

MARYLAND REGISTER

**Emergency Action on Regulations**

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

**Email Address**

Royden.Powell@maryland.gov

**5. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Incorporation by Reference of Documents Requiring DSD Approval

**6. Date Requested for Emergency Status to Begin:** 7/26/2013

**Date Requested for Emergency Status to Expire:** 1/27/2013

**7. Agency Will Take the Following Action on These Regulations**

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126
- Allow them to expire

**8. Is there proposed text which is identical to emergency text:**

- Yes  - No

If yes, corresponding proposed text published in:

- same issue
- future issue
- previous issue; it appeared in
  - : \_\_\_\_\_ Md. R
  - (vol.) (issue) (page no's) (date)

Under Maryland register docket no.: --E.

**9. Check the following item if it is included in the attached document:**

- Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**10. Reason for Request for Emergency Status**

In order to have them in place by the upcoming fall growing season.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Craig Nielsen, Assistant Attorney General, (telephone #410-841-5883) on July 10, 2013. A signed copy of the approval is on file at this agency.

**Name of Authorized Officer**

Earl F. Hance

**Title**

**Telephone No.**

**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