

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Land and Materials Administration · Resource Management Program
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Response to Comments

on the Reissuance of General Permit for Compost Operations GP-CF01

Background: The Maryland Department of the Environment (“MDE” or “the Department”) adopted composting regulations [COMAR 26.04.11](#) in 2015 to provide streamlined and comprehensive permitting options to regulate composting operations while protecting human health and the environment. Since permitting conditions requirements for several types of composting facilities are similar regardless of their location in Maryland, and had been regulated by almost identical permit provisions, MDE developed the General Composting Facility Permit (“GCFP” and “GP-CF01”) for these similar activities. The GCFP describes permitting requirements that are applicable to composting operations that operate a [Tier 1](#) or [Tier 2](#) composting facility. Presently, MDE permits 16 composting facilities that possess coverage under GCFP. The current GCFP became effective March 28, 2021 and expired on March 27, 2026.

The GCFP contains a set of standard design and operational conditions as described:

- Part I - Coverage Under the General Permit
- Part II - Required Information
- Part III - Conditions for the Design, Construction, and Operation of the Facility
- Part IV - General Conditions

The GCFP is applicable to the following composting facilities:

- A facility that uses more than 5,000 square feet of area to receive Type 1 and Type 2 feedstock in support of composting operations;
- On-farm composting facility that uses more than 10,000 square feet of area for active food scrap composting that receive Type 1 and Type 2 feedstock that are generated from offsite farm; and
- On-farm composting facility that uses more than 40,000 square feet of area to receive Type 1 feedstock and animal manure that are generated from offsite of the farm.

Comment Period: MDE conducted a public information meeting on March 24, 2026 as a part of reissuance of the GCFP. The GCFP is authorized under §9-1725 of the Environment Article, Annotated Code of Maryland and Code of Maryland Regulations (COMAR) 26.04.11.11. This meeting was held to discuss revisions to the current GCFP. The meeting was held in a hybrid format, from 6-7:30PM, at the White Marsh Branch of Baltimore County Public Library located at 8133 Sandpiper Cir, Baltimore, MD 21236. During the meeting, MDE shared an overview of changes being considered to the current GCFP. Twenty-two individuals participated in the meeting, nineteen attended virtually and three in person. Requests for written public comments were due by close of business on April 5, 2026. MDE received written comments from four commenters and verbal comments from three commenters. This document provides a written response to the questions and comments received during the open comment period.

Part I, D. Right of Entry.

- 1. Comment Topic: Condition D.2** - “The Department may exercise its rights of entry through use of an unmanned aircraft system to conduct inspections, collect samples, or make visual observations through photographic or video recordings”.

Commenter(s) Name and Affiliation: Kristie Blumer, Compost Crew, Inc, and MD-DC Composting Council.; David Lynch, Stark and Keenan; Rebecca Culler, Maryland Environmental Services; Justen Garritty, Garritty Renewables, LLC.

Comments: Compost Crew has concerns with the inclusion of unmanned aircraft system (UAS) inspection authority in the draft composting general permit. This provision represents a notable expansion of inspection authority that does not appear to be reflected in other MDE permitting programs. Based on our understanding, this composting permit may be the first to include explicit drone-related language. A review of air quality, NPDES, and solid waste permits does not show comparable provisions authorizing aerial surveillance. Introducing drone-based inspections within a single permit, without broader programmatic consistency or formal rulemaking, raises questions regarding consistency of application. If MDE is considering the use of drone inspections more broadly, it may be beneficial to evaluate this authority through a transparent, statewide regulatory process rather than applying it within a single permit category.

The proposed language also raises legal and constitutional considerations. While administrative inspections of permitted facilities are generally authorized under existing regulatory frameworks, such authority is not without limits. Courts, including *Marshall v. Barlow's, Inc.* and *Dow Chemical Co. v. United States*, have established that warrantless inspections must be conducted within a defined and appropriately bounded regulatory scheme. The introduction of unmanned aircraft systems represents a different method of inspection that is not currently addressed within existing permit structures. The draft permit does not outline parameters for drone use, such as altitude, frequency, scope, or data collection practices, which creates uncertainty regarding how this authority would be implemented in practice. This is particularly relevant given ongoing legislative activity in Maryland related to drone surveillance and privacy, including HB1349 and HB0954, as well as advocacy from the American Civil Liberties Union of Maryland supporting warrant requirements for certain types of aerial surveillance. In the absence of clear statutory or regulatory guidance specific to this type of inspection method, the provision may introduce legal and implementation uncertainty.

Finally, beyond legal considerations, the provision does not appear to include a clear technical or environmental justification and represents a departure from established inspection practices. Existing inspection authorities already provide MDE with access to facilities, records, and sampling. The addition of drone-based inspections without defined limits, data protections, or clear alignment with applicable requirements may introduce unintended risks, including potential exposure of confidential business information or inconsistent implementation. Compost Crew recommends that MDE consider removing this provision from the draft permit or, alternatively, deferring it for further evaluation through a broader rulemaking process with stakeholder engagement and clearer implementation parameters.

Stark and Keenan stated that this provision is worded too broadly and raises significant privacy concerns. While the Maryland Department of Environment (“MDE”) provides notice

to the operator prior to, or upon, inspection under the existing GCFP, there is no similar explicit provision in this language permitting drones to make observations of the composting activities. In practical terms, if an inspection occurs under the existing rules, West Coast has certainty that MDE is indeed the entity conducting the inspection. The proposed rule could present a situation where a competitor, disgruntled neighbor, or other unauthorized party conducts surveillance under the guise of an authorized MDE inspection. The operator has a right to know if MDE is exercising its right of entry onto the operator's private property. It is imperative that the new provision, if not struck from the Draft GCFP, provides criteria for explicit notification to the operator that such surveillance will occur on a specific time and date. To be clear, this comment is not based on a need to withhold any information from MDE, rather it is imperative that this rule be construed more narrowly to protect the fundamental privacy rights of the operator.

