



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2393

PRINTER'S NO. 3756

PRIME SPONSOR: Friel

COST / (SAVINGS)

FUND	FY 2024/25	FY 2025/26
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY: HB 2393 PN 3756 amends the Solid Waste Management Act to provide for requirements for the storage and use of food processing residuals waste in farming operations. This legislation will take effect in 180 days.

ANALYSIS: This legislation amends Act 97 of 1980 (Solid Waste Management Act) to require permits for the use or application of food processing residuals. The bill further provides for the regulation of storage, transport, use, and application of food processing residuals. Specifically, legislation includes:

- **Section 103 (Definitions)**
 - defines “Animal processing waste,” “Food processing residuals data sheet,” and
 - updates definitions for “Land application system,” “Vegetative processing waste,” and “Hauler or broker of food processing residuals.”
- **Section 104 (Powers and duties of the department)**
 - Requires Department of Agriculture (“AGR”) in coordination with the State Conservation Commission (the “Commission”) and the Department of Environmental Protection (DEP), to develop, update, and maintain a manual which establishes best practices for handling and utilizing food processing waste.
- **Section 509 (Food processing residuals)**
 - Requires the development of land application systems by AGR, DEP, and the Commission, which shall include:
 - Minimum standards for construction, location, storage capacity and operation procedures for facilities used for food processing residual waste
 - Conditions under which amendments to the land application system must be made after initial filing
 - Process to determine nearby odor receptors and implement Best Management Practices for odors
 - Land application system forms
 - Requires review of the land application system every three years or upon updating/amending
 - Requires food processing residuals used in normal farming operations be managed under land application system
 - Requires land application systems to be filed with the Department of Agriculture and the State Conservation Commission

- Minimum requirements for land application systems include:
 - Description of facilities used to store food processing residuals
 - Setback description
 - Location of odor receptors and analysis of odor risk
 - Description of siting, site preparation, nutrient availability, crop rotation, field selection, monitoring, recordkeeping, transportation, and mechanisms for reviewing land application system performance
 - Compliance with local ordinances
 - Statement attesting to compliance with both a land application system and a manure management system, if applicable
- Requires that land application systems are made available for review
- Requires that notice of intent is filed with the State Conservation Commission when applying or storing food processing residuals under a land application system
- Prohibits the acceptance or transfer of food processing residuals by anyone except a hauler or broker of food processing residuals
- Requires that food processing residuals data sheets stay on file for at least three years
- **Other provisions**
 - Allows for a land application system plan, filed with the State Conservation Commission, to be considered as a mitigating factor in a civil action
 - Preempts local governments from passing stronger ordinances

FISCAL IMPACT: The enactment of this legislation would have a fiscal impact on commonwealth funds, specifically the General Fund. The fiscal impact would be a function of the costs related to the Department of Agriculture and the State Conservation Commission and to a lesser extent the Department of Environmental Protection.

According to the Department of Agriculture and the State Conservation Commission, the provisions of the bill would require two additional positions to develop land application systems. These two positions are estimated to cost approximately \$500,000 per fiscal year.

PREPARED BY: Gueorgui Tochev, Senior Budget Analyst
House Appropriations Committee (D)

DATE: October 21, 2024

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.