



May 11, 2017

## TECHNICAL STAFF REPORT

*Planning Board Meeting of May 25, 2017*

**Case No:** ZRA-160

**Petitioner:** Dayton Rural Preservation Society

**Request:** Zoning Regulation Amendment to amend thirteen sections concerning Natural Wood Waste Recycling Facilities (“NWWRF”) and Composting Facilities (“CF”).

The Petitioner’s proposal would:

- Create definitions and Conditional Use categories for NWWRF and CF;
- Eliminate the definition and Conditional Use category, Yard Waste Composting Facility;
- Allow CF and NWWRF that require a Maryland Department of the Environment permit only in the M-1 and M-2 Districts as Conditional Uses;
- Establish new regulations for composting and natural wood waste recycling operations in the RC and RR Zoning Districts and on Howard County Agricultural Land Preservation Program (ALPP) and Maryland Agricultural Land Preservation Foundation (MALPF) properties; and
- Establish new regulations for composting in residential zones R-20, R-12, R-SC, and R-SA-8.

The Petition states that it promotes the interests of farmers by facilitating the use of new farming methods, promotes County sustainability initiatives by allowing composting bins and small composting piles in residential districts, protects the health and safety of residents by limiting areas where large NWWRF can operate, limits commercial and industrial operations on ALPP properties as specified in Deeds of Easement, and treats the Maryland Agricultural Land Preservation Foundation (MALPF) properties the same as the County ALPP properties with respect to natural wood waste and composting operations.

A description of the proposed text amendments for each Section is provided in Section II of this Technical Staff Report, Description of Proposal.

**Department of Planning and Zoning Recommendation: DENY AND APPROVE ZRA 180.**

## I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

### **2004 & 2006 Zoning Regulations:**

The 2004 and 2006 Howard County Zoning Regulations (HCZR) contained the following definitions related to the manufacturing of mulch or the composting of organic materials:

*Mulch Manufacture:* The manufacture of horticultural mulch from wood, wood products or similar materials. This term does not include the production of mulch as a by-product of on-site farming.

*Yard Waste Composting Facility:* A facility at which yard waste and natural wood waste is received and processed to produce compost for off-site use.

#### As a Matter of Right:

- Mulch Manufacture was permitted in M-1 and M-2.

#### Conditional Uses:

- Sawmills and Mulch Manufacture<sup>1</sup> were permitted in RC and RR and were permitted on Agricultural Preservation parcels.
- Yard Waste Composting Facilities were permitted in RC, RR and M-1.

Neither Yard Waste Composting Facilities nor Mulch Manufacture were permitted on Agricultural Land Preservation Program (ALPP) properties.

### **2013 Comprehensive Zoning Plan (2013 CZP) adopted October 6, 2013:**

The 2013 CZP eliminated the Yard Waste Composting Facility use and replaced it with a broader use category to allow recycling of additional materials including wood waste, food, and manure.

*Composting Facility:* A facility where organic material, specifically limited to vegetation, food waste, and manure, that is obtained principally from off-site locations is processed to generate a product through the microbiological degradation of this organic material under aerobic conditions.

*Mulch Manufacture:* Remained the same as 2004 & 2006.

*Yard Waste Composting Facility:* Deleted.

#### As a Matter of Right:

- Sawmills were permitted in M-1 and M-2.

#### Conditional Uses:

- Composting Facilities were permitted only in RC. Replaced the former category, Yard Waste Composting Facility.
- Sawmills, Bulk Firewood Processing, Mulch Manufacture or Soil Processing were permitted in

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<sup>1</sup> The term "Sawmills" has never been defined in the HCZR. Sawmills have variously been listed as a stand-alone permitted use or Conditional Use or combined with Mulch Manufacturing and/or Bulk Firewood Processing or Soil Processing. Definitions for Bulk Firewood Processing and Sawmills were proposed by DPZ in ZRA 149 but were not adopted.

RC and RR. The title of this category was expanded and retitled from the former category, Sawmills and Mulch Manufacture.

- Composting Facilities were allowed as potential Conditional Uses on ALPP Purchased Easements, ALPP Dedicated Easements and on Other Dedicated Easements, without any use area restrictions.
- Mulch manufacture was allowed as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements with a cumulative use cap not to exceed 2% of the easement and on Other Dedicated Easements with a cumulative use cap not to exceed 2% of the easement, up to a maximum of one acre.

#### **Current Zoning Regulations (ZRA 149/CB 20-2014 August, 2014):**

In response to concerns related to potential large scale mulch and composting facilities in western Howard County, the County Council sponsored Zoning Regulation Amendment 149 (Council Bill 20-2014, effective August 4, 2014), which amended the 2013 Zoning Regulations by reinstating certain Regulations that were in effect prior to 2013. The amendments included:

#### **Definitions:**

- Mulch Manufacture: Remained the same as 2004 & 2006.
- Composting Facility: Deleted.
- Yard Waste Composting Facility: Reinstated.

#### **As a Matter of Right:**

- Mulch Manufacture permitted in M-1 and M-2.

#### **Conditional Uses:**

- Composting Facility category deleted.
- Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing were permitted in RC and RR. However, this use category was not permitted on ALPP Purchased Easements, ALPP Dedicated Easements and on Other Dedicated Easements.
- Yard Waste Composting Facility former category reinstated; permitted in RC, RR and M-1. Not permitted on ALPP Purchased Easements, ALPP Dedicated Easements and on Other Dedicated Easements.

#### **Task Force to study Mulching, Composting and Wood Processing:**

On July 7, 2014, the County Council adopted Council Resolution 74 (CR 74-2014) creating a Task Force to “study mulching, composting and wood processing policies and regulations with respect to Howard County land use, planning processes and Zoning Regulations” (the Wood Processing Task Force). At a minimum among their tasks was to examine the following:

- The role, scope, and impacts of mulching, composting, and wood processing activities to the overall sustainability of the County;
- Best management practices for mulching, composting, and wood processing uses;
- Optimal sizes and locations for mulching, composting, and wood processing uses; and

- Statewide (Maryland Department of the Environment and Agriculture) regulations and potential changes in the area of mulching, composting, and wood processing activities.

The Task Force met from July 2014 through February 2015 and issued a Report to the County Council (Task Force Report) on March 9, 2015 (updated April 13, 2015). The Report included a table of recommendations pertaining to the Zoning Regulations (Zoning Matrix). It showed 18 different categories of Natural Wood Waste Recycling and Composting operations with specific use restrictions applied to each category. Categories 1-5 relate to NWWRF and categories 6-18 relate to composting operations. A separate report entitled “Report of Concerned Citizens of the Mulch/Composting Task Force” dated March 15, 2015 (Minority Report) was issued by five dissenting members of the Task Force. It summarized citizen group concerns.

The Zoning Matrix included very specific zoning regulations, as well as non-land use requirements from the majority and minority perspective. The Task Force Report recognized the importance of farming to the County and attempted to craft regulations that avoided undue burdens on farmers as they conducted agricultural activities, while at the same time addressing concerns of residential neighbors. The Task Force Report noted that “some members of the Task Force see composting as a farming activity only when the bulk of the end product is used on the farm and do not view wood waste recycling as a farming activity.” The Wood Processing Task Force deliberated a number of concerns and issues with respect to NWWRF and composting operations in the rural west. Key issues included:

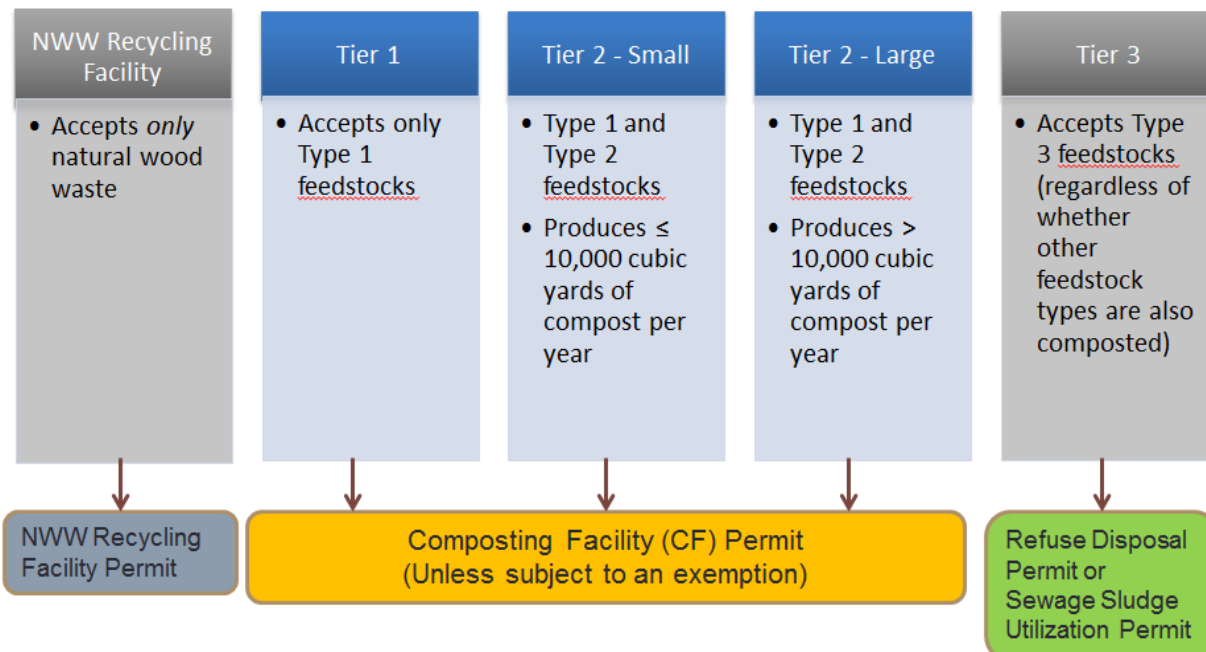
- Water pollution of wells, streams and groundwater,
- Airborne pollutants (dust, mold spores),
- Noise generated by grinding equipment and trucks,
- Road and bridge damage by trucks and hazards to cyclists and pedestrians,
- Visibility of facilities from roads and surrounding properties,
- Fire hazards, and,
- Scale on Agricultural Preservation parcels

Concurrently, Maryland Department of the Environment (MDE) was in the process of revising and updating the State’s composting regulations. The new composting regulations (COMAR 26.04.11) were finalized and became effective July 1, 2015. The MDE Regulations created three tiers of composting activities based on feedstock type and the respective level of environmental risks. MDE Composting Tiers and feedstock types are summarized in the following diagrams.

## MDE Feedstock Types

NWW	Type 1	Type 2	Type 3
<ul style="list-style-type: none"> <li>Natural Wood Waste (e.g. stumps, logs)</li> </ul>	<ul style="list-style-type: none"> <li>Yard waste (e.g. leaves, grass)</li> </ul>	<ul style="list-style-type: none"> <li>Food scraps</li> <li>Non-recyclable paper</li> <li>Animal manure and bedding</li> <li>Industrial food processing materials</li> <li>Animal mortalities</li> <li>Compostable products</li> </ul>	<ul style="list-style-type: none"> <li>Sewage Sludge or Biosolids</li> <li>Used diapers</li> <li>Mixed municipal solid waste (MSW)</li> </ul>

## MDE Facility Tiers



### **Mulch Work Group**

In August 2015 the Dayton Rural Preservation Society (DRPS) submitted ZRA 160, which included many of the recommendations contained in the Minority Report. In response, DPZ was asked to convene a work group to assess the ZRA and to provide recommended changes. The Mulch Work Group (MWG) met from November 2015 through March 2016 and included four Task Force members (two from the farming community and two residents); supported by DPZ staff. The MWG discussed many of the same issues as the Task Force; however, its focus was much narrower - to guide the development of Zoning Regulations. Topics included:

- Appropriate zoning districts for commercial operations;
- Scale and size of mulch and composting operations;
- Setbacks;
- Location/road conditions;
- Fire safety;
- Screening/buffering;
- Ground water contamination;
- Dust control, and;
- Agricultural Preservation parcels.

