HOUSE BILL 161

M40lr0026

Chair, Environment and Transportation Committee (By Request -Departmental - Agriculture)

Introduced and read first time: January 15, 2020 Assigned to: Environment and Transportation

A BILL ENTITLED

1	AN ACT concerning	

2Nutrient Management - Professional Fertilizer Applicators - Requirements and 3 **Penalties**

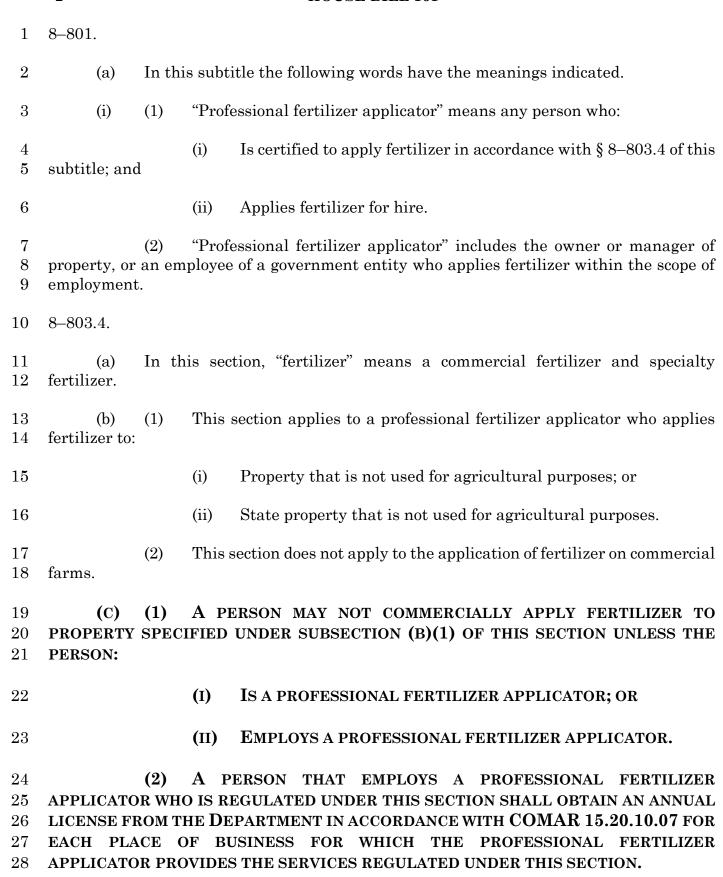
- 4 FOR the purpose of prohibiting a person from commercially applying fertilizer to certain property unless the person is a professional fertilizer applicator or employs a 5 6 professional fertilizer applicator; requiring a person that employs a certain 7 professional fertilizer applicator to obtain a certain license for each place of business 8 for which the professional fertilizer applicator provides certain services; altering the application of a certain civil penalty to include the employer of a person who violates 9 10 certain provisions of law; providing for the application of this Act; and generally 11 relating to professional fertilizer applicators.
- 12 BY repealing and reenacting, without amendments,
- Article Agriculture 13

AN ACT concorning

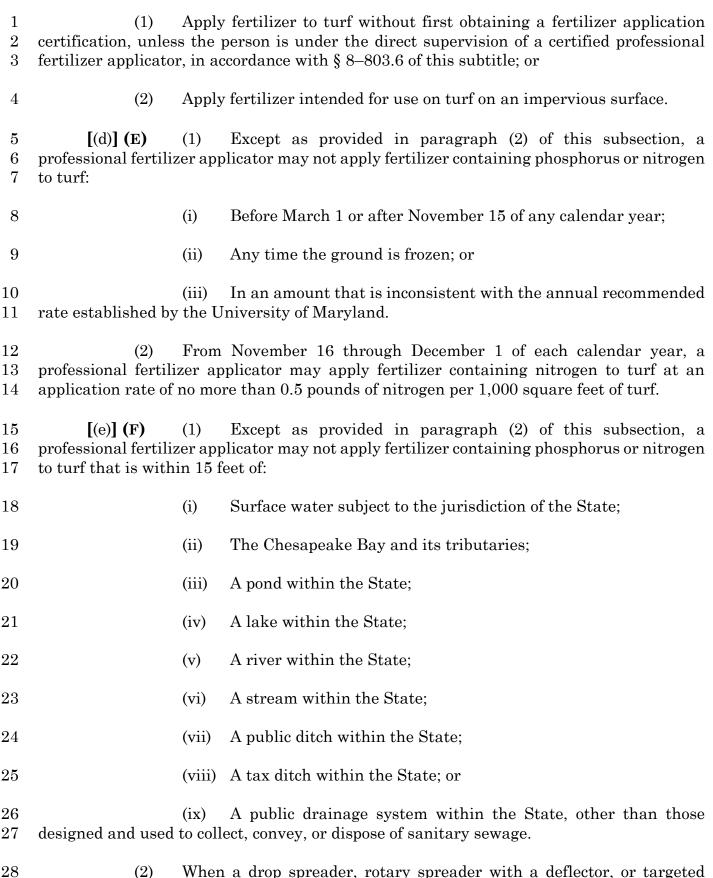
- 14 Section 8–801(a) and (i)
- 15 Annotated Code of Maryland
- 16 (2016 Replacement Volume and 2019 Supplement)
- 17 BY repealing and reenacting, with amendments,
- 18 Article – Agriculture
- 19 Section 8-803.4
- 20 Annotated Code of Maryland
- 21 (2016 Replacement Volume and 2019 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 23 That the Laws of Maryland read as follows:

