

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1173 (Kent County Delegation)  
Environmental Matters

---

Kent County - Sewage Sludge Utilization Permit

---

This bill prohibits the Maryland Department of the Environment (MDE) from issuing a sewage sludge utilization permit to an applicant for the land application of Class B sewage sludge in Kent County.

---

Fiscal Summary

**State Effect:** Special fund revenues may decrease negligibly from foregone collection of fees associated with sewage sludge utilization permits that would otherwise be issued. Expenditures are unaffected.

**Local Effect:** Local government expenditures may increase minimally due to a potential increase in sewage sludge disposal costs for locally owned wastewater treatment plants that would otherwise dispose of sewage sludge through land application in Kent County. Revenues are unaffected.

**Small Business Effect:** Potential minimal adverse impact on small business wastewater systems that currently dispose of sewage sludge through land application in Kent County, for small farmers who rely in part on sewage sludge for fertilizer, and for companies engaged in the land application of sewage sludge.

---

Analysis

**Current Law:** MDE is the primary State agency that regulates sewage sludge utilization. A sewage sludge utilization permit is required for any person who collects, incinerates, stores, treats, applies to land, transports, or disposes of sewage sludge or septage in Maryland. A separate permit is required for each sewage sludge utilization site. Permit fees range from \$25 to \$750 depending on the way the sewage sludge will be

used; for the application to agricultural land, for example, the permit fee is \$175, and for the application to marginal land, the fee is \$350.

A copy of an application for a sewage sludge utilization permit is mailed to the appropriate county's executive and legislative body, the executive of any municipal corporation where the sewage sludge utilization site is to be located, and the executive and legislative body of any county within one mile of the site. Any county or municipality that receives a copy of an application must be given the opportunity to consult with MDE about the decision to issue, deny, or place restrictions on a sewage sludge utilization permit.

MDE may not issue a permit to install, materially alter, or materially extend a sewage sludge composting facility or a sewage sludge storage facility until the facility meets all zoning and land use requirements of the county where the facility is to be located.

Sewage sludge is subject to both State and federal regulations. At the State level, agricultural use of federally defined Class B sewage sludge (which meets standards for metal concentrations and has been treated by a federally approved Procedure to Significantly Reduce Pathogens) is subject to both MDE permit requirements and the nutrient management regulations of the Maryland Department of Agriculture. MDE regulates the application of Class B sewage sludge through an individual permit required for those sites where sewage sludge is applied. Under State and federal regulations, Class A sewage sludge (which meets more stringent requirements for chemical content, pathogen reduction, and vector attraction) is allowed to be distributed to the public as fertilizer. MDE issues a permit to the distributor of Class A sewage sludge products but does not regulate sites where it is used.

**Background:** Sewage sludge is one of the final products of the treatment of sewage at wastewater treatment plants. Sewage treatment breaks down organic matter and kills disease-causing organisms leading to the creation of the sludge. The U.S. Environmental Protection Agency has long permitted the utilization of sewage sludge. Despite this, federal and academic researchers have noted that there is at least some uncertainty as to the public health risk involved in applying treated sewage sludge to agricultural land as fertilizer.

Over 700,000 net tons of sewage sludge was generated in 2008. Of that amount, approximately 620,000 tons was utilized; 30% of the utilized sewage sludge was applied to agricultural land, 47% was hauled out of State, and the remainder went to other uses, including 6% to landfill utilization/disposal. At the end of 2008, there were 701 active sewage sludge permits. Of those permits, 316 were for land application, the vast majority of which appear to be for agricultural land application.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 995 (Senator Pipkin) - Rules.

**Information Source(s):** Kent County, Maryland Department of the Environment,  
Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2010  
mam/lgc

---

Analysis by: Evan M. Isaacson

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510