

# SENATE BILL 546

M4, M3, M1

(9lr0734)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environment and Transportation* —

Introduced by **Senators Pinsky, Ellis, Kagan, Lam, Lee, Nathan–Pulliam, Patterson, Smith, and Young**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Agriculture – Nutrient Management – Monitoring and Enforcement**

3 FOR the purpose of authorizing the Department of Agriculture to require a certain  
4 summary to take the form of an annual implementation report; requiring a certain  
5 person to include certain information in an annual implementation report under  
6 certain circumstances; requiring a manure broker to provide certain information to  
7 a certain person; requiring a person who holds a certain certificate or license to  
8 comply with certain reporting requirements and deadlines, including deadlines  
9 related to implementation of the Phosphorus Management Tool and the submission  
10 of certain soil test phosphorus levels; requiring the ~~State~~ Department of Agriculture,  
11 in determining where to focus certain enforcement efforts, to prioritize farms for  
12 which the Department of Agriculture has not received certain soil test phosphorus  
13 levels; ~~requiring the Department of Agriculture to establish a voluntary certification~~  
14 ~~program for certain commercial manure haulers and brokers; requiring the~~

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



~~Department of Agriculture, in consultation with a certain body, to adopt certain regulations relating to the certification of commercial manure haulers and brokers; requiring an applicant for certification as a commercial manure hauler or broker to submit a certain application and pay a certain fee; requiring the Department of Agriculture to certify any person that meets certain requirements; requiring a certified commercial manure hauler or broker to employ certain best management practices, land apply manure in a certain manner, maintain certain records, allow the Department of Agriculture to review certain records at certain times, and submit a certain annual report; requiring the operator of a certain animal feeding operation to arrange for the removal of manure generated at the operation only through a certified commercial manure hauler or broker; establishing a certain fee for a certain certificate; 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; requiring a person to hold a certain discharge permit before the person may begin construction, including the clearing or grading of land, on any part of a new concentrated animal feeding operation (CAFO); prohibiting the Department of the Environment from issuing a discharge permit to a person that violates a certain provision of this Act; requiring the Department of the Environment to charge a certain minimum one-time permit application fee for a certain ~~proposed new~~ CAFO; requiring the Department of the Environment to charge a certain minimum annual permit fee for a ~~certain existing~~ CAFO continued coverage of a certain CAFO under a CAFO General Discharge permit; prohibiting the Department of the Environment from waiving the ~~permit~~ fee for a certain ~~user permit~~; ~~requiring the Department of the Environment to impose certain conditions in a permit for the discharge of pollutants from a certain CAFO; expanding the authorized uses of the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to include continuous water quality monitoring by the Department of Natural Resources at certain sites; requiring the Department of Natural Resources to deploy continuous water quality monitoring stations~~ conduct long-term sample collection in certain tributaries as part of a certain program; requiring continuous water quality monitoring stations to be deployed at the Department of Natural Resources to regularly collect samples from certain locations, at a minimum; requiring certain continuous water quality monitoring stations to be located at sites where continuous water quality monitoring stations previously existed certain water quality monitoring to be done in certain locations, to the extent practicable; establishing certain penalties; altering certain penalties; requiring the Department of the Environment to study and make recommendations regarding certain matters and to make a certain report on or before a certain date; defining certain terms; and generally relating to the monitoring and enforcement of laws and regulations relating to nutrient management.~~

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)

1 BY adding to  
2 Article – Agriculture  
3 Section 8–801.1(c) and 8–803(h) and (i)  
4 Annotated Code of Maryland  
5 (2016 Replacement Volume and 2018 Supplement)

6 BY repealing and reenacting, without amendments,  
7 Article – Agriculture  
8 Section 8–803(f) and (g) ~~and 8–805~~  
9 Annotated Code of Maryland  
10 (2016 Replacement Volume and 2018 Supplement)

11 ~~BY adding to~~  
12 ~~Article – Agriculture~~  
13 ~~Section 8–803(h) and (i) and 8–803.10 8–801.1(e)~~  
14 ~~Annotated Code of Maryland~~  
15 ~~(2016 Replacement Volume and 2018 Supplement)~~

16 ~~BY repealing and reenacting, with amendments,~~  
17 ~~Article – Agriculture~~  
18 ~~Section 8–803.1 and 8–806~~  
19 ~~Annotated Code of Maryland~~  
20 ~~(2016 Replacement Volume and 2018 Supplement)~~

