

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 1229 (Delegate O'Donnell)  
Environmental Matters

---

**Environment - Sewage Sludge - Land Application**

---

This bill requires the Maryland Department of the Environment (MDE) to adopt regulations requiring sewage sludge applied to land located within the Chesapeake and Atlantic Coastal Bays Critical Area between January 1, 2005 and December 31, 2008 to meet the Class A pathogen requirements of specified federal regulations.

The bill sunsets on December 31, 2008.

---

**Fiscal Summary**

**State Effect:** The bill's changes could be handled with existing budgeted resources.

**Local Effect:** As generators of sewage sludge, the bill could result in an increase in local expenditures for the treatment or disposal of sewage sludge. Any such impact cannot be reliably estimated at this time.

**Small Business Effect:** Potential meaningful.

---

**Analysis**

**Current Law:** MDE regulates the management and utilization of sewage sludge through an existing permitting program that has established standards for minimum buffer distances, sewage sludge application rates, and odor control. Current regulations only allow sewage sludge treated by either a process to significantly reduce pathogens (PSRP, or federal Class B) or a process to further reduce pathogens (PFRP, or federal Class A) and in compliance with specific operational restrictions and other specified requirements, including buffer requirements, to be applied to agricultural land within the critical area.

**Background:** Chapter 794 of 1984 established the Chesapeake Bay Critical Area Protection Program to minimize damage to water quality and wildlife habitat by fostering more sensitive development activity along the shoreline areas of the Chesapeake Bay and its tributaries. The law identified the “critical area” as all land within 1,000 feet of the mean high water line of tidal waters or the landward edge of tidal wetlands and all waters of and lands under the Chesapeake Bay and its tributaries. In 2002, the critical area program was expanded to include the Atlantic coastal bays.

**Local Expenditures:** Local governments are the primary generators of sewage sludge. Because this bill limits the type of sludge that can be applied to land in the critical area, it could result in an increase in local treatment or disposal costs. Because the extent to which federal Class B sludge is applied to land within the critical area is unknown, a reliable estimate of any increase in costs cannot be made at this time. The Washington Suburban Sanitary Commission (WSSC) advises that, because most of its sludge is disposed of outside the State and the sludge disposed of in Maryland is not applied in the critical area, the commission does not anticipate an increase in costs. For informational purposes, WSSC did indicate that costs would increase by \$20 to \$30 per ton if it were required to treat all sludge to federal Class A requirements.

**Small Business Effect:** According to MDE, as of October 2003, 60,163 acres of land were permitted for the land application of federal Class B sewage sludge. About 90% of that land is agricultural land subject to nutrient management plans. The extent to which farmers apply federal Class B sewage sludge to land within the critical area, however, is unknown. Accordingly, any impact cannot be reliably estimated at this time.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, Maryland Department of Agriculture, Department of Natural Resources, Maryland Association of Counties, Washington Suburban Sanitary Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2004  
mll/ljm

---

Analysis by: Lesley Cook

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510