



# State of Mississippi

TATE REEVES

Governor

## MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

### Mississippi Department of Environmental Quality (MDEQ)

#### Guidance for Mulching and Chipping Facility Operations

(October 7, 2021)

The Mississippi Department of Environmental Quality (MDEQ) has developed the following document in response to statewide interest in the recycling of vegetative debris and untreated wood wastes by local governments and private entities. The MDEQ encourages the diversion of these types of wastes from landfills and into renewable resources such as wood chips to be used as fuel for industrial boilers, mulch products and other aesthetic materials for city and residential landscaping projects, and for a variety of other uses. The MDEQ has also developed this document to implement siting and management practices to ensure that facilities do not create a public nuisance, endanger public health, or pollute the environment. The MDEQ recognizes that the requirements for mulching and chipping facilities are not clearly defined in the Mississippi Nonhazardous Solid Waste Management Regulations and is presently working to revise these regulations to clarify the rules which apply to these types of operations. In the interim, parties interested in operating a mulching or chipping facility may refer to this document for facility planning and operational guidance, and for instructions on preparing a written proposal to the Department. In addition, owners of mulching/chipping facilities currently operating which do not meet the requirements given in this document may be required by MDEQ to modify operations to comply with these guidelines and submit a written proposal to MDEQ. This proposal will allow MDEQ to evaluate the potential mulching/chipping operation and determine the type of permit or exemption that may apply.

#### **I. Siting Criteria for Mulching and Chipping Vegetative Debris and Untreated Wood Wastes**

- A. A 200 foot buffer shall be maintained between the mulching/chipping operation and the property line, and any drinking water supply wells, except where otherwise approved by MDEQ.
- B. A 250 foot buffer shall be maintained between the mulching/chipping operation and the nearest state water body (e.g. lakes, rivers, creeks, streams, etc.), except where otherwise approved by MDEQ.
- C. If the chipping area is outdoors, to attenuate for noise, the chipping area must be located no closer than 1500 feet from the closest single family dwelling unit. If the chipping area is enclosed the area must be no closer than 500 feet from the closest single family dwelling unit. If the site cannot meet this setback, you may alternatively provide the following: written consent for the smaller setback distance from the owner of such dwelling; or you may demonstrate that the facility will be located, configured, designed, constructed, and operated such that the noise level at the neighboring dwelling, caused by the normal waste management operations of the facility, but not by vehicular movement into or out of the facility, will not exceed an eight-hour time weighted

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average (TWA) of 65 decibels between the hours of 7 a.m. and 7 p.m., and an eight-hour TWA of 55 decibels between 7 p.m. and 7 a.m.

- D. The mulching/chipping operation shall not be located in wetlands, in flood prone or similar low lying areas or in natural drainage ways.
- E. Sites with any pre-existing environmental problems, illegal dumping problems, or other similar conditions should be avoided, unless these conditions can be adequately corrected prior to requesting approval of the site.
- F. Sites selected for a proposed mulching/chipping operation should be large enough to accommodate the estimated quantities of incoming materials. In sizing a prospective site, it is important to consider that stockpiles of incoming materials may be limited in height and/or volume by MDEQ based on the equipment capabilities of the operation and the size of the site. In addition, stockpiles of finished product (e.g. mulch, wood chips, etc.) will be limited by MDEQ to 12 feet in height or less.
- G. Sites selected for a proposed mulching/chipping operation should be located in an area that does not conflict with local zoning, the approved solid waste plan, or other local government requirements. It is the responsibility of the facility owner/operator to insure that these requirements are met prior to submitting a written mulching /chipping operation proposal to MDEQ.
- H. Mulching operations should be located on property owned by the operator (individual, private business, local government, university, etc.) where possible. In the event that the property selected is owned by person(s) other than the facility operator, the responsibility for obtaining the right to the use of the property including the access route will be that of the operator. The issuance of a letter of concurrence to operate a mulching/chipping facility does not convey any property rights outside the scope of the authority under which the letter of concurrence is issued. Any operations proposed on properties that are owned by parties other than the mulching/chipping site operator must have the written approval of the property owner.

Sites that do not meet these requirements should not be considered for mulching/chipping facilities.

