

Proposed Bylaw for Industrial Composting Facilities

Approved by Planning Commission on 5/22/12.

Approved by the Selectboard on 8/6/12 with minor changes. Text deleted at the hearing is crossed-out and text added is double underlined.

Changes in: Table of Contents:

7.13 Industrial Composting Facilities

7.143 Hazardous Waste Management Facilities.

Changes in: 6.4.2 Conditional Uses in I Districts.

6.4.2.2.16. Industrial composting facilities (See Section 7.13).

6.4.2.2.176. Hazardous waste management facilities (See Section 7.143).

Proposed new section on Industrial Composting Facilities

7.13 Solid Waste Management Facilities – Industrial Composting Facilities

Industrial Composting Facilities using aerobic, anaerobic, or vermicomposting techniques are permitted as conditional uses in the I-1 and I-2 Districts. Such facilities shall be registered or certified by the State under 10 VSA Chapter 159 for the composting of food waste, manures, leaf and yard waste and wood waste. Composting activities shall not contain any amount of sewage sludge, domestic septage, septage or animal mortality. Any proposed composting facility shall be expected to have impacts on nearby residential or roadside commercial zones no greater than less than or equal to the impacts of a baseline composting facility. In reviewing applications, the Development Review Board shall take into consideration the requirements of 24 VSA Chapter 117 Section 4413 which prohibits restriction of the functional use by the Town.

Any such solid waste management facility must meet the requirements of Sections 3.5, 3.6, and 6.4 in addition to the requirements of this section.

Any on-farm composting operation which falls under the authority of the Agency of Agriculture Food and Markets (AAFM) as Accepted Agricultural Practice (AAP) is exempt from this Bylaw. The Zoning Administrator shall request an opinion from the AAFM that an on-farm composting application qualifies under the authority of AAFM as an AAP. Backyard composting facilities are also exempt from this Bylaw.

7.13.1 Lot size:

Lot size shall comply with Section 6.4.3.

7.13.2 Setbacks:

Setbacks shall comply with Section 6.4.3 and this section unless the State of Vermont requires greater

setbacks.

The setback to the lot line of any roadside commercial or residentially zoned property shall be 400 feet for a baseline composting facility processing of up to 10,000 cubic yards of organic waste per year. This setback shall be increased by an additional 200 feet for each additional 10,000 cubic yards of organic waste processed per year, or fraction thereof.

The DRB may reduce the setback required to lot lines of roadside commercial or residential properties , provided that a professional engineer licensed in the State of Vermont and with experience with industrial composting facilities has certified that:

7.13.2.1 Specific measures, devices and/or technologies are likely, when compared to a baseline composting facility, to significantly reduce nuisance odor, dust, and bioaerosol impacts associated with the facility; and

7.13.2.2 The character and conditions that exist, or are likely to exist at the site of the facility are unlikely to adversely affect the effectiveness of the measures, devices and/or technologies identified by the owner; and

7.13.2.3 Reducing the setback is unlikely to result in any increase, relative to a baseline system, of nuisance, odor, dust, and bioaerosol impacts upon roadside commercial or residential properties.

The DRB may not reduce the setback if the measures, devices and/or technologies identified and employed by the owner reduce some impacts, but other impacts will likely increase as a result of the reduction in setback. (These impacts include but are not limited to nuisance odor, dust, or bioaerosols.)

7.13.3 Building Coverage

Total building coverage of all buildings and structures on the lot shall comply with Section 6.4.3.

7.13.4 Building Height

Building height shall comply with Section 6.4.3.

7.13.5 Vehicle circulation and parking

Vehicle circulation and parking shall comply with Section 7.3.

7.13.6 Screening and landscaping

Screening and landscaping shall comply with Section 7.11.6. The screening shall be of a type proven to be effective in reducing aerosol and dust concentrations.

7.13.7 Operations Plan

The operations plan shall comply with Section 7.11.8.

7.13.8 Host Town Agreement

A host town agreement complying with the provisions of Section 7.11.9 is required.

Numbering changes in: 7.13 Hazardous Waste Management Facilities:

7.143 Hazardous Waste Management Facilities

Commercial hazardous waste Treatment, Storage and Disposal Facilities (TSDF's) proposed under 10 VSA 6606a and subject to Vermont Hazardous Waste Management Regulations shall be permitted as a conditional use in I-1 and I-2 districts.

7.143.1 Owing to the highly technical nature of handling hazardous waste and the potential worst-case impacts of such materials, Hazardous Waste Management Facilities shall be subject to the following requirements:

7.143.1.1. A professional consultant shall be retained by the Town, with all costs paid by the applicant, to advise on the proposed facility including possible hazards associated with it and the potential impacts on the Town.

7.143.1.2 The applicant shall list all permitted wastes that are to be handled. Any wastes not on this list shall specifically not be permitted at the proposed facility.

7.143.1.3 No storage of hazardous wastes listed in 7.142.1.2 above shall be permitted for a period greater than one year.

7.143.1.4 Following the advise of the professional consultant, the Development Review Board shall make recommendations to the Select Board regarding fees to be paid to the Town sufficient to cover all impacts from normal operations and worst-case scenarios. The recommended fees shall be sufficient to cover impacts including, but not limited to, new equipment, training expenses, insurance, roads, other Town services and risk during transport of wastes to and from the site.

7.143.1.5 Minimum lot size shall be not less than 400,000 square feet Additionally, setbacks to neighboring properties shall be sufficient to allow continuing normal use of the neighboring property following any potential worst-case scenario anticipated in 7.143.1.4 above.

To be added to Definitions:

Accepted Agricultural Practices (AAP): the base level of management required for all farms in Vermont as defined by the Secretary of Agriculture, Food and Markets in accordance with *Chapter 215: 6 V.S.A. § 4810*. Procedures for the construction of farm structures are described in 4.07.

Aerobic composting: Composting in the presence of an adequate supply of oxygen.

Anaerobic composting: Composting in the absence of oxygen.

Animal Mortality: ~~Animal carcasses and body parts not intended for human consumption, not including food scraps.~~ Animal mortality does not include food scraps.

Backyard composting facility: A composting facility processing a total feedstock of less than 100 cubic yards/year.

Baseline composting facility / baseline system: A simple open-windrow industrial composting facility that is run according to procedures prescribed by the Vermont Agency of Natural Resources.

Industrial composting: Registered or certified composting operations regulated by the Agency of Natural Resources where more than half of the feed stock is obtained from off-site sources.

Compost: A stable humus-like material produced by the controlled biological decomposition of organic matter through active management. The organic matter shall not include sewage, septage, or materials derived from sewage or septage.

Composting Facility: A facility for reducing various organic materials to a stable humus-rich material. The facility may use either aerobic or anaerobic processes.

Leachate: Liquid containing dissolved, suspended, or miscible materials that passes through or emerges from solid waste.

Food-waste derived compost: Compost created using more than 1% food waste.

Nuisance impacts: Impacts that are likely to be offensive to a typical observer.

On-farm composting: composting which, under the authority of the Agency of Agriculture Food and Markets, is regarded as an Accepted Agricultural Practice.

Vermicomposting: A method of composting utilizing red worms or similar worms to break down organic material into a humus-like material.