DPZ had developed and presented Conditional Use criteria to the MWG that could be enforced for mulch and composting operations requiring an MDE NWWRF or CF permit. Both the Task Force and MWG extensively discussed the scale of mulch/compost operations; what constituted a commercial or industrial operation; and what scale of operation should be permitted on farm properties.

The MWG concluded that “on-the-farm/for-the-farm” mulch operations constituted a bona fide farming activity that did not rise to a level triggering a Conditional Use and could be permitted on ALPP properties. Generally, operations would be considered non-commercial if all materials were produced and used on the farm or another farm with the same ownership. However, consensus could not be reached regarding the sale of mulch or compost operations.

## **II. DESCRIPTION OF PROPOSAL**

The proposed text amendment is attached as Exhibit A – Petitioner’s Proposed Text. The Petitioner proposes to amend 13 sections in the HCZR, described as follows:

1. Section 103.0: Definitions

The proposed text amendment removes the current definition for Yard Waste Composting Facility and adds new definitions for Composting Facility (CF) and Natural Wood Waste Recycling Facility (NWWRF). These are consistent with Maryland Department of the Environment definitions.

2. Section 104.0: RC (Rural Conservation) District and Section 105.0: RR (Rural Residential) District

The proposal adds provisions to allow:

- Tier 1 CF and NWWRF up to 5% of a farm of three acres and greater to a maximum use area of one acre as a matter of right.
- Tier 1 and Tier 2 Composting Facilities up to 5% of a farm to a maximum use area of three acres with a Permit for Special Farm Uses on farms three acres and greater.

- CF on residential properties and community gardens with conditions.

3. Section 106.1: County Preservation Easements

The proposal applies regulations to both MALPF and ALPP Purchased and Dedicated easements to allow:

- Tier 1 CF and NWWRF up to 5% of a farm of three acres and larger to a maximum use area of one acre as a matter of right and subject to a number of criteria.
- Tier 1 and Tier 2 CF up to 5% of a farm to a maximum use area of three acres with a Permit for Special Farm Uses on farms three acres and larger and subject to a number of criteria.

CF and NWWRF would be prohibited on Cluster Subdivision parcels, except for CF as permitted on residential properties in RC and RR.

4. Section 108.0: R-20 (Residential: Single) District, Section 109.0: R-12 (Residential: Single) District, Section 110.0: R-SC (Residential: Single Cluster) District, Section 111.0: R-SA-8 (Residential: Single Attached) District

The proposal would add provisions to allow CF limited to specific materials on residential properties and community gardens as a matter of right with size limits and other conditions.

5. Section 122.0: M-1 (Manufacturing: Light) District and Section 123.0: M-2 (Manufacturing: Heavy)

The proposal would:

- Eliminate Mulch Manufacture as a use permitted by-right in M-1
- Allow Tier 1 and Tier 2 CF over three acres and NWWRF over one acre as Conditional Uses in M-1 and M-2.

7. Section 124.0: SW (Solid Waste) Overlay District

The proposal allows Tier 3 Composting Facilities as a matter of right in an underlying M-2 District.

8. Section 128.0: Supplementary Zoning District Regulations

The proposal allows Tier 1 and Tier 2 Composting Facilities in the RC and RR zoning districts and on ALPP properties up to three acres with a Permit for Special Farm Uses, approved by DPZ.

9. Section 131.0.N: Conditional Uses

The proposal allows NWWRF and CF as Conditional Uses in the M-1 and M-2 Zoning Districts by amending:

- Section 131.0.N., Conditional Uses and Permissible Zoning Districts (chart).

- Section 131.0.N.46, Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing to delete the term “Mulch Manufacture”.
- Section 131.0.N.O, to add new categories, CF and NWWRF to the M-1 and M-2 Districts and establish conditions for CF over three acres and NWWRF over one acre.
- Section 131.0.N.60, to delete Yard Waste Composting Facility.

### III. AGENCY COMMENTS

- The Department of Inspections, Licenses and Permits and the Department of Recreation and Parks did not object to the proposal.
- The Department of Fire and Rescue Services commented that facilities must meet fire code standards.
- The Bureau of Environmental Health commented, “The Health Department participated in the Mulch and Wood Waste Task Force. A final report containing a majority report and a minority report was submitted to the County Council. Health has no knowledge of the Council’s subsequent actions related to the report. Health recommends that the complete report, including both the minority and the majority recommendations, be fully evaluated as part of any decision making process.”

### IV. EVALUATIONS AND CONCLUSIONS

#### Relation to the General Plan

The Petitioner does not identify any specific General Plan policies that harmonize with the proposed amendment. However, PlanHoward 2030 discusses the interplay of agricultural and commercial uses and recognizes that *“In a rapidly changing economy, Howard County farmers should be able to utilize innovative farming practices so they too can adapt to the evolving market. Enhancing their ability to farm efficiently is critical to the growth of Howard County and its ability to maintain a diverse economy. However, new development plans and conditional uses should include better buffers to reduce conflicts with neighboring residents.”*

Policy 4.5 seeks to “Refine the RC and RR zoning regulations to provide greater flexibility for the agricultural community as well as appropriate protections for rural residents.” ZRA 160 attempts to meet this challenging policy balance.

#### Relation to the Zoning Regulations

The Petitioner indicates that the amendments preserve and promote the health, safety, and welfare of the community by “prohibiting industrial mulch and composting facilities from operating on RC, RR, inclusive of ag preserve parcels so that nearby residential communities will be free from well documented health, safety, and environmental risks.” The Petitioner refers to risks associated with groundwater contamination, dust, high volume truck traffic on small rural roads, fire, noise, and property value degradation.

DPZ concurs that some adverse impacts could result from mulch and composting on agricultural lands; however, those impacts would likely be mitigated through MDE regulations and local fire and health codes.

#### DPZ Evaluation of Proposed Text and Alternative Recommendations:

The recently enacted MDE regulations (COMAR 26.04.11) include permit requirements for the operation of Composting Facilities categorized across three levels, or tiers, based on the types of processed



materials (feedstocks) and the potential for environmental risks. NWWRF are regulated by MDE in accordance with COMAR 26.04.09. Extensive permit requirements regulate a broad range of processes involved in operating CF and NWWRF.

The proposed regulations in ZRA 160 far exceed MDE requirements by regulating every level of composting and mulching operation, including those in M-1 and M-2 zones and on small residential properties. The MDE permits address many criteria, such as groundwater contamination, feedstock types, pile heights, operation, maintenance and rehabilitation plans, soils management plans, grading, runoff control, storm water management, fire control, odors, noise, dust, and other operational aspects. Many of the proposed Conditional Use criteria in ZRA 160 are required to be satisfied by MDE prior to the submission of a Conditional Use petition and are regulated and enforced by MDE. Further, MDE exempts certain on-farm composting operations that are small in size/scale and that meet certain criteria. MDE allows exemptions to these operations as they do not pose environmental or health risks. However, ZRA 160 proposes to regulate MDE exempt operations. A summary of these exemptions is in Appendix A and Appendix B contains general restrictions that apply to composting regardless of the need for a permit.

DPZ consulted a number of individuals and agencies to help evaluate the proposed ZRA including; Fire and Rescue Services, Howard Soil Conservation District, Environmental Health Department, DPZ Resource Conservation Division, Economic Development Authority, and the Office of Community Sustainability. As a result of discussions and technical evaluation, DPZ and County Councilmembers proposed an alternative zoning regulation amendment- ZRA 180 in attempt to address the complex issues associated with composting and mulching operations on farms.

ZRA 180 recommends that the HCZR apply only to mulch and composting operations requiring an MDE permit and that mulch and composting operations not requiring an MDE permit should be considered accessory use to a farming operation. A comparison of ZRA 160 and ZRA 180 is included as Appendix C.

The chart is further explained below:

1. Evaluation of the amendments to Section 103.0: Definitions

ZRA 160 includes a definition for Composting Facilities. While it comports with the MDE definition it also includes composting facilities that do not require an MDE permit. DPZ does not believe composting operations that do not require an MDE permit to be a “facility”. DPZ considers them ancillary and incidental to farming operations and, therefore, recommends differentiating between these operational types in the proposed definitions.

ZRA160 proposes a definition for Natural Wood Waste Recycling Facilities that includes those requiring an MDE permit and certain exemptions. However, the definition does not specify which exemptions are contained within. DPZ recommends including definitions for Composting, Composting Facilities, Natural Wood Waste Recycling and Natural Wood Waste Recycling Facilities that align local zoning definitions with MDE definitions. Additionally, DPZ recommends including definitions for sawmills and bulk firewood processing facilities as these uses have historically been included in the Conditional Use category with mulch manufacture and are not separately defined.

2. Evaluation of the amendments to Sections 104.0 and 105.0

ZRA 160 allows Composting Facilities on farms as a matter of right with seventeen conditions and on residential properties with seven conditions. The proposal would also allow NWWRF that do not require an MDE permit on farms as a matter of right with thirteen conditions. Generally,

uses that are entitled “Uses Permitted as a Matter of Right” are not conditioned. However, Section 128.0 of the HCZR contains conditions for certain uses permitted as a matter of right in Section 128.0. D, Temporary, Seasonal or Other Uses or Section 128.0. I, Permits for Special Farm Uses. Therefore, DPZ does not recommend conditions be added to uses permitted by right in Sections 104.0 or 105.0. Rather, any such conditions would be more appropriately placed in Section 128.0 and associated with a Permit for Special Farm Uses, as discussed below.

ZRA 160 would also prohibit Tier 3 materials. DPZ does not believe it is necessary to list this exclusion, since these facility types are regulated by MDE requirements for a Refuse Disposal or Sewage Sludge Utilization Permit. These permit types are only permitted in the Solid Waste Overlay Zoning District.

The proposal would allow in-vessel composting on single-family attached lots; however, single-family attached lots are not permitted in the RC or RR Districts. The proposal would also require compliance with homeowner association rules, which are unenforceable by DPZ.

DPZ does not recommend regulating composting and mulch activities that do not require an MDE permit and that are accessory to a principal farming use. However, DPZ does recognize that some composting operations on farms will not meet the criteria for an MDE permit exemption (summarized in Appendix A) despite primarily serving as a waste and nutrient management function. For example, composting operations that exceed 40,000 square feet do not qualify for an MDE permit exemption. Therefore, a one-acre composting operation that solely supports a farming operation would require an MDE permit. This is a common issue for farms using the traditional windrow method to compost. The capacity of windrow turning machinery determines pile height - the less capacity the smaller the piles, and the more land area needed to support the operation. Typically, machines are limited to 4-6 foot pile heights, which must be spaced to allow access. This traditional windrow turning scenario could easily surpass 40,000 sq. ft., yet the entire composting operation’s purpose is to provide a necessary waste and nutrient management function to support the farm and not for commercial enterprise.

DPZ recommends a Permit for Special Farm Uses be available for facilities up to 3 acres to allow composting operations that primarily support farming operations, yet require an MDE Composting Facility permit. The Permit for Special Farm Uses would allow the County to apply certain criteria and ensure access to operational plans and MDE permitting information.

3. Evaluation of the amendments to Section 106.1

ZRA 160 permits Composting Facilities and NWWRF as a matter of right up to one acre and with a DPZ Administrative Permit up to 3 acres on all types of Agricultural Preservation easements with conditions. The Petitioner also proposes to apply the Zoning Regulations to Maryland Agricultural Land Preservation Foundation (MALPF) Easements.

Currently, mulch and composting activities that are accessory to a farming use are permitted on Agricultural Preservation Properties. The Petitioner’s proposal regulates by-right uses with numerous conditions including: setbacks, hours of operation, pile height limits, fencing, allowable materials, and restrictions on transporting end products. Many of these conditions cannot be enforced by DPZ or are already enforced by MDE.

