

# SENATE BILL 1074

M3, M4

(4lr2866)

## ENROLLED BILL

— Education, Energy, and the Environment/Environment and Transportation —

Introduced by **Senators Ready, Elfreth, West, and Lewis Young**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

2 ~~Environment – Industrial Sludge~~ Agriculture – Food Processing Residuals  
3 Utilization Permit – Establishment

4 FOR the purpose of establishing ~~an a industrial sludge~~ food processing residuals utilization  
5 permit; prohibiting a person from utilizing ~~industrial sludge~~ food processing  
6 residuals in the State unless the person obtains a permit; requiring the Department  
7 of ~~the Environment~~ Agriculture to provide a certain ~~notices~~ notice and information  
8 to certain persons; ~~applying certain provisions of law regarding public notice and~~  
9 ~~participation to industrial sludge utilization permits~~ establishing the Food  
10 Processing Residuals Administration Fund as a special, nonlapsing fund;  
11 authorizing a representative of the Department to enter and inspect any site where  
12 ~~industrial sludge is~~ food processing residuals are utilized; authorizing the  
13 Department to administer a Commercial Hauler Certification Program; and  
14 generally relating to ~~industrial sludge~~ food processing residuals utilization permits.

---

### 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.

*Italics indicate opposite chamber/conference committee amendments.*



~~BY repealing and reenacting, with amendments,  
 Article – Environment  
 Section 1–601(a)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2023 Supplement)~~

BY adding to  
 Article – ~~Environment~~ Agriculture  
 Section ~~9–293 through 9–299, 9–299.1, 9–299.2, 9–299.3, and 9–299.4~~ 8–8A–01  
 through 8–8A–15 to be under the new part subtitle “Part IX. Industrial  
Sludge” “Subtitle 8A. Food Processing Residuals”; and 8–1101 through 8–1103  
 to be under the new subtitle “Subtitle 11. Commercial Hauler Certification  
Program”  
 Annotated Code of Maryland  
 (2014 (2016 Replacement Volume and 2023 Supplement)

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

### Article – ~~Environment~~ Agriculture

~~1–601.~~

(a) ~~Permits issued by the Department under the following sections shall be issued  
 in accordance with this subtitle:~~

(1) ~~Air quality control permits to construct subject to § 2–404 of this article;~~

(2) ~~Permits to install, materially alter, or materially extend landfill  
 systems, incinerators for public use, or rubble landfills subject to § 9–209 of this article;~~

(3) ~~Permits to discharge pollutants to waters of the State issued [pursuant  
 to] IN ACCORDANCE WITH § 9–323 of this article;~~

(4) ~~Permits to install, materially alter, or materially extend a structure  
 used for storage or distribution of any type of sewage sludge issued, renewed, or amended  
 [pursuant to] IN ACCORDANCE WITH § 9–234.1 or § 9–238 of this article;~~

(5) ~~Permits to own, operate, establish, or maintain a controlled hazardous  
 substance facility issued [pursuant to] IN ACCORDANCE WITH § 7–232 of this article;~~

(6) ~~Permits to own, operate, or maintain a hazardous material facility  
 issued [pursuant to] IN ACCORDANCE WITH § 7–103 of this article;~~

(7) ~~Permits to own, operate, establish, or maintain a low-level nuclear  
 waste facility issued [pursuant to] IN ACCORDANCE WITH § 7–233 of this article;~~

~~(8) PERMITS TO UTILIZE INDUSTRIAL SLUDGE ISSUED IN ACCORDANCE WITH § 9-297 OF THIS ARTICLE; and~~

~~[(8)](9) Potable reuse permits issued in accordance with § 9-303.2 of this article.~~

~~9-291. RESERVED.~~

~~9-292. RESERVED.~~

~~PART IX. INDUSTRIAL SLUDGE.~~

~~SUBTITLE 8A. FOOD PROCESSING RESIDUALS.~~

~~9-293. 8-8A-01.~~

(A) ~~IN THIS PART SUBTITLE~~ THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) ~~(1) "INDUSTRIAL SLUDGE" MEANS MATERIAL THAT IS:~~

~~(i) AN ACCUMULATED SEMILIQUID SUSPENSION OF SETTLED SOLIDS, OR DRIED RESIDUE OF THESE SOLIDS, THAT IS GENERATED AS A BY-PRODUCT OF AN INDUSTRIAL, AGRICULTURAL, OR MANUFACTURING PROCESS; AND~~

~~(ii) INTENDED TO BE:~~

~~1. STORED OR APPLIED TO AGRICULTURAL LAND; OR~~

~~2. DISPOSED OF IN THE STATE.~~

~~(2) "INDUSTRIAL SLUDGE" INCLUDES MATERIAL SEPARATED FROM LIQUID WASTE THROUGH A DISSOLVED AIR FLOTATION PROCESS.~~

(C) "AGRICULTURAL OPERATION" MEANS EACH PHYSICAL SITE WHERE A PERSON ENGAGES IN A BUSINESS THAT:

(1) GROWS, RAISES, KEEPS, PASTURES, OR OTHERWISE PRODUCES A FARM PRODUCT, INCLUDING:

(i) ANY AGRICULTURAL, HORTICULTURAL, VEGETABLE, OR FRUIT PRODUCT OF THE SOIL; OR

1                    (II) LIVESTOCK, POULTRY, EGGS, DAIRY PRODUCTS, NUTS,  
2 HONEY, AND EVERY PRODUCT OF A FARM, A FOREST, OR AN ORCHARD; AND

3                    (2) HAS:

4                    (I) A GROSS ANNUAL INCOME OF \$2,500 OR MORE; OR

5                    (II) EIGHT OR MORE ANIMAL UNITS.

6                    (C) “APPLICANT” MEANS:

7                    (1) THE OWNER OR OPERATOR OF AN AGRICULTURAL OPERATION; OR

8                    (2) A COMMERCIAL BROKER OR COMMERCIAL HAULER WHO HAS  
9 CONTRACTED WITH THE OWNER OR OPERATOR OF AN AGRICULTURAL OPERATION  
10 TO HAVE FOOD PROCESSING RESIDUALS UTILIZED AT THAT LOCATION.

11                    (D) “COMMERCIAL BROKER” MEANS A PERSON WHO:

12                    (1) FOR COMMERCIAL PURPOSES, ASSUMES TEMPORARY CONTROL  
13 OF FOOD PROCESSING RESIDUALS FROM AN AGRICULTURAL OPERATION OR A FOOD  
14 PROCESSING PLANT AND TRANSPORTS OR ARRANGES THE TRANSPORT OF THIS  
15 MATERIAL TO AN IMPORTING AGRICULTURAL OPERATION; AND

16                    (2) IS NOT WORKING FOR OR UNDER THE CONTROL OF AN  
17 AGRICULTURAL OPERATION.

