

SENATE BILL 262

M3, M4
HB 184/22 – ENT

3lr1388
CF HB 253

By: **Senators Gallion, Hester, and Carozza**

Introduced and read first time: January 25, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – On-Farm Composting Facilities – Permit Exemption**

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

7 BY repealing and reenacting, without amendments,
8 Article – Environment
9 Section 9–1701(a) and (v)
10 Annotated Code of Maryland
11 (2014 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 9–1725
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2022 Supplement)

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

19 **Article – Environment**

20 9–1701.

21 (a) In this subtitle the following words have the meanings indicated.

22 (v) (1) “Yard waste” means organic plant waste derived from gardening,
23 landscaping, and tree trimming activities.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds, and prunings.

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:

(I) 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" MEANS TYPE 2 FEEDSTOCK THAT IS GENERATED OFF-SITE.

(II) "OFF-SITE TYPE 2 FEEDSTOCK" DOES NOT INCLUDE ANIMAL MORTALITIES.

(6) (I) "ON-SITE TYPE 2 FEEDSTOCK" MEANS TYPE 2 FEEDSTOCK THAT IS GENERATED ON-SITE.

(II) "ON-SITE TYPE 2 FEEDSTOCK" INCLUDES ANIMAL MORTALITIES.

(7) "TYPE 1 FEEDSTOCK" MEANS:

(I) YARD WASTE, AS DEFINED IN § 9-1701 OF THIS SUBTITLE;

1 AND

2 (II) OTHER MATERIALS DETERMINED BY THE DEPARTMENT TO
3 POSE A LOW LEVEL OF RISK FROM HAZARDOUS SUBSTANCES, HUMAN PATHOGENS,
4 AND PHYSICAL CONTAMINANTS.

5 (8) "TYPE 2 FEEDSTOCK" MEANS:

6 (I) SOURCE-SEPARATED ORGANICS FROM RESIDENTIAL
7 CURBSIDE OR DROP-OFF PROGRAMS AND NONRESIDENTIAL SOURCES, INCLUDING
8 PRECONSUMER AND POSTCONSUMER FOOD SCRAPS AND NONRECYCLABLE PAPER;
9 AND

10 (II) DEPARTMENT-APPROVED ANIMAL MANURE AND BEDDING,
11 WITH DEPARTMENT APPROVAL BASED ON FACTORS SUCH AS MOISTURE CONTENT
12 AND PATHOGEN RISK.

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

15 [(b)] (C) (1) The Department shall adopt regulations to implement the
16 provisions of this part.

17 (2) [Regulations] THE REGULATIONS adopted under paragraph (1) of this
18 subsection may:

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

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

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

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

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

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

32 (3) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL

1 EXEMPT AN ON-FARM COMPOSTING FACILITY FROM THE REQUIREMENT TO OBTAIN
2 A PERMIT UNDER COMAR 26.04.11.06 IF THE ON-FARM COMPOSTING FACILITY:

3 (I) USES 40,000 SQUARE FEET OF AREA OR LESS FOR ACTIVE
4 FOOD SCRAP COMPOSTING;

5 (II) COMPOSTS ONLY ONE OR MORE OF THE FOLLOWING:

6 1. ORGANIC MATERIALS GENERATED ON-SITE OR AT
7 ANOTHER FARM CONTROLLED BY THE SAME OPERATOR;

8 2. ANIMAL MANURE AND BEDDING, GENERATED
9 ON-SITE;

10 3. TYPE 1 FEEDSTOCK, REGARDLESS OF THE PLACE OF
11 GENERATION;

12 4. OFF-SITE TYPE 2 FEEDSTOCK THAT IS:

13 A. NOT CONTAMINATED OR LIQUID;

14 B. IMMEDIATELY MIXED WITH CARBONACEOUS TYPE 1
15 FEEDSTOCK; AND

16 C. INCORPORATED INTO ACTIVE COMPOSTING WITHIN
17 24 HOURS AFTER ARRIVING ON-SITE; OR

18 5. ON-SITE TYPE 2 FEEDSTOCK;

19 (III) 1. RECORDS THE:

20 A. AMOUNT AND SOURCE OF FEEDSTOCK BEING
21 COMPOSTED; AND

22 B. DATE AND TIME THE FEEDSTOCK ARRIVES ON THE
23 FARM; AND

24 2. RETAINS THE RECORDS FOR 3 YEARS; AND

25 (IV) MEETS ANY OTHER CONDITION FOR A PERMIT EXEMPTION
26 SPECIFIED IN REGULATIONS.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2023.