

# **BDC - 2024 - SB 1074 - Environment - Industrial SI**

Uploaded by: Aaron Greenfield

Position: FAV

**To: The Honorable Brian Feldman  
Education, Energy and the Environment Committee**

**From: Bioenergy Devco**

**Subject: Senate Bill 1074, Environment - Industrial Sludge Utilization Permit  
- Establishment**

**Date: March 5, 2024**

**Position: Favorable**

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Bioenergy Devco supports House Bill 991, Environment - Industrial Sludge Utilization Permit – Establishment.

This testimony is offered on behalf of Bioenergy Development Company (BDC), an international leader in anaerobic digestion solutions with over 25 years of experience. BDC’s exceptional team of engineers, microbial experts, biologists, chemists, agronomists, construction designers and facility managers are dedicated to delivering an environmentally sound solution that creates a true source of renewable, carbon-negative energy as well as a high nutrient soil amendment.

House Bill 991 establishes an industrial sludge utilization permit and prohibits a person from utilizing industrial sludge in the State unless the person obtains a permit. The bill requires the Department of the Environment to provide certain notices and information to local health departments, chair of the legislative body as well as the Executive of the local jurisdiction. Lastly, this legislation authorizes a representative of the Department to enter and inspect any site where industrial sludge is utilized.

BDC’s facility in Jessup processes approximately 130 tons of organic waste annually including dissolved air flotation (DAF) material. We would like to thank the sponsor of this legislation for working with all the stakeholders to make modifications in the bill that will improve its effectiveness.

Recent changes to the Maryland land application regulations further restrict application of DAF material. This will increase Maryland’s environmental gains in agriculture. Senate Bill 1074 will help address the social impacts of storing this material while it is awaiting final processing through new technologies and eventual land application. In 2023, the University of Maryland released its final report on the Maryland Animal Waste Assessment and Strategy Plan. This Plan was created to guide future Animal Waste Technology Fund (AWTF) awards administered by the Maryland

Department of Agriculture. The stated goal of the AWTF is “to encourage the development and implementation of economically feasible technologies that help protect public health and the environment by reducing the amount of nutrients from animal waste to enable farmers to meet nutrient management requirements and provide alternative animal waste management strategies to farmers.”

The report found reductions in greenhouse gas (GHG) emissions from implementing waste technologies such as anaerobic digestion. This reduced more than 100% of the GHG emissions from manure storage with renewable energy production, resulting in negative (sequestering). However, the study found barriers to adoption due to high capital costs, long lead times, limited subsidies, complex regulations, lack of technical expertise (to permit, operate, and troubleshoot), and social resistance (often due to lack of education). The report also cited the benefits of baseline methane emission reductions from manure storage and the non-intermittent renewable energy production that increases grid stability when employing anaerobic digestion are not internalized in Maryland’s current policies.

The use of these new technologies and better information on GHG emissions from land application is needed to accurately calculate reductions in GHG emissions that would occur if more animal waste technologies were employed to reduce the large movement of manure and DAF throughout the state.

It is our sincere hope that the Maryland General Assembly will continue to work with the Department of Agriculture, academic institutions, and supporting industries to develop incentives to address high capital costs and streamline complex regulations to reduce long lead times in deploying new technologies. Lastly, education is key in reducing social resistance to new technologies that allow Maryland agriculture to lead the nation in environmental stewardship and sustainable farming practices.

For these reasons, BDC respectfully requests a favorable report on Senate Bill 1074.

Please contact Aaron J. Greenfield at 410.446.1992, if you have any questions.

# **Favorable\_ShoreRivers\_SB1074.pdf**

Uploaded by: Annie Richards

Position: FAV





## Testimony in **SUPPORT** of SB1074

March 4, 2024

Dear Chairman Feldman and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT** of **SB1074** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with more than 2,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

**SB1074 will bring much needed oversight and accountability to the storage and handling of industrial sludge material, also referred to as DAF ("Dissolved Air Flotation").** A University of Maryland "Animal Waste Technology Assessment and Strategy Planning"<sup>1</sup> report shows that Maryland is on the receiving end of *more than 60% of the DAF that's generated regionally*. The report makes some key findings related to the current inadequacies of handling and storing DAF:

**1. Maryland is a major sink for DAF from both in- and out-of-state sources (Page 22)**

- Maryland generates DAF at three poultry processing facilities and receives substantial shipments from Delaware and Virginia (Page 21)
- Most DAF is generated in states other than Maryland (Page 22)
- Farmers in Maryland reported the importation of nearly 30 million gallons of DAF in 2019 and at least 37 million gallons in 2020, which respectively accounted for 50% and 62% of the ~60 million gallons generated regionally (Page 22)
- It is estimated that between 2019 and 2021, 93.9 million gallons of DAF were imported into Maryland counties, containing 4.78 million lbs. of nitrogen, 1.75 million lbs. of phosphorus, and 0.273 million tons of potassium (Page 21)

**2. The reporting and tracking of DAF use in Maryland is inadequate**

- No comprehensive public databases track DAF generation, shipment, and composition in Maryland (Page 21)

**3. The make-up of DAF is largely unknown and differs between truck loads. It's also a poor nutrient source for crops.**

- The solids and nutrient content of the DAF products delivered to the fields may also vary by shipment, since transport companies combine loads from multiple different facilities during transport (Page 22)
- Raw DAF soil amendments may be a poor choice to limit nutrient runoff (Page 23)

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<sup>1</sup> Lansing, P., *Maryland Animal Waste Technology Assessment and Strategy Planning, Final Report*. University of Maryland, September 2023. PDF: [https://extension.umd.edu/sites/extension.umd.edu/files/2023-10/Final.Report.AWTF\\_Assessment.pdf](https://extension.umd.edu/sites/extension.umd.edu/files/2023-10/Final.Report.AWTF_Assessment.pdf)

### ShoreRivers

Isabel Hardesty, Executive Director  
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper  
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

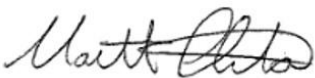
**We support SB1074 because the improper use of DAF can lead to water pollution and the undermining of priority practices intended to help the agricultural industry meet the Chesapeake Bay clean-up goals:**

**Example 1:** In November of 2023, a resident of Caroline County witnessed the stream behind his house filled with a black muck-like material that discolored the entire water column. **After investigating, we learned that a DAF hauler from Pennsylvania leased an upstream property with a wastewater lagoon that they intentionally drained of its contents to waters of the state over a 48-hour period.** A representative of the Pennsylvania company stated that the pond was drained for the purpose of storing DAF and dairy manure. An investigation report of this incident, including the photos of the lagoon drained of its contents, are including as Attachment #1 with this comment letter.

**Example 2:** In September of 2023 a DAF hauling company from Arkansas was subject of a nuisance complaint in Talbot County for their repeated use and industrial-like storage of DAF on a farm that caused sickening odors and insect infestations in the surrounding community. **During a hearing in front of the Talbot County Agricultural Resolution Board, the Arkansas-based company testified to the fact that their strategy for finding farms to apply DAF to includes buying farmers out of their state-subsidized cover crop contract.** According to the Department of Legislative Services' Chesapeake Bay Restoration Strategies report, "Cover crops have been described as the State's single most cost-effective BMP available to prevent nitrogen from entering groundwater and polluting the bay" (Page 8).<sup>2</sup> The incentive of hauling, using and storing DAF in Maryland is directly undermining efforts to protect local water quality and meet the Chesapeake Bay Clean-up goals.

**Example 3:** In September 2022, a DAF hauling company from Arkansas seen leaving the Dorchester County rendering plant spilled contents of its truck load onto the roadway. **Upon investigating the spill, it was discovered that the truck contained raw chicken parts, including feet, beaks, and the intestines of the chicken (photos are included in Attachment #2).** This spill contributed to polluted runoff into the nearby Tred Avon River. Spills like this are reported to be increasing and more common in other states where a large number of the DAF generators are located: [Another mess in Clinton Yields Charges: Third ag byproduct spill in Clinton in two weeks](#) (North Carolina) and [Same site, another spill: Officials respond to early-morning ag byproduct mess](#) (North Carolina).

Lastly, we support **SB1074** because, as amended, it will utilize the expertise from the Maryland Department of Agriculture and Maryland Department of Environment to bring much needed accountability and oversight and ensure that any storage and use of DAF in Maryland is done responsibly and in a way that doesn't impact local water quality and the health and well-being of the surrounding community. For these reasons, we ask the Committee to provide a favorable report on **SB1074**.  
Sincerely,



**Matt Pluta, Choptank Riverkeeper**

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<sup>2</sup> Gray, A. Heide, C., *Chesapeake Bay Restoration Strategies: Agricultural Certainty, Cover Crops, and Nutrient Trading*, Department of Legislative Services. 2013. PDF: <https://dls.maryland.gov/pubs/prod/NatRes/Chesapeake-Bay-Restoration-Strategies.pdf>

# Pollution Incident Report:

## Peaviner Road Wastewater Lagoon Spill

August 14-18, 2023

Photos, Maps and Descriptions



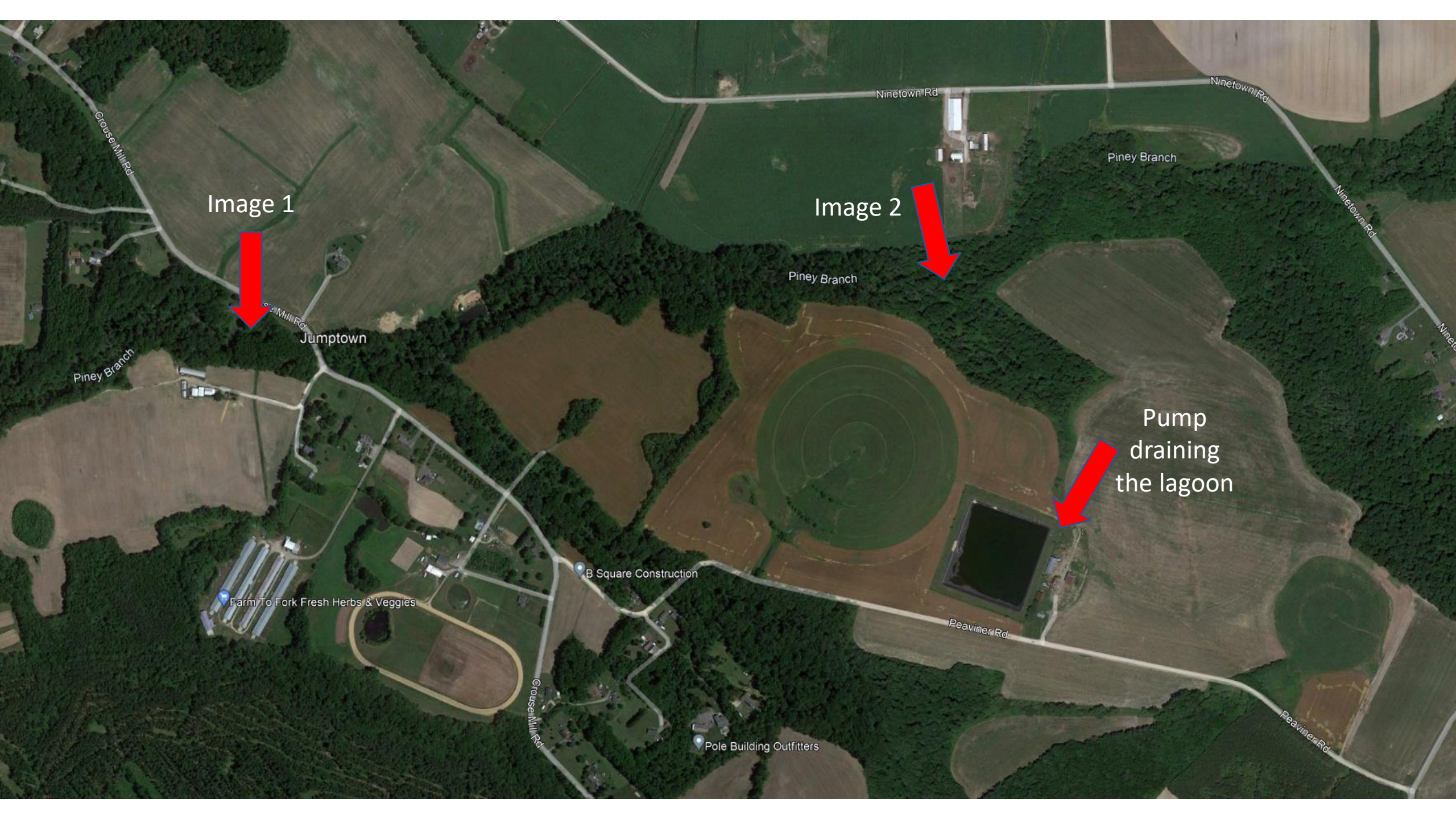


Image 1

Image 2

Pump  
draining  
the lagoon



**Image 1:** Murky water in Piney Branch as seen .85 miles downstream of source. 38.960852°, -75.920407°  
(8-12-2023)



**Image 2:** Murky water  
draining from property  
with wastewater lagoon.  
38.961983°, -75.905058°  
(8-13-2023)





**Image 3:**  
Aerial  
image  
showing  
drained  
wastewater  
lagoon and  
solid waste  
dump  
(8-14-2023)





**Image 4:**  
Northeast  
corner of  
wastewater  
lagoon  
showing a  
pump and  
hose actively  
draining the  
lagoon  
(8-14-2023)





**Image 5:**  
Close-up of  
pump and  
hose  
(8-14-2023)





**Image 6:**  
Sludge from the lagoon stored on the ground uncontrolled (8-18-2023)





**Image 7:**  
Aerial of  
drained and  
lagoon and  
sludge from the  
lagoon stored  
on the ground  
uncontrolled  
(8-18-2023)



# Pollution Incident Report:

## Agricultural Byproduct Spill

September 2022



**Image 1:**  
DAF truck spill on  
Route 50 near  
Easton, MD.

September 20, 2022





# Image 2 and 3: Contents of spill September 20, 2022





Image 4  
DAF truck spill  
on Route 50  
near  
Cambridge, MD

August 2022





**Image 5:**  
Contents of DAF  
truck spill on  
Route 50 near  
Cambridge, MD

August 2022





# **Testimony Template for Community\_SB1074.pdf**

Uploaded by: Ben Pittsley

Position: FAV

March 4, 2024

Re: Testimony in support of SB1074

Dear Chairman Feldman and Members the Energy, Environment and Education Committee,

Thank you for this opportunity to submit testimony in support of SB1074. My name is Ben Pittsley and I am a resident of Cambridge, MD. More specifically I live at 3461 Beaver Neck Village Road which is 1.5 miles (shorter as the crow flies) from a site which has been dumping DAF onto their farm fields.

