

PRELIMINARY DRAFT #2 FOR STAKEHOLDER FEEDBACK DUE 11/16/2012

- ☞ Underscored text highlighted in yellow indicate proposed revisions.
- ☞ New requirements are generally built on existing language and existing language will not be highlighted so that it is easier to see actual changes. Be aware that when a draft rule is published, all text will appear as new text for subparts 8, 9, 10 and 11 AND unedited sections of the rule will simply be referenced as "For text of subp. 2-7, see M.R."

*****Note this is a preliminary draft that will undergo further revisions before it is public noticed. *****

7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.

[For text of subps. 1 to 3, see M.R.]

Subp. 4. Source-separated organic material composting ~~Transfer~~ facilities extended permit term.

A. For source-separated organic material composting facilities ~~transfer facilities~~ that have operated under an existing permit issued under parts 7001.0010 to 7001.0200, no application is required for permit reissuance upon the expiration date of the permit and the term of the permit shall be extended indefinitely unless (1) the commissioner requires the facility to be repermited as provided in part 7001.3410, subpart 3, or (2) the owner or operator of the facility plans to make a major modification to the facility. In either of these cases, the owner and operator shall submit an application for reissuance or modification of the permit as provided in this chapter. This application shall be approved or denied following the procedures in this chapter. As used in this part, "operated" means to have accepted materials as described by part 7035.0300, subp. 105a for composting waste at levels constituting normal expected volumes for facilities for a minimum of one year during the most recent five-year term of the permit, such that the agency can reasonably conclude that the facility is operating in compliance with applicable rules and its permit. For purposes of this part, a "major modification" means a change in the type of ~~waste~~ materials managed at the facility, an increase beyond the original permitted capacity, or a change that could significantly affect compliance with the design or operation standards of part ~~7035.2870~~ 7035.2836, subparts 8,4 and 9-5. ~~The owner or operator may request, in writing, that the agency make a written determination as to whether any planned changes significantly affect compliance with design or operation standards.~~

B. Owners and operators of source-separated organic material composting ~~transfer~~ facilities operating under an extended permit may make minor modifications as listed in part 7001.3550, subpart 3, at any time, provided that notice of the minor modification is given to the agency as provided in part 7001.3410, subparts 1 and 2. Owners of facilities operating under an extended permit must follow the requirements in part 7001.0190, subpart 2, before transferring ownership and control of the facility. Source-separated organic material composting ~~Transfer~~ facilities operating under an extended permit, as provided in this subpart, must submit to the agency the notification required by part 7001.3410, and the annual report required under part 7035.2585.

7001.3375 FINAL APPLICATION INFORMATION REQUIREMENTS FOR COMPOST FACILITIES.

The application for a compost facility permit must include the following information in addition to the information required by part 7001.3300:

- A. a description of the area proposed to be used for each stage of the composting process;
- B. a description of the design and physical features of the facility, including run-off, run-on, and leachate control systems;
- C. a description of the material to be composted;

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- D. a description of the residue's composition;
- E. a description of the disposal method for the residue;
- F. the design of an odor control system;
- G. the design and performance specifications of the composting facility;
- H. a description of the composting method to be used including retention time, temperature to be achieved, number of turns needed, and the air flow design;
- I. an operating plan indicating how the provisions of part [7035.2836](#) will be met, including a waste analysis plan; ~~and~~
- J. a description of the proposed uses for the compost; and
- K. for source-separated organic material composting facilities, evidence that the owner and operator have obtained all necessary municipality approvals. Municipalities are not required to approve their own applications. The owner or operator must submit a copy of any approvals obtained. If the facility is located in an area where no municipality approval is required, the owner or operator shall submit a signed written statement indicating that no municipality approval is required.

