

HOUSE BILL 300  
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1998 Regular Session  
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By: **Delegates Hubbard, Pitkin, Oaks, Billings, Frush, Watson, Bobo, Kirk,  
Nathan-Pulliam, Conroy, R. Baker, Crumlin, and D. Davis**

Introduced and read first time: January 29, 1998

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Water Quality - Agricultural Practices and Best Management Systems**

3 FOR the purpose of requiring the use of certain feeds and amendments for certain  
4 poultry operations under certain circumstances; requiring certain farms in  
5 critical watersheds to have in place and be implementing certain best  
6 management systems by certain dates under certain circumstances; stating  
7 certain findings and declarations of the General Assembly; requiring the  
8 Department of the Environment to submit a certain nutrient budget to certain  
9 persons by a certain date; establishing certain requirements for best  
10 management systems; requiring the Department of the Environment, in  
11 consultation with certain other units, to make and publish certain farm acreage  
12 determinations by certain dates; authorizing the Department of the  
13 Environment to adopt certain regulations in a certain manner; excluding certain  
14 agricultural land that does not meet certain best management system  
15 requirements by certain dates from a certain assessment of agricultural land  
16 and providing certain exceptions from this exclusion; requiring concentrated  
17 animal feed operations to obtain a certain discharge permit; requiring the  
18 aggregation of certain poultry operations within a critical watershed for certain  
19 discharge permitting purposes; altering the requirements for eligibility in a  
20 certain program for the sale of certain easements in certain land to the  
21 Maryland Agricultural Land Preservation Foundation; altering the  
22 requirements for eligibility for certain State cost sharing of certain projects and  
23 allowing recapture of certain funds in a certain manner; requesting the  
24 Governor to target certain funds under the Conservation Reserve Enhancement  
25 Program to farms located in certain areas and to coordinate the use of certain  
26 funds; requesting the Governor to support and fund certain research in  
27 cooperation with the private sector and certain public agencies; requesting the  
28 Governor to support and fund certain agricultural and health efforts; defining  
29 certain terms; providing for the delayed effective date for certain provisions of  
30 this Act; and generally relating to the development and implementation of best  
31 management systems and enhanced operational requirements on certain  
32 agricultural land in critical watersheds of the State.

33 BY adding to

1 Article - Agriculture  
2 Section 3-701 to be under the new subtitle "Subtitle 7. Commercial Poultry  
3 Production"; and 8-901 through 8-908 to be under the new subtitle  
4 "Subtitle 9. Best Management Systems"  
5 Annotated Code of Maryland  
6 (1985 Replacement Volume and 1997 Supplement)

7 BY repealing and reenacting, with amendments,  
8 Article - Environment  
9 Section 9-323  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1997 Supplement)

12 BY adding to  
13 Article - Tax - Property  
14 Section 8-209(i)  
15 Annotated Code of Maryland  
16 (1994 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Agriculture  
19 Section 2-510(f) and 8-704(a)  
20 Annotated Code of Maryland  
21 (1985 Replacement Volume and 1997 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Agriculture**

25 **SUBTITLE 7. COMMERCIAL POULTRY PRODUCTION.**

26 3-701.

27 (A) THIS SECTION APPLIES TO A COMMERCIAL POULTRY PRODUCER THAT  
28 CONTRACTS WITH A FARMER TO RAISE POULTRY FOR THE PRODUCER ON THE  
29 FARMER'S PROPERTY, USING FEED PROVIDED OR SOLD BY THE PRODUCER OR THE  
30 PRODUCER'S AGENT.

31 (B) TO THE EXTENT THAT THE FEED IS COMMERCIALY AVAILABLE, A  
32 COMMERCIAL POULTRY PRODUCER THAT RAISES POULTRY DIRECTLY OR  
33 INDIRECTLY IN A CRITICAL WATERSHED SHALL:

34 (1) USE POULTRY FEED CONTAINING PHYTASE, OR OTHER ENZYME OR  
35 ADDITIVE TO REDUCE THE EXCRETION OF PHOSPHORUS IN POULTRY WASTE; AND

1 (2) APPLY AS AN AMENDMENT TO POULTRY LITTER IRON SULFATE,  
2 ALUM, OR A SIMILAR MATERIAL, IN A MANNER AND AT A RATE RECOMMENDED BY  
3 THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE, IN ORDER TO  
4 CONTROL THE DISPERSION OF PHOSPHORUS AND NITROGEN IN RUNOFF.

5 SUBTITLE 9. BEST MANAGEMENT SYSTEMS.

6 8-901.

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

9 (B) "ANIMAL UNIT" HAS THE MEANING STATED IN 40 C.F.R. PART 122,  
10 APPENDIX B.

11 (C) "BEST MANAGEMENT SYSTEM" MEANS A COMBINATION OF  
12 CONSERVATION PRACTICES OR MANAGEMENT MEASURES THAT WILL ACHIEVE  
13 REDUCED TRANSPORT OF SEDIMENTS, NUTRIENTS, AND CHEMICALS INTO SURFACE  
14 WATER AND GROUNDWATER, CONSISTING OF, AT A MINIMUM:

15 (1) A NUTRIENT MANAGEMENT PLAN;

16 (2) A SOIL CONSERVATION AND WATER QUALITY PLAN; AND

17 (3) A NUTRIENT BUDGET.

18 (D) "CONCENTRATED ANIMAL FEEDING OPERATION" MEANS AN ANIMAL  
19 OPERATION THAT RAISES 300 OR MORE ANIMAL UNITS EACH YEAR.

20 (E) "CRITICAL WATERSHED" MEANS A WATERSHED CONSISTING OF ALL  
21 CONTRIBUTING WATERSHEDS TO A WATER BODY OR BASIN SEGMENT LISTED AS  
22 IMPAIRED BY NUTRIENTS BY THE STATE UNDER § 303(D) OF THE FEDERAL CLEAN  
23 WATER ACT.

24 (F) "FARM" MEANS AN OPERATION FOR THE:

25 (1) CULTIVATION OF LAND;

26 (2) PRODUCTION OF AGRICULTURAL CROPS;

27 (3) RAISING OF POULTRY;

28 (4) PRODUCTION OF EGGS;

29 (5) PRODUCTION OF MILK;

30 (6) PRODUCTION OF FRUIT OR OTHER HORTICULTURAL CROPS; AND

31 (7) PRODUCTION OF LIVESTOCK, INCLUDING PASTURAGE.

1 (G) "FARM ACREAGE" MEANS ALL LAND ON A FARM USED FOR AN OPERATION  
2 LISTED IN SUBSECTION (F) OF THIS SECTION.

3 (H) "NUTRIENT BUDGET" MEANS AN ACCOUNTING SYSTEM THAT TRACKS THE  
4 FLOW OF NITROGEN AND PHOSPHORUS ASSOCIATED WITH AGRICULTURAL  
5 ACTIVITIES ON PROPERTY BY DETERMINING THE QUANTITY OF NITROGEN AND  
6 PHOSPHORUS BROUGHT ONTO THE PROPERTY AND THE QUANTITY OF NITROGEN  
7 AND PHOSPHORUS REMOVED FROM THE PROPERTY, EITHER FOR AN INDIVIDUAL  
8 FARM OR FOR A WATERSHED.

9 (I) (1) "NUTRIENT MANAGEMENT PLAN" MEANS A PLAN TO MANAGE  
10 NUTRIENTS FOR AGRONOMIC CROP UTILIZATION THAT:

11 (I) TAKES INTO ACCOUNT CROP ROTATION, LIME REQUIREMENTS,  
12 NUTRIENT LEVELS PRESENT IN THE SOIL, AND NUTRIENTS TO BE APPLIED; AND

13 (II) UTILIZES BEST MANAGEMENT PRACTICES TO PREVENT THE  
14 POLLUTION OF SURFACE WATER AND GROUNDWATER, INCLUDING MEASURES TO  
15 REDUCE SOIL EROSION AND TO MANAGE FERTILIZERS AND ANIMAL WASTES.

16 (2) "NUTRIENT MANAGEMENT PLAN" INCLUDES A NUTRIENT  
17 MANAGEMENT PLAN PREPARED UNDER SUBTITLE 8 OF THIS TITLE.

18 (J) "SOIL CONSERVATION AND WATER QUALITY PLAN" MEANS A  
19 MANAGEMENT PLAN FOR A FARM THAT:

20 (1) SHOWS THE LANDOWNER HOW TO MAKE THE BEST POSSIBLE USE OF  
21 THE SOIL AND WATER RESOURCES OF THE FARM WHILE PROTECTING AND  
22 CONSERVING THOSE RESOURCES FOR THE FUTURE; AND

23 (2) INDICATES:

24 (I) HOW THE LANDOWNER PLANS TO TREAT THE FARM UNIT;

25 (II) WHICH BEST MANAGEMENT PRACTICES THE LANDOWNER  
26 PLANS TO INSTALL TO TREAT UNDESIRABLE CONDITIONS; AND

27 (III) A SCHEDULE FOR IMPLEMENTING THOSE BEST MANAGEMENT  
28 PRACTICES.

