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By: Chairman, Environmental Matters Committee (Departmental - Agriculture)

Introduced and read first time: January 31, 2000

Assigned to: Environmental Matters

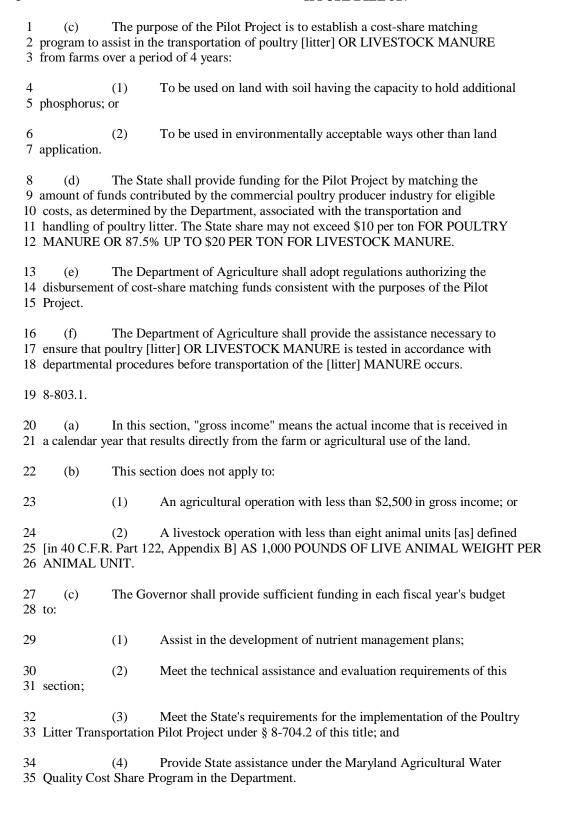
A BILL ENTITLED

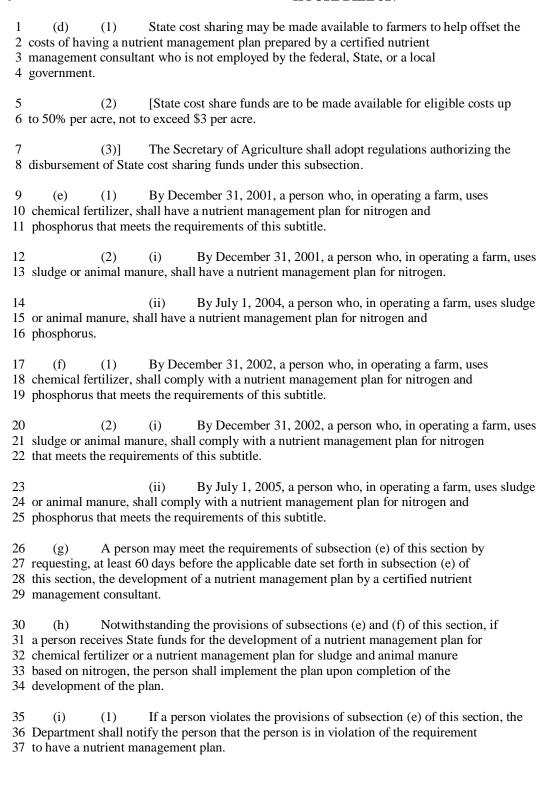
1	A TAT		•
1	AN	ACL	concerning
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2 Department of Agriculture - Nutrient Management

- 3 FOR the purpose of altering the name and purpose of the Department of Agriculture's
- 4 cost-share poultry matching service to include all livestock manure;
- 5 establishing a cost-share rate for livestock manure; altering the definition of
- 6 livestock for those agricultural operations required to have a nutrient
- 7 management plan; eliminating a certain cap on the amount of available State
- 8 cost-share funds; expanding the application of certain requirements for the
- 9 application of commercial fertilizer to include all nonagricultural land; repealing
- the requirement that the Department adopt certain regulations providing for
- religious exemptions; and authorizing the Department to adopt certain
- 12 regulations for certain research and educational exemptions to the nutrient
- management law.
- 14 BY repealing and reenacting, with amendments,
- 15 Article Agriculture
- 16 Section 8-704.1, 8-704.2, 8-803.1, and 8-803.4
- 17 Annotated Code of Maryland
- 18 (1999 Replacement Volume and 1999 Supplement)
- 19 BY repealing
- 20 Article Agriculture
- 21 Section 8-803.5
- 22 Annotated Code of Maryland
- 23 (1999 Replacement Volume and 1999 Supplement)
- 24 BY adding to
- 25 Article Agriculture
- 26 Section 8-803.5
- 27 Annotated Code of Maryland
- 28 (1999 Replacement Volume and 1999 Supplement)