21 BY repealing and reenacting, with amendments,  
22 Article – Environment  
23 Section 9–301, 9–323, and 9–325, ~~and 9–326~~  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2018 Supplement)

26 ~~BY repealing and reenacting, without amendments,~~  
27 ~~Article – Natural Resources~~  
28 ~~Section 8–2A–01(a)~~  
29 ~~Annotated Code of Maryland~~  
30 ~~(2012 Replacement Volume and 2018 Supplement)~~

31 ~~BY repealing and reenacting, with amendments,~~  
32 ~~Article – Natural Resources~~  
33 ~~Section 8–2A–01(c)(2)~~  
34 ~~Annotated Code of Maryland~~  
35 ~~(2012 Replacement Volume and 2018 Supplement)~~

36 BY adding to  
37 Article – Natural Resources  
38 Section 8–2A–05  
39 Annotated Code of Maryland  
40 (2012 Replacement Volume and 2018 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Agriculture**

4 8-801.1.

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

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

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

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

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

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

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

24 [(2)] (3) The Department shall maintain a copy of each summary for 3  
25 years in a manner that protects the identity of the individual for whom the nutrient  
26 management plan was prepared.

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

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

1                   **(II) THE PERSON IS SUBJECT TO:**

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

4                   **2. AFTER ~~90~~ 60 DAYS FROM ISSUANCE OF THE NOTICE,**  
 5 **AN ADMINISTRATIVE PENALTY OF NOT LESS THAN \$250 AND NOT MORE THAN**  
 6 **\$1,000; AND**

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

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

11                   **(I) THE WILLFULNESS OF THE VIOLATION; AND**

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

15 8–803.

16           (f) The Department shall renew the certificate or license of any applicant for a  
 17 3–year term if the applicant:

18                   (1) Submits a renewal application on the form that the Department  
 19 requires;

20                   (2) Pays to the Department the applicable fee stated in § 8–806 of this  
 21 subtitle;

22                   (3) Complies with applicable continuing education requirements;

23                   (4) Complies with applicable record keeping and reporting requirements;  
 24 and

25                   (5) Otherwise is entitled to be certified or licensed.

26           (g) (1) The Department may issue a farm operator’s plan development  
 27 certificate to a person operating a farm for the development of that person’s own nutrient  
 28 management plan.

29                   (2) The certificate is valid provided the person operating the farm:

- 1 (i) Has paid the one-time fee provided in § 8-806 of this subtitle;
- 2 (ii) Has passed an examination as determined by the Department;
- 3 (iii) Complies with applicable continuing education requirements;
- 4 (iv) Complies with applicable record keeping and reporting  
5 requirements; and
- 6 (v) Otherwise is entitled to be certified.

7 **(H) A PERSON THAT HOLDS A LICENSE OR ~~PERMIT~~ CERTIFICATE ISSUED**  
8 **UNDER THIS SECTION SHALL COMPLY WITH ALL APPLICABLE REPORTING**  
9 **REQUIREMENTS AND DEADLINES ESTABLISHED BY THE DEPARTMENT, INCLUDING**  
10 **DEADLINES RELATED TO:**

11 **(1) IMPLEMENTATION OF THE PHOSPHORUS MANAGEMENT TOOL**  
12 **DEVELOPED BY THE UNIVERSITY OF MARYLAND; AND**

13 **(2) SUBMISSION OF SOIL TEST PHOSPHORUS LEVELS RELATED TO**  
14 **NUTRIENT MANAGEMENT PLANS DEVELOPED IN ACCORDANCE WITH THIS SUBTITLE.**

15 **(I) IN ADDITION TO ANY PENALTY AUTHORIZED UNDER § 8-805 OF THIS**  
16 **SUBTITLE, A PERSON THAT VIOLATES SUBSECTION (H) OF THIS SECTION IS SUBJECT**  
17 **TO AN ADMINISTRATIVE PENALTY NOT EXCEEDING \$250.**

18 8-803.1.

19 (a) In this section, "gross income" means the actual income that is received in a  
20 calendar year that results directly from the farm or agricultural use of the land.

21 (b) This section does not apply to:

22 (1) An agricultural operation with less than \$2,500 in gross income; or

23 (2) A livestock operation with less than eight animal units defined as 1,000  
24 pounds of live animal weight per animal unit.

25 (c) The Governor shall provide sufficient funding in each fiscal year's budget to:

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

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

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

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

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

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

10           (3) The Department may procure the services of a private certified nutrient  
11 management consultant to develop nutrient management plans for persons operating a  
12 farm.