Article - Agriculture 24

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[(c)] **(D)** A professional fertilizer applicator may not:



(2) When a drop spreader, rotary spreader with a deflector, or targeted spray liquid is used for fertilizer application, the setback required under paragraph (1) of this subsection may be reduced to 10 feet.

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- 1 (3) The establishment of setbacks for fertilizer application under this subsection does not preclude the establishment or applicability of, or compliance with, any other environmental standards established under any other State or federal law, rule, or regulation.
- 5 **[**(f)**] (G)** (1) Except as provided in paragraph (2) of this subsection, a professional fertilizer applicator may not apply fertilizer containing nitrogen to turf:
- 7 (i) At an application rate of more than 0.7 pounds of water—soluble 8 nitrogen per 1,000 square feet of turf; and
- 9 (ii) At an application rate of more than 0.9 pounds of nitrogen per 10 1,000 square feet of turf.
- 11 (2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, a professional fertilizer applicator may apply an enhanced efficiency fertilizer:
- 13 1. At an annual application rate of no more than 2.5 pounds of nitrogen per 1,000 square feet of turf; and
- 15 2. That has a release rate of no more than 0.7 pounds of total 16 nitrogen per 1,000 square feet of turf per month.
- 17 (ii) The annual total application rate of an enhanced efficiency 18 fertilizer may not exceed 80% of the annual recommended rate for total nitrogen 19 established by the University of Maryland.
- 20 (iii) An enhanced efficiency fertilizer may not be applied after 21 November 15 or before March 1 of each calendar year.
- [(g)] (H) (1) Except as provided in paragraphs (2) and (4) of this subsection, a professional fertilizer applicator may not apply fertilizer containing phosphorus to turf.
- 24 (2) A professional fertilizer applicator may apply organic or natural organic 25 fertilizer containing phosphorus to turf when:
- 26 (i) A soil test performed no more than 3 years before the fertilizer application indicates a low or medium level of phosphorus; and
- 28 (ii) The fertilizer is applied at a rate recommended by the University 29 of Maryland.
- 30 (3) Paragraph (2) of this subsection does not authorize a professional fertilizer applicator to apply fertilizer containing phosphorus when a soil test indicates an optimum or excessive level of phosphorus.

- 1 A professional fertilizer applicator may apply fertilizer to turf **(4)** 2 containing phosphorus if the professional fertilizer applicator: 3 Determines that the fertilizer is necessary for the specific soils 4 and target vegetation in accordance with a soil test performed no more than 3 years before the fertilizer application, provided the application complies with the recommendations 5 6 established by the University of Maryland; 7 Is establishing vegetation for the first time, such as after land (ii) 8 disturbance, provided the application complies with the recommendations established by the University of Maryland; or 9 10 (iii) Is reestablishing or repairing a turf area. 11 [(h)] (I) (1) A person who violates any provision of this section **OR EMPLOYS** 12 A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION is subject to a civil penalty 13 of not more than \$1,000 for a first violation. 14 (2)A person who violates any provision of this section OR EMPLOYS A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION is subject to a civil penalty 15 of not more than \$2,000 for each subsequent violation. 16 17 (3)Each day a violation occurs under this section is a separate violation. 18 The total penalties imposed on a person for violations of this section **(4)** 19 that result from the same set of facts and circumstances may not exceed \$10,000. 20 [(i)] (J) The penalty imposed on a person under this section shall be assessed with consideration given to: 21 22(1)The willfulness of the violation, the extent to which the existence of the 23violation was known to the violator but uncorrected by the violator, and the extent to which 24the violator exercised reasonable care; 25(2)Any actual harm to human health or to the environment including 26 injury to or impairment of the use of the waters of the State or the natural resources of the 27State; 28(3) The cost of control; 29 **(4)** The nature and degree of injury to or interference with general welfare, 30 health, and property;
- 31 (5) The extent to which the location of the violation, including location near 32 areas of human population, creates the potential for harm to the environment or to human 33 health or safety; and

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- 1 (6) The extent to which the current violation is part of a recurrent pattern 2 of the same or similar type of violation committed by the violator.
- 3 **[(j)] (K)** Penalties collected by the Secretary under this section shall be paid into 4 the General Fund of the State.
- 5 [(k)] (L) The Department may adopt regulations to implement this section.
- 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 7 October 1, 2020.