

# SENATE BILL 928

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By: **Senator Pinsky**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Concentrated Animal Feeding Operation Construction or**  
3 **Expansion – Manure Transport Plan Requirement**

4 FOR the purpose of, on or after a certain date, prohibiting the Department of the  
5 Environment from approving coverage under a concentrated animal feeding  
6 operation (CAFO) Discharge permit for a certain CAFO, unless the permit applicant  
7 submits a certain manure transport plan to the Department as part of the permit  
8 application; requiring the Department to incorporate the terms of a certain manure  
9 transport plan into a certain CAFO Discharge permit for certain purposes; requiring  
10 the Department to suspend coverage of a certain CAFO under a certain CAFO  
11 Discharge permit under certain circumstances; providing for the application of this  
12 Act; defining certain terms; and generally relating to CAFO Discharge permits.

13 BY repealing and reenacting, without amendments,  
14 Article – Environment  
15 Section 9–301(a) and (c)  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2019 Supplement)

18 BY adding to  
19 Article – Environment  
20 Section 9–326.1  
21 Annotated Code of Maryland  
22 (2014 Replacement Volume and 2019 Supplement)

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

25 **Article – Environment**

26 9–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (c) "CAFO" means a concentrated animal feeding operation, as defined in  
3 Department regulations.

4 **9-326.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) "ORGANICS RECYCLING FACILITY" HAS THE MEANING STATED IN  
8 § 9-1701 OF THIS TITLE.

9 (3) "PHOSPHORUS MANAGEMENT TOOL" MEANS THE MECHANISM,  
10 ADOPTED UNDER REGULATIONS OF THE DEPARTMENT OF AGRICULTURE, FOR  
11 IDENTIFYING THE POTENTIAL RISK FOR PHOSPHORUS LOSS FROM FARMS.

12 (B) THIS SECTION APPLIES ONLY TO THE CONSTRUCTION OF A NEW CAFO  
13 OR THE EXPANSION OF AN EXISTING CAFO IN A COUNTY WHERE MORE THAN 30%  
14 OF THE ACRES TESTED UNDER THE PHOSPHORUS MANAGEMENT TOOL HAVE A  
15 PHOSPHORUS FERTILITY INDEX VALUE OF 150 OR MORE.

16 (C) ON OR AFTER OCTOBER 1, 2021, THE DEPARTMENT MAY NOT APPROVE  
17 COVERAGE UNDER A CAFO DISCHARGE PERMIT FOR A CAFO DESCRIBED IN  
18 SUBSECTION (B) OF THIS SECTION UNLESS THE PERMIT APPLICANT SUBMITS TO THE  
19 DEPARTMENT, AS PART OF THE PERMIT APPLICATION, A PLAN TO TRANSPORT ALL  
20 OF THE MANURE PRODUCED BY THE CAFO:

21 (1) INTO A COUNTY WHERE LESS THAN 30% OF ACRES TESTED UNDER  
22 THE PHOSPHORUS MANAGEMENT TOOL HAVE A PHOSPHORUS FERTILITY INDEX  
23 VALUE OF 150 OR MORE; OR

24 (2) TO AN ORGANICS RECYCLING FACILITY.

25 (D) THE DEPARTMENT SHALL:

26 (1) INCORPORATE THE TERMS OF A MANURE TRANSPORT PLAN  
27 SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION INTO THE CAFO DISCHARGE  
28 PERMIT FOR A CAFO DESCRIBED IN SUBSECTION (B) OF THIS SECTION;

29 (2) MAKE COMPLIANCE WITH THE MANURE TRANSPORT PLAN A  
30 CONDITION OF COVERAGE UNDER THE CAFO DISCHARGE PERMIT; AND

1                   **(3) MONITOR THE IMPLEMENTATION OF THE MANURE TRANSPORT**  
2 **PLAN TO ENSURE COMPLIANCE.**

3                   **(E) IF THE OWNER OR OPERATOR OF A CAFO FAILS TO TRANSPORT**  
4 **MANURE IN ACCORDANCE WITH A MANURE TRANSPORT PLAN SUBMITTED UNDER**  
5 **SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL SUSPEND COVERAGE**  
6 **OF THE CAFO UNDER THE CAFO DISCHARGE PERMIT FOR AT LEAST 1 YEAR.**

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2020.