I was first made aware of DAF due to the major issues encountered in Wicomico County. Subsequently, myself, neighbors, and nearby residents noticed increased activity at a property on Aireys Road, Cambridge, MD including constant tanker trucks and 18 wheel trucks coming in and out of the property. More recently, I was personally travelling down Aireys Road between 3-4am and noted activity in the fields, which to my knowledge is an unusual practice for the local farmers in the area. I subsequently reported the activity to state contacts as suspicious. The concerns of myself and those in our community is not only due to the personal affects, but also the environmental effects. For example, the spreading of DAF causes unbearable smells, unnatural increases in nuisance bugs/insects, and a general concern for the wellbeing of neighboring properties and our water ways. Environmentally, we do not want to see farmland that has been farmed for decades or, in some cases, over 100 years negatively impacted or destroyed because of the mistreatment of this environmental sludge

I support this legislation because the proposed changes show responsible stewardship of our land. Our neighboring states of Delaware and Virginia require permitting for similar dumping showing there is a precedent for the request. If left unchecked, the State of Maryland will surely see negative impacts. My community specifically will also see negative impacts in areas such as Blackwater National Wildlife Refuge, Transquaking River, and surrounding waterways. There have already been severe impacts to the waterways due to improper dumping by the Valley Proteins Inc. in 2022 and beyond. On a summer day, dozens if not hundreds of people use the waterways for recreation as well as fishing for food sources and if these waterways are contaminated then the effects on human health will be even more significant. My personal concerns have led my family and I to travel miles away to fish as opposed to walking a few hundred feet to fish from the Transquaking.

In closing I ask that the committee vote favorably for SB1074 and any amendments brought forward by the sponsors.

Sincerely,

*Ben Pittsley*  
*3461 Beaver Neck Village Road*  
*Cambridge, MD 21613*

**SB1074.pdf**

Uploaded by: Bonnie Weissberg

Position: FAV

## **Testimony Supporting Environment: Industrial Sludge Utilization Permit - Establishment SB 1074**

### **Committee: Education, Energy, and the Environment**

March 5, 2024

Dear Senators Ready, Elfreth, West, and Lewis Young

I am a resident of District 41, support this bill and encourage all the State Senators to approve this bill which prohibits a person from utilizing industrial sludge in the State without a permit. The permit program proposed to be administered by the Maryland Department of the Environment addresses deficiencies in the State's approach to industrial sludge management that prevents the content of sludge from being well understood and encourages overapplication of sludge to land.

Maryland has become a dumping ground for Dissolved Air Flotation (DAF) material, the sludge that's left over from industrial protein rendering. While often used as an agricultural soil amendment, overapplication to land and poorly controlled storage and handling of DAF subjects nearby farmers and residents to unbearable odors, insects, human health impacts, and the threat of polluted runoff reaching our waterways.

While Delaware and Virginia require a permit to utilize industrial sludge, Maryland does not. As a result, Maryland has become a profitable place for the material to go—and it's more than we can handle. As much as half of the region's industrial sludge has been spread on Maryland land in recent years, according to a University of Maryland study.

The permitting program established by SB 1074 puts Maryland on par with neighboring states that administer similar programs and closes a significant loophole that allows Maryland waters and communities to be harmed.

I find it hard to fathom that Maryland regulatory agencies allow this waste product to be dumped on farmers' fields without additional treatment. Other states require permits for sludge handling. Why don't we? The untreated sludge emits unbearable smells and threats to water quality. Land application of untreated dissolved air flotation industrial sludge is contaminating land, streams, and the Chesapeake Bay.

It is for these reasons that I am encouraging you to vote **in support of passing SB1074 Industrial Sludge Utilization Permit - Establishment**. Thank you for your time, service and consideration.

Sincerely,

**Bonnie Weissberg, 1704 Mt. Washington Ct., Apt. H, Baltimore, MD 21209**

**CLA Favorable SB 1074.pdf**

Uploaded by: Evan Isaacson

Position: FAV



## Support for Senate Bill 1074

Dear Chairman Feldman and Members of the Committee:

The Chesapeake Legal Alliance supports SB 1074. This bill is necessary to close what has been a massive gap in Maryland law. The Maryland Department of the Environment and Maryland Department of Agriculture are in charge of implementing and enforcing many state and federal regulatory and non-regulatory programs. Along with federal partners, these two environmental and agricultural agencies regulate a number of immense waste streams, including everything from toxic and hazardous industrial wastes, to municipal biosolids, and agricultural manure. But one waste stream that has fallen through this patchwork of programs is a form of industrial sludge that is often disposed of via land application. As a consequence, this waste stream is not only wreaking havoc for certain rural communities, but also a large and missing piece of the Bay restoration puzzle.

It has been said, but bears repeating, that this is a waste management bill. As a recent report from the University of Maryland Extension emphasized, industrial sludge “may be a poor choice” as a fertilizer because, among other reasons, it is not particularly “bioavailable” to crops and is thus less likely to be used by plants as fertilizer and more likely to run off into waters. To make matters worse, none of this pollution is even accounted for in the Chesapeake Bay model utilized by the Environmental Protection Agency and Chesapeake Bay Program to track our Bay restoration progress. Because this sludge exists outside of regulatory frameworks, its source and fate are not even subject to analysis or tracking.

Until recently, this nearly hidden waste stream has complicated and confounded our best efforts to finally achieve our State’s and region’s clean water goals. As awful as the mismanagement of sludge has been for certain communities, no one had any idea how large or small the actual waste stream was, or what the broader implications would be of not regulating it. The UMD report issued several months ago has finally shined a light into this regulatory void, illuminating the fact that this waste stream amounts to roughly 2 million pounds of nitrogen; that is more than the combined nitrogen pollution discharged from the State’s two largest sewage treatment plants in Baltimore.

It is important to note that much of this pollution is not home grown. Rather, because of the regulatory void in Maryland, compared to our surrounding states, we have become the dumping ground for industrial sludge. Not only is this concept of becoming a dumping ground a tough pill to swallow for Marylanders on its face, it is also causing the precise problem that leading Bay scientists have recently emphasized must be addressed if we are ever to restore water quality to the Bay and its rivers. What has happened in places like the Eastern Shore and some Western Shore counties, like Carroll County, is the creation of regional “nutrient mass imbalances.” Simply put, these imbalances are what happens when there are more nutrient sources within a given area than can be safely assimilated in that environment.

Typically, smoothing out these imbalances requires policies that focus on exporting nutrients out of an area; Maryland already has such policies thanks to earlier enactments by this body (e.g., nutrient

management planning, phosphorus management, manure transport, and agricultural cost-share.). In this case, we are learning that it is the lack of regulation, or even basic transparency, over this industrial sludge waste stream that has itself created an imbalance by failing to control the *import* of nutrients into areas of the State.

The solution to this problem is simple. First, we need to disrupt the current system of incentives that is causing Maryland to become a dumping ground. That is easily accomplished by standing up a regulatory program that is at least comparable with surrounding states. By merely creating such a program, we can end the regulatory void that made Maryland an attractive place to dispose of this waste.

Secondly, Maryland needs to ensure that the new program created by this bill actually functions and achieves the intended purpose. This means ensuring the details developed through the regulatory process are thoroughly designed to mitigate the various impacts of sludge handling, transport, storage, and application. If the program is well-designed, we can hopefully avoid the worst effects, from odors and pests, to road damage, excessive truck traffic, and certainly water pollution.

The one issue that the bill may not address and that may require further attention from the General Assembly or Department of Agriculture is the pre-treatment of this material. As the UMD report emphasized, industrial sludge, without treatment, is not a good choice of agricultural fertilizers, but it can be. Future efforts should be made to promote intelligent pretreatment methods and incentivize their use. This does not mean that any pretreatment technology will provide a net benefit when all economic, environmental, and community costs and benefits are considered. But it seems likely that at least some solutions, perhaps on-farm composting, or some form of pretreatment at the insource (by the sludge generator) will further enhance the benefits that this bill will catalyze.

For now, we believe that SB 1074, including as proposed to be amended, is an important first step toward resolving an urgent problem for many communities and for our State's longstanding mission to restore water quality in the Chesapeake Bay and its countless tributaries. For these and many other reasons we support Senate Bill 1074. For more information, you may reach Evan Isaacson at [evan@chesapeakelegal.org](mailto:evan@chesapeakelegal.org).

**Written opinion Re SB1074 4 March 2024 Gail Clark.**

Uploaded by: Gail Clark

Position: FAV



FI wish to express what I hope is a convincing argument to the Senate for passage of SB 1074.

Americans are freedom-loving people. The freedom to express our opinions and beliefs to our Senators gives us the power to really live the kind of life we want.

Marylanders love this state because of many of the following: clean water and air, woodlands, open lands for farming, and the waters of the creeks, rivers and especially our beloved Chesapeake Bay. Threats to those areas are threats to those of us who live and are employed here. One such group consists of people who own, train, compete with and just ride horses. Equine-related jobs have provided thousands of individuals with a lifetime occupation.

The shock that we are being confronted with is the growing presence of DAF Sludge plants appearing quietly in various locations in the state. Tragically, the placements of these apparently unregulated sites are in formerly quiet and peaceful countryside, with attempts to keep them from being seen by the public.

Their connection to the equestrian community is this. With enough of these DAF sites arriving in the areas where there are farms, barns with large pastures, woods trails and open fields, stables, equine establishments with arenas, cross-country jumps, etc. for competitions, the equestrians who are impacted by sickening smells, polluted water, and toxins leaching into the ground water, etc., will seek ways to leave the state. So will the large numbers of tourists who flock into the state to watch and participate in events, demonstrations, trail riding, camping, parades and training. Also leaving will be equine breeders, trainers, equine supply stores, boarding barns, large hay growers, farriers, feed stores, and hundreds of other equine jobs – totaling into the thousands of formerly employed people.

Equines and the people associated with them, and DAF sites, cannot co-exist in proximity to each other. Every one of these individuals leaving Maryland will have been a tax-payer to the state, and over time, the financial loss to Maryland will be significant.

PASS SB1074

Submitted by Gail Clark-Brodth, 6051 Canterbury Drive, Easton, Maryland 21601 410-310-8002

# Testimony SB1074 hs.pdf

Uploaded by: Howard Smentkowski

Position: FAV

March 4, 2024

Re: Testimony in support of SB1074

Dear Chairman Feldman and Members the Energy, Environment and Education Committee

Thank you for this opportunity to submit testimony in support of SB1074. I am Howard Smentkowski, a lifelong resident of the state of Maryland, and currently a resident in Ridgely. I live approximately a mile from the Tuckahoe State Park and am only a couple approximately a mile away from a DAF site that has a moratorium on it. My wife and I moved here 9 years ago to enjoy the nature and agriculture and be near our daughter, her husband and grandchildren.

We've had a bad experience with DAF storage in our area. A moratorium was put into effect by the County. Hartland Holdings LLC, the site operator, did not abide by the moratorium. Dumping at the site was seen by myself and other residents in the area. The smell and any possible leakage affect residents, business owners and any town activities or festivals. The elementary school is less than a mile from the DAF site. Residential homes are less than 1,000 feet. The trucks heading up and down the road are causing damage and don't seem to be concerned about the speed limit. Most homes in the area of the DAF site have well water. No one can seem to get an answer if the pit being used is safe for DAF storage. The site operator's lack of respect for the moratorium and others is concerning. It seems there is big money to be made on this operation without any regulations in place.

I support this legislation because it will hold the land owners, site operators and truck drivers accountable through regulations and permitting. Maryland has become a dumping ground for DAF because of the lack of regulation. This is a beautiful state and we want to keep it this way.

In closing I ask that the committee vote favorably for SB1074 and any amendments brought forward by the sponsors.

Sincerely,

**Howard Smentkowski**  
**22612 Stevenson Rd.**  
**Ridgely, MD 21660**

# **SB1074 Industrial Sludge Utilization Permit.pdf**

Uploaded by: James Belt Jr

Position: FAV

## SB1074 Industrial Sludge Utilization Permit

I am writing in favor of this bill because the application of this type of fertilizer in our rural residential community has created a situation where we cannot go out in the summer and enjoy our farm. The smell is unbearable. It reminds me of the combination of a sewage treatment plant and a rendering facility. The smell is long lasting. It does not go away in days; it takes weeks and redevelops after a rain. I raise beef cattle and my family is used to the normal country farm smells. This is not a usual organic fertilizer smell. It is much harsher and long lasting. Last year the farm across the street applied 100's of thousands of gallons to the fields. This is no exaggeration. There were multiple tractor-trailer tankers going into the fields every day, usually at least four per hour all day long and well into the night. The applications were done from April until 1 December. I contacted the Department Of Agriculture about this issue and I was told the farmer was doing all the paperwork he needed to do in order to make these applications. One of my issues with this is that currently it is a self reporting requirement he is following. There is no official verification that the amount applied is actually recorded correctly. I believe it is very possible from the number of trailer loads going into the field that the application rate was much higher than recorded, but there is no way to tell currently as far as I understand. These food processors need to get rid of their by product and the farmer is willing to take as much as he can haul. He pays nothing for it and I wonder if he is getting compensated for disposing of this material. We are very worried with the volume of material going in the ground that it is affecting the quality of the ground water. Our wells recently had increases in E.coli counts and I believe it is directly related. The runoff is an issue also. My neighbor has a pond that used to have turtles and fish in it, but last year all of them died. Once again I relate this to the applications. During the drier summer months as the applications were being done, clouds of dust moves over our farm and house carrying the smell and I assume some of the material onto our property and into our bodies through inhalation. This is both a quality of life issue and a health issue. I do not believe this type of industrial material should be allowed in such close proximity to homes and residential wells. I do not believe there has been enough study into the environmental affects or the health impact to the community. I understand as a farmer it is hard to make ends meet, but just because this is a cheap source of fertilizer that will help dispose of an unwanted industrial byproduct, doesn't mean it should be used. Especially under these circumstances in this community. I appreciate our local representatives taking up this important issue. We live in this community because it has always been a quiet farm community with fresh air and little worry of industrial waste being an issue with smell and ground water pollution. I hope you consider these regulations for applications. Strict oversight is needed because of the volume applied and the impact it has on local residents.

Thank you

James H Belt Jr      443-398-5490  
3164 Flickinger Rd Westminster MD 21158

# **House and Senate rebutal and amendments.pdf**

Uploaded by: Jason Green

Position: FAV

## 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.

# **SB1074 Environment - Industrial SludgeWritten Tes**

Uploaded by: Justin Ready

Position: FAV

**JUSTIN READY**  
Legislative District 5  
Carroll County

—  
MINORITY WHIP  
—  
Finance Committee



James Senate Office Building  
11 Bladen Street, Room 315  
Annapolis, Maryland 21401  
410-841-3683 · 301-858-3683  
800-492-7122 Ext. 3683  
Justin.Ready@senate.state.md.us

**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

March 5, 2024

**Senator Justin Ready**  
**SB 1074 Environment – Industrial Sludge Utilization Permit - Establishment**

Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee:

Senate Bill 1074 as amended is bipartisan legislation that would establish a regulatory program at MDE for the usage of “industrial sludge.” Several of my constituents in Carroll County have contacted my office about the use of industrial sludge as fertilizer. One farmer was spreading this fertilizer from early spring until late fall making it impossible to spend anytime outdoors during these months due to the smell and flies. When we contacted MDA concerning this problem, it was discovered that there were similar complaints in other parts of the State.

“Industrial Sludge” is a byproduct of industrial, agricultural, or manufacturing processes and applied to agricultural land for disposal/fertilizer. Done properly, sludge would be applied to land only in certain quantities and during certain times of the year (for example, not during winter when dormant plants don't absorb nutrients) and quickly incorporated into soil to prevent odors and nutrient runoff into nearby waterways. Storage would be sited to not impact neighbors or leak into nearby waterways.

Neighboring states have adopted regulations for industrial sludge and Maryland, not having done so, was receiving more than half the region's sludge for application to fields. You will hear from the Chesapeake Bay Foundation today that in addition to the unpleasant effect of being near this product, it is also extremely harmful for our waterways and the Chesapeake Bay.

