Testimony in <u>SUPPORT</u> of HB991

February 26, 2024

Dear Chairman Korman and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT** of **HB991** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with more than 2,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

HB991 will bring much needed oversight and accountability to the storage and handling of industrial sludge material, also referred to as DAF ("Dissolved Air Flotation"). A University of Maryland "Animal Waste Technology Assessment and Strategy Planning[1]" report shows that Maryland is on the receiving end of *more than 60% of the DAF that's generated regionally*. The report makes some key findings related to the current inadequacies of handling and storing DAF:

1. **Maryland is a major sink for DAF from both in- and out-of-state sources (Page 22)**
    - Maryland generates DAF at three poultry processing facilities and receives substantial shipments from Delaware and Virginia (Page 21)
    - Most DAF is generated in states other than Maryland (Page 22)
    - Farmers in Maryland reported the importation of nearly 30 million gallons of DAF in 2019 and at least37 million gallons in 2020, which respectively accounted for 50% and 62% of the ~60 million gallons generated regionally (Page 22)
    - It is estimated that between 2019 and 2021, 93.9 million gallons of DAF were imported into Maryland counties, containing 4.78 million lbs. of nitrogen, 1.75 million lbs. of phosphorus, and 0.273 million tons of potassium (Page 21)

2. **The reporting and tracking of DAF use in Maryland is inadequate**
    - No comprehensive public databases track DAF generation, shipment, and composition in Maryland (Page 21)

3. **The make-up of DAF is largely unknown and differs between truck loads. It's also a poor nutrient source for crops.**
    - The solids and nutrient content of the DAF products delivered to the fields may also vary by shipment, since transport companies combine loads from multiple different facilities during transport (Page 22)
    - Raw DAF soil amendments may be a poor choice to limit nutrient runoff (Page 23)

[1] Lansing, P., *Maryland Animal Waste Technology Assessment and Strategy Planning, Final Report*. University of Maryland, September 2023. PDF: https://extension.umd.edu/sites/extension.umd.edu/files/2023-10/Final.Report.AWTF_.Assessment.pdf

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We support HB991 because the improper use of DAF can lead to water pollution and the undermining of priority practices intended to help the agricultural industry meet the Chesapeake Bay clean-up goals:

Example 1: In November of 2023, a resident of Caroline County witnessed the stream behind his house filled with a black muck-like material that discolored the entire water column. **After investigating, we learned that a DAF hauler from Pennsylvania leased an upstream property with a wastewater lagoon that they intentionally drained of its contents to waters of the state over a 48-hour period.** A representative of the Pennsylvania company stated that the pond was drained for the purpose of storing DAF and dairy manure. An investigation report of this incident, including the photos of the lagoon drained of its contents, are including as Attachment #1 with this comment letter.

Example 2: In September of 2023 a DAF hauling company from Arkansas was subject of a nuisance complaint in Talbot County for their repeated use and industrial-like storage of DAF on a farm that caused sickening odors and insect infestations in the surrounding community. **During a hearing in front of the Talbot County Agricultural Resolution Board, the Arkansas-based company testified to the fact that their strategy for finding farms to apply DAF to includes buying farmers out of their state-subsidized cover crop contract.** According to the Department of Legislative Services' Chesapeake Bay Restoration Strategies report, "Cover crops have been described as the State's single most cost-effective BMP available to prevent nitrogen from entering groundwater and polluting the bay" (Page 8).[2] The incentive of hauling, using and storing DAF in Maryland is directly undermining efforts to protect local water quality and meet the Chesapeake Bay Clean-up goals.

Example 3: In September 2022. a DAF hauling company from Arkansas seen leaving the Dorchester County rendering plant spilled contents of its truck load onto the roadway. **Upon investigating the spill, it was discovered that the truck contained raw chicken parts, including feet, beaks, and the intestines of the chicken (photos are included in Attachment #2).** This spill contributed to polluted runoff into the nearby Tred Avon River. Spills like this are reported to be increasing and more common in other states where a large number of the DAF generators are located: Another mess in Clinton Yields Charges: Third ag byproduct spill in Clinton in two weeks (North Carolina) and Same site, another spill: Officials respond to early-morning ag byproduct mess (North Carolina).

Lastly, we support **HB991** because, as amended, it will utilize the expertise from the Maryland Department of Agriculture and Maryland Department of Environment to bring much needed accountability and oversight and ensure that any storage and use of DAF in Maryland is done responsibly and in a way that doesn't impact local water quality and the health and well-being of the surrounding community. For these reasons, we ask the Committee to provide a favorable report on **HB991**.

