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MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: February 19, 2020

BILL NUMBER: SENATE BILL 928

SHORT TITLE: ENVIRONMENT – CONCENTRATED ANIMAL FEEDING OPERATION
CONSTRUCTION OR EXPANSION – MANURE TRANSPORT PLAN
REQUIREMENT

MDA POSITION: INFORMATION

EXPLANATION:

SB 928 prohibits approving new and/or expanding coverage under a Concentrated Animal Feeding Operation (CAFO) Discharge Permit unless the permit applicant submits a manure transport plan as part of the permit application. Applicants' manure transport plans in counties where 30% or more of the agricultural acres are impacted by the Phosphorus Management Tool (PMT), would identify receiving farms located in another county where less than 30% of all agricultural acres have a phosphorus Fertility Index Value (FIV) below 150.

BACKGROUND INFORMATION:

In 2015, the PMT was enacted as a restrictive measure to limit, or in some cases restrict, phosphorus (P) application on fields where the University of Maryland (UMD)'s scientific tool recognized high levels of P in agricultural fields. Farmers with high P fields began a management transition phase-in period to reduce phosphorus applications, starting on those fields with the highest P levels. SB 928 undermines the validity of current recommendations made by UMD and Maryland Department of Agriculture (MDA) in accordance with current nutrient management laws. These nutrient management plans should be considered the guideline for any nutrient management recommendations.

In December 2019, MDA agreed with the PMT Advisory Committee's recommendation to move forward with no delay in the next transition phase. A study conducted by BEACON at Salisbury University suggested the affected industries may lack the resources needed to

move forward with PMT as planned. In response to those concerns, the department announced a new set of initiatives that will help bring the industries up to speed. The plan includes:

- Improvements to the Manure Transport Program including shorter, more flexible applications and claim forms. The program has set up a new manure hotline (410-841-5864) for farmers interested in moving or receiving manure. Governor Hogan's budget also included an additional \$1 million for the program from the Chesapeake and Atlantic Coastal Bays Trust Fund.
- Partnering with Integrators to more accurately track the supply and demand for manure and connect farmers who need to move manure with farmers looking to apply manure.
- Working with the Maryland Environmental Services to haul manure and identify facilities that can be used as temporary storage areas for manure until it is ready to be moved to a farm or alternative use facility.
- A potential partnership with the Maryland and Delaware Railroad Company to haul manure out of Maryland to farmers and growers who have expressed interest in using manure as fertilizer.
- A field science study to ensure that we are working with the best available science. MDA is working with the University of Maryland on a five-year study on the field science of PMT.
- Continuing to identify new alternative uses for litter through MDA's Animal Waste Technology Grant program and industry partnerships.
- Finding new ways to reduce phosphorus levels including a research project with University of Maryland Center for Environmental Science analyzing the use of aragonite on fields high FIV.
- Outreach to farmers encouraging the use of manure as a fertilizer and publicizing the new and improved Manure Transport Program.

It would be more appropriate to allow time for these initiatives to be implemented than to legislate more restrictions that go way beyond the PMT law. Restricting the transportation of manure to farm operations that include fields with a FIV <150 can contradict a farmer's nutrient management plan if the operation resides in a county where 30% of farm fields have an FIV >150.

Although the burden falls on the Maryland Department of Environment to monitor the implementation of the manure transport plan, typically manure transport is the responsibility of MDA. MDA would require an additional Nutrient Management Specialist dedicated to PMT and compliance. Provisions within SB 928 could also violate the privacy of individuals by exposing nutrient management plan information for receiving operations.

If you have additional questions, please contact Cassie Shirk, Director of Legislation and Governmental Affairs, at cassie.shirk@maryland.gov or 410-841-5886.