	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
3		Article - Agriculture					
4	8-704.1.						
5 6	(a) Service.	In this section, "Service" means the [Poultry Litter] MANURE Matching					
7 8	(b) Service.	The Department shall create a [Poultry Litter] MANURE Matching					
	9 (c) The purpose of the Service is to develop transfer programs and marketing 0 techniques to promote and facilitate the transfer of poultry [litter] AND LIVESTOCK 1 MANURE.						
12 13	` '	The Service shall be implemented in conjunction with the Poultry Litter ion Pilot Project set forth in § 8-704.2 of this subtitle.					
14 15	(e) The Governor shall include in the annual budget bill sufficient funds to carry out this section.						
16	8-704.2.						
17	(a)	(1) In this section the following words have the meanings indicated.					
18 19	a farmer to	(2) "Commercial poultry producer" means any entity that contracts with raise poultry for the producer on property owned or leased by the farmer.					
20 21	Pilot Projec	(3) "Pilot Project" means the [Poultry Litter] MANURE Transportation t.					
22	(b)	It is the intent of the General Assembly that:					
		(1) For a 4-year period the State and the commercial poultry producers ate the prompt transportation of poultry litter from farms in all areas of at experience phosphorus overenrichment;					
		(2) THE STATE SHALL FACILITATE THE TRANSFER OF LIVESTOCK FROM FARMS IN ALL PARTS OF THE STATE THAT EXPERIENCE RUS OVERENRICHMENT.					
		[(2)] (3) The Pilot Project shall encourage voluntary participation to removal of poultry litter produced by at least 20% of the poultry in the Eastern Shore counties in Maryland; and					
32 33	[Poultry Lit	[(3)] (4) The Pilot Project shall be implemented in conjunction with the ter] MANURE Matching Service set forth in § 8-704.1 of this subtitle.					





	(2) nutrient management exceed \$250.		reasonable period of time, if the person fails to have a person is subject to an administrative penalty not to	
4 5	(j) (1) of any rule, regulation		n who violates any provision of subsection (f) of this section or adopted or issued under this section is subject to:	
6		(i)	For a first violation, a warning; and	
			For a second or subsequent violation, after an opportunity for a in writing by the person accused of a violation, an y be imposed by the Department of Agriculture.	
10 11	(2) subsection shall be:	The pen	alty imposed on a person under paragraph (1)(ii) of this	
12 13	farmer or operator pe	(i) er year; ar	Up to \$100 for each violation, but not exceeding \$2,000 per nd	
14		(ii)	Assessed with consideration given to:	
	The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;			
18			2. Any actual harm to the environment or to human health;	
19 20	controlling, reducing	, or elimi	3. The available technology and economic reasonableness of nating the violation; and	
21 22	recurrent pattern of the	ne same o	4. The extent to which the current violation is part of a or similar type of violation committed by the violator.	
23 24	(3) day a violation occur	(i) s is a sep	Except as provided in subparagraph (ii) of this paragraph, each arate violation under this subsection.	
25 26	takes reasonable step	(ii) s to corre	Daily penalties do not continue to accrue as long as the farmer ect the violation.	
27 28	(4) Maryland Agricultur		nalty imposed under this subsection is payable to the Quality Cost Share Program within the Department.	
29	(k) If a pers	on violat	es any provision of this section, the Department may:	
30 31	(1) for the project that is		repayment of cost share funds under Subtitle 7 of this title ion; or	
32 33	title.	Deny or	restrict future cost share payments under Subtitle 7 of this	

1 2	(l) section.	The Department shall determine compliance with the provisions of this				
3	8-803.4.					
4 5	(a) § 6-201 of th			ies to an application of commercial fertilizer, as defined in		
6		(1)	That is p	performed by:		
7			(i)	A person who applies commercial fertilizer for hire; or		
8			(ii)	An employee of the owner or manager of the property; and		
9		(2)	To prop	erty that is:		
10			(i)	Not used for agricultural purposes; [and] OR		
11			(ii)	[1. Three or more acres; or		
12				2.] State property.		
	13 (b) A person may apply commercial fertilizer only if the person applies the 14 commercial fertilizer in a manner that is consistent with the recommendations of the 15 University of Maryland Cooperative Extension Service.					
16 17	(c) penalty of n	(1) ot more t		n who violates any provision of this section is subject to a civil 00 for a first violation.		
18 19	penalty of n	(2) ot more t		n who violates any provision of this section is subject to a civil 00 for each subsequent violation.		
20		(3)	Each da	y a violation occurs under this section is a separate violation.		
21 22	that result fr	(4) com the sa		l penalties imposed on a person for violations of this section f facts and circumstances may not exceed \$10,000.		
23 24	3 (d) The penalty imposed on a person under this section shall be assessed with 4 consideration given to:					
			own to the	Ifulness of the violation, the extent to which the existence of e violator but uncorrected by the violator, and the extent d reasonable care;		
	injury to or of the State;		•	ual harm to human health or to the environment including use of the waters of the State or the natural resources		
31		(3)	The cost	t of control;		

- 1 (4) The nature and degree of injury to or interference with general 2 welfare, health, and property;
- 3 (5) The extent to which the location of the violation, including location
- 4 near areas of human population, creates the potential for harm to the environment or
- 5 to human health or safety; and
- 6 (6) The extent to which the current violation is part of a recurrent
- 7 pattern of the same or similar type of violation committed by the violator.
- 8 (e) Penalties collected by the Secretary under this section shall be paid into 9 the General Fund of the State.
- 11 If requested, the Department shall adopt regulations providing for religious
- 12 exemptions to this subtitle in the event the requirements of this subtitle conflict with
- 13 the bona fide religious beliefs and practices of persons subject to this subtitle.]
- 14 8-803.5.

10 [8-803.5.

- 15 THE DEPARTMENT MAY ADOPT REGULATIONS FOR AGRICULTURAL RESEARCH,
- 16 EDUCATION, AND DEMONSTRATION EXEMPTIONS TO THIS SUBTITLE.
- 17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 18 effect October 1, 2000.