Sincerely,

Matt Pluta, Choptank Riverkeeper

[2] Gray, A. Heide, C., *Chesapeake Bay Restoration Strategies: Agricultural Certainty, Cover Crops, and Nutrient Trading,* Department of Legislative Services. 2013. PDF: https://dls.maryland.gov/pubs/prod/NatRes/Chesapeake-Bay-Restoration-Strategies.pdf

Pollution Incident Report:

Peaviner Road Wastewater Lagoon Spill

August 14-18, 2023

Photos, Maps and Descriptions

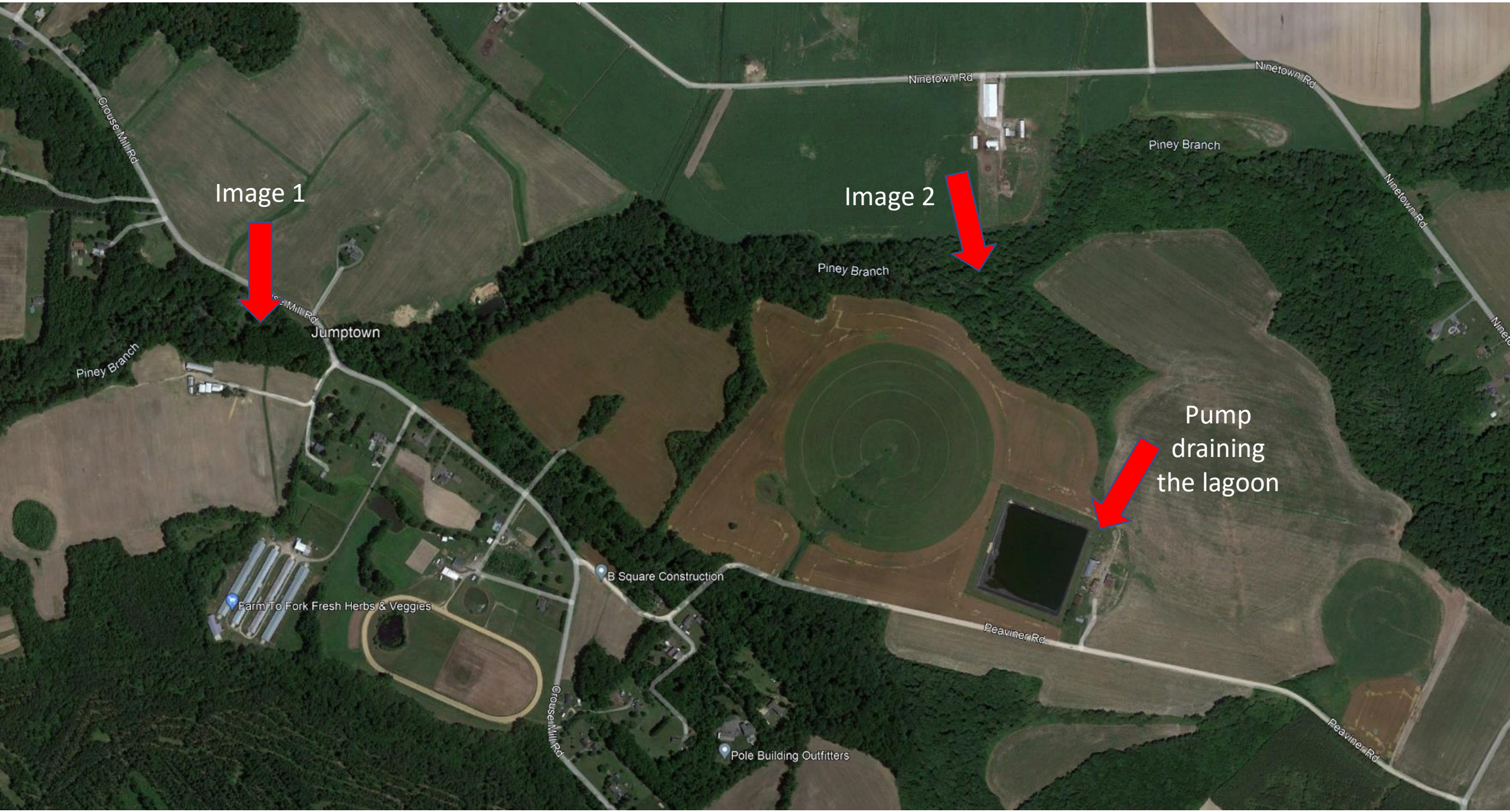
Image 1
Image 2
Pump draining the lagoon
Ninetown Rd
Ninetown Rd
Ninetown Rd
Crouse Mill Rd
Crouse Mill Rd
Crouse Mill Rd
Jumptown
Piney Branch
Piney Branch
Piney Branch
Piney Branch
B Square Construction
Farm To Fork Fresh Herbs & Veggies
Peavine Rd
Peavine Rd
Pole Building Outfitters

Image 1: Murky water in Piney Branch as seen .85 miles downstream of source. 38.960852°, -75.920407° (8-12-2023)