18                    (E) “COMMERCIAL HAULER” MEANS A PERSON THAT IS ENGAGED IN THE  
19 BUSINESS OF HAULING, TRANSPORTING, MOVING, OR LAND-APPLYING FOOD  
20 PROCESSING RESIDUALS AS A CONTRACT AGENT FOR A FARM OPERATOR,  
21 COMMERCIAL BROKER, OR FOOD PROCESSING PLANT UNDER THE DIRECTION OF  
22 THE OPERATOR, BROKER, OR PROCESSING PLANT.

23                    (F) “FOOD PROCESSING RESIDUALS” MEANS AN ORGANIC MATERIAL THAT  
24 IS:

25                    (1) GENERATED BY PROCESSING AGRICULTURAL COMMODITIES FOR  
26 HUMAN OR ANIMAL CONSUMPTION AND INCLUDES FOOD RESIDUALS, FOOD  
27 COPRODUCTS, FOOD PROCESSING WASTES, FOOD PROCESSING SLUDGES, OR ANY  
28 OTHER INCIDENTAL MATERIAL WHOSE CHARACTERISTICS ARE DERIVED FROM  
29 PROCESSING AGRICULTURAL PRODUCTS FOR HUMAN CONSUMPTION OR ANIMAL  
30 CONSUMPTION; AND

31                    (2) REGISTERED WITH THE STATE CHEMIST AS A SOIL CONDITIONER.

1 (G) “NRCS” MEANS THE NATURAL RESOURCES CONSERVATION SERVICE.

2 (H) “PERMIT” MEANS ~~AN INDUSTRIAL SLUDGE~~ A FOOD PROCESSING  
3 RESIDUALS UTILIZATION PERMIT.

4 ~~(D)~~ (I) “UTILIZATION UTILIZE” MEANS:

5 (1) ~~COLLECTING, HANDLING, BURNING, STORING, OR TREATING~~  
6 ~~INDUSTRIAL SLUDGE FOR DISPOSAL OR LAND APPLICATION~~ HANDLING OR STORING  
7 FOOD PROCESSING RESIDUALS OR USING FOOD PROCESSING RESIDUALS FOR LAND  
8 APPLICATION; AND

9 (2) TRANSPORTING ~~INDUSTRIAL SLUDGE~~ FOOD PROCESSING  
10 RESIDUALS TO OR FROM ~~AN INDUSTRIAL SLUDGE~~ A GENERATOR OR UTILIZER IN THE  
11 ~~STATE~~ OF FOOD PROCESSING RESIDUALS TO OR FROM AN AGRICULTURAL  
12 OPERATION.

13 ~~9-294.~~ 8-8A-02.

14 (A) EXCEPT AS PROVIDED IN THIS ~~PART~~ SUBTITLE, A PERSON MAY NOT  
15 UTILIZE ~~INDUSTRIAL SLUDGE~~ FOOD PROCESSING RESIDUALS IN THE STATE.

16 (B) A PERSON SHALL OBTAIN A PERMIT BEFORE UTILIZING ~~INDUSTRIAL~~  
17 ~~SLUDGE~~ FOOD PROCESSING RESIDUALS IN THE STATE.

18 (C) A PERMIT AUTHORIZES THE PERMIT HOLDER TO UTILIZE ~~INDUSTRIAL~~  
19 ~~SLUDGE~~ FOOD PROCESSING RESIDUALS IN CONJUNCTION WITH AN AGRICULTURAL  
20 OPERATION IN ACCORDANCE WITH THIS SUBTITLE, REGULATIONS ADOPTED UNDER  
21 THIS SUBTITLE, AND THE TERMS OF THE PERMIT.

22 (D) A PERSON MUST HAVE A PERMIT FOR EACH SITE WHERE THE PERSON  
23 UTILIZES ~~INDUSTRIAL SLUDGE~~ FOOD PROCESSING RESIDUALS.

24 8-8A-03.

25 A PERSON MAY NOT UTILIZE FOOD PROCESSING RESIDUALS IN CONJUNCTION  
26 WITH AN AGRICULTURAL OPERATION UNLESS:

27 (1) THE PERSON HAS A PERMIT;

28 (2) THE OWNER OR OPERATOR OF THE AGRICULTURAL OPERATION:

1                   **(I) HAS A NUTRIENT MANAGEMENT PLAN THAT MEETS THE**  
 2 **REQUIREMENTS OF SUBTITLE 8 OF THIS TITLE; AND**

3                   **(II) IS IN COMPLIANCE WITH THE PLAN;**

4                   **(3) THE FOOD PROCESSING RESIDUALS BEING UTILIZED ARE:**

5                   **(I) REGISTERED WITH THE STATE CHEMIST; AND**

6                   **(II) APPLIED IN ACCORDANCE WITH THE NUTRIENT**  
 7 **MANAGEMENT PLAN;**

8                   **(4) IF THE PERSON IS NOT THE OWNER OR OPERATOR OF THE**  
 9 **AGRICULTURAL OPERATION, THE PERSON HAS OBTAINED THE OWNER OR**  
 10 **OPERATOR'S CONSENT TO UTILIZE THE FOOD PROCESSING RESIDUALS IN**  
 11 **CONJUNCTION WITH THE AGRICULTURAL OPERATION;**

12                   **(5) IF THE AGRICULTURAL OPERATION IS SUBJECT TO A DISCHARGE**  
 13 **PERMIT UNDER § 9-301 OF THE ENVIRONMENT ARTICLE, THE OWNER OR**  
 14 **OPERATOR OF THE AGRICULTURAL OPERATION IS IN COMPLIANCE WITH ALL LAWS,**  
 15 **REGULATIONS, AND PERMITS GOVERNING THOSE PERMITTED ACTIVITIES; AND**

16                   **(6) FOR STORAGE OF FOOD PROCESSING RESIDUALS, THE PERSON**  
 17 **HAS OBTAINED ANY NECESSARY COUNTY APPROVAL OR PERMITS TO STORE**  
 18 **MATERIAL AT THE AGRICULTURAL OPERATION.**

19 ~~9-295.~~ 8-8A-04.