MD-DC has concerns regarding the inclusion of unmanned aircraft system (UAS) inspection authority in the draft permit and recommends further evaluation of this provision. As drafted, this appears to represent a new expansion of inspection authority that is not reflected in other MDE permitting programs, including air quality, NPDES, or solid waste permits. Introducing this concept within a single permit raises questions about consistency and implementation across programs. MD-DC suggests that, if MDE is considering the broader use of UAS for inspections, it may be beneficial to evaluate this approach through a more comprehensive and transparent process to ensure consistency and stakeholder input. We also encourage additional clarity around how such authority would be implemented. As currently written, the provision does not specify parameters such as scope, frequency, or data use, which may create uncertainty for both the Department and permittees. Given evolving legal and policy discussions around drone use and privacy, additional guidance or guardrails could help ensure this tool, if pursued, is implemented in a clear, consistent, and legally sound manner. To address safety concerns, we would suggest prior notification be given to site operators before the use of any drones for inspections- for example: at least 24 hour notification. This would allow the site operators to plan shut down of activity when and where necessary.

The Maryland Environmental Services stated that Drone inspections and access- while MES understands that drone technology may make inspections easier and faster for regulators, they will have an impact on operational sites as some or all work should be stopped or relocated for safety. As such, drone inspections should be limited and communicated in advance to the maximum extent possible.

Garritty Renewables stated that is there a possibility of opting out of this requirement? Is there a release form or some sort of legal document for facility operators working in restricted airspace can use in case of an incident that involves a drone to indemnify the issue. Clarify if the drone visits would be announced or unannounced? How can we make changes to the composting regulations and what is the process to amend the regulations?

Response:

The Department utilizes drone inspection for areas where inspector safety is concerning and where aerial photography provides a more accurate accounting of activities at a regulated facility. This has been executed by MDE at Scrap Tire dumping locations and Dam Safety inspections. The advantage of this access is shorter downtimes associated with permitted activities as the drone is capable of capturing information at an expedient pace.

MDE currently employs only a few inspectors with the required permits and authorization to pilot an unmanned aircraft. Use of this unmanned aircraft is intended to be generally for

extraneous instances, such as: large parcels, difficult to traverse parcels, areas where there are potentially dangerous exposures, etc. Use of an unmanned aircraft would typically provide advanced notice to the permittee; however, if there is an emergency situation, the Department would exercise its right of access.

While private property owners can prohibit takeoff and landing on their property, they do not regulate the use of airspace above their property (see Maryland Transportation Article [§5-1001](#)) MDE follows common sense guidelines when flying over private property to avoid triggering violations of local nuisance laws. These include:

- Fly with a purpose
- Don't linger unnecessarily or fly back and forth
- Keep flight levels above 100 feet to avoid being perceived as "looking in windows" (this is also good practice to avoid trees and power lines)
- Don't intentionally point cameras in "private" spaces (e.g., windows, pools)

Tampering with, shooting, or otherwise attempting to damage a drone flown over property is a very serious federal crime.

Additional information - [see University of Maryland Extension Privacy Issues and the Use of sUAS/Drones in Maryland](#)

Department determination: Upon consideration of these comments and for the reasons discussed above, the Department has decided not to revise permit language on the basis of the comments provided on this topic.

Part II, B. Submission of a Revised NOI or CFOP.

- 2. Comment Topic: Condition B.3** - "If the permittee revises the CFOP for a reason other than a change in facility tier, the permittee shall submit to the Department, within 15 calendar days, a copy of the revised CFOP prior to changing operations."

Commenter(s) Name and Affiliation: Kristie Blumer, Compost Crew, Inc. and MD-DC Composting Council.

Comment: Compost Crew recommends revisiting the proposed 15-calendar-day requirement for submission of revised CFOP documentation. While timely updates are important, a 15-day timeframe may be difficult for facilities to meet, particularly where revisions are complex or require internal review and coordination. Aligning this requirement with the existing 60-day timeframe used elsewhere in the permit framework would provide greater consistency and allow sufficient time for permittees to prepare complete and accurate submissions. This adjustment would also support more effective Department review and reduce the likelihood of incomplete or rushed filings, while maintaining overall regulatory objectives

MD-DC recommends revising the 15-calendar-day requirement for submission of a revised NOI and CFOP to a minimum of 60 calendar days, consistent with the existing general permit requirements for submission of a revised NOI. While we understand the intent to ensure timely updates, this timeline may be difficult for facilities to meet, particularly where revisions are complex or require internal review and coordination. Aligning this requirement with the existing 60-day timeframe used elsewhere in the permit framework could provide greater consistency and allow both permittees and the Department adequate time to prepare

and review complete and accurate submissions. A longer timeframe may ultimately support better compliance outcomes and more effective oversight. MD-DC would be glad to work with MDE to identify a timeline that meets regulatory needs while remaining operationally feasible

Response: MDE concurs the intent of the comment. Aligning this requirement with the existing 60-day timeframe used elsewhere in the permit framework would provide greater consistency and allow sufficient time for permittees to prepare complete and accurate submissions. MDE is willing to change this 15-day timeframe to 60 days to be consistent with the other related permit conditions. In alignment with other timeframes already identified in the existing permit.

Department determination: Upon consideration of these comments and for the reasons discussed above, the Department has decided to revise permit language on the basis of the comments provided on this topic.

Part III, A. Feedstocks Authorized

3. Comment Topic: Condition A.4 - “Defined Type 2 Feedstocks.”

Commenter(s) Name and Affiliation: Kristie Blumer, Compost Crew, Inc, and MD-DC Composting Council.

Comment: Any reason why the language of Type feedstock changed? What is the process to include a new feedstock during the composting operation?

Response: The “Type 2 Feedstock” definition is not changed. For consistency purposes the content is updated to include the missing content of the Type 2 Feedstock definition provided in [COMAR 26.04.11.02B\(39\)](#). If a Tier 2 small or large facility wishes to include a new type 2 feedstock in the operation, the operator must submit a request by revising the facility’s CFOP and submitting it to MDE any time during the operation or with the annual report by January 31st of each year. However, the request to include a new feedstock must be submitted to MDE sixty (60) days before the change will be implemented. If a Tier 1 facility wishes to include a type 2 feedstock in the operation, the facility operator needs to submit revised NOI and CFOP to MDE sixty (60) days before the change will be implemented.

Department Determination: Upon consideration of this comment, and for the reason discussed above, the Department has decided not to revise permit language on the basis of the comments provided on this topic.

