

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

**Study Group Meeting
December 3, 2018 10:00 AM – 12:00 PM**

Minutes

Attendance: Alan Pultyniewicz, Delegate Andrew Cassilly*, Bill Teter*, Brenda Platt*, Christy Bujnovszky*, David Mason, Dave Mrgich*, Erica Chapman*, Gary Felton*, Gemma Evans*, James Palma*, Julia Mooney*, Kaley Laleker*, Keith Ohlinger*, Keith Roumfort, Kevin Serrona, Linda Norris – Waldt, Linnea Boogades, Lisa Kardell, Melvin Thompson*, Patrick Serfass*, Peter Houstle*, Richard Tabuteau, Stephanie Williams, Steven Birchfield*, Tony Drury

On the phone: Adria Aceto*, Ben Fischler*, Chaz Miller*, Doug Meyers*

*Study Group Member

Introduction

Gemma Evans provided written comments on the September 20, 2018 meeting minutes. The meeting minutes are approved for the September 20th meeting. The meeting minutes are approved for the three subgroup meetings.

Dredged Material Innovative Reuse

Kristen Keene
Maryland Port Authority

- What law removed dredge material? SHA 920 Top Soil specification.
- Patrick Serfass asked if the material was tested for heavy metals. Kristen Keene said yes, extensively. She added that before any reuse, MDE lays out what must be tested.
- Where does dredge material fit in to the discussion of soil conditioners versus soil fertilizers? Kaley noted that it is dependent on how the material is used or marketed. Phil Davidson added that the material that is registered and held to the claim. He also added that this type of bulk material has issues with batch consistencies and is better off being a soil conditioner because soil fertilizers are held to nutrient claims.
- Phil Davidson asked if poultry manure on the eastern shore can be mixed with the dredge material. Kristen Keene noted that they did work with different blends but the costs and transportation logistics were limiting factors. She added that there are additional studies that need to be done. Kristen Keene noted that the study done was premature and should be reevaluated base on new information.

- Kristen Keene stated that she can get information on the soil tests and the amount of phosphorus in the mixtures. Kristen provided an Excel sheet that will be emailed to the Study Group.
- Patrick Serfass noted that there were different blended ratios with lime, leafgro, etc. and asked if there was a combination that would qualify as topsoil. Kristen Keene noted that the additives don't include poultry litter or manure but compost, lime and gypsum are being used in the topsoil study.
- Gary Felton noted that store bought blends are poor quality. Kristen Keene noted that all the blends did well compared to the store bought.
- Brenda Platt asked what the alignment might be. Kaley Laleker stated there are possible pilot projects for uses. She also noted that MDE didn't have a specific recommendation but is open to thoughts. It was stated that dredge material is another organic component that can be managed.

HB124 Update

Ed Dexter, Program Manager

Solid Waste Program

Maryland Department of the Environment

- Gary Felton mentioned that most of the farms they're working with that do AD take in food waste to boost gas and generate sufficient energy. Ed Dexter stated that the regulations are draft at this point. He added that there are reporting requirements to tell the county how much is being recycled but that's it. The draft regulations are largely dependent on existing regulations for end products, discharge, etc. The main goal is to avoid nuisances.
- Patrick Serfass asked what Ed Dexter considers to be the biggest impact these regulations will have. Ed Dexter stated that these regulations are much less onerous than if you needed a refuse disposal permit. Ed added that these regulations ask to tell us the operation exists and the operators need to read the regulations and know they exist. Ed is hoping there is not a large impact. He added that AD is an excellent way of reducing food waste and MDE doesn't want to get in the way. The goal is to control environmental problems that might develop but give the industry more specificity. He noted that the AD is usually indoors in a sealed containment and doesn't seem to present problems that other facilities might.
- Ed Dexter added that he is taking comments by email.
- Brenda Platt expressed concerns that mixed waste going into an AD would count as recycling. It was noted that the regulations reserve the right to look at an individual facility and require other permits. It was also added that any recycling facility is going to get materials that don't fit their models, including MSW and they will have to deal with a certain amount of material that won't be digestible. The draft regulations mention de minimis quantities. Ed Dexter added that these regulations don't have a zoning and county plan prerequisite.

Food Waste Recovery Pilot Program in Elkridge/Jessup Region

Peter Ettinger

BTS BioEnergy

- It was asked if this can be scaled up or down. Peter Ettinger said yes, it's modular.
- Brenda Platt asked what BTS BioEnergy needs to assure this is a success and what would be helpful to make sure we include in the recommendations. Patrick Serfass added including future development. Peter Ettinger stated clarity of permitting, clarity on county involvement in tipping fee/disposal wars, clarity in terms of use of soils, soil amendments. He added regular substance consistency, training for operators and organizations.