The Petitioner also proposes that Composting Facilities requiring an MDE permit be allowed on ALPP and MALPF properties up to 3 acres with a Section 128.0 Administrative Permit. DPZ concurs that these operations should be allowed on ALPP properties up to 3 acres; however, DPZ

does not agree with all of the proposed conditions. DPZ contends that these operations are accessory to farming and, therefore, recommends that they be regulated the same as comparable operations on non-ALPP land in the RC and RR Zoning Districts.

Further, Section 106.1 does not apply to MALPF properties. The State regulates activities on MALPF properties and imposes size and use restrictions that meet the intent of the State program. With respect to mulch operations, MALPF requires the majority of products be produced on site, the remainder be of species indigenous to Maryland, and that the facility and parking area must cover no more than 2% of the easement, not to exceed 2 acres. DPZ recommends continuing this practice and not imposing further restrictions.

The only activities that DPZ proposes be permitted on ALPP properties are uses accessory to a principal farming operation.

4. Evaluation of the amendments to Sections 108.0, 109.0, 110.0 and 111.0

Historically, zoning has regulated large scale wood waste processing and composting operations, primarily in the RC, RR, M-1 and M-2 Districts. Small composting facilities on residential properties and community gardens are permitted accessory uses in other residential districts.

ZRA 160 proposes to place strict limits on residential lots with regard to pile heights, setbacks, community gardens, and in-vessel composting. The proposal also requires compliance with homeowner association rules which are unenforceable by DPZ.

Among the MDE exemptions to obtain a Composting Facility Permit are facilities located on residential properties that compost organic materials generated on the residential site if the resulting compost is used on the residential site for personal, household or family purposes. DPZ does not recommend amendments to these sections, as appropriate safeguards are in place for residential properties and further regulation is unnecessary.

5. Evaluation of the amendments to Section 122.0: M-1 (Manufacturing: Light) District and Section 123.0: M-2 (Manufacturing: Heavy) District

The Petitioner proposes to remove Mulch Manufacture as a use permitted by-right in M-1. Since all uses permitted as a matter of right in M-1 are also permitted as a matter of right in M-2, the proposal to delete Mulch Manufacture in M-1 will automatically delete it from M-2. This does not appear to be the Petitioner's intent; however, the proposal does not include revised text for Section 123.0 which is necessary to continue to allow NWWRF, formerly Mulch Manufacture, in M-2.

DPZ recommends that NWWRF continue to be permitted as a matter of right in M-1 and M-2; and the category title be revised from Mulch Manufacture to NWWRF.

DPZ also recommends: In M-1, Tier 1 and Tier 2 - Small Composting Facilities be permitted by right and Tier 2 - Large Composting Facilities be Conditional Uses. In M-2, Tier 1 and Tier 2 Composting Facilities be permitted by right.

6. Evaluation of the amendments to Section 124.0: SW (Solid Waste) Overlay District

The proposal will allow Tier 3 Composting Facilities as a matter of right if the underlying District is M-2.

Tier 3 Composting Facilities accept Type 3 feedstocks (regardless of whether other feedstock types are also composted) and require an MDE Refuse Disposal Permit or Sewage Sludge Utilization Permit. The SW Overlay District is a special district for certain solid waste processing facilities and requires Preliminary Development Plan approval by the Zoning Board. This district currently permits land clearing debris landfills, rubble landfills, and solid waste processing facilities as a matter of right in an underlying M-2 zoning district. The SW Overlay District, which provides opportunities for alternatives to solid waste disposal in landfills, is the appropriate zoning district for these facilities. DPZ recommends Tier 3 Composting Facilities be incorporated into the SW Overlay District.

7. Evaluation of the amendments to Section 128.0, Supplementary Zoning District Regulations

The proposal would allow farms of at least three acres to operate Tier 1 and Tier 2 Composting Facilities that occupy no more than 5% of the farm through a Permit for Special Farm Uses, with conditions. As noted above, many of those conditions are unenforceable by DPZ and/or are duplicative of MDE regulations. As such, DPZ recommends Section 128.0 be amended to require a Permit for Special Farm Uses for Composting Facilities that require an MDE Type 1 or Type 2 - Small permit up to 3 acres, with the following conditions:

- A copy of the MDE permit application and any applicable operations or emergency preparedness plans must be submitted to DPZ;
- HSCD must review and provide comment on the proposed operation;
- Limited on-site sales are allowed; transport is limited to farming vehicles, pickup trucks and other non-commercial vehicles; and
- Commercial off-site sales are prohibited unless the product is shipped with trees, shrubs, or plants.

DPZ also recommends a Special Farm Permit Use category for Emergency NWWRF. The use category allows for temporary recycling and sale of wood waste resulting from a natural catastrophe such as a tornado, fire, storm, or disease. The Permit is limited to 90 days, no more than one acre, and the applicant must confirm the cause and extent of damage or disease.

8. Evaluation of the amendments to Section 131.0.N., Conditional Uses and Permissible Zoning Districts (Chart); Section 131.0.N.46, Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing and Section 131.0.N.60, Yard Waste Composting Facility.

ZRA 160 allows commercial NWWRF and CF in M-1 and M-2 as Conditional Uses. Currently, NWWRF are allowed by-right in M-1 and M-2 and Yard Waste Composting is allowed in RC, RR and M-1 as a Conditional Use. The proposed amendment would delete the Yard Waste Composting use category and replace it with a new use category- Composting Facilities. Both CF and NWWRF would be conditionally allowed in M-1 and M-2 only. The proposal includes 18 Conditional Use criteria that apply to CF over three acres and NWWRF over 1 acre.

DPZ does not agree that all CF Tiers and NWWRF should be treated as conditional uses in industrial zones. Currently, the M-1 and M-2 zoning districts permit a number of uses by-right that have potential adverse environmental impacts and that are less regulated. The newly adopted MDE Composting Facility permit requirements regulate many aspects of a Composting Facility; some of which are also proposed by the Petitioner to be incorporated into the Zoning Regulations. Some are even more restrictive than MDE requirements.

Therefore, DPZ recommends replacing the proposed conditional use criteria in ZRA 160 with the proposed criteria in ZRA 180. The conditional use criteria in ZRA 180 retain some of the Petitioner's proposed criteria. However, alternative criteria are also incorporated that attempt to regulate areas that are not already addressed by MDE, apply enforceable regulations, and incorporate other applicable regulations into an approval decision

ZRA 180 attempts to regulate areas that are not already addressed by MDE, apply enforceable regulations, and incorporate other applicable regulations into a decision for approval. The Howard County Fire Code was recently updated (April, 2016) and all of the Wood Waste Task Force recommendations were included in the update. As a matter of common practice, all Conditional Use petitions are reviewed by Howard County Department of Fire and Rescue. In addition, DPZ's proposed regulations require that an Emergency Preparedness Plan be submitted with the Conditional Use petition for review by the Fire Marshall.

MDE regulations require that dust be controlled at all times. Most grinding equipment has water spray mechanisms incorporated that provide automatic misting. MDE also regulates pile heights and temperature control. DPZ does not have a mechanism to measure pile heights and therefore, does not recommend additional Zoning restrictions.

Finally, many of the residential concerns identified during the Wood Waste Task Force and Mulch Work Group will be addressed through HSCD's review. The SPE will cover three phases of analysis for potential NWWRF or CF:

- 1) Site selection - During the site selection process an analysis of soil types, slopes and other natural features will determine if a parcel is suitable.
- 2) Site design - Once a parcel is determined to be suitable, HSCD will assist in designing the wood waste or composting operation and identifying the optimal location based on MDE Standards and Specifications. Windbreak standards will be applied to control dust and odors. Riparian or other appropriate buffering will be used to intercept sediment and other nutrients and mitigate potential pollution.
- 3) Operations management - A soil and nutrient management plan will be required to ensure that the operation is managed according to MDE standards. HSCD can review and provide guidance as needed to maintain compliance with the Plan.

HSCD will provide guidance in creating the Conditional Use plan and recommendations that will assist DPZ's evaluation of the petition and the Hearing Authority's ultimate decision. Each site should be reviewed independently and mitigation measures should be site-specific based on MDE best management practices. Therefore, DPZ prefers a tailored approach to address potential adverse impacts associated with large-scale wood waste processing or composting over general criteria with limited flexibility that may not consider the unique needs of different parcels and varying soil conditions.

**V. RECOMMENDATION**

**DENY AND APPROVE ZRA 180**

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-160, be DENIED, and that the alternate proposed text amendments in ZRA 180 be APPROVED.



5/11/2017

Approved by:

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Valdis Lazdins, Director

\_\_\_\_\_  
Date

**NOTE: The file on this case is available for review at the Public Service Counter by appointment in the Department of Planning and Zoning.**

**EXHIBIT A – PETITIONER’S PROPOSED TEXT**

(CAPITALS indicate text to be added; text in [[brackets]] indicates text to be deleted.)

**SECTION 103.0: Definitions**

[[Yard Waste Composting Facility: A facility at which yard waste and natural wood waste is received and processed to produce compost for off-site use.]]<sup>2</sup>

COMPOSTING FACILITY: A FACILITY THAT PRODUCES COMPOST AS DEFINED AND REGULATED BY THE STATE OF MARYLAND COMAR 26.04.11 – COMPOSTING FACILITIES. THESE TYPE OF FACILITIES MAY OR MAY NOT REQUIRE A PERMIT BY THE STATE OF MARYLAND AS DETERMIED BY THE SIZE OF THE FACILITY AND TYPE OF MATERIAL (FEEDSTOCK) PROCESSED.

NATUAL WOOD WASTE RECYCLING (NWWR) FACILITY: A FACILITY THAT RECYCLES NATURAL WOOD WASTE TO CREATE MULCH OR COMPOST AS DEFINED AND REGULATED BY THE STATE OF MARLAND COMAR 26.04.09 - NATUAL WOOD WASTE RECYCLING FACILITIES. THESE TYPES OF FACILITIES REQUIRE A PERMIT TO BE ISSUED BY THE STATE OF MARYLAND. CERTAIN EXEMPTIONS TO THE REQUIREMENT FOR A PERMIT ISSUED BY THE STATE DO APPLY, HOWEVER FOR PURPOSES OF THESE ZONING REGULATIONS, THE REQUIREMENT FOR A PERMIT WIL NOT IMPACT THE APPLICABILITY OF THE ZONING LAWS CONTAINED HEREIN EXCEPT FOR THE OPERATION OF A GOVERNMENT OWNED FACILITY.

**SECTION 104.0: RC (Rural Conservation) District****B. Uses Permitted as a Matter of Right**

The following uses are permitted as a matter of right in the RC District, except that only the uses listed in Section 106.1 shall be permitted on County Preservation Easements AND MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION EASEMENTS (MALPF).

13. COMPOSTING FACILITIES LOCATED ON A FARM AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- MINIMUM PARCEL SIZE 3 ACRES
- MAY OCCUPY UP TO 5% OF THE FARM TO A MAXIMUM OF ONE ACRE FOR TIER 1 COMPOSTING
- MAY OCCUPY UP TO 5% OF THE FARM TO A MAXIMUM OF 3 ACRES FOR TIER 1 AND 2 COMPOSTING WITH A DPZ ADMSNISTRATIVE PERMIT (Sec 128.0.1)
- SIZE LIMITS INCLUDES AREA FOR FEEDSTOCK/ PROCESSING AND FINISHED COMPOST.
- TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC) MAY NOT BE PROCESSED.
- FOR TYPE 2 FEEDSTOCK, ANIMAL MORTALITY IS LIMITED TO ANIMALS RAISED ON THE FARM AND FOOD SCRAPS ARE LIMITED TO THOSE FROM THE FARM.
- MUST HAVE AND BE IMPLEMENTING A HOWARD COUNTS SOIL CONSERVATION PLAN, AS WELL AS A NUTRIENT MANAGEMENT PLAN IF REQUIRED BY MDA.
- PROPERTY LINE SETBACKS OF 100 FEET FOR FACILITIES UP TO ONE ACRE/ 200 FEET FOR FACILITIES OVER 1 ACRE BUT LESS THAN 2 ACRES, 300 FEET FOR FACILITIES OVER 2 ACRES BUT UP TO OR LESS THAN 3 ACRES.

