

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 176

(Chair, Education, Energy, and the Environment
Committee)(By Request - Departmental - Agriculture)

Education, Energy, and the Environment

Environment and Transportation

Agriculture - Soil Conservation and Water Quality Plan - Uses of Information

This departmental bill requires a supervisor (*i.e.*, a member of the governing body of a soil conservation district) to make a soil conservation and water quality plan available to the Maryland Department of Agriculture (MDA) for enforcement action under Title 8, Subtitle 8 of the Agriculture Article (the State's Nutrient Management Law).

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: Soil conservation districts can implement the bill's requirements using existing resources. Local revenues are not affected.

Small Business Effect: MDA has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law:

Soil Conservation Districts and Duties of Supervisors

There are 23 soil conservation districts in the State. The governing body of each soil conservation district consists of five supervisors who must be interested and knowledgeable in the conservation of soil, water, and related natural resources. The

supervisors have various authority, including the authority to (1) conduct surveys, investigations, and research relating to the character of soil erosion and the preventive and control measures needed; (2) disseminate information concerning preventive and control measures; (3) conduct demonstration projects; (4) carry out preventive and control measures; (5) develop comprehensive plans for conserving soil resources and controlling and preventing soil erosion within the district; and (6) approve and disapprove sediment control plans for clearing, grading, transporting, or otherwise distributing soil pursuant to provisions of the Environment Article; soil conservation districts are designated as approval authorities under those provisions.

In general, a supervisor must maintain information from a soil conservation and water quality plan in a manner that protects the identity of the person for whom the plan is prepared. However, the supervisors must make a soil conservation and water quality plan available to (1) the Maryland Department of Environment (MDE) for enforcement under provisions of the Environment Article that relate to sediment control and (2) MDA, which may use the information for statistical purposes. MDA must maintain the information in the manner that protects the identity of the person for whom the plan is prepared and make any information from a plan available to MDE to support the development of a compliance or enforcement case for purposes of addressing an existing water quality problem in accordance with specified procedures.

Statute does not authorize MDA to use the information in a soil conservation and water quality plan for enforcement action relating to the State's Nutrient Management Law.

The State's Nutrient Management Law (Title 8, Subtitle 8 of the Agriculture Article)

Pursuant to the Water Quality Improvement Act of 1998, agricultural operations with \$2,500 or more in gross annual income and livestock operations with 8,000 pounds or more of live animal weight must have and comply with a nutrient management plan for nitrogen and phosphorus. A nutrient management plan is prepared to manage the amount, placement, timing, and application of animal waste, commercial fertilizer, sludge, or other plant nutrients to prevent pollution by transport of bioavailable nutrients and to maintain productivity. MDA certifies and licenses nutrient management consultants and businesses to prepare nutrient management plans for farm operations and issues certificates to farm operators to develop their own plans. The State's Nutrient Management Law also regulates the application of commercial and specialty fertilizer to property that is not used for agriculture purposes.

Various administrative and civil penalties may be imposed for specified violations of the State's Nutrient Management Law, including, among other things, for failure to develop or implement an approved nutrient management plan, failure to submit an annual implementation report, failure to provide records for inspection, and improper application

of fertilizer. In addition, subject to the provisions of the Administrative Procedure Act, MDA may deny, suspend, or revoke a certificate or license for a violation of the State's Nutrient Management Law or for a violation of any regulation adopted under the law by MDA.

Background: Under current law, MDE has the authority to request a soil conservation and water quality plan for enforcement purposes. MDA advises that this bill seeks to extend this authority to MDA, allowing it to request soil conservation and water quality plans from soil conservation districts for nutrient management enforcement activities.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 140 (Chair, Environment and Transportation Committee)(By Request - Departmental - Agriculture) - Environment and Transportation.

Information Source(s): Harford, Montgomery, and Wicomico counties; Maryland Association of Counties; Maryland Department of Agriculture; Maryland Department of the Environment; Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2025
km/lgc Third Reader - February 14, 2025

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Agriculture - Soil Conservation and Water Quality Plan - Uses of Information

BILL NUMBER: SB176

PREPARED BY: Byron Petruskas

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS