

---

By: **Delegate O'Donnell**

Introduced and read first time: February 13, 2004

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Sewage Sludge - Land Application**

3 FOR the purpose of requiring that regulations adopted by the Department of the  
4 Environment require that sewage sludge meet certain pathogen requirements if  
5 applied on or after a certain date until on or before a certain date to land located  
6 within certain critical areas; requiring that regulations adopted by the  
7 Department require that sewage sludge meet certain pathogen requirements if  
8 applied on or after a certain date to land located anywhere within the State;  
9 providing for the termination of this Act; and generally relating to the land  
10 application of sewage sludge.

11 BY repealing and reenacting, with amendments,  
12 Article - Environment  
13 Section 9-230  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 2003 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Environment**

19 9-230.

20 (a) (1) The Department of the Environment shall adopt regulations to carry  
21 out this Part III of this subtitle.

22 (2) [The] EXCEPT AS REQUIRED BY SUBSECTION (E) OF THIS SECTION,  
23 THE Department of the Environment may not adopt a regulation or part of a  
24 regulation that deals with the land application of sewage sludge without the approval  
25 of the Department of Agriculture.

26 (b) In adopting regulations under this Part III and §§ 9-269 and 9-270 of this  
27 subtitle, the Department of the Environment shall consider:

28 (1) Alternative utilization methods;

- 1 (2) Pathogen control;
- 2 (3) Advertising requirements for public hearings and public information  
3 meetings;
- 4 (4) Performance bonds, liability insurance, or other forms of security;
- 5 (5) Procedures for notifying units of local government and other  
6 interested parties; and
- 7 (6) Adequate standards for transporting sewage sludge, including  
8 requirements for enclosing or covering sewage sludge during transportation.

9 (c) In addition to the considerations under subsection (b) of this section, in  
10 adopting regulations for the land application of sewage sludge, the Department of the  
11 Environment shall consider:

- 12 (1) Methods for calculating loading rates that:
- 13 (i) Will assure nondegradation of the groundwater supply; and
- 14 (ii) For agricultural land, shall be limited by the nutrient  
15 requirements of crop or cover vegetation, as recommended by the Department of  
16 Agriculture;
- 17 (2) The crops that are to be grown on land on which sewage sludge may  
18 be applied;
- 19 (3) The nature of any nearby surface water or groundwater;
- 20 (4) The character of any affected area;
- 21 (5) The character of nearby existing or planned land uses and transport  
22 routes;
- 23 (6) The nearness of the land on which sewage sludge may be applied to  
24 sensitive areas, including flood plains, wetlands, and areas of critical concern;
- 25 (7) The definitions of:
- 26 (i) Sewage sludge that is unsuitable for application to agricultural  
27 land;
- 28 (ii) Agricultural land;
- 29 (iii) Marginal land; and
- 30 (iv) Compost;
- 31 (8) Acceptable cumulative loading rates, including rates for nitrogen and  
32 heavy metals;

1 (9) Special requirements of land used for producing tobacco; and

2 (10) Reasonable buffer areas to separate any home or other property from  
3 land on which sewage sludge may be applied.

4 (d) (1) The Department shall adopt regulations to establish a mechanism for  
5 determining annual generator's fees.

6 (2) The regulations shall provide for public input into the development of  
7 fee schedules.

8 (3) The fee schedules shall take into account:

9 (i) The volume of sewage sludge generated by a sewage sludge  
10 generator;

11 (ii) The method by which the sewage sludge is utilized;

12 (iii) The anticipated costs of monitoring and regulating sewage  
13 sludge utilization sites;

14 (iv) The anticipated needs of the State's sewage sludge regulation  
15 program; and

16 (v) The potential hazard of the sewage sludge generator's activities  
17 to public health, safety, or welfare or to the environment.

18 (E) THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SECTION  
19 SHALL REQUIRE THAT SEWAGE SLUDGE MEET THE CLASS A PATHOGEN  
20 REQUIREMENTS OF 40 C.F.R. § 503.32, AS REVISED JULY 1, 2003, IF APPLIED ON OR  
21 AFTER JANUARY 1, 2005, UNTIL ON OR BEFORE DECEMBER 31, 2008, TO LAND  
22 LOCATED WITHIN THE 1,000 FEET OF THE CRITICAL AREA ESTABLISHED UNDER §  
23 8-1807 OF THE NATURAL RESOURCES ARTICLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2004. It shall remain effective for a period of 4 years and 3 months and, at  
26 the end of December 31, 2008, with no further action required by the General  
27 Assembly, this Act shall be abrogated and of no further force and effect.