

Support of HB 253 - Environment - On-Farm Composti

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Position: FAV



Maryland Farm Bureau, Inc.

3358 Davidsonville Road • Davidsonville, MD 21035 • (410) 922-3426

February 15, 2023

To: House Environment & Transportation Committee

From: Maryland Farm Bureau, Inc.

Re: **Support of HB 253 - Environment - On-Farm Composting Facilities - Permit Exemption**

On behalf of our Farm Bureau member families in Maryland, I submit this written testimony in support of HB 253, legislation that requires the Maryland Department of the Environment (MDE) to establish an exemption, by regulation, from the permitting requirements under the Code of Maryland Regulations (COMAR) 26.04.11.06 for an on-farm composting facility that (1) uses 40,000 square feet of area or less for active food scrap composting; (2) composts only one or more of a specified list of feedstocks; (3) records the amount and source of feedstock composted, records the date and time the feedstock arrives on the farm, and retains the records for three years; and (4) meets any other conditions specified in regulations. The bill establishes several related definitions.

Current regulations limit a farmer to up to 5,000 square feet for on-farm composting of off-farm food scraps. This bill looks to increase that to 40,000 square feet to allow more incorporation of food scraps to the feedstock used in the compost pile. Currently, farmers can do up to 40,000 sf of on-site compost feedstock. To meet the new demand for removing food scraps from the landfill, farmers will need to do their part to assist. However, being limited to 5,000 sf before mandating extensive and expensive permitting requirements, prevents most farmers from being able to participate.

MDFB Policy: We support the right for Maryland farmers to make and process mulch and compost from both on and off the farm sources.

MARYLAND FARM BUREAU SUPPORTS HB 253 & REQUESTS A FAVORABLE REPORT

A handwritten signature in black ink, appearing to read "Colby Ferguson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Colby Ferguson
Director of Government Relations

For more information contact Colby Ferguson at (240) 578-0396

HB253_FAV_SHETTY

Uploaded by: Del. Emily Shetty

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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB253
Environment - On-Farm Composting Facilities - Permit Exemption
Testimony in SUPPORT

Chair Barve, Vice Chair Stein and members of the House Environment and Transportation Committee,

Thank you for the opportunity to provide testimony in support of House Bill 253. This bill enables farms to create on-farm composting sites for clean food scraps of up to 40,000 square feet, increasing the current limit from 5,000 square feet and bringing the amount of space available for composting of clean food scraps into parity with existing limits on the composting of manure. HB253 is identical to the version of this bill that passed the Senate unanimously last session, with many amendments that were adopted in response to stakeholder input.

The problem this bill aims to solve is to reduce a barrier in existing law that is limiting our farms from fully contributing to our efforts to divert food scraps from landfills. Currently in Maryland, more than 920,000 tons of food waste is generated each year. This food waste represents about half of the compostable material and a fifth of the total waste generated in our state¹. Unfortunately, almost 85% of Maryland's food scraps are incinerated or disposed of in a landfill.

Increasing our state's food diversion efforts is imperative. Due to the large quantity of the food waste generated, all existing composting facilities combined will be unable to handle all of the food waste needed for Maryland to safely meet its food waste diversion and climate goals.

You may hear from opponents who say that this legislation would grant an exemption for farms to increase composting without the necessary environmental protections that are required of commercial facilities. In response, we have included multiple changes that provide significant added protections, over and above existing requirements in the law and regulation. We have excluded the ability to compost animal carcasses from off-site, require intense record keeping, and are working with stakeholders on possible additional guardrails including limiting on-farm composting facilities from processing industrially produced animal byproducts.

HB 253 will not solve our food waste challenges by itself, but we know that it can make a difference. That's why I urge you to pass this common-sense legislation to allow our local farmers to be part of the solution.

Thank you for the committee's consideration, and I respectfully request a favorable report on HB253.

¹ MDE estimates that "food scraps comprise 54.1% of compostable material and 21.6% of the total waste generated"

HB 253 support letter -Final.pdf

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Position: FAV

February 13, 2023

2023 SESSION SUPPORT TESTIMONY
HB0253/SB0262: Environment – On–Farm Composting Facilities – Permit Exemption

COMMITTEE: House Environment and Transportation
POSITION: Testimony of Support of House Bill 0253
BILL ANALYSIS: Establishes a permit exemption for on-farm food waste composting on farm-based facilities where the on-farm composting compromises 40,000 square feet or less.
SIGNED: Maryland Food System Resiliency Council (FRSC)

Honorable Chair, Vice Chair, and Members of the Committee, thank you for the opportunity to submit this statement for the record **in SUPPORT of H.B. 0253**. This letter is submitted by Michael J. Wilson, Chair of the Communications and Coordination Committee of the Maryland Food System Resiliency Council (FSRC). These comments are submitted on behalf of the Council, and do not necessarily represent the views the State of Maryland. The FSRC was established by the Maryland General Assembly in the 2021 legislative session to bring together 33 appointed council members from across the state, all with different points of entry and expertise to work toward a common goal of a more resilient food system and address the food insecurity crisis due to COVID-19. One of the key mandates of this council was to develop equity and sustainability policy recommendations to increase the long-term resiliency of the Maryland food system.

The FSRC believes this legislation will advance several of our priority goals, including:

- **Reducing food waste, increasing recycling, and encouraging other relevant environmental impacts.**

This legislation establishes a permit exemption for on-farm composting facilities under COMAR 26.04.11.06, if the on-farm compost site of food scraps uses 40,000 square feet of area (or less). The proposed permit exemption in H.B.0253/S.B.0262 align with the recommendations in the 2021 and 2022 FSRC reports, which details the importance of reducing food waste and expanding food scrap composting to build the long-term resilience and sustainability of our local food system. Enacting H.B.0253/S.B.0262 will strengthen the sustainability of our local food system by encouraging the adoption of on-farm composting facilities, thereby, reducing food waste, enhancing the resiliency of our food systems, and contributing to a more sustainable and circular food system within the state of Maryland.

This new legislation would also help support the Solid Waste Management – Organics Recycling and Waste Division – Food Residuals, Chapter 439 (law) passed by the Maryland General Assembly (H.B.264) during the 2021 legislative session by increasing the number of food waste composting facilities in Maryland. In September 2015, US The USEPA and USDA announced a national goal to reduce food waste by 50% by 2030. To divert this food waste from reaching landfills, there must be adequate facilities in Maryland that accept food waste for composting. Currently in Maryland, the composting of food scraps (15.5%) lags behind the composting of yard trimmings (84%), according to the Maryland Department of Environment. To date, 20 composting facilities have applied to be covered under Maryland's composting permits, and only five of the proposed operations include the composting of food scraps. This permit exemption for H.B. 0253 would allow food waste composting to grow in Maryland, which is desperately needed to reach our goal of 50% food waste reduction by 2030.

The Maryland Department of Environment has stated that compostable materials comprise the largest portion of waste generated (33.7%), with food waste scraps, specifically, being 21.6% of Maryland's total waste generated or 54.1% of the compostable material. Instead of going to landfills, by composting the food waste scraps on small on-farm facilities, the following benefits could be achieved: 1) reduction of greenhouse gas emissions, 2) extension of landfill/incinerator capacity, 3) production of soil conditioner that partially replaces the need for chemical fertilizers, 4) reduction of need for irrigation, 5), creation of jobs, and 6) improvement of water and air quality.

On behalf of the Maryland Food System Resiliency Council (FSRC), I would like to record SUPPORT of H.B. 0253.

Sincerely,

Michael J. Wilson
Chair, Communications and Coordination Committee
Maryland Food Council Resilience Council

HB253_eranson_cleanwateraction_fav.pdf

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HB253: Environment – On–Farm Composting Facilities – Permit Exemption

Senate Education, Energy, and the Environment Committee

House Environment and Transportation Committee

February 15, 2023

Positon: Favorable

Dear Chairman Barve and Members of the Committee,

Clean Water Action supports HB253 to expand the footprint of on-farm compost operations that accept food scraps to match the footprint of on-farm compost for manure. HB253 mirrors legislation that the Senate passed unanimously in 2022, with amendments this committee made which we requested to improve the bill. Farmers are allowed to compost manure up to 40,000 square feet on their farms. **Passing HB253 will allow farmers to incorporate food scraps into those existing compost piles, enabling them to create higher quality compost and divert food waste from landfills where it creates methane gas.**

As amended in 2022, this bill:

- Requires that new food waste brought onto the farm must be immediately incorporated with carbonaceous (woody) material - this ensures that farms can only accept food scraps for which they are prepared
- Requires incorporation into active composting within 24-hours
- Requires recordkeeping of food scraps brought onto the farm including both date and time
- Clarifies feedstock definitions, which line up with existing regulations and makes it clear that liquid, fats, and grease are not considered food scraps

Under the current permit structure, farmers are allowed to compost their own animal mortalities and bring in off-site manure and can use up to 40,000 square feet of land under a permit exemption, without needing to seek out additional permits. HB253 codifies these practices and expands the permit exemption to allow farmers to also incorporate food scraps to that same 40,000 square feet footprint. Under current law, if a farmer decides to accept food scraps they are limited to 5,000 square feet of composting capacity, severely limiting the ability for farmers to compost food scraps. I have attached the existing regulations to this testimony.

To reiterate, **under current law farmers may compost manure, yard waste, and on-site food scrap up to 40,000 square feet and if farmers accept off-site food scraps they are limited to 5,000 square feet. HB253 would add food scraps to the 40,000 square feet limit allowable materials list, putting it on even footing with what is already permissible for manure and**

animal mortalities. This change will expand the environmental benefits that farmers may offer to their communities.

A critical piece missing in Maryland's effort to divert food waste from landfills and incinerators is the capacity to compost food scraps. Meanwhile, Maryland farms use compost in their operations, and the ability to have a routine source of compost while earning income for accepting food scraps is a positive. Many farms across the state are using the current small compost permit exemption, even within the constraining 5,000 square foot limit, to take food scraps from nearby producers and incorporate it into their compost, creating better mixes of compost. The ability to add food scraps to on-farm generated materials allows farmers and composters to create a higher quality product.

High quality compost needs a mix of materials, the "green" and the "brown." Greens are moist things like coffee grounds, vegetable scraps, and animal manure, while browns are dry materials like leaves, corn stalks, and paper. Greens tend to be rich in nitrogen and protein and help heat up the pile, while browns are carbon rich and provide the bulk in the pile to allow air to filter through. A proper balance of these materials helps produce high quality compost, but relying on on-farm generation of materials does not often produce the right mix.

