

SB1074/903327/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 1074
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Environment – Industrial Sludge**” and substitute “**Agriculture – Food Processing Residuals**”; in line 3, strike “an” and substitute “a”; in lines 3, 4, and 9, in each instance, strike “industrial sludge” and substitute “food processing residuals”; in line 5, strike “the Environment” and substitute “Agriculture”; in the same line, after “provide” insert “a”; in the same line, strike “notices” and substitute “notice”; strike beginning with “applying” in line 6 down through “permits” in line 7 and substitute “establishing the Food Processing Residuals Administration Fund as a special, nonlapsing fund”; in lines 8 and 9, strike “industrial sludge is” and substitute “food processing residuals are”; in line 9, after “utilized;” insert “authorizing the Department to administer a Commercial Hauler Certification Program;”; strike in their entirety lines 10 through 14, inclusive; in line 16, strike “Environment” and substitute “Agriculture”; in line 17, strike “9–293 through 9–299, 9–299.1, 9–299.2, 9–299.3, and 9–299.4” and substitute “8–8A–01 through 8–8A–15”; in line 18, strike “part” and substitute “subtitle”; in the same line, strike ““Part IX. Industrial Sludge”” and substitute ““Subtitle 8A. Food Processing Residuals”; and 8–1101 through 8–1103 to be under the new subtitle “Subtitle 11. Commercial Hauler Certification Program””; and in line 20, strike “(2014” and substitute “(2016”.

AMENDMENT NO. 2

On page 1, in line 23, strike “**Environment**” and substitute “**Agriculture**”.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 23 on page 2, inclusive, and substitute:

“SUBTITLE 8A. FOOD PROCESSING RESIDUALS.”

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On page 2, in line 24, strike “**9-293.**” and substitute “**8-8A-01.**”; and in line 25, strike “**PART**” and substitute “**SUBTITLE**”.

On pages 2 and 3, strike beginning with “**(1)**” in line 27 on page 2 down through “**(C)**” in line 8 on page 3 and substitute “**“AGRICULTURAL OPERATION” MEANS EACH PHYSICAL SITE WHERE A PERSON ENGAGES IN A BUSINESS THAT:**

(1) GROWS, RAISES, KEEPS, PASTURES, OR OTHERWISE PRODUCES A FARM PRODUCT, INCLUDING:

(i) ANY AGRICULTURAL, HORTICULTURAL, VEGETABLE, OR FRUIT PRODUCT OF THE SOIL; OR

(ii) LIVESTOCK, POULTRY, EGGS, DAIRY PRODUCTS, NUTS, HONEY, AND EVERY PRODUCT OF A FARM, A FOREST, OR AN ORCHARD; AND

(2) HAS:

(i) A GROSS ANNUAL INCOME OF \$2,500 OR MORE; OR

(ii) EIGHT OR MORE ANIMAL UNITS.

(C) “APPLICANT” MEANS:

(1) THE OWNER OR OPERATOR OF AN AGRICULTURAL OPERATION;
OR

(2) A COMMERCIAL BROKER OR COMMERCIAL HAULER WHO HAS CONTRACTED WITH THE OWNER OR OPERATOR OF AN AGRICULTURAL

OPERATION TO HAVE FOOD PROCESSING RESIDUALS UTILIZED AT THAT LOCATION.

(D) “COMMERCIAL BROKER” MEANS A PERSON WHO:

(1) FOR COMMERCIAL PURPOSES, ASSUMES TEMPORARY CONTROL OF FOOD PROCESSING RESIDUALS FROM AN AGRICULTURAL OPERATION OR A FOOD PROCESSING PLANT AND TRANSPORTS OR ARRANGES THE TRANSPORT OF THIS MATERIAL TO AN IMPORTING AGRICULTURAL OPERATION; AND

(2) IS NOT WORKING FOR OR UNDER THE CONTROL OF AN AGRICULTURAL OPERATION.

(E) “COMMERCIAL HAULER” MEANS A PERSON THAT IS ENGAGED IN THE BUSINESS OF HAULING, TRANSPORTING, MOVING, OR LAND-APPLYING FOOD PROCESSING RESIDUALS AS A CONTRACT AGENT FOR A FARM OPERATOR, COMMERCIAL BROKER, OR FOOD PROCESSING PLANT UNDER THE DIRECTION OF THE OPERATOR, BROKER, OR PROCESSING PLANT.

