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By: **Senators Van Hollen, Dorman, Conway, Currie, Teitelbaum, Kelley,  
Pinsky, McFadden, and Forehand**

Introduced and read first time: February 6, 1998

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake Bay Poultry Waste Management Act**

3 FOR the purpose of requiring the Department of the Environment to establish  
4 poultry waste management regulations for certain purposes; requiring the  
5 Department and the Department of Agriculture to establish certain required  
6 elements of poultry waste management plans; requiring the Department and  
7 the Department of Agriculture to establish certain technical standards for  
8 poultry waste management plans; requiring certain commercial poultry  
9 producers to submit poultry waste management plans by a certain date;  
10 requiring the Department to approve certain poultry waste management plans  
11 that meet certain standards; prohibiting approved poultry waste management  
12 plans from being effective for more than a certain time; prohibiting the transfer  
13 of liability from certain commercial poultry producers to certain other persons;  
14 requiring the Department to make all poultry waste management plans  
15 available for public review; authorizing the Department to assess a civil penalty  
16 not exceeding a certain amount for certain violations; requiring that the  
17 Department assess a civil penalty for certain violations in a certain manner;  
18 requiring that certain persons be liable for certain costs under certain  
19 circumstances; stating certain findings of the General Assembly; defining  
20 certain terms; and generally relating to the Chesapeake Bay Poultry Waste  
21 Management Act.

22 BY adding to

23 Article - Environment

24 Section 9-279 through 9-283, inclusive, to be under the new part "Part VII.

25 Chesapeake Bay Poultry Waste Management Act"

26 Annotated Code of Maryland

27 (1996 Replacement Volume and 1997 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Environment**

## 2 PART VII. CHESAPEAKE BAY POULTRY WASTE MANAGEMENT ACT.

3 9-279.

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

5 (B) "COMMERCIAL POULTRY PRODUCER" MEANS AN ENTITY THAT  
6 CONTRACTS WITH A FARMER TO RAISE POULTRY FOR THE ENTITY ON PROPERTY  
7 OWNED OR LEASED BY THE FARMER.8 (C) "COMMERCIAL POULTRY PRODUCTION OPERATION" MEANS THE SITE  
9 WHERE CHICKS ARE GROWN UNDER A CONTRACT BETWEEN A COMMERCIAL  
10 POULTRY PRODUCER AND A FARMER.11 (D) "POULTRY WASTE" MEANS THE EXCRETA OR OTHER ASSOCIATED WASTES  
12 OF A CHICKEN, INCLUDING LITTER, BEDDING, DEAD POULTRY, COMPOSTED POULTRY  
13 CARCASSES, OR OTHER RESIDUAL ORGANIC MATTER FROM A COMMERCIAL POULTRY  
14 PRODUCTION OPERATION.15 (E) "EXCESS POULTRY WASTE" MEANS POULTRY WASTE RESULTING FROM A  
16 COMMERCIAL POULTRY PRODUCTION OPERATION WHICH CANNOT BE APPLIED TO  
17 LAND WHICH THE FARMER OWNS OR LEASES BASED UPON THE FARMER'S NUTRIENT  
18 MANAGEMENT PLAN.19 (F) "POULTRY WASTE MANAGEMENT PLAN" MEANS A WRITTEN STATEMENT  
20 SUBMITTED BY THE COMMERCIAL POULTRY PRODUCER TO THE DEPARTMENT  
21 DETAILING THE MANNER IN WHICH THE COMMERCIAL POULTRY PRODUCER WILL  
22 COMPLY WITH THIS PART.

23 9-280.

24 THE GENERAL ASSEMBLY FINDS THAT:

25 (1) POULTRY PRODUCTION IS A CRITICAL PART OF THE AGRICULTURAL  
26 ECONOMY OF MARYLAND, AND IS AN IMPORTANT SOURCE OF FOOD AND CONSUMER  
27 PRODUCTS;28 (2) THE CONTINUATION OF A STRONG POULTRY INDUSTRY SHOULD BE  
29 SUPPORTED;30 (3) POULTRY WASTE HAS BEEN IDENTIFIED AS A SIGNIFICANT SOURCE  
31 OF WATER POLLUTION IN MANY AREAS OF MARYLAND, AND INADEQUATE  
32 MANAGEMENT OF POULTRY WASTE CONTINUES TO POSE A SIGNIFICANT THREAT TO  
33 THE ENVIRONMENT AND PUBLIC HEALTH;34 (4) ACHIEVING NUTRIENT MANAGEMENT GOALS IS DEPENDENT ON THE  
35 POULTRY INDUSTRY ASSUMING ITS FAIR SHARE OF RESPONSIBILITY FOR THE  
36 DISPOSAL OF EXCESS POULTRY WASTE; AND

1 (5) COORDINATION, ASSISTANCE, AND OVERSIGHT OF POULTRY WASTE  
2 MANAGEMENT PLANNING BY THE DEPARTMENT OF THE ENVIRONMENT AND THE  
3 DEPARTMENT OF AGRICULTURE WILL ENHANCE ENVIRONMENTAL PROTECTION.

