

# HOUSE BILL 381

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CF SB 257

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By: **Delegates Lafferty, S. Robinson, B. Barnes, Beidle, Carr, Clippinger, Cullison, Ebersole, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Gutierrez, Hammen, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, Jones, Kaiser, Korman, Lam, Lierman, Luedtke, McIntosh, A. Miller, Moon, Morales, Morhaim, Platt, Proctor, Reznik, B. Robinson, Rosenberg, Smith, Tarlau, Waldstreicher, A. Washington, and M. Washington**

Introduced and read first time: February 6, 2015

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Nutrient Management – Phosphorus Management Tool**

3 FOR the purpose of incorporating by reference certain nutrient management plan  
4 requirements in the Maryland Nutrient Management Manual of the Department of  
5 Agriculture and any supplements to the Manual; establishing certain content and  
6 criteria for a nutrient management plan developed for an agricultural operation;  
7 requiring a certain license holder or certain certified consultant to file a certain  
8 report with the Department under certain circumstances and in accordance with  
9 certain requirements; providing that a certain agricultural certification does not  
10 prevent the application or enforcement of certain provisions of law; and generally  
11 relating to nutrient management by agricultural operations.

12 BY repealing and reenacting, with amendments,  
13 Article – Agriculture  
14 Section 8–801 and 8–1006  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2014 Supplement)

17 BY adding to  
18 Article – Agriculture  
19 Section 8–808 and 8–808.1  
20 Annotated Code of Maryland  
21 (2007 Replacement Volume and 2014 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Agriculture

8–801.

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

**(B) “AVERAGE SOIL PHOSPHORUS FERTILITY INDEX VALUE” OR “AVERAGE SOIL P FIV” MEANS A VALUE:**

**(1) (I) DETERMINED FOR AN AGRICULTURAL OPERATION BY AVERAGING THE P FIV OF ALL FIELDS OR MANAGEMENT UNITS WITHIN THE OPERATION THAT HAVE A P FIV GREATER THAN 150; AND**

**(II) CALCULATED BY ADDING TOGETHER THE P FIV OF EACH FIELD OR MANAGEMENT UNIT WITHIN THE OPERATION THAT HAS A P FIV GREATER THAN 150 AND DIVIDING THIS SUM BY THE NUMBER OF ANY SUCH FIELDS OR MANAGEMENT UNITS; AND**

**(2) ESTABLISHED NO LATER THAN JUNE 30, 2016, USING SOIL TESTS NOT MORE THAN 3 YEARS OLD.**

**(C) “BEST MANAGEMENT PRACTICE” OR “BMP” MEANS A CONSERVATION OR POLLUTION CONTROL PRACTICE THAT MANAGES SOIL, NUTRIENT LOSSES, OR OTHER POTENTIAL POLLUTANT SOURCES TO:**

**(1) MINIMIZE NUTRIENT RUNOFF OR POLLUTION OF WATER RESOURCES; OR**

**(2) IMPROVE AGRICULTURAL PRODUCTION AND MANAGEMENT.**

**[(b)] (D) “Certified nutrient management consultant” means an individual certified by the Department to prepare a nutrient management plan.**

**[(c)] (E) “Commercial farm” means a farm that performs activities related to the production and sale of agricultural commodities, including row crops, fruits, vegetables, horticulture, and silviculture.**

**[(d)] (F) “Enhanced efficiency fertilizer” has the meaning stated in § 6–201 of this article.**

**[(e)] (G) “Impervious surface” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.**

1           **[(f)] (H)**       “Natural organic fertilizer” has the meaning stated in § 6–201 of this  
2 article.

3           **[(g)] (I)**       “Nutrient management plan” means a plan prepared under this subtitle  
4 by a certified nutrient management consultant to manage the amount, placement, timing,  
5 and application of animal waste, commercial fertilizer, sludge, or other plant nutrients to  
6 prevent pollution by transport of bioavailable nutrients and to maintain productivity.

7           **[(h)] (J)**       “Organic fertilizer” has the meaning stated in § 6–201 of this article.

8           **(K)**       **“P FIV” MEANS THE PHOSPHORUS FERTILITY INDEX VALUE, WHICH IS**  
9 **AN INDEX DEVELOPED BY THE UNIVERSITY OF MARYLAND THAT IS USED TO**  
10 **DESCRIBE THE RELATIVE AVAILABILITY OF PHOSPHORUS TO A PLANT OR CROP.**

11           **(L)**       **“PHOSPHORUS MANAGEMENT TOOL” OR “PMT” MEANS THE NEW**  
12 **PROCEDURE DEVELOPED BY THE UNIVERSITY OF MARYLAND, AND DESCRIBED IN**  
13 **THE MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION II–C, THAT:**

14                   **(1)**       **USES CHARACTERISTICS OF SOILS, LANDFORMS, AND**  
15 **MANAGEMENT PRACTICES TO IDENTIFY POTENTIAL RISK OF PHOSPHORUS LOSSES**  
16 **FROM SOILS TO WATERS; AND**

17                   **(2)**       **WILL BE PHASED IN BETWEEN 2016 AND 2021, ULTIMATELY**  
18 **REPLACING THE PHOSPHORUS SITE INDEX.**

19           **(M)**       **“PHOSPHORUS SITE INDEX” OR “PSI” MEANS THE ORIGINAL**  
20 **PROCEDURE DEVELOPED BY THE UNIVERSITY OF MARYLAND, APPROVED BY THE**  
21 **DEPARTMENT, AND DESCRIBED IN THE MARYLAND NUTRIENT MANAGEMENT**  
22 **MANUAL, SECTION II–C, THAT USES CHARACTERISTICS OF SOILS, LANDFORMS, AND**  
23 **MANAGEMENT PRACTICES TO IDENTIFY POTENTIAL RISK OF PHOSPHORUS LOSSES**  
24 **FROM SOILS TO WATERS.**

