

Amendment requests for your consideration

1. The proposed change in red would provide immediate impact on bad actors that have shown their lack of cooperation under current laws and regulations, and therefore should not be trusted to follow these new rules. A time period should be granted for the Department to allow this law to mature before opening up the permitting process to those that have previously and consistently shown a propensity of non-compliance.

8-A-102.

(A) EXCEPT AS PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT UTILIZE FOOD PROCESSING RESIDUALS IN THIS STATE.

(B) A PERSON SHALL OBTAIN A PERMIT BEFORE UTILIZING FOOD PROCESSING RESIDUALS IN THIS STATE.

(C) A PERMIT AUTHORIZES THE PERMIT HOLDER TO UTILIZE FOOD PROCESSING RESIDUALS IN CONJUNCTION WITH AN AGRICULTURAL OPERATION IN ACCORDANCE WITH THIS SUBTITLE, REGULATIONS ADOPTED THEREUNDER, AND THE CONDITIONS OF THE PERMIT ISSUED UNDER THIS SUBTITLE.

(D) A PERSON SHALL OBTAIN A PERMIT FOR EACH SITE WHERE THE PERSON IS UTILIZING FOOD PROCESSING RESIDUALS.

(E) A PERSON MAY NOT UTILIZE FOOD PROCESSING RESIDUALS IN CONJUNCTION WITH AN AGRICULTURAL OPERATION UNLESS THE PERSON HAS A PERMIT AND:

(1) THE OWNER OR OPERATOR OF THE AGRICULTURAL OPERATION:

(I) HAS A NUTRIENT MANAGEMENT PLAN THAT MEETS THE REQUIREMENTS OF TITLE 8, SUBTITLE 8 OF THIS ARTICLE; ~~AND~~

(II) IS IN COMPLIANCE WITH THE PLAN; AND

~~(II)~~(III) HAS NOT BEEN FINED OR ISSUED A VIOLATION ORDER BY THE DEPARTMENT WITHIN THE PAST 3 YEARS AND

(2) THE FOOD PROCESSING RESIDUALS BEING UTILIZED ARE:

(I) REGISTERED WITH THE STATE CHEMIST; AND

(II) APPLIED IN ACCORDANCE WITH THE NUTRIENT MANAGEMENT PLAN;

(3) IF THE PERSON IS NOT THE OWNER OR OPERATOR OF THE AGRICULTURAL OPERATION, THE PERSON HAS OBTAINED THE OWNER'S WRITTEN CONSENT TO UTILIZE THE FOOD PROCESSING RESIDUALS IN CONJUNCTION WITH THE OPERATION AND, IF THE OWNER IS NOT THE FARM OPERATOR, THE OPERATOR'S WRITTEN CONSENT;

(4) IF THE OPERATION IS AN ANIMAL FEEDING OPERATION, THE OWNER OR OPERATOR OF THE AGRICULTURAL OPERATION IS IN COMPLIANCE WITH LAWS AND REGULATIONS GOVERNING THESE OPERATIONS INCLUDING ANY PERMIT REQUIREMENTS; AND

(5) IF THE PERSON IS STORING FOOD PROCESSING RESIDUALS IN CONJUNCTION WITH THE AGRICULTURAL OPERATION, THE PERSON HAS OBTAINED ANY REQUISITE COUNTY APPROVAL TO STORE THIS MATERIAL AT THIS SITE, INCLUDING OBTAINING ANY NECESSARY COUNTY PERMITS FOR THIS ACTIVITY.

2. The proposed change in red would provide immediate impact on bad actors that have recently shown their lack of compliance with current laws and regulations.

8-A-105

(A) THE DEPARTMENT MAY ISSUE A PERMIT TO AN APPLICANT THAT SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.

