

**SB262: Environment – On–Farm Composting Facilities – Permit Exemption**  
House Environment and Transportation Committee  
March 29, 2023

Dear Chairman Barve and Members of the Committee,

SB262 represents the final amendments negotiated between advocates and the Maryland Department of the Environment. It has some additional amendments and language changes from what passed the House. The following is an explanation of all of the amendments on the bill, including those that are included on HB253 as well as SB262.

**Reducing Area to 10,000 Square Feet:** MDE asked for on-farm food scrap composting to be limited to 10,000 square feet for active-food scrap composting. The amendments to SB262 reduce the area to 10,000 square feet.

*Difference from the House: The House defined materials-to-be-composted for active food scrap composting to include all materials that could be composted, including manure. However, manure and materials that can be composted under the existing 40,000 square foot exemption should not count against the more limited area for food-scrap composting. This language counts food scraps brought onto the farm and the piles with co-mingled food scraps against the 10,000 square foot area.*

**Feedstock Restrictions:** BioEnergy DevCo asked for clarification on animal processing residuals, so we have clarified that industrial animal processing residuals are NOT allowed under this permit exemption.

*Same as the House.*

**Requirements for Nutrient Management Plans/Other Plans:** Under existing permit exemptions, farms must incorporate their compost operations into their nutrient management plan (if required) and EITHER their soil conservation plan and water quality plan OR agricultural waste management plan. This language codifies that requirement.

*Same as the House.*

**Recordkeeping Clarification:** BioEnergy DevCo requested that the law be clarified that it is the operator of the on-farm compost facility who needs to be responsible for recordkeeping.

*Same as the House.*

**Second Recordkeeping Clarification:** It was our intention all along to only require the additional recordkeeping requirement for food scraps, and not to require new recordkeeping for manure-only operations. This clarification was also asked for by at least one horse group.

*Different than House.*

**Records Upon Request:** MDE asked that farmers provide their records to them upon request.

*Same as the House.*

**Study:** MDE requested that a study be added.

*Same as the House.*

**Intent to not supersede existing permit exemptions:** Since SB262 now has additional requirements and covers a different square footage than originally drafted, the Farm Bureau and environmental advocates asked for this language so the existing permit exemptions that allow small facilities under 5,000 square feet and on-farm non-food-scrap operations up to 40,000 square feet to continue to exist.

*Different than the House. This was not discussed in the House, but we decided it was important after discussions with the Maryland Farm Bureau.*

**Notification.** MDE asked that farmers operating under this food scrap permit exemption notify them.

*Different than the House, where notification language did not get added (but had previously been discussed between advocates and MDE).*

Thank you for your work on this bill over the last two years and we urge a favorable report on SB262.

Thank you,

Emily Ranson  
Maryland Director  
Clean Water Action