29 8-902.

30 (A) THE GENERAL ASSEMBLY FINDS THAT:

31 (1) "AN ACTION AGENDA FOR MANAGING NUTRIENTS", DATED  
32 DECEMBER 1992 AND PREPARED THROUGH THE DEPARTMENT, CALLED FOR  
33 DEVELOPING NUTRIENT MANAGEMENT PLANS ON 800,000 ACRES OF FARMLAND BY  
34 1995 AND 1.3 MILLION ACRES OF FARMLAND BY 1997 ALMOST EXCLUSIVELY  
35 THROUGH VOLUNTARY PROGRAMS;

1 (2) AS OF SEPTEMBER 1997, ONLY 900,000 ACRES OF FARMLAND IN THE  
2 STATE WERE ENROLLED IN NUTRIENT MANAGEMENT PLANS;

3 (3) ATTAINING GREATER LEVELS OF NUTRIENT MANAGEMENT IS  
4 ESSENTIAL TO THE RESTORATION OF MARYLAND'S WATERSHEDS AND THE  
5 CHESAPEAKE BAY;

6 (4) PRIVATE AND PUBLIC EFFORTS TO IMPLEMENT NUTRIENT  
7 MANAGEMENT PLANS AND SOIL CONSERVATION AND WATER QUALITY PLANS HAVE  
8 NOT ALWAYS BEEN COORDINATED TO TARGET THE EFFECTS ON A PARTICULAR  
9 WATERSHED; AND

10 (5) IF VOLUNTARY EFFORTS FAIL TO ACHIEVE ACCEPTABLE  
11 PARTICIPATION LEVELS BY COMMERCIAL LIVESTOCK AND POULTRY FARMS AND  
12 FARMS THAT USE MANURE TO FERTILIZE CROPLANDS IN CRITICAL WATERSHEDS,  
13 MANDATORY EFFORTS TO PROTECT STATE WATERS WILL BE NEEDED.

14 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO REQUIRE BEST  
15 MANAGEMENT SYSTEMS, INCLUDING NUTRIENT MANAGEMENT PLANS, SOIL  
16 CONSERVATION AND WATER QUALITY PLANS, AND NUTRIENT BUDGETS ON  
17 FARMLAND IN CRITICAL WATERSHEDS IF THE FARM ACREAGE GOALS SET FORTH IN  
18 THIS SUBTITLE ARE NOT ATTAINED.

19 8-903.

20 ON OR BEFORE JANUARY 31, 2000, THE DEPARTMENT OF THE ENVIRONMENT  
21 SHALL SUBMIT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE  
22 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, A NUTRIENT BUDGET, BASED  
23 ON METHODOLOGY DEVELOPED BY THE UNIVERSITY OF MARYLAND, FOR ALL FARM  
24 ACREAGE WITHIN EACH CRITICAL WATERSHED CALCULATING THE AMOUNTS OF  
25 NITROGEN AND PHOSPHORUS ENTERING AND LEAVING EACH CRITICAL  
26 WATERSHED, AND DETERMINING THE ENVIRONMENTAL LOSSES ATTRIBUTABLE TO  
27 THESE NUTRIENTS.

28 8-904.

29 A NUTRIENT MANAGEMENT PLAN PREPARED AS PART OF A BEST MANAGEMENT  
30 SYSTEM FOR PROPERTY LOCATED IN A CRITICAL WATERSHED SHALL INCLUDE  
31 ANALYSES OF PHOSPHORUS AND NITROGEN PRESENT IN THE SOIL AND IN APPLIED  
32 FERTILIZERS, MANURE, AND SOIL AMENDMENTS IN ACCORDANCE WITH THE BEST  
33 REASONABLE SCIENTIFIC METHODS ACCEPTED BY THE DEPARTMENT AND THE  
34 UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE.

35 8-905.

