

FITNESS ENGINEERING LLC

28 Sandalwood Drive, Rehoboth Beach, DE 19971 (410) 948-7853 jeff.dannis.FE@outlook.com

On behalf of Blessings Greenhouses and Compost Facility, Inc., Fitness Engineering is submitting the following comments to DNREC on the proposed Regulations governing Solid Waste (7 DE Admin. Code 1301). Docket #2025-R-WHS-0016. Blessings Greenhouses and Compost Facility is a producer of STA compost blended from STA compost and composted wood as well as other compost and soil amendments. They are currently designing and about to begin construction on an aerated static pile composting facility for their Milford Delaware facility.

Comments of Delaware Solid Waste Regulations

Section 3 Definitions

1. In the definition of *Composting Facilities*, in the definition of *Tier one*, *Tier two* and *Tier three*, the sizing refers to quantities of “waste and finished compost product.” The terms “organic material” or “composting feedstock” are used in Section 2, but “waste” is used here. Please confirm that “waste” is material (overs and discards) removed from finished compost for disposal off-site, and sizing facilities is based on quantities of “waste and finished compost”. Confirmation is needed that there are no limitations to volumes of stored composting feedstocks, materials being actively composted or cured at *Tier one*, *Tier two* and *Tier three* facilities.
2. Wood waste as defined by 40 CFR 60.2977. While wood waste does decompose, it does not by itself create the thermophilic conditions associated with composting. Traditionally in Delaware, wood waste processing and stockpiles of such are under the control of the State Fire Marshall and not DNREC. As such, if used as a bulking agent to facilitate composting, such stockpiles of processed wood waste at a composting facility should not be considered waste, compost, feedstock or other material that or determines the permit Tier status. As a bulking agent, it is often screened out and used again with fresh feedstock. Our preference is that wood waste stockpiled and intended for re-use, be excluded from volumes used to permit a facility.

Also to be noted, composting of Agricultural wastes requires a bulking agent such as processed wood waste. If this were to be considered a feedstock, then importation of processed wood waste would violate exemptions of farms because they would be importing a feedstock. Please confirm that wood waste is different than other “solid wastes.”

3. Correct the definition of *Compost* and *Composting* to reflect current definitions. Use EPA’s definition of composting and compost or the following from the US Composting Council.

“Compost is the product manufactured through the controlled aerobic, biological decomposition of biodegradable materials. The product has undergone mesophilic and thermophilic temperatures, which significantly reduces the viability of pathogens and weed seeds, and stabilizes the carbon such that it is beneficial to plant growth. Compost is typically used as a soil amendment, but may also contribute plant nutrients.”

The definition of compost should be replaced because it facilitates misconceptions by using the phrase “free of pathogens at an infectious level”. No compost can be free of pathogens or microbes. EPA standard for compost of sewage sludge is PRFP (process to further reduce pathogens) [40CFR Part 503 Appendix B Part B] and it does not say that composted sewage sludge must be sanitized and free of pathogens. As important as the point above, the existing definition in Section 3 of *Composting* allows anaerobic digestion to be considered as “composting”; Composting is an aerobic process and needs to be defined as such. Anaerobic digestion is not an aerobic process and must be excluded from what is considered composting.

Section 4 Permit Requirements and Administrative Procedures

4. 4.1.11.3.1 indicates that a closure plan (and associated costs) must comply with requirements for closure of each type of solid waste facility. As this regulation provides no guidance for either the Compost Operations Plan or composting facility closure, and that given a Compost Permit application must include the Compost Operations Plan as well as Financial Assurance documentation (per 4.1.11.2.3.6), the closure costs submitted should be based on the closure process described within the **initially** submitted Compost Operations plan. After the permit is issued, when closure costs are re-assessed annually (per 4.1.11.3.2), closure costs must comply with the **final** approved closure process in the approved Compost Operations Plan. This later correction will simplify the initial application process by removing the back and forth between DNREC, the applicant and the financial assurance company as the Compost Operations Plan undergoes review and revision during approval.

5. Confirm within Section 4 with specific language that there are no post-closure requirements for permitted composting facilities. “Post Closure” is a program to monitor and maintain Disposal facilities, where solid waste is stored long-term. Properly closed composting facilities will have removed all compost (sold or distributed) or incorporated the remaining compost into site soils. There is no product or feedstock left after a Composting facility is properly closed. As part of the composting permit approval process, DNREC can provide feedback to ensure that the closure plan is sufficient that post-closure actions will not be needed. That there is no post-closure plan required must be clearly stated in the regulation as financial backers, insurance companies and bond issuers need to understand their obligations. When this decision is made, remove the reference of Post-Closure care from 2.5.1.4.

There are no permit application details provided in Section 4 “Permit Requirements and Administrative Procedures” for composting facilities. Please provide these application criteria. These details should include specific requirements to guide applicants for what should in the “Closure Plan”. The language should clarify that there will be no “Post-Closure” requirements for Tier 1 or Tier 2 composting facilities.

Section 7 Transporters

Just because a home improvement contractor or landscaper may transport solid waste or yard waste without a permit according to 7.2.1.4, this does not exempt them from covering their loads per 7.2.3.4. DNREC should confirm that they are responsible for enforcement. It is unfair to place enforcement or reporting responsibility of these violators upon the “authorized treatment, storage, disposal or recycling facility.” especially when the violating haulers are their paying customers.

7.2.2.4 refers to an “accidental discharge containment plan.” Please identify if DNREC has guidance for what is contained in such plan. Please confirm that this is the un-named requirement described in 7.2.5.1. Please clarify if there are any differences between this and “Spill Control Plan” referred to in existing permits.

If you have any questions about these comments or need clarification, please feel free to contact me at the address above.

Sincerely,

Jeffrey Dannis, P.E. # 26221 Delaware

President

Fitness Engineering, LLC