



Montgomery County

Office of Intergovernmental Relations

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SB 262

DATE: March 29, 2023

SPONSOR: Senator Gallion

ASSIGNED TO: Environment and Transportation

CONTACT PERSON: Jeremy Criss (jeremy.criss@montgomerycountymd.gov)

POSITION: Support with Amendments (Office of Agriculture)

Environment – On-Farm Composting Facilities – Permit Exemption

The Montgomery County Office of Agriculture (Office of Agriculture) supports Senate Bill 262 with an important amendment noted below. The bill will increase the On-Farm Composting Facility Permit Exemption allowable threshold for composting certain Type 2 feedstocks, including food scraps from off-farm, from 5,000 square feet to 10,000 square feet. This will slightly expand opportunities for on-farm composting and will help support Montgomery County's food scraps recycling pilot program.

The Office of Agriculture was an original participant in the 2014 Composting Facilities Working Group and, at that time, advocated for a Permit Exemption to help expand opportunities for on-farm composting in Montgomery County and the State. When the State regulations for composting facilities were adopted in 2015, the 5,000 square foot area limitation for the on-farm composting of Type 2 feedstocks such as food scraps was accepted as the first step for Maryland.

Since 2015, the Office has been working with farming operations to explore the 5,000 square foot area including the use of different feedstocks as part of the operation for local food production. One of these farms installed a 5,000 square foot pad and is composting Type 1 and 2 feedstocks to produce a valuable product and soil amendment that is applied to the farmland. This is consistent with the farm's Soil Conservation and Water Quality Plan and Nutrient Management Plan to increase soil health for local food production. However, it became apparent, as a result of those discussions, that the 5,000 square foot area is a very limiting factor and creates an economic disincentive for farmers to implement on-farm composting.

In 2021, Montgomery County adopted a Zoning Text Amendment to expand opportunities for on-farm composting by allowing up to 50% of the materials being composting to come from offsite, including food scraps. These composting facilities regulations currently allow farmers to compost materials generated from the farm up to a maximum of 40,000 square feet without a permit from the Maryland Department of the Environment. However, if food scraps are involved, a permit is still required.

Senate Bill 262 addresses that problem by allowing Type 2 feedstocks, which includes food scraps, based on the premise that a Soil Conservation and Water Quality Plan and Nutrient Management Plan are in place, and best management practices are utilized, such as immediate mixing with carbon materials and maintaining good records.

While the original bill allowed 40,000 square feet of composting, the amended bill only allows 10,000 square feet and requires a report be prepared that evaluates the feasibility of expanding the allowable area up to 40,000 square feet. The Office of Agriculture is disappointed in this conservative approach and believes that the original 40,000 square feet limit should be reinstated. Currently, the State allows manure composting up to 40,000 square feet. We would like to see similar requirements for food composting.

For the above listed reasons, we respectfully request that the Environment and Transportation Committee give Senate Bill 262 a favorable report with the requested amendment.

cc: Members of the Environment and Transportation Committee