



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

March 10, 2010

The Honorable Maggie L. McIntosh, Chairman
Environmental Matters Committee
House Office Building, Room 251
6 Bladen Street
Annapolis, MD 21401-1991

Re: House Bill 1173 – Kent County – Sewage Sludge Utilization Permit

Dear Chairman McIntosh:

The Maryland Department of the Environment (MDE) Land Management Administration has reviewed House Bill 1173, entitled *Kent County – Sewage Sludge Utilization Permit*, and we would like to offer our concerns regarding the bill.

The bill would restrict MDE from issuing permits for sewage sludge utilization in Kent County and it would prevent farmers from recycling sewage sludge as fertilizer in place of manure and chemical fertilizers. MDE and USEPA maintain that sewage sludge can be safely utilized as an agricultural fertilizer when it is used in accordance with reasonable control measures for application, which MDE applies and enforces through its permitting system. In addition, Nutrient Management Plan rates and buffers are required that minimize runoff from sites. The Department does not support a public policy restricting the use of sewage sludge in one county as other counties may follow suit further reducing the State's capacity for management of sewage sludge it generates.

MDE's permitting scheme for sewage sludge is protective of public health and the environment. Requirements have been established to ensure that the use of sewage sludge on land is safe for both humans and the environment, including: buffer zones from various site features; application rates to ensure that crops use all sewage sludge nutrients without excess runoff or leaching to the groundwater; pathogen control to reduce disease-causing organisms to safe levels; restrictions on application on slopes; time restrictions on grazing by animals, public access, and eating of crops; public participation to ensure that local concerns are addressed; site inspections; and monitoring of sewage sludge analyses conducted by wastewater treatment plants. For 23 years these controls have ensured proper management of sewage sludge sites in all Maryland counties.

This bill would also have the effect of limiting utilization options for locally derived sewage sludge, such as from the Town of Rock Hall wastewater treatment plant, which was applied last spring as fertilizer at

the only permitted sewage sludge utilization site in Kent County. If this bill were to become law, Kent County generated sewage sludge would potentially be land applied on a neighboring county farm, likely in Queen Anne's County, which currently has 24 sites permitted for land application, and is one of the most active counties in sewage sludge utilization. There are currently 3 new applications and 6 applications for permit modifications in Queen Anne's County, so any additional sewage sludge from Kent County could begin to overtax Queen Anne's County's capacity for sewage sludge utilization. Sewage sludge from Kent County could also be landfilled at the Midshore Landfill in Talbot County, increasing transportation costs and greenhouse gas emissions and utilizing valuable landfill capacity.

Lastly, the Department notes that "Class B" sewage sludge is not defined in State laws or regulations, and so implementation of the bill could be problematic. The bill refers to a term used in federal regulations that refers to sewage sludge that is treated to certain standards for pathogen and vector attraction reduction, and meets certain metals concentration limits that allow it to be used as a fertilizer under specified conditions. This contrasts with the term "Class A" sewage sludge, another term used in the federal regulations, which refers to sewage sludge that meets higher standards and can be sold as fertilizer to the public without restrictions. Maryland has similar, but not identical, regulatory classifications, does not use these federal terms in its regulations or permits, and has not sought approval from USEPA to implement the federal regulations under 40 CFR 503, where those terms are used.

Thank you for your consideration of these comments. We will continue to monitor House Bill 1173 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-537-3304 or by e-mail at htablada@mde.state.md.us if I can be of assistance.

Sincerely,



Horacio Tablada, Director
Land Management Administration

cc: The Honorable Mary Roe Walkup, Chairman, Kent County Delegation
Shari T. Wilson, Secretary
Heather Barthel, Director of Legislation and Policy
Lisa Nissley, Legislative Liaison/Environmental Justice Coordinator