



Maryland
Department of
the Environment

Current and Future Considerations Relating to Anaerobic Digestion Facility Permitting.

**Presented to the HB 171 Workgroup,
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Anaerobic Digestion Fits Where?

- **Recently, interest in AD has been increasing.**
- **Technically, the typical feedstocks for AD – manure, food scraps, yard trimmings, etc. – are solid waste in Maryland.**
- **The Department could require a Refuse Disposal Permit for AD.**
- **AD does not enjoy the specific exemption that composting has in the definition of ‘solid waste’ in Section 9-101 of the Environment Article:**



Environment Article, §9-101(j):

(j) **Solid waste. --**

(1) **"Solid waste" means any garbage, refuse, sludge, or liquid from industrial, commercial, mining, or agricultural operations or from community activities.**

(2) **"Solid waste" includes:**

(i) Scrap tires as defined in § 9-201 of this title;

(ii) **Organic material capable of being composted that is not composted in accordance with regulations adopted under § 9-1725(b) of this title;**

(iii) Materials that are managed at a recycling facility and are not recyclable materials as defined in § 9-1701 of this title; and

(iv) Recyclable materials as defined in § 9-1701 of this title that are not:

1. Returned to the marketplace in the form of a raw material or product within 1 calendar year from the time the recyclable materials are received; or
2. Otherwise managed in accordance with regulations adopted under § 9-1713 of this title.

(3) **"Solid waste" does not include:**

(i) Solid or dissolved material in domestic sewage or in irrigation return flows;

(ii) **Compost as defined in § 9-1701 of this title;**

(iii) **Organic material capable of being composted that is composted in accordance with regulations adopted under § 9-1725(b) of this title; or**

(iv) **Materials that are managed at a recycling facility in accordance with regulations adopted under § 9-1713 of this title.**



HOWEVER...

- **The Department has not historically required recycling facilities to obtain refuse disposal permits as long as they do not accept and generate more than a *de minimis* quantity of solid waste requiring disposal.**
- **HB 124 from the 2017 Legislative Session directs the Department to develop regulations for recycling facilities to clarify when a permit is or is not required.**



HB 124 from 2017:

Among other things, the bill requires MDE to adopt regulations to :

- (1) Establish conditions under which a recycling facility does not require a refuse disposal permit.**
- (2) Exempt certain materials that are managed at a recycling facility from being designated as solid waste.**
- (3) Include design, construction, and operational conditions for recycling facilities to protect public health, the environment, and to minimize nuisances; a tiered system of permits or approvals for recycling facilities, as specified; and exceptions to any requirement to obtain a recycling facility permit or approval.**
- (4) And, MDE must establish a workgroup to do these things.**



Workgroup Progress:

- **The workgroup has met 3 times and is examining existing Maryland regulations and other states' recycling regulations.**
- **The workgroup will consider permit exemptions and/or basic performance standards for recyclers that pose a limited risk of environmental impacts.**



So, AD Fits Where?

To summarize:

- **AD does not require a refuse disposal permit if constructed and operated in a manner that minimizes the amount of non-digestible materials that are screened out and disposed to a *de minimis* quantity, and does not cause nuisances, pollution, or other threats to the public health, safety, or comfort.**
- **The HB 124 Workgroup will consider how to address AD as part of the recycling facility regulations, taking into account any discussions and recommendations on AD permitting made as part of this HB 171 study group.**
- **We hope to have draft regs by the end of the year.**
- **To keep track of our activities, go to the Solid Waste Page on MDE's website at www.mde.maryland.gov**



Questions?