20                   AN APPLICANT FOR A PERMIT SHALL:

21                   **(1) ~~SUBMIT~~ AT LEAST 45 DAYS BEFORE UTILIZING THE FOOD**  
 22 **PROCESSING RESIDUALS, SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE**  
 23 **FORM THAT THE DEPARTMENT REQUIRES;**

24                   **(2) CERTIFY BY SIGNATURE THE TRUTH AND ACCURACY OF THE**  
 25 **COMPLETED APPLICATION;**

26                   **(3) PAY ANY ASSOCIATED APPLICATION FEES AT THE SAME TIME**  
 27 **THAT THE APPLICATION IS SUBMITTED;**

28                   **(4) PROVIDE THE NAME AND ADDRESS OF ANY SOURCE OF**  
 29 **~~INDUSTRIAL SLUDGE~~ FOOD PROCESSING RESIDUALS THAT WILL BE UTILIZED,**  
 30 **INCLUDING:**

1                   **(I) THE LOCATION, CAPACITY, AND AGE OF ANY STORAGE**  
2 **STRUCTURE AT THE SITE WHERE THE FOOD PROCESSING RESIDUALS WILL BE**  
3 **STORED; AND**

4                   **(II) ANY OTHER INFORMATION ABOUT THE STORAGE**  
5 **STRUCTURE THAT THE DEPARTMENT DEEMS NECESSARY IN ISSUING A PERMIT**  
6 **UNDER THIS SUBTITLE, INCLUDING EVIDENCE:**

7                   **1. SHOWING THAT THE STRUCTURE MEETS THE NRCS**  
8 **WASTE STORAGE FACILITY NO. 313 CONSERVATION PRACTICE STANDARD OR AN**  
9 **EQUIVALENT STANDARD DETERMINED BY A PROFESSIONAL ENGINEER; AND**

10                   **2. DEMONSTRATING ANY REQUIRED COUNTY APPROVAL**  
11 **OF THE STORAGE STRUCTURE, INCLUDING PERMITS REQUIRED FOR THE**  
12 **STRUCTURE;**

13                   **(5) OBTAIN THE WRITTEN CONSENT OF THE OWNER OR OPERATOR OF**  
14 **THE LAND WHERE THE ~~INDUSTRIAL SLUDGE~~ FOOD PROCESSING RESIDUALS WILL BE**  
15 **~~APPLIED~~ UTILIZED, INCLUDING AN AGREEMENT FROM THE OWNER OR OPERATOR**  
16 **THAT THE OWNER OR OPERATOR WILL NOT VIOLATE THE PERMIT;**

17                   **(6) AGREE TO ALLOW OR SECURE ACCESS TO ~~THE INDUSTRIAL~~**  
18 **~~SLUDGE~~ ANY FOOD PROCESSING RESIDUALS UTILIZATION SITE FOR ANY**  
19 **INSPECTION AUTHORIZED UNDER THIS ~~PART~~ SUBTITLE;**

20                   **(7) PROVIDE THE DEPARTMENT WITH ACCEPTABLE EVIDENCE OF A**  
21 **PERFORMANCE BOND OR OTHER SECURITY IN THE AMOUNT THAT THE**  
22 **DEPARTMENT CONSIDERS SUFFICIENT TO GUARANTEE THE FULFILLMENT OF ANY**  
23 **REQUIREMENT RELATED TO THE PERMIT; AND**

24                   **(8) SATISFY EVERY OTHER REQUIREMENT OF THIS ~~PART~~ SUBTITLE.**

25 **~~9-296. 8-8A-05.~~**

26                   **~~(A) WITHIN 10 DAYS AFTER RECEIVING A PERMIT APPLICATION TO STORE~~**  
27 **~~INDUSTRIAL SLUDGE AT A FACILITY THAT IS PROPOSED FOR CONSTRUCTION AND~~**  
28 **~~WILL BE DESIGNED TO PRIMARILY STORE INDUSTRIAL SLUDGE FOR LATER~~**  
29 **~~UTILIZATION~~ THAT INCLUDES STORING FOOD PROCESSING RESIDUALS IN**  
30 **CONJUNCTION WITH AN AGRICULTURAL OPERATION, THE DEPARTMENT SHALL:**

31                   **~~(1) PUBLISH NOTICE OF THE APPLICATION IN A LOCAL NEWSPAPER~~**  
32 **~~THAT IS PRIMARILY IN CIRCULATION IN THE COUNTY WHERE THE INDUSTRIAL~~**  
33 **~~SLUDGE WILL BE APPLIED OR THE FACILITY WILL BE CONSTRUCTED;~~**

~~(2) MAIL A COPY OF THE~~ PROVIDE NOTICE BY MAIL TO:

~~(i) THE LOCAL HEALTH OFFICIAL IN THE COUNTY WHERE THE INDUSTRIAL SLUDGE WILL BE APPLIED OR THE FACILITY WILL BE CONSTRUCTED;~~

~~(ii) THE THE CHAIR OF THE LEGISLATIVE BODY AND ANY ELECTED EXECUTIVE IN THE COUNTY WHERE THE INDUSTRIAL SLUDGE WILL BE APPLIED OR THE FACILITY WILL BE CONSTRUCTED;~~ FOOD PROCESSING RESIDUALS WILL BE STORED.

~~(iii) THE ELECTED EXECUTIVE OF ANY MUNICIPAL CORPORATION WHERE THE INDUSTRIAL SLUDGE WILL BE APPLIED OR THE FACILITY WILL BE CONSTRUCTED; AND~~

~~(iv) ANY COUNTY WITHIN 1 MILE OF WHERE THE INDUSTRIAL SLUDGE WILL BE APPLIED OR THE FACILITY WILL BE CONSTRUCTED; AND~~

~~(3) POST THE NOTICE ON THE DEPARTMENT'S WEBSITE.~~

~~(b) WITHIN 15 DAYS AFTER RECEIVING A NOTICE UNDER SUBSECTION (A) OF THIS SECTION, THE EXECUTIVE OR LEGISLATIVE BODY OF THE COUNTY OR MUNICIPAL CORPORATION WHERE THE INDUSTRIAL SLUDGE WILL BE APPLIED OR THE FACILITY WILL BE CONSTRUCTED MAY REQUEST THAT THE DEPARTMENT HOLD A PUBLIC HEARING.~~

~~9-297. 8-8A-06.~~

(A) ~~(1)~~ THE DEPARTMENT MAY ISSUE A PERMIT TO AN APPLICANT THAT SATISFIES THE REQUIREMENTS OF THIS ~~PART~~ SUBTITLE.

(B) THE DEPARTMENT MAY NOT ISSUE A PERMIT TO AN APPLICANT IF THE DEPARTMENT DETERMINES THAT AN APPLICANT CANNOT UTILIZE FOOD PROCESSING RESIDUALS WITHOUT:

(1) CAUSING UNDUE RISK TO:

(i) THE ENVIRONMENT; OR

(ii) PUBLIC HEALTH, SAFETY, OR WELFARE; OR

(2) OTHERWISE VIOLATING THIS SUBTITLE.



