

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2246

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S.P. 846

In Senate, May 27, 1999

**An Act to Amend the Nutrient Management Laws.**

**(EMERGENCY)**

Reported by Senator NUTTING of Androscoggin for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 1997, chapter 642, section 8, subsection 3 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           **Whereas,** the nutrient management laws need to be amended  
prior to full implementation of those laws; and

8           **Whereas,** implementation is important to the agriculture  
community and the waters of this State; and

10           **Whereas,** in the judgment of the Legislature, these facts  
12 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
safety; now, therefore,

16  
18           **Be it enacted by the People of the State of Maine as follows:**

20           **Sec. 1. 7 MRSA §4201, sub-§6,** as enacted by PL 1997, c. 642,  
§2, is amended to read:

22           **6. Regulated residual.** "Regulated residual" means a  
residual regulated by the Department of Environmental Protection  
24 pursuant to Title 38, chapter 13 that is used primarily for its  
nitrogen and phosphorous value as determined by the Department of  
26 Agriculture, Food and Rural Resources. "Regulated residual" does  
not include wood ash or compost.

28           **Sec. 2. 7 MRSA §4202, sub-§§2 and 3,** as enacted by PL 1997, c.  
30 642, §2, are amended to read:

32           **2. Certification of persons to prepare nutrient management**  
**plans.** The commissioner shall develop a program to train and  
34 certify persons in the preparation of nutrient management plans.  
The commissioner may establish minimum educational requirements  
36 for persons eligible for certification. The commissioner may  
revoke a certification in accordance with section 4210.

38           **3. Livestock operations permits.** The commissioner shall  
40 issue livestock operations permits in accordance with section  
4205. The commissioner may revoke a livestock operations permit  
42 in accordance with section 4211.

44           **Sec. 3. 7 MRSA §4203, sub-§1, ¶B,** as enacted by PL 1997, c.  
46 642, §2, is amended to read:

48           B. When an aggrieved party within 30 days of the  
commissioner's decision appeals a decision of the  
commissioner regarding a livestock operations permit  
50 required under section 4205, a request for a variance under

2 section 4204, subsection 8 or a certification under section  
3 4210, the board shall hold a hearing in accordance with  
4 Title 5, chapter 375, subchapter IV. The board may affirm,  
5 amend or reverse a permit or certification decision made by  
6 the commissioner. The board's decision is a final agency  
7 action.

8 **Sec. 4. 7 MRSA §§4204 and 4205**, as enacted by PL 1997, c.  
9 642, §2, are amended to read:

10 **§4204. Nutrient management plan**

11 **1. Nutrient management plan required.** ~~Except as provided~~  
12 ~~in subsection 4, beginning on December 1, 1998, a~~ A person who  
13 owns or operates a farm that meets the criteria established in  
14 subsection 2 shall have a nutrient management plan for that farm  
15 and shall implement the provisions in that plan by the dates  
16 specified for that category of farm in subsection 4, 5, 6 or 7.  
17 The nutrient management plan must be prepared by a person  
18 certified in accordance with section 4202, subsection 2 and must  
19 address the storage and utilization of all farm nutrients  
20 generated on or transported to the farm. A nutrient management  
21 plan developed by a farm owner or operator is deemed to have been  
22 prepared by a certified nutrient management specialist if a  
23 certified nutrient management specialist reviews the plan for  
24 compliance with this chapter, signs the plan and notifies the  
25 department in accordance with subsection 3. For livestock farms,  
26 the nutrient management plan must address storage and utilization  
27 of farm nutrients for the entire farm operation including leased  
28 or rented land. For crop farms, the plan must address storage  
29 and utilization of farm nutrients on land on which manure is  
30 utilized or stored. The plan must establish minimum distances  
31 between manure storage, stacking and spreading areas and property  
32 lines and surface water based on site-specific factors. The plan  
33 must provide for manure storage for a minimum of 180 days. A  
34 copy of a nutrient management plan required under this section  
35 must be available to the commissioner or the commissioner's  
36 designee upon request. A nutrient management plan must include  
37 the following:

- 38 A. Provisions for soil erosion control;
- 39
- 40 B. Minimum distances between manure storage, stacking and
- 41 spreading areas and property lines and surface waters;
- 42
- 43 C. Results of soil tests for land designated in the plan
- 44 for manure spreading or manure irrigation;
- 45
- 46 D. Results of manure tests;
- 47
- 48
- 49
- 50

- 2 E. Statement of yield goals for land receiving farm nutrients; and
- 4 F. Additional information established through rulemaking;
- 6 G. Site-specific dates recommended for the spreading of manure and spraying or irrigation of liquid manure. In compliance with section 4207, the plan may not recommend spreading between December 1st of a calendar year and March 15th of the following calendar year; and
- 10
- 12 H. A recommended timetable for implementing the plan.

14 **2. Farms requiring a nutrient management plan.** A farm that meets one or more of the following criteria is required to have a nutrient management plan:

- 18 A. A farm that confines and feeds 50 or more animal units at any one time;
- 20
- 22 B. A farm that utilizes more than 100 tons of manure per year not generated on that farm;
- 24
- 26 C. A farm that, ~~after December 1, 1998,~~ is the subject of a verified complaint of improper manure handling; or
- 28 D. A farm that stores or utilizes regulated residuals.

30 **3. Responsibility of person preparing nutrient management plans.** Upon completion of a nutrient management plan, a person certified to prepare nutrient management plans in accordance with this chapter shall notify the department. The notification must include the name and address of the owner or operator of the farm and the location of the farm for which the plan was prepared. A person preparing a nutrient management plan required by this chapter shall adhere to rules adopted in accordance with this chapter pertaining to the preparation and requirements of the plan.

40 **4. Compliance date for farms operational on March 31, 1998.** ~~Notwithstanding the provisions of subsections 1 to 3, Except for a farm requiring a livestock operations permit under section 4205, an owner or operator of a farm that is was operational on the effective date of this chapter March 31, 1998 and meets the criteria established in subsection 2, paragraph A, or B or D is not required to shall~~ have a nutrient management plan prepared for that farm until no later than January 1, 2001. ~~A nutrient management plan must be prepared in accordance with this chapter no later than January 1, 2001. The Except as provided in subsection 8, the plan must be implemented no later than October 1, 2005 2007.~~

2           5. Compliance date for farms that were operational on March  
31, 1998 that store or use regulated residuals. An owner or  
4 operator of a farm that is required to have a nutrient  
management plan under subsection 2, paragraph D and that was  
6 operational on March 31, 1998 shall have that plan prepared by  
January 1, 2000. Except as provided in subsection 8, the plan  
8 must be implemented no later than January 1, 2000.

10           6. Compliance date for farms becoming operational after  
March 31, 1998. An owner or operator of a farm that is required  
12 to have a nutrient management plan under subsection 2 and that  
was not operational on March 31, 1998 shall have a nutrient  
14 management plan prepared before the farm becomes operational.  
Except as provided in subsection 8, the plan must be implemented  
16 at the time the farm becomes operational.

18           7. Compliance date for farms subject of verified complaint.  
When a farm is required to have a nutrient management plan under  
20 subsection 2, paragraph C, the commissioner shall establish a  
date by which the plan must be developed and a date for  
22 implementation of the plan.

24           8. Variances. The commissioner may grant a variance from  
the implementation date in subsection 4, 5 or 6 when the  
26 commissioner finds that implementation of the plan would cause  
undue hardship. A person requesting a variance shall submit a  
28 request in writing to the commissioner at least 90 days prior to  
the applicable implementation date. The commissioner shall  
30 establish by rule criteria and a process for granting a variance.  
Factors considered must include protection of groundwater and  
32 surface water, cost of implementing the plan and availability of  
financial assistance to implement the plan. Rules adopted  
34 pursuant to this subsection are routine technical rules as  
defined in Title 5, chapter 375, subchapter II-A.  
36 Notwithstanding the provisions of this subsection, a variance may  
not extend an implementation date beyond December 31, 2008. A  
38 person denied a variance by the commissioner may appeal that  
decision to the board.

40           **§4205. Livestock operations permit**

42           1. Operations requiring a livestock operations permit.  
44 Beginning on ~~May 1, 1999~~ January 1, 2000, a permit issued by the  
commissioner pursuant to subsection 2 is required for an animal  
46 feeding operation that meets one or more of the following  
criteria:

48           A. The operation is a concentrated animal feeding operation  
50 as defined by rules adopted pursuant to this section;

2 B. The operation confines and feeds 300 or more animal  
units and prior to April 15, 1998 the operation did not  
confine and feed 300 or more animal units; or

4  
6 C. Proposes an expansion beyond the operation's manure  
storage capacity or land base used for spreading.