36 (A) IF 75% OF FARM ACREAGE IN A CRITICAL WATERSHED IS NOT UNDER BEST  
37 MANAGEMENT SYSTEMS BY JULY 1, 2000, THEN:

38 (1) BY JULY 1, 2001, ALL FARMS IN THE CRITICAL WATERSHED ON  
39 WHICH CONCENTRATED ANIMAL FEEDING OPERATIONS ARE CONDUCTED OR ON

1 WHICH ANIMAL MANURE IS APPLIED SHALL HAVE IN PLACE AND BE IMPLEMENTING  
2 ACCORDING TO SCHEDULE A BEST MANAGEMENT SYSTEM; AND

3 (2) BY JULY 1, 2003, ALL FARMS IN THE CRITICAL WATERSHED SHALL  
4 HAVE IN PLACE AND BE IMPLEMENTING ACCORDING TO SCHEDULE A BEST  
5 MANAGEMENT SYSTEM.

6 (B) IF 75% OF FARM ACREAGE IN A CRITICAL WATERSHED IS UNDER BEST  
7 MANAGEMENT SYSTEMS BY JULY 1, 2000, AND IF 100% OF FARM ACREAGE IN THE  
8 CRITICAL WATERSHED IS NOT UNDER BEST MANAGEMENT SYSTEMS BY JULY 1, 2002,  
9 THEN:

10 (1) BY JULY 1, 2003, ALL FARMS IN THE CRITICAL WATERSHED ON  
11 WHICH CONCENTRATED ANIMAL FEEDING OPERATIONS ARE CONDUCTED OR ON  
12 WHICH ANIMAL MANURE IS APPLIED SHALL HAVE IN PLACE AND BE IMPLEMENTING  
13 ACCORDING TO SCHEDULE A BEST MANAGEMENT SYSTEM; AND

14 (2) BY JULY 1, 2005, ALL FARMS IN THE CRITICAL WATERSHED SHALL  
15 HAVE IN PLACE AND BE IMPLEMENTING ACCORDING TO SCHEDULE A BEST  
16 MANAGEMENT SYSTEM.

17 (C) IF 100% OF FARM ACREAGE IN ALL CRITICAL WATERSHEDS OF THE STATE  
18 IS NOT UNDER BEST MANAGEMENT SYSTEMS BY JULY 1, 2006, THEN BY JULY 1, 2007,  
19 ALL FARMS IN THE STATE SHALL HAVE IN PLACE AND BE IMPLEMENTING  
20 ACCORDING TO SCHEDULE A BEST MANAGEMENT SYSTEM.

21 8-906.

22 (A) THE DEPARTMENT OF THE ENVIRONMENT, IN CONSULTATION WITH THE  
23 DEPARTMENT AND THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION  
24 SERVICE, SHALL DETERMINE THE FARM ACREAGE COVERED BY BEST MANAGEMENT  
25 SYSTEMS IN EACH WATERSHED AND SHALL PUBLISH THOSE DATA BY JANUARY 31,  
26 2000, JANUARY 31, 2002, AND JANUARY 31, 2006, FOR PURPOSES OF DETERMINING  
27 WHETHER THE REQUIRED PERCENTAGES OF FARM ACREAGE IN EACH CRITICAL  
28 WATERSHED ARE UNDER BEST MANAGEMENT SYSTEMS IN ACCORDANCE WITH §  
29 8-905 OF THIS SUBTITLE.

30 (B) ANY CROPLAND OR PASTURELAND THAT AFTER JULY 1, 1998, IS  
31 CONVERTED FROM AGRICULTURAL PRODUCTION TO SILVICULTURE OR IS PLANTED  
32 IN TREES SHALL BE COUNTED AS FARM ACREAGE INCLUDED UNDER BEST  
33 MANAGEMENT SYSTEMS UNDER THIS SECTION, AFTER DEDUCTION OF  
34 SILVICULTURAL ACREAGE OR ACREAGE PLANTED IN TREES THAT IS CONVERTED TO  
35 AGRICULTURAL PRODUCTION DURING THE SAME PERIOD.

36 8-907.

37 (A) A BEST MANAGEMENT SYSTEM REQUIRED TO BE IMPLEMENTED UNDER §  
38 8-905 OF THIS SUBTITLE SHALL BE:

1 (1) DEVELOPED BY THE LOCAL SOIL CONSERVATION DISTRICT,  
2 UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE, OR BY A  
3 CONSULTANT CERTIFIED BY THE DEPARTMENT;

4 (2) APPROVED BY EITHER THE LOCAL SOIL CONSERVATION DISTRICT OR  
5 THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE; AND

6 (3) FILED WITH THE DEPARTMENT IN A MANNER THE DEPARTMENT  
7 APPROVES.

