

HB 1360

# **Department of Legislative Services**

## Maryland General Assembly

### 2018 Session

# **FISCAL AND POLICY NOTE**

## **First Reader**

House Bill 1360 (Delegate Rose, *et al.*)  
Environment and Transportation

## **Environment - Sewage Sludge - Land Application**

This bill exempts a person from specified restrictions on the winter application of nutrients if the person holds (1) a sewage sludge utilization permit and (2) a groundwater discharge permit issued by the Maryland Department of the Environment (MDE).

## Fiscal Summary

**State Effect:** The bill does not materially affect State operations or finances in the near term, as discussed below.

**Local Effect:** The bill does not materially affect local operations or finances in the near term, as discussed below.

**Small Business Effect:** Minimal, as discussed below.

## Analysis

## **Current Law/Background:**

*The Maryland Department of Agriculture's Nutrient Management Program*

The Maryland Department of Agriculture (MDA) implements the State's Nutrient Management Program to protect water quality in the Chesapeake Bay by ensuring that farmers and urban land managers apply fertilizers, animal manure, and other nutrient sources in an effective and environmentally sound manner. Farmers are required to follow nutrient management plans when fertilizing crops and managing animal waste. A nutrient management plan is a plan prepared by a certified nutrient management consultant or

certified farm operator to manage the amount, placement, timing, and application of animal manure, fertilizer, biosolids, or other plant nutrients in order to minimize nutrient loss or runoff, and maintain the productivity of soil when growing agricultural products. The plans must follow guidelines established in the Maryland Nutrient Management Manual. Among other requirements, the manual prohibits the application of sewage sludge to agricultural land in the winter (from December 16 through February 28 of the following year).

#### *Sewage Sludge and Sewage Sludge Utilization Permits*

Sewage sludge (also known as biosolids) is not sewage. It is one of the final products of the treatment of sewage at a wastewater treatment plant. After treatment to break down the organic matter and destroy disease causing organisms, the remaining fine particles ultimately becomes sewage sludge. The application of sewage sludge to land returns essential nutrients to the soil, adds organic matter, and can improve the tillability and moisture retention capability of the soil.

MDE's Land and Materials Administration issues sewage sludge utilization permits, which are required prior to engaging in a number of sewage sludge utilization activities, including the application of Class B sewage sludge to agricultural or marginal land under certain conditions. Among other requirements, a sewage sludge utilization permittee for the application of sewage sludge onto agricultural land must prepare a nutrient management plan in accordance with regulations and the Maryland Nutrient Management Manual.

#### *Treated Wastewater Effluent and Groundwater Discharge Permits*

MDE's Water and Science Administration issues groundwater discharge permits to protect Maryland's water resources by controlling industrial and municipal wastewater discharges into the State's groundwater. A groundwater discharge permit may be issued to apply municipal wastewater to land under specified conditions that emphasize site selection and evaluation. Among other requirements, a groundwater discharge permittee must prepare a nutrient management plan if the permittee is applying treated wastewater to agricultural land. Treated wastewater effluent can also be spray irrigated under a groundwater discharge permit.

MDE advises that the department does not issue groundwater discharge permits for the land application of sewage sludge. Further, MDE advises that no person in the State currently holds both a sewage sludge utilization permit and a groundwater discharge permit.

**State Fiscal Effect:** The bill's exemption does not apply to any current permittees because no one currently holds both a sewage sludge utilization permit and a groundwater discharge permit. Accordingly, there is no immediate fiscal or operational impact on the State.

However, to the extent that a person obtains both permits in the future, the bill removes the authority of MDE and MDA to prohibit the land application of nutrients during the winter, which may have enforcement implications.

**Local Expenditures:** There is no immediate fiscal or operational impact on local governments, for the reasons discussed above. To the extent that a municipal wastewater treatment plant obtains both types of permits in the future and is able to locally dispose of sewage sludge or treated wastewater effluent during the winter, expenditures may decrease from lower transportation and/or storage costs.

**Small Business Effect:** Because no permittees currently hold both a sewage sludge utilization permit and a groundwater discharge permit, the overall impact on small businesses is anticipated to be minimal. However, any small business (such as a biosolids contractor) that obtains both permits in the future may benefit from the ability to apply specified waste products to land locally during the winter.

---

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture; Maryland Department of the Environment; Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2018  
mag/lgc

---

Analysis by: Kathleen P. Kennedy

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