



# Montgomery County

## Office of Intergovernmental Relations

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**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)**

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### **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.