SENATE BILL 229

M3, M4

By: Senator Gallion Senators Gallion, Carozza, and Hester

Introduced and read first time: January 13, 2022
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 17, 2022

CHAPTER _____

AN ACT concerning

Environment – On–Farm Composting Facilities – Permit Exemption

FOR the purpose of requiring the Department of the Environment to adopt regulations to exempt an on–farm composting facility from a certain requirement to obtain a permit if the on–farm composting facility meets certain conditions; and generally relating to on–farm composting facilities.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1725
Annotated Code of Maryland
(2014 Replacement Volume and 2021 Supplement)

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

Article – Environment

9–1725.

(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CONTAMINATED FEEDSTOCK” MEANS FEEDSTOCK THAT CONTAINS MORE THAN 2% BY DRY WEIGHT OF:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.
(1) Man–made inert material; or

(II) Film plastic.

(3) (I) “Farm” means the site of a business or activity operated for the primary purpose of tilling, cropping, keeping, pasturing, or producing an agricultural product other than compost, including livestock, poultry, plants, trees, sod, food, feed, or fiber, by in–ground, out–of–ground, container, or other culture.

(II) “Farm” does not include the site of a business or activity operated for the primary purpose of producing compost.

(4) (I) “Liquid feedstock” means grease, oil, or some other liquid.

(II) “Liquid feedstock” does not include food scraps that contain some liquid.

(5) (I) “Off–site type 2 feedstock” is type 2 feedstock that is generated off–site.

(II) “Off–site type 2 feedstock” may not include animal mortalities.

(6) (I) “On–site type 2 feedstock” is type 2 feedstock that is generated on–site.

(II) “On–site type 2 feedstock” may include animal mortalities.

(7) “Type 1 feedstock” means:

(1) Yard waste, as defined in § 9–1701 of this subtitle; and

(II) Other materials determined by the Department to pose a low level of risk from hazardous substances, human pathogens, and physical contaminants.

(8) “Type 2 feedstock” means:
(I) **Source-separated organics from residential curbside or drop-off programs and nonresidential sources, including preconsumer and postconsumer food scraps and nonrecyclable paper; and**

(II) **Department-approved animal manure and bedding, with department approval based on factors such as moisture content and pathogen risk.**

(B) A person may operate a composting facility in the State only in accordance with this part and any regulation, order, or permit adopted or issued under this part.

(C) (1) The Department shall adopt regulations to implement the provisions of this part.

(2) **[Regulations]** The regulations adopted under paragraph (1) of this subsection may:

(i) Establish conditions under which a person may construct and operate a composting facility in the State;

(ii) Establish a tiered system of permits or approvals for composting facilities based on the type of feedstock, size of the facility, and other factors determined by the Department to be appropriate;

(iii) Establish design and operational conditions for composting facilities to protect public health and the environment and to minimize nuisances;

(iv) Establish exceptions to any requirement to obtain a composting facility permit or approval;

(v) Exempt certain organic materials that are composted from being designated as solid wastes; and

(vi) Establish any other provisions the Department deems necessary to implement the provisions of this subtitle related to composting.

(3) **The regulations adopted under this subsection shall exempt an on-farm composting facility from the requirement to obtain a permit under COMAR 26.04.11.06 if the on-farm composting facility:**

(I) **Uses 40,000 square feet of area or less in support of for active food scrap composting; and**

(II) **Composts only one or more of the following:**


O F F – S I T E T Y P E 2 F E E D S T O C K T H A T I S : 

A. N O T C O N T A M I N A T E D O R L I Q U I D ; 

B. I M M E D I A T E L Y M I X E D W I T H C A R B O N A C E O U S T Y P E 1 F E E D S T O C K ; A N D 


O N – S I T E T Y P E 2 F E E D S T O C K ; 

R E C O R D S T H E : 

A. A M O U N T A N D S O U R C E O F F E E D S T O C K B E I N G C O M P O S T E D ; A N D 


R E T A I N S T H E R E C O R D S F O R 3 Y E A R S ; A N D 


SECTION 2. A N D B E I T F U R T H E R E N A C T E D , T h a t t h i s A c t s h a l l t a k e e f f e c t O c t o b e r 1 , 2 0 2 2 .