13           (e) (1) By December 31, 2001, a person who, in operating a farm, uses chemical  
14 fertilizer, shall have a nutrient management plan for nitrogen and phosphorus that meets  
15 the requirements of this subtitle.

16           (2) (i) By December 31, 2001, a person who, in operating a farm, uses  
17 sludge or animal manure, shall have a nutrient management plan for nitrogen.

18           (ii) By July 1, 2004, a person who, in operating a farm, uses sludge  
19 or animal manure, shall have a nutrient management plan for nitrogen and phosphorus.

20           (f) (1) By December 31, 2002, a person who, in operating a farm, uses chemical  
21 fertilizer, shall comply with a nutrient management plan for nitrogen and phosphorus that  
22 meets the requirements of this subtitle.

23           (2) (i) By December 31, 2002, a person who, in operating a farm, uses  
24 sludge or animal manure, shall comply with a nutrient management plan for nitrogen that  
25 meets the requirements of this subtitle.

26           (ii) By July 1, 2005, a person who, in operating a farm, uses sludge  
27 or animal manure, shall comply with a nutrient management plan for nitrogen and  
28 phosphorus that meets the requirements of this subtitle.

29           (g) A person may meet the requirements of subsection (e) of this section by  
30 requesting, at least 60 days before the applicable date set forth in subsection (e) of this  
31 section, the development of a nutrient management plan by a certified nutrient  
32 management consultant.

33           (h) (1) If a person violates the provisions of subsection (e) of this section, the  
34 Department shall notify the person that the person is in violation of the requirement to  
35 have a nutrient management plan.

1 (2) After a reasonable period of time, if the person fails to have a nutrient  
 2 management plan, the person is subject to an administrative penalty [not to exceed] **OF**  
 3 **NOT LESS THAN \$100 AND NOT MORE THAN \$250.**

4 (i) (1) A person who violates any provision of subsection (f) of this section or  
 5 of any rule, regulation, or order adopted or issued under this section is subject to:

6 (i) For a first violation, a warning; and

7 (ii) For a second or subsequent violation, after an opportunity for a  
 8 hearing which may be waived in writing by the person accused of a violation, an  
 9 administrative penalty that may be imposed by the Department of Agriculture.

10 (2) The penalty imposed on a person under paragraph (1)(ii) of this  
 11 subsection shall be:

12 (i) [Up to \$100] **SUBJECT TO PARAGRAPH (3) OF THIS**  
 13 **SUBSECTION, ~~NOT LESS THAN \$100 AND~~ NOT MORE THAN \$500** for each violation, but  
 14 not exceeding [~~\$2,000~~] **\$5,000** per farmer or operator per year; and

15 (ii) Assessed with consideration given to:

16 1. The willfulness of the violation, the extent to which the  
 17 existence of the violation was known to but uncorrected by the violator, and the extent to  
 18 which the violator exercised reasonable care;

19 2. Any actual harm to the environment or to human health;

20 3. The available technology and economic reasonableness of  
 21 controlling, reducing, or eliminating the violation; and

22 4. The extent to which the current violation is part of a  
 23 recurrent pattern of the same or similar type of violation committed by the violator.

24 **(3) IF THE VIOLATION INVOLVED THE KNOWING APPLICATION OF**  
 25 **PHOSPHORUS TO A SITE WHERE, BECAUSE OF THE SITE'S SOIL CHARACTERISTICS,**  
 26 **DEPARTMENT REGULATIONS PROHIBIT THE APPLICATION OF PHOSPHORUS, THE**  
 27 **PENALTY IMPOSED ON A PERSON UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION**  
 28 **SHALL BE NOT LESS THAN \$250.**

29 ~~[(3)]~~ **(4)** (i) Except as provided in subparagraph (ii) of this paragraph,  
 30 each day a violation occurs is a separate violation under this subsection.

31 (ii) Daily penalties do not continue to accrue as long as the farmer  
 32 takes reasonable steps to correct the violation.



1            **[(4)] (5)**      Any penalty imposed under this subsection is payable to the  
2 Maryland Agricultural Water Quality Cost Share Program within the Department.

3            (j)      If a person violates any provision of this section, the Department may:

4                    (1)      Require repayment of cost share funds under Subtitle 7 of this title for  
5 the project that is in violation; or

6                    (2)      Deny or restrict future cost share payments under Subtitle 7 of this  
7 title.

8            (k)      (1)      The Department shall determine compliance with the provisions of this  
9 section.

10                    (2)      The Department may review the nutrient management plan and  
11 records relating to the plan at a location agreed to by the Department and the person  
12 operating the farm.