8 **2. Criteria for issuing permits; rulemaking.** An applicant  
for a permit required under this section must submit to the  
10 commissioner a nutrient management plan that meets the  
requirements established pursuant to section 4204. A nutrient  
12 management plan submitted in accordance with this subsection is  
confidential and is not a public record as defined in Title 1,  
14 section 402, subsection 3. Prior to issuing a permit, the  
commissioner or a designee of the commissioner shall inspect the  
16 operation and determine that the operation is in compliance with  
the nutrient management plan. The commissioner may issue a  
18 provisional permit in accordance with subsection 3. The  
commissioner shall adopt rules in accordance with Title 5,  
20 chapter 375 to establish a process for application review and  
issuing permits required under this section. The rules may  
22 establish permit application fees, inspection requirements and  
procedures for review by the board of permitting decisions.  
24 Rules initially adopted pursuant to this section are major  
substantive rules as defined in Title 5, chapter 375, subchapter  
26 II-A. After July 1, 1999, rules adopted pursuant to this section  
are routine technical rules as defined in Title 5, chapter 375,  
28 subchapter II-A.

30 **3. Provisional permit.** The commissioner may issue a  
provisional permit to an operation that is not in compliance with  
32 the farm's nutrient management plan at the time of inspection.  
In issuing a provisional permit, the commissioner shall consider  
34 existing nutrient management practices on the farm, the  
protection of groundwater and surface water, the cost of  
36 implementing the plan and the availability of financial  
assistance to implement the plan. A provisional permit must state  
38 the date by which the farm must be in compliance with the plan  
and may not be issued for a period of more than one year. Upon  
40 inspection and determination of compliance, the commissioner  
shall issue a permit in accordance with subsection 3 and the  
42 provisional permit expires. The commissioner shall adopt rules in  
accordance with Title 5, chapter 375 to establish a process for  
44 application review and issuing of provisional permits. Rules  
adopted in accordance with this subsection are routine technical  
46 rules as defined in Title 5, chapter 375, subchapter II-A.

48 **Sec. 5. 7 MRSA §4206,** as enacted by PL 1997, c. 642, §2, is  
repealed.

50

2           **Sec. 6. 7 MRSA §4209**, as enacted by PL 1997, c. 642, §2, is  
amended to read:

4           **§4209. Penalties**

6           Failure to develop a nutrient management plan in accordance  
with section 4204 or to obtain a ~~manure-management~~ livestock  
8           operations permit in accordance with section 4205 constitutes a  
civil violation for which a forfeiture of up to \$1,000 plus up to  
10           \$250 per day for every day that the violation continues may be  
adjudged.

12           Failure to implement a nutrient management plan according to  
14           the requirements of section 4204 and the rules adopted pursuant  
to that section constitutes a civil violation for which a  
16           forfeiture of up to ~~\$1000~~ \$1,000 with an additional penalty of up  
to \$250 per day for every day that the violation continues may be  
18           adjudged. Prior to development of a plan, a person is not  
20           subject to a penalty for failure to implement a nutrient  
management plan.

22           Failure to comply with the conditions set forth in a  
livestock operations permit or a variance constitutes a civil  
24           violation for which a forfeiture of up to ~~\$1000~~ \$1,000 with an  
additional penalty of up to \$250 per day for every day that the  
26           violation continues may be adjudged.

28           Winter spreading of manure in violation of section 4207  
constitutes a civil violation for which a forfeiture of up to  
30           ~~\$1000~~ \$1,000 per day for every day that spreading occurs may be  
adjudged.

32           **Sec. 7. 7 MRSA §§4210 to 4213** are enacted to read:

34           **§4210. Revocation of certification**

36           If the commissioner finds that a person certified to prepare  
38           nutrient management plans has failed to comply with section 4204,  
subsection 3, the commissioner may revoke that person's  
40           certification in accordance with this section.

42           1. Notice. The commissioner shall give written notice of a  
revocation immediately following a decision to revoke. A notice  
44           of revocation must state the reason the certification is being  
revoked and the effective date of the revocation and must inform  
46           the person of the hearing provisions under subsection 2 and the  
appeals process before the board.



2       2. Hearing. A person receiving a notice of revocation  
4       under subsection 1 may request a hearing on that revocation. A  
6       request for a hearing must be in writing and must be made no  
8       later than 30 days after receipt of the revocation notice  
10       required under subsection 1. The commissioner shall notify the  
12       person of the date and location of the hearing.