7001.3410 EXTENDED PERMIT NOTIFICATION AND TERMINATION PROCEDURES.

Subpart 1. **Notification contents.** Owners or operators of transfer facilities or source-separated organic material composting facilities operating under an extended permit shall submit to the agency, upon the anniversary of the expiration date of the permit, ~~or five years after November 30, 2005, whichever is sooner,~~ and every five years thereafter, a notification containing the following information:

- A. the facility name, address, mailing address, and facility contact name and telephone number;
- B. the permit number;
- C. any minor modifications that have been made at the facility since permit issuance or the date of last notification;
- D. transfer facilities and source-separated organic material composting facilities must include a summary of annual updates, if any, to the industrial solid waste management plan required by part [7035.2535](#), subpart 5; the contingency action plan required by part [7035.2615](#); the emergency response plan required by part [7035.2595](#), subpart 5; the operations and maintenance plan required by part [7001.3300](#), item P; the inspection schedule required by part [7035.2535](#), subpart 4; the ~~storm water~~ stormwater pollution prevention plan if required under parts [7001.1000](#) to [7001.1100](#); and the closure plan as provided under part [7035.2625](#); and
- E. signatures and certifications in accordance with parts [7001.0060](#), [7001.0070](#), and [7001.3150](#).

Subp. 2. Updates in the annual report.

For any minor modifications and for any changes to the plans and schedules listed under subpart 1, item D , the owner or operator shall include a description of any changes in the annual report submitted under part [7035.2585](#), item L. These changes are considered approved upon receipt by the agency, but the owner or operator must amend the plans or schedules if, at any time, the agency notifies the owner or operator that the plans or schedules are deficient.

Subp. 3. Termination of extended permit operation as allowed under part 7001.3075.

The agency shall notify the owner or operator of a transfer facility or a source-separated organic material composting facility operating under an extended permit that the transfer facility or source-separated organic material composting facility is no longer eligible to operate under an extended permit and must be re-permitted under chapter 7001 under any of the following conditions:

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- A. the transfer facility or source-separated organic material composting facility has unresolved noncompliance or has not been operated substantially in accordance with applicable standards;
- B. the owner or operator has made changes to the facility that require a major modification as described in part 7001.3075, subpart 3, without filing a permit application;
- C. the owner or operator has failed to update required plans or schedules or has submitted reports that contain material deficiencies and has not corrected those deficiencies; or
- D. the owner or operator has failed to submit the notification or the annual report required under part 7035.2585.

In the termination notice, the agency shall state the reasons why the agency proposes to require repermitting of the facility and shall provide the owner or operator with 30 days to respond to the notice. Following receipt of the response, if any, the agency shall make a final determination and shall notify the owner and operator of that decision. Upon receipt of this final determination, the owner or operator may elect to seek to continue the operation of the transfer facility or source-separated organic material composting facility by submitting a permit application, or may close the facility. If the owner or operator elects to continue the operation, the owner or operator shall submit a permit application within 30 days of receipt of the final determination. This application will be approved or denied following the procedures in chapter 7001. If the owner or operator elects to close the facility, the owner or operator must notify the agency and initiate closure procedures within 30 days of receipt of the final determination.

7035.0300 DEFINITIONS

[For text of subps. 1 - 6, see M.R.]

Subp. 7. ~~Backyard~~Small compost site. "~~Backyard-Small~~ compost site means:

A. a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings;

~~from a single family or household, apartment building, or a single commercial office, a member of which is the owner, occupant, or lessee of the property.~~

B. a site that does not accept fats, oils, grease, meat, dairy, animal manure, diapers, sanitary products, nonrecyclable paper, and compostable materials meeting ASTM D6400 or ASTM D6868, as amended;

C. a site that does not exceed 80 cubic yards on site at any one time, including collected raw materials and compost being processed, but excluding finished compost; and

D. a site used to manage the materials under item A appropriately to avoid odor and the creation of nuisances and public health risks.

[For text of subps. 8 - 38, see M.R.]

Subp. 38b. Source-separated organic material composting facility. "Source-separated organic material composting facility" means a site used to compost source-separated organic material including all structures or processing equipment used to control drainage, manage contact water and ~~storm water~~stormwater, and storage areas for the incoming material, the final product, and residuals resulting from the composting process.