<sup>2</sup> The Petitioner’s proposed text did not include the necessary deletion of the definition for Mulch Manufacture.

- SETBACK OF 500 FEET FROM RESIDENTIAL STRUCTURES, WOODLAND BUFFERS AND SCHOOLS FOR FACILITIES UP TO 3 ACRES.
- SETBACK OF 100 FEET TO A STREAM OR WELL EXCEPT 200 FEET TO A GRADIENT DOMESTIC WELL
- FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM COMPOSTING PROCESSING HEIGHT OF 8 FEET
- MUST MEET HOWARD COUNTY FIRE CODE AND SITE INFORMATION MUST BE SUPPLIED TO HOWARD COUNTY FIRE DEPARTMENT
- MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS
- END PRODUCT FOR USE ON THE FARM OR OTHER FARMS OWNED BY THE OPERATOR. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS. THE TRUCKING IN OR OUT, PROCESSING, STORING OR SHIPMENT OF FEEDSTOCK MATERIALS OR END PRODUCTS FOR COMMERCIAL PURPOSES OR SALE WILL NOT BE ALLOWED.
- HOURS OF OPERATION LIMITED TO 7 AM TO 6 PM MONDAY THROUGH SATURDAY
- COMPOSTING IS NOT ALLOWED ON CLUSTER SUBDIVISION PRESERVATION PARCELS

14. COMPOSTING FACILITIES LOCATED ON RESIDENTIAL PROPERTIES AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- NO SETBACK IF PILE HEIGHT IS 4 FT OR LESS WITHIN AN ENCLOSED FRAME OR BIN. FREESTANDING PILES ARE TO BE SET BACK 2.5 FT FOR EACH 1 FT OF PILE HEIGHT.
- MAXIMUM PILE HEIGHTS OF 6 FEET
- MAY ONLY COMPOST PLANT MATERIALS AND FOOD SCRAPS EXCLUDING MEAT, SEAFOOD, AND ANIMAL WASTE.
- FOR SINGLE FAMILY DETACHED LOTS, COMPOSTING AREA LIMITED TO 100 SQ FT FOR LOTS UP TO ONE ACRE PLUS AN ADDITIONAL 100 SQ FT PER ACRE FOR LARGER LOTS UP TO A MAXIMUM OF 500 SQ FT.
- FOR SINGLE FAMILY ATTACHED LOTS, ONLY IN VESSEL COMPOSTING IS ALLOWED AT A SIZE UP TO 100 GALLONS
- COMMUNITY GARDENS MAY NOT EXCEED 10% OF OPEN SPACE UP TO A MAXIMUM OF 500 SQ FT AND MUST BE IN COMPLIANCE WITH ALL HOMEOWNER ASSOCIATION RULES
- TIER 3 MATERIALS (SEWAGE SLUDGE/ BIOSOLIDS, ETC.) MAY NOT BE PROCESSED

15. NATURAL WOOD WASTE FACILITIES (NWWF) LOCATED ON A FARM AS PER STATE OF MARYLAND COMAR 26.04.09 PROVIDED THAT:

- NWWF FACILITIES REQUIRING A STATE OF MARYLAND PERMIT ARE NOT ALLOWED
- MINIMUM PARCEL SIZE OF 3 ACRES
- SIZE LIMITS INCLUDES AREA FOR FEEDSTOCK, PROCESSING AND FINISHED PRODUCT
- LIMITED TO 5% OF FARM AND MAXIMUM OF ONE ACRE
- SETBACKS OF 500 FEET TO SCHOOLS, ADJOINING PROPERTY LINES, STREAMS AND WELLS, WOODLAND BUFFERS
- ADEQUATE WATER SUPPLY AS DESIGNED BY MARYLAND LICENSED FIRE PROTECTION ENGINEER AND APPROVED BY THE OFFICE OF THE FIRE MARSHAL
- FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM PROCESSING HEIGHT OF 8 FEET
- END PRODUCT FOR USE ON THE FARM OR OTHER FARMS OWNED BY THE OPERATOR. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS. THE TRUCKING IN OR OUT,



PROCESSING/ STORING OR SHIPMENT OF FEEDSTOCK MATERIALS OR END PRODUCTS FOR COMMERCIAL PURPOSES OR SALE WILL NOT BE ALLOWED.

-MISTING TO CONTROL DUST AND ELEVATION LESS THAN 25 FEET ABOVE SURROUNDING AREA

-MUST MEET STORMWATER MANAGEMENT REQUIREMENTS

-OPERATING HOURS 7:30 AM TO 4:30 PM MONDAY THROUGH SATURDAY

-NWWR IS NOT ALLOWED ON PRESERVATION PARCELS

### **SECTION 105.0: RR (Rural Residential) District**

#### **B. Uses permitted as a Matter of Right**

The following uses are permitted as a matter of right in the RC District, except that only the uses listed in Section 106.1 shall be permitted on County Preservation Easements AND MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION EASEMENTS (MALPF).

#### **12. COMPOSTING FACILITIES LOCATED ON A FARM AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:**

- MINIMUM PARCEL SIZE 3 ACRES
- MAY OCCUPY UP TO 5% OF THE FARM TO A MAXIMUM OF ONE ACRE FOR TIER 1 COMPOSTING
- MAY OCCUPY UP TO 5% OF THE FARM TO A MAXIMUM OF 3 ACRES FOR TIER 1 AND 2 COMPOSTING WITH A DPZ ADMINISTRATIVE PERMIT (Sec 128.O.I)
- SIZE LIMITS INCLUDES AREA FOR FEEDSTOCK, PROCESSING AND FINISHED COMPOST.
- TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC) MAY NOT BE PROCESSED.
- FOR TYPE 2 FEEDSTOCK, ANIMAL MORTALITY IS LIMITED TO ANIMALS RAISED ON THE FARM AND FOOD SCRAPS ARE LIMITED TO THOSE FROM THE FARM.
- MUST HAVE AND BE IMPLEMENTING A HOWARD COUNTY SOIL CONSERVATION PLAN, AS WELL AS A NUTRIENT MANAGEMENT PLAN IF REQUIRED BY MDA.
- PROPERTY LINE SETBACKS OF 100 FEET FOR FACILITIES UP TO ONE ACRE, 200 FEET FOR FACILITIES OVER 1 ACRE BUT LESS THAN 2 ACRES, 300 FEET FOR FACILITIES OVER 2 ACRES BUT UP TO OR LESS THAN 3 ACRES.
- SETBACK OF 500 FEET FROM RESIDENTIAL STRUCTURES, WOODLAND BUFFERS AND SCHOOLS FOR FACILITIES UP TO 3 ACRES.
- SETBACK OF 100 FEET TO A STREAM OR WELL EXCEPT 200 FEET TO A DOWN GRADIENT DOMESTIC WELL
- FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM COMPOST PROCESSING HEIGHT OF 8 FEET
- MUST MEET HOWARD COUNTY FIRE CODE AND SITE INFORMATION MUST BE SUPPLIED TO HOWARD COUNTY FIRE DEPARTMENT
- MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS
- END PRODUCT FOR USE ON THE FARM OR OTHER FARMS OWNED BY THE OPERATOR. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS. THE TRUCKING IN OR OUT, PROCESSING, STORING OR SHIPMENT OF FEEDSTOCK MATERIALS OR END PRODUCTS FOR COMMERCIAL PURPOSES OR SALE WILL NOT BE ALLOWED.
- HOURS OF OPERATION LIMITED TO 7 AM TO 6 PM MONDAY THROUGH SATURDAY
- COMPOSTING IS NOT ALLOWED ON CLUSTER SUBDIVISION PRESERVATION PARCELS

13. COMPOSTING FACILITIES LOCATED ON RESIDENTIAL PROPERTIES AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- NO SETBACK IF PILE HEIGHT IS 4 FT OR LESS WITHIN AN ENCLOSED FRAME OR BIN. FREESTANDING PILES ARE TO BE SET BACK 2.5 FT FOR EACH 1 FT OF PILE HEIGHT.
- MAXIMUM PILE HEIGHTS OF 6 FEET
- MAY ONLY COMPOST PLANT MATERIALS AND FOOD SCRAPS EXCLUDING MEAT, SEAFOOD, AND ANIMAL WASTE.
- FOR SINGLE FAMILY DETACHED LOTS, COMPOSTING AREA LIMITED TO 100 SQ FT FOR LOTS UP TO ONE ACRE PLUS AN ADDITIONAL 100 SQ FT PER ACRE FOR LARGER LOTS UP TO A MAXIMUM OF 500 SQ FT.
- FOR SINGLE FAMILY ATTACHED LOTS, ONLY IN VESSEL COMPOSTING IS ALLOWED AT A SIZE UP TO 100 GALLONS
- COMMUNITY GARDENS MAY NOT EXCEED 10% OF OPEN SPACE UP TO A MAXIMUM OF 500 SQ FT AND MUST BE IN COMPLIANCE WITH ALL HOMEOWNER ASSOCIATION RULES
- TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC.) MAY NOT BE PROCESSED

14. NATURAL WOOD WASTE FACILITIES (NWWR) LOCATED ON A FARM AS PER STATE OF MARYLAND COMAR 26.04.09 PROVIDED THAT:

- NWWR FACILITIES REQUIRING A STATE OF MARYLAND PERMIT ARE NOT ALLOWED
- MINIMUM PARCEL SIZE OF 3 ACRES
- SIZE LIMITS INCLUDES AREA FOR FEEDSTOCK, PROCESSING AND FINISHED PRODUCT LIMITED TO 5% OF FARM AND MAXIMUM OF ONE ACRE
- SETBACKS OF 500 FEET TO SCHOOLS, ADJOINING PROPERTY LINES, STREAMS AND WELLS, WOODLAND BUFFERS
- ADEQUATE WATER SUPPLY AS DESIGNED BY MARYLAND LICENSED FIRE PROTECTION ENGINEER AND APPROVED BY THE OFFICE OF THE FIRE MARSHAL
- FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM PROCESSING HEIGHT OF 8 FEET
- END PRODUCT FOR USE ON THE FARM OR OTHER FARMS OWNED BY THE OPERATOR. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS. THE TRUCKING IN OR OUT, PROCESSING, STORING OR SHIPMENT OF FEEDSTOCK MATERIALS OR END PRODUCTS FOR COMMERCIAL PURPOSES OR SALE WILL NOT BE ALLOWED.
- MISTING TO CONTROL DUST AND ELEVATION LESS THAN 25 FEET ABOVE SURROUNDING AREA
- MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS
- OPERATING HOURS 7:30 AM TO 4:30 PM MONDAY THROUGH SATURDAY
- NWWR IS NOT ALLOWED ON CLUSTER SUBDIVISION PRESERVATION PARCELS

### **SECTION 106.1: County Preservation Easements**

B. Uses Permitted as a Matter of Right

1. ALPP Purchased Easements and ALPP Dedicated Easements AND MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION (MALPF) EASEMENTS