4. Comment Topic: Condition A.4c - Definition of “Department-Approved Industrially produced food processing materials.”

Commenter Name and Affiliation: Jason Browne, MES & MD-DC Composting Council

Comment: Are there any industrially produced food processing residuals that would not be approved by MDE? Will DAF be accepted as an approved feedstock?

Response: MDE does not maintain a list of unacceptable industrially produced food processing residuals. MDE will consider reviewing the composting facility operations plan that includes industrially produced food processing residuals including DAF.

Department Determination: Upon consideration of this comment, and for the reason discussed above, the Department has decided not to revise permit language on the basis of the comments provided on this topic.

Part III, I. Pad Requirements

- 5. Comment Topic: Condition I.1** - "All surfaces used for feedstock receiving, feedstock storage, active composting, curing, and compost storage, shall be sloped between 1 and 6 percent, as determined by site conditions and as sufficient to prevent ponding, except for areas located indoors, which shall have slope sufficient to prevent ponding and facilitate cleaning."

Commenter Name and Affiliation: Kristie Blumer, Compost Crew, Inc, and MD-DC Composting Council.

Comment: Is temporary ponding considered a violation even if there is no runoff, odor, or any other environmental impact there is just a small rut at the composting site that has water in it?

Response: No, the temporary ponding would not be considered a violation, but the facility operator needs to ensure that the small rut must be repaired as soon as possible to reduce the risk of ground water contamination.

Department Determination: Upon consideration of this comment, and for the reason discussed above, the Department has decided not to revise permit language on the basis of the comments provided on this topic.

Part III, L. Active Composting Piles

- 6. Comment Topic: Condition L.3** - "The distance between feedstock storage piles and a dwelling not owned or operated by the operator of the composting facility shall be a minimum of 300 feet."

Commenter Name and Affiliation: Kristie Blumer, Compost Crew, Inc, and MD-DC Composting Council.

Comment: We have currently set back at 50 feet and now at 300 feet. What data supports this new distance when it comes to residential?

Response: The minimum distance of 300 feet from feedstock storage piles to the dwelling not owned or operated by the facility operator is not a new provision. This provision is a part of [COMAR 26.04.11.08B\(1\)](#). MDE included this provision in the permit to ensure the permit's consistency with COMAR. In reference to the applicability of this provision to residential composting, note that this provision only applies to a permitted composting facility that uses more than 5000 square feet in support of a composting operation. The residential composting operations are exempt from the permitting requirements provided that they only compost feedstock that is generated at their property and use the compost at their property.

Department Determination: Upon consideration of this comment, and for the reason discussed above, the Department has decided not to revise permit language on the basis of the comments provided on this topic.

7. **Comment Topic: Condition L.6** - “Except for already covered piles or Type 1 piles, a 6-inch layer of compost or carbon-rich material shall be placed in overactive composting piles by the end of the operating day on which they are formed and again after each time the piles are turned.”

Commenter(s) Name and Affiliation: Kristie Blumer, Compost Crew, Inc, and MD-DC Composting Council.; Jason Browne, MES & MD-DC Composting Council

Comment: Kristie Blumer stated that what data or experience that supports requiring a 6 -inch layer after every turn? Was this change in the facility capacity and throughput evaluated financially or operationally before included? Was the impact on the facility with this change thoroughly evaluated through its economical and operational impact. Requiring adding carbon after every turn would be pre detrimental operationally and delay of market value for the product.

Comment: Jason Browne stated that there is a need to further discuss this issue. Why or Why not we need to discuss it further. There are lots of questions on the effectiveness of the composting regulations. Is MDE working on adjustments to the composting regulations? Do composting regulations apply to finish products as well? Current regulations require that at the composting facility the finished product or compost must be stored 300 feet from the dwelling on the adjacent property? Does the same rule apply to a non-permitted site where we can move the compost and keep it before marketing the material.

Response: The requirement for a 6-inch layer of compost or carbon-rich material shall be placed in overactive composting piles is provided in COMAR 26.04.11.09C(3). This provision was recommended by the task force that participated in the development of COMAR 26.04.11 in 2015. The purpose of this requirement was to mitigate the risk of odor releases and vector attraction during the active composting operation. Carbon-rich materials such as dried leaves, straw, sawdust, or shredded paper provide structure, absorb moisture, and help maintain the right carbon-to-nitrogen ratio for microbes. A top layer of carbon also acts as a barrier to deter pests like fruit flies, which are attracted to fresh food scraps.

Covering compost piles with a 6” – 8” layer of finished compost will reduce VOC emissions by more than 95% (<https://www.biocycle.net/air-emissions-control-for-composting-operations/>). As this is an internal recycle, no additional feedstocks will be incoming, so no permit modification will be needed. There will be an operational cost for installing the biolayer cover (and for replacing it when piles are turned prior to complete stabilization) but this cost is considered minor relative to the costs of odor problems. While the use of finished compost for odor control does not make that product immediately available for sale, the “biolayer” will become part of finished products to be sold in the future.

Operationally, there is a need for enough room for a materials handling device (like a front-end loader) to access the pile and install the compost cover, which can be a constraint on sites where piles are very close together. In those cases, a mulch blower (or an excavator with a long reach bucket) could be used to cover the tops of piles. Compost operations using biolayers must rethink how piles are built and maintained in order to facilitate adding the biolayer.

Operators should remember that compost piles need to “breathe” so the compost biolayer should not extend down the sides of windrows to the ground so as not to choke off replacement air coming in from the sides. To enhance pile “breathability”, operators should use unscreened compost as their biolayer material.

The requirement for a 6-inch layer of compost or carbon-rich material shall be placed in overactive composting piles is provided in COMAR 26.04.11.09C(3).

MDE is revising COMAR 26.04.11 to incorporate the requirements of on-farm composting exemptions provided in House Bill 253. In 2023, via House Bill 253, the 10,000 square feet permitting exemption was provided in Section 9-1725 of the Environment Article, Annotated Code of Maryland. The law required MDE to develop a set of regulations to implement the new requirements. In response, MDE is in the process of including the new requirements into the current regulations by enhancing chapter 2 (definition), Chapter 5 (Permits Required), Chapter 6 (On-Farm Composting Facilities-Permits Required), and Chapter 12 (Recordkeeping and Reporting). A new draft of the regulations has been developed waiting for necessary approvals to move to the next phase of the public comment process.

