

HB0904/710518/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 904
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “authorizing the Department of Agriculture to require a certain summary to take the form of an annual implementation report; requiring a certain person to include certain information in an annual implementation report under certain circumstances; requiring a manure broker to provide certain information to a certain person;”; in line 4, after “deadlines” insert “, including deadlines”; in line 6, strike “State”; strike beginning with “requiring” in line 8 down through “certificate;” in line 21 and substitute “requiring the Department of Agriculture, beginning in a certain year, to include certain information on the production and use of animal manure by farm operations in a certain annual report;”; strike beginning with the comma in line 22 down through the comma in line 23; in line 26, after “minimum” insert “one-time permit”; in line 27, strike “proposed new”; in line 28, strike “a certain existing CAFO” and substitute “continued coverage of a certain CAFO under a CAFO General Discharge permit”; in line 29, strike “permit”; and in line 30, strike “user” and substitute “permit”.

On pages 1 and 2, strike beginning with “requiring” in line 30 on page 1 down through the semicolon in line 3 on page 2.

On page 2, in line 4, strike “deploy continuous water quality monitoring stations” and substitute “conduct long-term sample collection”; strike beginning with “continuous” in line 5 down through the first “at” in line 6 and substitute “the Department of Natural Resources to regularly collect samples from”; strike beginning with the second “certain” in line 6 down through “existed” in line 8 and substitute “certain water quality monitoring to be done in certain locations”; in line 9, after the second semicolon insert “requiring the Department of the Environment to study and

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make recommendations regarding certain matters and to make a certain report on or before a certain date;”; after line 11, insert:

“BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–801.1(b), 8–803.1, and 8–807
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY adding to
Article – Agriculture
Section 8–801.1(c) and 8–803(h) and (i)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)”;

in line 14, strike “and 8–805”; strike in their entirety lines 17 through 26, inclusive; in line 29, after the second comma insert “and”; in the same line, strike “, and 9–326”; and strike in their entirety lines 32 through 41, inclusive.

AMENDMENT NO. 2

On page 3, after line 8, insert:

“8–801.1.

(b) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A summary of each nutrient management plan shall be filed and updated with the Department at a time and in a form that the Department requires by regulation.

(2) (1) THE DEPARTMENT MAY REQUIRE AN UPDATED SUMMARY UNDER THIS SUBSECTION TO TAKE THE FORM OF AN ANNUAL IMPLEMENTATION REPORT.

(II) IF A PERSON, IN OPERATING A FARM, USES OR PRODUCES ANIMAL MANURE, THE PERSON'S ANNUAL IMPLEMENTATION REPORT SHALL INCLUDE:

1. THE AMOUNT OF ANIMAL MANURE IMPORTED TO OR EXPORTED FROM THE PERSON'S FARM;

2. FOR ANY ANIMAL MANURE THAT WAS IMPORTED, THE NAME AND LOCATION OF THE SENDING FARM; AND

3. FOR ANY ANIMAL MANURE THAT WAS EXPORTED, THE NAME AND LOCATION OF THE FARM, ALTERNATIVE USE FACILITY, OR MANURE BROKER THAT RECEIVED THE MANURE.

(III) IF A PERSON RECEIVES ANIMAL MANURE THROUGH A MANURE BROKER, THE BROKER SHALL PROVIDE THE PERSON WITH THE NAME AND LOCATION OF THE SENDING FARM.

[(2)] (3) The Department shall maintain a copy of each summary for 3 years in a manner that protects the identity of the individual for whom the nutrient management plan was prepared.

(C) (1) IF A PERSON FAILS TO FILE A SUMMARY OR ANNUAL IMPLEMENTATION REPORT AS REQUIRED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE PERSON THAT:

(I) THE PERSON IS IN VIOLATION OF THE REQUIREMENT TO FILE A SUMMARY OR ANNUAL IMPLEMENTATION REPORT; AND

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(II) THE PERSON IS SUBJECT TO:

1. AFTER 30 DAYS FROM ISSUANCE OF THE NOTICE, AN ADMINISTRATIVE PENALTY OF NOT LESS THAN \$100 AND NOT MORE THAN \$250;

2. AFTER 90 DAYS FROM ISSUANCE OF THE NOTICE, AN ADMINISTRATIVE PENALTY OF NOT LESS THAN \$250 AND NOT MORE THAN \$1,000; AND

3. AFTER 90 DAYS FROM ISSUANCE OF THE NOTICE, AN ADMINISTRATIVE PENALTY OF NOT MORE THAN \$1,000.

(2) A PENALTY IMPOSED ON A PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ASSESSED WITH CONSIDERATION GIVEN TO:

(I) THE WILLFULNESS OF THE VIOLATION; AND

(II) THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED BY THE VIOLATOR.”.

On page 4, in line 1, strike “PERMIT” and substitute “CERTIFICATE”; and in line 3, after “DEPARTMENT” insert “, INCLUDING DEADLINES”.

On page 6, in line 4, strike “NOT LESS THAN \$100 AND”.

AMENDMENT NO. 3

On pages 7 through 11, strike in their entirety the lines beginning with line 23 on page 7 through line 2 on page 11, inclusive.

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On page 11, after line 2, insert:

“8-807.

