

Solid Waste

Certificate of Designation for Composting Facilities

The siting, permitting and regulation of composting facilities is a dual responsibility of the Hazardous Materials and Waste Management Division and the local governing body having jurisdiction (the county or municipality). The Division works with the local governing body to evaluate the composting activities proposed for the facility. Approval of the application will allow a Certificate of Designation (CD) to be issued by the local governing body having jurisdiction. Issuance of the certificate of designation incorporates recommendations made by the Division after a thorough evaluation of the application and other local factors.

Who Must Apply

Anyone operating a Class I or II* composting facility must obtain a certificate of designation.

Exceptions include:

- 1) Class III, IV and V composting facilities, (A Class III facility must submit a design and operations plan for review and approval by the Division and local governing body. A design and operations plan is not required for a Class IV or V composting facility.)
- 2) backyard composting of yard and landscaping waste up to 100 cubic yards at one time,
- 3) businesses that generate yard or landscaping waste through routine operations and that process it into mulch for product distribution (must register as a recycler under Section 8 of the Solid Waste Regulations),
- 4) businesses that accept finished compost for bagging or handling,
- 5) composting of agricultural materials generated onsite at a facility registered with the Colorado Department of Agriculture, and
- 6) biosolids composting activities regulated under the Biosolids Regulation, Water Quality Regulation #64 (5 CCR 1002-64).

All Class I, II, III, IV, and V compost facilities must submit an [annual report](#) providing the total amount of finished product used onsite, sold or distributed offsite and the amount and type of feedstock and bulking material received, processed and remaining onsite each year.

Duration of Certificate

There is no set duration for the Certificate of Designation in state statute or regulation. However, some local governing bodies established time frames whereby the Design and Operations Plans must be re-evaluated and revised as necessary.

Fees

A non-refundable application fee must accompany the application to the local governing body having jurisdiction and is based on costs incurred by that body in the application review and approval process. The applicant is also responsible for the costs incurred by the Division or private contractor hired by the Division for the comprehensive technical review of the application or any amendments to an application for which a certificate of designation has been issued, as well as other activities as described in Section 1.7 of the regulations. Document review and activity fees are assessed for the Department's technical and administrative time for reviewing, writing, issuing or denying and maintaining a permit. The hourly charge is set at \$125/hr. There are fee ceilings for document review and activity fees. Ceilings range from \$500 to \$35,000. Facilities operating under a certificate of designation are subject to annual operating fees that partially offset the cost of monitoring and compliance. This fee is currently \$1000 per year.

Post-closure fees may also be applicable and are used to partially offset the cost of monitoring and compliance. These fees are \$1000 per year.

Application Process

There is no state-wide application form for a composting facility certificate of designation. Obtaining a certificate of designation begins with the local governing body having jurisdiction. Persons proposing a facility in unincorporated portions of any county must apply to the commissioners of the county. If the facility is proposed to be within the corporate boundaries of a municipality, they must apply to the governing body of the municipality. The local governing body forwards copies of the application packet to the Division for review and recommendation of approval or disapproval. An application completeness determination must be made by the Division within 30 days of receipt of the application. Once it is determined that the application is complete, a comprehensive technical review of the application must be completed within 150 days either by the Division or private contractor hired by the Division, unless this timing provision is waived by the applicant.

Public Participation

As part of the Division's review of the application, the Division must provide at least 30 days for public review and comment on the application. In addition, a public hearing is required to be held by the governing body having jurisdiction prior to the issuance of a Certificate of Designation. A public notice must be published in local newspapers at least 10 days but no more than 30 days prior to the hearing. The public notice must also be posted in at least one conspicuous location at the offices of the governing body having jurisdiction and in at least one location at the proposed site. These notices must be posted at least 30 days prior to the public hearing and continuing through the day of the hearing.

Forms

[Composting Facility Reporting Form](#)

<http://www.cdphe.state.co.us/hm/forms/compostingformstandard.pdf>

Statutes and Regulations

CRS 30-20-100.5 et seq.

Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 Section 14

Guidance

[Certificate of Designation \(CD\) as a Solid Waste Disposal Site](#)

<http://www.cdphe.state.co.us/hm/swcd.pdf>

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