As amended, Senate Bill 1074 creates a robust regulatory regime for DAF sludge that will ensure responsible farmers are able to use the material in a manner that minimizes community nuisance, increases compliance with existing nutrient management regulations, and gives regulators the tools they need to crack down on bad actors. The bill establishes a permitting program for those who haul, store, and apply industrial sludge to land, putting Maryland on par with neighboring states that administer similar programs and closing a significant loophole that allows Maryland waters to be harmed.

I respectfully request a favorable report on Senate Bill 867.

# **MS Testimony Template for Community\_SB1074.pdf**

Uploaded by: Margaret Smentkowski

Position: FAV

March 4, 2024

Re: Testimony in support of SB1074

Dear Chairman Feldman and Members the Energy, Environment and Education Committee,

Thank you for this opportunity to submit testimony in support of SB1074. I am Margaret Smentkowski, a lifelong resident of the state of Maryland, and currently a resident in Ridgely. I live approximately a mile from the Tuckahoe State Park and am only a couple approximately a mile away from a DAF site that has a moratorium on it. My husband and I moved here 9 years ago to enjoy the nature and agriculture and be near our daughter, her husband and grandchildren.

We've had a bad experience with DAF storage in our area. A moratorium was put into effect by the County. Hartland Holdings LLC, the site operator, did not abide by the moratorium. Dumping at the site was seen by myself and other residents in the area. The smell and any possible leakage affect residents, business owners and any town activities or festivals. The elementary school is less than a mile from the DAF site. Residential homes are less than 1,000 feet. The trucks heading up and down the road are causing damage and don't seem to be concerned about the speed limit. Most homes in the area of the DAF site have well water. No one can seem to get an answer if the pit being used is safe for DAF storage. This would cause concern for the contamination of nearby streams and wells. The site operator's lack of respect for the moratorium and others is concerning. I'm concerned about smell coming from the DAF storage pit, flies and other insects attracted to and know it would reduce property values and affect the whole town of Ridgely. It seems there is big money to be made on this operation without any regulations in place.

I support this legislation because it will hold the land owners, site operators and truck drivers accountable through regulations and permitting. I'd prefer not to have DAF sites at all in the state of Maryland, but am not sure it will be stopped. I would hope the property taxes could be set higher for DAF storage area to help the cost of additional staffing needed to process the permits and their renewals, and provide a way to monitor and enforce the regulations. I would expect high fines or shut downs for those that violate the permit regulations or choose to ignore the process altogether. Maryland has become a dumping ground for DAF because of the lack of regulation. This is a beautiful state and we want to keep it this way.

In closing I ask that the committee vote favorably for SB1074 and any amendments brought forward by the sponsors.

Sincerely,

**Margaret Smentkowski**  
**22612 Stevenson Rd.**  
**Ridgely, MD 21660**



**SB1074 Written Testimony- Megan Campbell (1).pdf**

Uploaded by: Megan Campbell

Position: FAV



March 4, 2024

Re: Testimony in support of SB1074

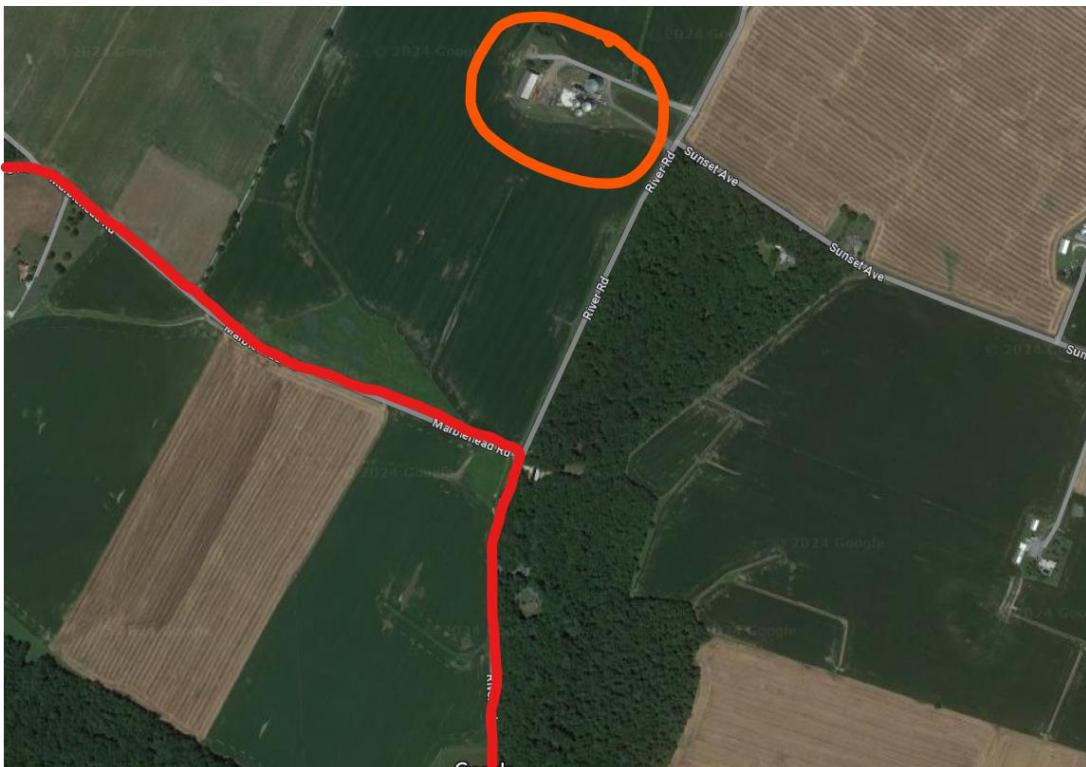
Dear Chairman Feldman and Members the Energy, Environment and Education Committee,

Thank you for this opportunity to submit testimony in support of SB1074. I am Megan Campbell, a Caroline County resident, property owner, and parent. I own a small farmette on the outskirts of Ridgely.

I am submitting this testimony in support of my favorable position on HB991, including the amendments brought forward by the sponsors, which I have reviewed. I support this legislation because DAF storage and processing in Caroline County and on Maryland's Eastern Shore pose a significant threat to the way of life for residents. As one of those residents, as well as a property owner and parent of two young children who reside here, I hope the passing of HB991 will both impose strict regulations on the material and empower Caroline County to control and ultimately prevent sludge traffic in the future.

Below, I have listed three specific examples of how DAF storage and processing are directly impacting our lives now (1 and 2) and could in the future (3). Please refer to my map images to see how close these facilities are to our lives, including along my sons' elementary school bus route.

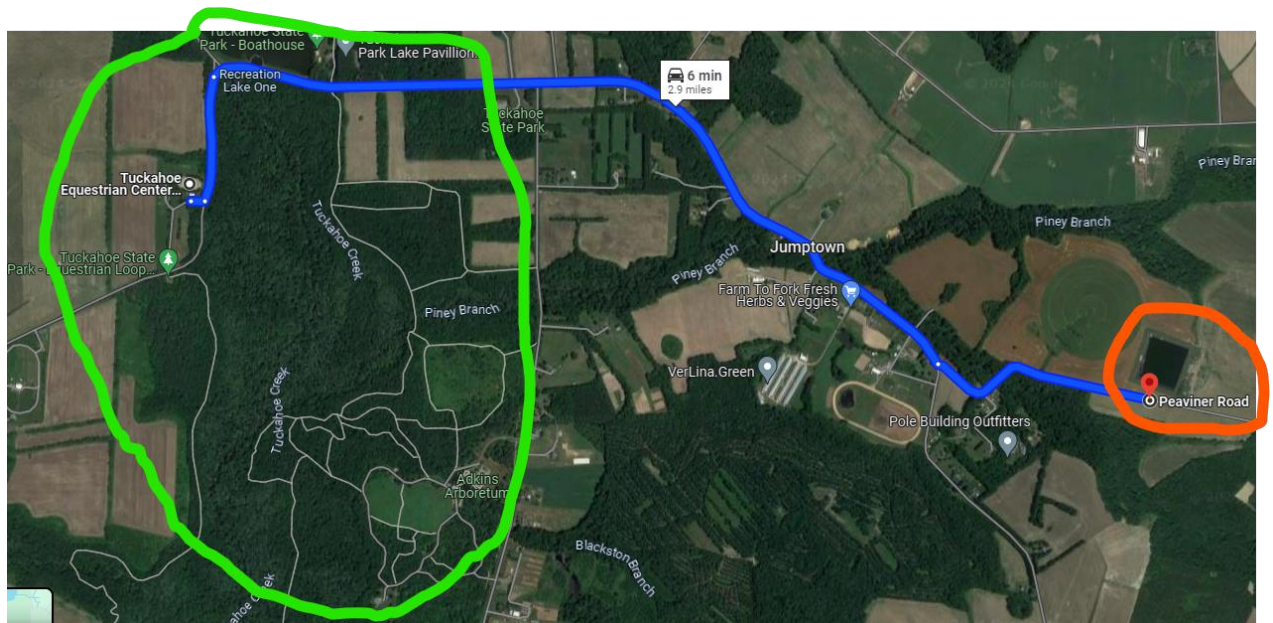
1. **Childrens' bus routes.** My 11- and 4-year-old sons ride the school bus along River Road, passing directly by the River Road DAF lagoon location. My oldest son reported that **he and his brother can smell the stench starting on Sparks Road, over 1 mile away from the site.** I do not want to risk their exposure for years to come, as they not only pass the location on their bus, but we regularly pass it to go to our local library branch as well. I have included a map image below, demonstrating their elementary bus route (red) and the DAF tank location (orange).



- Impact on the enjoyment of equestrian trails at Tuckahoe State Park.** I own three horses and intentionally purchased a farmette near Tuckahoe State Park to enjoy the equestrian trails, fishing, and canoeing with my family. The equestrian trails, equestrian park, Adkins Arboretum, and majority of Tuckahoe State Park are impacted by the Peaviner Road tank location.

Equestrian trails within the park cross the roads repeatedly and can encounter the sludge vehicle traffic as well as potential spillage, creating hazards for the horses and riders. The park is so close to the Peaviner Road DAF storage location that the smell and potential spills impact riders in almost every trail location.

I have included a screenshot demonstrating the area of major equestrian trails we and many others traverse (green circle) and the Peaviner DAF lagoon (orange circle). Additional equestrian, running, and hiking trails extend well beyond the circle I have illustrated. As you can see from the map, the driving distance is approximately 1.5-2 miles from the DAF location to the forested area and roads contained in my circle, with the furthest distance only being 3 miles. The driving route is obviously longer than the distance as the crow flies, which is approximately **only 1 mile**, the same distance from which my sons can smell the River Road facility inside a school bus.



- Risk of spillage on all local public roads.** I am a runner, cyclist, and outdoor enthusiast, as are my family members. Frequently, I run along the country roads in our beautiful county or go for a bike ride with my family. Already, we see spilled trash periodically from the landfills in Ridgely. If there was spillage from sludge transport on these same roads, it would absolutely ruin our enjoyment of the beautiful local farmland and public roads, not to mention pose a threat to our health.

While I have outlined specific examples and locations in this testimony, the impact is not limited to these places. My children play sports all over the eastern shore of Maryland, and we frequently take day trips as a family to enjoy our home here on the shore. To put these open DAF tanks and unregulated sludge anywhere in Caroline, Talbot, Queen Anne's, Kent, Cecil, Wicomico, Dorchester, Somerset, or Worcester counties would undoubtedly impact our lives and alter our beautiful Maryland Eastern Shore for the worse.

In closing, I request the committee vote favorably for HB991 and any amendments brought forward by the sponsors.

Sincerely,

A handwritten signature in black ink, appearing to be 'MC' with a flourish.

Megan Campbell  
23749 Solitude Drive  
Henderson, MD 21640

**SB1074 MyTestimony .pdf**

Uploaded by: Meghan Duncan

Position: FAV

March 4, 2024

Re: Testimony in support of SB1074

Dear Chairman Feldman and Members the Energy, Environment and Education Committee,

Thank you for this opportunity to submit testimony in support of SB1074. I am Meghan Duncan, residing at 22719 Squire Land in Queen Anne, MD. I grew up on my Grandfather's black angus farm in what is now the northern portion of the Agricultural Reserve bordering the Frederick County line along Interstate 270. My husband and I retired to the Mid Shore 7 years ago, leaving our home we built in 1997 on what remained of our family farm to escape the sprawling overdevelopment of Clarksburg and Urbana. We were so happy to find ourselves back in a farming lifestyle until recently when we found out that Caroline County, and much of the Eastern Shore, has become a dumping ground for industrial sludge of unknown origins, often from out of state, that escapes regulation by its classification as a "Soil Amendment."

DAF materials and biosolids are Industrial Sludge and need to be classified as such to prevent loopholes being exploited in calling these "Soil Amendments."

Industrial Sludge/ DAF is a loose definition far too broad to protect our residents from the dangers posed to our health from chemical coagulants and flocculants, heavy metals, PFAs, PFOAs and other chemicals too numerous and expensive to routinely test for. No one knows exactly what is in every tanker truck, many of which are from out of state, and without testing and controls on every load these dangerous substances will end up in the food chain, our wells, and harm the wildlife, native and migrating birds, as well as we humans and our pets who are exposed to contaminated waters, soils, and air as farming operations produce a lot of dust carrying unknown hazards for miles.

Additionally, human wastewater treatment plant biosolid sewage sludge is entering our food chain by being spread on farm fields which produce crops for poultry, livestock, and human consumption. In Texas, Maine, and Michigan livestock are testing with such high levels of PFAs that beef and dairy herds are being seized and destroyed, the meat and milk deemed unsafe for sale, and the crops grown in, and nearby to, fields where Wastewater Treatment Sewage Sludge has been spread that were fed to the cattle tested so high the farmers were told to buy grain and not let their livestock graze on their lands. PFAs are now known as "Forever Chemicals" so farmers are losing their livelihoods as a result of allowing Biosolid WWTP Sewage to be disposed of as a Soil Amendment.

*The U.S. EPA's Inspector General (U.S. EPA 2000) found that, while EPA promotes land application, EPA cannot assure the public that current land application practices are protective of human health and the environment. **Land Application of Treated Sewage Sludge: Community Health and Environmental Justice*** Amy Lowman,<sup>1</sup> Mary Anne McDonald,<sup>2</sup> Steve Wing,<sup>1</sup> and Naema Muhammad<sup>3</sup> <sup>1</sup>Department of Epidemiology, University of North Carolina, Chapel Hill, Chapel Hill, North Carolina, USA; <sup>2</sup>Department of Community and Family Medicine, Duke University, Durham, North Carolina, USA; <sup>3</sup>Concerned Citizens of Tillery, Tillery, North Carolina, USA

Nowhere in SB 1074 or HB 991 are PFA's or Biosolid Wastewater Sewage Sludge specifically mentioned and I implore you to amend them to permanently and totally ban this specific type of Industrial Sludge from being spread on Maryland lands, or from being brought in from other states for storage or spreading of any kind.

Maryland's lax regulations also lead to reckless tanker truck drivers from outside Caroline County and outside the state of Maryland who act with impunity in blatant violation of Caroline County DAF Moratoria currently in effect, bringing loads from out of County and out of State. Tankers running at all hours of the night and day are a menace on these small county roads to us all, school buses picking up and dropping off children, bicyclists, horse riders and dog walkers. Tanker trucks degrade our infrastructure in their size and weight, costing taxpayer dollars to repair roads and bridges.