13                    (3)      In conducting a site visit and reviewing the nutrient management plan  
14 and related records, the Department's evaluation shall be limited solely to determining  
15 whether the person operating the farm is in compliance with the provisions of this section  
16 or the regulations implementing this section.

17                    (4)      In conducting a site visit, the Department shall:

18                            (i)      Provide the person operating the farm at least 48 hours advance  
19 notice;

20                            (ii)     Enter the property at a reasonable time that allows the person  
21 operating the farm to be present; and

22                            (iii)    Conduct the evaluation in a manner that minimizes any  
23 inconvenience to the person operating the farm.

24                    (5)      If a person operating a farm fails to cooperate with the Department's  
25 request to conduct a site visit and review of a nutrient management plan and records  
26 relating to the plan, that person is subject to subsections (i) and (j) of this section.

27            **(6)      IN DETERMINING WHERE TO FOCUS ENFORCEMENT EFFORTS**  
28 **UNDER THIS SUBSECTION, THE DEPARTMENT SHALL PRIORITIZE FARMS FOR WHICH**  
29 **THE DEPARTMENT HAS NOT RECEIVED SOIL TEST PHOSPHORUS LEVELS, AS**  
30 **REQUIRED BY DEPARTMENT REGULATIONS.**

31 ~~§ 803.10.~~

1           ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
2 ~~INDICATED.~~

3                   ~~(2) "CERTIFIED COMMERCIAL MANURE HAULER OR BROKER" MEANS~~  
4 ~~A COMMERCIAL MANURE HAULER OR COMMERCIAL MANURE BROKER CERTIFIED BY~~  
5 ~~THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION.~~

6                   ~~(3) "COMMERCIAL MANURE BROKER" MEANS A PERSON OTHER THAN~~  
7 ~~AN OPERATOR THAT:~~

8                           ~~(I) ASSUMES TEMPORARY CONTROL OR OWNERSHIP OF~~  
9 ~~MANURE FROM A PRODUCING FARM; AND~~

10                           ~~(II) ARRANGES FOR THE TRANSPORT AND USE OF THE MANURE~~  
11 ~~AT A RECEIVING FARM OR ALTERNATIVE USE FACILITY.~~

12                   ~~(4) "COMMERCIAL MANURE HAULER" MEANS A PERSON THAT~~  
13 ~~TRANSPORTS MANURE:~~

14                           ~~(I) AS A CONTRACT AGENT FOR AN OPERATOR OR A~~  
15 ~~COMMERCIAL MANURE BROKER; AND~~

16                           ~~(II) UNDER THE DIRECTION OF THE OPERATOR OR~~  
17 ~~COMMERCIAL MANURE BROKER.~~

18                   ~~(5) "MANURE" MEANS THE FECAL AND URINARY EXCRETION OF~~  
19 ~~POULTRY AND LIVESTOCK, INCLUDING POULTRY LITTER AND MATERIALS USED AS~~  
20 ~~BEDDING.~~

21                   ~~(6) "OPERATOR" MEANS A PERSON THAT OWNS OR OPERATES A~~  
22 ~~FARM.~~

23           ~~(B) (1) THE DEPARTMENT SHALL ESTABLISH A VOLUNTARY~~  
24 ~~CERTIFICATION PROGRAM FOR COMMERCIAL MANURE HAULERS AND BROKERS.~~

25                   ~~(2) THE DEPARTMENT, IN CONSULTATION WITH THE NUTRIENT~~  
26 ~~MANAGEMENT ADVISORY COMMITTEE ESTABLISHED UNDER § 8-804 OF THIS~~  
27 ~~SUBTITLE, SHALL ADOPT REGULATIONS ESTABLISHING:~~

28                           ~~(I) ELIGIBILITY AND TRAINING REQUIREMENTS FOR~~  
29 ~~CERTIFIED COMMERCIAL MANURE HAULERS AND BROKERS;~~

30                           ~~(II) BEST MANAGEMENT PRACTICES FOR CERTIFIED~~  
31 ~~COMMERCIAL MANURE HAULERS AND BROKERS; AND~~

1 ~~(H) RECORD KEEPING AND REPORTING REQUIREMENTS FOR~~  
2 ~~CERTIFIED COMMERCIAL MANURE HAULERS AND BROKERS, CONSISTENT WITH~~  
3 ~~SUBSECTION (D) OF THIS SECTION.~~