25           **(N)**       **“PHOSPHORUS TRANSITION MANAGEMENT PHASE 1” OR “TM1” MEANS**  
26 **THE FIRST OF TWO MANAGEMENT PHASES THAT FARMS WITH A SOIL P FIV OF 150**  
27 **OR GREATER SHALL EMPLOY WHEN TRANSITIONING FROM USE OF THE**  
28 **PHOSPHORUS SITE INDEX TO THE PHOSPHORUS MANAGEMENT TOOL AS A MEANS**  
29 **TO DETERMINE THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT:**

30                   **(1)**       **CONSISTS OF THREE RISK CATEGORIES DETERMINED BY A**  
31 **CALCULATION OF THE PHOSPHORUS MANAGEMENT TOOL; AND**

32                   **(2)**       **INCLUDES A SCHEDULE FOR IMPLEMENTATION BASED ON THE**  
33 **AVERAGE SOIL P FIV FOR THE OPERATION.**

1           **(O) “PHOSPHORUS TRANSITION MANAGEMENT PHASE 2” OR “TM2” MEANS**  
2 **THE SECOND OF TWO MANAGEMENT PHASES THAT FARMS WITH A SOIL P FIV OF 150**  
3 **OR GREATER SHALL EMPLOY WHEN TRANSITIONING FROM USE OF THE**  
4 **PHOSPHORUS SITE INDEX TO THE PHOSPHORUS MANAGEMENT TOOL AS A MEANS**  
5 **TO DETERMINE THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT:**

6           **(1) CONSISTS OF THREE RISK CATEGORIES DETERMINED BY A**  
7 **CALCULATION OF THE PHOSPHORUS MANAGEMENT TOOL; AND**

8           **(2) INCLUDES A SCHEDULE FOR IMPLEMENTATION BASED ON THE**  
9 **AVERAGE SOIL P FIV FOR THE OPERATION.**

10           **[(i)] (P)**       (1)     “Professional fertilizer applicator” means any person who:

11                               (i)     Is certified to apply fertilizer in accordance with § 8–803.4 of this  
12 subtitle; and

13                               (ii)    Applies fertilizer for hire.

14           (2)     “Professional fertilizer applicator” includes the owner or manager of  
15 property, or an employee of a government entity who applies fertilizer within the scope of  
16 employment.

17           **[(j)] (Q)**       “Slow–release nitrogen” means nitrogen in a form that:

18                               (1)     Delays its availability for plant uptake and use after application; or

19                               (2)     Extends its availability to the plant significantly longer than a  
20 reference “rapidly available nutrient” such as ammonium nitrate or urea, ammonium  
21 phosphate, or potassium chloride.

22           **[(k)] (R)**       “Soil test” means a technical analysis of soil conducted by a laboratory  
23 using standards recommended by the University of Maryland.

24           **(S) “TIER A OPERATIONS” MEANS THOSE FARMS THAT HAVE AN AVERAGE**  
25 **SOIL P FIV OF 150 OR GREATER BUT LESS THAN 300.**

26           **(T) “TIER B OPERATIONS” MEANS THOSE FARMS THAT HAVE AN AVERAGE**  
27 **SOIL P FIV OF 300 OR GREATER BUT LESS THAN 450.**

28           **(U) “TIER C OPERATIONS” MEANS THOSE FARMS THAT HAVE AN AVERAGE**  
29 **SOIL P FIV OF 450 OR GREATER.**

1            **[(l)] (v)**        “Turf” means land, including residential property and publicly owned  
2 land that is planted in grass, except land that is used in the sale and production of sod, as  
3 defined in § 9–101 of this article.

4            **[(m)] (w)**        “Water–soluble nitrogen” means nitrogen that is readily soluble in  
5 water.

6            **[(n)] (x)**        “Waters of the State” has the meaning stated in § 5–101 of the  
7 Environment Article.

8    **8–808.**

9            **THE NUTRIENT MANAGEMENT PLAN REQUIREMENTS FOR AGRICULTURAL**  
10 **OPERATIONS IN THE MARYLAND NUTRIENT MANAGEMENT MANUAL OF THE**  
11 **DEPARTMENT OF AGRICULTURE, INCLUDING ANY SUPPLEMENTS TO THE MANUAL,**  
12 **ARE INCORPORATED BY REFERENCE INTO THIS SUBTITLE.**

13    **8–808.1.**

14            **(A) (1) A CERTIFIED NUTRIENT MANAGEMENT CONSULTANT OR**  
15 **CERTIFIED FARM OPERATOR SHALL:**

16                            **(i) USE THE CRITERIA IN THIS SUBSECTION TO DETERMINE**  
17 **WHICH NUTRIENT IS THE LIMITING FACTOR IN THE APPLICATION OF NUTRIENTS;**  
18 **AND**

19                            **(ii) RECOMMEND SUBSEQUENT NUTRIENT MANAGEMENT**  
20 **STRATEGIES CONSISTENT WITH THIS SUBSECTION.**

21                            **(2) SOIL FERTILITY SHALL BE USED AS AN INDICATOR OF WHETHER**  
22 **NUTRIENT RECOMMENDATIONS SHOULD BE ADJUSTED TO ADDRESS POTENTIAL**  
23 **NUTRIENT POLLUTION PROBLEMS.**

24                            **(3) IF THE SOIL SAMPLE ANALYSIS RESULTS SHOW A P FIV OF LESS**  
25 **THAN 150, NUTRIENT RECOMMENDATIONS MAY BE BASED ON NITROGEN PLANT**  
26 **NEEDS AS THE LIMITING FACTOR IN ACCORDANCE WITH THE RECOMMENDATIONS**  
27 **DESCRIBED IN THE MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION 1–B.**

28                            **(4) (i) EXCEPT FOR NUTRIENT MANAGEMENT PLANS DEVELOPED**  
29 **IN ACCORDANCE WITH SUBPARAGRAPH (v) OF THIS PARAGRAPH, THE CERTIFIED**  
30 **NUTRIENT MANAGEMENT CONSULTANT SHALL:**

1                   **1. PROVIDE THE OPERATOR INFORMATION OUTLINING**  
2 **THE CHANGES IN THE MANAGEMENT OF THE OPERATION THAT WILL BE REQUIRED**  
3 **WHEN THE PHOSPHORUS MANAGEMENT TOOL BECOMES EFFECTIVE;**