COMAR 26.04.11 provides regulatory requirements for the compost or the finished products. If the compost is moved to a new location for the purpose of using the compost which involves temporary storage of compost then the compost should be covered under that site’s operational permits.

Department Determination: Upon consideration of these comments, and for the reasons discussed above, the Department has decided not to revise permit language on the basis of the comments provided on this topic.

Part III, R. Nuisance Odor Prevention

8. **Comment Topic: Condition R.3** - “In the event of an odor related complaint, the permittee shall complete the “Odor Assessment Form,” attached with this permit as “Appendix 1” and keep a copy of it at the facility.”

Commenter(s) Name and Affiliation: Kristie Blumer, Compost Crew, Inc, and MD-DC Composting Council.; Stark and Keenan; Rebecca Culler, Maryland Environmental Services; Justen Garritty, Garritty Renewables, LLC.

Comment: Compost Crew has concerns regarding the proposed Odor Assessment Form included with the draft 2026 General Composting Facility Permit. This form represents a new requirement for composting facilities in Maryland, and similar requirements do not appear to apply to other MDE-permitted waste management facilities, including landfills, transfer stations, or biosolids operations. This may result in a disproportionate burden on composting facilities relative to other permitted operations. The form, as drafted, appears to attribute odor complaints to the facility without providing a clear mechanism to indicate when odors may originate from other sources. In practice, odor conditions are often influenced by factors such as neighboring land uses, weather type or direction, or other external conditions beyond the control of the facility. Additionally, the requirement to rank feedstock sources by their contribution to odors may be difficult to implement in a technically supportable way. Facilities are generally not able to reliably determine odor sources without extensive testing, and this requirement may result in speculative responses. Requiring submission of completed odor forms with the annual report also adds an additional administrative step, particularly where other quality control information is already available at any time to the Department upon request.

There are also several technical elements of the form that may be difficult to complete accurately or consistently in practice. Certain requested data points, such as moisture percentages or oxygen/carbon dioxide (aeration) conditions, may require testing or monitoring that is not routinely conducted or required, making it challenging for facilities to provide reliable and representative information. It is also unclear how these inputs are intended to apply across different materials or operational areas within a site. More broadly, several of the listed metrics, such as C/N ratio, temperature, moisture, and aeration, can vary significantly depending on the composting method and stage of the process, including differences between active composting and curing phases or between system types (e.g., windrows vs. aerated static piles). Without clearer definitions or context, these requirements may be difficult to interpret and apply consistently across facilities.

For these reasons, Compost Crew recommends that MDE reconsider the Odor Assessment Form requirement, or evaluate whether modifications could achieve the 3 intended goals while reducing administrative burden and improving practical implementation.

Comment: Stark and Keenan stated that this proposed revision is too vague regarding what constitutes an “odor related complaint.” To ensure that the operator complies with the intent of this provision, it is necessary to understand when a complaint has been made. For example, West Coast periodically receives a simple text message from an inspector that reports have been made that odors are in the area. Does a benign text message constitute a formal complaint that requires the operator to complete an Odor Assessment Form? Or is an email, letter, or some other official form of communication necessary to establish the prerequisite for the operator to complete the official Odor Assessment Form? Clarity on this point will help to ensure compliance.

Comment: MD-DC has some reservations about the proposed Odor Assessment Form and associated reporting requirements. As drafted, this appears to introduce a new requirement that is not currently applied to other permitted waste management facilities, which may create an uneven regulatory framework across similar operations. Additionally, certain elements of the form may be difficult for facilities to complete in a meaningful and accurate way. For example, attributing odor sources or ranking feedstocks may require assumptions that are not always technically supportable, particularly given the influence of external factors such as weather or nearby land uses. MD-DC recommends considering adjustments to the form and making it available upon request rather than as a routine submission, could achieve the Department’s goals while reducing potential burden.

Comment: The Maryland Environmental Service stated that the odor assessment form is to be completed by a composting facility if MDE receives an odor complaint. In the current draft of the permit, there are many details that are not clear. Examples include:

- There is no timeline for MDE to communicate to the site about the odor complaint or for the site to complete the complaint
- The permit indicates that all forms are to be submitted with the annual Compost Facility Operations Plan, but are they required to be submitted to MDE within a certain time limit after notification?
- Much of the detailed information is time-sensitive, so there should be timeframes placed around the timely submission of the complaint and communication of the complaint to the site.
- The form requests a lot of detailed information that is time sensitive and could be difficult to estimate or obtain. As stated at the Public Meeting, the goal of this form is to allow MDE and the sites to determine if the odor originated from the facility or came from

another source. The form should be carefully evaluated to ensure that all the requested information supports that goal. For example, is it necessary to account for material tonnages in each phase of composting to determine if an odor originated from the facility?

- Units should be included on the form so it can be filled out consistently

Comment: Garritty Renewables LLC' stated that there is no information about the complaint on the form. Do we get a standardized form regarding the complaint so we would know what the complaint is? The way the assessment form is designed, it will take 30 minutes to complete the form which could be time consuming and a burden on the permittee.

Response: Historically, commercial-scale composting operations have faced well-documented challenges regarding odor issues. The resulting fines, lawsuits, disputed studies, and comments from neighborhood organizations have been well publicized. When MDE receives an odor related complaint, MDE issues a site complaint to the facility operator to start a process to investigate the odor. The facility operator or MDE typically has difficulty finding the source of the odor, and consequently additional odor related complaints are filed during the investigation process.

To better manage odor related complaints, MDE proposed an odor assessment form as a mechanism to report realtime information occurring onsite. Tracking current materials, operations and deliveries of feedstocks the day prior and day to ensure an account of materials management and potential causes of odors. Information requested to be tracked points to the several factors that may be a causation of an odor. Accurate accounting enables MDE to avoid speculations and suspicions. MDE acknowledges that ranking feedstock sources by their contribution to odors may be difficult to implement. MDE also recognizes that submitting odor forms with the annual report will be an additional administrative step. MDE determined that technical requirements related to Carbon to Nitrogen ratio and aeration rate require longer time to collect so these requirements are excluded from the published odor form. The purpose of this form is to obtain certain operational data surrounding the date of the complaint. The complainant information can be obtained by submitting public information requests to MDE. MDE understands it would take some time to complete the form, but this effort is intended to help determine sources of odors and mitigate the risk of additional odor incidents.