4 ~~(C) (1) TO APPLY FOR CERTIFICATION AS A COMMERCIAL MANURE~~  
5 ~~HAULER OR BROKER, AN APPLICANT SHALL:~~

6 ~~(I) SUBMIT TO THE DEPARTMENT AN APPLICATION ON A FORM~~  
7 ~~THE DEPARTMENT REQUIRES; AND~~

8 ~~(H) PAY TO THE DEPARTMENT THE APPLICATION FEE~~  
9 ~~SPECIFIED IN § 8-805 OF THIS SUBTITLE.~~

10 ~~(2) THE DEPARTMENT SHALL CERTIFY ANY PERSON THAT MEETS~~  
11 ~~THE REQUIREMENTS OF THIS SECTION AND ANY REGULATIONS ADOPTED UNDER~~  
12 ~~THIS SECTION.~~

13 ~~(3) THE DEPARTMENT SHALL BY REGULATION ESTABLISH THE TERM~~  
14 ~~OF A CERTIFICATE ISSUED UNDER THIS SECTION.~~

15 ~~(D) A CERTIFIED COMMERCIAL MANURE HAULER OR BROKER SHALL:~~

16 ~~(1) EMPLOY BEST MANAGEMENT PRACTICES, AS IDENTIFIED BY THE~~  
17 ~~DEPARTMENT, WHEN TRANSPORTING, STORING, OR LAND APPLYING MANURE;~~

18 ~~(2) LAND APPLY MANURE ONLY IN ACCORDANCE WITH AN APPROVED~~  
19 ~~NUTRIENT MANAGEMENT PLAN;~~

20 ~~(3) MAINTAIN, FOR A MINIMUM OF 3 YEARS, TRANSPORT AND~~  
21 ~~INVENTORY RECORDS THAT SHOW:~~

22 ~~(I) THE NAME OF EACH PRODUCING FARM AND THE AMOUNT~~  
23 ~~OF MANURE OBTAINED FROM THE PRODUCING FARM;~~

24 ~~(H) THE NAME OF EACH RECEIVING FARM OR ALTERNATIVE~~  
25 ~~USE FACILITY AND THE AMOUNT OF MANURE TRANSPORTED TO THE RECEIVING~~  
26 ~~FARM OR ALTERNATIVE USE FACILITY; AND~~

27 ~~(H) THE AMOUNT OF ANY MANURE STORED OR STOCKPILED BY~~  
28 ~~THE CERTIFIED COMMERCIAL MANURE HAULER OR BROKER;~~

29 ~~(4) ALLOW THE DEPARTMENT TO REVIEW TRANSPORT AND~~  
30 ~~INVENTORY RECORDS DURING NORMAL BUSINESS HOURS; AND~~

~~(5) SUBMIT TO THE DEPARTMENT, ON THE FORM THE DEPARTMENT REQUIRES, AN ANNUAL REPORT SUFFICIENT TO:~~

~~(i) TRACK THE QUANTITY AND LOCATION OF THE MANURE HAULED OR BROKERED BY THE CERTIFIED COMMERCIAL HAULER OR BROKER DURING THE PREVIOUS CALENDAR YEAR; AND~~

~~(ii) DEMONSTRATE COMPLIANCE WITH THIS SECTION AND REGULATIONS ADOPTED UNDER THIS SECTION.~~

~~(E) (1) THIS SUBSECTION APPLIES ONLY TO A MARYLAND ANIMAL FEEDING OPERATION (MAFO) OR A CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) AS DEFINED IN REGULATIONS ADOPTED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.~~

~~(2) THE OPERATOR OF AN OPERATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL ARRANGE FOR THE REMOVAL OF MANURE GENERATED AT THE OPERATION ONLY THROUGH A COMMERCIAL MANURE HAULER OR BROKER CERTIFIED UNDER THIS SECTION.~~

~~(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES A PROVISION OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT EXCEEDING \$500 PER VIOLATION.~~

~~(2) A PERSON WHO VIOLATES SUBSECTION (E)(2) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$1,000 PER VIOLATION.~~

~~§ 805.~~

~~Subject to the provisions of the Administrative Procedure Act, the Department may deny, suspend, or revoke a certificate or license for a violation of this subtitle or for a violation of any regulation adopted under this subtitle by the Department.~~

~~§ 806.~~

~~(a) Except for a government agency, the Department shall charge the following fees under this subtitle:~~

~~(1) Certificate (nutrient management consultant) \$50;~~

~~(2) License (individual or sole proprietorship) \$50;~~

~~(3) License (corporation or partnership) \$100;~~

1           ~~(4)   Renewal \$150; [and]~~

2           ~~(5)   Certificate (farm operator's plan development) \$20; AND~~

3           ~~(6)   **CERTIFICATE (COMMERCIAL MANURE HAULER OR**~~  
4 ~~**BROKER)**.....\$100.~~

5           ~~(b)   The Department shall charge an applicant for the full cost of any training~~  
6 ~~provided by the Department under this subtitle.~~

7           ~~(c)   All money collected under this subtitle shall be deposited in the General Fund~~  
8 ~~of the State.~~

9   8-807.

