

# SENATE BILL 229

M3, M4

2lr0713  
CF HB 184

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By: ~~Senator Gallion~~ **Senators Gallion, Carozza, and Hester**

Introduced and read first time: January 13, 2022

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – On–Farm Composting Facilities – Permit Exemption**

3 FOR the purpose of requiring the Department of the Environment to adopt regulations to  
4 exempt an on–farm composting facility from a certain requirement to obtain a permit  
5 if the on–farm composting facility meets certain conditions; and generally relating  
6 to on–farm composting facilities.

7 BY repealing and reenacting, with amendments,

8 Article – Environment

9 Section 9–1725

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2021 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
13 That the Laws of Maryland read as follows:

14 **Article – Environment**

15 9–1725.

16 (a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
17 **INDICATED.**

18 **(2) “CONTAMINATED FEEDSTOCK” MEANS FEEDSTOCK THAT**  
19 **CONTAINS MORE THAN 2% BY DRY WEIGHT OF:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (I) MAN-MADE INERT MATERIAL; OR

2 (II) FILM PLASTIC.

3 (3) (I) “FARM” MEANS THE SITE OF A BUSINESS OR ACTIVITY  
4 OPERATED FOR THE PRIMARY PURPOSE OF TILLING, CROPPING, KEEPING,  
5 PASTURING, OR PRODUCING AN AGRICULTURAL PRODUCT OTHER THAN COMPOST,  
6 INCLUDING LIVESTOCK, POULTRY, PLANTS, TREES, SOD, FOOD, FEED, OR FIBER, BY  
7 IN-GROUND, OUT-OF-GROUND, CONTAINER, OR OTHER CULTURE.

8 (II) “FARM” DOES NOT INCLUDE THE SITE OF A BUSINESS OR  
9 ACTIVITY OPERATED FOR THE PRIMARY PURPOSE OF PRODUCING COMPOST.

10 (4) (I) “LIQUID FEEDSTOCK” MEANS GREASE, OIL, OR SOME  
11 OTHER LIQUID.

12 (II) “LIQUID FEEDSTOCK” DOES NOT INCLUDE FOOD SCRAPS  
13 THAT CONTAIN SOME LIQUID.

14 (5) (I) “OFF-SITE TYPE 2 FEEDSTOCK” IS TYPE 2 FEEDSTOCK THAT  
15 IS GENERATED OFF-SITE.

16 (II) “OFF-SITE TYPE 2 FEEDSTOCK” MAY NOT INCLUDE ANIMAL  
17 MORTALITIES.

18 (6) (I) “ON-SITE TYPE 2 FEEDSTOCK” IS TYPE 2 FEEDSTOCK THAT  
19 IS GENERATED ON-SITE.

20 (II) “ON-SITE TYPE 2 FEEDSTOCK” MAY INCLUDE ANIMAL  
21 MORTALITIES.

22 (7) “TYPE 1 FEEDSTOCK” MEANS:

23 (I) YARD WASTE, AS DEFINED IN § 9-1701 OF THIS SUBTITLE;  
24 AND

25 (II) OTHER MATERIALS DETERMINED BY THE DEPARTMENT TO  
26 POSE A LOW LEVEL OF RISK FROM HAZARDOUS SUBSTANCES, HUMAN PATHOGENS,  
27 AND PHYSICAL CONTAMINANTS.

28 (8) “TYPE 2 FEEDSTOCK” MEANS:

1                   **(I) SOURCE-SEPARATED ORGANICS FROM RESIDENTIAL**  
 2 **CURBSIDE OR DROP-OFF PROGRAMS AND NONRESIDENTIAL SOURCES, INCLUDING**  
 3 **PRECONSUMER AND POSTCONSUMER FOOD SCRAPS AND NONRECYCLABLE PAPER;**  
 4 **AND**

5                   **(II) DEPARTMENT-APPROVED ANIMAL MANURE AND BEDDING,**  
 6 **WITH DEPARTMENT APPROVAL BASED ON FACTORS SUCH AS MOISTURE CONTENT**  
 7 **AND PATHOGEN RISK.**

8           **(B)** A person may operate a composting facility in the State only in accordance  
 9 with this part and any regulation, order, or permit adopted or issued under this part.

10           ~~(B)~~ **(C)** (1) The Department shall adopt regulations to implement the  
 11 provisions of this part.

12                   (2) [Regulations] **THE REGULATIONS** adopted under paragraph (1) of this  
 13 subsection may:

14                   (i) Establish conditions under which a person may construct and  
 15 operate a composting facility in the State;

16                   (ii) Establish a tiered system of permits or approvals for composting  
 17 facilities based on the type of feedstock, size of the facility, and other factors determined by  
 18 the Department to be appropriate;

19                   (iii) Establish design and operational conditions for composting  
 20 facilities to protect public health and the environment and to minimize nuisances;

21                   (iv) Establish exceptions to any requirement to obtain a composting  
 22 facility permit or approval;

23                   (v) Exempt certain organic materials that are composted from being  
 24 designated as solid wastes; and

25                   (vi) Establish any other provisions the Department deems necessary  
 26 to implement the provisions of this subtitle related to composting.

27                   **(3) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL**  
 28 **EXEMPT AN ON-FARM COMPOSTING FACILITY FROM THE REQUIREMENT TO OBTAIN**  
 29 **A PERMIT UNDER COMAR 26.04.11.06 IF THE ON-FARM COMPOSTING FACILITY:**

30                   **(I) USES 40,000 SQUARE FEET OF AREA OR LESS ~~IN SUPPORT~~**  
 31 **~~OF~~ FOR ACTIVE FOOD SCRAP COMPOSTING; ~~AND~~**

32                   **(II) COMPOSTS ONLY ONE OR MORE OF THE FOLLOWING:**

1                                   **1. ORGANIC MATERIALS GENERATED ON SITE OR AT**  
 2 **ANOTHER FARM CONTROLLED BY THE SAME OPERATOR;**

3                                   **2. ANIMAL MANURE AND BEDDING, GENERATED ON**  
 4 **SITE;**

5                                   **3. TYPE 1 FEEDSTOCK, REGARDLESS OF THE PLACE OF**  
 6 **GENERATION;**

7                                   **4. OFF-SITE TYPE 2 FEEDSTOCK THAT IS:**

8                                   **A. NOT CONTAMINATED OR LIQUID;**

9                                   **B. IMMEDIATELY MIXED WITH CARBONACEOUS TYPE 1**  
 10 **FEEDSTOCK; AND**

11                                   **C. INCORPORATED INTO ACTIVE COMPOSTING WITHIN**  
 12 **24 HOURS AFTER ARRIVING ON SITE; OR**

13                                   **5. ON-SITE TYPE 2 FEEDSTOCK;**

14                                   **(III) 1. RECORDS THE:**

15                                   **A. AMOUNT AND SOURCE OF FEEDSTOCK BEING**  
 16 **COMPOSTED; AND**

17                                   **B. DATE AND TIME THE FEEDSTOCK ARRIVES ON THE**  
 18 **FARM; AND**

19                                   **2. RETAINS THE RECORDS FOR 3 YEARS; AND**

20                                   **(IV) MEETS ANY OTHER CONDITION FOR A PERMIT EXEMPTION**  
 21 **SPECIFIED IN REGULATIONS.**

22                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 23                                   October 1, 2022.