



Maryland Chapter
P.O. Box 278
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Committee: Education, Health, and Environmental Affairs

Testimony on: SB 229 “Environment – On–Farm Composting Facilities – Permit Exemption”

Position: Support with Amendment

Hearing Date: January 25, 2022

The Maryland Chapter of the Sierra Club supports SB 229 with a clarifying amendment. This bill will expand the footprint for on-farm composting of food residuals without an MDE-issued permit from the current 5,000 square feet or less to 40,000 square feet or less. Current regulations allow on-farm compost facilities to operate without an MDE-issued permit within specific limits, including a footprint of 40,000 square feet or less for most feedstocks, but within a footprint of only 5,000 square feet for food residuals.

Expanding on-farm food scrap composting to 40,000 square feet without requiring an MDE permit will increase the availability of food residual composting operations and bring them closer to where food residuals are generated, with the following benefits:

- Conserving resources and increasing the use of compost, a valuable soil amendment for local farmers. It is an opportunity for farmers to reduce reliance on chemical fertilizers that pollute air and water and are a petroleum product requiring energy to produce.
- Diverting organic waste from landfills and incinerators. Food waste is nearly 18% of municipal solid waste (MSW) by weight in municipal landfills, and about 30% of MSW is compostable.¹ Landfill space in Maryland is already in critically short supply, with existing capacity to last 31 years.² Diversion of food waste will reduce costs to taxpayers for waste disposal and conserve landfill space for waste that cannot be diverted.
- Contributing to reaching Maryland’s Zero Waste food scrap goals of 60% diversion by 2025, 70% by 2030, and 90% by 2040.³ To achieve these targets, the state’s Zero Waste Plan calls for increasing food donation, promoting compost use, and phasing in a food scrap disposal ban in commercial and institutional organizations – all of which are promoted by this bill.
- Reducing future landfill methane emissions. The anaerobic decomposition of organic matter such as food residuals in a tightly compacted landfill releases methane, a greenhouse gas many times more potent than carbon dioxide.

While we support the objective of the bill, it is ambiguous about what part of the Maryland Code will be changed and any other requirements that the expanded food scrap expansion would have to satisfy. We propose a clarifying amendment that would increase the maximum area for food residual composting to 40,000 square feet without requiring an MDE permit if it:

¹ MSW Consultants. 2017. “2016 Maryland Statewide Waste Characterization Study: Final Report.” MDE, July. Figure ES-3.

²Department of Legislative Services, Office of Policy Analysis. 2017. “Solid Waste Management and Recycling in Maryland.” Annapolis, Maryland. p. vii. (<http://dls.maryland.gov/pubs/prod/NatRes/January-2017-Waste-Management-in-Maryland.pdf>)

³Maryland Department of the Environment (MDE). 2014. “Zero Waste Maryland: Maryland’s Plan to Reduce, Reuse, and Recycle Nearly All Waste Generated in Maryland by 2040.” December.

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

- is constructed and operated with a nutrient management plan;⁴
- implements either a soil conservation or agricultural waste management system plan;
- describes the composting facility components and design, schedule for storage and utilization of the materials, system maintenance, and operational requirements of general restrictions on composting;⁵ and
- can accept food scraps that are generated off-farm.

Most of these provisions can be found in COMAR 26.04.11.06§D, with the additional allowance for off-farm food scraps.

The Maryland Chapter of the Sierra Club urges a favorable report on SB 229 with an amendment clarifying how the bill will address these issues in the regulations. Diverting food waste from the waste stream would: conserve space in our landfills; reduce future greenhouse gas emissions; create green businesses and jobs; and benefit the agricultural sector. It is an important step on the path to zero waste.

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⁴ COMAR 15.20.07.

⁵ COMAR 26.04.11.04§B