Compost is also a valuable mechanism for waste diversion. According to the US EPA and USDA, food scraps are [54.1% of compostable material](#), and they represent 21.6% of the total waste generated. In Maryland, around 927,000 tons of food waste are generated each year, but only 15.5% is recycled through composting or other means. By comparison, paper and yard trimmings, which are also organic waste, are recycled at 39% and 94% respectively.

Expanding access to composting also benefits the environment. Decomposition in landfills produces significant levels of methane. Composting food waste is preferable to disposing of it in landfills, because it does not produce methane and carbon dioxide at these levels. This is because of the difference between anaerobic decomposition and aerobic decomposition. Landfills establish [anaerobic decomposition](#), in which no oxygen is present during the decomposition of municipal waste. This process produces very high levels of methane. The EPA cites these municipal landfills as the third-largest source of human-related methane emissions in the US.

By contrast, compost uses [aerobic decomposition](#). In this process, oxygen is present during decomposition. When oxygen is present, the microbes that produce methane are not active. As a result, aerobic decomposition, and thereby composting, does not produce methane at the rate that anaerobic decomposition does.

In fact, composting [actively reduces greenhouse gas](#) in the atmosphere. This is because composting promotes carbon sequestration in the soil. Microbes only present when there is

oxygen take up carbon dioxide while converting organic matter into compost, removing it from the atmosphere and storing it in the soil. Composting as a waste diversion tactic therefore not only prevents methane emissions caused by landfills, but also promotes the reduction of greenhouse gases.

Composting on farms has been a haven supporting new and growing compost companies within the state of Maryland. Expanding the ability of farmers to compost on their land and create an important soil supplement is a great opportunity to address the issues of food waste, soil health, and carbon sequestration.

For these reasons, we urge a favorable report.

Thank you,

Emily Ranson
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Compost Intern
Clean Water Action

Permitting Guidance - Final Revised 1.22.2019.pdf

Uploaded by: Emily Ranson

Position: FAV



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

Permitting Guidance for
Maryland Composting Facilities

January 2019



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I. Introduction

Composting facilities may be subject to several Maryland Department of the Environment (MDE) and Maryland Department of Agriculture (MDA) regulations. This guidance document is intended to assist prospective composters in identifying applicable requirements across MDE and MDA regulations. This document is intended to include the requirements most likely to apply to the operation of a composting facility. It is not intended to include every activity that may be co-located at a composting facility or other approvals that may be required for the construction and operation of a facility (e.g. erosion and sediment control plan approval). Guidance is for informational purposes only. Prospective composters should consult the law and regulations for specific requirements. Additional information and contacts for further assistance can be found on MDE’s Composting Website at www.mde.maryland.gov/composting.

The scope of this guidance is limited to facilities that conduct “composting,” defined as the controlled aerobic biological decomposition of organic waste material. Shredding or grinding material into mulch without controlled decomposition is not composting, nor is anaerobic digestion.

Table 1 lists the MDE and MDA requirements that may be applicable to composting facilities. The permit or approval name links to the appropriate page of the MDE or MDA website, while the regulation links to the appropriate chapter of the Code of Maryland Regulations (COMAR) online. These requirements are discussed in further detail in the following sections.

Table 1: Potential Requirements Overview

Subject/Activity	Permit/Approval	Regulations
MDE – Solid Waste and Recycling		
Composting Facilities	Composting Facility Permit	COMAR 26.04.11
Solid Waste Acceptance Facilities	Refuse Disposal Permit	COMAR 26.04.07
Sewage Sludge Management	Sewage Sludge Utilization Permit	COMAR 26.04.06
Natural Wood Waste Recycling	Natural Wood Waste Recycling Facility Permit	COMAR 26.04.09
MDE – Water		
Stormwater Discharges	General Permit for Stormwater Discharges Associated with Industrial Activity	COMAR 26.08.04
Groundwater Discharges	State Groundwater Discharge Permit	COMAR 26.08.04
Surface Water Discharges	State/NPDES Surface Water Discharge Permit	COMAR 26.08.04
MDE - Air		
Sources of Air Pollution	Permit to Construct Permit to Operate	COMAR 26.11.02
MDA		
Compost Quality	Compost Registration	COMAR 15.18.04
Composting Operators	Operator Certification	COMAR 15.18.04

II. MDE – Solid Waste and Recycling

A. Does the Composting Facility Permit (CF Permit) Apply?

Solid waste and recycling-related permits are issued by MDE's Land and Materials Administration. Most types of composting fall within the CF Permit and composting facility regulations, discussed further in this guide. However, this section lists three types of composting activities that are addressed under separate regulatory programs.

1) Composting of *Only* Natural Wood Waste (NWW)

A facility that composts only NWW is subject to the NWW regulations and permit. The NWW Recycling Facility Permit is available as either a general or individual permit. The following facilities are exempt from the NWW permit: (1) a facility operated by a nonprofit or government organization; and (2) a single individual or business that provides recycling services solely for its own employees or for its own recyclable materials generated on its own premises. For additional information on NWW, visit MDE's Solid Waste page at

<https://mde.maryland.gov/programs/LAND/SolidWaste/Pages/index.aspx>

*****NWW vs. Yard Waste*****

NWW is defined as tree and natural vegetative refuse, including tree stumps, brush and limbs, root mats, logs, leaves, grass clippings, unadulterated wood wastes, and other natural vegetative materials.

Yard waste is organic plant waste derived from gardening, landscaping, and tree trimming activities, including leaves, garden waste, lawn cuttings, weeds, and prunings.

As further discussed in this guide, composting of NWW is regulated differently than composting of yard waste, so it is important to determine which of these terms best describes the material to be composted. While there is some overlap in the definitions, yard waste is primarily made up of leaves, grass, green plant material, and small branches derived from landscaping activities at homes or businesses. NWW is primarily large branches, stumps, tree trunks, roots, and wood chunks, such as from whole tree removal or landclearing. NWW is primarily high carbon, low nitrogen material.

The NWW Recycling Facility Permit is for NWW only. Any separate, NWW-only activities that occur on a composting site, such as grinding or mulching of NWW, are subject to the NWW regulations and NWW Recycling Facility Permit. However, if a facility combines NWW with yard waste for composting, that composting activity is covered under the CF Permit and composting facility regulations and does not additionally require a NWW Recycling Facility Permit.

2) Composting of Sewage Sludge (Biosolids)

Composting of any sewage sludge (biosolids), regardless of whether it is mixed with other materials, falls under the sewage sludge management regulations and Sewage Sludge Utilization Permit requirements. For more information on sewage sludge management, visit MDE’s Sewage Sludge Page <https://mde.maryland.gov/programs/LAND/RMP/Pages/sewagesludge.aspx>

3) Composting of Mixed Municipal Solid Waste (MSW) or Diapers

Mixed MSW means waste containing a mixture of compostable and non-compostable materials. It does not include mixtures of multiple types of compostable materials that were separated for composting at the point of generation, such as mixtures of yard waste and food scraps collected from residences for composting. Mixed MSW composting requires a Refuse Disposal (RD) Permit and is subject to the Solid Waste Management Regulations. Specifically, these composting facilities are considered processing facilities, which are addressed in COMAR 26.04.07.23. For additional information on solid waste requirements, see [MDE’s Solid Waste Page](#).

Note About Composting At Existing Solid Waste Facilities

If composting will take place at a facility that is required to have a RD Permit for a reason other than composting (such as composting that takes place at a landfill or transfer station), the operator must choose one of the following options:

- Apply for a modification to the RD Permit to include composting, if not already included. In this case, the facility is *not* required to also obtain a CF Permit. The requirements of the composting facility regulations at COMAR 26.04.11 will be incorporated into the RD Permit.
- Obtain a CF Permit. In this case, the permits operate separately and the CF Permit does not impact the existing RD Permit or its expiration date.

The choice between the two options is generally left up to the operator. Conditions similar to those in the composting regulations will be included in a modified RD Permit that covers composting. A general CF Permit may in some cases be faster to obtain than a modification to the existing RD Permit.

B. Feedstock Types

The composting facility regulations divide feedstocks – the raw materials used for composting—into three “types,” grouped roughly by environmental risk, plus natural wood waste (NWW).

Table 2 shows the materials that fall under each feedstock type. As discussed under § II. A, composting of NWW and Type 3 materials is addressed through other permitting schemes. If the material a facility proposes to compost is not explicitly included within one of these types, the Department will determine the appropriate category in which it fits based on the material’s risk of

hazardous substances, human pathogens, and physical contaminants, relative to the other materials in the category. (See COMAR 26.04.11.02 for more details on the feedstock types.)

Table 2: Feedstock Types

NWW	Type 1	Type 2	Type 3
<ul style="list-style-type: none"> • Tree and other natural vegetative refuse • (Not covered under the CF Permit or composting facility regulations) 	<ul style="list-style-type: none"> • Yard waste 	<ul style="list-style-type: none"> • Food scraps • Non-recyclable paper • Department approved animal manure and bedding • Department approved industrial food processing materials • Animal mortalities • Compostable products 	<ul style="list-style-type: none"> • Sewage Sludge or Biosolids • Used diapers • Mixed municipal solid waste (MSW) • (Not covered under the CF Permit or composting facility regulations)

C. Facility Tiers

Composting facilities are divided into “tiers,” based on the feedstock types. Tier 2 is further divided into Tier 2-Large and Tier 2-Small, based on the amount of finished compost the facility produces per year. Table 3 shows the feedstock types included in each facility tier. **All Tier 1, Tier 2 – Small, and Tier 2 – Large facilities require a CF Permit unless covered under one of the exemptions laid out in the composting facility regulations at COMAR 26.04.11.05 and .06.**

Table 3: Facility Tiers

NWW Recycling Facility	Tier 1	Tier 2 - Small	Tier 2 - Large	Tier 3
<ul style="list-style-type: none"> Composts <i>only</i> natural wood waste. (Not covered under the CF Permit or composting facility regulations) 	<ul style="list-style-type: none"> Composts only Type 1 feedstocks. 	<ul style="list-style-type: none"> Composts only Type 1 and Type 2 feedstocks. Produces ≤ 10,000 cubic yards of compost per year. 	<ul style="list-style-type: none"> Composts only Type 1 and Type 2 feedstocks Produces > 10,000 cubic yards of compost per year. 	<ul style="list-style-type: none"> Composts Type 3 feedstocks (regardless of whether other feedstock types are also composted) (Not covered under the CF Permit or composting facility regulations)

D. Exemptions from the CF Permit Requirement

This section discusses exemptions from the requirement to obtain a CF Permit, which are found in COMAR 26.04.11.05 and .06. Facilities exempt from the CF Permit **are still** subject to the general performance standards for composting facilities located in COMAR 26.04.11.04. They are not subject to the permit requirement or to the other provisions in the composting facility regulations governing design, construction, operation, recordkeeping, and reporting (COMAR 26.04.11.08 -.15). The regulations list exemptions applicable to on-farm composting and to composting at places other than farms.