Based on the feedback provided during the comment period, MDE has revised the requirements of the odor form. The facility operator will complete a form within information on the day before the complaint was received through 2 days after the initial complaint. Depending on the severity of the odor or other concerns, MDE may require the operator to complete additional days of assessment on additional odor forms. When completed, the facility operator has 24 hours to submit the form to MDE after final assessment day through electronic submission. Odor forms are not required to submit to MDE with the annual report.

Note, permits do not cover actions to be rectified in a site complaint nor the follow-up process. A site complaint that MDE issues to the facility provides these details. This permit does not include enforcement tools and processes.

Department Determination: Upon consideration of this comment, and for the reason discussed above, the Department has decided to revise the language in the permit and odor form. The permit describes when and how often the odor form is to be completed and how it is to be submitted to the Department. The form has been updated to describe activities and feedstocks on-site including site and atmospheric conditions.

Part III, Z. Recordkeeping and Reporting

9. **Comment Topic: Condition Z.4** - “The permittee shall submit a copy of each completed “Odor Assessment Form” with the annual report.”

Commenter Name and Affiliation: Kristie Blumer, Compost Crew, Inc, and MD-DC Composting Council.

Comment: Requiring submission of completed odor forms with the annual report also adds an additional administrative step, particularly where other quality control information is already available at any time to the Department upon request.

Response: MDE concurs the intent of the comment.

Department Determination: Upon consideration of this comment, and for the reason discussed above, the Department has decided to revise permit language on the basis of the comments provided on this topic.

Part IV, C. Transfer of Ownership

10. **Comment Topic: Condition C** - “The authorization under this general permit shall be terminated and the succeeding owner shall submit a new NOI if the following occurs: 2. The Department determines that the permitted facility is sold, and a new owner and operator, if applicable, is planning or operating at the facility.”

Commenter Name and Affiliation: Kristie Blumer, Compost Crew, Inc, and MD-DC Composting Council.

Comment: Compost Crew has concerns with the proposed requirement to terminate permit authorization and require submission of a new NOI when a facility is sold and a new owner is involved. In situations where operations, management practices, and compliance status remain unchanged, requiring a new permit may not provide additional environmental or safety benefits, while introducing administrative, financial, and transactional burdens for the purchaser. This requirement could also create challenges for facility transactions, particularly where timelines are compressed or subject to confidentiality constraints. A more flexible approach may be to allow the existing permit to remain in effect through ownership changes, while maintaining MDE’s authority to request additional information or require a new NOI where there is a demonstrable change in operations, control, or risk profile. This approach would maintain regulatory oversight while supporting continuity of compliant operations.

Comment: MD-DC has concerns with the proposed language requiring a new NOI upon the sale of a facility where a new owner and/or operator is involved. In cases where operations, management, and compliance status remain unchanged, requiring a full re-permitting process may not provide additional environmental benefit and could introduce unnecessary administrative and financial burden. We suggest considering an approach that allows permit coverage to continue through ownership changes, while preserving the Department’s ability to request additional information or require a new NOI if there is a material change in operations or risk profile. This would help maintain regulatory oversight while supporting continuity of compliant operations. We also note that advance notice requirements related to ownership changes may be challenging in certain transaction scenarios, and flexibility in implementation could be helpful.

Response: According to COMAR 26.04.11.11(H)(I), the coverage under the general permit is not transferable to a new owner or operator. Under Part IV, C.2, If MDE determines that the permitted facility is sold, and a new owner and operator is planning or operating at the facility, MDE would enforce the provision of the permit and require the new operator to obtain coverage under the permit. However, MDE understands the concerns related to existing operations, management practices, and compliance status, MDE cannot take a risk of allowing the new owner to continue the existing composting operation without reviewing the operational details.

The design and construction of a previously permitted composting facility may already meet the requirements of the General CF Permit and regulations, but the operational aspects of the facility, as well as the CFOP, are likely to change with a change in operator. The Department will review the new NOI and CFOP to ensure they meet the requirements in the General CF Permit and regulations, including the operational requirements.

MDE would, however, ensure that MDE would only contact the new operator and discuss the requirements of the general permit when the new owner has completed the ownership transfer process and holds the ownership of the facility.

Department Determination: Upon consideration of these comments, and for the reasons discussed above, the Department has decided not to revise permit language on the basis of the comments provided on this topic.

On Farm Composting Exemption (10,000 Square feet)

11. Comment Topic: Status of the On farm Composting Regulations

Commenter Name and Affiliation: Kristie Blumer, Compost Crew, Inc, and MD-DC Composting Council.

Comment: In reference to 10,000 square feet of on-farm composting exemption, what is the status of the regulation and how the amendment to the regulation would impact the revision of the general permit? In order to bring farmers together to use the 10,000 exemption, it is important that the regulations are finalized as soon as possible. What are the next steps to finalize the general permit after the public meeting? If there are any specific composting regulations which are transcribed into the permit needs to be referenced in the permit. This would help the permittees understand the sources of the changes.

Response: In 2023, via House Bill 253, the 10,000 square feet permitting exemption was provided in Section 9-1725 of the Environment Article, Annotated Code of Maryland. The law required MDE to develop a set of regulations to implement the new requirements. In response, MDE is in the process of including the new requirements into the current regulations by enhancing chapter 2 (definition), Chapter 5 (Permits Required), Chapter 6 (On-Farm Composting Facilities-Permits Required), and Chapter 12 (Recordkeeping and Reporting). A new draft of the regulations has been developed waiting for necessary approvals to move to the next phase of the public comment process. The revised regulations would not impact on the general permit because the new changes are specific to the permitting exemptions for the on-farm composting facilities. However, a farmer would be subjected to the composting facility permit if its composting facility could not meet the requirements of the exemptions. In reference to the next steps for finalizing the general permit after the public meeting, after responding to the public comments, MDE will revise the permit to include changes that MDE included in its response to the public comments. Also,

the permit conditions will be updated to provide COMAR references for consistency. Thereafter, the updated and final version of the permit will be sent to the Director of Land and Materials Administration for review and approval.

Department Determination: N/A

General Inquiry - Questions

12. Comment Topic: Facility Operators

Comment: Does a facility require a certified operator to manage the composting operations?

