



Date: March 27, 2024

Senate Bill 1074 - Agriculture – Food Processing Residuals Utilization Permit – Establishment

Committee: Environment & Transportation

MGPA Position: Support as amended

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 the Senate amendments.

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 Senate sponsor working with us to ensure that this legislation does not penalize farmers utilizing this product responsibly while giving the department enforcement ability against those who are not.

MGPA is fully supportive of SB1074 now as presented and this version of the bill received a unanimous, bi-partisan vote on the Senate floor.

Amendments that differ from the House Bill 991 version passed include:

1. **Justification:** No other nutrient source, even biosolids, requires disclosure of transportation routes. This was confirmed by EEE committee counsel. This is an overburdensome requirement. Transportation routes may change unexpectedly and potentially be grounds for permit violation.

Page 4; Line 16 strike

~~(8) IF HAULING FOOD PROCESSING RESIDUALS, PROVIDE ALL HAULING ROUTES FROM THE FOOD PROCESSING GENERATOR TO THE AGRICULTURAL OPERATION; AND~~

2. **Justification:** EEE committee counsel confirmed there is no definition of “public health, safety or welfare” in the code. We are concerned that it can be broadly interpreted to deny or revoke permits. Replacing with the language below removes the need for a definition and gives the Department the ability to deny permits for “bad actors” they have stated they’re trying to address. If the applicant is subject to a consent order, enforcement action, **OR ongoing investigation** by MDA or MDE, or they have received a notice of violation from either agency, that is grounds for permit denial. This specifically targets bad actors.

We do need a clarifying amendments to change the AND to OR in the Senate version as this was a clerical error and not our intent.

Page 5; starting line 15

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

~~(I) (1) CAUSING UNDUE RISK TO:~~

~~(I) THE ENVIRONMENT; OR~~

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

ADD

- (i) **Is subject to a consent order, enforcement action, or ongoing investigation by the Department of Agriculture or the Department of Environment, including, but not limited to, actions regarding the contamination of surface water, ground water, or soil contamination, and such consent order, enforcement action or ongoing investigation**
- (ii) **has not been withdrawn or resolved to the satisfaction of the issuing agency with respect to the applicant;**
- (iii) **A notice of violation has been issued by the Department of Agriculture or the Department of Environment.**

3. **Justification**: Again, there is no definition of public health, safety, or welfare, or “any other good cause.” The Department would still be able to deny or revoke a permit if the applicant violates any portion of this statute.

Page 7; lines 4-8

~~(II) THE DEPARTMENT DETERMINES THAT CONTINUED OPERATION OF ANY AREA COVERED BY THE PERMIT WOULD BE INJURIOUS TO THE ENVIRONMENT OR PUBLIC HEALTH, SAFETY, OR WELFARE; OR
(III) THE DEPARTMENT DETERMINES THAT THERE IS ANY OTHER GOOD CAUSE.~~

4. Justification next to each item:

Strike (4) This should be evaluated by the counties when granting permits for storage, not the state.

Amend (5) All other sources covered by the nutrient management law refer to UMD nutrient management recommendations. Any Nitrogen or Phosphorus rates should refer back to the UMD recommendations.

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(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 **CONSISTENT WITH UMD NUTRIENT MANAGEMENT RECOMMENDATIONS;**

(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

(8) ANY OTHER STANDARDS DEEMED NECESSARY BY THE DEPARTMENT.

Thank you,

Lindsay Thompson

Executive Director