I support this legislation because currently not enough is being done to protect Maryland residents from a deluge of Industrial Sludge being brought here from other states who recognize the need for strict regulations and then being stored in unpermitted tanks, lagoons and pits, and/or spread directly on our lands. I see this legislation as a stop-gap measure to curtail and regulate Industrial Sludge/ DAF/ and reclass its use as Not a Soil Amendment until more studies

are done on the harm that could devastate our lands, waters and air and in so doing destroy our quality of life, health and safety.

In closing I ask that the committee vote favorably for SB 1074 and bring amendments forth to totally ban the spreading and storage of Wastewater Treatment Plant Sewage Sludge by the sponsors.

Sincerely,

Alan & Meghan Duncan

22719 Squire Lane Queen Anne, MD 21657



**SB1074 DAF ResidualsThomas.pdf**

Uploaded by: Nancy R. Thomas

Position: FAV

February 21, 2024

RE: Testimony in support o SB1074

Dear Chairman Senator Feldman and Members the Education, Energy and Environment Committee,

The purpose of this written testimony is to request that you take the next step required to pass proposed bill SB1074

As a 30 year resident of Caroline County, I feel compelled to stress the need for stricter laws pertaining to the influx of Dissolved Air Flotation (DAF) residuals being trucked into Maryland from other states. I fear that Maryland has become a dumping ground for states having laws in place, like Delaware and Virginia, who require a permit to transport and spread industrial sludge. I am also aware and concerned about DAF residuals being hauled in from the state of Pennsylvania and possibly being mixed with manure.

I live in an agricultural environment and am well aware of traditional farming smells. It is very concerning that DAF residuals are being shipped from who knows where, containing who knows what and being stored in open vats and lagoons with little or no restrictions on the storage of this industrial sludge. I am concerned that we will experience the same “death like” odors, flies, gnats, water contamination that have been reported in Wicomico and Talbot Counties.

The increase in tanker trucks hauling sludge is apparent to me and all of my neighbors. They are delivering day and night over roads that are not built for this type of trucking. It is a relief to know that our county commissioners have put a temporary ban on the storage of DAF, however the trucking of sludge continues at a steady pace? What are they hauling? Please be advised that we need help from the state legislature on this matter.

I encourage the passage of SB1074 and HB991

Thank you for your consideration in this matter.

Sincerely,

Merrill F. and Nancy R. Thomas

15075 Cherry Lane

Ridgely, MD 21660



# **FAV\_SB1074\_IndustSludge - Waterkeepers Chesapeake.**

Uploaded by: Robin Broder

Position: FAV



**SB1074 - Industrial Sludge Utilization Permit – Establishment**  
**Hearing Date: March 5, 2024**

**Position: FAVORABLE**

Dear Chair Feldman and Members of the Education, Energy and the Environment Committee:

Waterkeepers Chesapeake respectfully requests a FAVORABLE report on SB1074, which prohibits a person from utilizing industrial sludge in the State without a permit. Waterkeepers Chesapeake is a coalition of Waterkeeper programs across the Chesapeake and Coastal Bays region that work with their communities to protect local waterways. This bill will establish a permit program proposed to be administered by the Maryland Department of the Environment. This program will address deficiencies in the State's current approach to industrial sludge management that prevents the content of sludge from being well understood, encourages overapplication of sludge to land, and violates federal and State law.

Maryland has become a dumping ground for Dissolved Air Flotation (DAF) material, the sludge that's left over from industrial protein rendering. While often used as an agricultural soil amendment, overapplication to land and poorly controlled storage and handling of DAF subjects nearby farmers and residents to unbearable odors, insects, human health impacts, and the threat of polluted runoff reaching our waterways.

While Delaware and Virginia require a permit to utilize industrial sludge, Maryland does not. As a result, Maryland has become a profitable place for the material to go—and it's more than we can handle. The sludge is either land applied or held in expansive storage tanks, often without clear knowledge of what's in it. As much as half of the region's industrial sludge has been spread on Maryland land in recent years, according to a University of Maryland study.

The permitting program established by SB1074 puts Maryland on par with neighboring states that administer similar programs and closes a significant loophole that allows Maryland waters and communities to be harmed. For these reasons, we urge a favorable report on SB1074.

Contact:

Robin Broder, Deputy Director  
Waterkeepers Chesapeake  
[robin@waterkeeperschesapeake.org](mailto:robin@waterkeeperschesapeake.org)

**SB1074 testimony for 3-5-24 hearing.pdf**

Uploaded by: Susan Hardinger

Position: FAV

Senate Bill 1074

I submit this testimony in favor (FAV) of SB1074.

Susan Hardinger  
1147 Humbert Schoolhouse Road  
Westminster, MD 21158

My family and I have sought assistance from our state and county elected officials and from our Maryland Departments of Agriculture and Environment for relief from the harmful effects of the industrial waste being hauled into our community and dumped on farm ground. My concerns center on one operation which stores and spreads this waste in two areas of our county. I live one mile west of the headquarters of this "farming" operation on Humbert Schoolhouse Road, and my family's farm is one mile east of this outfit. There is also hauling, storage and spreading of this waste at a second Carroll County location run by this same group, as well as just across the state line in Pennsylvania, which has no date restrictions on land applications. The Mason Dixon line runs right through our family farm, and, in fact, our entire Humbert Schoolhouse Road neighborhood is in close proximity to the state line.

I've been told by elected representatives, MDA officials and by the "farmer" who is paid to take this material that my concerns about this operation are not valid because "Right-to-Farm" standards apply here. Wrong. This is not a "Right-to-Farm" issue nor is this dumping a common, recognized farming practice. This is hazardous waste storage and dumping, not farming. We are a farming family ourselves; we care deeply about our land, our water, and our community's quality of life. We defend ourselves and other farmers when our neighbors complain about farming practices which are protected by Right-to-Farm standards. We educate others about agricultural practices which may sometimes inconvenience our community. But SB1074 is not about common farming practices. This legislation attempts to impose reasonable regulations on the storage and dumping of this industrial sludge.

We need SB1074 to become Maryland law as a start toward protecting our state's citizens, our water and our land from the practice of dumping this material under the guise of "nutrient management." If this stuff is so beneficial for the crops

grown on our farmland, and, if it is safe for our groundwater and surface water, why are these waste generators paying “farmers” to store and dump it? Why are these processors paying big bucks to have the stuff hauled hundreds of miles away from the plants that produce it? Why aren’t the farmers and landowners near these factories clamoring to spread the stuff on their own land? Why is it necessary for our state to be the dumping ground for this hazardous material?

Our concerns center on contamination and degradation of our surface water, our creeks and streams and ponds, as well as our groundwater. The huge tank trucks hauling this stuff pour it into old manure pits or dump it directly onto the ground. The soil cannot hold this volume of liquid waste, particularly when it is applied - whether by injection or broadcast surface spreading - over and over again on the same fields. At the bottom of the slopes on which this liquid is indiscriminately dumped are streams, wetlands and ponds.

I’ve been told that this material is allowed on farms which have nutrient management plans. Who’s checking compliance with the plans, who’s testing the soil and water affected by this dumping and runoff? What happens when this “farmer” denies access to MDA inspectors? What about applications on land not covered by nutrient management plans? What about selling this stuff to other landowners? This operation is being paid to receive the material from out of state processors. Can they turn around and sell it to be applied on ground which this operation does not own or lease, ground which may or may not be covered by nutrient management plans?

There are also serious quality of life issues which matter in our community – a lot. The awful stench when this stuff is hauled past our homes, when it’s dumped and spread, seriously affects our neighborhood. It is surely unhealthy for humans and animals when this unrelenting, overpowering smell hangs over our neighborhood for weeks at a time. And our community is seriously affected by the volume of traffic from these huge tank trucks. Our roads were not built for this. Though we know these are public roads with no legal weight and size restrictions for vehicles, the noise, stench and speed of these vehicles are very concerning and, at times, Humbert Schoolhouse Road has been blocked in both directions by these tank trucks as they line up to dump their loads.

Please pass SB1074 to start the process of regulating the hauling, storage and dumping of this industrial sludge. Next we need to ban the waste from Maryland ground and water completely. A good first step, however, will be the successful passage – and enforcement – of SB1074.

**VickiGranatSB1074Favorable.pdf**

Uploaded by: Vicki Granat

Position: FAV

March 4, 2024

Re: Testimony in support of SB1074

Dear Chairman Feldman and Members of the Energy, Environment and Education Committee,

Thank you for this opportunity to submit testimony **in support of SB1074**. I am Vicki Granat and I live at 15059 Cherry Lane, in Ridgely Maryland. I worked for the federal government for 27 years and retired early due to chronic health issues. I chose to retire to the Eastern Shore of Maryland, and I absolutely love it. I have family, great neighbors and friends here. I've invested a lot in my home and backyard. I especially enjoy spending time in my backyard with family, friends, and our dogs. Although I don't personally own farmland, I am surrounded by farmland. DAF residual industrial sludge is not something I ever expected to come into my life. I'm now a long term (14 year) resident of Caroline County and this is threatening *everyone* in our community and the quality of our lives. I have a lot of respect for our farmers, the vast majority are responsible and respectful *good* neighbors and friends. I accepted that I moved to an Agricultural County, and I've learned to live with typical Agricultural smells, like manure, which dissipates in a few days. However, DAF Industrial sludge waste is nothing like typical Agricultural smells. I am currently considering relocating because I *personally* do not want to live near the horrific smell and insects, and I have many concerns.

I've watched the documentary video of the Wicomico County residents by the Wicomico Environmental Trust. The Wicomico County residents lived under inhumane conditions with the horrible smell and insects for approximately three years before Wicomico County passed legislation to restrict DAF industrial sludge open pit storage. I've read the public transcripts of both Talbot County Agricultural Resolution Board Hearings including testimonies from *many* residents living near the Foster Farm in Trappe, where DAF industrial sludge was dumped in giant piles and then over-applied to farmland. I've also read countless articles on this subject and know many other counties in Maryland have also been *invaded* by DAF residual industrial sludge. These people have had their lives ruined by people who simply don't care about what they are dumping near others while they profit from this "stuff". It's life altering and we do NOT deserve to be forced to live under the conditions that people have suffered through because of ***Maryland not having effective laws in place to protect Maryland taxpaying citizens.***



I am *very* concerned about our public health, safety, welfare, quality of life and property values living near DAF industrial sludge. The Eastern Shore of Maryland residents who live, or who have lived, near DAF industrial sludge have reported that they have suffered from numerous health related issues, including chronic respiratory problems, nausea, and severe headaches, just to name a few. They have lived with unbearable gut-wrenching smells (that do not dissipate). They have been invaded by overwhelming flies and other potentially disease carrying insects, such as midges and mosquitos. They fear that their drinking water has been contaminated and is unsafe. They have valid concerns for the Bay and our waterways due to runoff. They fear that property values will plummet, and probably have, for properties near DAF industrial sludge. The constant stream of tanker trucks going to and from DAF residual storage pits and lagoons creates a whole set of other problems for residents (and this is already a problem in Caroline County). There is also growing concern for our local economy, specifically due to this “stuff” being dumped in our communities.

There have not yet been enough studies to determine ALL the impacts this industrial sludge pollution will have on the Bay, our rivers, and waterways OR our drinking water. A lot of us on the Eastern Shore have well water and even though there are stricter regulations in place regarding DAF land application, requiring the utilization of injection methods, I am personally concerned that, especially if over-applied, the DAF sludge will leach into and contaminate our well water, leaving us with unsafe drinking water.

I truly don't understand how the Maryland Department of Agriculture (MDA) has classified industrial sludge as a *soil amendment* without performing a life cycle analysis of the chemical composition of this “stuff” to determine the factual risks and impacts to public health and safety. I believe other states have done this type of analysis. I suspect they have found that Per- and Polyfluoroalkyl Substances or PFA's a “forever chemical” are present in the chemical composition. Exposure to these chemicals causes an increased risk in developing cancer, reduced ability of the body's immune system to fight infections, decreased fertility, and developmental effects in children. Please encourage MDA to work with Maryland's Department of Environmental Protection to protect public health and safety, the environment, and our wildlife from these dangerous contaminants.

The Chesapeake Bay Foundation, ShoreRivers and the Chesapeake Legal Alliance are our allies. They have partnered with each other and have existing facts of what has been tested and analyzed and what needs to be done to protect the Bay and our waterways. Please *listen* to the experts and support them.

In addition to passing the bills proposed, I encourage our state legislators to ensure that Maryland laws are equal to those of Delaware and Virginia to completely **STOP** the influx of this industrial sludge from other states. I believe that DAF industrial sludge is also being mixed with manure and trucked in from Quarryville, PA. If there are loopholes, they must be closed or the people who profit will continue to haul this “stuff” in and dump it on the residents of Maryland. **We do not deserve to be dumped on any longer!!!**

I am in favor of **SB1074** and HB991 which, if passed into law, would:

- Establish a permitting program for those who haul, store, and apply industrial sludge to land.
- Require Maryland Department of the Environment and MDA to work together to develop the permit program.
- Provide additional notice and input opportunities for local governments concerned with storage.
- Require enhanced material testing so farmers know what is being applied to farmland.

I support this legislation because both the proposed Senate and House bills are a positive step and, if passed, will result in better control, oversight, and enforcement of Industrial sludge in OUR state. Please protect OUR rights to enjoy OUR lives in OUR communities. **I am in favor of passing SB1074.**

In closing, I respectfully ask *you* to ask yourselves whether you would want YOUR families, friends, neighbors, and pets to live next to this horrible industrial sludge and its inherent risks and I ask that the committee vote favorably for SB1074, and any amendments brought forward by the sponsors. **Thank you for your support AND your action!**

Sincerely,

Vicki Granat  
15059 Cherry Lane  
Ridgely, MD 21660

**DMS Testimony\_SB1074.pdf**

Uploaded by: David Sutherland

Position: FWA

March 4, 2024

Re: Testimony in support of SB1074

Dear Chairman Feldman and Members the Energy, Environment and Education Committee,  
Thank you for this opportunity to submit testimony in support of SB1074 with amendments.

I commend the Sponsors of this Bill from the Western Shore addressing a serious Eastern Shore health issue. I apologize in advance for being wordy in this letter. It has been frustrating to live on the Eastern Shore for many years and have my concerns fall on deaf ears. There are many of us that view DAF and Bio Solids as a Waste and not a fertilizer. Most importantly, they are responsible for major health concerns, beyond just being a horrible odor nuisance.

I must start by saying the idea that CBF and River Alliance are promoting the continuance of the Storage and Land application of waste primarily on the Eastern Shore of Maryland was initially shocking. It took a great deal of soul searching for me to support any legislation that allows this horrible practice to continue. I know from professional experience that all forms of waste contain harmful chemicals, such as PFAs. It is not just one bad apple that is responsible.

Only the realization that an immediate stop to waste disposal is not good for the health of the Poultry and Agricultural Industry that is so important to our Eastern Shore Economy that I began to realize the challenges. However, without a long-term solution our Health and Economic vulnerabilities will continue to be political trade bait for a few winners that don't follow ESG principals or BMPs laid out by EPA for this waste.