1           ~~(2) (b) THE DEPARTMENT MAY NOT ISSUE A PERMIT TO AN~~  
2 ~~APPLICANT IF THE DEPARTMENT DETERMINES THAT AN APPLICANT CANNOT~~  
3 ~~UTILIZE INDUSTRIAL SLUDGE WITHOUT:~~

4           ~~(i) CAUSING UNDUE RISK TO:~~

5                   ~~1. THE ENVIRONMENT; OR~~

6                   ~~2. PUBLIC HEALTH, SAFETY, OR WELFARE; OR~~

7           ~~(ii) OTHERWISE VIOLATING THIS PART:~~

8                   ~~(1) THE APPLICANT IS SUBJECT TO AN ENFORCEMENT ACTION,~~  
9 ~~CONSENT ORDER, OR ONGOING INVESTIGATION BY THE DEPARTMENT OR THE~~  
10 ~~DEPARTMENT OF THE ENVIRONMENT, INCLUDING ACTIONS REGARDING THE~~  
11 ~~CONTAINMENT OF SURFACE WATER, GROUNDWATER, OR SOIL CONTAMINATION;~~

12                   ~~(2) THE ENFORCEMENT ACTION, CONSENT ORDER, OR ONGOING~~  
13 ~~INVESTIGATION HAS NOT BEEN WITHDRAWN OR RESOLVED; AND~~

14                   ~~(3) A NOTICE OF VIOLATION HAS BEEN ISSUED BY THE DEPARTMENT~~  
15 ~~OR THE DEPARTMENT OF THE ENVIRONMENT.~~

16           ~~(b) THE DEPARTMENT SHALL PROVIDE EACH COUNTY AND MUNICIPAL~~  
17 ~~CORPORATION THAT RECEIVES A NOTICE UNDER § 9-296 OF THIS SUBTITLE WITH~~  
18 ~~AN OPPORTUNITY TO CONSULT WITH THE DEPARTMENT ABOUT THE DEPARTMENT'S~~  
19 ~~DECISION TO ISSUE, DENY, OR PLACE CONDITIONS ON A PERMIT.~~

20           ~~(c) THE DEPARTMENT SHALL SEND THE FOLLOWING INFORMATION TO THE~~  
21 ~~LOCAL HEALTH OFFICIAL AND LOCAL SOIL CONSERVATION DISTRICT IN THE~~  
22 ~~COUNTY FOR WHICH A PERMIT APPLICATION IS RECEIVED:~~

23                   ~~(1) A COPY OF ANY PERMIT ISSUED IN THE COUNTY;~~

24                   ~~(2) A NOTICE OF THE DENIAL OF A PERMIT APPLICATION THAT~~  
25 ~~WOULD HAVE AUTHORIZED THE UTILIZATION OF INDUSTRIAL SLUDGE IN THE~~  
26 ~~COUNTY;~~

27                   ~~(3) A NOTICE OF THE SUSPENSION, REVOCATION, MODIFICATION, OR~~  
28 ~~TERMINATION OF A PERMIT ISSUED IN THE COUNTY;~~

29                   ~~(4) A COPY OF ANY NOTICE, COMPLAINT, OR ORDER THE~~  
30 ~~DEPARTMENT ISSUES UNDER THIS PART THAT RELATES TO THE COUNTY; AND~~

1 ~~(5) A COPY OF ANY REPORT FILED WITH THE DEPARTMENT IN~~  
 2 ~~ACCORDANCE WITH A CONDITION OF A PERMIT.~~

3 ~~(D) THE DEPARTMENT SHALL MAINTAIN A PERMANENT PUBLIC RECORD ON~~  
 4 ~~THE DEPARTMENT'S WEBSITE OF ALL PERMITS ISSUED UNDER THIS PART.~~

5 ~~9-298. 8-8A-07.~~

6 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERMIT  
 7 SHALL EXPIRE ON THE DATE THE DEPARTMENT SETS AT THE TIME THE PERMIT IS  
 8 ISSUED OR RENEWED.

9 (2) THE TERM OF A PERMIT MAY NOT LAST FOR MORE THAN ~~3 YEARS~~  
 10 1 YEAR.

11 (B) (1) ~~EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE~~  
 12 THE DEPARTMENT MAY RENEW A PERMIT IF THE PERMIT HOLDER:

13 (I) IS IN COMPLIANCE WITH:

- 14 1. THE CONDITIONS OF THE PERMIT;
- 15 2. THE REQUIREMENTS OF THIS ~~PART~~ SUBTITLE;
- 16 3. ALL APPLICABLE REGULATIONS ESTABLISHED BY  
 17 THE DEPARTMENT; AND
- 18 4. AN APPLICABLE DISCHARGE PERMIT UNDER § 9-301  
 19 OF THE ENVIRONMENT ARTICLE;

20 (II) SUBMITS TO THE DEPARTMENT IN A TIMELY MANNER A  
 21 RENEWAL APPLICATION ON THE FORM THAT THE DEPARTMENT REQUIRES; AND

22 (III) PAYS A RENEWAL APPLICATION FEE.

23 (2) THE DEPARTMENT MAY REFUSE TO RENEW A PERMIT IF:

24 (I) THE PERMIT HOLDER VIOLATES THIS ~~PART~~ SUBTITLE, ANY  
 25 REGULATION ADOPTED BY THE DEPARTMENT UNDER THIS ~~PART~~ SUBTITLE, OR ANY  
 26 CONDITION OF THE PERMIT;

27 ~~(II) THE DEPARTMENT DETERMINES THAT CONTINUED~~  
 28 ~~OPERATION OF ANY AREA COVERED BY THE PERMIT WOULD BE INJURIOUS TO THE~~  
 29 ~~ENVIRONMENT OR PUBLIC HEALTH, SAFETY, OR WELFARE~~

~~1                    1.    THE APPLICANT IS SUBJECT TO AN ENFORCEMENT  
2 ACTION, CONSENT ORDER, OR ONGOING INVESTIGATION BY THE DEPARTMENT OR  
3 THE DEPARTMENT OF THE ENVIRONMENT, INCLUDING ACTIONS REGARDING THE  
4 CONTAINMENT OF SURFACE WATER, GROUNDWATER, OR SOIL CONTAMINATION;~~

~~5                    2.    THE ENFORCEMENT ACTION, CONSENT ORDER, OR  
6 ONGOING INVESTIGATION HAS NOT BEEN WITHDRAWN OR RESOLVED; AND~~

~~7                    3.    A NOTICE OF VIOLATION HAS BEEN ISSUED BY THE  
8 DEPARTMENT OR THE DEPARTMENT OF THE ENVIRONMENT~~

~~9                    (II)   THE DEPARTMENT DETERMINES THAT CONTINUED  
10 OPERATION OF ANY AREA COVERED BY THE PERMIT WOULD BE INJURIOUS TO THE  
11 ENVIRONMENT OR PUBLIC HEALTH, SAFETY, OR WELFARE; OR~~

~~12                    (III) THE DEPARTMENT DETERMINES THAT THERE IS ANY  
13 OTHER GOOD CAUSE.~~

~~14                    (C)   THE DEPARTMENT MAY NOT RENEW OR MODIFY A PERMIT TO STORE OR  
15 DISTRIBUTE INDUSTRIAL SLUDGE AT A FACILITY THAT WILL BE INSTALLED OR  
16 MATERIALLY ALTERED UNLESS THE DEPARTMENT HOLDS A PUBLIC HEARING ON  
17 THE RENEWAL OR MODIFICATION.~~

