

SB0262/753122/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 262
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “conditions;” insert “requiring the Department to require the operator of a farm to provide certain notice under certain circumstances;”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“(2) (I) “ACTIVE FOOD SCRAP COMPOSTING” MEANS SOURCE-SEPARATED ORGANIC MATERIAL BROUGHT ONTO THE FARM AND COMMINGLED MATERIAL IN THE PROCESS OF BEING COMPOSTED.

“(II) “ACTIVE FOOD SCRAP COMPOSTING” DOES NOT INCLUDE ANY FINAL SOIL AMENDMENT PRODUCED.”;

in lines 6, 10, 17, 21, 25, and 29, strike “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively; in line 23, after “INCLUDE” insert a colon; in line 24, strike “ANIMAL” and substitute:

“1. ANIMAL”;

and in the same line, after “MORTALITIES” insert “;OR

2. INDUSTRIAL ANIMAL PROCESSING RESIDUALS”.

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On page 3, in line 5, strike “(8)” and substitute “(9)”; in line 29, strike “and”; after line 29, insert:

**“(VI) REQUIRE THAT A NEW COMPOSTING FACILITY BE
CONSTRUCTED AND OPERATED IN ACCORDANCE WITH:**

**1. ANY REGULATIONS ADOPTED BY THE
DEPARTMENT;**

**2. A NUTRIENT MANAGEMENT PLAN, IF REQUIRED
UNDER COMAR 15.20.07; AND**

**3. A. A SOIL CONSERVATION AND WATER QUALITY
PLAN IN ACCORDANCE WITH COMAR 26.04.11.06 THAT DESCRIBES THE
COMPOSTING FACILITY COMPONENTS AND DESIGN, SCHEDULE FOR STORAGE
AND UTILIZATION OF THE MATERIALS, SYSTEM MAINTENANCE, AND
OPERATIONAL PROCEDURES; OR**

**B. AN AGRICULTURAL WASTE MANAGEMENT SYSTEM
PLAN IN ACCORDANCE WITH COMAR 26.04.11.06 THAT DESCRIBES THE
COMPOSTING FACILITY COMPONENTS AND DESIGN, SCHEDULE FOR STORAGE
AND UTILIZATION OF THE MATERIALS, SYSTEM MAINTENANCE, AND
OPERATIONAL PROCEDURES; AND”;**

and in line 30, strike “(vi)” and substitute “(VII)”.

On page 4, in line 1, after “AN” insert “OPERATOR OF AN”; in line 3, strike “40,000” and substitute “10,000”; in line 7, strike “OPERATOR” and substitute “OWNER OR LESSEE OF THE FARM”; in lines 20 and 22, in each instance, strike

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“FEEDSTOCK” and substitute “OFF-SITE TYPE 2 SOURCE-SEPARATED ORGANICS”; in line 23, strike “AND”; in line 24, strike “3” and substitute “5”; and after line 24, insert:

“3. PROVIDES THE RECORDS TO THE DEPARTMENT ON REQUEST FOR THE PURPOSE OF INSPECTION; AND”.

AMENDMENT NO. 3

On page 4, after line 26, insert:

“(4) ON OR BEFORE DECEMBER 1, 2028, THE DEPARTMENT SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY THAT ANALYZES THE IMPACT OF ON-FARM COMPOSTING FACILITIES IN MARYLAND, INCLUDING:

(I) THE AMOUNT OF FOOD WASTE DIVERTED FROM LANDFILLS;

(II) AN ESTIMATE OF THE AMOUNT OF FINISHED SOIL AMENDMENT PRODUCED BY ON-FARM COMPOSTING FACILITIES OPERATING UNDER THIS SECTION;

(III) OPERATIONAL CHALLENGES EXPERIENCED BY ON-FARM COMPOSTING FACILITIES;

**(IV) VIOLATIONS AND ENFORCEMENT ACTIONS THAT HAVE ARISEN AS A RESULT OF THE EXPANSION OF FACILITIES UNDER THIS SECTION;
AND**

(Over)

**(V) RECOMMENDATIONS ON THE FEASIBILITY OF
EXPANDING FACILITIES TO ALLOW FOR UP TO 40,000 SQUARE FEET TO BE USED
FOR FOOD SCRAP COMPOSTING ACTIVITIES.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act is not intended to alter the rules or requirements for farms or composting facilities operating without a composting permit in accordance with regulations in effect on January 1, 2023.

(b) The Department of the Environment shall require the operator of a farm to provide written notice to the Department before conducting on-farm composting without a permit in accordance with this Act.”;

and in line 27, strike “2.” and substitute “3.”.