4                   **2. CALCULATE THE AVERAGE SOIL P FIV FOR THE**  
5 **OPERATION; AND**

6                   **3. REPORT, NO LATER THAN SEPTEMBER 1, 2016, THE**  
7 **AVERAGE SOIL P FIV FOR THE OPERATION TO THE DEPARTMENT ON A FORM**  
8 **PROVIDED BY THE DEPARTMENT.**

9                   **(II) NUTRIENT MANAGEMENT PLANS DEVELOPED FOR**  
10 **IMPLEMENTATION BEFORE JULY 1, 2018, SHALL:**

11                   **1. BE DEVELOPED USING BOTH THE PHOSPHORUS SITE**  
12 **INDEX AND THE PHOSPHORUS MANAGEMENT TOOL, AS PROVIDED IN THE**  
13 **MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION II-C; AND**

14                   **2. USE THE PHOSPHORUS SITE INDEX SET FORTH IN**  
15 **SUBSECTION (B) OF THIS SECTION TO DETERMINE PHOSPHORUS APPLICATIONS.**

16                   **(III) NUTRIENT MANAGEMENT PLANS DEVELOPED FOR**  
17 **IMPLEMENTATION BETWEEN JULY 1, 2018, AND JUNE 30, 2019, SHALL USE THE**  
18 **PHOSPHORUS TRANSITION MANAGEMENT PHASE 1 IN SUBSECTION (C) OF THIS**  
19 **SECTION TO DETERMINE PHOSPHORUS APPLICATIONS.**

20                   **(IV) NUTRIENT MANAGEMENT PLANS DEVELOPED FOR**  
21 **IMPLEMENTATION BETWEEN JULY 1, 2019, AND JUNE 30, 2020, SHALL USE THE**  
22 **PHOSPHORUS TRANSITION MANAGEMENT PHASE 2 SET FORTH IN SUBSECTION (D)**  
23 **OF THIS SECTION TO DETERMINE PHOSPHORUS APPLICATIONS.**

24                   **(V) NUTRIENT MANAGEMENT PLANS DEVELOPED FOR**  
25 **IMPLEMENTATION AFTER JULY 1, 2020, SHALL USE THE PHOSPHORUS**  
26 **MANAGEMENT TOOL SET FORTH IN SUBSECTION (E) OF THIS SECTION TO**  
27 **DETERMINE PHOSPHORUS APPLICATIONS.**

28                   **(5) (I) EXCEPT FOR NUTRIENT MANAGEMENT PLANS DEVELOPED**  
29 **IN ACCORDANCE WITH SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE CERTIFIED**  
30 **NUTRIENT MANAGEMENT CONSULTANT SHALL:**

31                   **1. PROVIDE THE OPERATOR INFORMATION OUTLINING**  
32 **THE CHANGES IN THE MANAGEMENT OF THE OPERATION THAT WILL BE REQUIRED**  
33 **WHEN THE PHOSPHORUS MANAGEMENT TOOL BECOMES EFFECTIVE;**

1                                   2.     **CALCULATE THE AVERAGE SOIL P FIV FOR THE**  
2 **OPERATION; AND**

3                                   3.     **REPORT, NO LATER THAN SEPTEMBER 1, 2016, THE**  
4 **AVERAGE SOIL P FIV FOR THE OPERATION TO THE DEPARTMENT ON A FORM**  
5 **PROVIDED BY THE DEPARTMENT.**

6                                   (ii)   **NUTRIENT MANAGEMENT PLANS DEVELOPED FOR**  
7 **IMPLEMENTATION BEFORE JULY 1, 2017, SHALL USE THE PHOSPHORUS SITE INDEX**  
8 **SET FORTH IN SUBSECTION (B) OF THIS SECTION TO DETERMINE PHOSPHORUS**  
9 **APPLICATIONS.**

10                                  (iii)  **NUTRIENT MANAGEMENT PLANS DEVELOPED FOR**  
11 **IMPLEMENTATION BETWEEN JULY 1, 2017, AND JUNE 30, 2018, SHALL USE THE**  
12 **PHOSPHORUS TRANSITION MANAGEMENT PHASE 1 SET FORTH IN SUBSECTION (C)**  
13 **OF THIS SECTION TO DETERMINE PHOSPHORUS APPLICATIONS.**

14                                  (iv)   **NUTRIENT MANAGEMENT PLANS DEVELOPED FOR**  
15 **IMPLEMENTATION BETWEEN JULY 1, 2018, AND JUNE 30, 2020, SHALL USE THE**  
16 **PHOSPHORUS TRANSITION MANAGEMENT PHASE 2 SET FORTH IN SUBSECTION (D)**  
17 **OF THIS SECTION TO DETERMINE PHOSPHORUS APPLICATIONS.**

18                                  (v)   **NUTRIENT MANAGEMENT PLANS DEVELOPED FOR**  
19 **IMPLEMENTATION AFTER JULY 1, 2020, SHALL USE THE PHOSPHORUS**  
20 **MANAGEMENT TOOL SET FORTH IN SUBSECTION (E) OF THIS SECTION TO**  
21 **DETERMINE PHOSPHORUS APPLICATIONS.**

22                                  (6)   (i)   **EXCEPT FOR NUTRIENT MANAGEMENT PLANS DEVELOPED**  
23 **IN ACCORDANCE WITH SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE CERTIFIED**  
24 **NUTRIENT MANAGEMENT CONSULTANT SHALL:**

25                                   1.     **PROVIDE THE OPERATOR INFORMATION OUTLINING**  
26 **THE CHANGES IN THE MANAGEMENT OF THE OPERATION THAT WILL BE REQUIRED**  
27 **WHEN THE PHOSPHORUS MANAGEMENT TOOL BECOMES EFFECTIVE;**

28                                   2.     **CALCULATE THE AVERAGE SOIL P FIV FOR THE**  
29 **OPERATION; AND**

30                                   3.     **REPORT, NO LATER THAN SEPTEMBER 1, 2016, THE**  
31 **AVERAGE SOIL P FIV FOR THE OPERATION TO THE DEPARTMENT ON A FORM**  
32 **PROVIDED BY THE DEPARTMENT.**

1 (II) NUTRIENT MANAGEMENT PLANS DEVELOPED FOR  
2 IMPLEMENTATION BEFORE JULY 1, 2016, SHALL USE THE PHOSPHORUS SITE INDEX  
3 SET FORTH IN SUBSECTION (B) OF THIS SECTION TO DETERMINE PHOSPHORUS  
4 APPLICATIONS.