~~18    9-299. 8-8A-08.~~

19                    TO MAINTAIN A PERMIT IN GOOD STANDING, A PERMIT HOLDER SHALL:

20                    (1)   MAINTAIN A PERFORMANCE BOND OR OTHER SECURITY IN THE  
21 AMOUNT THAT THE DEPARTMENT CONSIDERS SUFFICIENT TO GUARANTEE THE  
22 FULFILLMENT OF ANY REQUIREMENT RELATED TO THE PERMIT;

23                    (2)   ENSURE THAT INDUSTRIAL SLUDGE IS NOT APPLIED FOR MORE  
24 THAN 365 DAYS WITHIN ANY 3-YEAR PERIOD;

25                    (3)   ENSURE THAT INDUSTRIAL SLUDGE IS APPLIED:

26                    (I)   BY SUBSURFACE INJECTION;

27                    (II)   UNIFORMLY AND AT A RATE THAT DOES NOT CONTRIBUTE  
28 TO RUNOFF;

29                    (III) ONLY ON SOIL THAT:

1                   1. ~~CONTAINS GROUNDWATER THAT IS MORE THAN 20~~  
2 ~~INCHES FROM THE DEPTH OF TILLAGE AS DETERMINED BY TEMPORARY SOIL~~  
3 ~~BORINGS BEFORE LAND APPLICATION; AND~~

4                   2. ~~DOES NOT CONTAIN STANDING WATER, SNOW COVER~~  
5 ~~GREATER THAN 1 INCH, OR HARD FROZEN CONDITIONS GREATER THAN 2 INCHES;~~

6                   ~~(IV) ONLY FROM MARCH 1 TO DECEMBER 15, INCLUSIVE, OF~~  
7 ~~ANY CALENDAR YEAR;~~

8                   ~~(V) ONLY IF A CROP IS PLANTED WITHIN 30 DAYS AFTER~~  
9 ~~APPLICATION UNLESS OTHERWISE APPROVED BY THE DEPARTMENT;~~

10                  ~~(VI) ONLY IF A COVER CROP OR APPROPRIATE WINTER CROP IS~~  
11 ~~ESTABLISHED AT THE APPLICATION SITE; AND~~

12                  ~~(VII) IN LOCATIONS THAT DO NOT INTERFERE WITH THE BUFFER~~  
13 ~~AREAS ESTABLISHED BY THE DEPARTMENT IN REGULATION UNDER § 9-299.4 OF~~  
14 ~~THIS SUBTITLE FOOD PROCESSING RESIDUALS ARE UTILIZED IN ACCORDANCE~~  
15 ~~WITH:~~

16                   ~~(I) § 8-8A-03 OF THIS SUBTITLE; AND~~

17                   ~~(II) GOOD HUSBANDRY AND SOUND AGRONOMIC PRACTICES;~~

18                  ~~(3) ALLOW A REPRESENTATIVE OF THE DEPARTMENT SEEKING TO~~  
19 ~~INSPECT A SITE ENTRY TO ANY AREA COVERED BY THE PERMIT;~~

20                  ~~(4) KEEP RECORDS REGARDING THE UTILIZATION OF INDUSTRIAL~~  
21 ~~SLUDGE FOOD PROCESSING RESIDUALS, INCLUDING DAILY RECORDS OF THE~~  
22 ~~SOURCE AND AMOUNT OF INDUSTRIAL SLUDGE FOOD PROCESSING RESIDUALS IN~~  
23 ~~EACH TRUCKLOAD DELIVERED TO A SITE;~~

24                  ~~(5) MAKE REPORTS, INCLUDING INDUSTRIAL SLUDGE ANALYSIS~~  
25 ~~REPORTS, AS OFTEN AS NECESSARY TO ENSURE THE INDUSTRIAL SLUDGE MEETS~~  
26 ~~THE REQUIREMENTS OF THE PERMIT;~~

27                  ~~(6) HAVE A COPY OF THE REPORT REQUIRED UNDER ITEM (5) OF THIS~~  
28 ~~SECTION AVAILABLE IN THE VEHICLE TRANSPORTING THE INDUSTRIAL SLUDGE;~~

29                  ~~(7) INSTALL, CALIBRATE, USE, AND MAINTAIN MONITORING~~  
30 ~~EQUIPMENT OR METHODS, INCLUDING BIOLOGICAL MONITORING METHODS AND~~  
31 ~~WELL MONITORING IF APPROPRIATE;~~

1           ~~(8)~~ TAKE SAMPLES IN ACCORDANCE WITH THE METHOD, LOCATION,  
2 FREQUENCY, AND MANNER REQUIREMENTS SET BY THE DEPARTMENT;

3           ~~(9)~~ (6) PROVIDE TO THE DEPARTMENT OR THE RELEVANT LOCAL  
4 HEALTH OFFICIAL ANY INFORMATION THAT THE DEPARTMENT REQUIRES; AND

5           ~~(10)~~ (7) COMPLY WITH ANY OTHER REQUIREMENT SET BY THE  
6 DEPARTMENT.

7 ~~9-299.1. 8-8A-09.~~

8           THE DEPARTMENT MAY SUSPEND, REVOKE, OR MODIFY A PERMIT ISSUED  
9 UNDER THIS ~~PART~~ SUBTITLE IN ACCORDANCE WITH THE ADMINISTRATIVE  
10 PROCEDURE ACT IF THE DEPARTMENT FINDS THAT:

11           (1) THE PERMIT APPLICATION CONTAINED FALSE OR INACCURATE  
12 INFORMATION;

13           (2) THERE HAS BEEN A SUBSTANTIAL DEVIATION FROM:

14           (i) THE PLANS, SPECIFICATIONS, OR OTHER DOCUMENTS  
15 APPROVED BY THE DEPARTMENT; OR

16           (ii) ANY REQUIREMENT ESTABLISHED BY THE DEPARTMENT;

17           (3) A REPRESENTATIVE OF THE DEPARTMENT SEEKING TO INSPECT  
18 A SITE IN ACCORDANCE WITH § ~~9-299.2 8-8A-10~~ OF THIS SUBTITLE HAS BEEN  
19 REFUSED ENTRY TO ANY AREA COVERED BY THE PERMIT;

20           (4) THERE IS OR HAS BEEN A VIOLATION OF THIS ~~PART~~ SUBTITLE,  
21 ANY REGULATION ADOPTED UNDER THIS ~~PART~~ SUBTITLE, OR ANY CONDITION OF  
22 THE PERMIT; OR

23           (5) THERE IS ANY OTHER GOOD CAUSE AS DETERMINED BY THE  
24 DEPARTMENT.

25 ~~9-299.2. 8-8A-10.~~

26           (A) TO ENFORCE THIS ~~PART~~ SUBTITLE AND TO ENSURE COMPLIANCE WITH  
27 A PERMIT, A REPRESENTATIVE OF THE DEPARTMENT MAY ENTER AND INSPECT, AT  
28 ANY REASONABLE TIME, ANY SITE WHERE ~~INDUSTRIAL SLUDGE IS~~ FOOD  
29 PROCESSING RESIDUALS ARE UTILIZED.

