

## **HB 171 – Yard Waste, Food Residuals, and Other Organic Materials Diversion and Infrastructure Study**

**Study Group Meeting  
January 24, 2018 1:00 PM – 3:00 PM**

### **Minutes**

*Attendance:* Justin Brendel, Kaley Laleker, James Palma, Mike Taylor, Justin Burch, Andrew Cassilly, Keith Losoya, Melvin Thompson, Pam Kasemeyer, Jeffrey Dannis, Gemma Evans, Mike Toole, Peter Houstle, Chris Skaggs, Chaz Miller, John Sullivan, David Mrgich, Gary Felton, Laura Cattell Noll, Rhody Holthaus, Steven Birchfield, Christine Bergmark, Alan Pultyniewicz, Doug Meyers, Susan Eisendrath, Meg McDonald, Chris Clark, Roni Neff, Shane Bauer, Tariq Masood, Zack Brendel, Erica Chapman, Alan Wilcom, Eileen Kao, Beth Leamoud, David Brosch, Bill Teter, Lori Finafrock, Christy Bujnovszky, Julia Mooney

*On the phone:* Jane Thery, Pat Serfass, Shelby Kalm, Ben Fischler

### **Introduction**

Dave Mrgich provided an overview of the HB 171 and the study topics, discussed the scope of work for the study group, and established how the study group will operate. Study Topic 1: Diversion of organic materials from refuse disposal facilities in the State, including State laws or regulations governing the diversion of organics was addressed at this meeting.

### **Current Status of Organics Diversion in Maryland**

- Doug Meyers asked if the definition of other organic materials included animal manure and if the intent is for infrastructure that generates manures.
- Jane Thery added concern for the requirements and needs for the horse community and uses of horse manure.
- Tariq Masood and Kaley Laleker noted that the intent is to include animal manure diversion strategies like composting to pull other organic materials.
- Chris Clarke added animal waste-to-energy grants target poultry litter but is open to others. Maryland Department of Agriculture (MDA) funds Animal Waste Technology Grants.
- Mike Toole asked if there were any position statements in advance. The response was no because the law is very specific to the topics.
- Brenda Platt (provided in writing and voiced by Julia Mooney) proposed that study topics #7 and #8 are used as principles to guide all the study group topics and #10 is captured as we go. Kaley Laleker agreed that we will summarize when we get to those topics.
- James Palma asked if there is a history of what used to be done. Further, if there was more separation between garbage and trash. Dave Mrgich responded that Maryland's compost regulations are relatively new and all regulations for composting were developed at that point. Composting facility permitting regulations were developed.
- Dave Mrgich added that waste sort statistics and breakdowns show a close but noticeable difference between Maryland and the national average.
  - 54.2% compostables were composted (85% yard trimmings, 15% food scraps)

- Roni Neff asked what the final product from this study group will be. Dave Mrgich explained there will be 2 reports. The first report is due June 2018 and will be an overview. The final report is due July 1, 2019 and will detail discussions and recommendations that might be good for Maryland.
- Dave Mrgich added that the meeting scheduled for March 1<sup>st</sup> will be changed to March 20<sup>th</sup>. Andrew Cassilly encouraged a Monday meeting due to the legislative session. Dave Mrgich will look to reschedule to a Monday in March. The meeting will be held March 19, 2018.
- Patrick Serfass had to leave the meeting but will call in.
- Jane They asked if written questions be addressed ahead of time and the response was yes.

### **Source Reduction Credit System**

- Dave Mrgich recited an overview and explained the Source Reduction Credit System in Maryland allows each county to earn up to 5% SR credit. Part 1 is yard trimmings and Part 2 is general. The system is under review by the EO. Information available on MDE's webpage.
- No comments were made by the study group.

### **Greenhouse Gas Reduction Act (GGRA)**

- Dave Mrgich recited an overview and added that waste diversion is a component of the Greenhouse Gas Reduction Act. A new plan is being drafted to go through 2030.
- No comments were made by the study group.

### **Waste Reduction and Resource Recovery Plan Executive Order**

- Brenda Platt (provided in writing and voiced by Julia Mooney) asked what is happening with the Executive Order. Status? Dave Mrgich responded that the EO signed in 2017 emphasizes source reduction, quantifying and tracking information.