4 9-281.

5 (A) BY JULY 1, 1999, THE DEPARTMENT, IN CONSULTATION WITH THE  
6 DEPARTMENT OF AGRICULTURE, SHALL ESTABLISH POULTRY WASTE MANAGEMENT  
7 REGULATIONS GOVERNING THE PROPER STORAGE AND DISPOSAL OF EXCESS  
8 POULTRY WASTE.

9 (B) REGULATIONS ESTABLISHED UNDER SUBSECTION (A) SHALL BE FOR THE  
10 PURPOSE OF:

11 (1) PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT;

12 (2) ASSISTING FARMERS IN ENSURING COMPLIANCE WITH NUTRIENT  
13 MANAGEMENT PLANS; AND

14 (3) PREVENTING THE RUNOFF, LEACHING, OR DISCHARGE OF POULTRY  
15 WASTE INTO SURFACE WATER OR GROUNDWATER.

16 (C) REGULATIONS ESTABLISHED UNDER SUBSECTION (A) SHALL INCLUDE:

17 (1) ALL REQUIRED ELEMENTS OF A POULTRY WASTE MANAGEMENT  
18 PLAN; AND

19 (2) TECHNICAL STANDARDS NECESSARY FOR THE PROPER STORAGE  
20 AND DISPOSAL OF EXCESS POULTRY WASTE.

21 (D) BEGINNING JULY 1, 2002, A COMMERCIAL POULTRY PRODUCER SHALL  
22 SUBMIT TO THE DEPARTMENT A POULTRY WASTE MANAGEMENT PLAN FOR THE  
23 PURPOSE OF ENSURING THAT EXCESS POULTRY WASTE FROM A COMMERCIAL  
24 POULTRY PRODUCTION OPERATION IS STORED AND DISPOSED OF IN ACCORDANCE  
25 WITH THE POULTRY WASTE MANAGEMENT REGULATIONS ESTABLISHED BY THE  
26 DEPARTMENT.

27 (E) THE DEPARTMENT SHALL APPROVE A POULTRY WASTE MANAGEMENT  
28 PLAN SUBMITTED BY A COMMERCIAL POULTRY PRODUCER IF THE PLAN MEETS THE  
29 REQUIREMENTS OF THIS SECTION.

30 (F) APPROVAL OF A PLAN UNDER THIS SECTION SHALL BE EFFECTIVE FOR A  
31 PERIOD OF NOT MORE THAN 5 YEARS FROM THE DATE OF APPROVAL.

32 (G) NO PROVISION OF A CONTRACT OR OTHER AGREEMENT BETWEEN A  
33 COMMERCIAL POULTRY PRODUCER AND A FARMER OR ANY OTHER ENTITY SHALL  
34 TRANSFER LIABILITY UNDER THIS SECTION FROM THE COMMERCIAL POULTRY  
35 PRODUCER TO THE FARMER OR OTHER ENTITY.

1 9-282.

2 THE DEPARTMENT SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION AND  
3 REVIEW ALL POULTRY WASTE MANAGEMENT PLANS.

4 9-283.

5 (A) (1) BEGINNING JULY 1, 2002, A CIVIL PENALTY MAY BE ASSESSED FOR  
6 VIOLATION OF ANY PROVISIONS OF THIS PART, OR REGULATIONS OR ORDERS ISSUED  
7 UNDER THIS PART. THE PENALTY MAY BE ASSESSED BY THE SECRETARY, OR A  
8 HEARING OFFICER DESIGNATED IN WRITING BY THE SECRETARY, AFTER AN  
9 OPPORTUNITY FOR A HEARING WHICH MAY BE WAIVED IN WRITING BY THE PERSON  
10 ACCUSED OF A VIOLATION.

11 (2) THE CIVIL PENALTY ASSESSED MAY NOT EXCEED \$3,000 FOR EACH  
12 DAY OF VIOLATION.

13 (3) EACH DAY ON WHICH THE VIOLATION OCCURS CONSTITUTES A  
14 SEPARATE OFFENSE.

15 (B) IN ADDITION TO ANY PENALTIES ASSESSED UNDER SUBSECTION (A) OF  
16 THIS SECTION, SHOULD SUCH VIOLATION(S) REQUIRE THAT THE DEPARTMENT TAKE  
17 CORRECTIVE OR PREVENTATIVE ACTION TO ADDRESS INCREASED RISK OF  
18 POLLUTION OF SURFACE WATER OR GROUNDWATER, OR PUBLIC HEALTH HAZARDS,  
19 THE COMMERCIAL POULTRY PRODUCER SHALL BE LIABLE FOR ALL COSTS  
20 ASSOCIATED WITH THE REQUIRED STATE ACTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 1998.