1 (B) A PERMIT HOLDER OR OTHER PERSON AT A SITE WHERE ~~INDUSTRIAL~~  
2 ~~SLUDGE IS~~ FOOD PROCESSING RESIDUALS ARE UTILIZED MAY NOT:

3 (1) REFUSE ACCESS TO THE SITE TO ANY REPRESENTATIVE OF THE  
4 DEPARTMENT THAT REQUESTS ACCESS UNDER THIS SECTION; OR

5 (2) INTERFERE WITH ANY INSPECTION UNDER THIS ~~PART~~ SUBTITLE.

6 (C) AFTER COMPLETING AN INSPECTION UNDER THIS SECTION, THE  
7 DEPARTMENT SHALL ISSUE A STOP WORK ORDER OR OTHER ORDER IF NECESSARY  
8 TO OBTAIN COMPLIANCE WITH STATE LAW, REGULATIONS, OR A PERMIT.

9 ~~9-299.3. 8-8A-11.~~

10 (A) IN ADDITION TO ANY OTHER REMEDY AUTHORIZED UNDER THIS  
11 SUBTITLE, THE DEPARTMENT MAY BRING AN ACTION TO ENJOIN THE VIOLATION OF  
12 ANY LAW, REGULATION, OR ORDER CONCERNING THE UTILIZATION OF ~~INDUSTRIAL~~  
13 ~~SLUDGE~~ FOOD PROCESSING RESIDUALS UNDER THIS ~~PART~~ SUBTITLE.

14 (B) ~~(1) ANY PERSON THAT OWNS LAND THAT ADJOINS LAND FOR WHICH~~  
15 ~~AN APPLICATION TO APPLY INDUSTRIAL SLUDGE IS FILED OR FOR WHICH A PERMIT~~  
16 ~~TO APPLY INDUSTRIAL SLUDGE IS ISSUED HAS STANDING;~~

17 ~~(i) TO SUE THE STATE, THE APPLICANT, OR THE PERMIT~~  
18 ~~HOLDER TO REQUIRE COMPLIANCE WITH THIS PART AND ANY PERMIT ISSUED~~  
19 ~~UNDER THIS PART; AND~~

20 ~~(ii) WITH RESPECT TO THE INDUSTRIAL SLUDGE UTILIZATION~~  
21 ~~SITE, TO INTERVENE IN ANY;~~

22 ~~1. CIVIL COURT PROCEEDING; AND~~

23 ~~2. CONTESTED ADMINISTRATIVE CASE;~~

24 ~~(2) ANY COUNTY OR MUNICIPAL CORPORATION IN WHICH THERE IS~~  
25 ~~LAND FOR WHICH AN APPLICATION TO APPLY INDUSTRIAL SLUDGE IS FILED OR FOR~~  
26 ~~WHICH A PERMIT TO APPLY INDUSTRIAL SLUDGE IS ISSUED HAS STANDING;~~

27 ~~(i) TO SUE THE APPLICANT OR THE PERMIT HOLDER TO~~  
28 ~~REQUIRE COMPLIANCE WITH THIS PART AND ANY PERMIT ISSUED UNDER THIS PART;~~  
29 ~~AND~~

30 ~~(ii) WITH RESPECT TO THE INDUSTRIAL SLUDGE UTILIZATION~~  
31 ~~SITE, TO INTERVENE IN ANY;~~

1 ~~1. CIVIL COURT PROCEEDING; AND~~

2 ~~2. CONTESTED ADMINISTRATIVE CASE~~ THE RIGHT TO  
 3 BRING AN ACTION UNDER SUBSECTION (A) OF THIS SECTION IS IN ADDITION TO AND  
 4 NOT INSTEAD OF THE RIGHT TO BRING ANY OTHER ACTION UNDER THIS SUBTITLE.

5 (C) THE DEPARTMENT MAY NOT BE REQUIRED TO FURNISH BOND.

6 (D) THE COURT SHALL ISSUE A PRELIMINARY INJUNCTION IF IT FINDS THAT  
 7 THE PERMIT HOLDER IS:

8 (1) ENGAGING IN UNLAWFUL CONDUCT IN VIOLATION OF THIS  
 9 SUBTITLE; OR

10 (2) ENGAGED IN CONDUCT WHICH IS CAUSING IMMEDIATE AND  
 11 IRREPARABLE HARM TO THE PUBLIC.

12 ~~9-299.4.~~

13 (A) ~~(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE~~  
 14 ~~DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS PART.~~

15 ~~(2) THE DEPARTMENT MAY NOT ADOPT A REGULATION OR PART OF A~~  
 16 ~~REGULATION THAT DEALS WITH THE STORAGE OR LAND APPLICATION OF~~  
 17 ~~INDUSTRIAL SLUDGE MATERIAL ON AGRICULTURAL LAND UNLESS THE~~  
 18 ~~DEPARTMENT CONSULTS WITH THE DEPARTMENT OF AGRICULTURE.~~

19 (B) ~~(1) THE REGULATIONS ADOPTED UNDER THIS PART SHALL ADDRESS:~~

20 ~~(i) ALTERNATIVE UTILIZATION METHODS;~~

21 ~~(ii) CONTROL OF PATHOGENS AND POLLUTANTS OF CONCERN~~  
 22 ~~IDENTIFIED BY THE DEPARTMENT;~~

23 ~~(iii) ADVERTISING REQUIREMENTS FOR PUBLIC HEARINGS AND~~  
 24 ~~PUBLIC INFORMATION MEETINGS;~~

25 ~~(iv) PERFORMANCE BONDS, LIABILITY INSURANCE, OR OTHER~~  
 26 ~~FORMS OF SECURITY;~~

27 ~~(v) PROCEDURES FOR NOTIFYING UNITS OF LOCAL~~  
 28 ~~GOVERNMENT AND OTHER INTERESTED PARTIES;~~

1                   ~~(VI) ADEQUATE STANDARDS FOR TRANSPORTING INDUSTRIAL~~  
2 ~~SLUDGE;~~

3                   ~~(VII) EXISTING LAWS AND REGULATIONS GOVERNING THE~~  
4 ~~APPLICATION AND SUITABILITY OF SOIL AMENDMENTS FOR LAND APPLICATION;~~

5                   ~~(VIII) METHODS FOR CALCULATING LOADING RATES THAT:~~

6                   ~~1. WILL ENSURE NONDEGRADATION OF THE~~  
7 ~~GROUNDWATER; AND~~

8                   ~~2. ARE LIMITED BY THE NUTRIENT REQUIREMENTS OF~~  
9 ~~CROP OR COVER VEGETATION, AS RECOMMENDED BY THE DEPARTMENT OF~~  
10 ~~AGRICULTURE;~~