14       A person may present evidence at a hearing that might justify  
16       reinstatement of the certification.

18       3. Decisions; appeal. Decisions of the commissioner must  
20       be in writing. The commissioner may reinstate the certification  
22       if the commissioner finds that the person has complied with  
24       section 4204, subsection 3. A person whose certification is  
26       revoked by the commissioner may appeal that decision to the board.

28       **§4211. Revocation of livestock operations permit**

30       If the commissioner finds that a person issued a livestock  
32       operations permit has failed to comply with the provisions of  
34       that permit, the commissioner may revoke that person's permit.

36       1. Notice. The commissioner shall give written notice of a  
38       revocation immediately following a decision to revoke. A notice  
40       of revocation must state the reason the permit is being revoked  
42       and the effective date of the revocation and must inform the  
44       person of the hearing provisions under subsection 2 and the  
46       appeals process before the board.

48       2. Hearing. A person receiving a notice of revocation  
50       under subsection 1 may request a hearing on that revocation. A  
52       request for a hearing must be in writing and must be made not  
54       later than 30 days after receipt of the revocation notice  
56       required under subsection 1. The commissioner shall notify the  
58       person of the date and location of the hearing.

60       A person may present evidence at a hearing that might justify  
62       reinstatement of the permit.

64       3. Decisions; appeal. Decisions of the commissioner must  
66       be in writing. A person whose permit is revoked by the  
68       commissioner may appeal that decision to the board.

70       **§4212. Moratorium on swine feeding operation**

72       Notwithstanding section 4205, a person may not construct or  
74       operate a new swine feeding operation that confines and feeds 500  
76       or more swine. For the purposes of this section, "new swine  
78       feeding operation that confines and feeds 500 or more swine"  
80       means a lot or facility where 500 or more swine are confined and

2 fed that was not operating as a swine feeding operation on March  
3 1, 1998. This section is repealed October 1, 2001.

4 **§4213. Annual report; Department of Agriculture, Food and Rural**  
5 **Resources**

6 The commissioner shall report to the joint standing  
7 committee having jurisdiction over agricultural matters no later  
8 than February 15th of each year on the implementation of this  
9 chapter. The report must include the number of people certified  
10 to prepare nutrient management plans, a summary of the  
11 notifications received for nutrient management plans, the number  
12 of applications for livestock operations permits and the number  
13 of permits issued, availability of financing or financial  
14 assistance for animal waste storage facilities and barriers to  
15 implementation of this chapter. The report must also include a  
16 summary of permitting activity for animal feeding operations in  
17 this State under the National Pollutant Discharge Elimination  
18 System.

19 **Sec. 8. 12 MRSA §685-A, sub-§5, as amended by PL 1997, c. 642,**  
20 **§3, is further amended to read:**

21 **5. Considerations, application and exemptions.** A land use  
22 standard may not deprive an owner or lessee or subsequent owner  
23 or lessee of any interest in real estate of the use to which it  
24 is lawfully devoted at the time of adoption of that standard.  
25 Year-round and seasonal single residences and operating farms in  
26 existence and use as of September 23, 1971, while so used, and  
27 new accessory buildings or structures or renovations of the  
28 buildings or structures that are or may be necessary to the  
29 satisfactory and comfortable continuation of these residential  
30 and farm uses are exempt from the requirements of section 685-B,  
31 subsection 1.

32 Land use standards adopted pursuant to this chapter for  
33 management districts may not limit the right, method or manner of  
34 cutting or removing timber or crops, the construction and  
35 maintenance of hauling roads, the operation of machinery or the  
36 erection of buildings and other structures used primarily for  
37 agricultural or commercial forest product purposes, including  
38 tree farms. Notwithstanding this subsection, a permit from the  
39 commission is required for roads covering a ground area of 3  
40 acres or more constructed in management districts, unless those  
41 roads are constructed and maintained in accordance with the  
42 guidelines of the commission's Land Use Handbook, Section 6,  
43 "Erosion Control on Logging Jobs," or as revised. The commission  
44 may require a person constructing a road to notify the commission  
45 of the location of the road within 21 days. ~~Notwithstanding this~~  
46 ~~subsection, the commission may adopt rules in accordance with~~

2 ~~Title 7, section 4206 to regulate large concentrated animal~~  
3 ~~feeding operations.~~

4 Land use standards adopted pursuant to this chapter must  
5 establish a minimum setback of 100 feet for all structures within  
6 a commercial sporting camp complex that are constructed solely  
7 for the housing of guests, including structures within a main  
8 sporting camp complex and an outpost camp. The standards must  
9 establish a minimum setback of 150 feet for all other structures  
10 within a sporting camp complex, including, but not limited to, a  
11 main lodge, a dining area, a workshop and a parking area.