### **Liability Protection for Food Donation**

- Dave Mrgich recited an overview. No comment from the study group.

### **Food Recovery in Schools**

- Brenda Platt (provided in writing and voiced by Julia Mooney) noted ILSR was unfamiliar with the policy allowing county boards of education to develop and implement food donation programs for leftover or excess food in public schools. Do schools know about this? How many are doing this? What is happening? What can MDE do to have every school district in state developing and implementing such a program? Dave Mrgich responded that MDE does not know and can look into what schools, if any, are participating. It was recommended that MDE promote school food recovery programs and explore a better partnership between MD Food Bank and schools.
- It was noted that the law concerning schools working with the MD Food Bank is not enacted but might be by the end of this study group.
- MD Food Bank has pantry sites and can potentially get food out of schools that is not impacted by school lunch. Schools can be used as both a collection and distribution point for food and MDE should explore this as part of recommendations to build a better partnership with schools.
- Susan Eisendrath added that the Community Food Rescue would be a good source to check in with.

### **Farm Food Donation Tax Credit**

- Dave Mrgich recited an overview. No comment from the study group.

### **Urban Agriculture Tax Credit**

- The group asked Eileen if Montgomery County is participating in the tax credit but it is unknown.

### **Date Labeling on Food Products**

- Brenda Platt noted (provided in writing, voiced by Julia Mooney) DC Councilwoman Mary Cheh has introduced a bill that might be worth looking at. Other states have as well. There is a lot of good information on this now.

### **Animal Feed from Food Residuals**

- Is animal feed included in the 15 % composted food scraps mentioned in the beginning? Food scraps include grain, yeast and animal renderings. It was also added that counties may not know about activity or counties may not report. If it is reported, it is included but liquids are specifically excluded.
- Kaley Laleker added that local governments have restrictions beyond state requirements.

### **Mandatory MRA Recycling Rates**

- Dave Mrgich recited an overview. No comment from the study group.

### **Yard Trimmings Disposal Ban**

- Brenda Platt (provided in writing and voiced by Julia Mooney) Maryland's law is very weak compared to other states in that it allows yard waste to be mixed with trash and disposed (the law only applies to loads of separated yard waste). What has been the impact of this law? How much yard waste is being disposed at facilities? Has MD ever done any spot checking of loads coming into disposal facilities to assess yard waste in them?
- MDE noted to recommend a general ban on yard trimmings.

### **Composting Educational Information and Study**

- Jane They asked that composting of horse manure on hay fields be included in the discussion and promote the discussion of sale.
- It was added that on farm composting does not count toward the recycling rate. Dave Mrgich explained that recycling does not count toward the recycling rate if it's a private facility. The facility must collect from the entire county. Example: Fort Detrick has its own landfill but only accepts waste they produce. Sparrows Point did a lot of recycling but only gets credit for about 5%. A lot of policies go beyond that rate.
- There are other laws that apply to on farm composting and use laws to promote on farm composting even if it is not counted toward MRA.
- Jane They provided an example: A farmer creates high quality compost and wants to sell it. The farmer wants to accept manure from neighbors but is not allowed to sell.
  - It was added that there are local composting and state level laws but that this is not a problem with the state.
- There are attempts to get the state chemist to approve compost from horse manure and wood material.
- It was noted that there are exemptions built into the composting laws for on farm composting.
- Jane They suggested that regulations should be more user friendly to what a horse farm is (not a landfill) and that rules and regulations for being regulated as a composting facility need to be easier for horse farms.
  - Kaley Laleker added that public outreach to farms regarding composting regulations need to be better.
- Pat Serfass asked what counts as recycling. Specifically, on farm anaerobic digestion.
  - Kaley Laleker responded that anaerobic digestion product is recycled and does count as recycling. She added that another study group has been directed to look at anaerobic digestion as nothing currently applies.
  - Recommendations can be made to Maryland concerning anaerobic digestion and we should look at what other states are doing.