11                   ~~(IX) THE CROPS THAT ARE TO BE GROWN ON LAND ON WHICH~~  
12 ~~INDUSTRIAL SLUDGE MAY BE APPLIED;~~

13                   ~~(X) THE NATURE OF ANY NEARBY SURFACE WATER OR~~  
14 ~~GROUNDWATER;~~

15                   ~~(XI) THE CHARACTER OF ANY AFFECTED AREA;~~

16                   ~~(XII) THE CHARACTER OF NEARBY EXISTING OR PLANNED LAND~~  
17 ~~USES AND TRANSPORT ROUTES;~~

18                   ~~(XIII) THE NEARNESS OF THE LAND ON WHICH INDUSTRIAL~~  
19 ~~SLUDGE MAY BE APPLIED TO SENSITIVE AREAS, INCLUDING FLOOD PLAINS,~~  
20 ~~WETLANDS, AND AREAS OF CRITICAL CONCERN;~~

21                   ~~(XIV) THE DEFINITIONS OF:~~

22                   ~~1. INDUSTRIAL SLUDGE THAT IS UNSUITABLE FOR~~  
23 ~~APPLICATION TO AGRICULTURAL LAND;~~

24                   ~~2. AGRICULTURAL LAND;~~

25                   ~~3. MARGINAL LAND; AND~~

26                   ~~4. COMPOST;~~

27                   ~~(XV) ACCEPTABLE CUMULATIVE LOADING RATES, INCLUDING~~  
28 ~~RATES FOR NITROGEN, PHOSPHORUS, AND HEAVY METALS; AND~~



1 ~~(XVI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,~~  
2 ~~REASONABLE BUFFER AREAS TO SEPARATE ANY HOME, AGRICULTURAL LAND, OR~~  
3 ~~OTHER PROPERTY FROM LAND ON WHICH INDUSTRIAL SLUDGE MAY BE APPLIED.~~

4 ~~(2) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF~~  
5 ~~AGRICULTURE IN THE ESTABLISHMENT OF BUFFER AREAS TO SEPARATE~~  
6 ~~AGRICULTURAL LAND FROM LAND ON WHICH INDUSTRIAL SLUDGE MAY BE APPLIED.~~

7 ~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE~~  
8 ~~DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH AND UPDATE PERMIT~~  
9 ~~APPLICATION FEES.~~

10 ~~(2) (I) THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR~~  
11 ~~PUBLIC INPUT ON THE DEVELOPMENT OF A FEE SCHEDULE UNDER THIS SECTION.~~

12 ~~(II) A FEE SCHEDULE DEVELOPED UNDER THIS SECTION SHALL~~  
13 ~~INCLUDE CONSIDERATION OF:~~

14 ~~1. THE ANTICIPATED COSTS OF MONITORING AND~~  
15 ~~REGULATING INDUSTRIAL SLUDGE UTILIZATION SITES;~~

16 ~~2. THE ANTICIPATED COSTS OF IMPLEMENTING THIS~~  
17 ~~PART; AND~~

18 ~~3. THE POTENTIAL IMPACT OF AN INDUSTRIAL SLUDGE~~  
19 ~~UTILIZER'S ACTIVITIES ON THE ENVIRONMENT AND PUBLIC HEALTH, SAFETY, AND~~  
20 ~~WELFARE.~~

21 8-8A-12.

22 (A) IN ADDITION TO ANY OTHER ACTION AUTHORIZED UNDER THIS  
23 SUBTITLE, THE DEPARTMENT MAY IMPOSE ADMINISTRATIVE PENALTIES UP TO  
24 \$5,000 PER DAY, NOT TO EXCEED \$50,000 IN TOTAL PENALTIES, FOR A VIOLATION  
25 OF THIS SUBTITLE, REGULATIONS ADOPTED UNDER THIS SUBTITLE, OR ANY  
26 CONDITION OF THE PERMIT.

27 (B) THE PENALTY SHALL BE ASSESSED WITH CONSIDERATION GIVEN TO:

28 (1) THE WILLFULNESS OF THE VIOLATION;

29 (2) THE EXTENT TO WHICH THE EXISTENCE OF THE VIOLATION WAS  
30 KNOWN TO THE VIOLATOR BUT UNCORRECTED BY THE VIOLATOR;

1           **(3) THE EXTENT TO WHICH THE VIOLATOR EXERCISED REASONABLE**  
2 **CARE;**

3           **(4) THE EXTENT TO WHICH THE VIOLATION RESULTED IN ACTUAL**  
4 **HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY;**

5           **(5) THE NATURE AND DEGREE OF INJURY TO OR INTERFERENCE**  
6 **WITH GENERAL WELFARE, HEALTH, AND PROPERTY;**

7           **(6) THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A**  
8 **RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED**  
9 **BY THE VIOLATOR; AND**

10           **(7) THE EXTENT TO WHICH THE VIOLATION CREATES THE POTENTIAL**  
11 **FOR HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY.**

12 **8-8A-13.**

13           **(A) THERE IS A FOOD PROCESSING RESIDUALS ADMINISTRATION FUND.**

14           **(B) (1) THE DEPARTMENT SHALL SET REASONABLE FEES NECESSARY TO**  
15 **CARRY OUT ITS RESPONSIBILITIES REGULATING THE UTILIZATION OF FOOD**  
16 **PROCESSING RESIDUALS UNDER THIS TITLE.**

17           **(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO**  
18 **APPROXIMATE THE COST OF ADMINISTERING THE DEPARTMENT'S**  
19 **RESPONSIBILITIES REGULATING THE UTILIZATION OF FOOD PROCESSING**  
20 **RESIDUALS UNDER THIS TITLE.**

21           **(C) (1) THE DEPARTMENT SHALL PAY ALL FEES COLLECTED UNDER THE**  
22 **PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.**

23           **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES RECEIVED**  
24 **FROM THE DEPARTMENT TO THE FOOD PROCESSING RESIDUALS ADMINISTRATION**  
25 **FUND.**

26           **(D) THE FOOD PROCESSING RESIDUALS ADMINISTRATION FUND SHALL BE**  
27 **USED EXCLUSIVELY TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT**  
28 **COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE**  
29 **DEPARTMENT AS PROVIDED BY THE PROVISIONS OF THIS TITLE.**

30           **(E) (1) THE FOOD PROCESSING RESIDUALS ADMINISTRATION FUND IS A**  
31 **CONTINUING, NONLAPSING SPECIAL FUND THAT IS NOT SUBJECT TO § 7-302 OF THE**  
32 **STATE FINANCE AND PROCUREMENT ARTICLE.**

1           **(2) ANY UNSPENT PORTION OF THE FOOD PROCESSING RESIDUALS**  
2 **ADMINISTRATION FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL**  
3 **FUND OF THE STATE, BUT SHALL REMAIN IN THE FOOD PROCESSING RESIDUALS**  
4 **ADMINISTRATION FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS TITLE.**

