



Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor

Aruna Miller, Lt. Governor

Kevin M. Atticks, Secretary

Steven A. Connelly, Deputy Secretary

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Industry

The Wayne A. Cawley, Jr. Building

50 Harry S Truman Parkway

Annapolis, Maryland 21401

mda.maryland.gov

410.841.5885 Baltimore/Washington

410.841.5846 Fax

Maryland Department of Agriculture

Legislative Comment

Date: March 5, 2024

BILL NUMBER: SB 1074/HB 991

SHORT TITLE: Environment - Industrial Sludge Utilization Permit - Establishment

MDA POSITION: SUPPORT- with amendments

The Maryland Department of Agriculture (MDA) supports SB 1074 with amendments. As amended, the bill redefines industrial sludge as food processing residuals (FPRs), also commonly referred to as Dissolved Air Flotation (DAF) material, and establishes a regulatory framework for permitting the utilization of FPRs within the Nutrient Management Program. HB 991 prohibits a person from utilizing FPRs in the State unless the person obtains a permit and authorizes a representative of the Department to enter and inspect any site where FPRs are utilized.

Currently, the MDA conducts implementation reviews on all farms subject to the State's Nutrient Management Law to ascertain whether the farm operation has a current nutrient management plan (NMP) and is complying with the NMP. MDA investigates farms that report inconsistent information on their Annual Implementation Report (AIR). MDA also investigates farms that have repeated complaints and violations. When conducting an implementation review, MDA will examine the farm's NMP, the application records, and receipts of products brought to the farm and utilized for land application.

The MDA in conjunction with the MDE are in agreement that MDA should continue to be the regulatory authority for FPRs. SB 1074 will:

- Require that all storage structures that are used for storage of FPRs meet NRCS standards or standards approved by a licensed professional engineer; and comport with local zoning.
- Develop a permit process for land application of FPRs to be administered by MDA.
- Require each farm operation applying FPRs to apply for and obtain a permit from MDA.

- Authorize MDA to limit the number of FPR applications that a farm operation may make to a field per season. An application will be defined as one trip across the field. Any extension of days would need to be pre-approved by MDA. MDA reserves the right to require deep incorporation on fields that have been directly injected if there is still a lingering odor after 2 days of injection.
- As part of the permitting process, MDA will meet with the operator prior to any spreading; Farm operation must establish a spreading calendar/schedule with closely estimated spreading dates and quantities to limit the number of days that spreading takes place during the year.
- MDA will have a right-of-entry, during regular business hours, to inspect a farm applying FPRs. When FPR applications are occurring, MDA may enter the farm to investigate/document odor or runoff complaints. If spreading is not currently taking place, MDA will contact the operator prior to entering the property.
- Require farm operations that are permitted to apply FPRs to provide MDA, upon request, with: (1) load tickets for FPRs it has received showing, among other things, the source of material, and (2) export records from each source, even out of state sources. MDA will use export data and load tickets for comparison to operator records to ensure self-reporting is accurate. Any processing plant (source) that refuses to supply export data will not be allowed to send FPRs to Maryland for any purpose.
- MDA has the right to issue a Cease And Desist Order if farmer, applicator, or hauler fail to comply with FPR requirements. If a farmer, applicator, or hauler fails to follow the Order, MDA has the right to turn over the violator to Maryland Department of the Environment's (MDE) Environmental Crime Division.
- Storage structures on Maryland farms may not be used as interim storage for material to be transported to and applied to or otherwise disposed of in other states.
- Authorize MDA to impose enforcement penalties up to \$5,000 per violation per day.
- MDA will consult with MDE before issuing a permit.

The Maryland Department of Agriculture supports SB 1074 as amended and respectfully requests the Committee's consideration of a favorable report.

If you have additional questions, please contact Rachel Jones, Director of Government Relations at Rachel.Jones2@maryland.gov or (410) 841-5886.