



**The Maryland Department of the Environment
Secretary Serena McIlwain**

Senate Bill 1074

Environment - Industrial Sludge Utilization Permit - Establishment

Position: Support with Amendments
Committee: Education, Energy, and the Environment
Date: March 5, 2024
From: Gabrielle Leach

The Maryland Department of the Environment (MDE) **SUPPORTS SB 1074 WITH AMENDMENTS.**

Bill Summary

As introduced, SB 1074 would establish an industrial sludge utilization permit process, which would prohibit a person from utilizing industrial sludge in the State unless the person obtains a permit from the MDE. Senate Bill 1074 also requires the MDE to provide certain notices and information; apply certain provisions of law regarding public notice and participation to industrial sludge utilization permits; and authorizes a representative of MDE to enter and inspect any site where industrial sludge is utilized.

The sponsor amendments for SB 1074 create a permitting regime for “persons” who utilize food processing residuals as defined in law. In addition, the bill also authorizes the Maryland Department of Agriculture (MDA) to conduct a pre-inspection prior to the utilization of any food residuals. If a person is storing food residuals, they will be required to meet the Natural Resource Conservation Service standards or an equivalent standard determined by a professional engineer. Any application of food residuals will have to be managed consistently with a nutrient management plan and required record keeping. MDA also has the ability to take samples of the food processing residuals and issue a stop work order, if necessary. In addition, MDA has the authority to impose an administrative penalty.

Position Rationale

MDE supports SB 1074 as amended, as it would provide additional standards on persons who are utilizing food processing residuals, which include Dissolved Air Flotation (DAF) materials. These additional standards should help assure surrounding communities that food processing residuals are being managed in a responsible manner. MDA has the ability to absorb this additional work through its nutrient management program. MDA already has land application requirements for food residuals and the bill would give them more authority and flexibility to enforce those rules when there are issues. Thus MDA would require less resources than MDE to stand up this program, and in doing so would eliminate duplicative processes. With the proposed amendments, the operator will still have to be in compliance with applicable MDE discharge permits.

For the reasons detailed above, MDE asks for a **FAVORABLE WITH AMENDMENTS** report for SB 1074.

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