(F) “FOOD PROCESSING RESIDUALS” MEANS AN ORGANIC MATERIAL THAT IS:

(1) GENERATED BY PROCESSING AGRICULTURAL COMMODITIES FOR HUMAN OR ANIMAL CONSUMPTION AND INCLUDES FOOD RESIDUALS, FOOD COPRODUCTS, FOOD PROCESSING WASTES, FOOD PROCESSING SLUDGES, OR ANY OTHER INCIDENTAL MATERIAL WHOSE CHARACTERISTICS ARE DERIVED FROM PROCESSING AGRICULTURAL PRODUCTS FOR HUMAN CONSUMPTION OR ANIMAL CONSUMPTION; AND

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**(2) REGISTERED WITH THE STATE CHEMIST AS A SOIL
CONDITIONER.**

**(G) "NRCS" MEANS THE NATURAL RESOURCES CONSERVATION
SERVICE.**

(H)".

On page 3, in line 8, strike "AN INDUSTRIAL SLUDGE" and substitute "**A FOOD PROCESSING RESIDUALS**"; in line 9, strike "(D)" and substitute "**(I)**"; in the same line, strike "UTILIZATION" and substitute "**UTILIZE**"; strike beginning with "COLLECTING" in line 10 down through "APPLICATION" in line 11 and substitute "**HANDLING OR STORING FOOD PROCESSING RESIDUALS OR USING FOOD PROCESSING RESIDUALS FOR LAND APPLICATION**"; in line 12, strike "INDUSTRIAL SLUDGE" and substitute "**FOOD PROCESSING RESIDUALS**"; in lines 12 and 13, strike "AN INDUSTRIAL SLUDGE" and substitute "**A**"; in line 13, strike "OR UTILIZER IN THE STATE" and substitute "**OF FOOD PROCESSING RESIDUALS TO OR FROM AN AGRICULTURAL OPERATION**"; in line 14, strike "9-294." and substitute "**8-8A-02.**"; in line 15, strike "PART" and substitute "**SUBTITLE**"; in lines 16 and 22, in each instance, strike "INDUSTRIAL SLUDGE" and substitute "**FOOD PROCESSING RESIDUALS**"; in lines 17 and 18, strike "INDUSTRIAL SLUDGE" and substitute "**FOOD PROCESSING RESIDUALS**"; in lines 19 and 20, strike "INDUSTRIAL SLUDGE" and substitute "**FOOD PROCESSING RESIDUALS IN CONJUNCTION WITH AN AGRICULTURAL OPERATION**"; in line 20, after "WITH" insert "**THIS SUBTITLE, REGULATIONS ADOPTED UNDER THIS SUBTITLE, AND**"; after line 22, insert:

8-8A-03.

A PERSON MAY NOT UTILIZE FOOD PROCESSING RESIDUALS IN
CONJUNCTION WITH AN AGRICULTURAL OPERATION UNLESS:

(1) THE PERSON HAS A PERMIT;

(2) THE OWNER OR OPERATOR OF THE AGRICULTURAL
OPERATION:

(I) HAS A NUTRIENT MANAGEMENT PLAN THAT MEETS THE
REQUIREMENTS OF SUBTITLE 8 OF THIS TITLE; AND

(II) IS IN COMPLIANCE WITH THE PLAN;

(3) THE FOOD PROCESSING RESIDUALS BEING UTILIZED ARE:

(I) REGISTERED WITH THE STATE CHEMIST; AND

(II) APPLIED IN ACCORDANCE WITH THE NUTRIENT
MANAGEMENT PLAN;

(4) IF THE PERSON IS NOT THE OWNER OR OPERATOR OF THE
AGRICULTURAL OPERATION, THE PERSON HAS OBTAINED THE OWNER OR
OPERATOR'S CONSENT TO UTILIZE THE FOOD PROCESSING RESIDUALS IN
CONJUNCTION WITH THE AGRICULTURAL OPERATION;