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

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

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

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

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

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

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

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

1 **Article – Environment**

2 9–301.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) “Board” means the Water Science Advisory Board.

5 (c) **“CAFO” MEANS A CONCENTRATED ANIMAL FEEDING OPERATION, AS**  
6 **DEFINED IN DEPARTMENT REGULATIONS.**7 **(D)** “Discharge permit” means a permit issued by the Department for the  
8 discharge of any pollutant or combination of pollutants into the waters of this State.9 **[(d)] (E)** “Person” includes the federal government, this State, any county,  
10 municipal corporation, or other political subdivision of this State, or any of their units.11 **[(e)] (F)** “Reclaimed water” means sewage that:

12 (1) Has been treated to a high quality suitable for various reuses; and

13 (2) Has a concentration of less than:

14 (i) 3 fecal coliform colonies per 100 milliliters;

15 (ii) 10 milligrams per liter of 5–day biological oxygen demand; and

16 (iii) 10 milligrams per liter of total suspended solids.

17 **[(f)] (G)** “Sewage” means any human or animal excretion, domestic waste, or  
18 industrial waste.19 **[(g)] (H)** (1) “Sewerage system” means:20 (i) The channels used or intended to be used to collect and dispose  
21 of sewage; and22 (ii) Any structure and appurtenance used or intended to be used to  
23 collect or prepare sewage for discharge into the waters of this State.

24 (2) “Sewerage system” includes any sewer of any size.

25 (3) “Sewerage system” does not include the plumbing system inside any  
26 building served by the sewerage system.

27 9–323.

1 (a) (1) A person shall hold a discharge permit issued by the Department before  
2 the person may construct, install, modify, extend, alter, or operate any of the following if  
3 its operation could cause or increase the discharge of pollutants into the waters of this  
4 State:

5 [(1)] (I) An industrial, commercial, or recreational facility or disposal  
6 system;

7 [(2)] (II) A State-owned treatment facility; or

8 [(3)] (III) Any other outlet or establishment.

9 (2) A PERSON SHALL HOLD A ~~DISCHARGE~~ CAFO GENERAL  
10 DISCHARGE PERMIT ISSUED BY THE DEPARTMENT BEFORE THE PERSON MAY BEGIN  
11 CONSTRUCTION, INCLUDING THE CLEARING OR GRADING OF LAND, ON ANY PART OF  
12 A NEW CAFO.

13 (b) By rule or regulation, the Department may require a discharge permit for any  
14 other activity.

15 (C) THE DEPARTMENT MAY NOT ISSUE A ~~DISCHARGE~~ CAFO GENERAL  
16 DISCHARGE PERMIT TO A PERSON THAT VIOLATES SUBSECTION (A)(2) OF THIS  
17 SECTION.

18 9-325.

19 (a) (1) The Department may adopt rules and regulations that relate to  
20 application for, issuance of, revocation of, or modification of discharge permits.

21 (2) The rules and regulations may require submission of plans,  
22 specifications, and other information.

23 (b) [The] SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION, THE rules and  
24 regulations adopted under this section shall set a reasonable application fee in an amount  
25 designed to cover the cost of the permit procedure.

26 (c) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
27 rules and regulations adopted under this section shall set a reasonable permit fee schedule  
28 for industrial users based on:

29 (i) The anticipated cost of monitoring and regulating the permitted  
30 facility;

31 (ii) The flow of effluent discharge from the permitted facility; and

(iii) The anticipated needs for program development activities that relate to management of the discharge of pollutants into the waters of this State.