5 (III) NUTRIENT MANAGEMENT PLANS DEVELOPED FOR  
6 IMPLEMENTATION BETWEEN JULY 1, 2016, AND JUNE 30, 2018, SHALL USE THE  
7 PHOSPHORUS TRANSITION MANAGEMENT PHASE 1 SET FORTH IN SUBSECTION (C)  
8 OF THIS SECTION TO DETERMINE PHOSPHORUS APPLICATIONS.

9 (IV) NUTRIENT MANAGEMENT PLANS DEVELOPED FOR  
10 IMPLEMENTATION BETWEEN JULY 1, 2018, AND JUNE 30, 2020, SHALL USE THE  
11 PHOSPHORUS TRANSITION MANAGEMENT PHASE 2 SET FORTH IN SUBSECTION (D)  
12 OF THIS SECTION TO DETERMINE PHOSPHORUS APPLICATIONS.

13 (V) NUTRIENT MANAGEMENT PLANS DEVELOPED FOR  
14 IMPLEMENTATION AFTER JULY 1, 2020, SHALL USE THE PHOSPHORUS  
15 MANAGEMENT TOOL SET FORTH IN SUBSECTION (E) OF THIS SECTION TO  
16 DETERMINE PHOSPHORUS APPLICATIONS.

17 (B) (1) IF THE SOIL SAMPLE ANALYSIS RESULTS SHOW A P FIV OF 150 OR  
18 GREATER, THE PHOSPHORUS SITE INDEX, AS PROVIDED IN THE MARYLAND  
19 NUTRIENT MANAGEMENT MANUAL, SECTION II-C1, SHALL BE USED TO  
20 DETERMINE THE POTENTIAL RISK OF PHOSPHORUS LOSS DUE TO SITE  
21 CHARACTERISTICS.

22 (2) IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE  
23 SITE IS LOW ACCORDING TO THE PHOSPHORUS SITE INDEX, NUTRIENT  
24 RECOMMENDATIONS BY THE CERTIFIED NUTRIENT MANAGEMENT CONSULTANT OR  
25 CERTIFIED FARM OPERATOR MAY USE NITROGEN PLANT NEEDS AS THE LIMITING  
26 FACTOR.

27 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS  
28 PARAGRAPH, IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE SITE IS  
29 MEDIUM ACCORDING TO THE PHOSPHORUS SITE INDEX, NUTRIENT RATES SHALL  
30 BE BASED ON NITROGEN PLANT NEEDS AS THE LIMITING FACTOR NO MORE THAN 1  
31 OUT OF EVERY 3 YEARS.

32 (II) PHOSPHORUS RATES FOR THE OTHER 2 YEARS SHALL BE  
33 LIMITED TO THE EXPECTED AMOUNT REMOVED FROM THE FIELD BY THE CROP OR  
34 PLANT HARVEST OR THE AMOUNT INDICATED BY SOIL TESTING IN ACCORDANCE  
35 WITH THE RECOMMENDATIONS DESCRIBED IN THE MARYLAND NUTRIENT  
36 MANAGEMENT MANUAL, SECTION I-B, WHICHEVER IS GREATER.



1           (III) NUTRIENT RECOMMENDATIONS MAY USE NITROGEN PLANT  
2 NEEDS AS THE LIMITING FACTOR IF BMPs ARE IMPLEMENTED BY THE OPERATOR  
3 BEFORE OR DURING THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT  
4 ADDRESS SITE OR MANAGEMENT CHARACTERISTICS WHICH, ACCORDING TO THE  
5 OUTCOME OF A RECALCULATION USING THE PHOSPHORUS SITE INDEX, REDUCE  
6 THE RISK OF PHOSPHORUS LOSS TO LOW.

7           (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
8 PARAGRAPH, IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE SITE IS  
9 HIGH ACCORDING TO THE PHOSPHORUS SITE INDEX, PHOSPHORUS RATES SHALL  
10 BE LIMITED TO THE EXPECTED AMOUNT REMOVED FROM THE FIELD BY THE CROP  
11 OR PLANT HARVEST OR THE AMOUNT INDICATED BY SOIL TESTING IN ACCORDANCE  
12 WITH THE RECOMMENDATIONS DESCRIBED IN THE MARYLAND NUTRIENT  
13 MANAGEMENT MANUAL, SECTION I-B, WHICHEVER IS GREATER.

14           (II) IF BMPs ARE IMPLEMENTED BY THE OPERATOR BEFORE  
15 OR DURING THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT ADDRESS SITE  
16 OR MANAGEMENT CHARACTERISTICS WHICH, ACCORDING TO THE OUTCOME OF A  
17 RECALCULATION USING THE PHOSPHORUS SITE INDEX, REDUCE THE RISK OF  
18 PHOSPHORUS LOSS TO MEDIUM, NUTRIENT RATES MAY BE BASED ON NITROGEN  
19 PLANT NEEDS AS THE LIMITING FACTOR NOT MORE THAN 1 OUT OF EVERY 3 YEARS.

20           (III) PHOSPHORUS RATES FOR THE OTHER 2 YEARS SHALL BE  
21 LIMITED TO THE EXPECTED AMOUNT REMOVED FROM THE FIELD BY THE CROP OR  
22 PLANT HARVEST OR THE AMOUNT INDICATED BY SOIL TESTING IN ACCORDANCE  
23 WITH RECOMMENDATIONS DESCRIBED IN THE MARYLAND NUTRIENT  
24 MANAGEMENT MANUAL, SECTION I-B, WHICHEVER IS GREATER.

25           (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
26 PARAGRAPH, IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE SITE IS  
27 VERY HIGH ACCORDING TO THE PHOSPHORUS SITE INDEX, NO ADDITIONAL  
28 PHOSPHORUS MAY BE APPLIED.