Recommendations

- Patrick Serfass asked how to incentivize digestate and compost markets. He suggested creating requirements at the public level that require obtaining quotes to use digestates in public projects including landscaping after construction and highway projects. He noted that government entities would create an initial demand.
- Patrick Serfass requested training for operators and training for other target audiences to be added to the recommendations.
- Dave Mrgich asked if Maryland Port Authority would need to incentivize markets. Kristen Keene said that would certainly benefit the reuse of dredge material.
- Kaley Laleker asked for specificity on how when writing recommendations.
- Keith Ohlinger discussed the challenges in Howard County with agricultural preservation easements. He noted that there are several variations of the definition of easements and clarification at the state level would be helpful. Delegate Andrew Cassilly asked if this could be resolved if there was a single definition at the state level and Keith Ohlinger said he believes so. Kaley Laleker stated that MDE can look into specific state laws that applies to these preservation easements.
- Erica Chapman noted that she found a lot of incentive programs that had farm added value processing. Doug Meyers believes it might be easier with composting than AD. Keith Ohlinger stated that in the Howard County situation there are zoning requirements for value added. Kaley Laleker suggested a more general recommendation to do a survey of all relevant definitions throughout the state law to be sure they are not conflicting with each other.
- Brenda Platt suggested organizing the recommendations based on importance or prioritized as major or minor. She asked if we were recommending anything for the upcoming session. It was noted that the final report is due July 1 which is after the session. The draft report will be done earlier and may be picked up.
- Brenda Platt asked if we can push for some of our recommendations this session, for example expanding the Good Samaritan Food Donation law.
- Delegate Andrew Cassilly stated that he fully intends to drop legislation this year with or without the final draft. He added that legislation takes several years and he wants to get it in for familiarity. Early coordination on language was suggested.
- Brenda Platt recommended a program to create funding mechanisms, especially for small scale, decentralized, diverse structures (more than providing information). Erica Chapman added that she has reached out to the Department of Housing and Community Development and more to look broader and identify other programs including some at the community level. It was suggested to distinguish between financing and grants.

- Patrick Serfass recommended funding to incentivize these programs including groundbreaking or first of kind funding and noted that natural market forces should take over.
- James Palma stated that Paul Spies with the Department of Commerce works specifically with Agribusiness.
- Keith Ohlinger stated that a USDA farming program can provide funding for digesters and other programs.
- Patrick Serfass stated that the USDA program has a practice code for AD. He added that there are 13 or 14 other practice codes and each state has to decide which code is most important. Further, he noted that the state coordinator gets to decide which practice codes will get funded and AD is not often chosen because the projects are more expensive. He recommends suggesting to the state coordinator to set aside money or carve out money and get some preference to composting and AD.
- Gemma Evans asked not to forget the smaller projects and requested adding text to recommendation #6. She also suggested the list of resources be updated on an annual or regular basis.
- Brenda Platt added that we can initially document what is currently available but push for more.
- Brenda Platt noted that recommendation #12 (education) is limited to a series of fact sheets. She asked about adding videos, social media, etc.
- Patrick Serfass recommends legislative action for an organic recycling law that would require commercial organics waste generators within a certain radius. He added that if there is an organics recycling facility, willing to accept material and operating than commercial organics recycling is required. There is concern about what impacts this would have on commercial waste generators like increased costs. Brenda Platt seconds this. Legislation would be oriented toward large food waste generators. Kaley Laleker said the concerns were not reconciled and there are questions about who is responsible under that. There have been sub-bills in the past that dealt with yard trimmings. Especially rural areas because not every local government offers collection of yard trimmings. How would this work in rural areas? Kaley Laleker recognized that this was a major discussion with this bill but doesn't know if we'd get consensus. In the final report there will be a discussion of ideas presented. She noted that if we draft this section, people can weigh in on what we should say. She is not sure what the recommendation would say based on the conversation so far.
- Melvin Thompson is concerned about smaller restaurant operators and suggested determining appropriate thresholds and to look to other states for guidance.
- Patrick Serfass stated that by focusing on the largest generators you have a big impact. It was noted that two tons/week is a current threshold in some states (MA, RI, VT).
- Brenda Platt noted that MA has restaurant thresholds based on approximate seating, hospitals based on number of beds.
- Delegate Andrew Cassilly asked if it is based on a single entity or is it McDonalds. Patrick Serfass noted that visually it's a single site. Brenda Platt added that the average supermarket is two tons per week. Delegate Andrew Cassilly believes the market will regulate itself.
- Chaz Miller asked if we have data on the expansion facilities as a result of the laws in place. Erica Chapman stated that the majority of states had a push to get the facilities but

there is a lag. The amount of haulers is a problem. Patrick Serfass added that the organics recycling policy is just one piece.

- Keith Ohlinger mentioned generating market demand for organics and stormwater management. He noted that when soil is disturbed/moved around is a good time to get organic content up and added that there is a manual and team to determine credits.

Recommendations/Comments Non-study group members

- Phil Davidson commented on health and safety concerns, particulate matter and updating the exam to address these questions. He noted that the training isn't part of the exam, the training is to be recertified after the test. He added that if respirators are required than MOSHA needs to be involved. Additionally, health and safety concerns are addressed in updated training. The test is based on a book that is old and some things are not addressed. Brenda Platt noted that there are probably other reasons to update the test besides the health portion.
- It was noted that the MDA compost tax based on volume of compost. Brenda Platt recommended that there should at least be exemptions. Phil Davidson noted that the fee is \$15/year but there is a .25 cents per ton fee that is a statute.
- Brenda Platt asked if mixed waste AD and recycled AD would count toward the MRA rate. Dave Mrgich stated that the law is written so AD counts as long as the digestate is recycled. He added that it does not matter what the source material is unless it's C & D. Brenda Platt feels strongly that that is not recommended. She believes it will be more mixed waste processing to count as recycling. Dave Mrgich stated that he doesn't see what's wrong with that as long as the source is not a material that doesn't count towards MRA and added that material is processed and returned to the marketplace. Patrick Serfass stated that there are more costs if you take in a lot of material that you can't digest. Brenda Platt added that there's a long history of mixed compost problems. She stated to get the highest quality product a mixed waste isn't a good source. Dave Mrgich added that energy production doesn't count, only the tonnage.
- Dave Mrgich asked for comments by December 17, 2018. He noted that the recommendations will be updated and redistributed. MDE is planning a February or March meeting to discuss a draft report and updated recommendations.
- Delegate Andrew Cassilly asked if dredging, AD and compost can be combined for the recommendations. Kaley Laleker noted that the combination makes sense for at least certain recommendations.