calendar year in which the facility is in operation. All annual reports shall be for the calendar year ending December 31 and shall be submitted to the Department by January 31 of the following year on the form provided by the Department.
3. The report shall include a minimum of:
 - a. The quantity and type of feedstocks received during the preceding calendar year, indicating the county within Maryland, or the state outside



- Maryland, in which each quantity of material was generated;
- b. The quantities of compost and residues, including unauthorized feedstocks and solid waste, produced by composting during the preceding calendar year;
 - c. The quantities of compost and residues removed from the facility during the preceding calendar year; and
 - d. Any other information requested on the form provided by the Department.
- 4. The permittee shall submit a copy of each completed “Odor Assessment Form” with the annual report.
 - 5. The permittee shall notify the Department in writing if a finished product is produced that is classified as “restricted use compost” under COMAR 15.18.04.05 or is otherwise unmarketable or unusable. The Department may require the permittee to properly dispose of the product or may authorize one of the uses specified in COMAR 15.18.04.05D.
 - 6. Except for information found to be confidential in accordance with the Maryland Public Information Act, all information submitted in conjunction with this general permit shall be available for public inspection at the Department.
 - 7. The permittee shall submit all reports required by this general permit to:

lma.wdd@maryland.gov

or

**Maryland Department of the Environment
Land and Materials Administration
Resource Management Program
1800 Washington Boulevard, Suite 610
Baltimore, Maryland 21230-1719**

PART IV. GENERAL CONDITIONS:

A. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether the permittee is in compliance with this general permit or whether cause exists for termination of the permittee’s authorization to operate under this general permit.

B. Expiration or Renewal

- 1. Authorization under this general permit ends when the earliest of the following events occurs:
 - a. The permit term expires, unless the permittee submits to the Department a request for continuing coverage at least 60 calendar days before this general permit expires;
 - b. The permittee permanently ceases operations after notifying the



Department in accordance with the closure requirements in COMAR 26.04.11.13;

- c. A change in ownership or control of the composting facility occurs; or
 - d. The Department provides written notice to a permittee of suspension or revocation of the permittee's coverage under this general permit.
2. Request for Continuing Coverage.
- a. A request for continuing coverage may be fulfilled by submission of a renewal NOI and current CFOP **at least 60 days before the permit expires.**
 - b. Once a request for continuing coverage has been submitted by the permittee to the Department, this general permit will remain in force and effect until this general permit is renewed and any deadline for opportunity to register under the renewed general permit is reached or this general permit is revoked or withdrawn.

C. Transfer of Ownership

Authorization under this general permit is not transferable and authorizes only the signatory party to operate the permitted facility. **The authorization under this general permit shall be terminated and the succeeding owner shall submit a new NOI if the following occurs:**

1. In the event of any change in control or ownership of the property not caused by death of the permittee, the permittee shall notify the succeeding owner and operator, if applicable, by certified mail of the existence of this general permit and of any outstanding permit noncompliance, a minimum of 60 calendar days prior to transferring control or ownership. A copy of this notification shall be forwarded to the Department at the same time.
2. **The Department determines that the permitted facility is sold, and a new owner and operator, if applicable, is planning or operating at the facility.**

D. Compliance

1. The requirements of this general permit and other applicable laws and regulations shall be complied with at all times.
2. If for any reason the permittee does not comply with or will be unable to comply with any condition specified in this general permit, the permittee shall notify the Department by telephone at (410) 537-3314 on the same day, or on the next working day, following any noncompliance. Within 5 working days after this notification, the permittee shall provide the Department with the following information in writing:
 - a. A description of the noncompliance, including date, time and type of noncompliance;
 - b. Cause of noncompliance;
 - c. Anticipated time the noncompliance is expected to continue or if such condition has been corrected;



- d. Steps taken by the permittee to correct the noncompliance; and
- e. Steps to be taken by the permittee to prevent recurrence of the noncompliance.

E. Severability

If any provision of this general permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from this general permit.

F. Signatory Requirements

All information submitted to the Department shall be signed, dated and certified as true and correct by the responsible party.

Rick Kessler
Director
Land and Materials Administration

