

Virginia Engineering Design Note 5  
Summary of Virginia DEQ Regulations on Composting and Mortality  
October 2012

Disclaimer: This is a brief summary of the Virginia DEQ Regulations. It does not, and is not intended to be, a complete review of the laws and regulations. Consult the Virginia Administrative Code for the complete citations.

- Materials generated on the farm that are returned directly to the soil as a fertilizer are exempt from the Solid Waste Regulations. 9VAC20-81-95.C.1.

...the following materials are not solid wastes for the purposes of this chapter:

1. Materials generated by any of the following, which are returned to the soil as fertilizers:
    - a. The growing and harvesting of agricultural crops.
    - b. The raising and husbanding of animals, including animal manures and used animal bedding.
- Composting vegetative materials generated on the farm and that will be used on the farm is exempt from the Solid Waste Regulations if allowed by local ordinances and no nuisance is created. 9VAC20-81-95.D.
  - Composting animal manure that is generated on the farm and utilized on the farm is exempt under Item 1 of 9VAC20-81-95.E because the composted animal manure will be land-applied in accordance with a nutrient management plan approved by the Virginia Department of Conservation and Recreation.
  - Importing plant materials or animal manures from an off-site source for use in composting may require a permit because the exemption noted above only applies to materials generated and used on the farm. See exemptions under 9VAC20-81-397.B.2 and -397.B.4.

Under 9VAC20-81-397.B.2, owners or operators that accept only Category 1 (plant or plant-derived preconsumer materials) feedstocks and manures from herbivorous animals generated offsite are exempt provided that seven conditions are met. (Separation distances are shown in Virginia Engineering Design Note 2 – Separation Distances for Animal Waste Facilities.)

Prior to receipt of off-site wastes, DEQ Form YW-4 must be completed and submitted to the Regional DEQ office. If more than 6,000 cubic yards of off-site waste is received within any 12-month period, an Annual Report must be submitted to the Regional DEQ Office on DEQ Form-YW-2, per 9VAC20-81-397.B.4.

- Animal mortality composting is exempt from the solid waste regulations if the materials are generated and used on the farm and provided no open dump, hazard, or public nuisance is created. 9VAC20-81-95.D. DEQ Waste Guidance Memo No. 02-2009 gives the requirements for On-Site Composting of Routine Animal Mortality.
- Compost that is marketed to the public does not fall under these exemptions. The operator is responsible for obtaining needed permits. Permits may be required from DEQ, VDACS, and others.

**Summary of Laws and Regulations Pertaining to Mortality Disposal (as of October 2011)**

Disposal Method	Poultry		Cows	Swine and Other Animals
	Daily Mortality	Non-disease Catastrophic Mortality	Daily and Non-disease Catastrophic Mortality	Daily and Non-disease Catastrophic Mortality
Composting	<p><b>DEQ</b> - No permit needed to compost on-farm generated mortality as long as it is used on the farm. (9VAC20-81-95.D.4) Information on application is in Waste Guidance Memo No. 02-2009.</p> <p><b>VDACS:</b> Composting by means other than in a bin no longer has to have a variance from the State Vet.</p>	<p><b>DEQ</b> - No permit needed to compost on-farm generated mortality as long as it is used on the farm. (9VAC20-81-95.D.4) Information on application is in Waste Guidance Memo No. 02-2009.</p> <p><b>VDACS:</b> Mortality management plan is required for whole flock disposal (2VAC5-200-50).</p>	<p><b>DEQ</b> - No permit needed to compost on-farm generated mortality as long as it is used on the farm. (9VAC20-81-95.D.4) Information on application is in Waste Guidance Memo No. 02-2009.</p>	<p><b>DEQ</b> - No permit needed to compost on-farm generated mortality as long as it is used on the farm. (9VAC20-81-95.D.4) Information on application is in Waste Guidance Memo No. 02-2009.</p>
Disposal Pit	<p><b>&lt; 200 animal units:</b> Permit is required.</p> <p><b>&gt; 200 animal units:</b> Under the General VPA Permit, burial of daily mortality is not allowed. An Individual Permit would be required.</p>	<p>Permit is required. Although no specific guidance has been issued from DEQ, the DEQ representative said that the same rules as for burial of disease mortality would apply. Major points: Pit would be 9-11 feet deep with 5' of separation distance from bedrock or ground water. The location of the site must be recorded on the property deed.</p>	<p><b>DEQ – As of May 1, 2009.</b> Permit is not required for on-farm burial. (Waste Guidance Memo No. 03-2009)</p> <p>The Waste Guidance Memo gives very explicit requirements for burial of daily/routine mortality. Catastrophic events will require guidance from DEQ.</p>	<p><b>DEQ – As of May 1, 2009.</b> Permit is not required for on-farm burial. (Waste Guidance Memo No. 03-2009)</p> <p>The Waste Guidance Memo gives very explicit requirements for burial of daily/routine mortality. Catastrophic events will require guidance from DEQ.</p>
Incineration	The incinerator must be registered but is not regulated unless a complaint occurs.		A permit is required.	
Rendering	Producer must have a contract with a rendering company. NRCS can help with the freezer.		After April 27, 2009, cows cannot be rendered unless the brain and spinal cord are removed. Proper disposal of these parts is required.*	Producer must have a contract with a rendering company. NRCS can help with the freezer.

\*As of March 1, 2009, Valley Protein will no longer accept dead cows.