Response: In accordance with COMAR 26.04.11.09 and 15.18.04.03, the State of Maryland requires all composting facilities to maintain at least one certification through the Maryland Department of Agriculture for Composting Operations. This certified operator shall supervise the permitted facility. A certified operator may supervise multiple facilities.

April 3, 2026

Tariq Masood I MS(Engr), PMP
Project Manager
Waste Diversion Division I Resource Management Program
Land and Materials Administration (LMA)
Maryland Department of the Environment (MDE)
1800 Washington Boulevard
Baltimore I Maryland 21230



Dear Tariq and the LMA team:

Compost Crew appreciates the opportunity to submit comments on the drafted MDE General Composting Facility Permit (GP-CF01), which are attached to this letter. As members of the Maryland and Washington, D.C. (MD-DC) Chapter of the U.S. Composting Council, our comments align in part with those submitted by the Chapter. We have also included additional detail to reflect the perspective of a local, private-sector operator.

Compost Crew is a mission-driven, locally owned business based in Montgomery County, Maryland. We currently recycle millions of pounds of food scraps and other organic materials for over 20,000 customers across Maryland, Virginia, and Washington, D.C. As a values-driven organization, our mission is to eliminate food waste and revitalize soil through clean, convenient solutions accessible to all. We envision a future where every scrap of food is rescued or recycled, never wasted.

In addition to our collection services, we operate multiple decentralized composting systems throughout Maryland in partnership with farms and local municipalities. Through our modular Compost Outpost® model, we have developed closed-loop systems that strengthen local resilience by bringing processing capacity closer to where food waste is generated. These systems support the production of high-quality compost that restores and enriches local soils.

We appreciate MDE's efforts in updating the GP-CF01 and encourage a framework that supports the continued growth and accessibility of composting programs across Maryland. It is important that the permit structure enables innovation and expansion while maintaining strong environmental and community protections. Thank you for your consideration, and we look forward to continued collaboration to make food scrap recycling a part of everyday life.

Sincerely,

Kristie Blumer, Senior Director, Composting
Compost Crew
Kristie@compostcrew.com | 301-202-4450

Compost Crew comments on the drafted MDE General Composting Facility Permit (GP-CF01):

1. As it pertains to the following section:

“Part 1.D.2. The Department may exercise its rights of entry through use of an unmanned aircraft system to conduct inspections, collect samples, or make visual observations through photographic or video recordings.”

Compost Crew has concerns with the inclusion of unmanned aircraft system (UAS) inspection authority in the draft composting general permit. This provision represents a notable expansion of inspection authority that does not appear to be reflected in other MDE permitting programs. Based on our understanding, this composting permit may be the first to include explicit drone-related language. A review of air quality, NPDES, and solid waste permits does not show comparable provisions authorizing aerial surveillance. Introducing drone-based inspections within a single permit, without broader programmatic consistency or formal rulemaking, raises questions regarding consistency of application. If MDE is considering the use of drone inspections more broadly, it may be beneficial to evaluate this authority through a transparent, statewide regulatory process rather than applying it within a single permit category.

The proposed language also raises legal and constitutional considerations. While administrative inspections of permitted facilities are generally authorized under existing regulatory frameworks, such authority is not without limits. Courts, including *Marshall v. Barlow's, Inc.* and *Dow Chemical Co. v. United States*, have established that warrantless inspections must be conducted within a defined and appropriately bounded regulatory scheme. The introduction of unmanned aircraft systems represents a different method of inspection that is not currently addressed within existing permit structures. The draft permit does not outline parameters for drone use, such as altitude, frequency, scope, or data collection practices, which creates uncertainty regarding how this authority would be implemented in practice. This is particularly relevant given ongoing legislative activity in Maryland related to drone surveillance and privacy, including HB1349 and HB0954, as well as advocacy from the American Civil Liberties Union of Maryland supporting warrant requirements for certain types of aerial surveillance. In the absence of clear statutory or regulatory guidance specific to this type of inspection method, the provision may introduce legal and implementation uncertainty.

Finally, beyond legal considerations, the provision does not appear to include a clear technical or environmental justification and represents a departure from established inspection practices. Existing inspection authorities already provide MDE with access to facilities, records, and sampling. The addition of drone-based inspections without defined limits, data protections, or clear alignment with applicable requirements may introduce unintended risks, including potential exposure of confidential business information or inconsistent implementation. Compost Crew recommends that MDE consider removing this provision from the draft permit or, alternatively, deferring it for

further evaluation through a broader rulemaking process with stakeholder engagement and clearer implementation parameters.

2. As it pertains to the following sections:

“Part 3.R.3. In the event of an odor related complaint, the permittee shall complete the “Odor Assessment Form,” attached with this permit as “Appendix 1” and keep a copy of it at the facility.”

“Part 3.Z.4. The permittee shall submit a copy of each completed “Odor Assessment Form” with the annual report.”

Compost Crew has concerns regarding the proposed Odor Assessment Form included with the draft 2026 General Composting Facility Permit. This form represents a new requirement for composting facilities in Maryland, and similar requirements do not appear to apply to other MDE-permitted waste management facilities, including landfills, transfer stations, or biosolids operations. This may result in a disproportionate burden on composting facilities relative to other permitted operations.

The form, as drafted, appears to attribute odor complaints to the facility without providing a clear mechanism to indicate when odors may originate from other sources. In practice, odor conditions are often influenced by factors such as neighboring land uses, weather type or direction, or other external conditions beyond the control of the facility. Additionally, the requirement to rank feedstock sources by their contribution to odors may be difficult to implement in a technically supportable way. Facilities are generally not able to reliably determine odor sources without extensive testing, and this requirement may result in speculative responses. Requiring submission of completed odor forms with the annual report also adds an additional administrative step, particularly where other quality control information is already available at any time to the Department upon request.

There are also several technical elements of the form that may be difficult to complete accurately or consistently in practice. Certain requested data points, such as moisture percentages or oxygen/carbon dioxide (aeration) conditions, may require testing or monitoring that is not routinely conducted or required, making it challenging for facilities to provide reliable and representative information. It is also unclear how these inputs are intended to apply across different materials or operational areas within a site. More broadly, several of the listed metrics, such as C/N ratio, temperature, moisture, and aeration, can vary significantly depending on the composting method and stage of the process, including differences between active composting and curing phases or between system types (e.g., windrows vs. aerated static piles). Without clearer definitions or context, these requirements may be difficult to interpret and apply consistently across facilities.