(5) IF THE AGRICULTURAL OPERATION IS SUBJECT TO A
DISCHARGE PERMIT UNDER § 9-301 OF THE ENVIRONMENT ARTICLE, THE
OWNER OR OPERATOR OF THE AGRICULTURAL OPERATION IS IN COMPLIANCE

(Over)

WITH ALL LAWS, REGULATIONS, AND PERMITS GOVERNING THOSE PERMITTED ACTIVITIES; AND

(6) FOR STORAGE OF FOOD PROCESSING RESIDUALS, THE PERSON HAS OBTAINED ANY NECESSARY COUNTY APPROVAL OR PERMITS TO STORE MATERIAL AT THE AGRICULTURAL OPERATION.”;

in line 23, strike “9-295.” and substitute “8-8A-04.”; and in line 25, strike “SUBMIT” and substitute “AT LEAST 45 DAYS BEFORE UTILIZING THE FOOD PROCESSING RESIDUALS, SUBMIT”.

On page 4, in line 6, after “UTILIZED” insert “, INCLUDING:”

(I) THE LOCATION, CAPACITY, AND AGE OF ANY STORAGE STRUCTURE AT THE SITE WHERE THE FOOD PROCESSING RESIDUALS WILL BE STORED;

(II) ANY OTHER INFORMATION ABOUT THE STORAGE STRUCTURE THAT THE DEPARTMENT DEEMS NECESSARY IN ISSUING A PERMIT UNDER THIS SUBTITLE, INCLUDING EVIDENCE:

1. SHOWING THAT THE STRUCTURE MEETS THE NRCS WASTE STORAGE FACILITY NO. 313 CONSERVATION PRACTICE STANDARD OR AN EQUIVALENT STANDARD DETERMINED BY A PROFESSIONAL ENGINEER; AND

2. DEMONSTRATING ANY REQUIRED COUNTY APPROVAL OF THE STORAGE STRUCTURE, INCLUDING PERMITS REQUIRED FOR THE STRUCTURE”;

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in lines 6 and 8, in each instance, strike “**INDUSTRIAL SLUDGE**” and substitute “**FOOD PROCESSING RESIDUALS**”; in lines 7 and 9, in each instance, after “**OWNER**” insert “**OR OPERATOR**”; in line 8, strike “**APPLIED**” and substitute “**UTILIZED**”; in lines 10 and 11, strike “**THE INDUSTRIAL SLUDGE**” and substitute “**ANY FOOD PROCESSING RESIDUALS**”; in lines 11 and 16, in each instance, strike “**PART**” and substitute “**SUBTITLE**”; in line 17, strike “**9-296.**” and substitute “**8-8A-05.**”; in line 18, strike “**(A)**”; strike beginning with “**TO**” in line 18 down through “**UTILIZATION**” in line 21 and substitute “**THAT INCLUDES STORING FOOD PROCESSING RESIDUALS IN CONJUNCTION WITH AN AGRICULTURAL OPERATION**”; strike beginning with the colon in line 21 down through “**THE**” in line 25 and substitute “**PROVIDE**”; in line 25, after “**NOTICE**” insert “**BY MAIL**”; strike beginning with the colon in line 25 down through “**THE**” in line 28 and substitute “**THE**”; and strike beginning with “**INDUSTRIAL**” in line 29 down through “**CONSTRUCTED;**” in line 30 and substitute “**FOOD PROCESSING RESIDUALS WILL BE STORED.**”.

On page 5, strike in their entirety lines 1 through 12, inclusive, and substitute “**8-8A-06.**”; in line 13, strike “**(1)**”; in line 14, strike “**PART**” and substitute “**SUBTITLE**”; in line 15, strike “**(2)**” and substitute “**(B)**”; and strike beginning with “**THE**” in line 16 down through “**PART**” in line 21 and substitute “**:**”.

(1) THE APPLICANT IS SUBJECT TO AN ENFORCEMENT ACTION, CONSENT ORDER, OR ONGOING INVESTIGATION BY THE DEPARTMENT OR THE DEPARTMENT OF THE ENVIRONMENT, INCLUDING ACTIONS REGARDING THE CONTAINMENT OF SURFACE WATER, GROUNDWATER, OR SOIL CONTAMINATION;

(2) THE ENFORCEMENT ACTION, CONSENT ORDER, OR ONGOING INVESTIGATION HAS NOT BEEN WITHDRAWN OR RESOLVED; AND

(3) A NOTICE OF VIOLATION HAS BEEN ISSUED BY THE DEPARTMENT OR THE DEPARTMENT OF THE ENVIRONMENT.