H. COMPOSTING FACILITIES LOCATED ON A FARM AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- MINIMUM PARCEL SIZE 3 ACRES
- MAY OCCUPY UP TO 5% OF THE FARM TO A MAXIMUM OF ONE ACRE FOR TIER 1 COMPOSTING
- MAY OCCUPY UP TO 5% OF THE FARM TO A MAXIMUM OF 3 ACRES FOR TIER 1 AND 2 COMPOSTING WITH A DPZ ADMINISTRATIVE PERMIT (Sec 128.O.1)
- SIZE LIMITS INCLUDES AREA FOR FEEDSTOCK, PROCESSING AND FINISHED COMPOST.
- TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC.) MAY NOT BE PROCESSED.
- FOR TYPE 2 FEEDSTOCK, ANIMAL MORTALITY IS LIMITED TO ANIMALS RAISED ON THE FARM AND FOOD SCRAPS ARE LIMITED TO THOSE FROM THE FARM.
- MUST HAVE AND BE IMPLEMENTING A HOWARD COUNTY SOIL CONSERVATION PLAN, AS WELL AS A NUTRIENT MANAGEMENT PLAN IF REQUIRED BY MDA.
- PROPERTY LINE SETBACKS OF 100 FEET FOR FACILITIES UP TO ONE ACRE, 200 FEET FOR FACILITIES OVER 1 ACRE BUT LESS THAN 2 ACRES, 300 FEET FOR FACILITIES OVER 2 ACRES BUT UP TO OR LESS THAN 3 ACRES.
- SETBACK OF 500 FEET FROM RESIDENTIAL STRUCTURES, WOODLAND BUFFERS AND SCHOOLS FOR FACILITIES UP TO 3 ACRES.
- SETBACK OF 100 FEET TO A STREAM OR WELL EXCEPT 200 FEET TO A DOWN GRADIENT DOMESTIC WELL
- FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM COMPOST PROCESSING HEIGHT OF 8 FEET
- MUST MEET HOWARD COUNTY FIRE CODE AND SITE INFORMATION MUST BE SUPPLIED TO HOWARD COUNTY FIRE DEPARTMENT
- MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS
- END PRODUCT FOR USE ON THE FARM OR OTHER FARMS OWNED BY THE OPERATOR. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS. THE TRUCKING IN OR OUT, PROCESSING, STORING OR SHIPMENT OF FEEDSTOCK MATERIALS OR END PRODUCTS FOR COMMERCIAL PURPOSES OR SALE WILL NOT BE ALLOWED.
- HOURS OF OPERATION LIMITED TO 7 AM TO 6 PM MONDAY THROUGH SATURDAY
- COMPOSTING IS NOT ALLOWED ON CLUSTER SUBDIVISION PRESERVATION PARCELS

I. NATURAL WOOD WASTE FACILITIES (NWWF) LOCATED ON A FARM AS PER STATE OF MARYLAND COMAR 26.04.09 PROVIDED THAT:

- NWWF FACILITIES REQUIRING A STATE OF MARYLAND PERMIT ARE NOT ALLOWED
- MINIMUM PARCEL SIZE OF 3 ACRES
- SIZE LIMITS INCLUDES AREA FOR FEEDSTOCK, PROCESSING AND FINISHED PRODUCT LIMITED TO 5% OF FARM AND MAXIMUM OF ONE ACRE
- SETBACKS OF 500 FEET TO SCHOOLS, ADJOINING PROPERTY LINES, STREAMS AND WELLS, WOODLAND BUFFERS
- ADEQUATE WATER SUPPLY AS DESIGNED BY MARYLAND LICENSED FIRE PROTECTION ENGINEER AND APPROVED BY THE OFFICE OF THE FIRE MARSHAL
- FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM PROCESSING HEIGHT OF 8 FEET
- END PRODUCT FOR USE ON THE FARM OR OTHER FARMS OWNED BY THE OPERATOR. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS. THE TRUCKING IN OR OUT, PROCESSING, STORING OR SHIPMENT OF FEEDSTOCK MATERIALS OR END PRODUCTS FOR COMMERCIAL PURPOSES OR SALE WILL NOT BE ALLOWED.

- MISTING TO CONTROL DUST AND ELEVATION LESS THAN 25 FEET ABOVE SURROUNDING AREA
  - MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS
  - OPERATING HOURS 7:30 AM TO 4:30 PM MONDAY THROUGH SATURDAY
  - NWWR IS NOT ALLOWED ON CLUSTER SUBDIVISION PRESERVATION PARCELS
2. Other Dedicated Easements

I. COMPOSTING FACILITIES LOCATED ON A FARM AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- MINIMUM PARCEL SIZE 3 ACRES
- MAY OCCUPY UP TO 5% OF THE FARM TO A MAXIMUM OF ONE ACRE FOR TIER 1 COMPOSTING
- MAY OCCUPY UP TO 5% OF THE FARM TO A MAXIMUM OF 3 ACRES FOR TIER 1 AND 2 COMPOSTING WITH A DPZ ADMINISTRATIVE PERMIT (Sec 128.O.I)
- SIZE LIMITS INCLUDES AREA FOR FEEDSTOCK, PROCESSING AND FINISHED COMPOST.
- TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC) MAY NOT BE PROCESSED.
- FOR TYPE 2 FEEDSTOCK, ANIMAL MORTALITY IS LIMITED TO ANIMALS RAISED ON THE FARM AND FOOD SCRAPS ARE LIMITED TO THOSE FROM THE FARM.
- MUST HAVE AND BE IMPLEMENTING A HOWARD COUNTY SOIL CONSERVATION PLAN, AS WELL AS A NUTRIENT MANAGEMENT PLAN IF REQUIRED BY MDA.
- PROPERTY LINE SETBACKS OF 100 FEET FOR FACILITIES UP TO ONE ACRE, 200 FEET FOR FACILITIES OVER 1 ACRE BUT LESS THAN 2 ACRES, 300 FEET FOR FACILITIES OVER 2 ACRES BUT UP TO OR LESS THAN 3 ACRES.
- SETBACK OF 500 FEET FROM RESIDENTIAL STRUCTURES, WOODLAND BUFFERS AND SCHOOLS FOR FACILITIES UP TO 3 ACRES.
- SETBACK OF 100 FEET TO A STREAM OR WELL EXCEPT 200 FEET TO A DOWN GRADIENT DOMESTIC WELL
- FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM COMPOST PROCESSING HEIGHT OF 8 FEET
- MUST MEET HOWARD COUNTY FIRE CODE AND SITE INFORMATION MUST BE SUPPLIED TO HOWARD COUNTY FIRE DEPARTMENT
- MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS
- END PRODUCT FOR USE ON THE FARM OR OTHER FARMS OWNED BY THE OPERATOR. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS. THE TRUCKING IN OR OUT, PROCESSING, STORING OR SHIPMENT OF FEEDSTOCK MATERIALS OR END PRODUCTS FOR COMMERCIAL PURPOSES OR SALE WILL NOT BE ALLOWED.
- HOURS OF OPERATION LIMITED TO 7 AM TO 6 PM MONDAY THROUGH SATURDAY
- COMPOSTING IS NOT ALLOWED ON CLUSTER SUBDIVISION PRESERVATION PARCELS

J. NATURAL WOOD WASTE FACILITIES (NWWR) LOCATED ON A FARM AS PER STATE OF MARYLAND COMAR 26.04.09 PROVIDED THAT:

- NWWR FACILITIES REQUIRING A STATE OF MARYLAND PERMIT ARE NOT ALLOWED
- MINIMUM PARCEL SIZE OF 3 ACRES
- SIZE LIMITS INCLUDES AREA FOR FEEDSTOCK, PROCESSING AND FINISHED PRODUCT LIMITED TO 5% OF FARM AND MAXIMUM OF ONE ACRE
- SETBACKS OF 500 FEET TO SCHOOLS, ADJOINING PROPERTY LINES, STREAMS AND WELLS, WOODLAND BUFFERS

- ADEQUATE WATER SUPPLY AS DESIGNED BY MARYLAND LICENSED FIRE PROTECTION ENGINEER AND APPROVED BY THE OFFICE OF THE FIRE MARSHAL
- FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM PROCESSING HEIGHT OF 8 FEET
- END PRODUCT FOR USE ON THE FARM OR OTHER FARMS OWNED BY THE OPERATOR. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS. THE TRUCKING IN OR OUT, PROCESSING, STORING OR SHIPMENT OF FEEDSTOCK MATERIALS OR END PRODUCTS FOR COMMERCIAL PURPOSES OR SALE WILL NOT BE ALLOWED.
- MISTING TO CONTROL DUST AND ELEVATION LESS THAN 25 FEET ABOVE SURROUNDING AREA
- MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS
- OPERATING HOURS 7:30 AM TO 4:30 PM MONDAY THROUGH SATURDAY
- NWR IS NOT ALLOWED ON CLUSTER SUBDIVISION PRESERVATION PARCELS

**SECTION 108.0: R-20 (Residential: Single) District**

B. Uses Permitted as a Matter of Right

12. COMPOSTING FACILITIES LOCATED ON RESIDENTIAL PROPERTIES AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- NO SETBACK IF PILE HEIGHT IS 4 FT OR LESS WITHIN AN ENCLOSED FRAME OR BIN. FREESTANDING PILES ARE TO BE SET BACK 2.5 FT FOR EACH 1 FT OF PILE HEIGHT.
- MAXIMUM PILE HEIGHTS OF 6 FEET
- MAY ONLY COMPOST PLANT MATERIALS AND FOOD SCRAPS EXCLUDING MEAT, SEAFOOD, AND ANIMAL WASTE.
- FOR SINGLE FAMILY DETACHED LOTS, COMPOSTING AREA LIMITED TO 100 SQ FT FOR LOTS UP TO ONE ACRE PLUS AN ADDITIONAL 100 SQ FT PER ACRE FOR LARGER LOTS UP TO A MAXIMUM OF 500 SQ FT.
- FOR SINGLE FAMILY ATTACHED LOTS, ONLY IN VESSEL COMPOSTING IS ALLOWED AT A SIZE UP TO 100 GALLONS
- COMMUNITY GARDENS MAY NOT EXCEED 10% OF OPEN SPACE UP TO A MAXIMUM OF 500 SQ FT AND MUST BE IN COMPLIANCE WITH ALL HOMEOWNER ASSOCIATION RULES
- TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC.) MAY NOT BE PROCESSED

**SECTION 109.0: R-12 (Residential: Single) District**

B. Uses Permitted as a Matter of Right

14. COMPOSTING FACILITIES LOCATED ON RESIDENTIAL PROPERTIES AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- NO SETBACK IF PILE HEIGHT IS 4 FT OR LESS WITHIN AN ENCLOSED FRAME OR BIN. FREESTANDING PILES ARE TO BE SET BACK 2.5 FT FOR EACH 1 FT OF PILE HEIGHT.
- MAXIMUM PILE HEIGHTS OF 6 FEET
- MAY ONLY COMPOST PLANT MATERIALS AND FOOD SCRAPS EXCLUDING MEAT, SEAFOOD, AND ANIMAL WASTE.
- FOR SINGLE FAMILY DETACHED LOTS, COMPOSTING AREA LIMITED TO 100 SQ FT FOR LOTS UP TO ONE ACRE PLUS AN ADDITIONAL 100 SQ FT PER ACRE FOR LARGER LOTS UP TO A MAXIMUM OF 500 SQ FT.
- FOR SINGLE FAMILY ATTACHED LOTS, ONLY IN VESSEL COMPOSTING IS ALLOWED AT A SIZE UP TO 100 GALLONS
- COMMUNITY GARDENS MAY NOT EXCEED 10% OF OPEN SPACE UP TO A MAXIMUM OF 500 SQ FT AND MUST BE IN COMPLIANCE WITH ALL HOMEOWNER ASSOCIATION RULES
- TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC.) MAY NOT BE PROCESSED

**SECTION 110.0: R-SC (Residential: Single Cluster) District**

B. Uses Permitted as a Matter of Right

14. COMPOSTING FACILITIES LOCATED ON RESIDENTIAL PROPERTIES AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- NO SETBACK IF PILE HEIGHT IS 4 FT OR LESS WITHIN AN ENCLOSED FRAME OR BIN. FREESTANDING PILES ARE TO BE SET BACK 2.5 FT FOR EACH 1 FT OF PILE HEIGHT.
- MAXIMUM PILE HEIGHTS OF 6 FEET
- MAY ONLY COMPOST PLANT MATERIALS AND FOOD SCRAPS EXCLUDING MEAT, SEAFOOD, AND ANIMAL WASTE.
- FOR SINGLE FAMILY DETACHED LOTS, COMPOSTING AREA LIMITED TO 100 SQ FT FOR LOTS UP TO ONE ACRE PLUS AN ADDITIONAL 100 SQ FT PER ACRE FOR LARGER LOTS UP TO A MAXIMUM OF 500 SQ FT.
- FOR SINGLE FAMILY ATTACHED LOTS, ONLY IN VESSEL COMPOSTING IS ALLOWED AT A SIZE UP TO 100 GALLONS
- COMMUNITY GARDENS MAY NOT EXCEED 10% OF OPEN SPACE UP TO A MAXIMUM OF 500 SQ FT AND MUST BE IN COMPLIANCE WITH ALL HOMEOWNER ASSOCIATION RULES
- TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC.) MAY NOT BE PROCESSED