1) Exemptions for composting **not** located at a farm

- a. **Backyard Composting.** A CF Permit is not required for composting conducted at a residence, if all the feedstocks are generated on site and all the resulting compost is used on site. Backyard composting may be subject to local regulations or restrictions, so please check with your county or municipality for more information. A list of county recycling contacts can be found on [MDE’s website](#).
- b. **5,000 sq ft Exemption.** A CF Permit is not required for a Tier 1 or 2 facility that uses no more than 5,000 square feet “in support of composting” and meets maximum pile height restrictions. Feedstock piles may not be higher than 9 feet and all other piles are limited to a height of 12 feet. When determining the area used in support of

composting, include areas used for feedstock receiving and preparation (such as mixing, shredding, water addition), active composting, curing, and storage (including compost, equipment, and waste). The areas do not need to be contiguous and spaces not used for any of the activities listed above may be omitted, including empty fields and roads.

- c. **Animal Mortality Composting.** Composting of animal mortalities that is managed by State or local government as part of roadway or other public property maintenance activities is exempt.

2) Exemptions for on-farm composting

- a. **Exemption for On-site Feedstocks and On-site Compost Use.** Composting is exempt up to any size if the farm composts only materials generated on the site (or a site controlled by the same operator) and uses all compost on site (or a site controlled by the same operator).

Example: A farmer owns Farm A and leases Farm B, located at a different site. The farmer transports crop residuals generated at Farm A to Farm B. There the crop residuals are mixed with manure generated at Farm B and composted. The resulting compost is transported back to Farm A for use. This activity is exempt, regardless of the size of the composting area.

- b. **40,000 sq ft Exemption.** A CF Permit is not required for a facility that uses no more than 40,000 square feet “in support of composting” if it meets certain conditions. The facility may compost only materials generated on site (or at another farm controlled by the same operator), and yard waste, animal manure, and bedding from off site.

The facility must operate in accordance with its approved nutrient management plan, if required. The nutrient management plan requirements can be found at COMAR 15.20.07. The facility must also operate under **either** a soil conservation and water quality plan and or an agricultural waste management system plan. Whichever of these two plans the facility has, it must include information on the composting activity, including the facility components and design, schedule for storage and utilization of the materials, system maintenance, and operational procedures to ensure that the general performance standards in the regulations are met. Both types of plans can be obtained, generally free of cost, from the local Soil Conservation District in the county where the farm is located.

A farm may already have a soil conservation and water quality plan or an agricultural waste management system plan that was obtained for a reason other than compliance with the composting regulations. However, if the plan does not include information on the composting activity, it must be revised to include the information listed above.

- c. **5,000 sq ft Exemption.** A CF Permit is not required for a Tier 1 or 2 facility that uses no more than 5,000 square feet “in support of composting” and meets the maximum pile height restrictions. See Section II.D.1.b of this guidance document.
- d. **Emergency Exemption for Composting of Animal Mortalities.** A farm that needs to compost animal mortalities on a temporary basis due to a non-routine, catastrophic die-off does not require a CF Permit as long as the activity is approved by MDA in consultation with MDE.

**** What Qualifies as a Farm? ****

A farm is a site operated for the primary purpose of tilling, cropping, keeping, pasturing, or producing an agricultural product *other than compost*. Sites that are primarily operated to produce compost are not farms.

At sites that conduct both composting and farming, the following factors should be considered in determining the site’s primary purpose:

- The revenue generated from farming activities versus the revenue generated from composting. Facilities that generate the majority of annual revenue from compost sales or composting feedstock tipping fees generally do not qualify as farms.
- The number of employees or amount of employee time spent on composting versus farming activities. Facilities that devote the majority of labor to conducting composting generally do not qualify as farms.
- The portion of on-site space or activity directly devoted to composting versus farming. Facilities in which most of the physical area and/or daily operations support composting generally do not qualify as farms.

Please contact the Department if you need further assistance in assessing whether a facility qualifies as a farm under the composting facility regulations.

****Where Was the Feedstock “Generated”? ****

Two of the exemptions listed in this guide require the operator to determine where feedstocks were generated. For the purpose of the exemptions, a feedstock is generated at the place where it ceases being used for its original purpose and, unless composted, would become a waste. The following are examples:

- Animal bedding is generated at the place where it is used, regardless of whether it was originally purchased from off-site.
- Household food scraps are generated at the residence where the food was consumed.

The flow charts in Appendices A (for farms) and B (for non-farms) provide a summary of the CF Permit requirements and exemptions.

E. Design Requirements

The facility location and design requirements, which apply to facilities required to have a CF Permit, are located in COMAR 26.04.11.08. The table in Appendix C summarizes the major facility design requirements by Tier.

1) Contact Water vs. Stormwater

In the composting regulations, “contact water” is the term used for water that has contacted **raw feedstocks** or **actively composting** material. Stormwater is runoff from precipitation that has not contacted raw feedstocks or actively composting material. Water that has contacted **curing** or **finished** compost is stormwater, and may be considered Stormwater Associated with Industrial Activity (See Section III.A of this guide).

Tier 1 and Tier 2 – Small facilities should minimize runoff of contact water by following the design and operational requirements of the CF Permit and Composting Facility Operations Plan (CFOP) and implementing best management practices in accordance with the facility’s stormwater discharge permit, if required (see §III.A). However, Tier 2 – Large facilities must collect and contain contact water prior to reuse or permitted treatment and discharge. It is therefore especially important for Tier 2 – Large facilities to ensure that material placed in curing areas meets the definition of “curing” in order to avoid contaminating stormwater. Curing material must have passed the pathogen reduction requirements (processing time and temperature). For material to be considered “curing,” most of the readily metabolized material must have been decomposed and stabilized.

2) Methods for Minimizing Contact Water Generation

In a typical outdoor composting facility, the quantity of precipitation that falls on or runs onto feedstock storage and active composting areas will impact the quantity of contact water that is generated. As a result, the regulations require a Tier 2 – Large facility to size the containment structure to handle a 25-year, 24-hour storm event. Because large containment structures can be expensive, composters may wish to limit the quantity of contact water generated by separating precipitation and stormwater from feedstocks and actively composting materials.

The regulations allow for this by specifying that “covered” Tier 2 – Large facilities need only size containment structures for the amount of contact water generated. To be considered “covered,” the facility must have a low-permeability barrier between precipitation/stormwater and the raw or active materials. This may include a synthetic cover, building, or enclosed vessel. A roof without walls also suffices, as long as there is a means of preventing run-on from entering the area sheltered by the roof, such as berms. The facility must keep the contact water separate from stormwater outside the cover – for a synthetic cover, this is most frequently accomplished by a trench or pipe under the covered piles that collects contact water, but is shielded from precipitation and stormwater runoff. Finally, operators choosing covered facility designs should ensure that raw and active materials are confined to the covered areas and kept out of uncovered pathways.

F. Pathogen Reduction

A pathogen reduction process, consisting of a minimum processing time and temperature combination, is required for Tier 1 and Tier 2 facilities. The process, known as the Process to Further Reduce Pathogens (PFRP), is widely used in the composting industry and is derived from U.S. EPA regulations on sewage sludge. The federal PFRP for composting is incorporated by reference in the regulations and states:

Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the [materials being composted] is maintained at 55 degrees Celsius or higher for three days.

Using the windrow composting method, the temperature of the [materials being composted] is maintained at 55 degrees or higher for 15 days or longer. During the period when the compost is maintained at 55 degrees or higher, there shall be a minimum of five turnings of the windrow. (40 CFR. Pt. 503 App. B, §(B)(1))

All composting facilities required to obtain a CF Permit are required to establish a plan for monitoring temperature of each windrow or pile. In most cases, one set of temperature measurements per day during the period used to meet PFRP is sufficient. The plan should specify the procedure for taking measurements, including the frequency and how the operator will select locations for temperature monitoring. The following document includes some useful recommendations on the location and number of temperature measurements and a sample log for recording temperature results: Wisconsin DNR, Temperature Monitoring at Licensed Compost Facilities, <http://dnr.wi.gov/files/PDF/pubs/wa/wa1585.pdf>

G. Composting Facility Operations Plan

All facilities required to obtain a CF Permit must develop, submit to the Department, and comply with a CFOP addressing the items listed in COMAR 26.04.11.09B(1)(a). A person does not need any specific licensing or certification to write a CFOP – it can be written by the facility operator. The plan must be kept on site and reviewed annually to determine if updates are needed.

The CFOP must include a plan for preventing and responding to complaints of nuisances, such as odors. Some examples of nuisance odor prevention plans can be found on CalRecycle's Odor Impact Minimization Plan website:

<http://www.calrecycle.ca.gov/swfacilities/compostables/Odor/OIMP/default.htm>

In addition to following its operations plan, a facility must follow the operational requirements contained in the regulations at 26.04.11.09, as well as any operational conditions in the CF Permit.

H. Recordkeeping and Reporting

COMAR 26.04.11.12 lists the information that must be recorded and reported to MDE annually by permitted composting facilities. The annual report must include at least:

- Quantities and types of feedstocks accepted and their counties of origin;
- Quantities and types of compost and residues produced; and
- Quantities and types of compost and residues removed from the site.

“Residue” refers to materials that are accepted at the facility but removed at some point during the process for disposal or recycling (e.g. non-compostable plastic bags).

1) Weight and Volume Measurements

All composting facilities must report quantities in weight (tons). Tier 2 facilities must also report volumes (cubic yards). However, any composting facility may choose to measure the quantities in either weight or volume. The facility may then use an acceptable conversion factor to convert the measurement to weight or volume for the purpose of the annual report.