For these reasons, Compost Crew recommends that MDE reconsider the Odor Assessment Form requirement, or evaluate whether modifications could achieve the

intended goals while reducing administrative burden and improving practical implementation.

3. As it pertains to the following underlined sections:

“Part 4.C. The authorization under this general permit shall be terminated and the succeeding owner shall submit a new NOI if the following occurs:

2. The Department determines that the permitted facility is sold, and a new owner and operator, if applicable, is planning or operating at the facility.”

Compost Crew has concerns with the proposed requirement to terminate permit authorization and require submission of a new NOI when a facility is sold and a new owner is involved. In situations where operations, management practices, and compliance status remain unchanged, requiring a new permit may not provide additional environmental or safety benefits, while introducing administrative, financial, and transactional burdens for the purchaser.

This requirement could also create challenges for facility transactions, particularly where timelines are compressed or subject to confidentiality constraints. A more flexible approach may be to allow the existing permit to remain in effect through ownership changes, while maintaining MDE’s authority to request additional information or require a new NOI where there is a demonstrable change in operations, control, or risk profile. This approach would maintain regulatory oversight while supporting continuity of compliant operations.

4. As it pertains to the following underlined section:

“Part 2.B.3. If the permittee revises the CFOP for a reason other than a change in facility tier, the permittee shall submit to the Department, within 15 calendar days, a copy of the revised CFOP prior to changing operations.”

Compost Crew recommends revisiting the proposed 15-calendar-day requirement for submission of revised CFOP documentation. While timely updates are important, a 15-day timeframe may be difficult for facilities to meet, particularly where revisions are complex or require internal review and coordination.

Aligning this requirement with the existing 60-day timeframe used elsewhere in the permit framework would provide greater consistency and allow sufficient time for permittees to prepare complete and accurate submissions. This adjustment would also support more effective Department review and reduce the likelihood of incomplete or rushed filings, while maintaining overall regulatory objectives.

General Composting Facility Permit - public comment

External

Inbox

R

11:32 AM (47
minutes ago)

Rebecca Culler

to me, Melissa

Good afternoon,

I have been having issues getting this email to go through since last Friday. I attempted 3 times, and I have attached the email bounce back showing the attempts. I hope that this message will a) go through, and b) be considered on-time for the public comment period.

The following are the comments we would like to submit on the General Composting Facility Permit Reissuance.

1. Drone inspections and access- while MES understands that drone technology may make inspections easier and faster for regulators, they will have an impact on operational sites as some or all work should be stopped or relocated for safety. As such, drone inspections should be limited and communicated in advance to the maximum extent possible.
2. The odor assessment form is to be completed by a composting facility if MDE receives an odor complaint. In the current draft of the permit, there are many details that are not clear. Examples include:
 - a. There is no timeline for MDE to communicate to the site about the odor complaint or for the site to complete the complaint
 - b. The permit indicates that all forms are to be submitted with the annual Compost Facility Operations Plan, but are they required to be submitted to MDE within a certain time limit after notification?
 - c. Much of the detailed information is time-sensitive, so there should be timeframes placed around the timely submission of the complaint and communication of the complaint to the site.

- d. The form requests a lot of detailed information that is time sensitive and could be difficult to estimate or obtain. As stated at the Public Meeting, the goal of this form is to allow MDE and the sites to determine if the odor originated from the facility or came from another source. The form should be carefully evaluated to ensure that all the requested information supports that goal. For example, is it necessary to account for material tonnages in each phase of composting to determine if an odor originated from the facility?
- e. Units should be included on the form so it can be filled out consistently

Thank you.
~Rebecca

Rebecca Culler

Deputy Division Chief, Solid Waste

259 Najoles Road, Millersville, MD 21108

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)

she/her/hers (pronouns)

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April 5, 2026

VIA EMAIL: lma.wdd@maryland.gov

Tariq Massood
Land and Materials Administration
Maryland Department of the Environment
1800 Washington Blvd., Suite 610
Baltimore, MD 21230

RE: Draft GCFP Comments

Dear Mr. Masood:

Please accept these comments on behalf of West Coast Mushrooms, LLC (“West Coast”), which produces a substrate for growing its mushrooms and is covered under the General Composting Facility Permit (“GCFP”). Through counsel, West Coast attended the public information session on March 24, 2026 and has reviewed the proposed changes to the GCFP. West Coast offers the following comments regarding two (2) proposed changes:

1. Part I(D)(2) states:

The Department may exercise its rights of entry through use of an unmanned aircraft system to conduct inspections, collect samples, or make visual observations through photographic or video recordings.

This provision is worded too broadly and raises significant privacy concerns. While the Maryland Department of Environment (“MDE”) provides notice to the operator prior to, or upon, inspection under the existing GCFP, there is no similar explicit provision in this language permitting drones to make observations of the composting activities. In practical terms, if an inspection occurs under the existing rules, West Coast has certainty that MDE is indeed the entity conducting the inspection. The proposed rule could present a situation where a competitor, disgruntled neighbor, or other unauthorized party conducts surveillance under the guise of an authorized MDE inspection. The operator has a right to know if MDE is exercising its right of entry onto the operator’s private property. It is

imperative that the new provision, if not struck from the Draft GCFP, provides criteria for explicit notification to the operator that such surveillance will occur on a specific time and date. To be clear, this comment is not based on a need to withhold any information from MDE, rather it is imperative that this rule be construed more narrowly to protect the fundamental privacy rights of the operator.

2. Part II(R)(3) of the Draft GCFP provides:

In the event of an odor related complaint, the permittee shall complete the “Odor Assessment Form,” attached with this permit as “Appendix 1” and keep a copy of it at the facility.

This proposed revision is too vague regarding what constitutes an “odor related complaint.” To ensure that the operator complies with the intent of this provision, it is necessary to understand when a complaint has been made. For example, West Coast periodically receives a simple text message from an inspector that reports have been made that odors are in the area. Does a benign text message constitute a formal complaint that requires the operator to complete an Odor Assessment Form? Or is an email, letter, or some other official form of communication necessary to establish the prerequisite for the operator to complete the official Odor Assessment Form? Clarity on this point will help to ensure compliance.

