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By: Eastern Shore Delegation, Southern Maryland Delegation, Western

Maryland Delegation, and Harford County Delegation Introduced and read first time: February 8, 2002

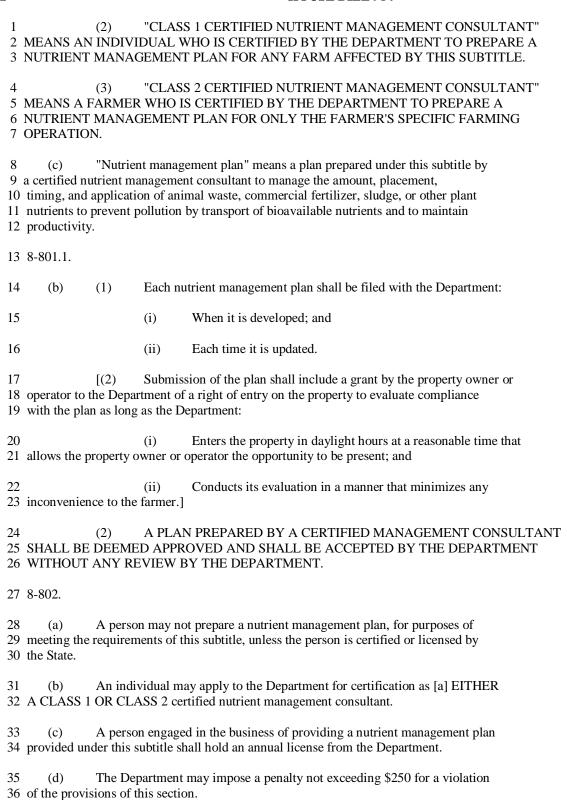
Assigned to: Environmental Matters

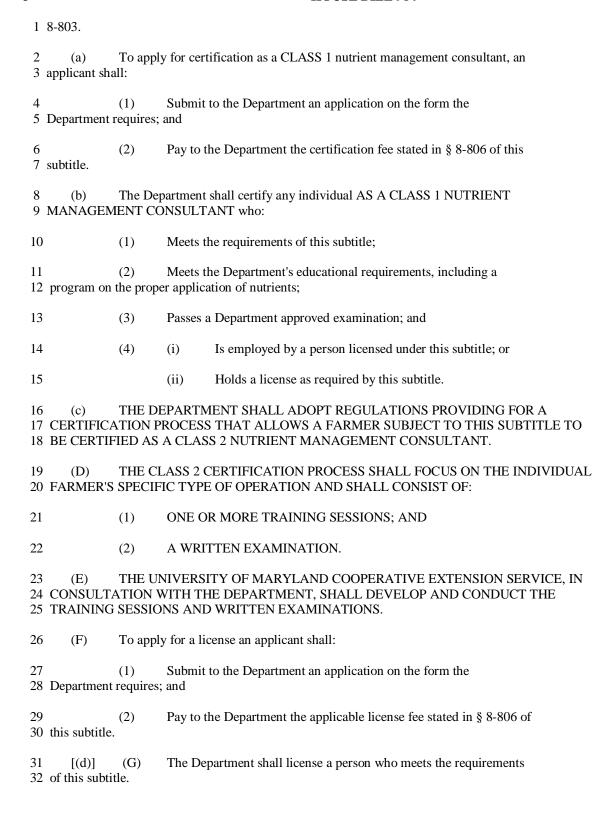
A BILL ENTITLED

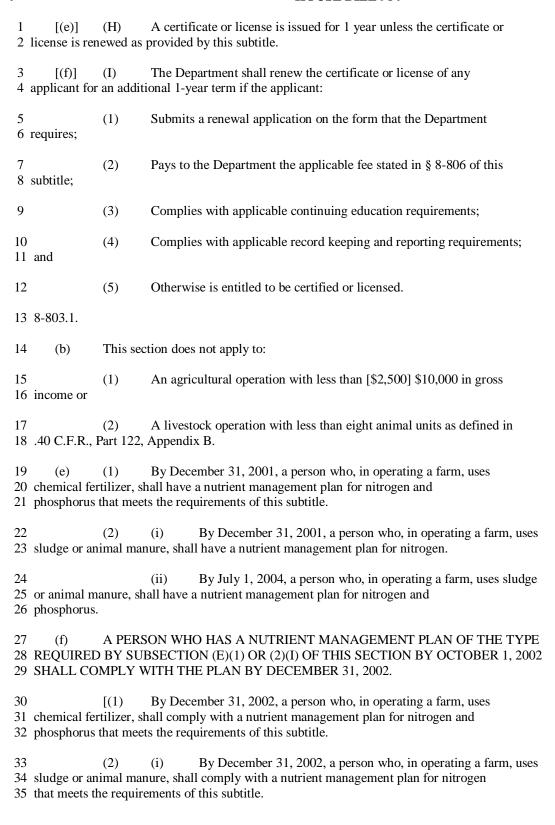
1 AN ACT concerning

2 Agriculture - Water Quality Improvement Act - Nutrient Management

- 3 FOR the purpose of establishing two classes of certified nutrient management
- 4 consultants; establishing the requirements for each class of certification;
- 5 requiring the University of Maryland Cooperative Extension Service, in
- 6 consultation with the Department of Agriculture, to develop and conduct certain
- 7 training and examinations; removing the requirement that a certain property
- 8 owner or operator grant the Department of Agriculture right of entry under
- 9 certain circumstances; providing for approval, without Department review, of a
- 10 nutrient management plan prepared by a certified management consultant;
- increasing the minimum gross income requirement of the applicability
- provision; extending the deadlines for implementation of certain nutrient
- management plans to certain dates; requiring the Department to adopt certain
- regulations; and generally relating to nutrient management plans.
- 15 BY repealing and reenacting, with amendments,
- 16 Article Agriculture
- 17 Section 8-801, 8-801.1(b)(1) and (2), 8-802, 8-803, and 8-803.1(b) and (e)
- 18 through (k)
- 19 Annotated Code of Maryland
- 20 (1999 Replacement Volume and 2001 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 22 MARYLAND, That the Laws of Maryland read as follows:
- 23 Article Agriculture
- 24 8-801.
- 25 (a) In this subtitle the following words have the meanings indicated.
- 26 (b) (1) "Certified nutrient management consultant" means [an individual
- 27 certified by the Department to prepare a nutrient management plan] A CLASS 1 OR
- 28 CLASS 2 CERTIFIED MANAGEMENT CONSULTANT.







