

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 984

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Harford County Delegation” and substitute “Harford County Delegation, and Delegates Billings, Frush, Hubbard, Hurson, Klausmeier, and Redmer”; strike beginning with “establishing” in line 3 down through “regulations;” in line 14 and substitute “altering the Department of Agriculture’s authority to enter onto private property; deleting certain penalties; requiring certain agricultural operations with a gross income between certain amounts to comply with a certain plan or certain recommendations; providing certain exceptions to certain penalties; requiring the Department to adopt certain regulations and procedures to streamline the Nutrient Management Program;”;

in line 17, strike “8-801,”; in the same line, strike “, 8-802, 8-803,”; and in the same line, strike “and (e)”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 24 through 28, inclusive.

On page 2, strike in their entirety lines 1 through 12, inclusive; after line 23, insert:

“(2) (I) AS PART OF THE DEPARTMENT’S EVALUATION OF THE IMPLEMENTATION OF THE PLAN, THE DEPARTMENT MAY VISIT THE PROPERTY THAT IS THE SUBJECT MATTER OF THE PLAN SOLELY TO DETERMINE COMPLIANCE WITH THE REGULATIONS.

(II) IN CONDUCTING THE SITE VISIT, THE DEPARTMENT MUST:

1. ENTER THE PROPERTY AT A REASONABLE TIME THAT ALLOWS THE OPERATOR TO BE PRESENT; AND

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2. CONDUCT THE EVALUATION IN A MANNER THAT MINIMIZES ANY INCONVENIENCE TO THE OPERATOR.

(III) A PROPERTY OWNER OR OPERATOR WHO REFUSES TO COOPERATE IN A SITE VISIT IS OUT OF COMPLIANCE WITH THE PROGRAM REQUIREMENTS UNTIL THE DEPARTMENT CAN CONDUCT THE EVALUATION.”;

and strike in their entirety lines 24 through 36, inclusive.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 32, inclusive.

On page 4, strike in their entirety lines 1 through 12, inclusive; in line 14, strike “This” and substitute “EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, THIS”; in line 17, strike “as”; strike beginning with “in” in line 17 down through “B” in line 18 and substitute “as 1000 pounds of live animal weight per animal unit”; after line 18, insert:

“(C) (1) A PERSON WHO OPERATES AN AGRICULTURAL OPERATION WITH BETWEEN \$2,500 AND \$10,000 IN GROSS INCOME AND FEWER THAN 8 ANIMAL UNITS SHALL:

(I) SUBMIT A NUTRIENT MANAGEMENT PLAN AS PROVIDED UNDER SUBSECTIONS (F), (G), AND (H) OF THIS SECTION; OR

(II) ATTEND AN EDUCATIONAL PROGRAM ON THE USE OF THE UNIVERSITY OF MARYLAND NUTRIENT MANAGEMENT RECOMMENDATIONS AND, EVERY 3 YEARS, PROVIDE THE DEPARTMENT WITH A SIGNED COMPLIANCE STATEMENT ON A FORM APPROVED BY THE DEPARTMENT.

(2) THE COMPLIANCE STATEMENT MUST CONTAIN AN AFFIRMATION THAT THE OPERATOR IS:

(I) FOLLOWING THE UNIVERSITY OF MARYLAND RECOMMENDATIONS BASED ON SOIL TESTS TAKEN AT LEAST EVERY 3 YEARS; AND

(II) MANAGING NUTRIENTS IN ACCORDANCE WITH THE UNIVERSITY OF MARYLAND AND THE LOCAL SOIL CONSERVATION DISTRICT

RECOMMENDATIONS TO MINIMIZE THE POTENTIAL FOR NUTRIENT LOSS OR RUNOFF.

(3) AN OPERATOR SUBJECT TO THIS SUBSECTION:

(I) MUST KEEP RECORDS DOCUMENTING IMPLEMENTATION OF THE RECOMMENDATIONS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION; AND

(II) WILL BE SUBJECT TO SITE EVALUATION VISITS BY THE DEPARTMENT.

~~[(c)]~~ (D) The Governor shall provide sufficient funding in each fiscal year's budget to:

(1) Assist in the development of nutrient management plans;

(2) Meet the technical assistance and evaluation requirements of this section;

(3) Meet the State's requirements for the implementation of the Manure Transportation Pilot Project under § 8-704.2 of this title; and

(4) Provide State assistance under the Maryland Agricultural Water Quality Cost Share Program in the Department.

~~[(d)]~~ (E) (1) State cost sharing may be made available to farmers to help offset the costs of having a nutrient management plan prepared by a certified nutrient management consultant who is not employed by the federal, State, or a local government.

(2) The Secretary of Agriculture shall adopt regulations authorizing the disbursement of State cost sharing funds under this subsection.”;

in line 19, strike “(e)” and substitute “(F)”; strike in their entirety lines 27 through 29, inclusive; and in line 30, strike the bracket and substitute “(G)”.

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AMENDMENT NO. 4

On page 5, in line 1, strike “[(G)”; strike in their entirety lines 4 through 26, inclusive; in line 27, strike “(I)” and substitute “(H)”; and after line 30, insert:

“(I) (1) (I) UNTIL DECEMBER 31, 2003, THE DEADLINES OF SUBSECTIONS (F) AND (G) OF THIS SECTION DO NOT APPLY TO A PERSON WHO, ON OR BEFORE AUGUST 1, 2002:

1. REQUESTS THE DEVELOPMENT OF A NUTRIENT MANAGEMENT PLAN FROM A CERTIFIED MANAGEMENT CONSULTANT; OR

2. DEMONSTRATES A GOOD FAITH EFFORT TO COMPLY WITH SUBSECTION (F) BY SUBMITTING TO THE DEPARTMENT A JUSTIFICATION FOR DELAY FORM ON OR BEFORE AUGUST 1, 2002; AND

(II) CONTINUES TO TAKE THE NECESSARY STEPS TO HAVE AND IMPLEMENT A PLAN.

(2) A PERSON WHO SATISFIES PARAGRAPH (1) OF THIS SUBSECTION MAY ALSO BE CONSIDERED IN COMPLIANCE AFTER DECEMBER 31, 2003 IF THE SECRETARY DETERMINES THAT CIRCUMSTANCES BEYOND THE REASONABLE CONTROL OF THE PERSON PREVENTED COMPLIANCE.”.

AMENDMENT NO. 5

On page 7, strike beginning with “By” in line 2 down through “plan.” in line 21 and substitute “In implementing the Nutrient Management Program, the Department of Agriculture:

(1) Shall adopt a streamlined certification program for farmers to develop plans for their own specific farm circumstances;

(2) May not restrict any farm from equal access to all computer software programs used by certified nutrient management planners;

(3) Shall accept the use of any software program which generates recommendations consistent with those of the University of Maryland;

(4) Shall assist farmers and consultants, as needed, in obtaining property tax ID information;

(5) Shall provide for a rolling submission date based on the time period covered by the plan, not to exceed 3 years;

(6) Shall assure regulations provide the flexibility to allow farmers to improve their yields as management techniques and technology change;

(7) Shall allow alterations to a Nutrient Management Plan due to weather or circumstances beyond the control of a farmer to be documented as part of the record keeping requirements for the plan;

(8) Shall expedite all plan reviews while assuring that all plans are complete;

(9) Shall streamline the reviews for technical adequacy of cost-shared plans;

(10) Shall streamline the plan criteria and implementation flexibility; and

(11) Shall acknowledge to the operator that a plan or a jurisdiction for delay form has been received and that the plan or the delay form meets or does not meet the requirements of the Department.”;

and in line 23, strike “October 1” and substitute “June 1”.