[For text of subps. 39 - 105, see M.R.]

Subp. 105a. Source-separated organic material. "Source-separated organic material" includes the materials in section 115A.03, subdivision 32a and 38, vegetative wastes generated from industrial or

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manufacturing processes that prepare food for human consumption and compostable materials that meet the standard in ASTM D6400 and D6868, as amended. It does not include fish wastes and animal waste, meat by-products generated from industrial or manufacturing process, sanitary products, diapers, sewage sludge, biosolids, or septage, unless specifically permitted by the commissioner under part 7001.0150.

[For text of subs. 106 - 121, see M.R.]

7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

Subpart 1. **General requirements.** Parts [7035.2525](#) to [7035.2915](#) apply to owners and operators of all facilities that treat, transfer, store, process, or dispose of solid waste except as specifically provided otherwise in this part.

Subp. 2. **Exceptions.** Parts [7035.2525](#) to [7035.2915](#) do not apply to the following solid waste management facilities or persons, except as indicated:

- A. ~~backyard compost sites~~ small compost sites;
- B. recycling facilities in compliance with part [7035.2845](#) must only comply with parts [7035.2535](#), subparts 1, 2, and 3, [7035.2545](#), [7035.2555](#), [7035.2565](#), [7035.2595](#), [7035.2605](#), and [7035.2625](#), subparts 1 and 2;
- C. recycling drop-off sheds, divided roll-off boxes, separate dumpsters, and other containers or small structures where recyclable materials that have been separated from mixed municipal solid waste by the generator in order to avoid contaminating the materials or to expedite the collection or processing of them for recycling are collected in total volumes not exceeding 40 cubic yards, at any one time, must only comply with part [7035.2845](#), subpart 3;
- D. individual generators of recyclable materials, such as homeowners, businesses, and government agencies;
- E. manufacturers using recyclable materials as feedstock;
- F. industrial solid waste land disposal facilities;
- G. solid waste from the extraction, beneficiation, and processing, of ores and minerals stored, collected, transferred, transported, utilized, processed, and disposed of or reclaimed, provided the facility is permitted for such use under part [7001.0020](#), item D, and chapter 6130;
- H. permit-by-rule transfer facilities in compliance with part [7001.3050](#), subpart 3, item A, must only comply with parts [7035.2535](#), subparts 1, 2, 3, 4, items A, B, D, and E, and 5; [7035.2545](#); [7035.2555](#); [7035.2565](#), subparts 1, 3, and 4; [7035.2575](#), subparts 1 and 2; [7035.2585](#); [7035.2595](#); [7035.2605](#); [7035.2625](#); [7035.2635](#); [7035.2855](#); and [7035.2870](#), subparts 2 and 5;
- I. mobile transfer facilities in compliance with part [7001.3050](#), subpart 2, item G, must only comply with parts [7035.2535](#), subpart 1; [7035.2565](#), subparts 1, 3, and 4; and [7035.2870](#), subpart 2;
- J. temporary community cleanup event transfer facilities in compliance with part [7001.3050](#), subpart 2, item H, must only comply with parts [7035.2535](#), subpart 1; [7035.2565](#), subparts 1, 3, and 4; and [7035.2870](#), subpart 2; and
- K. limited collection transfer facilities in compliance with part [7001.3050](#), subpart 2, item I, must only comply with parts [7035.2535](#), subpart 1; [7035.2555](#); [7035.2565](#), subparts 1, 3, and 4; and [7035.2870](#), subpart 2.

