



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 1404

Environment – Storage of Dissolved Air Flotation By-Products – Local Authority

Date: March 8, 2024

To: Environment & Transportation Committee

Position:

Favorable with Amendment

From:

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Chesapeake Bay Foundation (CBF) **SUPPORTS WITH AMENDMENT** HB 1404, which authorizes a local jurisdiction to enact local restrictions on the use of dissolved air flotation by-products (DAF or “industrial sludge”). CBF shares the bill sponsor’s concerns with a lack of comprehensive regulation on the storage and application of DAF material and supports efforts to ensure local officials who know their communities best have a meaningful opportunity to help develop regulations on industrial sludge.

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 increased and neighboring states, notably Delaware and Virginia, have adopted more comprehensive regulations, the overapplication and mishandling of industrial sludge has become a community nuisance and growing water quality concern. 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.

The bill as introduced would add DAF material to the substances regulated under MDE’s existing sewage sludge utilization program. That program is designed to regulate a similar sludge material, called biosolids, derived from the effluent received at a wastewater treatment facility. While both biosolids and DAF should be closely and carefully regulated, the potential harms to human health and water quality, as well as the potential for public nuisance, are unique to each type of material.

CBF has worked closely with the Maryland Department of Agriculture (MDA), the Maryland Department of the Environment (MDE), and other stakeholders on extensive sponsor amendments to HB 991, also currently under consideration by the Environment and Transportation Committee. As amended, HB 991 would establish a comprehensive regulatory framework for the hauling, storage, and land application of DAF material under the supervision of MDA. Notably, that program would require anyone wishing to utilize DAF material to first show evidence they have met all applicable local requirements to do so. We believe the program that would be created under HB 991 is the best vehicle for state-level regulation of DAF material, but support giving local governments to adopt more robust requirements that fit the specific needs of their communities.

CBF urges the Committee’s FAVORABLE WITH AMENDMENT report on HB 1404.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

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