The bulk density of a sample of any material can easily be calculated using a bucket and a small scale. This only needs to be done once for a given material, unless the makeup or mixture of the material changes significantly, but you should include a statement explaining your calculations with each annual report. The bulk density (i.e. tons per cubic yard) can then be used to generate either a weight from a volume or a volume from a weight. For detailed instructions on how to measure bulk density using a 5-gallon bucket, see Washington State University, <http://archive.puyallup.wsu.edu/soilmgmt-old/BulkDensity.html>

2) Determining the County of Origin for Feedstocks

Owners or operators of composting facilities are responsible for requesting from the hauler the county of origin for each load of organic materials brought to the site. It may be difficult to assess the exact quantity of materials from each county when a truck has made stops in multiple counties. In these cases, the composting facility may accept the hauler’s best estimate of the portion of the load that came from each county. For example, if a hauler on a commercial organics route serving similarly sized businesses knows that approximately half of the stops were made in County A and half in County B, the composting facility may record 50% of the weight of the load as originating in County A and 50% in County B. Composting facilities will not be penalized for relying on information provided by haulers, but will be responsible for requesting and obtaining the information.

If a facility has a clearly posted policy of accepting only in-county material, such as a drop-off site for yard waste from county residents, the composting facility may assume all material came from within the county.

I. Obtaining a CF Permit

A composting facility required to obtain a CF Permit may opt for either a general or individual permit. Operators should review the content of the general permit to ensure that the facility is eligible and would be able to comply with its conditions. Assuming the facility is eligible for the general permit, the Table 4 shows some considerations that may factor into an operator’s decision to obtain a general or individual permit.

Table 4: Characteristics of the General and Individual CF Permits

Individual Permit	General Permit
<ul style="list-style-type: none"> •Requires detailed application, including engineering plans and specifications. •Allows applicant to request a variance from a requirement in the regulations, if it can show the proposed practice is equally protective. •Public notice and opportunity for comment on each application, as well as distribution to various State and local agencies for review •May take more time to obtain, due to individualized review and public participation. 	<ul style="list-style-type: none"> •Requires submission of a brief Notice of Intent (NOI) form and a copy of the CFOP. •No variances allowed. •Public notice and comment on the general permit itself, but not for each facility submitting an NOI. •May be faster than individual permit. Coverage begins when the Department acknowledges receipt of complying NOI and CFOP.

III. MDE – Water

A. Stormwater

The federal Clean Water Act requires a facility whose primary industrial activity falls within certain sectors to obtain a permit for stormwater discharges. MDE has issued a General Permit For Stormwater Discharges Associated With Industrial Activity, which covers multiple industries. Among the covered industries are SIC codes 2875 and 2499, which include composting.

In general, most commercial composting operations that distribute compost will be required to obtain coverage under the General Permit for Stormwater Discharges Associated with Industrial Activity. If composting takes place at a facility that also has some other activities, such as composting at a farm, the facility must determine whether composting is the primary activity. Factors in this determination may include the value of revenue from each activity, the number of personnel engaged in each activity, or whether the vast majority of on-site activity is composting. Noncommercial composting operations, which either produce compost for use by the operator or give away the compost free of charge (not including bartering), are unlikely to require a permit for stormwater discharges.

Completely indoor composting facilities may file a “No Exposure Certification” in lieu of permit coverage if all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

Additional information and contacts for this permit are located on the [Department’s website](#).

B. Wastewater (Contact Water) Discharges

If a Tier 2 – Large facility will discharge the collected contact water to surface water or groundwater, a surface water discharge permit or groundwater discharge permit may be required. These permits are currently available only as individual permits. These permits may not be required if all the contact water is stored in an approved containment structure with sufficient freeboard and reused on raw feedstocks or active piles.

IV. MDE – Air

While the composting activity itself does not require an air permit, certain equipment that could be used at a composting facility may. A Permit to Construct (PTC) is required for certain sources prior to construction or modification and applies to an individual unit or process line. Equipment powered by an internal combustion engine with at least 500 brake horsepower requires a PTC. Aeration systems, sorting systems, grinders, shredders, screeners, or drying and bagging equipment at composting facilities are examples of equipment that may require a PTC.

A Permit to Operate (PTO) is required for specific sources, which are listed in COMAR 26.11.02.13. Operators should review the sources listed in the regulation to determine if any of the listed equipment will be used at the site.

For more information, please see [MDE’s Permits to Construct and Operate page](#)

Aside from permits, COMAR 26.11.06.08 prohibits operation or maintenance of a facility in a manner that creates a nuisance. COMAR 26.11.06.09 prohibits a person from causing or permitting discharge into the atmosphere of odors beyond the property in such a manner that a nuisance is created.

V. MDA Requirements

Product Registration

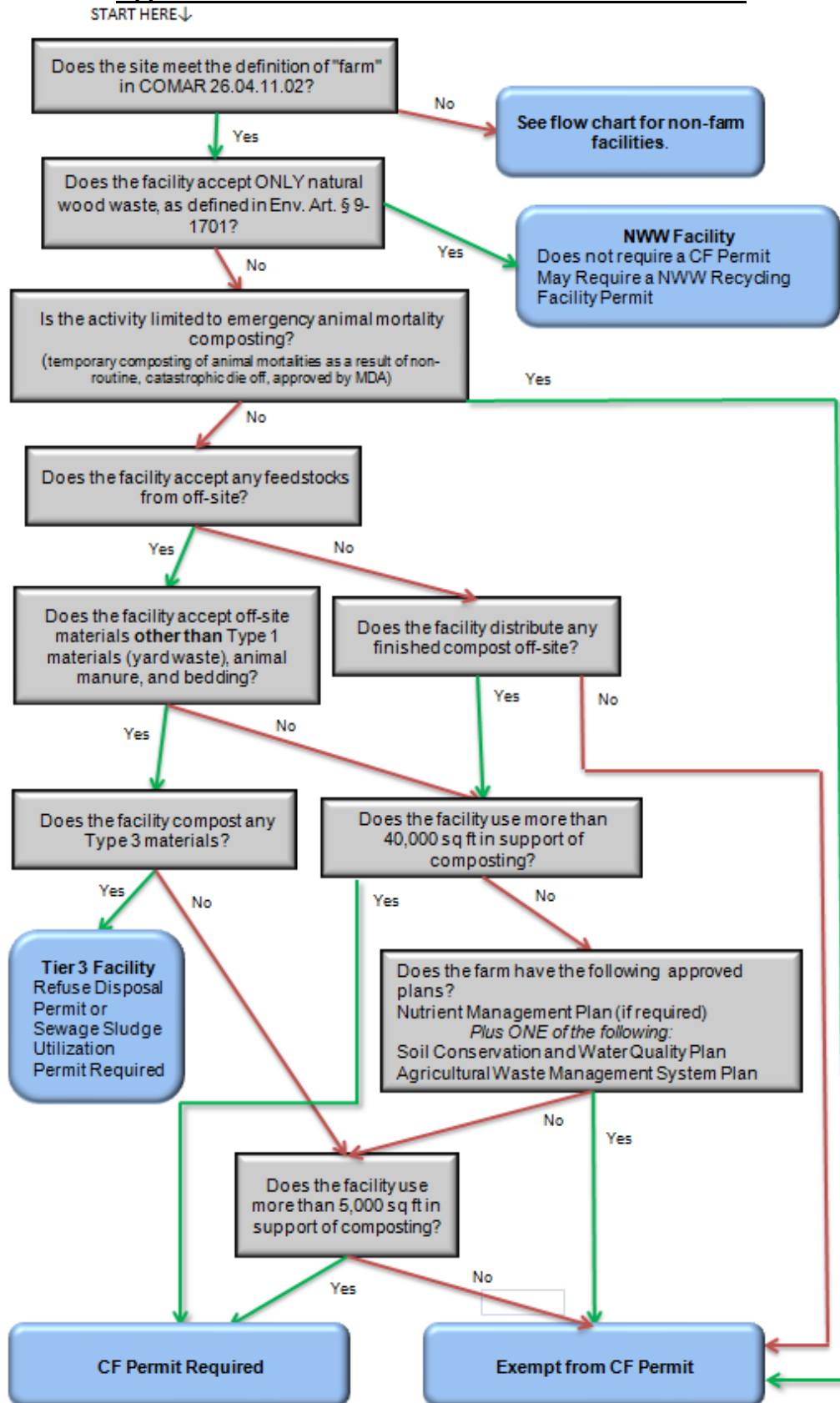
MDA regulations require registration of each brand or classification of compost before that compost can be sold or distributed in the State. Registration must be renewed annually. MDA regulations also include compost testing and classification, labeling, and recordkeeping requirements. A semiannual report on the tons of compost distributed in the State must be submitted with a 25 cent fee for each ton of compost. MDA may inspect and test compost or compostable material to ensure that it meets quality requirements.