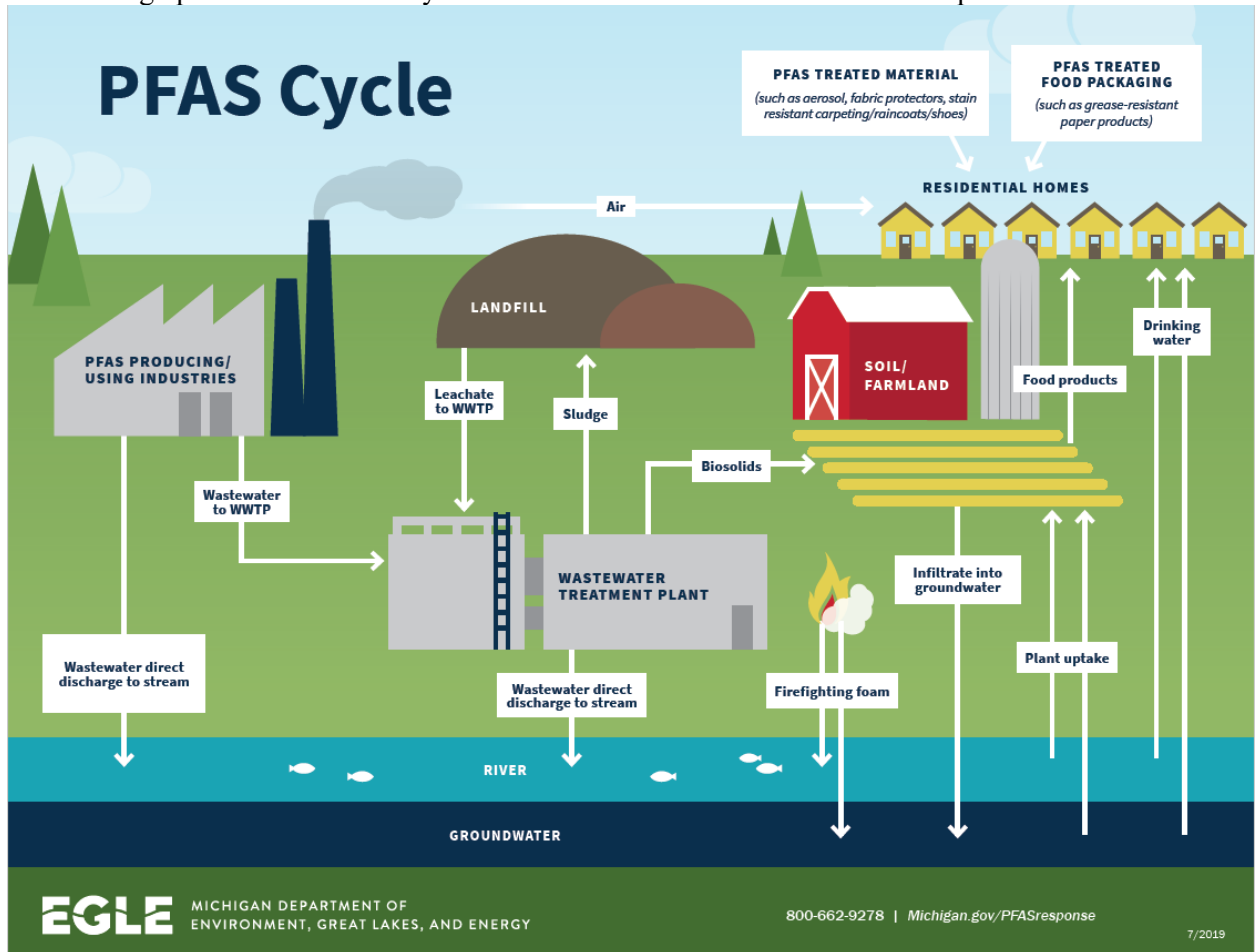
It is common knowledge that the practice of storage and land application of Waste is a serious health and quality of life issue that should not be allowed without a serious long-term solution that ends the practice. Professionally, I am involved in this issue in numerous states. Those states are addressing this issue in various ways primarily due to the contamination of farmland and shutting down their businesses. These states are not home to our Chesapeake Bay; but are way ahead of Maryland on this issue. Voluntary sampling and regulating the continuance of a known pollutant is far from a scientific approach. The Goal should be to end this practice by developing a real solution that ends land application.

This Bill should be amended to accomplish this goal AND put in place the guidelines and procedures this Bill provides to without doubt ensure the protection of the Public's Health and Landowner Liabilities.

Some Facts for consideration:

- EPA and Federal Department of Agriculture acknowledge PFAs exist in the majority of waste, including the Poultry Industry. [The Poultry Industry: Recent Rulings, Sustainability, PFAS, & More \(rouxinc.com\)](#)
- Counties on the Eastern Shore have some of the highest rates of cancer in Maryland. (Nexus?) [Counties With the Highest Cancer Rates in Maryland | Stacker](#)

- PFAs are “forever “Chemicals and bioaccumulate in Soils, water, animals and Humans. Causing cancer and affecting fertility. [EPA to Fund Studies of Toxic ‘Forever Chemicals’ in Agriculture - Inside Climate News](#)
- [Risk of Cancer in a Community Exposed to Per- and Poly-Fluoroalkyl Substances - PMC \(nih.gov\)](#)
- [Leaked FDA Documents Reveal Dangerous 'Forever Chemicals' in Meat, Poultry, Milk, and Chocolate Cake \(vice.com\)](#)
- The below graphic of the PFA lifecycle makes it easier to understand all the components.



- Millions of acres of Farmland all across the US is thought to be contaminated: [‘Forever chemicals’ may have polluted 20m acres of US cropland, study says | PFAS | The Guardian](#)
- PFAs already exist in our waterways: [Maryland’s waterways contain high levels of ‘forever chemicals’ pollution – CNS Maryland](#)
- EPA is moving forward with Developing standards: [Key EPA Actions to Address PFAS | US EPA](#)
- What is Maryland doing for the largest estuary we love? Voluntary sampling.
- Liability Issue is real: [2-20-24-Synagro-Complaint-final.pdf \(peer.org\)](#)

You all know and love this mighty Chesapeake Bay; the largest estuary that we all respect and attempt to protect and enhance. I spent most of my career trying to protect it and the Natural Resource based industries that rely upon a healthy Bay.

The bottom line is that the waste being addressed in this Bill is not an asset to most farmers. It is a liability. It is a waste that should be applied to a more beneficial use. Please consider amending this great Bill to address Public health and liabilities specifically; while defining a process to create a solution that ends this horrible health hazard to the Eastern Shore.

I understand the need to regulate an unregulated industry. So, I support the intent of SB1074.

I offer the following public best interest items to be considered as an amendment to SB1074:

Additional Public and Landowner protection:

Section 296 – Require public hearing for storage permits.

Section 297 and 8 –

\* Authorize a fine and cancellation of all storage and application permits upon any substantial violation

\* Require a copy of permit be filed within land records to protect inform and protect future landowners

Section 299.3 - Add a Permit Holder strict liability clause

Section 299.4 – Add emphasis for testing and monitoring specifically for PFA and PFO's inherent in waste and specify not on an interval basis but on a batch basis.

Other –

- Deny application on any public lands
- Require a committee lead by Maryland Energy Administration for 3 years to develop a net zero emissions solution with MSW, Wastewater and DAF material waste in Maryland.

In closing I ask that the committee vote favorably for SB1074 with amendments brought forward by the sponsors.

Sincerely,

David M. Sutherland  
201 River Run  
Queenstown, MD 21658  
703- 795-4051

# **SB 1074 - Industrial Sludge Utilization Permit - S**

Uploaded by: Holly Porter

Position: FWA



*Educate. Advocate. Innovate.*

Date: March 4, 2024  
To: Members of the Senate Committee on Education, Energy, and the Environment  
From: Holly Porter, Executive Director  
Re: SB 1074 – Industrial Sludge Utilization Permit – Establishment – **Support with Amendment**

Delmarva Chicken Association (DCA) is the 1,600-member trade association representing the meat-chicken growers, processing companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware. While we are generally supportive of the establishment of a permitting process for the utilization of food processing residuals in agriculture as outlined in the amended version of SB 1074, we would like to offer further amendments which would make this legislation clearer and more practical for our members.

To understand this legislation and our organization's position, it is critical to first understand the background of this issue and the oft-misunderstood material it centers on; Dissolved Air Flotation residuals (DAF). When wastewater comes from a processing or rendering plant, it is put into a DAF unit tank, where it is injected with dissolved air, causing solids to bind and float to the top of the tank. From there the solids are skimmed from the top, and the remaining wastewater discharges to a treatment plant or to an on-site biological treatment plant. From there, DAF residuals can either go directly to a landfill, or to a third-party hauler for land application on farm fields.

Maryland farmers have found that this material is a cost-effective alternative to commercial fertilizer. DAF residuals are tested and regulated as a registered soil amendment with the state chemist. It has a lower nutrient content than both commercial fertilizer and chicken litter (manure) and must be applied according to a farmer's nutrient management plan submitted, approved, and verified by the Maryland Department of Agriculture through the Annual Implementation Report (AIR).

DAF residuals exist because we have succeeded, as an industry and as a state, in dramatically reducing point-source pollution into waterways. A few decades ago, the nutrients in DAF residuals would likely have flowed directly into waterways through process waste discharges. Going back to a time where we didn't have DAF would be a regression; however, matter eliminated from point source discharges doesn't disappear once it is collected.

Most of the recent controversy surrounding DAF has been associated with its storage. Storage of the material (instead of direct land application) is necessary due to best management practices and regulations preventing its application to farm fields during the winter. Because DAF material is produced year-round but can only be applied for a portion of the year, temporary storage is the only option. The ban on winter application is one of the many farm practices that have concretely reduced nutrient contributions to the Chesapeake Bay watershed from agricultural activities. In short, this legislation is attempting to address issues associated with prior measures taken to protect water quality. We are solving third-order challenges when it comes to DAF residuals because we were successful in solving first and second-order challenges previously, and the Bay is better protected as a result.





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The industry recognizes that there are certain issues associated with DAF, particularly the smell. Industry partners are addressing these issues through research on coverings, chemical additives, and misting. We believe that the long-term solution to this issue will be the widespread implementation and use of various new technologies, including anaerobic digestion, whereby DAF residuals are mixed with organic matter and converted into clean, renewable natural gas. While we know these technologies are coming, it may take several years before it is widely adopted. However, it is worth noting that between 60 and 70 farmers across Maryland apply (and some store) DAF residuals with no complaints from surrounding neighbors, county governments, or state agencies. The local issues that have arisen in recent months stem from a small handful of bad actors who have failed to implement good neighbor practices.

As stated earlier, we are generally in support of implementing a permitting/registry process for the application and storage of DAF, and we believe that this process will give additional tools for the Maryland Department of Agriculture to take action against bad actors. As an agricultural organization, we believe it is important not only to practice good neighbor policies, but to also penalize those who do not. While we would have hoped that the proponents of the bill would have worked more closely with the chicken community in a longer timeframe to understand the full complexity of this issue, we are thankful to the sponsors of this legislation for their willingness to hear from the regulated stakeholders and as a result, our concerns have largely been addressed through the amended version of this bill.

However, we believe the sponsor amended SB 1074 can be improved through several modest amendments which remove duplicitous reporting requirements and clarify some definitions. As such, we offer our support to the amended legislation with the following amendments:

1. In Section 8-A-102, the applicant is required to obtain any requisite county approval for the storage of DAF residuals, and in Section 8-A-103, the applicant must provide evidence to MDA that they have received such approval. As such, we believe that Section 8-A-104 requiring MDA to notify the legislative body of the county is duplicative and should be stricken.
2. In Section 8-A-105, it allows the department to deny the permit if it finds that the applicant cannot utilize food processing residuals without causing undue risk to “The environment” or “Public health, safety, or welfare.” This requirement is found again in Section 8-A-106 for those wishing to renew their permits. These terms are undefined and could be widely interpreted. We would like to see these clarified based on documented science.
3. Section 8-A-113 requires a semi-annual written statement of the tonnage of food processing residuals utilized. Again, this is duplicative reporting because this information is already provided to the Department through annual implementation reports, as such we believe this section should be stricken.
4. Section 8-A-114 gives the Department the ability to outline adequate standards for hauling and application of food processing residuals and the crops that are being grown on the land on which they are being applied. Again, this information is largely covered in the nutrient management plan and the annual implementation report submitted to the Department. We do not believe it is necessary or appropriate to consider nearby existing land uses or transportation



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routes of the material. Giving relevance to such information in the permitting process is unprecedented, and as such we believe this section should be stricken.

We believe that over time, the land application of DAF residuals will be phased out as other technologies proliferate. As such, we are concerned that fewer and fewer people will be required to fund the permitting process. We look forward to working with MDA on a permitting structure that is tenable in the long term for both industry and farmers.

We hope that this committee will consider and adopt these amendments to make cooperation and compliance in the regulated community more tenable and streamlined. Farmers still are the main stewards of land in this state and around the country, and we are willing and eager to make our stewardship more neighborly and environmentally friendly whenever possible. With these amendments, in addition to the friendly amendments offered by the sponsor, we support SB 1074 and urge a favorable committee report.

Should you have any additional questions, please feel free to contact me at [porter@dcachicken.com](mailto:porter@dcachicken.com) or 302-222-4069 or Grayson Middleton at [middleton@dcahicken.com](mailto:middleton@dcahicken.com) or 410-490-3329.

Sincerely,

Holly Porter  
Executive Director

**SB 1074 MDE SWA.pdf**

Uploaded by: Les Knapp

Position: FWA



**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

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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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**Contact:** Les Knapp, Government Relations Director  
Cell: 410-453-2611 (cell), Email: [les.knapp@maryland.gov](mailto:les.knapp@maryland.gov)

**24 MGPA\_SB1074\_DAF\_FWA.pdf**

Uploaded by: Lindsay Thompson

Position: FWA



Maryland Grain Producers Association  
118 Dundee Ave, Chester, MD 21619  
Lindsay.mdag@gmail.com (p) 443-262-8491  
www.marylandgrain.com

Date: March 4, 2024

Senate Bill 1074 - Environment - Industrial Sludge Utilization Permit - Establishment

Committee: Environment & Transportation

MGPA Position: Support with Amendments

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA supports Senate Bill 1074 with amendments. The amendments we support were developed in partnership with the Department of Agriculture, the sponsor and proponents of the bill and are attached.

In addition to the amendments being brought forth by the sponsors, MGPA supports two additional amendments:

1. The bill authorizes the department to deny a permit based on threats to “public health, safety and welfare.” We would like to see that further defined and/or reference an existing definition in the code.
  - a. Justification: MGPA is concerned that if left up to interpretation, health and welfare could be interpreted to include things like adverse smell which is protected under Maryland’s Right to Farm.
2. Section 8-A-114 gives the Department the ability to outline adequate standards for hauling and application of food processing residuals and the crops that are being grown on the land on which they are being applied. MGPA would like to see the language referencing standards for application and crops stricken. This information is already set forth in regulation under the nutrient management law for soil amendments and nutrient sources.

MGPA has many members who have been responsibly storing and using food processing residuals for many years to add agronomic and economic value to their farming operations. We appreciate the sponsor and the department working with us to ensure that this legislation does not penalize those farmers while giving the department enforcement ability.

