

# HOUSE BILL 1360

M3, M4

8lr2279

---

By: **Delegates Rose, Afzali, Corderman, Kittleman, Krebs, McComas, Morgan, and Shoemaker**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Sewage Sludge – Land Application**

3 FOR the purpose of exempting a person that holds a certain sewage sludge utilization  
4 permit and a certain groundwater discharge permit from certain restrictions on the  
5 winter application of nutrients; and generally relating to the land application of  
6 sewage sludge.

7 BY repealing and reenacting, with amendments,

8 Article – Environment

9 Section 9–230

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2017 Supplement)

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

14 **Article – Environment**

15 9–230.

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

18 (2) The Department of the Environment may not adopt a regulation or part  
19 of a regulation that deals with the land application of sewage sludge without the approval  
20 of the Department of Agriculture.

21 **(3) THE RESTRICTIONS ON THE WINTER APPLICATION OF NUTRIENTS**  
22 **DESCRIBED IN THE MARYLAND NUTRIENT MANAGEMENT MANUAL DO NOT APPLY**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **TO A PERSON THAT HOLDS:**

2 **(I) A SEWAGE SLUDGE UTILIZATION PERMIT ISSUED UNDER**  
3 **THIS SUBTITLE; AND**

4 **(II) A GROUNDWATER DISCHARGE PERMIT ISSUED BY THE**  
5 **DEPARTMENT UNDER SUBTITLE 3 OF THIS TITLE.**

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

8 (1) Alternative utilization methods;

9 (2) Pathogen control;

10 (3) Advertising requirements for public hearings and public information  
11 meetings;

12 (4) Performance bonds, liability insurance, or other forms of security;

13 (5) Procedures for notifying units of local government and other interested  
14 parties; and

15 (6) Adequate standards for transporting sewage sludge, including  
16 requirements for enclosing or covering sewage sludge during transportation.

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

20 (1) Methods for calculating loading rates that:

21 (i) Will assure nondegradation of the groundwater supply; and

22 (ii) For agricultural land, shall be limited by the nutrient  
23 requirements of crop or cover vegetation, as recommended by the Department of  
24 Agriculture;

25 (2) The crops that are to be grown on land on which sewage sludge may be  
26 applied;

27 (3) The nature of any nearby surface water or groundwater;

28 (4) The character of any affected area;

29 (5) The character of nearby existing or planned land uses and transport  
30 routes;

1           (6)    The nearness of the land on which sewage sludge may be applied to  
2 sensitive areas, including flood plains, wetlands, and areas of critical concern;

3           (7)    The definitions of:

4                   (i)    Sewage sludge that is unsuitable for application to agricultural  
5 land;

6                   (ii)   Agricultural land;

7                   (iii)   Marginal land; and

8                   (iv)   Compost;

9           (8)    Acceptable cumulative loading rates, including rates for nitrogen and  
10 heavy metals;

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

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

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

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

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

19                           (i)    The volume of sewage sludge generated by a sewage sludge  
20 generator;

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

22                           (iii)   The anticipated costs of monitoring and regulating sewage  
23 sludge utilization sites;

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

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

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2018.