

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
Emergency Status Approved _ -Yes _ -No		Document Number
Emergency Status Begins On		Date of Publication in MD Register
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title	Subtitle	Chapter	Regulation
15	20	07	02
15	20	08	05

2. Name of Promulgating Authority

Department of Agriculture

3. Name of Regulations Coordinator **Telephone Number**
 Tonia C Martin 410-841-5829

Mailing Address

50 Harry S. Truman Parkway

City **State** **Zip Code**
 Annapolis MD 21401

Email

4. Name of Person to Call About this Document **Telephone No.**
 Royden Powell, III 410-841-5865

Date

July 10, 2013

Title 15
DEPARTMENT OF AGRICULTURE
Subtitle 20 SOIL AND WATER CONSERVATION

15.20.07 Agricultural Operation Nutrient Management Plan Requirements

Subtitle 20 SOIL AND WATER CONSERVATION

15.20.08 Content and Criteria for a Nutrient Management Plan Developed for an Agricultural Operation

Authority: Agriculture Article, §8-801.1, Annotated Code of Maryland

Notice of Emergency Action

□

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to (1) Amend Regulation .02 under COMAR 15.20.07 Agricultural Operation Nutrient Management Plan Requirements; and (2) Amend Regulations .05 under COMAR 15.20.08 Content and Criteria for a Nutrient Management Plan Developed for an Agricultural Operation. Because substantive changes have been made to the original proposal as published in 40:2 Md. R 163 —164 (January 25, 2013), this action is being repropose at this time.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposed regulation will affect certain farms with high phosphorus levels in the soil. Additional management will be required on farms based on the risk of phosphorus loss from the field. In certain cases, farmers will be required to reduce the rate of application of phosphorus to their fields. In cases where organic sources of nutrients, such as animal manures, are applied, additional land will be required to utilize manures generated on the farm. based on the reduced rate of application. Additional costs will be

incurred, based on manure applications to additional acres and the added cost to transport manures to acreage that can appropriately utilize the manure.

Department does not have data to assess the number of acres potentially impacted by the proposed regulation.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Undeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Undeterminable

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. The proposed regulation will affect certain farms with high phosphorus levels in the soil. The proposal amends an existing risk assessment tool, known as the Phosphorus Site Index (PSI), used to determine the potential for phosphorus loss from the field. University of Maryland scientists who developed the PSI indicate the greatest potential impact will be on soils with high soil phosphorus in areas where ground water is closest to the surface.

Additional management will be required on farms based on the risk of phosphorus loss from the field. In certain cases, farmers will be required to reduce the rate of application of phosphorus to their fields. In cases where organic sources of nutrients, such as animal manures, are applied, additional land will be required to utilize manures generated on the farm, based on the reduced rate of application. Additional costs will be incurred, based on manure applications to additional acres and the added cost to transport manures to acreage that can appropriately utilize the manure.

Department does not have data to assess the number of acres potentially impacted by the proposed regulation.

F. The public will benefit from the proposal through improved water quality and environmental conditions in local rivers and streams. The quality of life of Marylanders will improve by virtue of healthy local water bodies and additional

measures toward a restored Chesapeake Bay.

Economic Impact on Small Businesses

The emergency action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The proposed regulation will affect certain farms with high phosphorus levels in the soil. Additional management will be required on farms based on the risk of phosphorus loss from the field. In certain cases, farmers will be required to reduce the rate of application of phosphorus to their fields. In cases where organic sources of nutrients, such as animal manures, are applied, additional land will be required to utilize manures generated on the farm, based on the reduced rate of application. Additional costs will be incurred, based on manure applications to additional acres and the added cost to transport manures to acreage that can appropriately utilize the manure and potential to purchase commercial fertilizer inputs on fields where manure can no longer be used as a nutrient source.

Department does not have data to assess the number of acres potentially impacted by the proposed regulation or costs for management changes.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2014

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:
Special Funds - "Chesapeake Bay 2010 Trust Fund"

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under

Part B, indicate the reason and attach small business worksheet.

G. Response to small business worksheet:

Attached Document:

12/13/12

Title 15 DEPARTMENT OF AGRICULTURE
Subtitle 20 SOIL AND WATER CONSERVATION
Chapter 07 Agricultural Operation Nutrient Management Plan Requirements

Authority: Agriculture Article, §§8-801—8-806, Annotated Code of Maryland

.01 Text unchanged.

.02 Incorporation by Reference.

The performance and technical standards provided in this subtitle are found in the Department of Agriculture's Maryland Nutrient Management Manual (November 1999), Supplement No. 1 (September 2000), Supplement No. 2 (November 2001), Supplement No. 3 (September 2004), Supplement No. 4 (November 2005), and Supplement No. 5 (November 2006), Supplement No. 6 (May 2009), [and] Supplement No. 7 (May 2012), and Supplement No. 8 ~~[[[(December 2012)]]]~~ (**July 2013**), which are incorporated by reference.

.03 — .07 Text unchanged.

**Chapter 08 Content and Criteria for a Nutrient Management Plan Developed for an
Agricultural Operation**

Authority: Agriculture Article, §8-801.1, Annotated Code of Maryland

.01 — .04 Text unchanged.

.05 Nutrient Management—Required Plan Recommendations.

A. — E. Text unchanged.

(1) — (2) Text unchanged.

(3) (originally proposed text unchanged)

(4)(a) Text unchanged.

(b)—(c) (originally proposed text unchanged)

(c)(i) (originally proposed text unchanged)

[(i) Phosphorus] *phosphorus* rates shall be limited to the expected amount removed from the field by the crop or plant harvest ~~[[[in the year of application]]]~~.

Immediately following the phosphorus application, or the amount indicated by soil testing, in accordance with the recommendations described in the Maryland Nutrient Management Manual, Section I-B]; or] .

(ii) (originally proposed text unchanged)

(d)(i) (originally proposed text unchanged)

(ii) If BMPs are implemented by the operator, [and] *that* address site or management characteristics [to] *which* reduce the risk of phosphorus loss to [high] *medium*, [[[recommended]]] rates of application of phosphorus shall be limited to the expected amount removed from the field by the crop or plant harvest [[[in the year of application]]] **immediately following the phosphorus application** or the amount indicated by soil testing in accordance with recommendations described in the Maryland Nutrient Management Manual, Section I-B.

(5) (originally proposed text unchanged)

F. — I. Text unchanged.

.06 — .07 Text unchanged.

STATE OF MARYLAND
EXECUTIVE DEPARTMENT

**OFFICE OF THE SECRETARY OF STATE
DIVISION OF STATE DOCUMENTS**

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Maryland Register
Code of Maryland Regulations
(COMAR)

Incorporation by Reference
APPROVAL FORM

Date: July 8, 2013
COMAR: 15.20.07.02

Tonia Martin
Office of the Attorney General
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401

Dear Tonia:

The document entitled Maryland Nutrient Management Manual, Supplement No. 8, is approved for incorporation by reference.

Please note the following special instructions: None.

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,
Gail S. Klakring
Senior Editor