## **II. Preparing a Written Proposal to Operate a Mulching/Chipping Facility**

- A. Parties interested in operating a mulching/chipping facility should submit a written proposal to MDEQ. The proposal should include the following:
  - 1. The name and contact information of the operator (including formal business name, key contact persons, phone numbers, mailing address, e-mail address, etc.);
  - 2. A description of the physical address and directions which identify the site location. Where possible, the MDEQ requests that approximate GPS coordinates also be provided for the site;
  - 3. A United States Geological Survey (USGS) topographic quadrangle map or similar map of the area, which depicts the location and property boundaries for the site;

4. A detailed operational map or drawing. This map or drawing should be drawn to scale. The map or drawing may be overlain on aerial photography. The map or drawing must depict the property boundary and the primary operational areas including feedstock unloading areas, mulching/gringings areas, storage areas (feedstock, finished mulch/product, etc.), buffer distances to the property lines to composting and storage areas, accesses roads, and other physical characteristics of the site;
5. A description of the types and the sources of materials that will be mulched/chipped at the site. Such types may include: vegetative debris (e.g. leaves, grass/hedge clippings, small limbs, etc.) or other untreated wood waste (e.g. pallets, construction debris, etc.). MDEQ reserves the right to deny authorization of the use of certain materials (e.g. treated or painted wood materials) in the mulching/chipping operation program.
6. A description and all necessary documentation of the proposed site's ability to comply with the location restrictions previously identified in Part I of this guidance;
7. In the event that the property selected is owned by person(s) other than the facility operator, a written statement from the site property owner(s) acknowledging concurrence with the use of the property as a composting operation; and
8. A description of the manner in which the site will be operated.
  - a. Include the method of transportation for incoming materials to the site.
  - b. Include an estimation of how much material is expected to be on site at any given time. This amount should include incoming materials and mulch/chips finished product.
  - c. Include a description of how the materials will be chipped and mulched. Please describe the expected type, size, and model of the chipping equipment that will be used and the frequency and daily duration that the chipping activities will be conducted. If a contractor will be used to chip the materials, indicate the anticipated frequency and duration that the contractor will be on site with chipping equipment.
  - d. Include a description of procedures for preventing unauthorized wastes from entering the site. Also include a description of procedures for managing inadvertent unauthorized wastes or other materials that cannot be processed either due to size or conditions.
  - e. Include plans for where the finished mulch/chips product will be provided/used. If agreements with outside parties exist for the acceptance and use of the mulch/chips product, please provide a copy confirming the conditions of the agreement. Any confidential information may be redacted from the copy provided.
  - f. Include storm water management provisions for the site operations. Depending upon how the site will be operated, you may or may not be required to develop a storm water pollution prevention plan (SWPPP) and obtain storm water permit coverage. You will

need to work with the MDEQ to determine the level of ongoing exposure of the incoming wood wastes and the outgoing chipped wood product to storm water. For information on obtaining storm water no exposure certification or for storm water permit coverage and development of a SWPPP visit the following MDEQ web site: <https://www.mdeq.ms.gov/permits/environmental-permits-division/applications-forms/>

- B. The written proposal for operating a mulching/chipping facility should be transmitted by the prospective operator to the MDEQ:

By Email: [tjones@mdeq.ms.gov](mailto:tjones@mdeq.ms.gov)

By Mail: Attn: Trent Jones  
MDEQ - Waste Division  
P.O. Box 2261  
Jackson, MS 39225

By Delivery: Attn: Trent Jones  
MDEQ - Waste Division  
515 East Amite Street  
Jackson, MS 39201

### **III. MDEQ Review and Consideration of the Proposal**

- A. Upon receipt of this proposal, MDEQ may conduct an inspection of the site to confirm compliance with the MDEQ siting criteria.
- B. Based on this review, the MDEQ may issue a letter of concurrence, in lieu of a formal permit, to operate the mulching/chipping facility to ensure that the facility will operate in a manner consistent with the State Nonhazardous Solid Waste Management Regulations. This letter will outline the operating requirements, design requirements, additional siting requirements, reporting requirements, and any other guidelines that may apply. Or the Department may issue a letter stating that the MDEQ does not concur with the proposed operation and/or that the operator must apply for a solid waste management permit for the proposed operation.
- C. Upon issuance of the concurrence letter, the MDEQ reserves the right to inspect the mulching/chipping site at all reasonable times.
- D. The MDEQ reserves the right to withdraw or modify the letter of concurrence for the mulching/chipping operations if problems are encountered or if the operations change to include additional activities proposed in the original written proposal.

**For more information, please contact Trent Jones by email at [tjones@mdeq.ms.gov](mailto:tjones@mdeq.ms.gov) or at (601) 961-5171.**