Thank you,

Lindsay Thompson

Executive Director

# SENATE BILL 1074

M3, M4

4lr2560  
CF SB 1074

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By: **Delegates Love, Bouchat, Miller, Rose, and Tomlinson**

Introduced and read first time: February 5, 2024

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Industrial Sludge Utilization Permit – Establishment**

3 FOR the purpose of establishing an industrial sludge utilization permit; prohibiting a  
4 person from utilizing industrial sludge in the State unless the person obtains a  
5 permit; requiring the Department of the Environment to provide certain notices and  
6 information to certain persons; applying certain provisions of law regarding public  
7 notice and participation to industrial sludge utilization permits; authorizing a  
8 representative of the Department to enter and inspect any site where industrial  
9 sludge is utilized; and generally relating to industrial sludge utilization permits.

10 BY repealing and reenacting, with amendments,

11 Article – Environment

12 Section 1–601(a)

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2023 Supplement)

15 BY adding to

16 Article – Environment

17 Section 9–293 through 9–299, 9–299.1, 9–299.2, 9–299.3, and 9–299.4 to be under  
18 the new part “Part IX. Industrial Sludge”

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2023 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

23 **Article – Agriculture**

24 1–601.



**\*hb0991\***

Food Processing Residual (all  
under Title 15, Subtitle 18,  
Chapter 15.20.06

25 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS  
26 INDICATED.

27 (B) (1) "FOOD PROCESSING RESIDUAL" MEANS MATERIAL THAT IS:

28 (I) ORGANIC MATERIAL GENERATED BY PROCESSING  
AGRICULTURAL COMMODITIES FOR HUMAN OR ANIMAL  
CONSUMPTION. THE TERM INCLUDES FOOD RESIDUALS, FOOD  
COPRODUCTS, FOOD PROCESSING WASTES, FOOD PROCESSING  
SLUDGES, OR ANY OTHER INCIDENTAL MATERIAL WHOSE  
CHARACTERISTICS ARE DERIVED FROM PROCESSING  
AGRICULTURAL PRODUCTS FOR HUMAN CONUMPTION OR ANIMAL  
CONSUMPTION AND IS USED TO INCREASE THE PRODUCTIVITY OF  
PLANTS, IMPROVE THE QUALITY OF CROPS OR PRODUCING ANY  
CHEMICAL OR PHYSICAL CHANGE IN THE SOIL.

1 (II) INTENDED TO BE:

2 1. STORED OR APPLIED TO AGRICULTURAL LAND; OR

3 2. DISPOSED OF IN THE STATE.

4 (2) "FOOD PROCESSING RESIDUAL" INCLUDES MATERIAL  
5 SEPARATED FROM  
6 LIQUID WASTE THROUGH A DISSOLVED AIR FLOTATION PROCESS.

7 (C) "REGISTRY" MEANS FOOD PROCESSING RESIDUAL REGISTRATION.

8 (D) "UTILIZATION" MEANS:

9 (1) COLLECTING, HANDLING, BURNING, STORING, OR TREATING  
10 Food Processing Residual FOR DISPOSAL OR LAND APPLICATION; AND

11 (2) TRANSPORTING FOOD PROCESSING RESIDUAL TO OR  
12 FROM AN  
13 FOOD PROCESSING RESIDUAL GENERATOR OR UTILIZER IN THE STATE.

14 9-294.

15 (A) EXCEPT AS PROVIDED IN THIS PART, A PERSON MAY NOT UTILIZE  
16 FOOD PROCESSING RESIDUAL IN THE STATE.

(B) A PERSON SHALL BE REGISTERED BEFORE UTILIZING FOOD  
PROCESSING RESIDUAL IN THE STATE.

16           **(C) REGISTRY AUTHORIZES THE PERMIT HOLDER TO UTILIZE FOOD**  
17           **PROCESSING RESIDUAL IN ACCORDANCE WITH THE TERMS OF THE Registration.**

17           **(D) A PERSON MUST INCLUDE IN THE REGISTRY EACH SITE WHERE THE**  
18           **PERSON**

18           **UTILIZES Food Processing Residual.**

19           **9-295.**

20           **FOR A REGISTRANT SHALL:::**

21                   **(1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM**  
22           **THAT THE DEPARTMENT REQUIRES;**

1           **(2) CERTIFY BY SIGNATURE THE TRUTH AND ACCURACY OF THE**  
2 **COMPLETED APPLICATION;**

3           **(3) PAY ANY ASSOCIATED APPLICATION FEES AT THE SAME TIME**  
4 **THAT THE APPLICATION IS SUBMITTED;**

5           **(4) PROVIDE THE NAME AND ADDRESS OF ANY SOURCE OF**  
6 **Food Processing Residual THAT WILL BE UTILIZED;**

7           **(5) OBTAIN THE WRITTEN CONSENT OF THE OWNER OF THE LAND**  
8 **WHERE THE Food Processing Residual WILL BE APPLIED, INCLUDING AN**  
9 **AGREEMENT**  
10 **FROM THE OWNER THAT THE OWNER WILL NOT VIOLATE THE Nutrient Management**  
11 **Regulations;**

12           **(6) AGREE TO ALLOW OR SECURE ACCESS TO THE FOOD**  
13 **PROCESSING RESIDUAL UTILIZATION SITE FOR ANY INSPECTION**  
14 **AUTHORIZED UNDER THIS PART;**

15           **(8) SATISFY EVERY OTHER REQUIREMENT OF THIS PART.**

16 **9-297.**

17           **(A) (1) THE APPLICANT WILL BE REGISTERED UPON**  
18 **SATISFying THE REQUIREMENTS OF THIS PART.**

19           **(2) THE DEPARTMENT MAY NOT ISSUE A REGISTRY TO AN APPLICANT**  
20 **IF**  
21 **THE DEPARTMENT DETERMINES THAT AN APPLICANT CANNOT UTILIZE FOOD**  
22 **PROCESSING RESIDUAL WITHOUT:**

23                   **(i) CAUSING UNDUE RISK TO:**

24                           **1. THE ENVIRONMENT; OR**

25                           **2. PUBLIC HEALTH, SAFETY, OR WELFARE; OR**

26                   **(ii) OTHERWISE VIOLATING THIS PART.**

1           **(D) THE DEPARTMENT SHALL MAINTAIN A PERMANENT PUBLIC RECORD ON**  
2 **THE DEPARTMENT'S WEBSITE OF ALL REGISTRATIONS ISSUED UNDER THIS PART.**

3 **9-298.**

4           **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERMIT**  
5 **SHALL EXPIRE ON THE DATE THE DEPARTMENT SETS AT THE TIME THE PERMIT IS**  
6 **ISSUED OR RENEWED.**

7           **(2) THE TERM OF A PERMIT MAY NOT LAST FOR MORE THAN 3 YEARS.**

8           **(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**  
9 **DEPARTMENT MAY RENEW A PERMIT IF THE PERMIT HOLDER:**

10                   **(i) IS IN COMPLIANCE WITH:**

11                           1.     **THE CONDITIONS OF THE PERMIT;**

12                           2.     **THE REQUIREMENTS OF THIS PART; AND**

22                           3.     **ALL APPLICABLE REGULATIONS ESTABLISHED BY**  
23 **THE DEPARTMENT;**

24                   **(ii) SUBMITS TO THE DEPARTMENT IN A TIMELY MANNER A**  
25 **RENEWAL APPLICATION ON THE FORM THAT THE DEPARTMENT REQUIRES; AND**

26                   **(iii) PAYS A RENEWAL APPLICATION FEE.**

27           **(2) THE DEPARTMENT MAY REFUSE TO RENEW A PERMIT IF:**

1           **(I) THE PERMIT HOLDER VIOLATES THIS PART, ANY**  
2 **REGULATION ADOPTED BY THE DEPARTMENT UNDER THIS PART, OR ANY**  
3 **CONDITION OF THE PERMIT;**

4           **(II) THE DEPARTMENT DETERMINES THAT CONTINUED**  
5 **OPERATION OF ANY AREA COVERED BY THE PERMIT WOULD BE INJURIOUS TO THE**  
6 **ENVIRONMENT OR PUBLIC HEALTH, SAFETY, OR WELFARE; OR**

7           **(III) THE DEPARTMENT DETERMINES THAT THERE IS ANY**  
8 **OTHER GOOD CAUSE.**

9           **(C) THE DEPARTMENT MAY NOT RENEW OR MODIFY A PERMIT TO STORE OR**  
10 **DISTRIBUTE INDUSTRIAL SLUDGE AT A FACILITY THAT WILL BE INSTALLED OR**  
11 **MATERIALLY ALTERED UNLESS THE DEPARTMENT HOLDS A PUBLIC HEARING ON**  
12 **THE RENEWAL OR MODIFICATION.**

13 **9-299.**

14           **TO MAINTAIN A PERMIT IN GOOD STANDING, A PERMIT HOLDER SHALL:**

15           **(1) MAINTAIN A PERFORMANCE BOND OR OTHER SECURITY IN THE**  
16 **AMOUNT THAT THE DEPARTMENT CONSIDERS SUFFICIENT TO GUARANTEE THE**  
17 **FULFILLMENT OF ANY REQUIREMENT RELATED TO THE PERMIT;**

18           **(2) ENSURE THAT INDUSTRIAL SLUDGE IS NOT APPLIED FOR MORE**  
19 **THAN 365 DAYS WITHIN ANY 3-YEAR PERIOD;**

20           **(3) ENSURE THAT INDUSTRIAL SLUDGE IS APPLIED:**

21                   **(I) BY SUBSURFACE INJECTION;**

22                   **(II) UNIFORMLY AND AT A RATE THAT DOES NOT CONTRIBUTE**  
23 **TO RUNOFF;**

24                   **(III) ONLY ON SOIL THAT:**

25                           **1. CONTAINS GROUNDWATER THAT IS MORE THAN 20**  
26 **INCHES FROM THE DEPTH OF TILLAGE AS DETERMINED BY TEMPORARY SOIL**  
27 **BORINGS BEFORE LAND APPLICATION; AND**

28                           **2. DOES NOT CONTAIN STANDING WATER, SNOW COVER**  
29 **GREATER THAN 1 INCH, OR HARD-FROZEN CONDITIONS GREATER THAN 2 INCHES;**

1 (IV) ONLY FROM MARCH 1 TO DECEMBER 15, INCLUSIVE, OF  
2 ANY CALENDAR YEAR;

3 (V) ONLY IF A CROP IS PLANTED WITHIN 30 DAYS AFTER  
4 APPLICATION UNLESS OTHERWISE APPROVED BY THE DEPARTMENT;

5 (VI) ONLY IF A COVER CROP OR APPROPRIATE WINTER CROP IS  
6 ESTABLISHED AT THE APPLICATION SITE; AND

7 (VII) IN LOCATIONS THAT DO NOT INTERFERE WITH THE BUFFER  
8 AREAS ESTABLISHED BY THE DEPARTMENT IN REGULATION UNDER § 9-299.4 OF  
9 THIS SUBTITLE;

10 (4) KEEP RECORDS REGARDING THE UTILIZATION OF INDUSTRIAL  
11 SLUDGE, INCLUDING DAILY RECORDS OF THE SOURCE AND AMOUNT OF INDUSTRIAL  
12 SLUDGE IN EACH TRUCKLOAD DELIVERED TO A SITE;

13 (5) MAKE REPORTS, INCLUDING INDUSTRIAL SLUDGE ANALYSIS  
14 REPORTS, AS OFTEN AS NECESSARY TO ENSURE THE INDUSTRIAL SLUDGE MEETS  
15 THE REQUIREMENTS OF THE PERMIT;

16 (6) HAVE A COPY OF THE REPORT REQUIRED UNDER ITEM (5) OF THIS  
17 SECTION AVAILABLE IN THE VEHICLE TRANSPORTING THE INDUSTRIAL SLUDGE;

18 (7) INSTALL, CALIBRATE, USE, AND MAINTAIN MONITORING  
19 EQUIPMENT OR METHODS, INCLUDING BIOLOGICAL MONITORING METHODS AND  
20 WELL MONITORING IF APPROPRIATE;

21 (8) TAKE SAMPLES IN ACCORDANCE WITH THE METHOD, LOCATION,  
22 FREQUENCY, AND MANNER REQUIREMENTS SET BY THE DEPARTMENT;

23 (9) PROVIDE TO THE DEPARTMENT OR THE RELEVANT LOCAL  
24 HEALTH OFFICIAL ANY INFORMATION THAT THE DEPARTMENT REQUIRES; AND

25 (10) COMPLY WITH ANY OTHER REQUIREMENT SET BY THE  
26 DEPARTMENT.

27 9-299.1.

28 THE DEPARTMENT MAY SUSPEND, REVOKE, OR MODIFY A PERMIT ISSUED  
29 UNDER THIS PART IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT  
30 IF THE DEPARTMENT FINDS THAT:



1           (1) THE PERMIT APPLICATION CONTAINED FALSE OR INACCURATE  
2 INFORMATION;

3           (2) THERE HAS BEEN A SUBSTANTIAL DEVIATION FROM:

4                 (i) THE PLANS, SPECIFICATIONS, OR OTHER DOCUMENTS  
5 APPROVED BY THE DEPARTMENT; OR

6                 (ii) ANY REQUIREMENT ESTABLISHED BY THE DEPARTMENT;

7           (3) A REPRESENTATIVE OF THE DEPARTMENT SEEKING TO INSPECT  
8 A SITE IN ACCORDANCE WITH § 9-299.2 OF THIS SUBTITLE HAS BEEN REFUSED  
9 ENTRY TO ANY AREA COVERED BY THE PERMIT;

10           (4) THERE IS OR HAS BEEN A VIOLATION OF THIS PART, ANY  
11 REGULATION ADOPTED UNDER THIS PART, OR ANY CONDITION OF THE PERMIT; OR

12           (5) THERE IS ANY OTHER GOOD CAUSE AS DETERMINED BY THE  
13 DEPARTMENT.

14 **9-299.2.**

15           (A) TO ENFORCE THIS PART AND TO ENSURE COMPLIANCE WITH A PERMIT,  
16 A REPRESENTATIVE OF THE DEPARTMENT MAY ENTER AND INSPECT, AT ANY  
17 REASONABLE TIME, ANY SITE WHERE INDUSTRIAL SLUDGE IS UTILIZED.

18           (B) A PERMIT HOLDER OR OTHER PERSON AT A SITE WHERE INDUSTRIAL  
19 SLUDGE IS UTILIZED MAY NOT:

20                 (1) REFUSE ACCESS TO THE SITE TO ANY REPRESENTATIVE OF THE  
21 DEPARTMENT THAT REQUESTS ACCESS UNDER THIS SECTION; OR

22                 (2) INTERFERE WITH ANY INSPECTION UNDER THIS PART.

23           (C) AFTER COMPLETING AN INSPECTION UNDER THIS SECTION, THE  
24 DEPARTMENT SHALL ISSUE A STOP WORK ORDER OR OTHER ORDER IF NECESSARY  
25 TO OBTAIN COMPLIANCE WITH STATE LAW, REGULATIONS, OR A PERMIT.

26 **9-299.3.**

27           (A) IN ADDITION TO ANY OTHER REMEDY AUTHORIZED UNDER THIS  
28 SUBTITLE, THE DEPARTMENT MAY BRING AN ACTION TO ENJOIN THE VIOLATION OF

1 ANY LAW, REGULATION, OR ORDER CONCERNING THE UTILIZATION OF INDUSTRIAL  
2 SLUDGE UNDER THIS PART.

3 (B) (1) ANY PERSON THAT OWNS LAND THAT ADJOINS LAND FOR WHICH  
4 AN APPLICATION TO APPLY INDUSTRIAL SLUDGE IS FILED OR FOR WHICH A PERMIT  
5 TO APPLY INDUSTRIAL SLUDGE IS ISSUED HAS STANDING:

6 (i) TO SUE THE STATE, THE APPLICANT, OR THE PERMIT  
7 HOLDER TO REQUIRE COMPLIANCE WITH THIS PART AND ANY PERMIT ISSUED  
8 UNDER THIS PART; AND

9 (ii) WITH RESPECT TO THE INDUSTRIAL SLUDGE UTILIZATION  
10 SITE, TO INTERVENE IN ANY:

11 1. CIVIL COURT PROCEEDING; AND

12 2. CONTESTED ADMINISTRATIVE CASE.

