

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	09/14/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 9/30/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

15 20 07 02

**3. Name of Promulgating Authority**

Department of Agriculture

**4. Name of Regulations Coordinator**

Iva Benson

**Telephone Number**

410-841-5829

**Mailing Address**

50 Harry S. Truman Parkway, Suite 303

**City State Zip Code**

Annapolis MD 21401

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iva.benson@maryland.gov

**5. Name of Person to Call About this Document**

Hans W. Schmidt

**Telephone No.**

(410) 841-5865

**Email Address**

hans.schmidt@maryland.gov

**6. Check applicable items:**

- New Regulations
  - Amendments to Existing Regulations
    - Date when existing text was downloaded from COMAR online: July 7, 2016.
  - Repeal of Existing Regulations
  - Recodification
  - Incorporation by Reference of Documents Requiring DSD Approval
  - Reproposal of Substantively Different Text:
    - 42: 7 Md. R 574-582 4/13/2015
    - (vol.) (issue) (page nos) (date)
- Under Maryland Register docket no.: 15-106-P.

**7. Is there emergency text which is identical to this proposal:**

Yes  No

If yes, corresponding proposed text published in:

- same issue
  - future issue
  - previous issue; it appeared in
    - : Md. R
    - (vol.) (issue) (page no's) (date)
- Under Maryland Register docket no.: --E.

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Craig Nielsen, Assistant Attorney General, (telephone #(410) 841-5883) on July 12, 2016. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Joseph Bartenfelder

**Title**

Secretary

**Date**

September 8, 2016

**Telephone No.**

(410) 841-5884

**Title 15**

**DEPARTMENT OF AGRICULTURE**

**Subtitle 20 SOIL AND WATER CONSERVATION**

**15.20.07 Agricultural Operation Nutrient Management Plan Requirements**

Authority: Agriculture Article, §§ 8-801 to 8-806, Annotated Code of Maryland

**Notice of Proposed Action**

□

The Secretary of Agriculture proposes to amend Regulation .02 under COMAR 15.20.07 Agricultural Operation Nutrient Management Plan Requirements.

**Statement of Purpose**

The purpose of this action is to alter requirements under the Department of Agriculture's Nutrient Management program, applicable to regulated agricultural operations. This action extends and makes state-wide the winter deadline and prohibition for spreading nutrients to fertilize farm fields from September 10 to December 15; it removes the requirement that agricultural operations incorporate nutrients in the soil of farm fields during spring and fall applications. Lastly, it provides an emergency exception to the winter applications prohibition that allows agricultural operators to spread nutrients in winter on farm fields to prevent the overflow of storage structures to prevent point-source winter pollution.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

This action includes extending the fall application deadline to apply nutrients, removing the nutrient incorporation requirement and providing for emergency nutrient applications,

and may result in an economic benefit of unknown magnitude to regulate agricultural operators and others who use farm fields to spread nutrients.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
II A	(E-)	Unknown
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
II D	(+)	Unknown
E. On other industries or trade groups:		
II E	(+)	Unknown
F. Direct and indirect effects on public:		
II F	(+)	Unknown

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. The Department may incur added unknown staff costs to implement this action.

D. Farm operators may benefit financially by reducing the costs of constructing storage facilities and waste lagoons for winter nutrient storage due to the alteration of the winter prohibition on applying nutrients and the emergency application exception. This action also will save operators the undetermined cost of incorporating nutrients in the soil during spring and fall nutrient spreading.

E. Subject to nutrient management plan requirements, this action will benefit organizations that rely on the use of farmland to dispose nutrients.

F. This action will benefit the public by protecting water quality; the emergency application of nutrients will help prevent overflow from nutrient storage structures that could result in point-source pollution.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to Hans W. Schmidt, Assistant Secretary, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-5865, or email to [hans.schmidt@maryland.gov](mailto:hans.schmidt@maryland.gov), or fax to (410) 841-5736. Comments will be accepted through October 3, 2016. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used: General Funds.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations will benefit both large and small farm operations (it is unclear how many small farms qualify as small businesses), but the magnitude is unknown.

G. Small Business Worksheet:

SMALL BUSINESS ANALYSIS WORKSHEET

1a. Intended Beneficiaries.

Agricultural operations subject to the Nutrient Management Law.

1b. Intended Beneficiaries: Households.

No.

1c. Intended Beneficiaries: Businesses.

See 1a above.

2a. Other Direct or Indirect Impacts: Adverse.

None.

2b. Other Direct or Indirect Impacts: Positive.

These regulations will provide more flexibility to agricultural operations in apply nutrients to farm fields that are subject to the Nutrient Management Law.

3. Long-Term Impacts.

Unknown.

4. Estimates of Economic Impact.

A. Cost of providing goods and services.

Unknown.

B. Effect on the workforce.

Unknown.

C. Effect on the cost of housing.

Unknown.

D. Efficiency in production and marketing.

Unknown.

E. Capital investment, taxation, competition and economic development.

Unknown.

F. Consumer choice.

Unknown.

Attached Document:

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## **Title 15 DEPARTMENT OF AGRICULTURE**

### **Subtitle 20 SOIL AND WATER CONSERVATION**

#### **Chapter 07 Agricultural Operation Nutrient Management Plan Requirements**

Authority: Agriculture Article, §§8-801—8-806, Annotated Code of Maryland

**.02 Incorporation by Reference.**

The performance and technical standards provided in this subtitle are found in the Department of Agriculture's Maryland Nutrient Management Manual (November 1999), Supplement No. 8 (August 2016), which has been incorporated by reference.

JOSEPH BARTENFELDER  
Secretary of Agriculture