Operator Certification

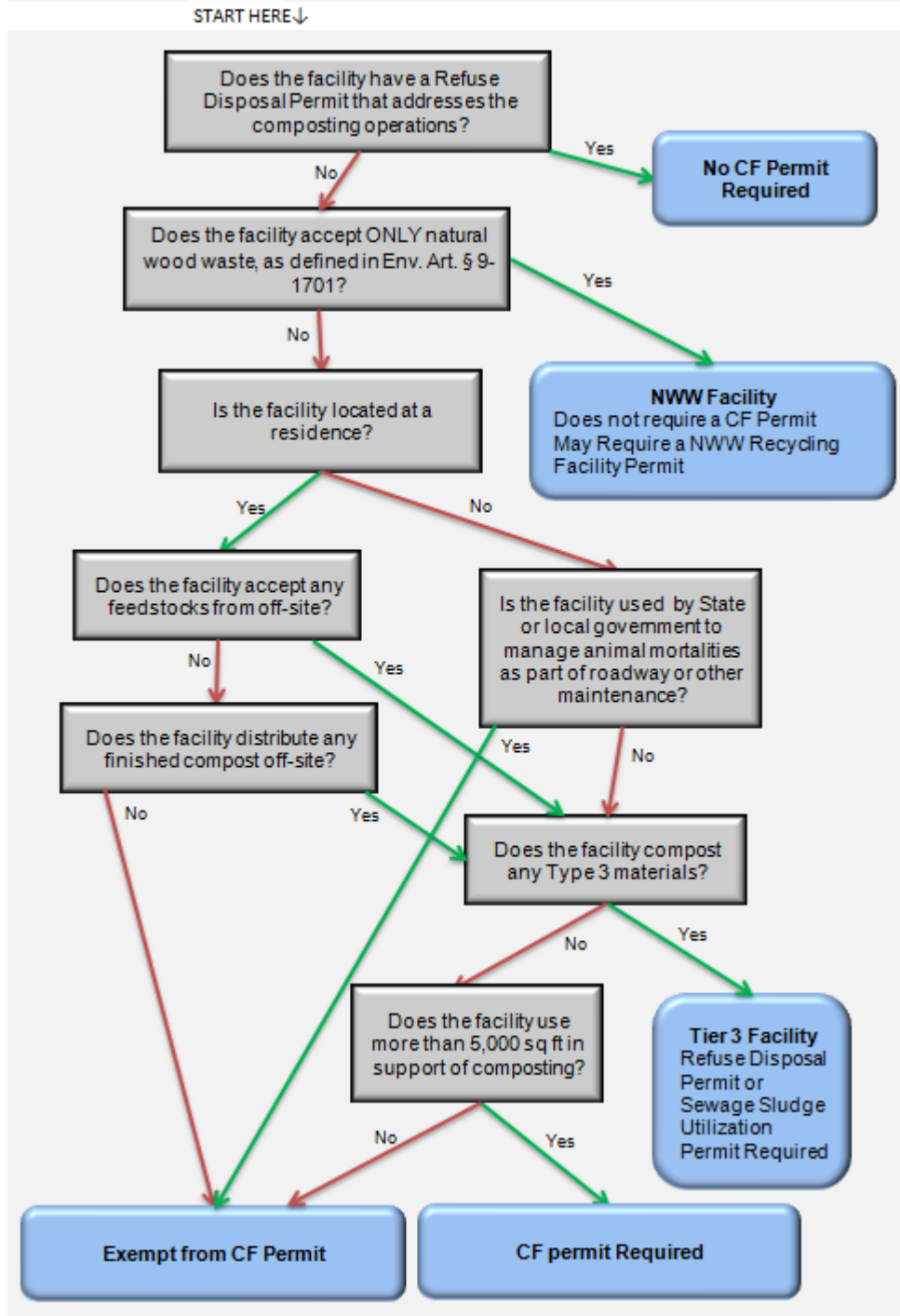
Each composting facility that distributes compost must operate under the supervision of an operator certified by MDA. Certification requires passage of a written test to demonstrate scientific and practical knowledge of composting. Operator certification lasts for 3 years, after which it must be renewed. Renewal may be accomplished either by retaking the written exam or by demonstrating participation in an MDA- approved composting training course.

For additional information, see [MDA's State Chemist page](#)

Appendix A – CF Permit Flow Chart for On-Farm Facilities



Appendix B – CF Permit Flow Chart for Non-Farms



Appendix C – Table of Major Design Requirements for Composting Facilities

Tier	Pad Requirements ^{1, 3}	Water Collection Requirements ¹
Exempt from CF Permit	None (but must avoid prohibited acts in COMAR 26.04.11.04)	None (but must avoid prohibited acts in COMAR 26.04.11.04)
NWW Composting	Subject to NWW regulations at COMAR 26.04.09 and conditions of the NWW Recycling Facility Permit.	<p><u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.</p> <p>Subject to NWW regulations at COMAR 26.04.09 and conditions of the NWW Recycling Facility Permit.</p>
Tier 1	All-weather pad Slope 1-6% (except indoor facilities) Distance from water table 2 - 4 ft, depending on location within coastal plain province and other factors.	<p><u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.</p>
Tier 2 – Small	All-weather pad Slope 1-6% (except indoor facilities) Distance from water table 2 - 4 ft, depending on location within coastal plain province and other factors. 6-inch carbon-rich substrate beneath active piles Active piles must be covered with one of the following: <ul style="list-style-type: none"> • 6 inches compost • 6 inches high-carbon material such as wood chips • Synthetic cover • Roof 	<p><u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.</p>



<p>Tier 2 – Large (Uncovered)²</p>	<p><u>Curing and compost storage areas:</u> All-weather pad Slope 1 - 6%</p> <p><u>Feedstock receipt, feedstock storage, and active composting areas:</u> low permeability pad (concrete, cement, compacted clay) Permeability ≤ 10⁻⁵ cm/sec if on the surface Permeability ≤ 10⁻⁶ cm/sec if buried Sloped 1-6%</p> <p><u>All surfaces:</u> Distance from water table 2 - 4 ft, depending on location within coastal plain province and other factors.</p>	<p><u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.</p> <p><u>Contact water:</u> Feedstock receipt, feedstock storage and active composting areas must direct contact water to a collection basin, tank, or other containment system prior to reuse, transport off site to a permitted facility, or discharge on-site pursuant to a discharge permit.</p> <p><u>Containment system:</u> The containment system used to collect contact water must:</p> <ul style="list-style-type: none"> • Be sized to handle at least a 24-hour, 25-year storm event; • Have a synthetic or compacted clay liner • Have liner permeability ≤ 10⁻⁷ cm/sec; and • Be at least 1 ft thick if made of compacted clay
<p>Tier 2 – Large (Covered)²</p>	<p><u>Curing and compost storage areas:</u> All-weather pad Slope 1 - 6%</p> <p><u>Feedstock receipt, feedstock storage, and active composting areas:</u> low permeability pad (concrete, cement, compacted clay) Permeability ≤ 10⁻⁵ cm/sec if on the surface Permeability ≤ 10⁻⁶ cm/sec if buried Sloped 1-6%</p> <p>Within active composting areas, the low-permeability pad is required only for areas directly under covered piles; the "aisles" may have an all-weather pad.</p> <p><u>All surfaces:</u> Distance from water table 2 - 4 ft, depending on location within coastal plain province and other factors.</p>	<p><u>Stormwater:</u> The following are not considered contact water and must be managed in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.</p> <ul style="list-style-type: none"> • Runoff that contacts only covered piles and empty aisles • Runoff from covered feedstock receipt or feedstock storage areas that contacts only the roof and/or empty aisles <p><u>Contact water:</u> The following are considered contact water and must be collected and contained prior to reuse, transport off site, or discharge on-site pursuant to a discharge permit:</p> <ul style="list-style-type: none"> • Liquid that drains from the bottom of covered piles • Runoff from any uncovered feedstock receipt or feedstock storage <p><u>Containment system:</u> The containment system used to collect contact water must</p> <ul style="list-style-type: none"> • Be sized to handle all contact water generated at the facility; • Have a synthetic or compacted clay liner (for ponds) • Have liner permeability ≤ 10⁻⁷ cm/sec; and • Be at least 1 ft thick if made of compacted clay

Tier 3	<p>Subject to processing facility regulations at COMAR 26.04.07.23 and conditions of the Refuse Disposal Permit or Subject to sewage sludge regulations at COMAR 26.04.06 and conditions of the Sewage Sludge Utilization Permit.</p>	<p><u>Stormwater</u>: Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.</p> <p>Subject to processing facility regulations at COMAR 26.04.07.23 and conditions of the Refuse Disposal Permit or Subject to sewage sludge regulations at COMAR 26.04.06 and conditions of the Sewage Sludge Utilization Permit.</p>
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¹ An applicant for an individual Composting Facility Permit may apply for a variance from one or more of these requirements for proposed facility designs that would be equally protective of the environment.

² “Covered” means that the feedstock and active piles are covered with a synthetic cover or tarp or the piles are under a roof, as long as the roof has a means of preventing run-on from contacting the materials (such as walls, berms, etc.)

³ Except where otherwise specified, the pad requirements apply to the feedstock receipt, feedstock storage, active composting, curing, and compost storage areas.

HB253_PGCFB_Favor.pdf

Uploaded by: Harrison Palmer

Position: FAV



PRINCE GEORGE'S COUNTY FARM BUREAU, INC.

13501 Molly Berry Road Brandywine, MD 20613

PGCFB.org – 301.579.6552 – PGCFB@yahoo.com

To: House Environment and Transportation Committee

From: Prince George's County Farm Bureau, Inc.

Re: House Bill 253 - On-Farm Composting Facilities - Permit Exemption

Date: February 8, 2023

On behalf of the Prince George's County Farm Bureau, I would like to express our support of House Bill 253, exempting on-farm composting facilities that meet certain criteria from Maryland Department of the Environment (MDE) permitting.

Composting has long since been a practice of farmers, whether the input is animal manure, crop residue, food scraps, or a combination of these and other organic materials. However, many farmers who seek to expand composting in their operation are limited by the 5,000 square foot threshold that triggers a solid waste processing facility permit. Inclusion and expansion of materials and size for composting on a more economic scale provides opportunity for farmers to generate organic, locally sourced soil amendments, and participate in a resiliency plan to handle local food waste.

Technical service providers such as the University of Maryland Extension, and the local Soil Conservation Districts across the state offer guidance and standards for on-farm compost, and work closely with farmers to develop best management practices surrounding their on-farm composting operations. As Prince George's County and the State of Maryland continue to work towards setting standards for greener and more environmentally conscious practices, exempting on-farm compost up to 40,000 square feet offers new opportunities for partnership between farmers and local food waste operations. It also opens the door to beneficial uses implemented at a local level of food scraps that would otherwise be dumped into landfills.

Prince George's County Farm Bureau is in strong support of House Bill 253, and urges a favorable report. We look forward to working with our farmers to integrate this new opportunity into their farm operations and generate a greener food system in Maryland.

Sincerely,

Harrison B. Palmer

Vice President

Prince George's County Farm Bureau

HB 253, FAV, OCE Testimony, JF, LS23.pdf

Uploaded by: Jessica Fitzwater

Position: FAV



FREDERICK COUNTY GOVERNMENT
OFFICE OF THE COUNTY EXECUTIVE

Jessica Fitzwater
County Executive

HB253 - Environment - On-Farm Composting Facilities - Permit Exemption

DATE: February 15, 2023
COMMITTEE: House Environment and Transportation Committee
POSITION: Favorable
FROM: The Office of Frederick County Executive Jessica Fitzwater

As the County Executive of Frederick County, I urge the committee to give **HB 253 - Environment - On-Farm Composting Facilities - Permit Exemption** a favorable report.