12 In adopting district boundaries and land use standards, the  
13 commission shall give consideration to public and private  
14 planning reports and other data available to it, and shall give  
15 weight to existing uses of land and to any reasonable plan of its  
16 owner as to its future use.

17 A permit from the commission is not required for the repair or  
18 maintenance of county-owned roads, bridges or culverts as long as  
19 the repair or maintenance is conducted in accordance with  
20 commission standards that pertain to these activities.

21  
22  
23 **Sec. 9. 36 MRS §656, sub-§1, ¶J** is enacted to read:

24  
25 J. An animal waste storage facility. For the purposes of  
26 this section, "animal waste storage facility" means a  
27 structure or pit constructed and used solely for storing  
28 manure, animal bedding waste or other wastes generated by  
29 animal production. For a facility to be eligible for this  
30 exemption, the Commissioner of Agriculture, Food and Rural  
31 Resources must certify that a nutrient management plan has  
32 been prepared in accordance with Title 7, section 4204 for  
33 the farm utilizing that animal waste storage facility.

34  
35 **Sec. 10. 36 MRS §1760, sub-§81** is enacted to read:

36  
37 81. Animal waste storage facility. Any materials for the  
38 construction, repair or maintenance of an animal waste storage  
39 facility. For the purposes of this section, "animal waste  
40 storage facility" means a structure or pit constructed and used  
41 solely for storing manure, animal bedding waste or other wastes  
42 generated by animal production. For a facility to be eligible  
43 for this exemption, the Commissioner of Agriculture, Food and  
44 Rural Resources must certify that a nutrient management plan has  
45 been prepared in accordance with Title 7, section 4204 for the  
46 farm utilizing that animal waste storage facility.

2           **Sec. 11. Memorandum of understanding.** No later than 30 days  
 4 after the effective date of this Act, the Department of  
 6 Agriculture, Food and Rural Resources and the Department of  
 8 Environmental Protection shall enter into a memorandum of  
 10 understanding, setting forth a process to ensure a coordinated  
 review of animal feeding operations pursuant to applicable  
 environmental and land use laws, including administration of the  
 National Pollutant Discharge Elimination System permit program as  
 it applies to animal feeding operations.

12           **Sec. 12. Appropriation.** The following funds are appropriated  
 14 from the General Fund to carry out the purposes of this Act.

	<b>1999-00</b>	<b>2000-01</b>
<b>16 AGRICULTURE, FOOD AND RURAL</b>		
<b>18 RESOURCES, DEPARTMENT OF</b>		
<b>20 Office of Agricultural, Natural</b>		
<b>22 and Rural Resources</b>		
24           Positions - Legislative Count	(2,000)	(2,000)
26           Personal Services	\$83,600	\$87,793
28           All Other	163,000	163,000
30           Appropriates funds for one		
32           Nutrient Management		
34           Specialist position, one		
Agricultural Compliance		
Officer position and		
operating costs necessary to		
administer certain nutrient		
management laws.		
<b>36 DEPARTMENT OF AGRICULTURE, FOOD</b>		
<b>38 AND RURAL RESOURCES</b>		
<b>TOTAL</b>	<b>\$246,600</b>	<b>\$250,793</b>
<b>40 ADMINISTRATIVE AND FINANCIAL</b>		
<b>42 SERVICES, DEPARTMENT OF</b>		
<b>44 Waste Facility Tax</b>		
<b>46 Reimbursement</b>		
48           All Other		\$5,650

2 Provides funds to reimburse  
 4 municipalities for 50% of the  
 6 property tax revenue lost as  
 8 a result of the new property  
 tax exemption for qualified  
 animal waste storage  
 facilities.

10	<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
12	<b>TOTAL</b>		<u>\$5,650</u>
14	<b>TOTAL APPROPRIATIONS</b>	<u>\$246,600</u>	<u>\$256,443</u>

16 **Emergency clause.** In view of the emergency cited in the  
 18 preamble, this Act takes effect when approved.

