

15A NCAC 13B .1407 CLASSIFICATION, TESTING, AND DISTRIBUTION OF SOLID WASTE COMPOST PRODUCTS

(a) Compost or mulch that is produced at a Type 1 facility, is free from offensive odor, contains no sharp particles, and, for compost, has met the temperature requirements in Rule .1406(11) of this Section shall be classified Grade A and have unrestricted application and distribution. Compost analytical testing shall not be required for Type 1 compost if temperature requirements in Rule .1406(11) of this Section have been met and documented.

(b) Compost produced from Type 2, 3, and 4 facilities shall be sampled and analyzed as follows:

- (1) a composite sample of the compost produced at each compost facility shall be analyzed at intervals of every 20,000 tons of compost produced or every six months, whichever comes first, for metals and pathogens;
- (2) compost samples shall be analyzed for the metals listed in 40 CFR 503.13(b)(3), except that analysis for mercury shall not be required for Type 2 and 3 facilities, and analysis for arsenic and selenium shall not be required for Type 2 facilities. The concentration of metals in compost offered for sale or distribution to the public shall not exceed the pollutant concentration limits listed in 40 CFR 503.13(b)(3). 40 CFR 503.13 and 40 CFR 503.32 are incorporated by reference including subsequent amendments and editions. Copies of the Code of Federal Regulations may be obtained from the U.S. Government Publishing Office website at www.gpo.gov at no cost;
- (3) compost samples shall be analyzed for pathogens, either for fecal coliform or salmonella bacteria. The concentration of pathogens in compost offered for sale or distribution to the public shall not exceed the concentration limits listed in 40 CFR 503.32(a)(3);
- (4) sample collection, preservation, and analysis shall assure valid and representative results. At least three individual samples of equal volume shall be taken from each batch produced in separate areas along the side of the batch. Each sampling point shall be sampled from a depth of two to six feet into the pile from the outside surface of the pile as follows:
 - (A) metals samples shall be composited and accumulated over a six-month period or at intervals of every 20,000 tons of product produced, whichever comes first; and
 - (B) pathogens samples shall be a representative composite sample of the compost and shall be processed within a period of time required by the testing procedure;
- (5) analytical testing methods shall be in accordance with the procedures of one of the following:
 - (A) EPA publication SW-846, "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods." This document is incorporated by reference, including subsequent amendments and editions, and may be obtained free of charge at <https://www.epa.gov/hw-sw846>;
 - (B) the U.S. Department of Agriculture/U.S. Compost Council publication "Test Methods for the Examination of Composting and Compost" (TMECC). This document is incorporated by reference including subsequent amendments and editions, and may be obtained for a fee of three hundred fifty dollars (\$350.00) at <https://compostingcouncil.org/tmecc/> or a copy may be reviewed free of charge at the Division of Waste Management, Solid Waste Section office at 217 West Jones Street, Raleigh, N.C. 27603; or
 - (C) other methods that are approved by the Division as providing equivalent standards of analysis; and
- (6) the Division may decrease or increase the parameters to be analyzed or the frequency of analysis based upon monitoring data, changes in the waste stream or processing, or information regarding the potential for the presence of contaminants that are not required to be analyzed in this Paragraph.

(c) Compost produced from Types 2, 3, and 4 facilities that meet the requirements of Subparagraphs (b)(2) and (b)(3) of this Rule shall be classified Grade A compost and shall have unlimited, unrestricted distribution, except as otherwise determined by the Division based on analyses of parameters pursuant to Subparagraph (b)(6) of this Rule.

(d) The facility operator shall be responsible for meeting the requirements of the North Carolina Department of Agriculture and Consumer Services Plant Industry Division Seed and Fertilizer Section concerning the distribution of this product.

*History Note: Authority G.S. 130A-309.11;
Eff. December 1, 1991;
RRC objection Eff. April 18, 1996 due to lack of statutory authority;
Amended Eff. June 1, 1996;*

Readopted Eff. November 1, 2019.