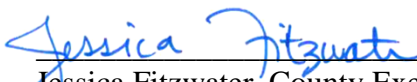
This bill expands the footprint of on-farm compost facilities with an MDE-issued permit from the current 5,000 square feet or less to 40,000 square feet or less if the facility meets other conditions for a permit exemption.

Current regulations allow on-farm compost facilities to operate without an MDE-issued permit within specific limits, including a footprint of 40,000 square feet or less for most feedstocks, but within a footprint of only 5,000 square feet for food residuals. This limitation hamstrings farmers who would otherwise be able to incorporate food scraps into existing composting operations and assist in state-wide efforts to divert food waste from landfills.

Frederick County's permitting and land use policies allow for limited food waste composting as an agricultural activity up to 5 acres without a site plan approval or up to 10 acres for commercial activity with a site plan approval. Our Food Waste Composting zoning ordinance was updated in 2018 to help streamline the process and make food waste composting more accessible for our local farmers. The changes proposed in HB 253 would support this effort to reduce barriers for food waste composting.

HB 253 would benefit the farming community and the environment by diverting food waste and expanding composting opportunities.

Thank you for your consideration of HB 253 and I urge a favorable report.



Jessica Fitzwater, County Executive
Frederick County, MD

Testimony in SUPPORT of HB0253.pdf

Uploaded by: Joseph Jankowski

Position: FAV

Testimony in SUPPORT of HB0253 – Environment – On-Farm Composting Facilities – Permit Exemption

Dear Chairman Kumar Barve and members of the Environment and Transportation Committee,

The Eastern Shore of Maryland will be subject to sea level rise before most of the area of the United States due to human induced climate change. This bill proposes actions in which Maryland will encourage farmers to compost food scraps which are a major source of methane emissions from landfill operation that contribute to human induced climate change.

My waterfront home is located on coastal bays of the Eastern Shore of Maryland. My home's existence and value are threatened by rising sea levels. Action is required by my state legislators to protect me and my family from future harm, which has been clearly identified by U.S. scientists.

Respectfully,

Joseph Jankowski
Berlin, Maryland 21811

BaltimoreCounty_FAV_HB0253.pdf

Uploaded by: Joshua Greenberg

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

JOSHUA M. GREENBERG
Associate Director of Government Affairs

BILL NO.: **HB 253**

TITLE: Environment - On-Farm Composting Facilities - Permit Exemption

SPONSOR: Delegate Shetty

COMMITTEE: Environment and Transportation

POSITION: **SUPPORT**

DATE: February 14, 2023

Baltimore County **SUPPORTS** House Bill 253 – Environment - On-Farm Composting Facilities - Permit Exemption. This legislation would require the department of the environment to adopt regulations to exempt an on-farm composting facility from the requirement to obtain a permit under certain circumstances.

As residents and local governments throughout Maryland continue to find alternatives to filling landfills with solid waste, many have turned to composting as a responsible option for the disposal of organic waste. Composting allows farmers and individuals to return nutrients from organic waste to crops in a manner that reduces the environmental impact of letting the crops degrade on their own.

Last year, the County passed legislation which brought local composting regulations in line with the state and opened local regulations to allow for the use of storage containers for larger on and off-site composting efforts. This legislation would further County solid waste policy by reducing regulatory burdens on small businesses seeking to implement small-scale composting.

Accordingly, Baltimore County requests a **FAVORABLE** report on HB 253. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.

HB0253 On Farm Composting_Environment Transp-CJW-F

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Environment and Transportation
Testimony on: HB0253 - Environment - On-Farm Composting Facilities - Permit Exemption
Organization: Maryland Legislative Coalition Climate Justice Wing
Submitting: Laurie McGilvray, Co-Chair
Position: Favorable
Hearing Date: February 15, 2022

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of HB253. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of over 50 grassroots and professional organizations, urges you to vote favorably on HB253.

HB253 will expand the area for on-farm composting of food scraps from the current 5,000 square feet or less to 40,000 square feet or less without a Maryland Department of the Environment (MDE)-issued permit. Currently, on-farm composting is allowed without a MDE permit for an area of 40,000 square feet or less, but only for most feedstocks. HB253 would allow this same 40,000 square foot area for food scrap composting.

The bill will provide a number of benefits, including: increasing the available locations for food scrap composting; increasing the use of compost as a soil amendment for local farmers; diverting food scraps from landfills and incinerators; reducing landfill methane emissions from organic material; and contributing to Maryland's Zero Waste food scrap goals of 60% diversion by 2025, 70% by 2030, and 90% by 2040.

Diverting food waste to on-farm compost sites will conserve landfill space; reduce greenhouse gas emissions; create green businesses and jobs; and benefit agricultural soil health. HB253 represents an important step on the path to zero waste and we recommend a **FAVORABLE** report in committee.

ILSR testimony HB253 - On-Farm Composting Faciliti

Uploaded by: Linda Bilsens Brolis

Position: FAV

**TESTIMONY TO THE MARYLAND HOUSE OF DELEGATES
COMMITTEE ON ENVIRONMENT AND TRANSPORTATION**

HB0253: On-Farm Composting Facilities – Permit Exemption

Position: Favorable

February 15, 2023 Hearing

Linda Bilsens Brolis
Senior Project Manager, Composting for Community Initiative
Institute for Local Self-Reliance
lbilsens@ilsr.org

On behalf of the Institute for Local Self-Reliance, I am submitting this written testimony in support with amendments of *HB0253: On-Farm Composting Facilities – Permit Exemption*. This bill will expand the area allowed to be used for composting of food residuals and other Type 2 Feedstocks under MDE’s on-farm composting facility permit exemption from 5,000 square feet to 40,000 square feet. My name is Linda Bilsens Brolis and I am the Senior Project Manager in the Composting for Community Initiative at the national nonprofit, the Institute for Local Self-Reliance (ILSR).

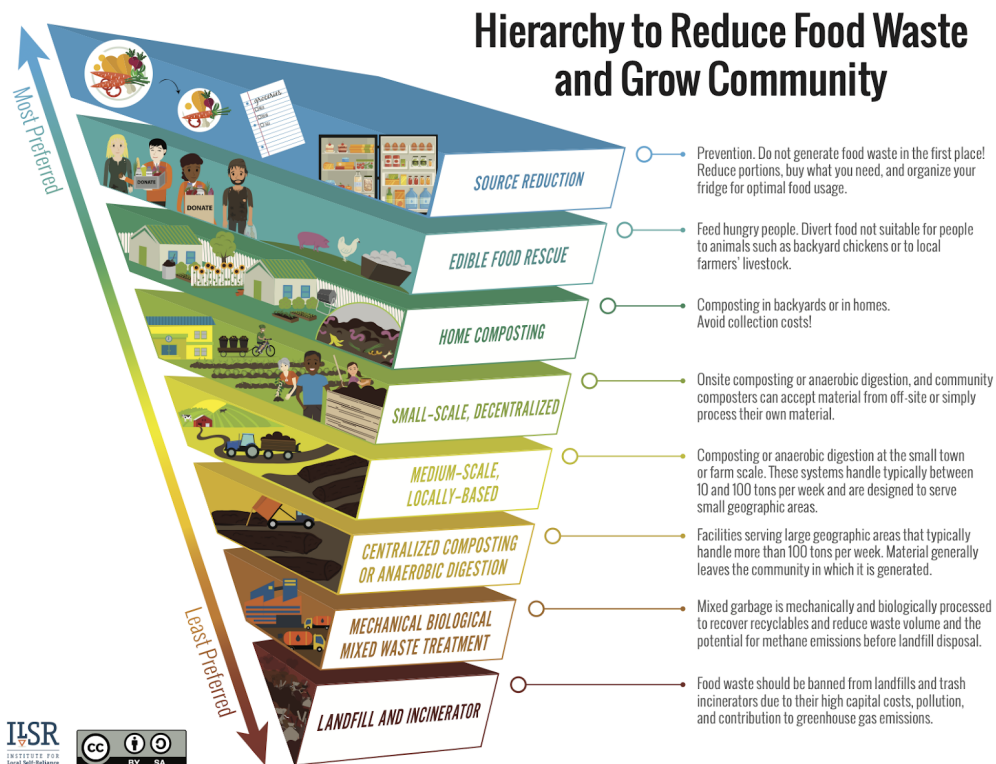
Maryland disposes of more than 920,000 tons of food each year, with only 15.5% being recycled in 2019. This is because there’s only a handful of permitted facilities composting wasted food in Maryland. Simply put—Maryland needs more composting infrastructure.

Whereas trash generated ends up in polluting landfills or incinerators, food scraps and other organic materials that are composted have many benefits including improving soil health, protecting the climate, and reducing garbage. Compost is a valuable soil amendment that provides needed organic matter, reduces the need for synthetic fertilizers, and improves soils’ water and nutrient retention. Indeed, the Maryland Healthy Soils Program is promoting the widespread use of healthy soils practices among farmers in Maryland. Increasing soil organic matter is specifically named, along with the ability of soil to sequester carbon and reduce greenhouse gas emissions.

The act of composting is an essential agricultural waste management activity, it is also a practice that can provide economic benefits to farmers. One beauty of composting is that it ranges from small sized and medium sized—such as at farms—to large industrial sites. There is an unprecedented opportunity to spur locally based composting in Maryland and connect it to soil health, resilient food systems, and climate protection. Small and medium sized sites can scale up to create a robust distributed and diverse infrastructure. See ILSR’s [Hierarchy to Reduce Food Waste & Grow Community](#) (also included below).

Expanding on-farm composting has been identified as a strategy for minimizing the amount of food scraps disposed in the solid waste stream at the State level. In 2019, the Maryland Department of the Environment released a report summarizing the findings of the Yard Waste, Food Residuals, and Other Organic Materials Diversion and Infrastructure Study Group. It specifically recommended that the State promote on-farm composting and tasked MDE, the University of Maryland Extension, Soil Conservation Districts, and MDA to help train farmers.

The report also notes that the incorporation of food residuals into existing on-farm composting systems may improve manure management efficiency. Yet to date, little action has been taken to support on-farm composting. We believe that HB0253: *On-Farm Composting Facilities – Permit Exemption* provides an important step in this direction. It is also imperative that the State provide farmers with access to technical assistance to assure that they are equipped with knowledge of composting best management practices. Access to training on composting best management practices for farm service providers and regulators will also be essential. Thank you for taking action on this. I urge you to pass this bill.