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On pages 5 and 6, strike in their entirety the lines beginning with line 22 on page 5 through line 12 on page 6, inclusive, and substitute "8-8A-07.".

On page 6, in line 16, strike "**3 YEARS**" and substitute "1 YEAR"; in line 17, strike "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**" and substitute "THE"; in line 21, strike "**PART; AND**" and substitute "SUBTITLE;"; and in line 23, after "**DEPARTMENT;**" insert "AND

4. AN APPLICABLE DISCHARGE PERMIT UNDER § 9-301 OF THE ENVIRONMENT ARTICLE;

On page 7, in lines 1 and 2, in each instance, strike "**PART**" and substitute "SUBTITLE"; strike beginning with "**THE**" in line 4 down through "**WELFARE**" in line 6 and substitute:

1. THE APPLICANT IS SUBJECT TO AN ENFORCEMENT ACTION, CONSENT ORDER, OR ONGOING INVESTIGATION BY THE DEPARTMENT OR THE DEPARTMENT OF THE ENVIRONMENT, INCLUDING ACTIONS REGARDING THE CONTAINMENT OF SURFACE WATER, GROUNDWATER, OR SOIL CONTAMINATION;

2. THE ENFORCEMENT ACTION, CONSENT ORDER, OR ONGOING INVESTIGATION HAS NOT BEEN WITHDRAWN OR RESOLVED; AND

3. A NOTICE OF VIOLATION HAS BEEN ISSUED BY THE DEPARTMENT OR THE DEPARTMENT OF THE ENVIRONMENT;

and strike in their entirety lines 9 through 13, inclusive, and substitute "8-8A-08.".

On pages 7 and 8, strike beginning with "**INDUSTRIAL**" in line 18 on page 7 down through "**SUBTITLE**" in line 9 on page 8 and substitute "FOOD PROCESSING RESIDUALS ARE UTILIZED IN ACCORDANCE WITH:

(I) § 8-8A-03 OF THIS SUBTITLE; AND

(II) GOOD HUSBANDRY AND SOUND AGRONOMIC PRACTICES;

(3) ALLOW A REPRESENTATIVE OF THE DEPARTMENT SEEKING TO INSPECT A SITE ENTRY TO ANY AREA COVERED BY THE PERMIT.

On page 8, in lines 10 and 11, strike “INDUSTRIAL SLUDGE” and substitute “FOOD PROCESSING RESIDUALS”; in lines 11 and 12, strike “INDUSTRIAL SLUDGE” and substitute “FOOD PROCESSING RESIDUALS”; strike beginning with “MAKE” in line 13 down through “(8)” in line 21; in lines 23 and 25, strike “(9)” and “(10)”, respectively, and substitute “(6)” and “(7)”, respectively; in line 27, strike “9-299.1.” and substitute “8-8A-09.”; and in line 29, strike “PART” and substitute “SUBTITLE”.

On page 9, in line 8, strike “9-299.2” and substitute “8-8A-10”; in lines 10, 11, 15, and 22, in each instance, strike “PART” and substitute “SUBTITLE”; in line 14, strike “9-299.2.” and substitute “8-8A-10.”; in line 17, strike “INDUSTRIAL SLUDGE IS” and substitute “FOOD PROCESSING RESIDUALS ARE”; in lines 18 and 19, strike “INDUSTRIAL SLUDGE IS” and substitute “FOOD PROCESSING RESIDUALS ARE”; and in line 26, strike “9-299.3.” and substitute “8-8A-11.”.

On page 10, in lines 1 and 2, strike “INDUSTRIAL SLUDGE” and substitute “FOOD PROCESSING RESIDUALS”; in line 2, strike “PART” and substitute “SUBTITLE”; and strike beginning with “(1)” in line 3 down through “CASE” in line 22 and substitute “THE RIGHT TO BRING AN ACTION UNDER SUBSECTION (A) OF THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF THE RIGHT TO BRING ANY OTHER ACTION UNDER THIS SUBTITLE.”