7035.2585 ANNUAL REPORT.

The owner or operator of a solid waste management facility shall prepare and submit a single copy of an annual report to the commissioner no later than February 1 for the preceding calendar year. A report form and instructions may be obtained from the commissioner. The

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annual report must cover all facility activities during the previous calendar year and must include the following information:

- A. the permit number, name, and address of the solid waste management facility;
- B. the year covered by the report;
- C. the quantity of each type of waste handled at the solid waste management facility;
- D. the remaining capacity for storage or disposal of waste at the facility based on the amount of waste received and the original site capacity approved;
- E. the rates charged at the solid waste management facility and anticipated changes in the rate for the next year;
- F. the most recent closure cost estimate prepared under part [7035.2625](#), the most recent contingency action cost estimate under part [7035.2615](#), and, for land disposal facilities, the most recent postclosure cost estimate under part [7035.2645](#);
- G. an assessment of the adequacy of the closure, postclosure, and contingency action plans;
- H. the summary evaluation of the groundwater monitoring program required under parts [7035.2815](#), subpart 14, item Q; and [7035.2885](#), subpart 16;
- I. the summary evaluation reports required for the specific solid waste management facilities in parts [7035.2825](#), subpart 9; [7035.2836](#), subparts 3, item G, 5, items J and K, and 11, item O; [7035.2845](#), subpart 4a; and [7035.2875](#), subpart 5;
- J. the personnel training information required by part [7035.2545](#), subpart 1;
- K. a certification by the owner or operator of the solid waste management facility; and
- L. for transfer facilities or source-separated organic material composting facilities operating under an extended permit term, the information required in part [7001.3410](#), subpart 2.

Waste facilities that do not dispose of waste need not include items D, H, and I.

7035.2836 COMPOST FACILITIES.

Subpart 1. Scope. The owner or operator of a yard waste compost facility must comply with subparts 2 and 3 only. The requirements of subparts 4 to 7 apply to the owner and operator of a facility used to compost solid waste, ~~including source-separated compostables except as provided in part [7035.2525](#), subpart 2.~~ The owner or operator of a yard waste compost facility must comply with subparts 2 and 3 only. The owner or operator of a source-separated organic material composting facility as defined by part 7035.0300, subp. 38b must comply with subparts 6, 7, 8, 9, 10, and 11.

[For text of subps. 2 to 7, see M.R.]

Subp. 8. Location requirements for a source-separated organic material composting facility.

An owner or operator may not establish or construct a source-separated organic material composting facility in the following areas:

- A. within locations described in [7035.2555](#);
- B. on a site with karst features including sinkholes, disappearing streams, and caves;
- C. within five feet of a water table; and
- D. unless specified otherwise by a local unit of government, within 500 feet of the nearest residence, place of business or public area, such as parks, wildlife areas, and public buildings, except as provided below:

(1) upon approval of the commissioner, operational modifications, geographic features, or other natural or man-made physical characteristics that reduce nuisance conditions (noise, litter and odor) may be used to reduce the 500 foot horizontal separation distance.

(2) the landowner's or operator's residence, plant nurseries and turf farms are excluded from the separation requirement for a residence for the purposes of this paragraph.

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Subp. 9. Design requirements for a source-separated organic material solid waste composting facility. The owner or operator of a compost facility shall submit an engineering design report to the commissioner for approval with the facility permit application. The engineering report must comply with the design requirement in items A to G.

A. Site preparations must include clearing and grubbing for the compost operating and storage areas, building locations, topsoil stripping, excavations, berm construction, drainage control structures, ~~leachate-stormwater and contact water~~ collection systems, access roads, screening, fencing, and other special design features.

B. Access to the facility must be controlled to prevent unauthorized entry. ~~by a A perimeter fence and gate, or enclosed structures, or other physical barriers may be used to prevent unauthorized entry to the facility.~~

C. Surface water drainage must be diverted around and away from the site operating area. The drainage control system must be designed to manage a 24-hour, 25-year storm event. A drainage control system, including changes in the site topography, ditches, berms, sedimentation ponds, culverts, energy breaks, and erosion control measures, must comply with part 7035.2855, subpart 3, items C to E. For the purposes of this subpart, water that has come into contact with compost in the curing and finished storage areas is considered surface water. For this subpart, compost has reached the curing stage after PFRP as described in subp. 11, item K has been achieved and the Solvita Maturity Index is greater than or equal to 4.