**SECTION 111.0: R-SA-8 (Residential: Single Attached) District**

B. Uses Permitted as a Matter of Right

14. COMPOSTING FACILITIES LOCATED ON RESIDENTIAL PROPERTIES AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- MAY ONLY COMPOST PLANT MATERIALS AND FOOD SCRAPS EXCLUDING MEAT, SEAFOOD, AND ANIMAL WASTE.
- FOR SINGLE FAMILY ATTACHED LOTS, ONLY IN VESSEL COMPOSTING IS ALLOWED AT A SIZE UP TO 100 GALLONS
- TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC.) MAY NOT BE PROCESSED

**SECTION 122.0: M-1 (Manufacturing: Light) District**

B. Used Permitted as a Matter of Right

[[37. Mulch Manufacture]]

**SECTION 124.0: SW (Solid Waste) Overlay District**

B. Used Permitted as a Matter of Right if the Underlying District is M2.

5) TIER 3 COMPOSTING FACILITIES AS PER STATE OF MARYLAND COMAR 26.04.11

**SECTION 128.0: Supplementary Zoning District Regulations**

Contents:

I. Permits for special farm uses

1. Value-added agricultural processing
2. Value-added agricultural processing with on-site sales
3. Farm stands
4. Pick-your-own enterprises
5. Agritourism enterprises
6. Community supported agriculture (CSA)
7. Food hubs
8. Riding academies and stables
9. TIER 1 AND 2 COMPOSTING FACILITIES UP TO THREE ACRES AS PER STATE OF MARYLAND COMAR 26.04.11 AMMENDED AS PER SECTION 128.0.I

9. TIER 1 AMD 2 COMPOSTING FACILITIES UP TO THREE ACRES AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- MINIMUM PARCEL SIZE 3 ACRES
- MAY OCCUPY UP TO 5% OF THE FARM TO A MAXIMUM OF 3 ACRES. SIZE LIMIT INCLUDES AREA FOR FEEDSTOCK, PROCESSING AND FINISHED COMPOST.
- TIER 1 AND 2 MATERIALS ONLY. TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC.) MAY NOT BE PROCESSED.
- FOR TYPE 2 FEEDSTOCK, ANIMAL MORTALITY IS LIMITED TO ANIMALS RAISED ON THE FARM AND FOOD SCRAPS ARE LIMITED TO THOSE FROM THE FARM.
- MUST HAVE AND BE IMPLEMENTING A HOWARD COUNTY SOIL CONSERVATION PLAN, AS WELL AS A NUTRIENT MANAGEMENT PLAN IF REQUIRED BY MDA.
- PROPERTY LINE SETBACKS OF 100 FEET FOR FACILITIES UP TO ONE ACRE, 200 FEET FOR FACILITIES OVER 1 ACRE BUT LESS THAN 2 ACRES, 300 FEET FOR FACILITIES OVER 2 ACRES BUT UP TO OR LESS THAN 3 ACRES

- SETBACK OF 500 FEET FROM RESIDENTIAL STRUCTURES, WOODLAND BUFFERS AND SCHOOLS FOR FACILITIES UP TO 3 ACRES.
- SETBACK OF 200 FEET TO A STREAM OR WELL EXCEPT 300 FEET TO A DOWN GRADIENT DOMESTIC WELL
- FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM COMPOST PROCESSING HEIGHT OF 8 FEET
- MUST MEET HOWARD COUNTY FIRE CODE AND SITE INFORMATION MUST BE SUPPLIED TO HOWARD COUNTY FIRE DEPARTMENT
- MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS
- END PRODUCT FOR USE ON THE FARM OR OTHER FARMS OWNED BY THE OPERATOR. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS. THE TRUCKING IN OR OUT, PROCESSING, STORING OR SHIPMENT OF FEEDSTOCK MATERIALS OR END PRODUCTS FOR COMMERCIAL PURPOSES OR SALE WILL NOT BE ALLOWED.
- HOURS OF OPERATION LIMITED TO 7 AM TO 6 PM MONDAY THROUGH SATURDAY
- COMPOSTING FACILITY DESIGN MEETS USDA NRCS STANDARD 317
- MEASURES TAKEN TO CONTROL SMELL AT NEIGHBORING PROPERTIES

**SECTION 131.0: Conditional Uses**

**N. Conditional Uses and Permissible Zoning Districts**

N. Conditional Uses and Permissible Zoning Districts

*UPDATE CHART UNDER CONDITIONAL USE AND ZONING DISTRICT COLUMNS AS FOLLOWS:*

[[Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing – RR, RC]]

SAWMILLS AND BULK FIREWOOD PROCESSING - RR, RC

TIER 1 AND 2 COMPOSTING FACILITIES OVER 3 ACRES – M1, M2

NATURAL WOOD WASTE RECYCLING FACILITIES OVER 1 ACRE – M1, M2

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria. *(Renumber sections accordingly to be in alphabetical order)*

[[46. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing

A Conditional Use may be granted in the RC or RR Districts for sawmills, bulk firewood processing, mulch manufacture, or soil processing provided that:]]

**46. SAWMILLS AND BULK FIREWOOD PROCESSING**

**A CONDITIONAL USE MAY BE GRANTED IN THE RC OR RR DISTRICTS FOR SAWMILLS AND BULK FIREWOOD PROCESSING PROVIDED THAT:**

[[60. Yard Waste Composting Facility

A Conditional Use may be granted in the RC, RR, or M-1 Districts for a Yard Waste Composting Facility, provided that:



- a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree and other vegetative refuse including tree stumps, limbs and root mats) shall be received for composting on the site.
- b. All required State and Federal permits have been obtained. The Hearing Authority, as a condition of approval, may impose requirements which are more stringent than the requirements of the State and Federal permits.
- c. In addition to the bulk regulations of the applicable zoning district, the following structure and use setbacks shall apply:
  - (1) From and existing residence on a different lot.....500 Feet
  - (2) From adjacent residentially-zoned lots.....300 Feet
  - (3) From public street rights-of-way.....100 Feet
  - (4) From existing streams and wetlands.....100 Feet
- d. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.
- e. The operation shall not result in odors which are detectable on surrounding properties.
- f. The operation shall be conducted in a safe and environmentally sound manner, as prescribed by law or regulations and with respect to the likelihood of hazard to persons or damage to lands, natural resources, streets, bridges, and public rights-of-way.
- g. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.
- h. The facility shall be maintained in a clean and sanitary condition. Areas where yard waste or compost is processed, loaded, or unloaded shall be designed and constructed to drain freely to prevent the accumulation of standing liquid.
- i. All liquid, including leachate and storm water runoff, generated from the composting facility shall be collected and treated prior to disposal, in accordance with applicable regulations.
- j. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to equipment and improvements.
- k. On-site retail sales of finished compost shall be permitted if specifically approved by the Hearing Authority.
- l. The structural elements of the roads serving the site shall be adequate for the truck traffic to be generated by the composting facility. The petition shall include a road condition study to allow the Hearing Authority to make this determination.
- m. The Conditional Use Plan submitted with the petition shall show the following:
  - (1) Survey boundaries of the subject property.
  - (2) Existing natural features including streams, ponds, springs, and wetlands.
  - (3) Existing and proposed topography.
  - (4) Setback and buffer area, including type of screening and fencing.
  - (5) Portion of tract to be used for composting operations, including the location and layout of:
    - a. Yard waste unloading, receiving and storage areas;
    - b. Yard waste processing areas, including areas for grinding, screening, mixing and other operations to prepare yard waste for composting;
    - c. Composting areas;

- d. Compost curing areas;
  - e. Compost final product preparation areas (screening and other operations); and
  - f. Finished compost storage and loading areas.
- (6) Existing and proposed structures and major mechanical equipment.
  - (7) Existing and proposed access driveways.
  - (8) Water supply (including quantity requirements) and sewage disposal.
  - (9) Storm water management facilities for quantity and quality control.
  - (10) Facilities for storage and treatment of leachate and any other liquids generated by the operation.
  - (11) Other existing or proposed uses on the site.

n. An operation plan shall be submitted by the applicant to enable the Hearing Authority to evaluate the potential impacts of the proposed use. If the petition is approved, substantial changes to the operations plan shall not be implemented without prior approval of the Hearing Authority. The plan shall provide the following information:

- (1) Types, anticipated quantities and sources of yard waste.
- (2) Methods by which unacceptable wastes delivered to the facility will be identified, segregated, and handled for removal and disposal.
- (3) Off-site location where unacceptable wastes delivered to the composting facility will be disposed of.
- (4) Methods by which waste quantities delivered will be determined including weighing facilities to be provided.
- (5) A description of major items of equipment and associated capacities.
- (6) A description of proposed buildings and pads for storage, composting and processing.
- (7) A description of yard waste delivery methods and requirements.
- (8) A description of incoming yard waste handling and processing methods, including processing capacity and storage volume to be provided.
- (9) A description of the composting process to be utilized including composting capacity to be provided, composting technology, required composting time, and assurance of acceptable level of pathogen reduction.
- (10) A description of compost curing, handing and processing methods including processing capacity and storage volume to be provided.
- (11) A description of finished compost storage, distribution and delivery methods and requirements.
- (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation; methods of insuring public safety; methods of preventing and, if necessary, controlling fires; and methods of collecting and treating liquids generated by the use.
- (13) Procedures for cleaning and maintaining the appearance of the facility, including collection of litter and waste which falls from transport vehicles in the vicinity of the site, including adjacent private properties and public roads.

o. A rehabilitation plan shall be submitted at the time of the Conditional Use application for approval by the Hearing Authority. The plan shall provide for the following minimum rehabilitation program:

- (1) All structures and machinery shall be completely removed and underlying excavations filled to grade and planted in grass except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
- (2) All impervious surfaces shall be removed and properly disposed of. The areas from which the surfaces are removed shall be backfilled with suitable soil and regarded as necessary to provide adequate drainage. All such areas shall be planted in grass which shall be maintained through one year's growth.
- (3) All yard waste, composting material, and finished compost shall be removed from the site and shall be disposed of in conformance with applicable laws or regulations.
- (4) All access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles used in the rehabilitation work, until the plan for rehabilitation has been completed and a different use necessitating access has commenced on the property]]

## 60. COMPOSTING FACILITY

A CONDITIONAL USE MAY BE GRANTED IN THE M1 OR M2 DISTRICTS FOR A COMPOSTING FACILITY OVER 3 ACRES AS PER STATE OF MARYLAND COMAR 26.04.11 PROVIDED THAT:

- A. ONLY TIER 1 AND 2 MATERIALS ARE PROCESSED. TIER 3 MATERIALS (SEWAGE SLUDGE, BIOSOLIDS, ETC.) MAY NOT BE PROCESSED.
- B. ALL REQUIRED STATE AND FEDERAL PERMITS HAVE BEEN OBTAINED. THE HEARING AUTHORITY, AS A CONDITION OF APPROVAL, MAY IMPOSE REQUIREMENTS WHICH ARE MORE STRINGENT THAN THE REQUIREMENTS OF THE STATE AND FEDERAL PERMITS.
- C. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:
  - o (1) FROM AND EXISTING RESIDENCE ON A DIFFERENT LOT.....500 FEET
  - o (2) FROM ADJACENT RESIDENTIALLY-ZONED LOTS.....500 FEET
  - o (3) FROM PUBLIC STREET RIGHTS-OF-WAY.....100 FEET
  - o (4) FROM EXISTING STREAMS AND WETLANDS AND WOODLAND BUFFERS...500 FEET
- D. A LANDSCAPED BUFFER AREA WITH A MINIMUM WIDTH OF 100 FEET SHALL BE MAINTAINED AROUND THE PERIMETER OF THE SITE. THE LANDSCAPED BUFFER SHALL BE USED ONLY FOR PLANTING, FENCING, AND DRIVEWAYS FOR INGRESS AND EGRESS TO THE SITE.
- E. THE OPERATION SHALL NOT RESULT IN ODORS WHICH ARE DETECTABLE ON SURROUNDING PROPERTIES.
- F. THE OPERATION SHALL BE CONDUCTED IN A SAFE AND ENVIRONMENTALLY SOUND MANNER, AS PRESCRIBED BY LAW OF REGULATIONS AND WITH RESPECT TO THE LIKELIHOOD OF HAZARD TO PERSONS OR DAMAGE TO LANDS, NATURAL RESOURCES, STREETS, BRIDGES, AND PUBLIC RIGHTS-OF-WAY.
- G. THE OPERATION SHALL BE CONDUCTED IN A MANNER WHICH WILL PREVENT INSECT AND/OR RODENT INFESTATION.
- H. THE FACILITY SHALL BE MAINTAINED IN A CLEAN AND SANITARY CONDITION. AREAS WHERE COMPOST IS PROCESSED, LOADED, OR UNLOADED SHALL BE DESIGNED AND CONSTRUCTED TO DRAIN FREELY TO PREVENT THE ACCUMULATION OF STANDING LIQUID.
- I. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE COMPOSTING FACILITY SHALL BE COLLECTED AND TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH APPLICABLE REGULATIONS.
- J. ON-SITE RETAIL SALES OF FINISHED COMPOST SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.
- K. THE STRUCTURAL ELEMENTS OF THE ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED BY THE COMPOSTING FACILITY. THE PETITION SHALL INCLUDE A ROAD CONDITION AND TRAFFIC STUDY TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.

- L. THE CONDITIONAL USE PLAN SUBMITTED WITH THE PETITION SHALL SHOW THE FOLLOWING:
  - o (1) SURVEY BOUNDARIES OF THE SUBJECT PROPERTY.
  - o (2) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS, AND WETLANDS.
  - o (3) EXISTING AND PROPOSED TOPOGRAPHY.
  - o (4) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
  - o (5) PORTION OF TRACT TO BE USED FOR COMPOSTING OPERATIONS, INCLUDING THE LOCATION AND LAYOUT OF:
    - A. FEEDSTOCK UNLOADING, RECEIVING AND STORAGE AREAS;
    - B. COMPOST PROCESSING AREAS, INCLUDING AREAS FOR GRINDING, SCREENING, MIXING AND OTHER OPERATIONS TO PREPARE YARD WASTE FOR COMPOSTING;
    - C. COMPOSTING AREAS;
    - D. COMPOST CURING AREAS;
    - E. COMPOST FINAL PRODUCT PREPARATION AREAS (SCREENING AND OTHER OPERATIONS); AND
    - F. FINISHED COMPOST STORAGE AND LOADING AREAS.
  - (6) EXISTING AND PROPOSED STRUCTURES AND MAJOR MECHANICAL EQUIPMENT.
  - (7) EXISTING AND PROPOSED ACCESS DRIVEWAYS.
  - (8) WATER SUPPLY (INCLUDING QUANTITY REQUIREMENTS) AND SEWAGE DISPOSAL.
  - (9) STORM WATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.
  - (10) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS GENERATED BY THE OPERATION.
  - (11) OTHER EXISTING OR PROPOSED USES ON THE SITE.
- N. AN OPERATION PLAN SHALL BE SUBMITTED BY THE APPLICANT TO ENABLE THE HEARING AUTHORITY TO EVALUATE THE POTENTIAL IMPACTS OF THE PROPOSED USE. IF THE PETITION IS APPROVED, SUBSTANTIAL CHANGES TO THE OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE THE FOLLOWING INFORMATION:
  - o (1) TYPES, ANTICIPATED QUANTITIES AND SOURCES OF FEEDSTOCK.
  - o (2) METHODS BY WHICH UNACCEPTABLE WASTES DELIVERED TO THE FACILITY WILL BE IDENTIFIED, SEGREGATED, AND HANDLED FOR REMOVAL AND DISPOSAL.
  - o (3) OFF-SITE LOCATION WHERE UNACCEPTABLE WASTES DELIVERED TO THE COMPOSTING FACILITY WILL BE DISPOSED OF.
  - o (4) METHODS BY WHICH WASTE QUANTITIES DELIVERED WILL BE DETERMINED INCLUDING WEIGHING FACILITIES TO BE PROVIDED.
  - o (5) A DESCRIPTION OF MAJOR ITEMS OF EQUIPMENT AND ASSOCIATED CAPACITIES.
  - o (6) A DESCRIPTION OF PROPOSED BUILDINGS AND PADS FOR STORAGE, COMPOSTING AND PROCESSING.
  - o (7) A DESCRIPTION OF FEEDSTOCK DELIVERY METHODS AND REQUIREMENTS.
  - o (8) A DESCRIPTION OF INCOMING FEEDSTOCK HANDLING AND PROCESSING METHODS, INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.
  - o (9) A DESCRIPTION OF THE COMPOSTING PROCESS TO BE UTILIZED INCLUDING COMPOSTING CAPACITY TO BE PROVIDED, COMPOSTING TECHNOLOGY, REQUIRED COMPOSTING TIME, AND ASSURANCE OF ACCEPTABLE LEVEL OF PATHOGEN REDUCTION.
  - o (10) A DESCRIPTION OF COMPOST CURING, HANDING AND PROCESSING METHODS INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.

- (11) A DESCRIPTION OF FINISHED COMPOST STORAGE, DISTRIBUTION AND DELIVERY METHODS AND REQUIREMENTS.
- (12) METHODS OF CONTROLLING ODORS, DUST, LITTER, NOISE, AND INSECT OR RODENT INFESTATION; METHODS OF INSURING PUBLIC SAFETY; METHODS OF PREVENTING AND, IF NECESSARY, CONTROLLING FIRES; AND METHODS OF COLLECTING AND TREATING LIQUIDS GENERATED BY THE USE.
- (13) PROCEDURES FOR CLEANING AND MAINTAINING THE APPEARANCE OF THE FACILITY, INCLUDING COLLECTION OF LITTER AND WASTE WHICH FALLS FROM TRANSPORT VEHICLES IN THE VICINITY OF THE SITE, INCLUDING ADJACENT PRIVATE PROPERTIES AND PUBLIC ROADS.

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- O. A REHABILITATION PLAN SHALL BE SUBMITTED AT THE TIME OF THE CONDITIONAL USE APPLICATION FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING MINIMUM REHABILITATION PROGRAM:

-

- (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND UNDERLYING EXCAVATIONS FILLED TO GRADE AND PLANTED IN GRASS EXCEPT STRUCTURES OR MACHINERY THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING CLASSIFICATION.
- (2) ALL IMPERVIOUS SURFACES SHALL BE REMOVED AND PROPERLY DISPOSED OF. THE AREAS FROM WHICH THE SURFACES ARE REMOVED SHALL BE BACKFILLED WITH SUITABLE SOIL AND REGARDED AS NECESSARY TO PROVIDE ADEQUATE DRAINAGE. ALL SUCH AREAS SHALL BE PLANTED IN GRASS WHICH SHALL BE MAINTAINED THROUGH ONE YEAR'S GROWTH.
- (3) ALL FEEDSTOCK, COMPOSTING MATERIAL, AND FINISHED COMPOST SHALL BE REMOVED FROM THE SITE AND SHALL BE DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS OR REGULATIONS.
- (4) ALL ACCESS ROADS SHALL BE SUITABLY BARRICADED TO PREVENT THE PASSAGE OF VEHICLES EITHER INTO OR OUT OF THE ABANDONED AREA, EXCEPT SUCH ACCESS AS NEEDED FOR VEHICLES USED IN THE REHABILITATION WORK, UNTIL THE PLAN FOR REHABILITATION HAS BEEN COMPLETED AND A DIFFERENT USE NECESSITATING ACCESS HAS COMMENCED ON THE PROPERTY

- P. FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE

- Q. MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM COMPOST PROCESSING HEIGHT OF 8 FEET

- R. MUST MEET HOWARD COUNTY FIRE CODE AND SITE INFORMATION MUST BE SUPPLIED TO HOWARD COUNTY FIRE DEPARTMENT

- S. MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS

#### 61. NATURAL WOOD WASTE RECYCLING FACILITIES (NWWR)

A CONDITIONAL USE MAY BE GRANTED IN THE M1 OR M2 DISTRICTS FOR A NATURAL WOOD WASTE RECYCLING (NWWR) FACILITY OVER 1 ACRE PROVIDED THAT:

- C. ALL REQUIRED STATE AND FEDERAL PERMITS HAVE BEEN OBTAINED. THE HEARING AUTHORITY, AS A CONDITION OF APPROVAL, MAY IMPOSE REQUIREMENTS WHICH ARE MORE STRINGENT THAN THE REQUIREMENTS OF THE STATE AND FEDERAL PERMITS.

- D. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:
  - o (1) FROM AND EXISTING RESIDENCE ON A DIFFERENT LOT.....500 FEET
  - o (2) FROM ADJACENT RESIDENTIALLY-ZONED LOTS.....500 FEET
  - o (3) FROM PUBLIC STREET RIGHTS-OF-WAY.....100 FEET
  - o (4) FROM EXISTING STREAMS AND WETLANDS AND WOODLAND BUFFERS....500 FEET
  
- E. A LANDSCAPED BUFFER AREA WITH A MINIMUM WIDTH OF 100 FEET SHALL BE MAINTAINED AROUND THE PERIMETER OF THE SITE. THE LANDSCAPED BUFFER SHALL BE USED ONLY FOR PLANTING, FENCING, AND DRIVEWAYS FOR INGRESS AND EGRESS TO THE SITE.
  
- F. THE OPERATION SHALL NOTE RESULT IN ODORS WHICH ARE DETECTABLE ON SURROUNDING PROPERTIES.
  
- G. THE OPERATION SHALL BE CONDUCTED IN A SAFE AND ENVIRONMENTALLY SOUND MANNER, AS PRESCRIBED BY LAW OF REGULATIONS AND WITH RESPECT TO THE LIKELIHOOD OF HAZARD TO PERSONS OR DAMAGE TO LANDS, NATURAL RESOURCES, STREETS, BRIDGES, AND PUBLIC RIGHTS-OF-WAY.
  
- H. THE OPERATION SHALL BE CONDUCTED IN A MANNER WHICH WILL PREVENT INSECT AND/OR RODENT INFESTATION.
  
- I. THE FACILITY SHALL BE MAINTAINED IN A CLEAN AND SANITARY CONDITION. AREAS WHERE WOOD WASTE IS PROCESSED, LOADED, OR UNLOADED SHALL BE DESIGNED AND CONSTRUCTED TO DRAIN FREELY TO PREVENT THE ACCUMULATION OF STANDING LIQUID.
  
- I. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE WOOD WASTE FACILITY SHALL BE COLLECTED AND TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH APPLICABLE REGULATIONS.
  
- J. ON-SITE RETAIL SALES OF FINISHED COMPOST SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.
  
- K. THE STRUCTURAL ELEMENTS OF THE ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED BY THE WOOD WASTE FACILITY. THE PETITION SHALL INCLUDE A ROAD CONDITION AND TRAFFIC STUDY TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.
  