29           (II) IF BMPs ARE IMPLEMENTED BY THE OPERATOR BEFORE  
30 OR DURING THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT ADDRESS SITE  
31 OR MANAGEMENT CHARACTERISTICS THAT, ACCORDING TO THE OUTCOME OF A  
32 RECALCULATION USING THE PHOSPHORUS SITE INDEX, REDUCE THE RISK OF  
33 PHOSPHORUS LOSS TO HIGH, RECOMMENDED RATES OF APPLICATION OF  
34 PHOSPHORUS SHALL BE LIMITED TO THE EXPECTED AMOUNT REMOVED FROM THE  
35 FIELD BY THE CROP OR PLANT HARVEST, OR THE AMOUNT INDICATED BY SOIL  
36 TESTING IN ACCORDANCE WITH RECOMMENDATIONS DESCRIBED IN THE

1 MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION I-B, WHICHEVER IS  
2 GREATER.

3 (III) THE OPERATOR SHALL CONSIDER THE IMPLEMENTATION  
4 OF MANAGEMENT PRACTICES AND TECHNOLOGIES THAT ARE EFFECTIVE IN  
5 LOWERING THE RISK OF PHOSPHORUS LOSS, BASED ON RESEARCH AND  
6 DEMONSTRATION OF THE UNIVERSITY OF MARYLAND, OR ANOTHER LAND GRANT  
7 UNIVERSITY, OR BY THE UNITED STATES DEPARTMENT OF AGRICULTURE,  
8 NATURAL RESOURCES CONSERVATION SERVICE, NATIONAL PLANNING  
9 PROCEDURES HANDBOOK AND PRACTICE STANDARDS ADOPTED FOR MARYLAND.

10 (C) (1) IF THE SOIL SAMPLE ANALYSIS RESULTS SHOW A P FIV OF 150 OR  
11 GREATER, THE PHOSPHORUS MANAGEMENT TOOL, AS PROVIDED IN THE  
12 MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION II-C2, SHALL BE USED TO  
13 DETERMINE THE POTENTIAL RISK OF PHOSPHORUS LOSS DUE TO SITE  
14 CHARACTERISTICS.

15 (2) (I) IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM  
16 THE SITE IS LOW ACCORDING TO THE PHOSPHORUS MANAGEMENT TOOL,  
17 NUTRIENT RECOMMENDATIONS BY THE CERTIFIED NUTRIENT MANAGEMENT  
18 CONSULTANT OR CERTIFIED FARM OPERATOR MAY USE NITROGEN PLANT NEEDS AS  
19 THE LIMITING FACTOR.

20 (II) NUTRIENT APPLICATIONS MAY NOT EXCEED THE AMOUNT  
21 OF PHOSPHORUS REMOVED BY THE PLANNED CROP OVER A 3-YEAR PERIOD.

22 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
23 PARAGRAPH, IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE SITE IS  
24 MEDIUM ACCORDING TO THE PHOSPHORUS MANAGEMENT TOOL, TOTAL  
25 PHOSPHORUS APPLICATIONS RELATED TO CROPS ANTICIPATED TO BE PLANTED IN  
26 A 3-YEAR PERIOD SHALL NOT EXCEED THE AMOUNT OF PHOSPHORUS REMOVED BY  
27 THE PLANNED CROPS OVER THE 3-YEAR PERIOD, OR THE AMOUNT INDICATED BY  
28 SOIL TESTING, IN ACCORDANCE WITH THE RECOMMENDATIONS DESCRIBED IN THE  
29 MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION I-B, WHICHEVER IS  
30 GREATER.

31 (II) IF BMPs ARE IMPLEMENTED BY THE OPERATOR BEFORE  
32 OR DURING THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT ADDRESS SITE  
33 OR MANAGEMENT CHARACTERISTICS THAT, ACCORDING TO THE OUTCOME OF A  
34 RECALCULATION USING THE PHOSPHORUS MANAGEMENT TOOL, REDUCE THE RISK  
35 OF PHOSPHORUS LOSS TO LOW, NUTRIENT RATES MAY BE ESTABLISHED AS  
36 PROVIDED BY PARAGRAPH (2) OF THIS SUBSECTION.

1           **(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
2 **PARAGRAPH, IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE SITE IS**  
3 **HIGH ACCORDING TO THE PHOSPHORUS MANAGEMENT TOOL, PHOSPHORUS RATES**  
4 **SHALL BE LIMITED TO THE EXPECTED AMOUNT REMOVED FROM THE FIELD BY THE**  
5 **CROP OR PLANT HARVEST IMMEDIATELY FOLLOWING THE PHOSPHORUS**  
6 **APPLICATION OR THE AMOUNT INDICATED BY SOIL TESTING IN ACCORDANCE WITH**  
7 **THE RECOMMENDATIONS DESCRIBED IN THE MARYLAND NUTRIENT MANAGEMENT**  
8 **MANUAL, SECTION I-B, WHICHEVER IS GREATER.**

9           **(II) IF BMPs ARE IMPLEMENTED BY THE OPERATOR BEFORE**  
10 **OR DURING THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT ADDRESS SITE**  
11 **OR MANAGEMENT CHARACTERISTICS THAT, ACCORDING TO THE OUTCOME OF A**  
12 **RECALCULATION USING THE PHOSPHORUS MANAGEMENT TOOL, REDUCE THE RISK**  
13 **OF PHOSPHORUS LOSS TO MEDIUM, NUTRIENT RATES MAY BE ESTABLISHED AS**  
14 **PROVIDED BY PARAGRAPH (3) OF THIS SUBSECTION.**

15           **(III) THE OPERATOR SHALL CONSIDER THE IMPLEMENTATION**  
16 **OF MANAGEMENT PRACTICES AND TECHNOLOGIES THAT ARE EFFECTIVE IN**  
17 **LOWERING THE RISK OF PHOSPHORUS LOSS, BASED ON RESEARCH AND**  
18 **DEMONSTRATION OF THE UNIVERSITY OF MARYLAND, OR ANOTHER LAND GRANT**  
19 **UNIVERSITY, OR BY THE UNITED STATES DEPARTMENT OF AGRICULTURE,**  
20 **NATURAL RESOURCES CONSERVATION SERVICE, NATIONAL PLANNING**  
21 **PROCEDURES HANDBOOK AND PRACTICE STANDARDS ADOPTED FOR MARYLAND.**