Thank you for the opportunity to offer comments on these important revisions to the GCFP. Please let us know if we can provide any further context or information regarding the substance of these comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "David S. Lynch", with a stylized flourish at the end.

David S. Lynch

cc: West Coast Mushrooms, LLC



April 3, 2026

Tariq Masood I MS(Engr), PMP
Project Manager
Waste Diversion Division I Resource Management Program
Land and Materials Administration (LMA)
Maryland Department of the Environment
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Pluvr
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Cara Murray
Baltimore City Office of Waste
Diversion
Board Member

Re: Notice of Reissuance of State General Composting Facility Permit (GP-CF01)

Dear Tariq and LMA Staff,

The Maryland and Washington, D.C. (MD-DC) Chapter of the U.S. Composting Council represents a broad range of public and private sector stakeholders and is dedicated to advancing composting and the beneficial use of compost throughout Maryland and the District of Columbia.

We appreciate the opportunity to provide comments on the State's General Composting Facility Permit (GCFP) and have provided our comments as attached. Our comments focus on several key areas where we believe additional consideration or refinement may be beneficial, including: (1) the introduction of unmanned aircraft system (UAS) inspection authority, which raises questions regarding consistency, implementation parameters, and broader policy considerations; (2) the proposed Odor Assessment Form, which represents a new requirement for composting facilities and may present practical and technical challenges in application that doesn't take into consideration external factors out of the operation's control; (3) provisions related to transfer of ownership that would require a new NOI upon sale, even where operations remain unchanged; and (4) proposed timelines for submittal of revised NOIs and CFOPs, where alignment with existing 60-day requirements may improve consistency and feasibility.

Thank you for considering our comments and for your continued efforts to improve composting management practices in Maryland. We appreciate the opportunity to engage in this process and look forward to continued collaboration.

Sincerely,

Warmest regards,

MD-DC Compost Council Board of Directors

MD-DC State Chapter (MD-DC) comments on the drafted MDE General Composting Facility Permit (GP-CF01):

MD-DC appreciates MDE's continued efforts to modernize and strengthen the composting regulatory framework. We offer the following comments and recommendations in the spirit of collaboration and with the goal of ensuring the permit is both effective and practical to implement. MD-DC and its community of key stakeholders would welcome the opportunity to further engage with MDE on these topics.

1. As it pertains to the following section:

"Part 1.D.2. The Department may exercise its rights of entry through use of an unmanned aircraft system to conduct inspections, collect samples, or make visual observations through photographic or video recordings."

MD-DC has concerns regarding the inclusion of unmanned aircraft system (UAS) inspection authority in the draft permit and recommends further evaluation of this provision. As drafted, this appears to represent a new expansion of inspection authority that is not reflected in other MDE permitting programs, including air quality, NPDES, or solid waste permits. Introducing this concept within a single permit raises questions about consistency and implementation across programs. MD-DC suggests that, if MDE is considering the broader use of UAS for inspections, it may be beneficial to evaluate this approach through a more comprehensive and transparent process to ensure consistency and stakeholder input.

We also encourage additional clarity around how such authority would be implemented. As currently written, the provision does not specify parameters such as scope, frequency, or data use, which may create uncertainty for both the Department and permittees. Given evolving legal and policy discussions around drone use and privacy, additional guidance or guardrails could help ensure this tool, if pursued, is implemented in a clear, consistent, and legally sound manner. To address safety concerns, we would suggest prior notification be given to site operators before the use of any drones for inspections- for example: at least 24 hour notification. This would allow the site operators to plan shut down of activity when and where necessary.

2. As it pertains to the following sections:

"Part 3.R.3. In the event of an odor related complaint, the permittee shall complete the "Odor Assessment Form," attached with this permit as "Appendix 1" and keep a copy of it at the facility."

"Part 3.Z.4. The permittee shall submit a copy of each completed "Odor Assessment Form" with the annual report."

MD-DC has some reservations about the proposed Odor Assessment Form and associated reporting requirements. As drafted, this appears to introduce a new requirement that is not currently applied to other permitted waste management facilities, which may create an uneven regulatory framework across similar operations. Additionally, certain elements of the form may be difficult for facilities to complete in a meaningful and accurate way. For example, attributing odor sources or ranking feedstocks may require assumptions that are not always technically supportable, particularly given the influence of external factors such as weather or nearby land uses. MD-DC recommends considering adjustments to the form and making it available upon request rather than as a routine submission, could achieve the Department's goals while reducing potential burden.

3. As it pertains to the following underlined sections:

"Part 4.C. The authorization under this general permit shall be terminated and the succeeding owner shall submit a new NOI if the following occurs:

2. The Department determines that the permitted facility is sold, and a new owner and operator, if applicable, is planning or operating at the facility."

MD-DC has concerns with the proposed language requiring a new NOI upon the sale of a facility where a new owner and/or operator is involved. In cases where operations, management, and compliance status remain unchanged, requiring a full re-permitting process may not provide additional environmental benefit and could introduce unnecessary administrative and financial burden.

We suggest considering an approach that allows permit coverage to continue through ownership changes, while preserving the Department's ability to request additional information or require a new NOI if there is a material change in operations or risk profile. This would help maintain regulatory oversight while supporting continuity of compliant operations. We also note that advance notice requirements related to ownership changes may be challenging in certain transaction scenarios, and flexibility in implementation could be helpful.

4. As it pertains to the following underlined section:

"Part 2.B.3. If the permittee revises the CFOP for a reason other than a change in facility tier, the permittee shall submit to the Department, within 15 calendar days, a copy of the revised CFOP prior to changing operations."

MD-DC recommends revising the 15-calendar-day requirement for submission of a revised NOI and CFOP to a minimum of 60 calendar days, consistent with the existing general permit requirements for submission of a revised NOI. While we understand the intent to ensure timely updates, this timeline may be difficult for facilities to meet, particularly where revisions are complex or require internal review and coordination.

Aligning this requirement with the existing 60-day timeframe used elsewhere in the permit framework could provide greater consistency and allow both permittees and the Department adequate time to prepare and review complete and accurate submissions. A longer timeframe may ultimately support better compliance outcomes and more effective oversight. MD-DC would be glad to work with MDE to identify a timeline that meets regulatory needs while remaining operationally feasible.