



# New Mexico Environment Department

## Starting a Compost Facility in New Mexico: The Regulatory Basics

Genevieve Morgan, Climate Coordinator, Solid Waste Bureau  
September 19, 2023



We want you to compost and....



we want you to do it RIGHT!





# Agencies Regulating Compost



- Solid Waste Bureau
- Occupational Health and Safety Bureau
- Surface Water Quality Bureau
- Ground Water Quality Bureau

- New Mexico Fertilizer Act

- 40 CFR Part 503 for Biosolids Composting



# Solid Waste Bureau



- Primary regulatory agency for composting facilities in the state
- Regulates the composting PROCESS not the PRODUCT



# Basic Registration Requirements

- Application form includes:
    - ▣ Operations Plan
    - ▣ Types and amounts of feedstocks used
    - ▣ Nuisance Prevention Plan
  - Compliance Plan for 40 CFR 503 (biosolids only)
  - Agreement to comply with:
    - ▣ NMED Certified operator
    - ▣ Annual reports submitted to SWB
- (see 20.9.3.27 NMAC)

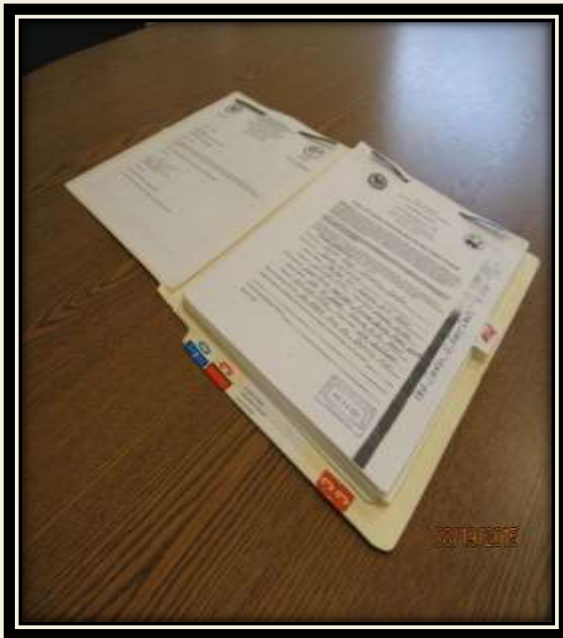




# SWB – Compost Facility Registration

A registration is not a permit

Registration






Permit







# What type of Registration do I need?

	 Collection Center Registration	 Basic Registration	 Advanced registration
Compostable materials (source- separated)	Less than 240 cubic yards/day ***	Less than 25 tons/day *	More than 25 tons/day*
	AND		OR
Special waste (offal, sludge)	None	Less than 5 tons/day *	More than 5 tons/day*
	AND		AND
Solid Waste	None**	None**	None**