~~D. The composting, curing, and storage areas for immature compost must be located on a liner capable of minimizing migration of waste or leachate into the subsurface soil, groundwater, and surface water. The liner must have a permeability no greater than 1×10^{-7} centimeters per second and, if constructed of natural soils, be at least two feet thick. The liner must comply with part 7035.2855, subparts 3, item A; 4; and 5.~~

~~E. Liquid in contact with waste, immature compost, and residuals must be diverted to a leachate collection and treatment system. The leachate collection and treatment system must comply with part 7035.2855, subpart 3, item B, and the applicable portions of part 7035.2815, subpart 9, items B to K.~~

~~F. The facility must be designed for collection of residuals and must provide for the final transportation and proper disposal of residuals.~~

~~G. The facility must be designed and operated to control odors in compliance with the applicable provisions of any agency odor rules.~~

D. Liquid in contact with waste source-separated organic material, immature compost, and residuals must be diverted to a contact water ~~leachate~~ collection and treatment system. The leachate contact water collection and treatment system must comply with part 7035.2855, subpart 3, item B, and the applicable portions of part 7035.2815, subpart 9, ~~items B to K.~~ For this subpart, immature compost is defined as not having reached the curing stage as described above in item C.

E. The facility must be designed for collection of residuals and must provide for the final transportation and proper disposal of residuals.

F. The tipping, mixing, active composting, curing, and storage areas for ~~immature~~ compost must be located on a liner-hard-packed, all weather surface capable of minimizing migration of waste or ~~leachate contact water~~ into the subsurface soil, groundwater, and surface water. ~~The liner must have a permeability no greater than 1×10^{-7} centimeters per second and, if constructed of natural soils, be at least two feet thick. The liner must comply with part 7035.2855, subparts 3, item A; 4; and 5.~~

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G. The working surface of a source-separated organic material composting facility must have a minimum of five feet of soil separation to the groundwater.

H. Unless designed as allowed under item I of this subpart, the site must have at least five feet of any combination of the following soil types above the zone of continuous groundwater saturation: sandy clay loam, loam, silt loam, silt, sandy clay, clay loam, silty clay loam, clay, and silty clay. The commissioner may increase or decrease this separation distance based upon recent climatic conditions. Water tables classified as perched or epi-saturated by the Natural Resources Conservation Service are not considered to be the seasonal high water table. The soil profile shall be characterized by the use of soil borings, piezometers, and/or test pits as certified by a state of Minnesota licensed soil scientist, engineer or geologist. The commissioner may approve the use of soil surveys published by the Natural Resources Conservation Service, if the owner or operator can demonstrate that the soil surveys provide sufficient soil characterization. If the site cannot meet the soil criteria, an impervious pad or liner must be installed under all activity areas except curing and storage of finished compost.