(C) THE DEPARTMENT MAY NOT BE REQUIRED TO FURNISH BOND.

(Over)

(D) THE COURT SHALL ISSUE A PRELIMINARY INJUNCTION IF IT FINDS THAT THE PERMIT HOLDER IS:

(1) ENGAGING IN UNLAWFUL CONDUCT IN VIOLATION OF THIS SUBTITLE; OR

(2) ENGAGED IN CONDUCT WHICH IS CAUSING IMMEDIATE AND IRREPARABLE HARM TO THE PUBLIC”.

On pages 10 through 13, strike in their entirety the lines beginning with line 23 on page 10 through line 3 on page 13, inclusive, and substitute:

“8-8A-12.

(A) IN ADDITION TO ANY OTHER ACTION AUTHORIZED UNDER THIS SUBTITLE, THE DEPARTMENT MAY IMPOSE ADMINISTRATIVE PENALTIES UP TO \$5,000 PER DAY, NOT TO EXCEED \$50,000 IN TOTAL PENALTIES, FOR A VIOLATION OF THIS SUBTITLE, REGULATIONS ADOPTED UNDER THIS SUBTITLE, OR ANY CONDITION OF THE PERMIT.

(B) THE PENALTY SHALL BE ASSESSED WITH CONSIDERATION GIVEN TO:

(1) THE WILLFULNESS OF THE VIOLATION;

(2) THE EXTENT TO WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT UNCORRECTED BY THE VIOLATOR;

(3) THE EXTENT TO WHICH THE VIOLATOR EXERCISED REASONABLE CARE;

(4) THE EXTENT TO WHICH THE VIOLATION RESULTED IN ACTUAL HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY;

(5) THE NATURE AND DEGREE OF INJURY TO OR INTERFERENCE WITH GENERAL WELFARE, HEALTH, AND PROPERTY;

(6) THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED BY THE VIOLATOR; AND

(7) THE EXTENT TO WHICH THE VIOLATION CREATES THE POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY.

8-8A-13.

(A) THERE IS A FOOD PROCESSING RESIDUALS ADMINISTRATION FUND.

(B) (1) THE DEPARTMENT SHALL SET REASONABLE FEES NECESSARY TO CARRY OUT ITS RESPONSIBILITIES REGULATING THE UTILIZATION OF FOOD PROCESSING RESIDUALS UNDER THIS TITLE.

(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF ADMINISTERING THE DEPARTMENT'S RESPONSIBILITIES REGULATING THE UTILIZATION OF FOOD PROCESSING RESIDUALS UNDER THIS TITLE.

(Over)

(C) (1) THE DEPARTMENT SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES RECEIVED FROM THE DEPARTMENT TO THE FOOD PROCESSING RESIDUALS ADMINISTRATION FUND.

(D) THE FOOD PROCESSING RESIDUALS ADMINISTRATION FUND SHALL BE USED EXCLUSIVELY TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE DEPARTMENT AS PROVIDED BY THE PROVISIONS OF THIS TITLE.

(E) (1) THE FOOD PROCESSING RESIDUALS ADMINISTRATION FUND IS A CONTINUING, NONLAPSING FUND SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) ANY UNSPENT PORTION OF THE FOOD PROCESSING RESIDUALS ADMINISTRATION FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FOOD PROCESSING RESIDUALS ADMINISTRATION FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS TITLE.

(F) (1) A DESIGNEE OF THE DEPARTMENT SHALL ADMINISTER THE FUND.

(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THE PROVISIONS OF THIS TITLE.

(G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

8-8A-14.

(A) (1) EACH PERSON ISSUED A PERMIT UNDER THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT ON A FORM THAT THE DEPARTMENT REQUIRES:

(I) A SEMIANNUAL WRITTEN STATEMENT OF THE TONNAGE OF FOOD PROCESSING RESIDUALS UTILIZED IN CONJUNCTION WITH AN AGRICULTURAL OPERATION IN THE STATE; AND

(II) ANY OTHER INFORMATION THE DEPARTMENT DEEMS NECESSARY IN ADMINISTERING THIS PROGRAM.