- L. THE CONDITIONAL USE PLAN SUBMITTED WITH THE PETITION SHALL SHOW THE FOLLOWING:
  - o (1) SURVEY BOUNDARIES OF THE SUBJECT PROPERTY.
  - o (2) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS, AND WETLANDS.
  - o (3) EXISTING AND PROPOSED TOPOGRAPHY.
  - o (4) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
  - o (5) PORTION OF TRACT TO BE USED FOR OPERATIONS, INCLUDING THE LOCATION AND LAYOUT OF:
    - A. FEEDSTOCK UNLOADING, RECEIVING AND STORAGE AREAS;

- B. PROCESSING AREAS, INCLUDING AREAS FOR GRINDING, SCREENING, MIXING AND OTHER OPERATIONS TO PREPARE YARD WASTE FOR COMPOSTING;
- C. GRINDING AREAS;
- D. WOOD WASTE CURING AREAS;
- E. WOOD WASTE FINAL PRODUCT PREPARATION AREAS (SCREENING AND OTHER OPERATIONS); AND
- F. FINISHED WOOD WASTE STORAGE AND LOADING AREAS.

(6) EXISTING AND PROPOSED STRUCTURES AND MAJOR MECHANICAL EQUIPMENT.

(7) EXISTING AND PROPOSED ACCESS DRIVEWAYS.

(8) WATER SUPPLY (INCLUDING QUANTITY REQUIREMENTS) AND SEWAGE DISPOSAL.

(9) STORM WATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.

(10) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS GENERATED BY THE OPERATION.

(11) OTHER EXISTING OR PROPOSED USES ON THE SITE.

N. AN OPERATION PLAN SHALL BE SUBMITTED BY THE APPLICANT TO ENABLE THE HEARING AUTHORITY TO EVALUATE THE POTENTIAL IMPACTS OF THE PROPOSED USE. IF THE PETITION IS APPROVED, SUBSTANTIAL CHANGES TO THE OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE THE FOLLOWING INFORMATION:

- (1) TYPES, ANTICIPATED QUANTITIES AND SOURCES OF FEEDSTOCK.
- (2) METHODS BY WHICH UNACCEPTABLE WASTES DELIVERED TO THE FACILITY WILL BE IDENTIFIED, SEGREGATED, AND HANDLED FOR REMOVAL AND DISPOSAL.
- (3) OFF-SITE LOCATION WHERE UNACCEPTABLE WASTES DELIVERED TO THE COMPOSTING FACILITY WILL BE DISPOSED OF.
- (4) METHODS BY WHICH WASTE QUANTITIES DELIVERED WILL BE DETERMINED INCLUDING WEIGHING FACILITIES TO BE PROVIDED.
- (5) A DESCRIPTION OF MAJOR ITEMS OF EQUIPMENT AND ASSOCIATED CAPACITIES.
- (6) A DESCRIPTION OF PROPOSED BUILDINGS AND PADS FOR STORAGE, GRINDING AND PROCESSING.
- (7) A DESCRIPTION OF FEEDSTOCK DELIVERY METHODS AND REQUIREMENTS.
- (8) A DESCRIPTION OF INCOMING FEEDSTOCK HANDLING AND PROCESSING METHODS, INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.
- (9) A DESCRIPTION OF THE MULCH PROCESS TO BE UTILIZED INCLUDING MULCH CAPACITY TO BE PROVIDED, MULCHING TECHNOLOGY, REQUIRED COMPOSTING TIME, AND ASSURANCE OF ACCEPTABLE LEVEL OF PATHOGEN REDUCTION.
- (10) A DESCRIPTION OF MULCH CURING, HANDING AND PROCESSING METHODS INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.
- (11) A DESCRIPTION OF FINISHED MULCH STORAGE, DISTRIBUTION AND DELIVERY METHODS AND REQUIREMENTS.
- (12) METHODS OF CONTROLLING ODORS, DUST, LITTER, NOISE, AND INSECT OR RODENT INFESTATION; METHODS OF INSURING PUBLIC SAFETY; METHODS OF PREVENTING AND, IF NECESSARY, CONTROLLING FIRES; AND METHODS OF COLLECTING AND TREATING LIQUIDS GENERATED BY THE USE.
- (13) PROCEDURES FOR CLEANING AND MAINTAINING THE APPEARANCE OF THE FACILITY, INCLUDING COLLECTION OF LITTER AND WASTE WHICH FALLS FROM TRANSPORT VEHICLES IN THE VICINITY OF THE SITE, INCLUDING ADJACENT PRIVATE PROPERTIES AND PUBLIC ROADS.

- O. A REHABILITATION PLAN SHALL BE SUBMITTED AT THE TIME OF THE CONDITIONAL USE APPLICATION FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING MINIMUM REHABILITATION PROGRAM:
  - 
  - o (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND UNDERLYING EXCAVATIONS FILLED TO GRADE AND PLANTED IN GRASS EXCEPT STRUCTURES OR MACHINERY THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING CLASSIFICATION.
  - o (2) ALL IMPERVIOUS SURFACES SHALL BE REMOVED AND PROPERLY DISPOSED OF. THE AREAS FROM WHICH THE SURFACES ARE REMOVED SHALL BE BACKFILLED WITH SUITABLE SOIL AND REGARDED AS NECESSARY TO PROVIDE ADEQUATE DRAINAGE. ALL SUCH AREAS SHALL BE PLANTED IN GRASS WHICH SHALL BE MAINTAINED THROUGH ONE YEAR'S GROWTH.
  - o (3) ALL FEEDSTOCK, COMPOSTING MATERIAL, AND FINISHED COMPOST SHALL BE REMOVED FROM THE SITE AND SHALL BE DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS OR REGULATIONS.
  - o (4) ALL ACCESS ROADS SHALL BE SUITABLY BARRICADED TO PREVENT THE PASSAGE OF VEHICLES EITHER INTO OR OUT OF THE ABANDONED AREA, EXCEPT SUCH ACCESS AS NEEDED FOR VEHICLES USED IN THE REHABILITATION WORK, UNTIL THE PLAN FOR REHABILITATION HAS BEEN COMPLETED AND A DIFFERENT USE NECESSITATING ACCESS HAS COMMENCED ON THE PROPERTY
- P. FACILITIES MUST MEET MDE REQUIREMENTS FOR CONTROLLED ACCESS AND HAVE AT LEAST A 6 FOOT HIGH PERIMETER FENCE
- Q. MAXIMUM FEEDSTOCK PILE HEIGHT OF 9 FEET; MAXIMUM COMPOST PROCESSING HEIGHT OF 8 FEET
- R. MUST MEET HOWARD COUNTY FIRE CODE AND SITE INFORMATION MUST BE SUPPLIED TO HOWARD COUNTY FIRE DEPARTMENT
- S. MUST MEET MDE STORMWATER MANAGEMENT REQUIREMENTS
- T. GRINDING OPERATIONS MUST BE COVERED

**End of Exhibit A – Petitioner’s Proposed Text**



## APPENDIX A

### Summary of On-Farm Composting Exemptions

#### 1. Exempt up to any size

- Composts only feedstocks generated on-site\*
- All compost used on-site\*

#### 2. 40,000 ft<sup>2</sup> exemption

- Feedstocks generated on-site\* PLUS may accept Type 1 and manure/bedding from off-site
- Must have one of two agricultural plans that address certain aspects of the composting
- No limitation on distribution of finished compost

#### 3. 5,000 ft<sup>2</sup> exemption

- Pile height limits
- No limitation on feedstocks used or distribution of finished compost

#### 4. Emergency animal mortality composting

- If approved by MDA

\* "On-site" includes the farm where composting takes place and other farms owned or controlled by the same operator.

### Summary of Non-Farm Composting Exemptions

#### 1. "Backyard" composting

- Located at a residence
- Feedstocks generated on site
- Compost used on site

#### 2. 5,000 ft<sup>2</sup> exemption [SAME AS FOR FARMS]

- Pile height limits apply

#### 3. Animal mortality composting at government-managed site

- For roadway or other maintenance

#### 4. Composting at a solid waste acceptance facility (e.g. Landfill)

- Under Refuse Disposal Permit containing composting conditions

## Appendix B

26.04.11.04

### **.04 General Restrictions and Specifically Prohibited Acts.**

A. Applicability. This regulation applies to a composting facility, regardless of whether the composting facility is required to obtain a Composting Facility Permit under this chapter.

B. General Restrictions. A person shall not engage in composting in a manner which will likely:

- (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 under 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.

C. The Department, in exercising its authority under these regulations with respect to granting or renewing permits, reviewing operations of a composting facility, or allowing operation under a general permit, may consider any documentation required under these regulations to evaluate whether any of the conditions described in §B of this regulation is likely to occur or has occurred.

D. A person may not own, construct, or operate a composting facility in this State except in accordance with these regulations.

**Appendix C - Comparison Chart**

**ZRA 160 and ZRA 180**

<b>Composting</b>									
	<b>Current</b>			<b>ZRA 160 *</b>			<b>DPZ Recommendation **</b>		
	MDE Permit Not Required	MDE Tier I	MDE Tier II	MDE Permit Not Required	MDE Tier I	MDE Tier II	MDE Permit Not Required	MDE Tier I or Tier II Small Permit	MDE Tier II Large Permit
<b>RC &amp; RR</b>	Accessory to principal use	Conditional Use	Not Permitted	On Farm/For Farm - By Right with restrictions	On Farm/For Farm - By Right - Up to 1 acre or 5% On Farm/For Farm - By Permit - Up to 3 acres or 5%	On Farm/For Farm - By Permit - Up to 3 acres or 5%	Accessory to principal use	By Permit < 3 acres accessory to a farm All Other - Conditional Use - Up to 5 acres or 10 %	Conditional Use - Up to 5 acres or 10 %
<b>ALPP</b>	Accessory to principal	Not Permitted	Not Permitted	On Farm/For Farm - By Right - with restrictions	On Farm/For Farm - By Right - Up to 1 acre or 5% On Farm/For Farm - By Permit - Up to 3 acres or 5%	On Farm/For Farm - By Permit - Up to 3 acres or 5%	Accessory to principal use	By Permit < 3 acres accessory to a farm	Not Permitted
<b>M-1</b>	Accessory to principal	Conditional Use	Not Permitted	Not addressed	Conditional Use	Conditional Use	Accessory to principal use	By-Right	Conditional Use
<b>M-2</b>	Accessory to principal	Not Permitted	Not Permitted	Not addressed	Conditional Use	Conditional Use	Accessory to principal use	By-Right	By-Right
<b>SW</b>	Accessory to principal	By-Right	Not Permitted	Not addressed	Not Permitted	Not Permitted	Accessory to principal use	By-Right	By-Right
<b>R-20, R-12, R-SC , R-SA-8</b>	Accessory to principal	Not Permitted	Not Permitted	Limited composting- By-right with restrictions	Not Permitted	Not Permitted	Accessory to principal use	Not permitted	Not permitted

<b>Natural Wood Waste Recycling</b>						
	<b>Current</b>		<b>ZRA 160</b>		<b>DPZ Recommendation</b>	
	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required
<b>RC &amp; RR</b>	Accessory to a principal Farm	Conditional Use	On Farm/For Farm - By Right - Up to 1 acre or 5%	Not Permitted	Accessory to a principal Farm	Conditional Use - Up to 5 acres or 10 %
<b>ALPP</b>	Accessory to a principal Farm	Not Permitted	On Farm/For Farm - By Right - Up to 1 acre or 5%	Not Permitted	Accessory to a principal Farm	Not permitted unless accessory to a principal Tree Farming Use Only (Conditional Use) - Up to 2 acres or 15% of area actively farmed
<b>M-1</b>	By-Right	By-Right	Not addressed	Conditional Use	By-Right	By-Right
<b>M-2</b>	By-Right	By-Right	Not addressed	Conditional Use	By-Right	By-Right

\* ZRA 160 defines composting facilities as "A facility that produces compost as defined and regulated by the State of Maryland COMAR 26.04.22- Composting Facilities. These facilities may or may not require a permit by the State of Maryland as determined by the size of the facility and type of material (feedstock) being processed." Therefore the proposed regulations apply regardless of permit requirements.

\*\* DPZ recommended text defines a composting facility as "A facility where composting takes place as regulated by and which operated under a permit from the Maryland Department of the Environment under COMAR 26.04.11." Therefore, the proposed regulations only apply to composting operations that require an MDE permit.