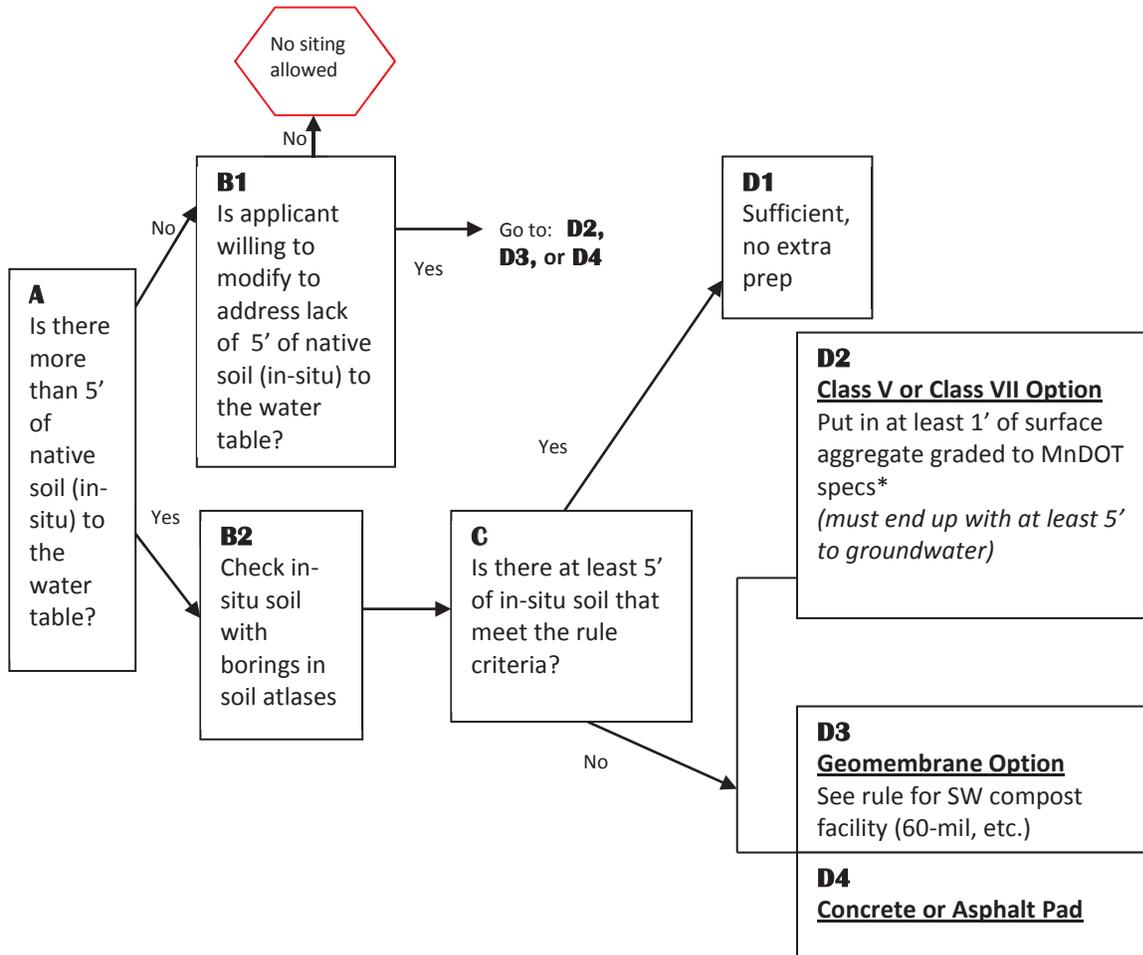
I. Sites unable to meet the soil requirement listed under item G of this subpart must install a pad system in all areas where source-separated organic materials will be managed and composted prior to curing. For this subpart, compost has reached the curing stage after PFRP as described in subp. 11, item K has been achieved and the Solvita Maturity Index is greater than or equal to 5 with an ammonia test result of greater than or equal to 4. Sites requiring a pad may utilize the options listed below:

1) If low permeability soils are used, the surface must be a minimum of one foot of dense-graded compacted soils meeting MnDOT specifications for surface aggregate. The aggregate must be placed in accordance with MNDOT construction specifications.

2) If a geomembrane is used, the liner system must be designed and built in accordance with the applicable criteria in part 7035.2815, subp. 7, item A. The surface must comply with part [7035.2855](#), subparts 3, item A; 4; and 5.

3) If a concrete or asphalt pads are used, the surface must meet MNDOT minimum standards for road design. The pad must be inspected routinely; any cracks, crumbling, and failure must be repaired immediately. The results of all inspections and repairs must be included in the annual report submitted to the commissioner.

[The following outlines intent of items G, H and I. It will not appear in rule, but will be part of SONAR.]



Subp. 10. Construction requirements for a source-separated organic material composting facility. The construction requirements in items A to F must be incorporated into the project specifications for all major design features, at a minimum:

A. The owner or operator must notify the commissioner at least ten days before the day construction is expected to begin on any major design features.

B. The construction firm's inspector must record all procedures completed during construction at a source-separated organic material compost facility. The record must document that design features were constructed in accordance with parts 7035.2525 to 7035.2915. This record must include pictures, field notes, and all test results.