\*Annual average

\*\*\* Monthly average

\*\* other than incidental solid waste

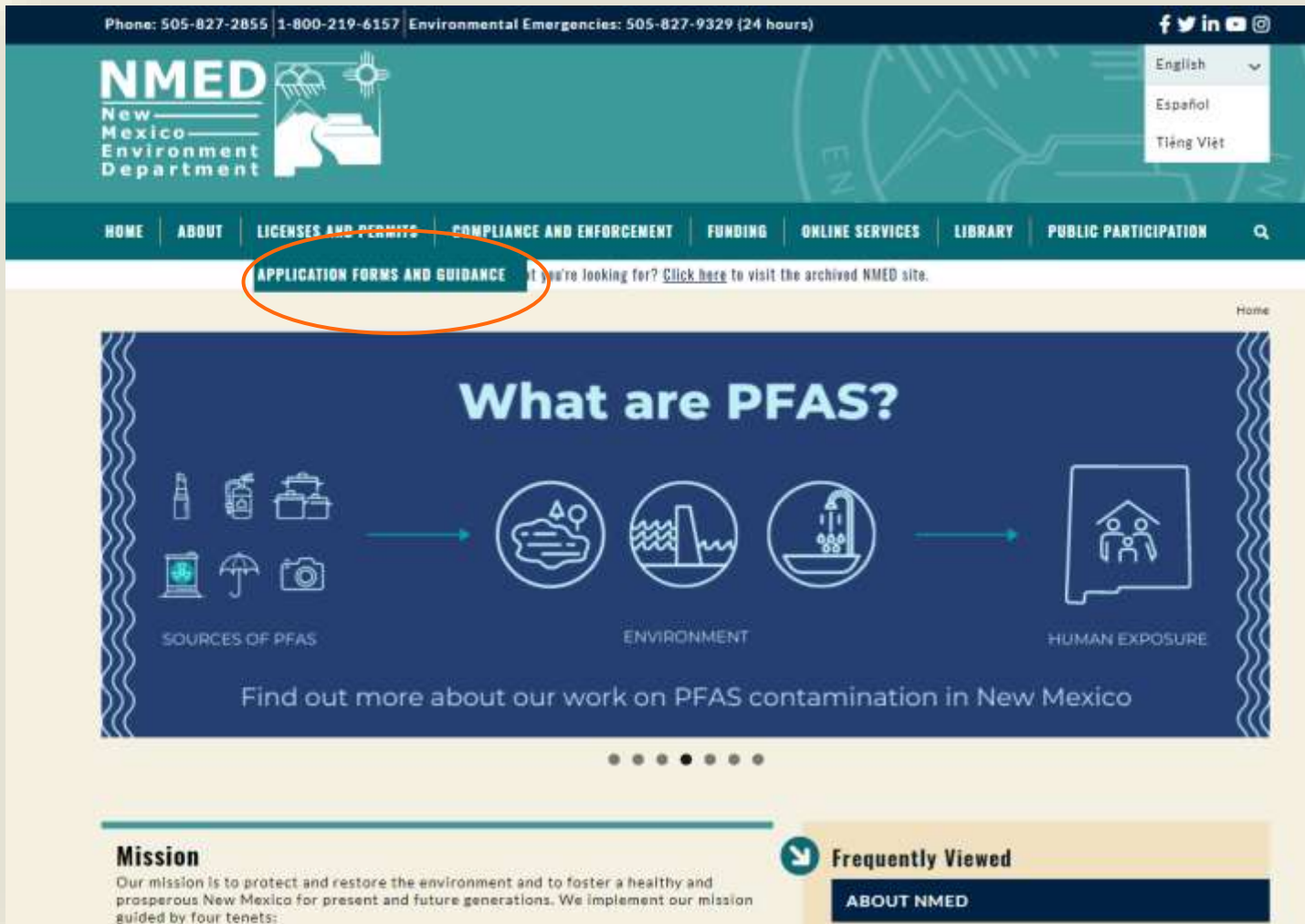






# SWB – Compost Facility Registration

<https://www.env.nm.gov/>

A screenshot of the New Mexico Environment Department (NMED) website. The header includes contact information: Phone: 505-827-2855, 1-800-219-6157, and Environmental Emergencies: 505-827-9329 (24 hours). The NMED logo is on the left, and a language dropdown menu (English, Español, Tiếng Việt) is on the right. The navigation bar contains links: HOME, ABOUT, LICENSES AND PERMITS, COMPLIANCE AND ENFORCEMENT, FUNDING, ONLINE SERVICES, LIBRARY, and PUBLIC PARTICIPATION. The "APPLICATION FORMS AND GUIDANCE" link is circled in orange. Below the navigation bar, a banner for "What are PFAS?" features icons for sources, environment, and human exposure. The footer includes a "Mission" statement and a "Frequently Viewed" section with a link to "ABOUT NMED".

Phone: 505-827-2855 | 1-800-219-6157 | Environmental Emergencies: 505-827-9329 (24 hours)

**NMED**  
New Mexico Environment Department

English  
Español  
Tiếng Việt

HOME | ABOUT | **LICENSES AND PERMITS** | COMPLIANCE AND ENFORCEMENT | FUNDING | ONLINE SERVICES | LIBRARY | PUBLIC PARTICIPATION

**APPLICATION FORMS AND GUIDANCE** - If you're looking for? [Click here](#) to visit the archived NMED site.

## What are PFAS?

SOURCES OF PFAS → ENVIRONMENT → HUMAN EXPOSURE

Find out more about our work on PFAS contamination in New Mexico

**Mission**  
Our mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. We implement our mission guided by four tenets:

**Frequently Viewed**  
[ABOUT NMED](#)



# SWB – Compost Facility Registration



## All Application Forms and Guidance

NMED Home

- > Air Quality Bureau
- > Cannabis and Hemp Bureau
- > Constructions Programs Bureau
- > Drinking Water Bureau
- > Onsite Wastewater Bureau
- > Food Safety Program
- > Ground Water Quality Bureau
- > Hazardous Waste Bureau
- > Occupational Health and Safety Bureau
- > Petroleum Storage Tank Bureau
- > Public Recreation Water Safety Section
- > Radiation Control Bureau
- > Solid Waste Bureau
- > Surface Water Quality Bureau



### Frequently Viewed

- ABOUT NMED
- CALENDAR
- CONTACT US
- COVID-19 IN THE WORKPLACE
- NEWSROOM
- PUBLIC NOTICES
- RECORDS REQUEST
- OHSB RUST INVESTIGATION



### Contact Us

Main Ph: 505-827-2855  
800-219-6157

Headquarters Location  
Harold Runnels Building  
1190 St. Francis Dr.  
Suite N4050  
Santa Fe, NM 87505





# SWB – Compost Facility Registration

> Public Recreation Water Safety Section

> Radiation Control Bureau

✓ Solid Waste Bureau

> Annual Reporting

> Facility Registration

> Permitted Solid Waste Facilities

> Commercial and Special Waste Haulers

> Solid Waste Facility Grant

> Scrap Tire Haulers

> Scrap Tire Program Permits

> Operator Certification

> RAID Grants

> Other Forms

> Surface Water Quality Bureau






# SWB – Compost Facility Registration

## > Radiation Control Bureau

## ✓ Solid Waste Bureau

### > Annual Reporting

### ✓ Facility Registration



Collection Center Registration Application  
Compost Facility Registration Application  
Recycling Facility Registration Application  
Air Curtain Incinerator Registration Application  
Small Animal Crematorium Registration Application

### > Permitted Solid Waste Facilities

### > Commercial and Special Waste Haulers



### > Solid Waste Facility Grant

### > Scrap Tire Haulers

### > Scrap Tire Program Permits



# SWB – Compost Facility Registration

  
**NEW MEXICO  
ENVIRONMENT DEPARTMENT**  
*Solid Waste Bureau*  
Harold Runnels Building  
1190 Saint Francis Drive, PO Box 5469 Santa Fe, NM 87502-5469  
Telephone (505) 827-0197  
[www.env.nm.gov/solid-waste](http://www.env.nm.gov/solid-waste)

---

### Compost Facility Registration Application

The New Mexico Solid Waste Rules, 20.9.3.27 NMAC, require the registration of a composting facility with the New Mexico Environment Department.

A "composting facility" means a facility, other than a transformation facility, that is capable of providing biological stabilization of organic material.

The owner or operator of a composting facility must apply for a registration **at least 30 days prior** to any operations and **every five years thereafter**. A composting facility that fails to file a timely and complete application for registration is deemed an unpermitted solid waste facility, subjecting the owner or operator to penalties, permit requirements and nuisance abatement orders.

Registered composting facilities shall accept only source separated compostable materials.

If a composting facility has or plans to increase its operational rate to more than 25 tons per day annual average, it must additionally comply with 20.9.3.28 NMAC. This is called an "Advanced Registration." Please contact the Permit Section Manager of the Solid Waste Bureau for application and financial assurance requirements.

This registration must be updated whenever operations change. Submit the updated registration to the Solid Waste Bureau within 30 days.

No fee is required for compost facility registration.

---

### Instructions

Please complete the following form, which serves as your application and required operations plan. Write "N/A" if a question does not apply to your facility.

Most questions require only a short answer. A short phrase or one or two sentences may be enough to answer the question fully.

The information on this application and operations plan must describe your actual operations. When operations change, please resubmit a revised version of this form within 30 days. If actual operations differ from that described in this application and operations plan, the facility may be issued a violation.

If necessary, further explanation for any question may be given in the space at the end of the form.