(2) THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE UTILIZATIONS FOR THE PERIODS JANUARY 1 THROUGH JUNE 30 AND JULY 1 THROUGH DECEMBER 31.

(B) (1) THE PERMIT HOLDER SHALL KEEP RECORDS NECESSARY OR REQUIRED BY THE DEPARTMENT TO INDICATE ACCURATELY THE TONNAGE OF FOOD PROCESSING RESIDUALS UTILIZED IN CONJUNCTION WITH AGRICULTURAL OPERATIONS IN THE STATE.

(2) THE DEPARTMENT HAS THE RIGHT TO EXAMINE THE RECORDS TO VERIFY ANY STATEMENT OF TONNAGE.

8-8A-15.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) THE REGULATIONS ADOPTED BY THE DEPARTMENT MAY INCLUDE:

(1) ADEQUATE STANDARDS FOR HAULING FOOD PROCESSING RESIDUALS;

(2) ADEQUATE STANDARDS GOVERNING THE APPLICATION AND SUITABILITY OF SOIL CONDITIONERS FOR LAND APPLICATION, INCLUDING STANDARDS GOVERNING THE NUMBER OF APPLICATIONS PER FIELD PER SEASON CONSISTENT WITH GOOD HUSBANDRY AND SOUND AGRONOMIC PRACTICES;

(3) THE CROPS THAT ARE TO BE GROWN ON LAND ON WHICH FOOD PROCESSING RESIDUALS MAY BE APPLIED;

(4) ACCEPTABLE NUTRIENT APPLICATION RATES, INCLUDING RATES FOR NITROGEN, PHOSPHORUS, AND HEAVY METALS, CONSISTENT WITH RECOMMENDATIONS DEVELOPED BY THE UNIVERSITY OF MARYLAND FOR NUTRIENT MANAGEMENT;

(5) REASONABLE BUFFER AREAS TO SEPARATE ANY HOME OR OTHER PROPERTY ON WHICH FOOD PROCESSING RESIDUALS MAY BE APPLIED;

(6) METHODS FOR CALCULATING NUTRIENT APPLICATION RATES THAT ARE LIMITED BY THE NUTRIENT REQUIREMENTS OF THE HARVESTABLE CROP OR COVER CROP; AND

(7) ANY OTHER STANDARDS DEEMED NECESSARY BY THE DEPARTMENT.

SUBTITLE 11. COMMERCIAL HAULER CERTIFICATION PROGRAM.

8-1101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "FOOD PROCESSING RESIDUALS" HAS THE MEANING STATED IN § 8-8A-01 OF THIS TITLE.

(C) "HAULING" MEANS TRANSPORTING, MOVING, AND THE LAND APPLICATION OF FOOD PROCESSING RESIDUALS.

8-1102.

(A) THE DEPARTMENT MAY ADMINISTER A COMMERCIAL HAULER CERTIFICATION PROGRAM FOR THE PURPOSE OF CERTIFYING INDIVIDUALS WHO HAUL FOOD PROCESSING RESIDUALS.

(B) (1) THE DEPARTMENT MAY DEVELOP TRAINING AND EDUCATIONAL REQUIREMENTS, TESTING, AND OTHER CRITERIA IT DEEMS NECESSARY FOR CERTIFICATION.

(2) THE TRAINING DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY ADDRESS THE FOLLOWING TOPICS:

(Over)

(I) LAWS AND REGULATIONS PERTAINING TO THE HAULING OF FOOD PROCESSING RESIDUALS;

(II) INFORMATION NECESSARY FOR UNDERSTANDING AND FOLLOWING A NUTRIENT MANAGEMENT PLAN;

(III) BEST MANAGEMENT PRACTICES WITH RESPECT TO:

1. HAULING;

2. TRANSPORTATION SAFETY PROCEDURES;

3. CALIBRATION OF APPLICATION RATES FOR VARIOUS TYPES OF APPLICATION EQUIPMENT;

4. SETBACKS FROM WATER SOURCES AND PROPERTY LINES;

5. NUTRIENT RUNOFF CONCERNS;

6. INCORPORATION AND INJECTION TECHNIQUES;
AND

7. RECORD-KEEPING REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR HAULING.

8-1103.

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THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.”.

On page 13, in line 5, strike “October” and substitute “July”.