22           **(D) (1) IF THE SOIL SAMPLE ANALYSIS RESULTS SHOW A P FIV OF 150 OR**  
23 **GREATER, THE PHOSPHORUS MANAGEMENT TOOL, AS PROVIDED IN THE**  
24 **MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION II-C2, SHALL BE USED TO**  
25 **DETERMINE THE POTENTIAL RISK OF PHOSPHORUS LOSS DUE TO SITE**  
26 **CHARACTERISTICS.**

27           **(2) IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE**  
28 **SITE IS LOW ACCORDING TO THE PHOSPHORUS MANAGEMENT TOOL, TOTAL**  
29 **PHOSPHORUS APPLICATIONS RELATED TO CROPS ANTICIPATED TO BE PLANTED IN**  
30 **A 3-YEAR PERIOD MAY NOT EXCEED THE AMOUNT OF PHOSPHORUS REMOVED BY**  
31 **THE PLANNED CROPS OVER THE 3-YEAR PERIOD OR THE AMOUNT INDICATED BY**  
32 **SOIL TESTING, IN ACCORDANCE WITH THE RECOMMENDATIONS DESCRIBED IN THE**  
33 **MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION I-B, WHICHEVER IS**  
34 **GREATER.**

35           **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
36 **PARAGRAPH, IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE SITE IS**  
37 **MEDIUM ACCORDING TO THE PHOSPHORUS MANAGEMENT TOOL, TOTAL**  
38 **PHOSPHORUS APPLICATIONS RELATED TO CROPS ANTICIPATED TO BE PLANTED IN**

1 A 2-YEAR PERIOD MAY NOT EXCEED THE AMOUNT OF PHOSPHORUS REMOVED BY  
2 THE PLANNED CROPS OVER THE 2-YEAR PERIOD, OR THE AMOUNT INDICATED BY  
3 SOIL TESTING, IN ACCORDANCE WITH THE RECOMMENDATIONS DESCRIBED IN THE  
4 MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION I-B, WHICHEVER IS  
5 GREATER.

6 (II) IF BMPs ARE IMPLEMENTED BY THE OPERATOR BEFORE  
7 OR DURING THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT ADDRESS SITE  
8 OR MANAGEMENT CHARACTERISTICS THAT, ACCORDING TO THE OUTCOME OF A  
9 RECALCULATION USING THE PHOSPHORUS MANAGEMENT TOOL, REDUCE THE RISK  
10 OF PHOSPHORUS LOSS TO LOW, NUTRIENT RATES MAY BE ESTABLISHED AS  
11 PROVIDED BY PARAGRAPH (2) OF THIS SUBSECTION.

12 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS  
13 PARAGRAPH, IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE SITE IS  
14 HIGH ACCORDING TO THE PHOSPHORUS MANAGEMENT TOOL, PHOSPHORUS RATES  
15 SHALL BE LIMITED TO 50% OF THE EXPECTED AMOUNT REMOVED FROM THE FIELD  
16 BY THE CROP OR PLANT HARVEST IMMEDIATELY FOLLOWING THE PHOSPHORUS  
17 APPLICATION, OR THE AMOUNT INDICATED BY SOIL TESTING, IN ACCORDANCE WITH  
18 THE RECOMMENDATIONS DESCRIBED IN THE MARYLAND NUTRIENT MANAGEMENT  
19 MANUAL, SECTION I-B, WHICHEVER IS GREATER.

20 (II) IF LIMITS OF TECHNOLOGY OF AVAILABLE APPLICATION  
21 EQUIPMENT PREVENT APPLICATION AT 50% OF THE EXPECTED AMOUNT REMOVED  
22 FROM THE FIELD BY THE CROP OR PLANT HARVEST IMMEDIATELY FOLLOWING THE  
23 PHOSPHORUS APPLICATION, PHOSPHORUS RATES SHALL BE LIMITED TO THE  
24 EXPECTED AMOUNT REMOVED FROM THE FIELD BY THE CROP OR PLANT HARVEST  
25 IMMEDIATELY FOLLOWING THE PHOSPHORUS APPLICATION, OR THE AMOUNT  
26 INDICATED BY SOIL TESTING, IN ACCORDANCE WITH THE RECOMMENDATIONS  
27 DESCRIBED IN THE MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION I-B,  
28 WHICHEVER IS GREATER.

29 (III) IF BMPs ARE IMPLEMENTED BY THE OPERATOR BEFORE  
30 OR DURING THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT ADDRESS SITE  
31 OR MANAGEMENT CHARACTERISTICS THAT, ACCORDING TO THE OUTCOME OF A  
32 RECALCULATION USING THE PHOSPHORUS MANAGEMENT TOOL, REDUCE THE RISK  
33 OF PHOSPHORUS LOSS TO MEDIUM, NUTRIENT RATES MAY BE ESTABLISHED AS  
34 PROVIDED BY PARAGRAPH (3) OF THIS SUBSECTION.

35 (IV) THE OPERATOR SHALL CONSIDER THE IMPLEMENTATION  
36 OF MANAGEMENT PRACTICES AND TECHNOLOGIES THAT ARE EFFECTIVE IN  
37 LOWERING THE RISK OF PHOSPHORUS LOSS, BASED ON RESEARCH AND  
38 DEMONSTRATION OF THE UNIVERSITY OF MARYLAND, OR ANOTHER LAND GRANT

1 UNIVERSITY, OR BY THE UNITED STATES DEPARTMENT OF AGRICULTURE,  
2 NATURAL RESOURCES CONSERVATION SERVICE, NATIONAL PLANNING  
3 PROCEDURES HANDBOOK AND PRACTICE STANDARDS ADOPTED FOR MARYLAND.

4 (E) (1) IF THE SOIL SAMPLE ANALYSIS RESULTS SHOW A P FIV OF 150 OR  
5 GREATER, THE PHOSPHORUS MANAGEMENT TOOL, AS PROVIDED IN THE  
6 MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION II-C2, SHALL BE USED TO  
7 DETERMINE THE POTENTIAL RISK OF PHOSPHORUS LOSS DUE TO SITE  
8 CHARACTERISTICS.