C. The owner or operator must install a permanent benchmark on-site and show its location on the facility as-built plan.

D. The owner or operator must complete tests for compaction, grain size distribution, and field moisture density, at a minimum, for soil pads constructed at the facility.

E. Flexible membranes must be installed during dry conditions. The seams joining membrane panels must be inspected as construction proceeds. Seams must be air tested and

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field seams must be tested for tensile strength. All flexible membranes must be protected after placement. The natural layer above and below the barrier layer must be free of roots, sharp objects, rocks, or other items that might puncture the liner.

F. A quality control/quality assurance program must be established for all construction projects. The program must include the tests to be completed during construction. The program also must establish the frequency of inspection and testing, the accuracy and precision standards for the tests, procedures to be followed during inspections and sample collection, and the method of documentation for all field notes including testing, pictures, and observations.

Subp. 11. Operation requirements for a source-separated organic solid waste material composting facility. The owner or operator of a source-separated organic waste material composting facility shall submit an operation and maintenance manual to the commissioner for approval with the facility permit application. The manual must include a source-separated organic materials management plan, a personnel training program plan, a leachate contact water management plan, a stormwater management plan, an odor management plan, and a compost sampling plan ~~and must comply with the operation requirements in items A to L.~~ The facility operations must meet the requirements in items A to P, at a minimum.

A. All access points must be secured when the facility is not open for business or when no authorized personnel are on site.

B. All ~~wastes~~ source-separated organic materials and compostable materials delivered to the facility must be confined to a designated delivery area and processed or removed ~~at least once a week~~ by the end of the day to prevent nuisances such as odors, vector intrusion, and aesthetic degradation.

C. All salvageable and recyclable materials must be containerized or stored and removed from the facility in a manner that prevents nuisances such as odors, vector intrusion, and aesthetic degradation.

D. All non-compostable residuals must be stored to prevent nuisances such as odors, vector intrusion, and aesthetic degradation. ~~The residuals must be removed and properly disposed of at least once a week.~~ All residuals must be managed to prevent contact water. All contact water from residuals and residuals storage areas must be diverted to the contact water collection and treatment system.

~~E. The leachate management plan must describe how the facility will store, reuse, or dispose of collected leachate. If leachate is to be recirculated into the compost, it must be added prior to initiating the PFRP process described in item I. Liquid that has come in contact with waste, immature compost, and residuals must be diverted to a collection and treatment system.~~

F Contact water or ~~storm water~~ stormwater may be reused in the compost process. It must be added to the source-separated organic materials prior to initiating the PFRP process described in item K. Any water to be discharged into waters of the state must meet all Federal and State NPDES requirements.

G The facility must operate and maintain a Surface water drainage system to ~~must be~~ diverted surface water around and away from the site operating area. ~~A drainage control system, including changes in the site topography, ditches, berms, sedimentation ponds, culverts, energy breaks, and erosion control measures, must comply with part 7035.2855, subpart 3, items C to E. For the purposes of this subpart, storm water that has come in contact with compost in the curing and finished storage areas is considered surface water.~~

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H. Odors emitted by the facility must comply with any applicable agency odor rules. Source-separated organic material composting facilities within designated non-attainment areas for the criteria pollutant Ozone as designated by the Federal Clean Air Act, facilities and defined in part 7035.2836, must use best management practices (BMP) to mitigate the release of reactive volatile organic compounds (VOC).

I. The owner or operator must cover or otherwise manage the waste to control wind dispersion of any particulate matter.

J. The owner or operator must develop and maintain a source-separated organic material management plan. The plan must, at a minimum:

1. include a waste analysis plan to characterize source-separated organic materials prior to acceptance at the facility;
2. identify the area of the facility where source-separated organic materials will be delivered; and
3. describe management methods to be employed when source-separated organic materials are delivered to the facility. The management methods must address reducing odor, vectors, managing liquids and mixing source-separated organic materials to achieve the proper moisture content, carbon to nitrogen ratio (C:N ratio), porosity and pH.