# Siting Location





# Best Management Practices

## □ Site Selection

- At least 300-500 feet away from any water source or areas of hydrological sensitivity (away from flood plains)
- Area should have good drainage
  - (Site should be well-drained, but not the soil)
- Consider proximity to neighbors and/or general public
- Focus on bio-security – prevention of the spread of pathogens or disease (especially for offal & mortality composting)
- Select area convenient for material handling
- Adequate space for long term active and curing piles
- Adequate space for storage of finished compost





# Best Management Practices

## □ Site Selection

### ■ Storm water management

- Base of pile should consist of soil with low permeability (i.e. clay) to prevent groundwater infiltration
- Consider installing gravel pads to prevent pooling around piles

### ■ Dust control (consider wind direction, neighbors)

### ■ All weather access and well-maintained roads

### ■ Minimal interference with other operations and traffic at facility

### ■ Proximity to water source for hydrating piles and fire suppression

### ■ Minimize the amount of run-off from the site

# Feedstocks





# Storage of Combustible Materials

- International Fire Code, Chapter 28 (updated 2021)
- Section 2808 Storage and Processing of Wood Chips and Compost
- Piles shall not exceed 25 feet in height, 150 feet in width and 250 feet in length.
- CHAPTER 28 LUMBER YARDS AND AGRO-INDUSTRIAL, SOLID BIOMASS AND WOODWORKING FACILITIES, 2021  
International Fire Code (IFC) | ICC Digital Codes ([iccsafe.org](https://www.iccsafe.org))



# Storage of Combustible Materials

- Pile sizes must not create a public nuisance, therefore:
  - Do not create/store piles under or near overhead electrical power lines
  - Do not store in grassy areas or near other sources of flammable material
  - Do not store piles in wetlands areas or other watercourses
  - Must have 75' emergency fire lanes between all piles



# SWB- Hauling Registrations

1. Commercial Hauler Registration
2. Special Waste Hauler Registration
  - ❖ Required if hauling to facility for composting:
    1. Sludge (un-composted or raw biosolids)
    2. Packing house and killing plant offal





# Other NMED Regulators



## ❑ OSHA Bureau

- Implements and enforces the NM Occupational Health and Safety Act to protect workers in the private and public sector.

[https://www.env.nm.gov/occupational\\_health\\_safety/](https://www.env.nm.gov/occupational_health_safety/)





# Other NMED Regulators



- Surface Water Quality Bureau
  - ▣ National Pollution Discharge Elimination System (NPDES) for Stormwater Pollution Prevention Plan (SWPP)

<https://www.env.nm.gov/surface-water-quality/>







# Other NMED Regulators



- Ground Water Quality Bureau
  - ▣ Notice of Intent to Discharge or Groundwater Discharge Permit

<https://www.env.nm.gov/gwqb/permits/>





# Federal Regulations



## □ 40 CFR Part 503 for Biosolids Composting

<https://www.epa.gov/biosolids/basic-information-about-biosolids#basics>



# Community Composting





# Guidance for Community Composting

- This category falls under a Collection Center Facility Registration NOT a Compost Facility Registration
- Need to submit Operations Plan and all other requirements set forth for Collection Center registration
- DOES NOT require a NMED Certified Operator
- DOES NOT require Annual Reporting to SWB



# Guidance for Community Composting

- Like a facility registration, a site map and on-site signage are required



# Finished Compost



# Compost Marketing and Sales



- The New Mexico Department of Agriculture regulates finished compost **PRODUCTS** - they do not regulate the composting **PROCESS**
  - Finished compost **CAN NOT** be labeled as a fertilizer – it is a soil amendment or soil conditioner







# Compost Marketing and Sales



<https://nmdeptag.nmsu.edu/licensing-and-registrations/fertilizer-and-soil-conditioner-registration.html> -





# In Summary

It is the goal of the NMED to ensure that compost facilities are run:

- In accordance with the NM Solid Waste Rules
- In a manner that protects the environment (particularly surface & ground water and air quality)
- In a manner that does not create a public nuisance
- In a manner which protects the health and safety of workers



# Happy Composting!





# Questions?

For more information, please feel free to contact:

**Genevieve Morgan**

Climate Coordinator

Solid Waste Bureau, New Mexico Environment Department

[Genevieve.Morgan@env.nm.gov](mailto:Genevieve.Morgan@env.nm.gov)

(505) 490-5356