- Permitting for anaerobic digestion is needed and not specific to just organics
- Manure is generated on a farm and digested. The digestate used is considered recycling if all other wastes are sent to another facility.
- Jane They notes that a lot of materials are not captures.
- The county is responsible to contact local businesses to collect data.
  - Montgomery County added that they put in a lot of effort.
  - Howard County added that they don't have many farms but does not put in a lot of effort. Calvert County reaches out but it is not mandatory to report.
  - Anne Arundel County has about 2% reporting rate from businesses.
  - Business reporting is voluntary so many businesses don't participate and the counties are lucky to get 25% reporting.
- Jeff Dannis added that farms with composting permits are asked to do reports but told the county to contact that state under the Freedom of Information Act.
- Nutrient Management Plans are secret but would include composting and nutrient spread information. It can be reported as a conglomerate.
- Counties have reached out to trade organizations to help get reports on newsprint.
- The Maryland Horse Council has a survey for manure use on their website but it is anecdotal of what people are really doing.
- A general consensus indicates that counties would love to have the data but have no resources to get the data. They would like more data and more requested forms.
- Pat Serfass stated that there is a large volume of material that has to be dealt with including food waste. He recommended at the recycling stage to make confusing composting and anaerobic digestion parts easier, huge volume of material, easier economically for infrastructure.
- John added that invasive species can be prohibited at compost piles. Mike Toole noted that persistent herbicide complicates things.
- There are cross postings on MDE's recycling page and Department of Commerce (changed and moving to DLLR) for natural wood waste, composting permitting and information on starting a business.
- Pat Serfass requested to add stuff on website about anaerobic digestion (versus compost).
- Mike Toole added that compost is now part of recycling and does not include anaerobic digestion.

### **Composting and Natural Wood Waste Recycling Facility Requirements**

- Dave Mrgich briefly reviewed. No comment from the study group.

### **Regulation of Soil Conditioners and Compost**

- Dave Mrgich briefly reviewed. No comment from the study group.

### **Compost Use**

- Dave Mrgich briefly reviewed. No comment from the study group.

### **Animal Waste Technology Grants**

- Chris Clarke explained that Maryland Energy Administration has a MOU with the Maryland Department of Agriculture to provide funding. The money has to go towards any process that goes to generate electricity or energy production. There is 3.5 million total. He noted that research is really more implementation.
  - 1/3 of money goes to composting
  - New technology
  - There is less emphasis on the word innovative

### **Regulation of Anaerobic Digestion Facilities**

- Dave Mrgich briefly reviewed. No comment from the study group.

### **Clean Energy Incentive Tax Credit**

- Dave Mrgich briefly reviewed. No comment from the study group.

### **Animal Waste to Energy Grant Program**

- Dave Mrgich briefly reviewed. No comment from the study group.

### **Anaerobic Digestion of Animal Manure on Land Subject to Agricultural Land Preservation Easements**

- Pat Serfass asked if food waste included. This is focused on agriculture activities and wastes. Pat wants to add discussion to include food waste.
- It was added that horse farms cannot do winter spreading.
- There is a separate workgroup also discussing anaerobic digestion beginning in 2018. Ed Dexter with MDE is leading that workgroup and a link is available for more information on MDE's webpage.
- Chris Clarke noted that the Clean Environment Tax Credit totaling \$25 million was expended and MEA does not anticipate any more funding. Delegate confirmed.

### **Renewable Portfolio Standard**

- Dave Mrgich briefly reviewed. No comment from the study group.

### **Biofuels**

- Note that the tax credit is set to expire in CY 2017.
- Andrew Cassilly asked how successful the program was. Chris Clarke stated that it was administrative heavy with little benefits.

### **Summary**

- Dave Mrgich provided a summary of recommendations:
  - Partner with schools and Department of Education and organizations for food recovery in schools
  - Simplify on farm composting
  - Establish a general ban on yard trimmings
  - Anaerobic digestion changes to law to promote, integration and outreach
  - Further encourage composting from a financial stand point because it is not cost effective.
  - Promote use of AD digestates. Pat Serfass will email information.
- Information is available about utilizing compost on turf.
- Jeff Dannis noted that MDA, SHA, MDE composting regulations are not consistent
- Andrew Cassilly identified an overarching goal to identify obstacles grading quality of compost product. He noted that each level has a use. He suggested finding an easy way to collect data and survey commercial composting. Identify benefits and advantages. He posed the question: what changes to legislation will help frontline be more effective? Additionally he made a recommendation for an online reporting system.
- Backyard composting is considered part of this. It is part of the survey of activities for the county to earn source reduction credits.
- It was recommended to post benefits of composting on MDE's website including information by organizations that compost.
- It was added to think of compost as a resource and keep it on site.