Acceptable source-separated organic materials are defined in 7035.0300, subp. 105a and acceptable bulking agents include untreated wood waste, non-recyclable paper, ground tree and shrub materials and other similar materials approved by the commissioner.

K. Compost must be produced by a process to further reduce pathogens (PFRP). The temperature and retention time for the material being composted must be monitored and recorded each working day until PRFP is achieved, and weekly thereafter. Each time temperature is measured, it must be measured before turning the pile and after turning the pile. Three acceptable methods of a PFRP are described in subitems (1) to (3):

(1) The static passive windrow method for reducing pathogens consists of an unconfined composting process involving periodic aeration and mixing. Construction of passive windrow shall include a minimum of 12 inches of porous materials at the base of each windrow that promotes aerobic conditions within the windrow. Blended source-separated organic materials may be placed on top of the porous material to a maximum height of 12 feet. Aerobic conditions must be maintained during the compost process. A temperature of 55 degrees Celsius must be maintained in the windrow for at least three weeks/fifteen days. The windrow must be turned at least once every three to five days.

(2) The static aerated pile method for reducing pathogens consists of an unconfined composting process involving mechanical aeration of insulated compost piles. Windrow height shall not exceed 12 feet. Aerobic conditions must be maintained during the compost process. The temperature of the compost pile must be maintained at 55 degrees Celsius for at least seven days.

(3) The enclosed vessel method for reducing pathogens consists of a confined compost process involving mechanical mixing of compost under controlled environmental conditions. The retention time in the vessel must be at least 24 hours with the temperature maintained at 55 degrees Celsius. A stabilization period of at least seven days must follow the enclosed vessel retention period. Temperature in the compost pile must be maintained at least at 55 degrees Celsius for three days during the stabilization period.

L. The owner or operator must comply with subp. 5, item J. Additionally, for Class I compost, the owner or operator may request removal of mercury (Hg) and polychlorinated biphenyls (PCB) sampling and testing requirements based on five years of sampling batch data. The data must demonstrate non-detect results for Hg and PCB. In addition to Subp. 6, B (1) and (2), the Commissioner may require testing with changes in source-separated organic materials accepted.

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M. The owner or operator of a source-separated organic material composting facility must develop and maintain an odor minimization plan detailing the best management practices to be used during normal operations to prevent odors. These BMPs must address how the oxygen levels and porosity will be managed to minimize odors. The plans should detail how the facility will handle odor complaints and the steps that would go beyond normal operations should the facility receive persistent complaints. At a minimum the odor minimization plan should address best management practices to minimize odor generation in the mixing/tipping areas, active compost processing areas, contact and stormwater ponding areas.

N. The personnel training program ~~plan~~ must address the requirements of part 7035.2545, subparts 3 and 4, and the specific training needed to operate a source-separated organic material compost facility in compliance with this subpart and subparts 6 and 7~~10~~. Personnel training for a source-separated organic material composting facility shall include a training schedule that:

- (1) provides a initial 24 contact hour training session within 12 months of employment; and
- (2) provides five contact hours of training on an annual basis.

A contact hour means a pertinent instructional or training session of 50 minutes. The agency commissioner shall prepare and make available to the operators and inspectors a list of accredited training courses and approved educational activities for which credit may be obtained. Approval by the Commissioner shall be based on whether the following content criteria are met: topics such as the compost process, composting methods, facility operations, odor control, source-separated organic materials management or other topics related to the best management practices of operating a compost facility are addressed.

O. The owner or operator of a source-separated organic material facility must submit an annual report in accordance with subp. 5, item K. The annual report must be submitted on a form prescribed by the commissioner. For source-separated organic material composting facilities, the annual report must include the county of origin and volume of source-separated compostable materials received.

P. If for any reason, the facility becomes inoperable, the owner or operator of the facility must notify the commissioner within 48 hours and implement the contingency action plan developed under part 7035.2615.