9 (2) IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE  
10 SITE IS LOW ACCORDING TO THE PHOSPHORUS MANAGEMENT TOOL, TOTAL  
11 PHOSPHORUS APPLICATIONS RELATED TO CROPS ANTICIPATED TO BE PLANTED IN  
12 A 3-YEAR PERIOD MAY NOT EXCEED THE AMOUNT OF PHOSPHORUS REMOVED BY  
13 THE PLANNED CROPS OVER THE 3-YEAR PERIOD.

14 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
15 PARAGRAPH, IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM THE SITE IS  
16 MEDIUM ACCORDING TO THE PHOSPHORUS MANAGEMENT TOOL, PHOSPHORUS  
17 RATES SHALL BE LIMITED TO THE EXPECTED AMOUNT REMOVED FROM THE FIELD  
18 BY THE CROP OR PLANT HARVEST IMMEDIATELY FOLLOWING THE PHOSPHORUS  
19 APPLICATION OR THE AMOUNT INDICATED BY SOIL TESTING IN ACCORDANCE WITH  
20 THE RECOMMENDATIONS DESCRIBED IN THE MARYLAND NUTRIENT MANAGEMENT  
21 MANUAL, SECTION I-B, WHICHEVER IS GREATER.

22 (II) IF BMPs ARE IMPLEMENTED BY THE OPERATOR BEFORE  
23 OR DURING THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT ADDRESS SITE  
24 OR MANAGEMENT CHARACTERISTICS THAT, ACCORDING TO THE OUTCOME OF A  
25 RECALCULATION USING THE PHOSPHORUS MANAGEMENT TOOL, REDUCE THE RISK  
26 OF PHOSPHORUS LOSS TO LOW, NUTRIENT RATES MAY BE ESTABLISHED AS  
27 PROVIDED BY PARAGRAPH (2) OF THIS SUBSECTION.

28 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) THROUGH  
29 (VI) OF THIS PARAGRAPH, IF THE RISK FOR POTENTIAL LOSS OF PHOSPHORUS FROM  
30 THE SITE IS HIGH ACCORDING TO THE PHOSPHORUS MANAGEMENT TOOL, NO  
31 ADDITIONAL PHOSPHORUS MAY BE APPLIED.

32 (II) IF BMPs ARE IMPLEMENTED BY THE OPERATOR BEFORE  
33 OR DURING THE APPLICATION OF ADDITIONAL PHOSPHORUS THAT ADDRESS SITE  
34 OR MANAGEMENT CHARACTERISTICS WHICH, ACCORDING TO THE OUTCOME OF A  
35 RECALCULATION USING THE PHOSPHORUS MANAGEMENT TOOL, REDUCE THE RISK  
36 OF PHOSPHORUS LOSS TO MEDIUM, NUTRIENT RATES MAY BE ESTABLISHED AS  
37 PROVIDED BY PARAGRAPH (3) OF THIS SUBSECTION.

1 (III) IF THE CROP TO BE PRODUCED IS CERTIFIED AS ORGANIC  
2 IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL ORGANIC FOODS  
3 PRODUCTION ACT, 7 U.S.C. § 6501 ET SEQ., INCLUDING IMPLEMENTING FEDERAL  
4 REGULATIONS, AS AMENDED, RECOMMENDED RATES OF APPLICATION OF  
5 PHOSPHORUS SHALL BE LIMITED TO THE EXPECTED AMOUNT REMOVED FROM THE  
6 FIELD BY THE CROP OR PLANT HARVEST IMMEDIATELY FOLLOWING THE  
7 PHOSPHORUS APPLICATION OR THE AMOUNT INDICATED BY SOIL TESTING IN  
8 ACCORDANCE WITH RECOMMENDATIONS DESCRIBED IN THE MARYLAND NUTRIENT  
9 MANAGEMENT MANUAL, SECTION I-B, WHICHEVER IS GREATER.

10 (IV) EXCEPT WHEN SUBJECT TO COLD AND WET GROWING  
11 CONDITIONS, CROPS DETERMINED TO BE DEFICIENT IN PHOSPHORUS, AS  
12 DEMONSTRATED BY A REPRESENTATIVE TISSUE ANALYSIS BY AN ACCREDITED  
13 LABORATORY, MAY RECEIVE AN APPLICATION OF PHOSPHORUS NOT TO EXCEED  
14 25% OF THE EXPECTED AMOUNT REMOVED FROM THE FIELD BY THE CROP OR PLANT  
15 HARVEST IMMEDIATELY FOLLOWING THE PHOSPHORUS APPLICATION.

16 (V) CROPS WITH A RECOMMENDED PHOSPHORUS APPLICATION  
17 RATES OF 100 POUNDS OR MORE AT OPTIMUM FERTILITY LEVELS AS PROVIDED IN  
18 THE MARYLAND NUTRIENT MANAGEMENT MANUAL, SECTION I-B, MAY RECEIVE A  
19 PHOSPHORUS APPLICATION AT PLANTING NOT TO EXCEED 25% OF THE EXPECTED  
20 AMOUNT REMOVED FROM THE FIELD BY THE CROP OR PLANT HARVEST  
21 IMMEDIATELY FOLLOWING THE PHOSPHORUS APPLICATION.

22 (VI) AGRICULTURAL OPERATIONS IMPLEMENTING  
23 TECHNOLOGIES TO REDUCE THE PHOSPHORUS CONTENT OF ANIMAL MANURES BY  
24 AT LEAST 75% SHALL LIMIT PHOSPHORUS APPLICATION RATES TO 50% OF THE  
25 EXPECTED AMOUNT REMOVED FROM THE FIELD BY THE CROP OR PLANT HARVEST  
26 IMMEDIATELY FOLLOWING THE PHOSPHORUS APPLICATION.