HB 253_MDSierraClub_fav 15Feb2023.pdf

Uploaded by: Martha Ainsworth

Position: FAV



Maryland Chapter
P.O. Box 278
Riverdale, MD 20738

Committee: Environment and Transportation

Testimony on: HB 253 “Environment – On–Farm Composting Facilities – Permit Exemption”

Position: Support

Hearing Date: February 15, 2023

The Maryland Chapter of the Sierra Club supports HB 253. Current regulations allow on-farm compost facilities to operate without an MDE-issued permit within specific limits, including a footprint of 40,000 square feet or less for most feedstocks, but within a footprint of only 5,000 square feet for food residuals. This bill will expand the footprint for on-farm composting of food residuals without an MDE-issued permit from the current 5,000 square feet or less to 40,000 square feet or less.

HB 253 will increase the availability of food residual composting operations and bring them closer to where food residuals are generated, with the following benefits:

- **Conserving resources and increasing the use of compost**, a valuable soil amendment for local farmers. It is an opportunity for farmers to reduce reliance on chemical fertilizers that pollute air and water and are a petroleum product requiring energy to produce.
- **Diverting organic waste from landfills and incinerators**. Food waste is nearly 18% of municipal solid waste (MSW) by weight in municipal landfills, and about 30% of MSW is compostable.¹ Landfill space in Maryland is already in critically short supply, with existing capacity to last 31 years.² Diversion of food waste will reduce costs to taxpayers for waste disposal and conserve landfill space for waste that cannot be diverted.
- **Contributing to reaching Maryland’s Zero Waste food scrap goals of 60% diversion by 2025, 70% by 2030, and 90% by 2040.**³ To achieve these targets, the state’s Zero Waste Plan calls for increasing food donation, promoting compost use, and phasing in a food scrap disposal ban in commercial and institutional organizations – all of which are promoted by this bill.
- **Reducing future landfill methane emissions**. The anaerobic decomposition of organic matter such as food residuals in a tightly compacted landfill releases methane, a greenhouse gas many times more potent than carbon dioxide.

In addition to these benefits, diverting food waste from the waste stream would create green businesses and jobs and benefit the agricultural sector. It is an important step on the path to zero waste. For these reasons, the Maryland Chapter of the Sierra Club urges a favorable report on HB 253.

Ben Fischler
Chapter Zero Waste Team
brf57@yahoo.com

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

¹ MSW Consultants. 2017. “2016 Maryland Statewide Waste Characterization Study: Final Report.” MDE, July. Figure ES-3.

² Department of Legislative Services, Office of Policy Analysis. 2017. “Solid Waste Management and Recycling in Maryland.” Annapolis, Maryland. p. vii. (<http://dls.maryland.gov/pubs/prod/NatRes/January-2017-Waste-Management-in-Maryland.pdf>)

³ Maryland Department of the Environment (MDE). 2014. “Zero Waste Maryland: Maryland’s Plan to Reduce, Reuse, and Recycle Nearly All Waste Generated in Maryland by 2040.” December.

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

HB 253 CBF FAV.pdf

Uploaded by: Matt Stegman

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 253

Environment – On-Farm Composting Facilities – Permit Exemption

Date: February 15, 2023

To: House Environment and Transportation Committee

Position: Support

From: Matt Stegman

Title: Maryland Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 253 which requires the Department of the Environment to adopt regulations to exempt an on-farm composting facility from the requirement to obtain a permit if the facility meets certain condition for a permit exemption specified in regulations.

Soil health is key to the future of agriculture

Well-managed composting of waste adds biologically rich material to soils, feeding essential micro-organisms and fungi that improve soil health and enhance production of healthy, nutritious food. Healthier soils increase water holding capacity, facilitate nutrient cycling, and reduce soil loss, helping farmers maintain their land and minimizing risks to water quality and the Chesapeake Bay.

Food waste affects climate change

The diversion of food waste from incinerators and landfills through composting helps minimize the amount of carbon dioxide and methane released into the atmosphere by these traditional methods of waste management. Lower greenhouse gas emissions improve air quality, reduce impacts to human health, and increase resilience to the effects of climate change.

HB 253 promotes on-farm composting

HB 253 would allow an on-farm composting facility exemptions from permit requirements if the facility uses 40,000 square feet of area or less for active food scrap composting, composts only certain materials, records the amount and source of feedstock composted and the date and time the feedstock arrived on the farm, retains the records for three years, and meets any other condition specified in regulations.

This legislation will improve soil health, help fight the effects of climate change, and transition Maryland to a more effective, equitable, and environmentally sound waste management system.

CBF urges the Committee's FAVORABLE report on HB 253.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

HB 253 - MoCo_Wenger_FAV (GA 23).pdf

Uploaded by: Melanie Wenger

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

HB 253

DATE: February 15, 2023

SPONSOR: Delegate Shetty

ASSIGNED TO: Environment and Transportation

CONTACT PERSON: Melanie Wenger (melanie.wenger@montgomerycountymd.gov)

POSITION: Support (Office of Agriculture and Department of Environmental Protection)

Environment – On-Farm Composting Facilities – Permit Exemption

The Montgomery County Office of Agriculture and the Montgomery County Department of Environment support House Bill 253, which 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 40,000 square feet. This will expand opportunities for on-farm composting and will help support Montgomery County's food scraps recycling pilot program, without having to go outside of the County for composting.

Montgomery County's 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 Composting Facilities Regulations 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 these 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 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.

House Bill 253 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 the maintaining good records.

For the aforementioned reasons, the Montgomery County Office of Agriculture and the Montgomery County Department of the Environment respectfully request the Committee to act favorably on House Bill 253.

HB0253_FAV_Montgomery County Food Council .pdf

Uploaded by: Michelle Caruso

Position: FAV



February 13, 2023

**2023 SESSION SUPPORT TESTIMONY
HB0253: On-Farm Composting Facilities**

BILL: HB0253: On-Farm Composting Facilities - Permit Exemption
COMMITTEE: Environment and Transportation
POSITION: Testimony in Support of House Bill 0253
BILL ANALYSIS: Requiring the Department of the Environment to adopt regulations to establish a permit exemption for on-farm food waste composting on farm-based facilities where the on-farm composting comprises 40,000 square feet or less.

Dear Chair Barve and members of the Environment and Transportation Committee:

The Montgomery County Food Council (MCFC) urges you to **SUPPORT** this bill to expand the threshold for permit exemptions for on-farm composting facilities established under COMAR 26.04.11.06, if the facilities on-farm compost site uses 40,000 square feet of area (or less).

In order to create a more resilient and sustainable food system it is important to reduce food waste and expand food scrap composting within Maryland. This bill can benefit the environment and farmers by increasing allowances for certain on-farm composting operations. Specifically, expanding the exemption from 5,000 up to 40,000 square feet allows farmers to manage food scraps in the same footprint as they already are allowed to compost manure. The bill also establishes record-keeping requirements and best practices such as timely mixing with carbonaceous materials and incorporation into active composting. These requirements would be in addition to any Soil Conservation, Water Quality, or Nutrient Management Plans the farmers are also required to maintain.

Expanding the permitting exemption allowance supports Maryland farmers while furthering environmental protection goals. In 2022, the Montgomery County Food Council hosted a Symposium that brought together environmental food advocates from across Montgomery County and recommended that the state amend its farm size limits for on-farm composting, while also expanding on-farm food scrap composting opportunities that support farmers with additional income and composting sources. This bill can support environmental protection and small businesses within the state of Maryland.



P.O. Box 32212 | Bethesda, MD 20814 | 310-637-7071
mocofoodcouncil.org | info@mocofoodcouncil.org

We strongly support this bill to establish permit exemptions for on-farm composting facilities at sites where composting comprises less than 40,000 square feet. On-farm composting is vital to the health and safety of our environment and the current system requires small farmers to apply for permits, adding an additional burden onto an already demanding job. Reducing food waste and expanding food scraps composting are key avenues to creating long-term resilience and sustainability within our food system through the promotion of local agriculture. The implementation of permit exemptions will reduce the burden on small-scale farmers, helping to improve small-scale farms throughout the state of Maryland. **For these reasons, the Montgomery County Food Council supports HB0253 and urges a FAVORABLE REPORT for this bill.**

The Montgomery County Food Council is a nonprofit organization that serves as the primary connection point for businesses, nonprofits, government agencies, and residents around food system issues in our County. We bring together over 2,000 local and regional partners in community-wide education, advocacy, and capacity building initiatives. Our work cultivates a more resilient, sustainable, and equitable local food system by enhancing food access for the over 100,000 at risk for hunger, expanding food education opportunities for all residents, supporting our County's farms and food and beverage businesses, and addressing the impact of local food production, distribution, consumption and recycling on our natural resources

For more information, please contact Massa Cressall, Interim Executive Director, at the email and phone number below.



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testimony - on-farm composting permit exemption-Ho

Uploaded by: Jane Seigler

Position: FWA



MARYLAND
HORSE
COUNCIL

P.O. Box 606 | Lisbon, Maryland 21797
www.mdhorsecouncil.org

One Common Bond: The Horse
One Common Voice: The Horse Council

In the House Environment & Transportation Committee, February 15, 2023

Testimony of the Maryland Horse Council on HB 253

Environment - On-Farm Composting Facilities - Permit Exemption -
FAVORABLE WITH AMENDMENT

The Maryland Horse Council (MHC) is a membership-based trade association that represents the state-wide horse industry in Maryland. Our members include horse farms; horse related businesses; equestrian competitors; trainers; individual enthusiasts; equine-assisted therapy programs; and breed, interest, and discipline associations. We stand for 30,000 Marylanders who make their living with horses, or who just own and love them.

MHC supports exempting an on-farm composting facility from the requirement to obtain a permit under COMAR 26.04.11.06 if the facility meets the requirements in Section 9-1725(c)(3)(I) and (II) (page 3, line 32, and 4, lines 1 - 18).

However, we believe that the record keeping provisions of Section 9-1725(c)(3)(III) (page 4, lines 19 - 24) are ambiguous and could be construed to mean that the record keeping requirement would apply even to farms that compost just their own animal manure and bedding produced on-site. Such a requirement would be unduly burdensome and highly impractical for small farms that compost only their own manure and bedding.