(B) THE DEPARTMENT ~~MAY~~SHALL NOT ISSUE A PERMIT TO AN APPLICANT IF THE DEPARTMENT DETERMINES THAT AN APPLICANT CANNOT UTILIZE FOOD PROCESSING RESIDUALS WITHOUT:

(1) CAUSING UNDUE RISK TO:

(I) THE ENVIRONMENT; OR

(II) PUBLIC HEALTH, SAFETY, OR WELFARE; OR

(2) OTHERWISE VIOLATING THIS SUBTITLE~~;~~OR

(3) HAS BEEN FINED OR ISSUED A VIOLATION ORDER BY THE DEPARTMENT WITHIN THE PAST 3 YEARS

3. ALLOW APPLICATION ONLY BY DIRECT INJECTION

4. SPREADING SHOULD OCCUR WITHIN A 30 DAY WINDOW OF THE FIRST APPLICATION ON A GIVEN PARCEL OF LAND.

We heard testimony in the house bill regarding several amendments. Below is our response

1. Requesting the deletion of 8-A-104

rebuttal- Local authorities need this notification to ensure zoning laws, traffic patterns, storage concerns of the community are adequately addressed prior to issuance of the permit. WE SUPPORT THIS REMAINING IN THE BILL AS WRITTEN.

8-A-104

WITHIN 10 DAYS AFTER RECEIVING A PERMIT APPLICATION THAT INCLUDES STORING FOOD PROCESSING RESIDUALS IN CONJUNCTION WITH AN AGRICULTURAL OPERATION, THE DEPARTMENT SHALL MAIL A COPY OF THE NOTICE TO THE CHAIR OF THE LEGISLATIVE BODY AND ANY ELECTED EXECUTIVE IN THE COUNTY WHERE THE FOOD PROCESSING RESIDUALS STRUCTURE WILL BE ~~STORED~~LOCATED.

2. Requesting revision of 8-A-105 to further clarify Public health, safety and welfare. rebuttal-This language is consistently used in other federal, state and county laws and regulations and no evidence was presented that would necessitate a need to change it. WE SUPPORT THIS REMAINING IN THE BILL AS WRITTEN.

8-A-105

(A) THE DEPARTMENT MAY ISSUE A PERMIT TO AN APPLICANT THAT SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.

(B) THE DEPARTMENT MAY NOT ISSUE A PERMIT TO AN APPLICANT IF THE DEPARTMENT DETERMINES THAT AN APPLICANT CANNOT UTILIZE FOOD PROCESSING RESIDUALS WITHOUT:

- (1) CAUSING UNDUE RISK TO:
 - (I) THE ENVIRONMENT; OR
 - (II) PUBLIC HEALTH, SAFETY, OR WELFARE; OR
- (2) OTHERWISE VIOLATING THIS SUBTITLE.

3. Requesting the removal of MDA authority to adopt additional regulations. Rebuttal-This language is important so MDA can provide appropriate regulations to go along with the legislation and act swiftly should future issues arise. WE SUPPORT THIS REMAINING IN THE BILL AS WRITTEN.

8-A-114

(A) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) THE REGULATIONS ADOPTED BY THE DEPARTMENT MAY INCLUDE:

- (1) ADEQUATE STANDARDS FOR HAULING FOOD PROCESSING RESIDUALS;
- (2) ADEQUATE STANDARDS GOVERNING THE APPLICATION AND SUITABILITY OF SOIL CONDITIONERS FOR LAND APPLICATION INCLUDING STANDARDS GOVERNING THE NUMBER OF APPLICATIONS PER FIELD PER SEASON CONSISTENT WITH GOOD HUSBANDRY AND SOUND AGRONOMIC PRACTICES;
- (3) THE CROPS THAT ARE TO BE GROWN ON LAND ON WHICH FOOD PROCESSING RESIDUALS MAY BE APPLIED;
- (4) THE CHARACTER OF NEARBY EXISTING LAND USES AND TRANSPORTATION ROUTES;
- (5) ACCEPTABLE NUTRIENT APPLICATION RATES, INCLUDING RATES FOR NITROGEN, PHOSPHORUS, AND HEAVY METALS;
- (6) REASONABLE BUFFER AREAS TO SEPARATE ANY HOME OR OTHER PROPERTY ON WHICH FOOD PROCESSING RESIDUALS MAY BE APPLIED;
- (7) METHODS FOR CALCULATING NUTRIENT APPLICATION RATES THAT ARE LIMITED BY THE NUTRIENT REQUIREMENTS OF THE HARVESTABLE CROP OR COVER CROP; AND
ANY OTHER STANDARDS DEEMED NECESSARY BY THE DEPARTMENT.