~~(2) (i) THE DEPARTMENT SHALL CHARGE AN APPLICATION FEE OF AT LEAST \$5,000 FOR A PROPOSED NEW CAFO THAT WILL:~~

~~1. HOUSE 200,000 OR MORE ANIMALS; OR~~

~~2. HAVE A HOUSE CAPACITY GREATER THAN OR EQUAL TO 200,000 SQUARE FEET.~~

~~(H) THE DEPARTMENT SHALL CHARGE AN ANNUAL PERMIT FEE OF AT LEAST \$1,500 FOR AN EXISTING CAFO THAT:~~

~~1. HOUSES 200,000 OR MORE ANIMALS; OR~~

~~2. HAS A HOUSE CAPACITY GREATER THAN OR EQUAL TO 200,000 SQUARE FEET.~~

(2) (i) THE DEPARTMENT SHALL CHARGE A ONE-TIME PERMIT APPLICATION FEE OF AT LEAST \$2,000 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 \$1,200 FOR THE CONTINUED COVERAGE UNDER A CAFO ~~GENERAL~~ DISCHARGE PERMIT OF A CAFO WITH A HOUSE CAPACITY OF 350,000 SQUARE FEET OR MORE.

[(2)] (3) In adopting the rules and regulations under this subsection, the Department shall consult with industry and provide that the permit fee not exceed a certain dollar amount.

(4) THE DEPARTMENT MAY NOT WAIVE THE ~~PERMIT FEE FOR A USER~~ PERMIT FEE FOR A USER DEFINED IN DEPARTMENT REGULATIONS AS A CAFO ~~GENERAL~~ DISCHARGE PERMIT.



1           ~~(a) (1) The Department may make the issuance of a discharge permit~~  
 2 ~~contingent on any conditions the Department considers necessary to prevent violation of~~  
 3 ~~this subtitle.~~

4           ~~(2) In permits for the discharge of pollutants from publicly owned~~  
 5 ~~treatment works, the Department:~~

6                   ~~(i) May impose as conditions appropriate measures to establish and~~  
 7 ~~insure compliance by industrial users with any system of user charges required by State or~~  
 8 ~~federal law or by any rule, regulation, or guideline adopted under State or federal law; and~~

9                   ~~(ii) Shall impose as conditions requirements for the permit holder to~~  
 10 ~~provide information about new introductions of pollutants or substantial changes in the~~  
 11 ~~volume or character of pollutants being introduced into the treatment works.~~

12           ~~(3) (i) THIS PARAGRAPH APPLIES ONLY TO A CAFO THAT:~~

13                   ~~1. HOUSES 200,000 OR MORE ANIMALS; OR~~

14                   ~~2. HAS A HOUSE CAPACITY GREATER THAN OR EQUAL TO~~  
 15 ~~200,000 SQUARE FEET.~~

16           ~~(ii) IN A PERMIT FOR THE DISCHARGE OF POLLUTANTS FROM A~~  
 17 ~~CAFO DESCRIBED IN SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE DEPARTMENT~~  
 18 ~~SHALL REQUIRE THE PERMIT HOLDER TO:~~

19                   ~~1. INSTALL, USE, AND MAINTAIN ON-SITE MONITORING~~  
 20 ~~EQUIPMENT; AND~~

21                   ~~2. SUBMIT MONITORING RESULTS TO THE DEPARTMENT~~  
 22 ~~ON THE APPROPRIATE MONITORING REPORT FORM.~~

23           ~~(b) Issuance of a discharge permit is contingent on the grant by the permit holder~~  
 24 ~~to the Department of a right of entry on the permit site at any reasonable time to inspect~~  
 25 ~~and investigate for violation or potential violation of any condition of the permit.~~

## 26                   ~~Article Natural Resources~~

27           ~~§ 2A-01.~~

28           ~~(a) In this subtitle the following words have the meanings indicated.~~

29           ~~(e) (2) "Nonpoint source pollution control project" includes:~~

1 ~~(i) An agricultural best management implementation practice,~~  
 2 ~~including cover crops, riparian forested buffer, manure processing, grassed waterways,~~  
 3 ~~animal waste storage structures, and livestock fencing;~~

4 ~~(ii) An urban or suburban stormwater practice;~~

5 ~~(iii) A sustainable forest management practice, including a forest~~  
 6 ~~stewardship plan or a nonornamental urban and suburban tree planting project;~~

7 ~~(iv) Stream and wetland restoration;~~

8 ~~(v) Riparian buffer planting;~~

9 ~~(vi) A project that demonstrates the effectiveness of an innovative~~  
 10 ~~nonpoint source pollution reduction measure provided that the measure is capable of~~  
 11 ~~integration into existing nonpoint source pollution programs;~~

12 ~~(vii) Technical assistance necessary to implement a nonpoint source~~  
 13 ~~pollution control project;~~

