



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB 991 – Industrial Sludge Utilization Permit - Establishment**

Chair Korman, Vice Chair Boyce, Members of Environment & Transportation –

HB 991 is a bi-partisan bill, crossfiled with Senator Ready, that seeks to address environmental and community problems stemming from the land application and storage of Dissolved Air Flotation (DAF) residuals.

Dissolved Air Flotation (“DAF”) is a process that takes wastewater from a processing plant (such as Valley Proteins) and injects it with pressurized air and chemicals, which causes solids to bind and float to the top. The top is skimmed off and used as a soil conditioner (called DAF Industrial Sludge, DAF residuals, or food processing residuals).

Both Delaware and Virginia have robust permit programs and comprehensive rules regulating the use of DAF residuals. Maryland does not, and as a result, we have become the dumping grounds for neighboring states. A University of Maryland Study estimated that between 2019 and 2021, 93.9 million gallons of DAF containing 4.78 million pounds of nitrogen and 1.75 million pounds of phosphorous were imported into Maryland.<sup>1</sup>

Many Maryland farmers use DAF residuals as a soil amendment as part of their nutrient management plan, and most use it responsibly. Unfortunately, some do not: they do not incorporate it into their soil, they use too much of it, or they use it in rainy conditions. All these misapplications contribute to nutrient runoff and community nuisances.

The environmental problem with DAF residuals comes both from the run-off from the improper application of DAF residuals, as well as from storage tanks. As the demand for DAF material storage and disposal has increased, larger and larger open air storage tanks have popped up in Maryland’s agricultural communities. These tanks can leak, introducing nutrient-rich DAF material into nearby streams and rivers. For example, in 2023, a plumbing failure at a DAF residual storage tank in Wicomico County caused an estimated 30,000 gallons of DAF to discharge into the water. These discharges enter the Bay and counter our efforts to limit nutrients and meet our water quality goals.

DAF residuals have a horrible odor – similar to a dead body - and when stored in an open container or over-applied to fields, is overpowering and lasting. This can be a tremendous community nuisance, making neighbors’ property nearly uninhabitable. In Talbot County

---

1

[https://extension.umd.edu/arec.umd.edu/sites/extension.umd.edu/files/202310/Final.Report.AWTF\\_-\\_Assessment.pdf](https://extension.umd.edu/arec.umd.edu/sites/extension.umd.edu/files/202310/Final.Report.AWTF_-_Assessment.pdf)

residents have spent several years fighting for relief when a nearby farm was overapplying DAF material from poultry and seafood rendering plants. “[R]esidents said the smells coming from the farm were ‘horrendous’ and could not be removed from clothes, hair, carpets, and furniture. Midges and gnats emerging from the fields were seen swarming nearby residential areas.”<sup>2</sup> Residents have reported health concerns from the sludge, like headaches, dizziness, and children vomiting while waiting for the school bus.<sup>3</sup>

HB 991 seeks to regulate the usage of DAF residuals by creating a permitting process for hauling, storage, and land application. The program is designed to work in conjunction with the state’s existing nutrient management regulations and impose a minimal burden on those who use DAF responsibly. Meanwhile, it gives regulators new, tougher tools to crack down on the bad actors.

The amended language that you have has been developed collaboratively by MDA, MDE, environmental advocates, and legislators representing affected communities. It reflects engagement with impacted stakeholders, including Delmarva Chicken Association and the Grain Producers, who agree in principle with the amendments.

For the foregoing reasons, I respectfully request a favorable report on HB 991.

---

<sup>2</sup> Shore Rivers, Wicomico Environmental Trust, Chesapeake Bay Foundation, “Marylanders at Risk from Industrial Sludge.”

<sup>3</sup> <https://www.cbf.org/blogs/save-the-bay/2023/12/stop-the-influx-of-industrial-sludge.html>