8 (B) AN APPROVED BEST MANAGEMENT SYSTEM MAY BE AUDITED BY THE  
9 DEPARTMENT OR THE DEPARTMENT OF THE ENVIRONMENT.

10 (C) AFTER REASONABLE NOTICE, A FARM WITH AN APPROVED BEST  
11 MANAGEMENT SYSTEM IS SUBJECT TO INSPECTION FOR COMPLIANCE WITH THE  
12 TERMS OF THE BEST MANAGEMENT SYSTEM AND WITH ITS IMPLEMENTATION  
13 SCHEDULE BY THE DEPARTMENT, THE DEPARTMENT OF THE ENVIRONMENT, THE  
14 LOCAL SOIL CONSERVATION SERVICE, OR THE UNIVERSITY OF MARYLAND  
15 COOPERATIVE EXTENSION SERVICE.

16 (D) THE DEPARTMENT SHALL MAKE AVAILABLE FOR PUBLIC REVIEW ALL  
17 NUTRIENT MANAGEMENT PLANS, NUTRIENT BUDGETS, AND SOIL CONSERVATION  
18 AND WATER QUALITY PLANS FILED WITH THE DEPARTMENT.

19 8-908.

20 THE DEPARTMENT OF THE ENVIRONMENT, IN CONSULTATION WITH THE  
21 DEPARTMENT, MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS  
22 SUBTITLE.

23 **Article - Environment**

24 9-323.

25 (a) A person shall hold a discharge permit issued by the Department before  
26 the person may construct, install, modify, extend, alter, or operate any of the following  
27 if its operation could cause or increase the discharge of pollutants into the waters of  
28 this State:

29 (1) An industrial, commercial, or recreational facility or disposal system.

30 (2) A State-owned treatment facility.

31 (3) Any other outlet or establishment.

32 (4) A CONCENTRATED ANIMAL FEEDING OPERATION, AS DEFINED IN §  
33 8-901 OF THE AGRICULTURE ARTICLE.

34 (b) By rule or regulation, the Department may require a discharge permit for  
35 any other activity.

1 (C) THE DEPARTMENT SHALL AGGREGATE THE OPERATIONS OF ALL POULTRY  
2 FARMS THAT ARE RAISING POULTRY FOR A SINGLE PRODUCER WITHIN A CRITICAL  
3 WATERSHED, AS DEFINED IN § 8-901 OF THE AGRICULTURE ARTICLE, FOR PURPOSES  
4 OF ISSUING TO THE PRODUCER A CONSOLIDATED DISCHARGE PERMIT FOR THE  
5 COMBINED POULTRY OPERATIONS.

6 **Article - Tax - Property**

7 8-209.

8 (I) (1) IN THIS SUBSECTION, "BEST MANAGEMENT SYSTEM" AND "CRITICAL  
9 WATERSHED" HAVE THE MEANINGS STATED IN § 8-901 OF THE AGRICULTURE  
10 ARTICLE.

11 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IN  
12 ADDITION TO THE EXCLUSIONS SET FORTH IN SUBSECTION (H) OF THIS SECTION, ON  
13 OR AFTER THE APPLICABLE DATE SET FORTH IN § 8-905(B) OF THE AGRICULTURE  
14 ARTICLE, LAND IN A CRITICAL WATERSHED DOES NOT QUALIFY TO BE ASSESSED  
15 UNDER THIS SECTION IF:

16 (I) THE LAND IS NOT UNDER A CURRENT BEST MANAGEMENT  
17 SYSTEM APPROVED BY THE LOCAL SOIL CONSERVATION DISTRICT OR UNIVERSITY  
18 OF MARYLAND COOPERATIVE EXTENSION SERVICE; AND

19 (II) THE BEST MANAGEMENT SYSTEM IS NOT BEING IMPLEMENTED  
20 IN ACCORDANCE WITH THE SCHEDULE.