5           **(F) (1) ~~A DESIGNEE OF THE DEPARTMENT~~ THE SECRETARY OR THE**  
6 **SECRETARY'S DESIGNEE SHALL ADMINISTER THE FUND.**

7           **(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL**  
8 **PURPOSE AUTHORIZED UNDER THE PROVISIONS OF THIS TITLE.**

9           **(G) THE ~~LEGISLATIVE AUDITOR SHALL AUDIT THE~~ ACCOUNTS AND**  
10 **TRANSACTIONS OF THE FUND SHALL BE SUBJECT TO AUDIT AS PROVIDED IN §**  
11 **2-1220 OF THE STATE GOVERNMENT ARTICLE.**

12 **8-8A-14.**

13           **(A) (1) EACH PERSON ISSUED A PERMIT UNDER THIS SUBTITLE SHALL**  
14 **SUBMIT TO THE DEPARTMENT ON A FORM THAT THE DEPARTMENT REQUIRES:**

15                   **(I) A SEMIANNUAL WRITTEN STATEMENT OF THE TONNAGE OF**  
16 **FOOD PROCESSING RESIDUALS UTILIZED IN CONJUNCTION WITH AN AGRICULTURAL**  
17 **OPERATION IN THE STATE; AND**

18                   **(II) ANY OTHER INFORMATION THE DEPARTMENT DEEMS**  
19 **NECESSARY IN ADMINISTERING THIS PROGRAM.**

20           **(2) THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS**  
21 **SUBSECTION SHALL INCLUDE UTILIZATIONS FOR THE PERIODS JANUARY 1**  
22 **THROUGH JUNE 30 AND JULY 1 THROUGH DECEMBER 31.**

23           **(B) (1) THE PERMIT HOLDER SHALL KEEP RECORDS NECESSARY OR**  
24 **REQUIRED BY THE DEPARTMENT TO INDICATE ACCURATELY THE TONNAGE OF**  
25 **FOOD PROCESSING RESIDUALS UTILIZED IN CONJUNCTION WITH AGRICULTURAL**  
26 **OPERATIONS IN THE STATE.**

27           **(2) THE DEPARTMENT HAS THE RIGHT TO EXAMINE THE RECORDS TO**  
28 **VERIFY ANY STATEMENT OF TONNAGE.**

29 **8-8A-15.**

1        (A) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND  
2 DEPARTMENT OF THE ENVIRONMENT, SHALL ADOPT REGULATIONS TO CARRY OUT  
3 THIS SUBTITLE.

4        (B) THE REGULATIONS ADOPTED BY THE DEPARTMENT MAY INCLUDE:

5            (1) ADEQUATE STANDARDS FOR HAULING FOOD PROCESSING  
6 RESIDUALS;

7            (2) ADEQUATE STANDARDS GOVERNING THE APPLICATION AND  
8 SUITABILITY OF SOIL CONDITIONERS FOR LAND APPLICATION, INCLUDING  
9 STANDARDS GOVERNING THE NUMBER OF APPLICATIONS PER FIELD PER SEASON  
10 CONSISTENT WITH GOOD HUSBANDRY AND SOUND AGRONOMIC PRACTICES;

11           (3) THE CROPS THAT ARE TO BE GROWN ON LAND ON WHICH FOOD  
12 PROCESSING RESIDUALS MAY BE APPLIED;

13           (4) THE CHARACTER OF NEARBY EXISTING LAND USES;

14           (5) ACCEPTABLE NUTRIENT APPLICATION RATES, INCLUDING RATES  
15 FOR NITROGEN, PHOSPHORUS, AND HEAVY METALS, CONSISTENT WITH  
16 RECOMMENDATIONS DEVELOPED BY THE UNIVERSITY OF MARYLAND PUBLISHED  
17 OR ACCEPTED BY THE DEPARTMENT FOR NUTRIENT MANAGEMENT;

18           ~~(5)~~ (6) REASONABLE BUFFER AREAS TO SEPARATE ANY HOME OR  
19 OTHER PROPERTY ON WHICH FOOD PROCESSING RESIDUALS MAY BE APPLIED;

20           ~~(6)~~ (7) METHODS FOR CALCULATING NUTRIENT APPLICATION  
21 RATES THAT ARE LIMITED BY THE NUTRIENT REQUIREMENTS OF THE HARVESTABLE  
22 CROP OR COVER CROP; AND

23           ~~(7)~~ (8) ANY OTHER STANDARDS DEEMED NECESSARY BY THE  
24 DEPARTMENT.

25            SUBTITLE 11. COMMERCIAL HAULER CERTIFICATION PROGRAM.

26            8-1101.

27           (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
28 INDICATED.

29           (B) "FOOD PROCESSING RESIDUALS" HAS THE MEANING STATED IN §  
30 8-8A-01 OF THIS TITLE.

1           **(C) "HAULING" MEANS TRANSPORTING, MOVING, AND THE LAND**  
2 **APPLICATION OF FOOD PROCESSING RESIDUALS.**

3 **8-1102.**

4           **(A) THE DEPARTMENT MAY ADMINISTER A COMMERCIAL HAULER**  
5 **CERTIFICATION PROGRAM FOR THE PURPOSE OF CERTIFYING INDIVIDUALS WHO**  
6 **HAUL FOOD PROCESSING RESIDUALS.**

7           **(B) (1) THE DEPARTMENT MAY DEVELOP TRAINING AND EDUCATIONAL**  
8 **REQUIREMENTS, TESTING, AND OTHER CRITERIA IT DEEMS NECESSARY FOR**  
9 **CERTIFICATION.**

10           **(2) THE TRAINING DEVELOPED UNDER PARAGRAPH (1) OF THIS**  
11 **SUBSECTION MAY ADDRESS THE FOLLOWING TOPICS:**

12                   **(I) LAWS AND REGULATIONS PERTAINING TO THE HAULING OF**  
13 **FOOD PROCESSING RESIDUALS;**

14                   **(II) INFORMATION NECESSARY FOR UNDERSTANDING AND**  
15 **FOLLOWING A NUTRIENT MANAGEMENT PLAN; AND**

16                   **(III) BEST MANAGEMENT PRACTICES WITH RESPECT TO:**

17                           **1. HAULING;**

18                           **2. TRANSPORTATION SAFETY PROCEDURES;**

19                           **3. CALIBRATION OF APPLICATION RATES FOR VARIOUS**  
20 **TYPES OF APPLICATION EQUIPMENT;**

21                           **4. SETBACKS FROM WATER SOURCES AND PROPERTY**  
22 **LINES;**

23                           **5. NUTRIENT RUNOFF CONCERNS;**

24                           **6. INCORPORATION AND INJECTION TECHNIQUES; AND**

25                           **7. RECORD-KEEPING REQUIREMENTS ESTABLISHED BY**  
26 **THE DEPARTMENT FOR HAULING.**

27 **8-1103.**

1 THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF THE  
2 ENVIRONMENT, MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 ~~October~~ July 1, 2024.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.