13 (2) ANY COUNTY OR MUNICIPAL CORPORATION IN WHICH THERE IS  
14 LAND FOR WHICH AN APPLICATION TO APPLY INDUSTRIAL SLUDGE IS FILED OR FOR  
15 WHICH A PERMIT TO APPLY INDUSTRIAL SLUDGE IS ISSUED HAS STANDING:

16 (i) TO SUE THE APPLICANT OR THE PERMIT HOLDER TO  
17 REQUIRE COMPLIANCE WITH THIS PART AND ANY PERMIT ISSUED UNDER THIS PART;  
18 AND

19 (ii) WITH RESPECT TO THE INDUSTRIAL SLUDGE UTILIZATION  
20 SITE, TO INTERVENE IN ANY:

21 1. CIVIL COURT PROCEEDING; AND

22 2. CONTESTED ADMINISTRATIVE CASE.

23 9-299.4.

24 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
25 DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS PART.

26 (2) THE DEPARTMENT MAY NOT ADOPT A REGULATION OR PART OF A  
27 REGULATION THAT DEALS WITH THE STORAGE OR LAND APPLICATION OF  
28 INDUSTRIAL SLUDGE MATERIAL ON AGRICULTURAL LAND UNLESS THE  
29 DEPARTMENT CONSULTS WITH THE DEPARTMENT OF AGRICULTURE.

1           **(B) (1) THE REGULATIONS ADOPTED UNDER THIS PART SHALL ADDRESS:**

2                           **(I) ALTERNATIVE UTILIZATION METHODS;**

3                           **(II) CONTROL OF PATHOGENS AND POLLUTANTS OF CONCERN**  
4 **IDENTIFIED BY THE DEPARTMENT;**

5                           **(III) ADVERTISING REQUIREMENTS FOR PUBLIC HEARINGS AND**  
6 **PUBLIC INFORMATION MEETINGS;**

7                           **(IV) PERFORMANCE BONDS, LIABILITY INSURANCE, OR OTHER**  
8 **FORMS OF SECURITY;**

9                           **(V) PROCEDURES FOR NOTIFYING UNITS OF LOCAL**  
10 **GOVERNMENT AND OTHER INTERESTED PARTIES;**

11                           **(VI) ADEQUATE STANDARDS FOR TRANSPORTING INDUSTRIAL**  
12 **SLUDGE;**

13                           **(VII) EXISTING LAWS AND REGULATIONS GOVERNING THE**  
14 **APPLICATION AND SUITABILITY OF SOIL AMENDMENTS FOR LAND APPLICATION;**

15                           **(VIII) METHODS FOR CALCULATING LOADING RATES THAT:**

16                                   1. **WILL ENSURE NONDEGRADATION OF THE**  
17 **GROUNDWATER; AND**

18                                   2. **ARE LIMITED BY THE NUTRIENT REQUIREMENTS OF**  
19 **CROP OR COVER VEGETATION, AS RECOMMENDED BY THE DEPARTMENT OF**  
20 **AGRICULTURE;**

21                           **(IX) THE CROPS THAT ARE TO BE GROWN ON LAND ON WHICH**  
22 **INDUSTRIAL SLUDGE MAY BE APPLIED;**

23                           **(X) THE NATURE OF ANY NEARBY SURFACE WATER OR**  
24 **GROUNDWATER;**

25                           **(XI) THE CHARACTER OF ANY AFFECTED AREA;**

26                           **(XII) THE CHARACTER OF NEARBY EXISTING OR PLANNED LAND**  
27 **USES AND TRANSPORT ROUTES;**

1 (XIII) THE NEARNESS OF THE LAND ON WHICH INDUSTRIAL  
2 SLUDGE MAY BE APPLIED TO SENSITIVE AREAS, INCLUDING FLOOD PLAINS,  
3 WETLANDS, AND AREAS OF CRITICAL CONCERN;

4 (XIV) THE DEFINITIONS OF:

5 1. INDUSTRIAL SLUDGE THAT IS UNSUITABLE FOR  
6 APPLICATION TO AGRICULTURAL LAND;

7 2. AGRICULTURAL LAND;

8 3. MARGINAL LAND; AND

9 4. COMPOST;

10 (XV) ACCEPTABLE CUMULATIVE LOADING RATES, INCLUDING  
11 RATES FOR NITROGEN, PHOSPHORUS, AND HEAVY METALS; AND

12 (XVI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,  
13 REASONABLE BUFFER AREAS TO SEPARATE ANY HOME, AGRICULTURAL LAND, OR  
14 OTHER PROPERTY FROM LAND ON WHICH INDUSTRIAL SLUDGE MAY BE APPLIED.

15 (2) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF  
16 AGRICULTURE IN THE ESTABLISHMENT OF BUFFER AREAS TO SEPARATE  
17 AGRICULTURAL LAND FROM LAND ON WHICH INDUSTRIAL SLUDGE MAY BE APPLIED.

18 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
19 DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH AND UPDATE PERMIT  
20 APPLICATION FEES.

21 (2) (I) THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR  
22 PUBLIC INPUT ON THE DEVELOPMENT OF A FEE SCHEDULE UNDER THIS SECTION.

23 (II) A FEE SCHEDULE DEVELOPED UNDER THIS SECTION SHALL  
24 INCLUDE CONSIDERATION OF:

25 1. THE ANTICIPATED COSTS OF MONITORING AND  
26 REGULATING INDUSTRIAL SLUDGE UTILIZATION SITES;

27 2. THE ANTICIPATED COSTS OF IMPLEMENTING THIS  
28 PART; AND



**SB 1074 - CBF - FWA.pdf**

Uploaded by: Matt Stegman

Position: FWA



# CHESAPEAKE BAY FOUNDATION

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*Environmental Protection and Restoration  
Environmental Education*

## **Senate Bill 1074**

Environment - Industrial Sludge Utilization Permit - Establishment

Date: March 5, 2024  
To: Education, Energy, and the Environment Committee

Position: **Favorable With Amendment**  
From: Matt Stegman  
Maryland Staff Attorney

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Chesapeake Bay Foundation (CBF) **SUPPORTS SB 1074 with amendments** to be offered by the bill sponsor. The bill as amended would prohibit the storage, hauling, and utilization of industrial sludge material without a permit issued by the Department of Agriculture (MDA). Industrial sludge is organic material left over from various industrial protein rendering processes, including dissolved air flotation (DAF).

DAF material has been utilized by farmers in Maryland as a soil amendment for many years. However, as the volume of material generated throughout the region has recently increased and neighboring states have adopted more comprehensive regulations, the overapplication and mishandling of industrial sludge has become a community nuisance and water quality concern.

Maryland has become a dumping ground for DAF industrial sludge. The University of Maryland estimates that in 2019 and 2020, 93.9 million gallons of DAF were imported into Maryland, containing 4.78 million pounds of nitrogen and 1.75 million pounds of phosphorus.<sup>1</sup> In those years respectively, 50% and ≥62% of the DAF applied to Maryland farms was generated in other states. In other words, more than half of the region's industrial sludge was recently applied to Maryland farms. One company estimates that approximately 85% of the DAF applied to Maryland farms in 2019 came from out of state sources.

This is due to a lack of Maryland state oversight and regulation, which incentivizes producers from across the region to ship their DAF sludge to Maryland. While Virginia and Delaware require a permit to handle and utilize DAF sludge, Maryland does not. MDA issued only \$3,100 in fines for Nutrient Management Plan noncompliance in FY22, deterring few operators from mishandling sludge. Reporting is not required to identify which registered DAF products are transported or where they're from.

Farmers and environmentalists fought for years over how best to reduce water quality impacts from the excessive use of poultry litter on farms, eventually agreeing to a major overhaul to how Maryland regulates phosphorus in farm nutrient management plans. That progress is now being reversed by the unregulated waste disposal that again puts farms, rivers, and the Bay at risk.

In Maryland, DAF sludge generators need a discharge permit from the Maryland Department of the Environment (MDE) that regulates their wastewater treatment process. When DAF sludge gets applied to

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<sup>1</sup> <https://extension.umd.edu/resource/animal-waste-technology-fund-assessment-report/>

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

farmland, MDA – which allows the application of DAF as a soil amendment for crops – is responsible for oversight. But there is little transparency around where it goes and what is in the DAF sludge when it is spread on land. The composition of sludge is currently analyzed by the State Chemist only once a year, from samples drawn by the DAF-producing facilities. Once the sludge material is put into trucks and sent away, there is no system that ensures safe handling.

Done properly, sludge would be applied to land only in certain quantities and during certain times of the year (for example, not during winter when dormant plants don't absorb nutrients) and quickly incorporated into soil to prevent odors and nutrient runoff into nearby waterways. Unfortunately, CBF and our partners have heard stories from across Maryland where some bad actors are applying DAF material at times and in quantities that are inconsistent with a legitimate agricultural use. In short, they are using the land for disposal, not for farming.

Handlers are also building places to store DAF – often in giant open tanks and pits where permitting and regulatory oversight is unclear. In some counties, local officials have not been notified that DAF material was to be stored where it could be a hazard until it was too late. These sludge storage facilities harm surrounding communities and environments and potentially circumvent local land use authority. Runoff from tank spills and leaks pollutes waterways, and the stench is so foul it is becoming a public health concern.

With the sponsor's amendments, SB 1074 creates a robust regulatory regime for DAF sludge that will ensure responsible farmers are able to use the material in a manner that minimizes community nuisance, increases compliance with existing nutrient management regulations, and gives regulators the tools they need to crack down on bad actors. The bill establishes a permitting program for those who haul, store, and apply industrial sludge to land, putting Maryland on par with neighboring states that administer similar programs and closing a significant loophole that allows Maryland waters to be harmed.

**CBF urges the Committee's FAVORABLE report WITH AMENDMENTS on SB 1074.** For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

## NEIGHBORING STATES OUTPACE MARYLAND'S SLUDGE REGULATION

Maryland has become a regional dumping ground for food processing residual sludge because it does not require utilization permits, but neighboring states do. Over half of this sludge applied to Maryland farms in recent years came from out of state.

LAND APPLICATION	DELAWARE	VIRGINIA	MARYLAND
State authorization required	Y	Y	N
Permit required	Y	Y	N
Nutrient Management Plan required	Y	Y	Y
Applicator certification required	Y	Y	N
MATERIAL TESTING			
Nutrient analysis required for each application	Y	Y	N
Heavy metal analysis required every 5 years	Y	N	N
SITE TESTING			
Nutrient / heavy metal analysis required for each application	Y	N	N
Nutrient analysis required annually by permit	Y	3 YEARS	N
REPORTING			
Daily operating records required	Y	N	N
Site map required by permit	Y	Y	N
Application rates keyed to prior year data	Y	Y	N
Monitoring results submitted to landowner	Y	Y	N



# **SB 1074 - community sign-on - FAV.pdf**

Uploaded by: Matt Stegman

Position: FWA

Testimony before the  
Senate Education, Energy, and the Environment Committee  
March 5, 2024

Senate Bill 1074  
Position: **FAVORABLE**

Dear Chairman Feldman, Vice Chair Kagan, and Members of the Committee:

**The organizations and individuals listed below respectfully request a favorable report on SB 1074**, which prohibits a person from utilizing industrial sludge in the State without a permit. The permit program proposed in the bill addresses deficiencies in the State’s approach to industrial sludge management that prevents the content of sludge from being well understood, encourages overapplication of sludge to land, and potentially violates federal and State law.

Maryland has become a dumping ground for Dissolved Air Flotation (DAF) material, the sludge that’s left over from industrial protein rendering. While often used as an agricultural soil amendment, overapplication to land and poorly controlled storage and handling of DAF subjects nearby farmers and residents to unbearable odors, insects, human health impacts, and the threat of polluted runoff reaching our waterways.

While Delaware and Virginia require a permit to utilize industrial sludge, Maryland does not. As a result, Maryland has become a profitable place for the material to go—and it’s more than we can handle. As much as half of the region’s industrial sludge has been spread on Maryland land in recent years, according to a University of Maryland study.

The permitting program established by SB 1074 puts Maryland on par with neighboring states that administer similar programs and closes a significant loophole that allows Maryland waters and communities to be harmed.

**For these reasons, we urge a favorable report on SB 1074.**

Sincerely,

Marisa Olszewski  
Maryland LCV

Matt Stegman  
Chesapeake Bay Foundation

Anna Mudd  
Potomac Conservancy

Taylor Swanson  
Assateague Coastal Trust

Robin Broder  
Waterkeepers Chesapeake

Liz Lamb  
The 6th Branch

Randy Lyon  
Sierra Club Maryland Chapter.