21 (3) THIS SUBSECTION DOES NOT APPLY TO:

22 (I) FOREST LAND; OR

23 (II) LAND FOR WHICH THE LANDOWNER OR FARMER HAS  
24 RETAINED A CONSULTANT CERTIFIED BY THE DEPARTMENT OF AGRICULTURE TO  
25 PREPARE A BEST MANAGEMENT SYSTEM OR HAS SIGNED UP WITH THE LOCAL SOIL  
26 CONSERVATION DISTRICT AS A CONSERVATION DISTRICT COOPERATOR AND HAS  
27 REQUESTED A BEST MANAGEMENT SYSTEM FROM THE SOIL CONSERVATION  
28 DISTRICT OR THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE  
29 THAT HAS NOT BEEN COMPLETED.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
31 read as follows:

32 **Article - Agriculture**

33 2-510.

34 (f) (1) In determining which applications it shall approve for the purchase  
35 of the easements offered for sale in each fiscal year under this section, the  
36 Foundation:



1 (i) May approve only those applications in which the subject land  
2 meets the criteria and standards established under §§ 2-509 and 2-513 of this  
3 subtitle; [and]

4 (ii) Shall rank the applications and submit offers to buy in order of  
5 priority, as provided in this subsection; AND

6 (III) IN THE CASE OF LAND LOCATED IN A CRITICAL WATERSHED, AS  
7 DEFINED IN § 8-901 OF THIS ARTICLE, MAY APPROVE ONLY THOSE APPLICATIONS IN  
8 WHICH THE SUBJECT LAND HAS A BEST MANAGEMENT SYSTEM AS DEFINED IN §  
9 8-901 OF THIS ARTICLE THAT:

10 1. HAS BEEN DEVELOPED OR APPROVED BY THE LOCAL SOIL  
11 CONSERVATION DISTRICT OR UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION  
12 SERVICE; AND

13 2. IS BEING IMPLEMENTED ACCORDING TO SCHEDULE ON  
14 THE FARM.

15 (2) The Foundation shall adopt by regulation a standard priority ranking  
16 system by which it shall rank each application. The system shall be based on the  
17 following criteria as to the easements offered in any one county:

18 (i) The applications shall be assigned a rank in ascending order  
19 with respect to the proportion obtained by dividing the asking price by the State  
20 easement value. The resulting rank shall be the sole criterion for establishing the  
21 priority for discounted applications that include proportions of 1.0 or lower.

22 (ii) All additional applications which include proportions greater  
23 than 1.0 shall be assigned a numerical value that, in regard to the land for which the  
24 easement is offered, reflects:

25 1. The relative productive capacity of the land;

26 2. The extent to which the easement acquisition will  
27 contribute to the continued availability of agricultural suppliers and markets for  
28 agricultural goods; and

29 3. The priority recommendations of the local governing  
30 bodies.

31 8-704.

32 (a) (1) State cost sharing in any project may be made available for up to [87  
33 1/2 percent] 87.5% of eligible costs, not to exceed a dollar amount of up to \$50,000 as  
34 determined by a regulation adopted jointly by the Secretary of Agriculture and the  
35 Secretary of the Environment.

36 (2) State cost sharing funds may be made available for any project if:

1 (i) The Department of Agriculture, the soil conservation district,  
2 and a person have executed an agreement which, among other things, obligates the  
3 person to establish, construct, or install the best management practice in accordance  
4 with technical specifications, to maintain the best management practice for its  
5 expected life span, and to provide the required matching funds for the project;

6 (ii) The Board of Public Works has given approval to the project  
7 when the proceeds of State bonds are to be used to finance the State share; [and]

8 (iii) The soil conservation district has certified to the Department  
9 that the project meets all applicable technical standards, and that all submitted  
10 invoices properly represent eligible costs; AND

11 (IV) IN THE CASE OF A FARM LOCATED IN A CRITICAL WATERSHED  
12 AS DEFINED IN § 8-901 OF THIS TITLE, THE SOIL CONSERVATION DISTRICT HAS  
13 CERTIFIED TO THE DEPARTMENT THAT THE FARM WHERE THE PROJECT WILL BE  
14 LOCATED HAS A BEST MANAGEMENT SYSTEM AS DEFINED IN § 8-901 OF THIS TITLE  
15 THAT:

16 1. HAS BEEN DEVELOPED OR APPROVED BY THE LOCAL SOIL  
17 CONSERVATION DISTRICT OR UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION  
18 SERVICE;

19 2. IS BEING IMPLEMENTED ACCORDING TO SCHEDULE ON  
20 THE FARM; AND

21 3. INCLUDES THE PROJECT TO BE FUNDED.