(A) On or before December 31 of each year, the Department of Agriculture shall report to the Governor, and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on the farm acreage covered by nutrient management plans and the implementation and evaluation of those plans.

(B) (1) BEGINNING IN 2020, THE REPORT REQUIRED UNDER THIS SECTION SHALL INCLUDE INFORMATION ON THE PRODUCTION AND USE OF ANIMAL MANURE BY FARM OPERATIONS COVERED BY NUTRIENT MANAGEMENT PLANS DURING THE PREVIOUS YEAR, INCLUDING:

(I) THE AMOUNT OF ANIMAL MANURE EXPORTED BY FARM OPERATIONS TO ALTERNATIVE USE FACILITIES OR OTHER FARM OPERATIONS IN THE STATE;

(II) THE AMOUNT OF ANIMAL MANURE EXPORTED OUT OF THE STATE BY FARM OPERATIONS; AND

(III) THE AMOUNT OF ANIMAL MANURE LAND APPLIED BY FARM OPERATIONS IN THE STATE AND THE SOURCE OF THAT MANURE.

(2) THE INFORMATION REQUIRED UNDER THIS SUBSECTION SHALL BE REPORTED:

(I) BY GEOGRAPHIC AREA, INCLUDING BY COUNTY OR LOCAL WATERSHED; AND

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(II) IN A MANNER THAT PROTECTS THE IDENTITY OF INDIVIDUAL FARM OPERATION.

AMENDMENT NO. 4

On page 12, in line 12, strike “DISCHARGE” and substitute “**CAFO GENERAL DISCHARGE**”; strike beginning with the comma in line 13 down through the comma in line 14; and in line 17, strike “DISCHARGE” and substitute “**CAFO GENERAL DISCHARGE**”.

On page 13, strike in their entirety lines 4 through 13, inclusive; after line 13, insert:

“(2) (I) THE DEPARTMENT SHALL CHARGE A ONE-TIME PERMIT APPLICATION FEE OF AT LEAST \$500 ON RECEIPT OF A NOTICE OF INTENT TO SEEK COVERAGE UNDER A CAFO GENERAL DISCHARGE PERMIT FOR:

1. A PROPOSED NEW CAFO THAT WILL HAVE A HOUSE CAPACITY OF 350,000 SQUARE FEET OR MORE; OR

2. MODIFICATION OF AN EXISTING CAFO TO EXPAND THE HOUSE CAPACITY TO 350,000 SQUARE FEET OR MORE.

(II) THE DEPARTMENT SHALL CHARGE AN ANNUAL FEE OF AT LEAST \$500 FOR THE CONTINUED COVERAGE UNDER A CAFO GENERAL DISCHARGE PERMIT OF A CAFO WITH A HOUSE CAPACITY OF 350,000 SQUARE FEET OR MORE.”;

in line 17, strike “PERMIT”; and strike beginning with “USER” in line 17 down through “CAFO” in line 18 and substitute “**CAFO GENERAL DISCHARGE PERMIT**”.

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AMENDMENT NO. 5

On pages 13 through 15, strike in their entirety the lines beginning with line 19 on page 13 through line 12 on page 15, inclusive.

On page 15, after line 12, insert:

“Article – Natural Resources”.

On page 16, after line 11, insert:

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

(1) the Department of the Environment shall study and make recommendations regarding the feasibility of requiring the installation and use of on-site water quality monitoring equipment at certain concentrated animal feeding operation (CAFO) sites as a condition for issuance of a CAFO General Discharge permit; and

(2) on or before December 1, 2021, the Department shall report its findings and recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2-1246 of the State Government Article.”;

and in line 12, strike “2.” and substitute “3.”.

AMENDMENT NO. 6

On page 15, in line 14, strike “**SHALLOW**” and substitute “**MAINSTEM AND TIDAL**”; strike beginning with “**DEPLOY**” in line 15 down through “**STATIONS**” in line 16 and substitute “**CONDUCT LONG-TERM SAMPLE COLLECTION**”; strike beginning with “**CONTINUOUS**” in line 18 down through “**IN**” in line 19 and substitute “**THE**

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DEPARTMENT SHALL REGULARLY COLLECT SAMPLES FROM"; and after line 19,
insert:

"(1) STATIONS TRQ0088 AND TRQ0146, LOCATED IN THE
TRANSQUAKING RIVER;

(2) STATION CCM0069, LOCATED IN THE CHICAMACOMICO
RIVER;

(3) STATION XDJ9007, LOCATED IN THE NANTICOKE RIVER;

(4) STATION XCI4078, LOCATED IN THE WICOMICO RIVER;

(5) STATIONS BXK0031 AND MNK0146, LOCATED IN THE
MANOKIN RIVER; AND

(6) STATIONS POK0087 AND XAK7810, LOCATED IN THE
POCOMOKE RIVER."

On pages 15 and 16, strike in their entirety the lines beginning with line 20 on
page 15 through line 6 on page 16, inclusive.

On page 16, strike beginning with "CONTINUOUS" in line 7 down through
"EXISTED" in line 10 and substitute "WATER QUALITY MONITORING CARRIED OUT
UNDER THIS SECTION SHALL BE DONE IN LOCATIONS WHERE WATER QUALITY
MONITORING WAS CONDUCTED PRIOR TO DECEMBER 1, 2013".