14 ~~(viii) Improvement of a municipal park located on or adjacent to a~~  
 15 ~~waterway, provided that the improvement is limited to state of the art and sustainable~~  
 16 ~~nonpoint source pollution control measures that demonstrably improve water quality by~~  
 17 ~~reducing nitrogen, phosphorus, and sediment pollution; [and]~~

18 ~~(ix) **CONTINUOUS WATER QUALITY MONITORING AT**~~  
 19 ~~**SITES ON THE LOWER EASTERN SHORE CONDUCTED BY THE DEPARTMENT UNDER**~~  
 20 ~~**§ 8-2A-05 OF THIS SUBTITLE; AND**~~

21 ~~(x) Strategic monitoring of water quality improvements from~~  
 22 ~~nonpoint source pollution control projects that have been funded, in whole or in part, with~~  
 23 ~~grants from the Trust Fund.~~

24 *Article – Natural Resources*

25 **8-2A-05.**

26 **(A) AS PART OF THE DEPARTMENT'S CHESAPEAKE BAY ~~SHALLOW~~**  
 27 **MAINSTEM AND TIDAL WATER QUALITY MONITORING PROGRAM, THE**  
 28 **DEPARTMENT SHALL ~~DEPLOY CONTINUOUS WATER QUALITY MONITORING~~**  
 29 **STATIONS CONDUCT LONG-TERM SAMPLE COLLECTION IN TRIBUTARIES LOCATED**  
 30 **ON THE LOWER EASTERN SHORE.**

31 **(B) AT A MINIMUM, ~~CONTINUOUS WATER QUALITY MONITORING STATIONS~~**  
 32 **SHALL BE ESTABLISHED IN THE DEPARTMENT SHALL REGULARLY COLLECT**  
 33 **SAMPLES FROM EACH OF THE FOLLOWING LOCATIONS:**

1           (1) STATIONS ~~TRQ008~~ *TRQ0088* AND TRQ0146, LOCATED IN THE  
2 TRANSQUAKING RIVER;

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

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

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

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

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

10           ~~(1) AT A LOCATION IN THE TRANSQUAKING RIVER WITH THE STREAM~~  
11 ~~CODE TRQ0088;~~

12           ~~(2) AT A LOCATION IN THE TRANSQUAKING RIVER WITH THE STREAM~~  
13 ~~CODE TRQ0146;~~

14           ~~(3) AT A LOCATION IN THE CHICAMACOMICO RIVER WITH THE~~  
15 ~~STREAM CODE CCM0069;~~

16           ~~(4) AT A LOCATION IN THE NANTICOKE RIVER WITH THE STREAM~~  
17 ~~CODE XDJ8905;~~

18           ~~(5) AT A LOCATION IN THE WICOMICO RIVER WITH THE STREAM~~  
19 ~~CODE XCI6023;~~

20           ~~(6) AT A LOCATION IN THE MANOKIN RIVER WITH THE STREAM CODE~~  
21 ~~XBI6387;~~

22           ~~(7) AT A LOCATION IN THE POCOMOKE RIVER WITH THE STREAM~~  
23 ~~CODE POK0087;~~

24           ~~(8) AT A LOCATION IN THE POCOMOKE RIVER WITH THE STREAM~~  
25 ~~CODE POK0187; AND~~

26           ~~(9) AT A LOCATION IN POCOMOKE SOUND WITH THE STREAM CODE~~  
27 ~~XAJ5327.~~

1 (C) TO THE EXTENT PRACTICABLE, ~~CONTINUOUS WATER QUALITY~~  
 2 ~~MONITORING STATIONS DEPLOYED UNDER THIS SECTION SHALL BE LOCATED AT~~  
 3 ~~SITES WHERE CONTINUOUS WATER QUALITY MONITORING STATIONS PREVIOUSLY~~  
 4 ~~EXISTED~~ WATER QUALITY MONITORING CARRIED OUT UNDER THIS SECTION SHALL  
 5 BE DONE IN LOCATIONS WHERE WATER QUALITY MONITORING WAS CONDUCTED  
 6 PRIOR TO DECEMBER 1, 2013, IN ORDER TO ALLOW THE DEPARTMENT AND THE  
 7 PUBLIC TO ASSESS LONG-TERM WATER QUALITY TRENDS.

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

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

13 (2) on or before December 1, 2021, the Department shall report its findings  
 14 and recommendations to the Senate Education, Health, and Environmental Affairs  
 15 Committee and the House Environment and Transportation Committee, in accordance with  
 16 § 2-1246 of the State Government Article.

17 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 18 October 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.