22 (3) (i) 1. Except as authorized under sub-subparagraph 2 of this  
23 subparagraph and before the Department of Agriculture executes a cost sharing  
24 agreement with a farm tenant, it shall obtain the consent of the landlord to the terms  
25 and conditions of the agreement AND SHALL DETERMINE THAT A BEST MANAGEMENT  
26 SYSTEM, IF REQUIRED, IS BEING IMPLEMENTED ACCORDING TO SCHEDULE ON THE  
27 FARM.

28 2. The Department may execute the agreement without the  
29 consent of the landlord if:

30 A. The agreement concerns a short-term project that  
31 involves only the planting of a cover crop; and

32 B. The Department has sent by first-class mail written  
33 notice of a cover crop project to the landlord at least 10 calendar days before executing  
34 the agreement for the first cover crop project during the term of the lease.

35 (ii) The Department may also require the granting to the State of  
36 an appropriate security interest in any equipment, structures or similar items  
37 purchased with State moneys.

1 (4) A cost sharing agreement executed as required under this subtitle  
2 may be assigned and transferred to a successor in title of all or part of a tract of land  
3 subject to a best management SYSTEM OR practice.

4 (5) (I) ON RECOMMENDATION OF THE DEPARTMENT OF THE  
5 ENVIRONMENT, THE DEPARTMENT MAY RECAPTURE FUNDS EXPENDED FOR A  
6 PROJECT INVOLVING AN ANIMAL WASTE MANAGEMENT FACILITY IN A CRITICAL  
7 WATERSHED AS DEFINED IN § 8-901 OF THIS TITLE IF THE LANDOWNER OR FARMER  
8 FAILS TO MAINTAIN THE FACILITY IN ACCORDANCE WITH THE REQUIREMENTS OF  
9 THE BEST MANAGEMENT SYSTEM IMPLEMENTED ON THE FARM. RECAPTURE MAY BE  
10 ACCOMPLISHED BY A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION  
11 AGAINST THE VIOLATING LANDOWNER OR FARMER.

12 (II) THIS PARAGRAPH DOES NOT LIMIT ANY OTHER REMEDY  
13 AVAILABLE FOR RECOVERY OF FUNDS PROVIDED UNDER A COST SHARING  
14 AGREEMENT.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor is  
16 requested to take the steps necessary to:

17 (1) target funding received by the State under the Conservation Reserve  
18 Enhancement Program of the U.S. Department of Agriculture to farms, located in  
19 critical watersheds, that implement best management systems in accordance with  
20 this Act; and

21 (2) coordinate Program funds with Maryland Agricultural Cost Share funds  
22 and other appropriate State funds in order best to leverage federal funds for water  
23 quality improvement and nutrient removal, and for habitat restoration and buffer  
24 creation on the shore of the Chesapeake Bay.

25 SECTION 4. AND BE IT FURTHER ENACTED, That the Governor is  
26 requested to establish a linked deposit program between the Department of the  
27 Environment and financial institutions under the Water Quality Revolving Loan  
28 Fund, in order to enhance the availability of low-interest loans to landowners and  
29 farmers for voluntary restoration and conservation efforts designed to address  
30 nonpoint source pollution control.

31 SECTION 5. AND BE IT FURTHER ENACTED, That the Governor is  
32 requested to support and fund, in cooperation with the private sector and appropriate  
33 public agencies, continuing research into management and remediation of  
34 phosphorus as a nutrient derived from animal waste and as a pollutant, including:

35 (1) the development of a reliable phosphorus index;

36 (2) composting and incineration of animal waste and litter;

37 (3) marketing and transportation of products derived from animal waste and  
38 litter; and

1 (4) commercial animal feed management and additives that may reduce  
2 phosphorus deposition in animal waste.

3 SECTION 6. AND BE IT FURTHER ENACTED, That the Governor is  
4 requested to support and fund efforts to:

5 (1) through the University of Maryland System, develop sustainable  
6 agricultural practices that will enhance the ability of family farms to be productive  
7 and provide a fair standard of living, while improving soil quality and minimizing  
8 risks of environmental degradation; and

9 (2) through the Departments of Agriculture, the Environment, and Health  
10 and Mental Hygiene, and other appropriate units, study in depth the relationships  
11 between pollution of the waters of the State by nutrients and other incidents of  
12 agricultural production, and effects on human health.

13 SECTION 7. AND BE IT FURTHER ENACTED, That, except for Section 2 of  
14 this Act, this Act shall take effect October 1, 1998.

15 SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
16 take effect January 1, 1999.