Image 2: Murky water draining from property with wastewater lagoon. 38.961983°, -75.905058° (8-13-2023)

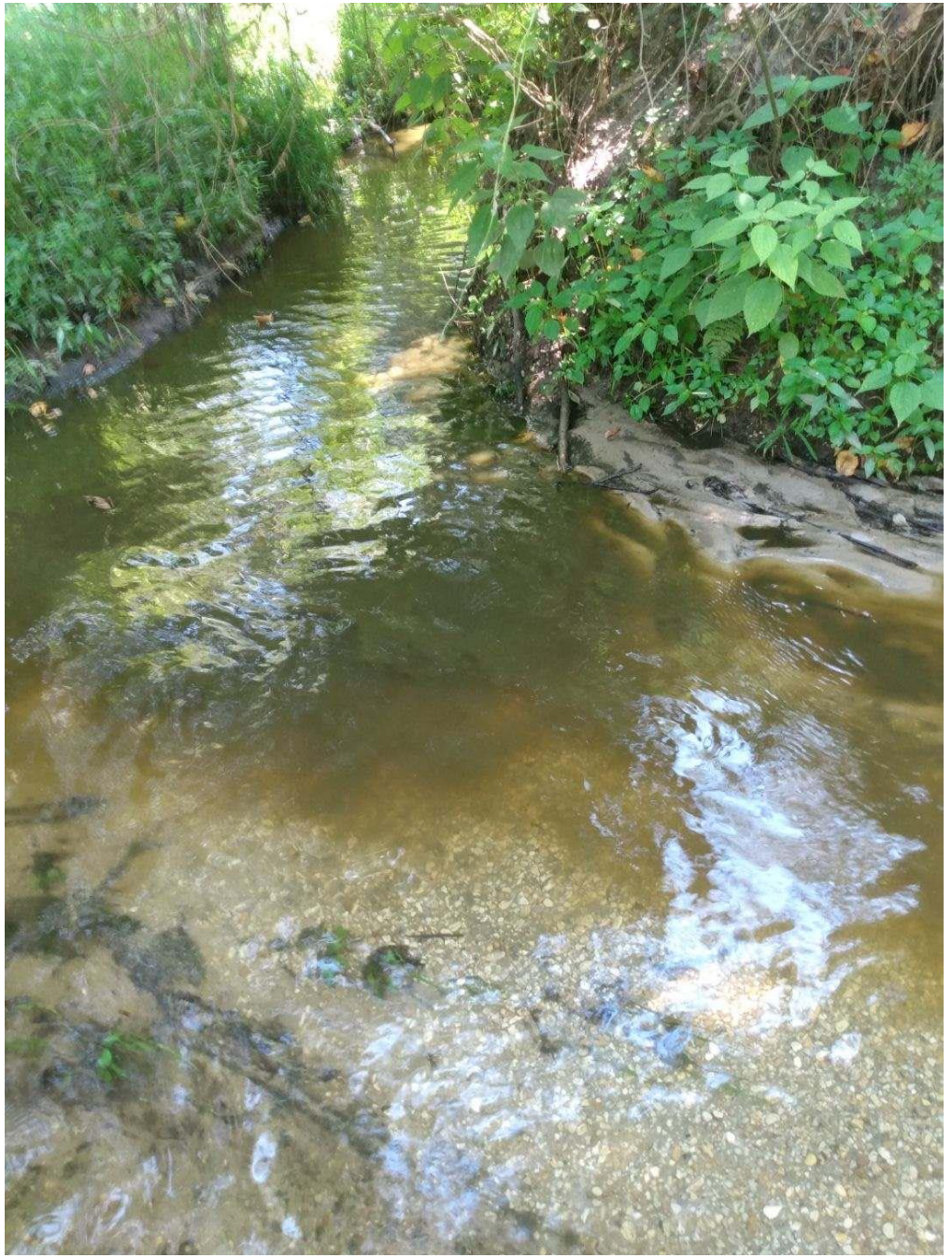

Image 3: Aerial image showing drained wastewater lagoon and solid waste dump (8-14-2023)

Image 4: Northeast corner of wastewater lagoon showing a pump and hose actively draining the lagoon (8-14-2023)

Image 5:
Close-up of pump and hose (8-14-2023)

Image 6:
Sludge from the lagoon stored on the ground uncontrolled (8-18-2023)

Image 7:
Aerial of drained and lagoon and sludge from the lagoon stored on the ground uncontrolled (8-18-2023)

Pollution Incident Report:

Agricultural Byproduct Spill

September 2022

Image 1:
DAF truck spill on Route 50 near Easton, MD.

September 20, 2022

Image 2 and 3:
Contents of spill
September 20, 2022

Image 4

DAF truck spill on Route 50 near Cambridge, MD

August 2022

Image 5:
Contents of DAF truck spill on Route 50 near Cambridge, MD

August 2022