

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 599

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “regulations;” insert “making certain findings;”; and in line 11, after “Project;” insert “requiring, by certain dates, a person that operates a farm to operate the farm under certain nutrient management plans under certain circumstances; establishing certain administrative penalties for certain violations; providing for the refund of certain administrative penalties under certain circumstances;”.

On page 2, in line 11, after “certification;” insert “requesting the Governor to target certain funds under the Conservation Reserve Enhancement Program to farms located in certain areas; requesting the Governor to support and fund certain research in cooperation with the private sector and certain public agencies;”; and in lines 12 and 13, strike “stating certain fundings” and substitute “requiring certain funding levels”.

AMENDMENT NO. 2

On page 9, after line 3, insert:

“(A) IN THIS SECTION, “GROSS INCOME” MEANS THE ACTUAL INCOME THAT IS RECEIVED IN A CALENDAR YEAR THAT RESULTS DIRECTLY FROM THE FARM OR AGRICULTURAL USE OF THE LAND.

(B) THIS SECTION DOES NOT APPLY TO:

(1) AN AGRICULTURAL OPERATION WITH LESS THAN \$2,500 IN GROSS INCOME; OR

(2) A LIVESTOCK OPERATION WITH LESS THAN EIGHT ANIMAL UNITS AS DEFINED IN 40 C.F.R. PART 122, APPENDIX B.”;

(Over)

in line 4, strike “(A)” and substitute “(C)”; and after line 15, insert:

“(D) (1) SUBJECT TO THE AVAILABILITY OF FUNDS IN THE STATE BUDGET FOR THE DEVELOPMENT AND IMPLEMENTATION OF NUTRIENT MANAGEMENT PLANS, AND A DETERMINATION BY THE DEPARTMENT THAT ADEQUATE TECHNOLOGICAL RESOURCES ARE AVAILABLE, A PERSON THAT OPERATES A FARM SHALL:

(I) BY JULY 1, 2003, OPERATE THE FARM UNDER A NITROGEN BASED NUTRIENT MANAGEMENT PLAN; AND

(II) BY JULY 1, 2006, OPERATE THE FARM UNDER A NUTRIENT MANAGEMENT PLAN THAT MEETS THE STANDARDS SET FORTH IN § 8-801.2 OF THIS SUBTITLE.

(2) (I) A PERSON IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY, NOT TO EXCEED \$1,500, TO BE ASSESSED BY THE DEPARTMENT.

(II) EACH YEAR THAT A VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION CONTINUES SHALL BE A SEPARATE VIOLATION.

(3) TO HELP DEFRAY THE COSTS INCURRED BY A PERSON IN IMPLEMENTING A NUTRIENT MANAGEMENT PLAN, THE DEPARTMENT SHALL REFUND ANY ADMINISTRATIVE PENALTY PAID BY THE PERSON UNDER THIS SUBSECTION WHEN THE PERSON IMPLEMENTS A NUTRIENT MANAGEMENT PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”.

AMENDMENT NO. 3

On page 9, strike lines 19 and 20 in their entirety and substitute:

“(1) THE BIOAVAILABILITY OF NITROGEN AND PHOSPHOROUS IN THE SOIL;”; strike lines 22 and 23 in their entirety and substitute:

“(3) THE BIOAVAILABILITY OF NITROGEN AND PHOSPHOROUS IN THE NUTRIENTS TO BE APPLIED;”;

in line 25, strike “AND”; and in line 28, after “SERVICE” insert “; AND”

(7) THE NECESSITY FOR FLEXIBILITY DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF THE FARMER”.

AMENDMENT NO. 4

On page 21, after line 33, insert:

“SECTION 10. AND BE IT FURTHER ENACTED, That the Governor is requested to take the steps necessary to target funding received by the State under the Conservation Reserve Enhancement Program of the U.S. Department of Agriculture to farms, located in watersheds that contribute to water bodies and basin segments listed as impaired by nutrients by the State under § 303 of the federal Clean Water Act, that implement nutrient management plans in accordance with this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That the Governor is requested to establish a linked deposit program between the Department of the Environment and financial institutions under the Water Quality Revolving Loan Fund, in order to enhance the availability of low-interest loans to landowners and farmers for voluntary restoration and conservation efforts designed to address nonpoint source pollution control.

SECTION 12. AND BE IT FURTHER ENACTED, That the Governor is requested to support and fund, in cooperation with the private sector and appropriate public agencies, continuing research into management and remediation of phosphorous as a nutrient derived from animal waste and as a pollutant, including:

- (1) the development of a reliable phosphorous index;
- (2) composting and incineration of animal waste and litter;
- (3) marketing and transportation of products derived from animal waste and litter; and
- (4) commercial animal feed management and additives that may reduce phosphorus deposition in animal waste.”;

(Over)

and in lines 34, 36, and 38, strike “10.”, “11.”, and “12.”, respectively, and substitute “13.”, “14.”, and “15.”, respectively.