	sludge or animal man and phosphorus that n	ure, shall	comply v	with a nutrient management plan for nitrogen ents of this subtitle.		
4 5	` /			NOT HAVE A NUTRIENT MANAGEMENT PLAN BY ENT THE PLAN AS FOLLOWS:		
8		L COMP	LY WIT	O, IN OPERATING A FARM, USES CHEMICAL H A NUTRIENT MANAGEMENT PLAN FOR NITROGEN THE REQUIREMENTS OF THIS SUBTITLE BY THE		
10		(I)	DECEM	IBER 31, 2004; OR		
11 12	PLAN.	(II)	WITHIN	N 1 YEAR AFTER HAVING A NUTRIENT MANAGEMENT		
15			COMPL	ON WHO, IN OPERATING A FARM, USES SLUDGE OR LY WITH A NUTRIENT MANAGEMENT PLAN FOR QUIREMENTS OF THIS SUBTITLE BY THE EARLIER		
17			1.	DECEMBER 31, 2004; OR		
18 19	MANAGEMENT PL	AN.	2.	WITHIN 1 YEAR AFTER HAVING A NUTRIENT		
22	ANIMAL MANURE	HOSPHC	COMPL	ON WHO, IN OPERATING A FARM, USES SLUDGE OR LY WITH A NUTRIENT MANAGEMENT PLAN FOR IAT MEETS THE REQUIREMENTS OF THIS SUBTITLE		
24			1.	JULY 1, 2007; OR		
25 26	MANAGEMENT PL	AN.	2.	WITHIN 1 YEAR AFTER HAVING A NUTRIENT		
29	[(g)] (I) A person may meet the requirements of subsection (e) of this section by requesting, at least 60 days before the applicable date set forth in subsection (e) of this section, the development of a nutrient management plan by a certified nutrient management consultant.					
	[(h)] (J) section, the Department requirement to have a		notify the	on violates the provisions of subsection (e) of this e person that the person is in violation of the ment plan.		
	(2) nutrient management exceed \$250.			e period of time, if the person fails to have a s subject to an administrative penalty not to		

	[(i)] (K) this section or of any r subject to:	(1) rule, regu	A person who violates any provision of subsection (f) OR (G) of lation, or order adopted or issued under this section is			
4		(i)	For a first violation, a warning; and			
		(ii) For a second or subsequent violation, after an opportunity for a e waived in writing by the person accused of a violation, an y that may be imposed by the Department of Agriculture.				
8 9	(2) subsection shall be:	The pen	alty imposed on a person under paragraph (1)(ii) of this			
10 11	farmer or operator per	(i) r year; an	Up to \$100 for each violation, but not exceeding \$2,000 per ad			
12		(ii)	Assessed with consideration given to:			
			1. The willfulness of the violation, the extent to which the known to but uncorrected by the violator, and the extent I reasonable care;			
16			2. Any actual harm to the environment or to human health;			
17 18		or elimi	3. The available technology and economic reasonableness of nating the violation; and			
19 20		e same o	4. The extent to which the current violation is part of a or similar type of violation committed by the violator.			
21 22	(3) day a violation occurs	(i) s is a sepa	Except as provided in subparagraph (ii) of this paragraph, each arate violation under this subsection.			
23 24	takes reasonable steps	(ii) s to corre	Daily penalties do not continue to accrue as long as the farmer ct the violation.			
25 26	* *		alty imposed under this subsection is payable to the Quality Cost Share Program within the Department.			
27 28	[(j)] (L) may:	If a pers	on violates any provision of this section, the Department			
29 30	(1) Require repayment of cost share funds under Subtitle 7 of this title for the project that is in violation; or					
31 32	(2) title.	Deny or	restrict future cost share payments under Subtitle 7 of this			
33 34	[(k)] (M) this section.	The Dep	partment shall determine compliance with the provisions of			

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

- 2 By December 31, 2002, the Department of Agriculture shall adopt regulations 3 that:
- 4 (1) Grant all farmers equal access to all computer software programs 5 used by certified nutrient management planners;
- 6 (2) Authorize certified nutrient management planners to choose from a 7 number of accepted software programs, including the Purdue University system, to 8 assist in the writing of plans;
- 9 (3) Allow a farmer to identify the farmer's property using either the 10 farmer's Property Tax ID, which shall be obtained by the Department at the request 11 of the farmer, or Farm Service Agency ID number;
- 12 (4) Require annual plans to be submitted by March 1 of each year, unless 13 a farmer applies for a different date;
- 14 (5) Alter the planning process to make certain that crop yield-capping 15 does not occur and that farmers can plan to improve their yields as management 16 techniques and technology change;
- 17 (6) Require a farmer to maintain and keep records at the farmer's farm, 18 including documentation noting alterations to a plan due to weather, change in
- 19 operational size, or circumstances beyond the control of the farmer; and
- 20 (7) Require a farmer to report the alterations described in item (6) of this 21 section to the Department along with the farmer's annual nutrient management plan.
- 22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 23 October 1, 2002.