27 (VII) THE OPERATOR SHALL CONSIDER THE IMPLEMENTATION  
28 OF MANAGEMENT PRACTICES AND TECHNOLOGIES THAT ARE EFFECTIVE IN  
29 LOWERING THE RISK OF PHOSPHORUS LOSS, BASED ON RESEARCH AND  
30 DEMONSTRATION OF THE UNIVERSITY OF MARYLAND, OR ANOTHER LAND GRANT  
31 UNIVERSITY, OR BY THE UNITED STATES DEPARTMENT OF AGRICULTURE,  
32 NATURAL RESOURCES CONSERVATION SERVICE, NATIONAL PLANNING  
33 PROCEDURES HANDBOOK AND PRACTICE STANDARDS ADOPTED FOR MARYLAND.

34 (F) THE 6-YEAR TRANSITION SCHEDULE IS AS FOLLOWS:

35 6-YEAR TRANSITION SCHEDULE  
36 CROP YEAR (JULY 1 – JULY 30 OF THE FOLLOWING YEAR)

1		<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
2	<b>AVERAGE P FIV &gt;450 (TIER C</b>	<b>PSI</b>	<b>TM1</b>	<b>TM1</b>	<b>TM2</b>	<b>TM2</b>	<b>PMT</b>
3	<b>OPERATIONS)</b>						
4	<b>AVERAGE P FIV 300–450 (TIER B</b>	<b>PSI</b>	<b>PSI</b>	<b>TM1</b>	<b>TM2</b>	<b>TM2</b>	<b>PMT</b>
5	<b>OPERATIONS)</b>						
6	<b>AVERAGE P FIV 150–299 (TIER A</b>	<b>PSI</b>	<b>PSI</b>	<b>PSI</b>	<b>TM1</b>	<b>TM2</b>	<b>PMT</b>
7	<b>OPERATIONS)</b>						

8           **(G) (1) A PERSON WHO HOLDS A LICENSE ISSUED UNDER THIS SUBTITLE**  
 9 **OR A CERTIFIED NUTRIENT MANAGEMENT CONSULTANT WHO IS NOT OPERATING**  
 10 **UNDER A LICENSE SHALL FILE A REPORT WITH THE DEPARTMENT THAT INCLUDES**  
 11 **INFORMATION RELATING TO NUTRIENT MANAGEMENT PLANS DEVELOPED FOR**  
 12 **OPERATIONS THAT HAVE SOILS WITH A PHOSPHORUS FERTILITY INDEX VALUE OF**  
 13 **150 OR ABOVE.**

14           **(2) THE REPORT SHALL INCLUDE INFORMATION THAT THE**  
 15 **DEPARTMENT DETERMINES NECESSARY TO EVALUATE THE IMPLEMENTATION OF**  
 16 **THE PHOSPHORUS MANAGEMENT TOOL, AS PROVIDED IN THE MARYLAND**  
 17 **NUTRIENT MANAGEMENT MANUAL, SECTION II–C2.**

18           **(3) THE REPORT SHALL BE FILED ON A FORM DEVELOPED BY THE**  
 19 **DEPARTMENT IN ACCORDANCE WITH A SCHEDULE DETERMINED BY THE**  
 20 **DEPARTMENT.**

21           **(4) THE DEPARTMENT SHALL MAINTAIN THE CONFIDENTIALITY OF**  
 22 **INFORMATION PROVIDED IN THE REPORT AS REQUIRED BY § 8–801.1(B) OF THIS**  
 23 **SUBTITLE.**

24 8–1006.

25           (a) Except as provided in subsection (b) of this section, an agricultural operation  
 26 that is in compliance and certified under this subtitle is not subject to:

27           (1) State or local laws or regulations enacted or adopted after the date of  
 28 certification that require the reduction of agricultural sources of nitrogen, phosphorus, or  
 29 sediment to meet:

30                   (i) Chesapeake Bay total maximum daily loads, including the  
 31 requirements in a watershed implementation plan;

32                   (ii) Local total maximum daily loads; or

33                   (iii) Other water quality requirements for managing agricultural  
 34 sources of nitrogen, phosphorus, or sediment; or

1           (2) State or local laws and regulations enacted or adopted after the date of  
2 certification related to meeting a reallocation of nitrogen, phosphorus, or sediment load  
3 reductions necessary to meet:

4           (i) Chesapeake Bay total maximum daily loads, including the  
5 requirements in a watershed implementation plan;

6           (ii) Local total maximum daily loads; or

7           (iii) Other water quality requirements for managing nitrogen,  
8 phosphorus, or sediment.

9           (b) Subsection (a) of this section may not prevent the application or enforcement  
10 of any other laws, regulations, or permits, including:

11           (1) Orders seeking a corrective action for a violation of Title 4, Subtitle 4 of  
12 the Environment Article;

13           (2) Titles 5 and 16 of the Environment Article;

14           (3) Title 9, Subtitles 2 and 3 of the Environment Article;

15           (4) Title 8, Subtitle 18 of the Natural Resources Article;

16           (5) The adoption of a growth tier map by a local jurisdiction under Title 1,  
17 Subtitle 5 of the Land Use Article;

18           (6) Any State or local law or regulation that regulates the development of  
19 land;

20           (7) The federal Clean Water Act;

21           (8) **§§ 8–808 AND 8–808.1 OF THIS ARTICLE;**

22           **[(8)] (9)** Any regulation governing the management of agricultural  
23 sources of nitrogen, phosphorus, or sediment initiated by the Department before the  
24 enactment of this subtitle; or

25           **[(9)] (10)** Any applicable laws or regulations that have been enacted, but  
26 are subject to a delayed implementation period.

27           (c) A local government entity may not enforce State or local laws, regulations,  
28 rules, ordinances, or standards adopted after the date of certification relating to  
29 agricultural sources of nitrogen, phosphorus, or sediment for an agricultural operation  
30 certified under this subtitle until the end of the certification period.



1 (d) If the Program established under this subtitle is terminated, an agricultural  
2 operation certified under the Program shall:

3 (1) Remain certified for the remainder of the certification period for the  
4 agricultural operation; and

5 (2) Be subject to State and local laws or regulations applicable at the time  
6 of certification, including this subtitle and the terms and conditions of the certainty  
7 agreement entered into under this subtitle.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
9 1, 2015.