Fred C. Pomeroy  
Dorchester Citizens for Planned Growth

Jay Falstad  
Queen Anne's Conservation Association

Theresa Cullen  
Alice Ferguson Foundation

David Lillard  
Catoctin Land Trust

Antoinette Rucker  
Interfaith Partners for the Chesapeake

Lutz Rastaetter  
Citizens to Conserve and Restore Indian Creek

Lydia Lawrence  
Nature Forward

Tom Taylor  
Beaverdam Creek Watershed Watch Group

Marian Dombroski  
Friends of Quincy Run

Paulette Hammond  
Maryland Conservation Council

Elle Bassett  
Arundel Rivers Federation

Phil Webster  
Unitarian Universalist Legislative Ministry of  
Maryland

Caroline Taylo  
Montgomery Countryside Alliance

Dave Arndt  
MD Legislative Coalition Climate Justice Wing

Virginia Smith  
Indivisible HoCOMD

Alice Volpitta  
Blue Water Baltimore

Madeleine Beller  
Baltimore City, MD

Susan Beller  
Silver Spring, MD

Jack Darrell  
Baltimore City, MD

Isabella Bruno  
Balrimore, MD

Jason Green  
Westminster, MD

Lauren O'Connell  
Baltimore, MD

Kathi Green  
Carroll County, MD

Michelle Keeney  
Washington, DC

Pamela Mesta  
Mayberry Road, Westminster, MD

Steve Curry  
Mayberry Road, Westminster, MD

Heather Semies

Donna Pope  
Mt. Airy, MD

Matt Pluta  
Cambridge, MD

Robert Melendez  
Washington, DC

Nancy R. Thomas

Patti C. Shaffer  
Greensboro, MD

Heather Macki  
Hanover, MD

Stacey Wilcom  
Westminster, MD

Craig Carlson  
Silver Spring, MD

Bonnie Weissberg  
Baltimore, MD

Brittanie Collier  
Trappe, MD

Michael Zepp  
New Windsor, MD

Leonard Jay Wantz  
Taneytown, MD

Bill Berry  
Waldorf, MD

Ruth Grant  
Ridgely, Md

Kristin Cavey  
Westminster, MD

Nicole Maloney

Suzanne Peters  
Westminster, MD

Kelly Snyder

Susan McFadden

Lisa Wilt  
Silver Run, MD

Angela McCauslin  
Littlestown, MD

Todd McCauslin

Mary Naugle,  
Westminster, MD

Willem Zijp  
Cambridge, MD

Jon Ingersoll  
Cambridge, MD

Tom Puglisi  
Cambridge, MD

Margaret Ingersoll  
Cambridge, MD

Richard Bearman  
Cambridge, MD

Rany Cole

Janice Wyatt  
Cambridge, MD

Jan Boettger  
Dorchester Citizens for Planned Growth

Joe Dougherty

Mark Wilson  
Cambridge, MD

Kevin Diaz  
Cambridge, MD

Peter A. Doyle  
Cambridge, MD

Wendy Donnelly  
Cambridge, MD

Robert Donnelly  
Cambridge, MD

Nancy J. Chapman  
Cambridge, MD

Kolya Braun-Greiner  
Takoma Park, MD

James Brady  
Cambridge, MD

Diane Miller  
Cambridge, MD

David Stevens

Steven Van Dorpe  
Cambridge MD

Stephen Rideout  
Cambridge, MD

Stokes Liles  
Cambridge, MD

Thomas Hannan  
Cambridge, MD

James Culver  
Cambridge, MD

Deborah Wessner  
Columbia MD

Sue Clery  
Baltimore, MD

Lani Hummel  
Annapolis, MD

Cheryl Duvall

Kelly Crowe  
Cambridge, MD  
Paul Kaladas  
Annapolis, MD

Thomas Straehle

Kay Klepfer  
Cambridge MD

Thomas E. Turner  
Hollywood, MD

G. Rick Wilson  
Laurel, MD

Julie Kurland

Kimberly Gravatt  
Essex, MD

Georgeanne Pinkard  
Queen Anne's County, MD

Rick Klepfer  
Cambridge MD

Milan Obradovic

Ron Hartman  
Cecil County, MD

David Malone  
Cambridge, MD

Michael Brown  
Greenbelt, MD

Ben Pittsley  
Cambridge, MD

George Anzalone  
Dorchester Citizens for Planned Growth

Margaret Anzalone  
Dorchester Citizens for Planned Growth

Susan Olsen  
Dorchester Citizens for Planned Growth

Richard Deutschmann  
Columbia, MD



**SB 1074 - Marty Doty - FAV.pdf**

Uploaded by: Matt Stegman

Position: FWA

2/26/2024

Marty Doty  
30319 Kates Pt Rd  
Trappe, MD 21673

I grew up in Queen Annes County and my husband grew up in Dorchester County. We lived in Trappe for 19 years, then moved to Denton for 19 years, and we moved back to Trappe in May of 2021. As you can see, we are very familiar with farming and the odors that go along with living in a farming area.

In December of 2021 we wrote a complaint letter as the homeowners of 30319 Kates Pt Rd Trappe, MD.

We wrote the complaint because we had great concern for our health and wellbeing.

Starting in November of 2021 there was a disgusting odor in our yard. We looked around the yard because the odor was so bad that we thought our septic had failed because it smelled like human feces! It was not coming from our septic. Upon further investigation we realized it was from a different type of fertilizer spread on the fields across the street. It was a very strong, different, extremely offensive, and unbearable odor. It was so bad that you could not stand outside our home. When I say that I mean you had to get out of the car, run inside and quickly shut the door! One day when I got home from work the odor was extremely strong in the yard and was also inside of the house. I literally sat in my living room and cried because the odor was so bad in the house. For that week we basically lived in the basement area of the split level because the central heat is not in that area of the home, therefore the smell was not as bad there. On another occasion I had my car serviced in Preston and was there for 3 hours. When I got in my car to leave you could smell the odor in my car. It was so bad I felt like I had to apologize to the workers.

It was a month before we could go out into the yard without smelling the odor. I was praying that the end of the odor had come, however it was just that the wind was not blowing towards the house. The smell returned the following day.

If the wind is blowing in the direction of Landing Neck Rd our daughter can smell it at her home a mile and a half away on Chestnut Ridge Rd! If it is blowing towards town, you could smell it at our office on Rt 50 in Trappe.

In all of our years of living in the rural farming community this is an odor we have never experienced. We could not get away from the odor and we are extremely concerned about any health risks that we are facing from constantly breathing in whatever is causing this odor.

Because of all the odor complaints the field across from our home was disked on December 14 & 15 of 2021. The odor was bad and got worse several days later because it rained. I didn't smell the odor again until February when it was a little warmer. Essentially the odor never went away it just was dormant because of the cold temperatures.

It felt and smelled like the Trappe fields were used as a sludge dumping ground or a sewage landfill.

In closing I would like to reiterate that we are very concerned about our health and wellbeing if these practices are allowed to continue in Trappe and across Maryland.

Marty & George Doty



**SB1074 - Ind Sludge - Carroll Co - FWA.pdf**

Uploaded by: Michael Fowler

Position: FWA



## Carroll County Government

225 North Center Street  
Westminster, Maryland 21157  
410-386-2400  
MD Relay 711/800-735-2258

March 4, 2024

The Honorable Brian J. Feldman, Chair  
Education, Energy, and Environment Committee  
2 West  
Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: SB1074 – Environment – Industrial Sludge Utilization Permit – Establishment – FWA**

Chair Feldman and Members of the Committee,

I write on behalf of Carroll County in strong support of *HB991 – Environment – Industrial Sludge Utilization Permit – Establishment*, as amended. The bill, with the amended title *Agriculture – Food Processing Residuals Utilization Permit – Establishment*, will establish regulations regarding the transport, storage, and use of food processing by-product to address what we believe is an irresponsible overapplication of the material to agricultural fields in our county. We are approached by constituents complaining of the intense, lingering foul odor emanating from the fields and the subsequent attracting of insects that remain for extended periods of time due to the method, frequency, and amount of deposited material.

Agriculture is a critically important industry in Carroll County, and we are a proud agricultural community. Our citizens understand and appreciate our rich agricultural heritage and support responsible agricultural practices. However, this inadequately regulated practice is negatively impacting the quality of life for some of our citizens. Our research indicates that this activity is not highly controlled which led to a few opportunists taking advantage of the absence of effective regulation of a material that can be a productive soil amendment when properly regulated. The creation of a permit process and inspection regime that effectively regulates the transport, storage, and use of this material is necessary and will help address what we believe to be the irresponsible practices conducted in our county.

For these reasons the County respectfully requests a favorable report on SB1074 as amended.

Sincerely,

Michael L. Fowler  
Legislative Liaison



**SB 1074 - Letter of Support.docx.pdf**

Uploaded by: Rachel Jones

Position: FWA



# Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor

Aruna Miller, Lt. Governor

Kevin M. Atticks, Secretary

Steven A. Connelly, Deputy Secretary

Agriculture | Maryland's Leading  
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

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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](mailto:Rachel.Jones2@maryland.gov) or (410) 841-5886.

# **Testimony in support of SB 1074.pdf**

Uploaded by: Stephanie Lansing

Position: FWA



*"Cultivating a collaborative, sustainable, and equitable food system for all Maryland communities."*

**March 4, 2024**  
**2024 SESSION SUPPORT TESTIMONY**  
**SB 1074: Industrial Sludge Utilization Permit - Establishment**

**SB 1074: Industrial Sludge Utilization Permit - Establishment**  
**COMMITTEE: Education, Energy, and the Environment**  
**POSITION: Testimony in Support of Senate Bill 1074 with Amendments**

Honorable Chair, Vice Chair, and Members of the Committee, thank you for the opportunity to submit this statement for the record **in support of Senate Bill 1074 with the MDA-submitted amendments.**

This letter is submitted on behalf of the Maryland Food System Resiliency Council. The Food System Resiliency Council was established by the Maryland General Assembly during the 2021 legislative session to bring together 33 appointed council members from across the state, all with different points of entry and expertise to work toward a more resilient food system. One of the key mandates of this Council is to develop equity and sustainability policy recommendations that affect Maryland's food system.

Industrial sludge, such as dissolved air flotation (DAF), is a byproduct from food processing facilities that contains nutrients that can be used as a soil amendment to grow crops and put organic-based nutrients back onto crop fields to increase our bio-circular economy. DAF is composed of flocculated solids, proteins, and fat (with their associated nutrients) that rise to the surface and removed by mechanical scraping during waste processing from food processing facilities.

Processing facilities that create industrial sludge, such as DAF, pay haulers to find farmers that can use the nutrients for crop production. The application of DAF as well as other chemical fertilizers or organic-based soil amendments are incorporated into a farmer's annual Nutrient Management Plan and submitted to Maryland Department of Agriculture (MDA) through an Annual Implementation Report. In Maryland, poultry-based DAF is generated at three poultry processing facilities. DAF application in Maryland is also from poultry processing facilities located in Delaware and Virginia. Most of the DAF Maryland receives is field applied as a soil amendment, with Dorchester and Wicomico counties receiving the highest concentration of DAF application from poultry processing facilities in Maryland. The sludge from DAF can also be used as a potential feedstock for anaerobic digesters and composting, with two Maryland digesters accepting DAF to co-digest with food waste and/or manure waste.

However, poorly executed DAF land application can cause smell and insect nuisances in surrounding communities, which prompted the updating of MDAs 'Nutrient Application Requirements' to include special requirements for land application of 'food processing residuals' in 2022 to decrease this odor, including anaerobic digestion, composting, injection, or incorporation of industrial sludge into the soil after application. The passage of **Senate Bill 1074 with the amendments proposed by MDA** would allow MDA to create a permitting process for the application of DAF and other industrial sludge. Ensuring that



*"Cultivating a collaborative, sustainable, and equitable food system for all Maryland communities."*

haulers of industrial sludge adhere to their permit requirements should reduce the number of reported nuisance complaints in surrounding communities and provide a pathway for addressing these complaints through a regulated permitting process.

Increased food resiliency can be increased by **passing SB 1074**, which establishes this industrial sludge permitting processing, creates a pathway for formal complaints, and ensures that industrial sludge application is congruent with best practices. This permitting process should increase our bio-circular economy of this soil amendment through decreased odor, insects, and other nuisances imposed on surrounding communities when there is improper application.

Thank you for the opportunity to share our support of **SB 1074**.

Michael J. Wilson  
Co-Chair, Maryland Food System Resiliency Council



# **Support with Amendments - SB1074 Industrial Sludge**

Uploaded by: Tyler Hough

Position: FWA



## Maryland Farm Bureau

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March 4<sup>th</sup>, 2024

**To:** Senate Education, Energy, and the Environment Committee

**From:** Maryland Farm Bureau, Inc.

**RE:** **Support with Amendments SB1074 Environment - Industrial Sludge Utilization Permit – Establishment**

On behalf of the member families of the Maryland Farm Bureau, I submit written testimony of favorable with amendments to SB1074. This bill would establish an industrial sludge utilization permit, prohibit a person from utilizing industrial sludge in the state without a permit, require the Department of the Environment to provide certain notices and information to certain persons, apply certain provisions of law regarding public notice and participation to industrial sludge utilization permits, and authorizing a representative of the Department to enter and inspect any site where industrial sludge is utilized.

Maryland farmers are faced with ever changing input costs, leading to the need for alternative soil amendments that may be more cost effective. The most common soil amendment used by Maryland farmers is Dissolved Air Flotation residuals (DAF). Maryland farmers have found that this material is a cost-effective alternative to commercial fertilizer. DAF residuals are tested and regulated as a registered soil amendment with the state chemist. It has a lower nutrient content than both commercial fertilizer and chicken litter (manure) and must be applied according to a farmer's nutrient management plan submitted, approved, and verified by the Maryland Department of Agriculture through the Annual Implementation Report (AIR).

The industry recognizes that there are certain issues associated with DAF, particularly the smell. Industry partners are addressing these issues through research on coverings, chemical additives, and misting. We believe that the long-term solution to this issue will be the widespread implementation and use of various new technologies, including anaerobic digestion, whereby DAF residuals are mixed with organic matter and converted into clean, renewable natural gas. Our member families understand and stress the importance of being a good neighbor and representative of agriculture in the state.

Maryland Farm Bureau supports the amendments that the Maryland Department of Agriculture have submitted and have been accepted by the sponsor. We believe that SB1074 helps work towards a solution where farmers in Maryland do not lose an approved agricultural practice, but also keeps being a good and responsible neighbor in mind.

### **Maryland Farm Bureau Supports SB1074 with Amendments**

A handwritten signature in black ink, appearing to read 'Tyler Hough', written over a horizontal line.

Tyler Hough  
Director of Government Relations

*Please contact Tyler Hough, (443) 878-4045 with any questions*

**SB1074-EEE\_MACo\_SWA.pdf**

Uploaded by: Dominic Butchko

Position: UNF



## Senate Bill 1074

### *Environment - Industrial Sludge Utilization Permit - Establishment*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Education, Energy, and the Environment  
Committee

Date: March 5, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 1074 **WITH AMENDMENTS**. The bill, among other actions, broadens county input related to the state permits for industrial sludge utilization and in enforcing certain provisions should an entity violate their permit.

Industrial sludge is a by-product of large-scale animal husbandry, and – if properly applied in controlled doses – can be an effective fertilizer. Agricultural operators who apply sludge to their crops, largely choose to do so due to profit motive. Companies that produce sludge pay top dollar to get rid of the substance as it has an extremely noxious aroma and is highly regulated in most jurisdictions. As state leaders have yet to adopt adequate regulations, profit-hungry operators have begun a “sludge rush” on Maryland, applying huge unnecessary quantities and storing massive volumes in agricultural communities. Residents who live within proximity to these operations describe serious localized effects of these dispersals.

Counties support SB 1074 as the first step in ending the sludge rush, but believe it does not go far enough. Counties request the following three amendments:

- On page 3, after line 22, INSERT:  
“(E) THE DEPARTMENT MAY:  
(1) DELEGATE ANY AUTHORITY UNDER THIS SECTION TO A COUNTY OR MUNICIPALITY AT THE REQUEST OF THE GOVERNING BODY OF THE COUNTY OR MUNICIPALITY, AND  
(2) MAY REVOKE ANY DELEGATED AUTHORITY AT THE DEPARTMENT’S DISCRETION OR AT THE REQUEST OF THE GOVERNING BODY OF THE COUNTY OR MUNICIPALITY.”
- On page 5 after line 5, INSERT:  
“(V) ANY HOUSEHOLD WITHIN 1 MILE OF WHERE THE SLUDGE WILL BE APPLIED OR THE FACILITY WILL BE CONSTRUCTED; AND”
- On page 5, after line 14, INSERT:

(2) THE DEPARTMENT MAY NOT ISSUE A PERMIT TO INSTALL, MATERIALLY ALTER, OR MATERIALLY EXTEND AN INDUSTRIAL SLUDGE COMPOSTING FACILITY OR INDUSTRIAL SLUDGE STORAGE FACILITY UNTIL:

- THE INDUSTRIAL SLUDGE COMPOSTING FACILITY MEETS ALL ZONING AND LAND USE REQUIREMENTS OF THE COUNTY OR MUNICIPALITY WHERE THE INDUSTRIAL SLUDGE COMPOSTING OR STORAGE FACILITY IS TO BE LOCATED.

- On page 5, at line 15, STRIKE “(2)” and INSERT “(3)”

With these amendments, counties believe the State and county governments will have a necessary tool to halt the sludge rush on Maryland. Accordingly, MACo urges the Committee to issue SB 1074 a report of **FAVORABLE WITH AMENDMENTS**.