Therefore, we request that HB 253 be amended to clarify that the record keeping requirement does not apply to farms that compost only their own manure and animal bedding.

Respectfully submitted,

THE MARYLAND HORSE COUNCIL
(844) MDHORSE (844-634-6773)
info@mdhorsecouncil.org

BDC - 2023 - HB 253 - onfarm composting.pdf

Uploaded by: Aaron Greenfield

Position: UNF

To: Environment and Transportation Committee
From: Bioenergy Devco
Subject: House Bill 253, Environment - On-Farm Composting Facilities - Permit Exemption
Date: February 15, 2023
Position: Unfavorable

Bioenergy Devco opposes House Bill 253, Environment - On-Farm Composting Facilities - Permit Exemption.

This testimony is offered on behalf of Bioenergy Development Company (BDC), the foremost providers of anaerobic digester solutions and is a pioneer in this sector. The core expertise of our company lies in planning, producing and constructing the plants. For over 20 years and more than 250 biogas plants, our qualified team of engineers, biologists, chemists, agronomists, designers and marketing experts has significant experience in the design, construction and operation of anaerobic digester power plants and thus offers expertise in service, consultation and biological support.

This bill requires the Maryland Department of the Environment (MDE) to establish an exemption, by regulation, from the permitting requirements under the Code of Maryland Regulations (COMAR) 26.04.11.06 for an on-farm composting facility that (1) uses 40,000 square feet (ft²) of area or less in support of food scrap composting and (2) meets any other conditions specified in regulations.

BDC recognizes the need for added capacity for organics/food scrap recycling in the state; however, we also are very familiar with the impacts on air, water and soil if operations are not held to standards laid out in COMAR 26.04.11.06. By removing and/or reducing permitting/regulatory requirements for on farm composting this disrupts the flow of food scraps to other more thoroughly regulated organics recycling facilities and in absence of regulation may have a host of issues related to odor, vectors (rodents, insects etc.) leaching and emissions. Further, if a system fails, it would tarnish the reputation of local agriculture as well as organic recycling facilities.

The use of composting and anaerobic digestion processes can play a significant role in achieving goals for reducing greenhouse gas emissions and reducing the volume of material deposited in landfills; however, these practices should be expanded with consistent regulation to prevent negative impacts on surrounding communities and ensure the quality of resulting soil products.

For these reasons, Bioenergy Devco respectfully requests an unfavorable report on House Bill 253.

For additional information, please contact Aaron J. Greenfield at 410.446.1992

HB0253-ET-LOI.pdf

Uploaded by: Nina Themelis

Position: INFO



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB 253

February 15, 2023

TO: Members of the Environment and Transportation Committee

FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations

RE: House Bill 253 – Environment – On-Farm Composting Facilities – Permit Exemption

POSITION: LETTER OF CONCERN

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) has concerns regarding Senate Bill 262.

Senate Bill 262 would require the Maryland Department of the Environment (MDE) 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.

Chapter 686 of 2013 requires MDE to adopt regulations governing the permitting and operation of composting facilities. MDE did promulgate the required regulations in 2014 that specify how to construct and operate composting facilities in Maryland (Chapter 11 under COMAR 26.04). Composting facilities are classified into one of three tiers based on the feedstock that is accepted at the facilities. Regulation .06 of Chapter 11 generally prohibits a person from operating an on-farm composting facility without an MDE-issued permit. SB 262 would exempt an on-farm composting facility from having to get a permit under COMAR 26.04.11.06 if the facility: (1) composts only organic materials generated on site or at another farm controlled by the same operator and complies with other specified restrictions; (2) uses only up to 40,000 square feet of area in support of composting operations and complies with other specified agricultural, soil conservation, and other requirements; or (3) uses only up to 5,000 square feet of area in support of composting operations and qualifies as a Tier 1 or 2 facility that complies with feedstock, pile size, and other specified regulatory requirements.

Baltimore City's Less Waste Better Baltimore plan and Food Waste & Recovery Strategy recommend that development of local composting processing capacity to assist with reaching the City's goal of 90% food and organic waste diversion by 2040. Making it easier for the private farm sector to develop on-farm composting would encourage local farms to consider diverting food waste and other organic materials in this manner.

Baltimore City is an ultra-urban environment that is experiencing continued interest in and growth of urban agriculture. Many of these farming activities include some form of composting, and some of these farmers educate residents on the importance of composting and how to responsibly compost in backyards. In many cases these farms are filling a need for fresh produce in communities that do not have ready access to fresh food. While the City is very supportive of these opportunities for urban farming and for onsite composting, it is important to point out that a composting facility of 40,000 square feet equates to almost an acre, and would be much more impactful in densely developed neighborhoods. Current exemptions are for composting activities that are less than 5,000 square feet. Being exempt from a permit means that these facilities would not have to follow the siting and design requirements and operating requirements under COMAR 26-01-11-08.09. If these large composting facilities are not held to these standards, then there is a lot that could potentially go wrong in an urban setting, given the close proximity to other properties and to the City's storm drain systems.

The City of Baltimore is supportive of encouraging composting as embodied in HB 253, but respectfully asks the Committee, in your deliberations, to consider whether a one-size-fits-all approach will provide enough environmental protections in urbanized areas.

MDE (HB0253) LOI.pdf

Uploaded by: Tyler Abbott

Position: INFO



February 15, 2023

The Honorable Kumar P. Barve, Chair
Environment and Transportation Committee
House Office Building, Room 251
Annapolis, Maryland 21401

Re: House Bill 253 – Environment – On-Farm Composting Facilities – Permit Exemption

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed House Bill 253 and we would like to provide information regarding this bill.

Under §9-1725 of the Environment Article, MDE has broad authority to adopt regulations to establish conditions under which a person may construct and operate a composting facility in the State, including establishing exceptions to any requirement to obtain a Composting Facility Permit or approval from the Department. House Bill 253 would amend §9-1725 of the Environment Article to require MDE's regulations to exempt an on-farm composting facility from the requirement to obtain a Composting Facility Permit if the on-farm composting facility uses 40,000 square feet of area or less in support of food scrap composting and meets any other condition for a permit exemption specified in regulation.

MDE regulations currently exempt an on-farming composting facility from the Composting Facility Permit if the facility uses 40,000 square feet of area or less in support of composting; however, the exemption allows for the composting of food scraps only if those materials were generated on site or at another farm controlled by the same operator. The exemption also allows for the composting of Type 1 feedstocks (e.g., yard waste) and animal manure and bedding, regardless of the site of generation (see COMAR 26.04.11.06D). Under House Bill 253, MDE would need to amend the regulations to include a Composting Facility Permit exemption for on-farm composting facilities using 40,000 square feet of area or less in support of food scrap composting, regardless of the site of generation.

House Bill 817 of 2011 required MDE, in consultation with the Maryland Environmental Service (MES) and the Maryland Department of Agriculture (MDA), to study composting in the State, develop recommendations on how to promote composting in the State, and report findings and recommendations to the General Assembly. To conduct the study, MDE convened a Composting Workgroup that included representatives from MDA, MES, the composting industry, local governments, and other stakeholders. The final report from the study recommended that MDE adopt regulations with a tiered system of permits and permit exemptions for composting facilities. The final report from the study specifically recommended a tiered approach to on-farm composting, with certain on-farm composting activities exempt from the permit requirement and others

subject to the same permit and operational conditions required of non-farm facilities. This approach was further refined, with additional stakeholder consultation, during the development of the composting facility regulations.

MDE supports initiatives that promote composting of food scraps and on-farm composting operations. In 2021, an estimated 240,168 tons or 22.7 percent of food waste generated in Maryland was recycled, an estimated 104,808 tons of which were composted. Composting of surplus food that cannot be diverted for human or animal consumption helps to reduce greenhouse gas emissions related to disposal, conserve existing landfill capacity, and create a valuable soil amendment that improves soil health.

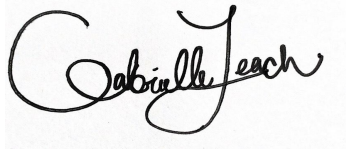
Despite the benefits of composting, poorly managed composting operations can result in issues like leachate or other material discharging to surface and groundwaters of the State, nuisance odors, and insect and rodent infestations. The regulations were developed with the intention of preventing these issues at permitted facilities through design and operational controls and oversight, including provisions to prevent uncontrolled runoff or groundwater contamination from water that has contacted the feedstocks. MDE also sought to balance these environmental safeguards with more flexibility for smaller or lower-risk sites, including smaller facilities and on-farm facilities that managed the types of materials already typically managed on farms. Allowing a commercial-scale composting facility to accept and manage significant quantities of food scraps without a Composting Facility Permit as long as it is located on a farm would be inconsistent with the original rationales for the permit requirements and exemptions. Additionally, as the bill would allow a commercial-scale food scraps composting facility on a farm to operate without a permit and the accompanying safeguards, while still imposing those requirements on an identical facility located elsewhere, it may put operations on unequal competitive footing without any meaningful environmental distinction.

Another consideration that needs to be explored with this bill is that new sources or expanding sources not identified for that watershed's current Total Maximum Daily Load need to identify offsets due to lack of wasteload allocations. In addition to this, this bill would not eliminate the requirement for a National Pollutant Discharge Elimination System discharge permit, currently provided under the stormwater permit. However, the coverage under the general permit depends on the protections in the compost permit. The unintended consequence of this would be that smaller operators are forced into more expensive and time-consuming individual permits.

Amendment: MDE has been actively working with the House sponsor and recognizes the need to expand capacity for composting food scraps in particular and is willing to work with bill's proponents and relevant stakeholders on any necessary regulatory adjustments to the composting facility regulations to ensure they are not overly burdensome to on-farm composting facilities but remain protective of public health and the environment. MDE would be willing to entertain expansion of the current 5,000 square foot exemption to 10,000 square feet, double the current exemption, to help address concerns of small on-farm operations.

Thank you for your consideration. We will continue to monitor HB253 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6304 or by e-mail at gabrielle.leach@maryland.gov.

Sincerely,

A handwritten signature in black ink that reads "Gabrielle Leach". The signature is written in a cursive style with a large initial 'G' and 'L'.

Gabrielle Leach, Deputy Director, Legislative and Intergovernmental Relations

cc: The Honorable Emily Shetty
Tyler Abbott, Director, Land and Materials Administration