20 **FISCAL NOTE**

	<b>1999-00</b>	<b>2000-01</b>
--	----------------	----------------

22	<b>APPROPRIATIONS/ALLOCATIONS</b>		
24	General Fund	\$246,600	\$256,443
26	<b>REVENUES</b>		
28	General Fund	(\$20,095)	(\$20,899)
30	Other Funds	(1,080)	(1,123)

32 This bill includes additional General Fund appropriations of  
 34 \$246,600 and \$250,793 in fiscal years 1999-00 and 2000-01,  
 36 respectively, for the Department of Agriculture, Food and Rural  
 Resources for one additional Nutrient Management Specialist  
 38 position, one additional Agricultural Compliance Officer position  
 and operating costs necessary to administer certain nutrient  
 management laws.

40 The Department of Environmental Protection will incur some  
 42 minor additional costs to enter into a certain memorandum of  
 44 understanding with the Department of Agriculture, Food and Rural  
 Resources. These costs can be absorbed within the department's  
 existing budgeted resources.

46 This bill creates a property tax exemption for qualifying  
 48 animal waste storage facilities. Pursuant to the Constitution of  
 50 Maine, the State is required to reimburse municipalities for 50%  
 of the lost property tax revenue due to new or expanded  
 exemptions. Additional General Fund appropriations of \$5,650  
 will be required in fiscal year 2000-01 for these

2 reimbursements. These reimbursements will increase to \$11,300 in  
fiscal year 2001-02 and \$16,950 in fiscal year 2002-03.

4 In addition to the reimbursement for the revenue lost, the  
6 additional administrative costs that will be incurred by  
municipalities to implement these changes to the property tax  
8 assessments for certain farms require reimbursement as a state  
mandate pursuant to the Constitution of Maine. Unless General  
10 Fund appropriations are provided to fund at least 90% of the  
additional administrative costs or a Mandate Preamble is amended  
12 to the bill and two thirds of the members of each House vote to  
exempt this mandate from the funding requirement for the  
14 administrative costs, municipalities may not be required to  
implement these changes. The amount of the additional local  
administrative costs are expected to be minor.

16 The new sales tax exemption for qualifying animal waste  
18 storage facilities will decrease sales and use tax collections by  
\$21,175 in fiscal year 1999-00 and \$22,022 in fiscal year  
20 2000-01. The reduction of these tax collections will decrease  
the amounts transferred to the Local Government Fund for  
22 state-municipal revenue sharing in those years by \$1,080 and  
\$1,123, respectively. The resulting net reductions of General  
24 Fund revenue will be \$20,095 in fiscal year 1999-00 and \$20,899  
in fiscal year 2000-01.

26 The Bureau of Revenue Services will incur some minor  
28 additional costs to implement these tax changes. These costs can  
be absorbed within the bureau's existing budgeted resources.

## 32 SUMMARY

34 This bill is a unanimous committee report of the Joint  
Standing Committee on Agriculture, Conservation and Forestry as  
36 authorized by Public Law 1997, chapter 642, section 8, subsection  
3. This bill extends the moratorium on swine feeding operations  
38 until October 1, 2001. It requires the Department of  
Environmental Protection and the Department of Agriculture, Food  
40 and Rural Resources to enter into a memorandum of agreement on a  
process for issuing permits under the National Pollutant  
42 Discharge Elimination System.

44 In addition, it does the following:

46 1. Clarifies when utilization of a regulated residual  
requires a nutrient management plan;

48 2. Provides a process for the Commissioner of Agriculture,  
50 Food and Rural Resources to revoke a person's certification to  
prepare nutrient management plans;

- 2           3. Provides a process for the Commissioner of Agriculture,  
Food and Rural Resources to revoke a livestock operations permit;  
4
- 6           4. Clarifies that minimum setbacks for manure storage,  
stacking and spreading must be site-specific;
- 8           5. Requires that a nutrient management plan provide for  
storage of manure for a minimum of 180 days;  
10
- 12          6. Establishes compliance dates for nutrient management  
plans and authorizes the Commissioner of Agriculture, Food and  
Rural Resources to grant variances;  
14
- 16          7. Authorizes the issuance of provisional livestock  
operations permits;
- 18          8. Specifies that a person is not subject to the penalty  
for failure to implement a nutrient management plan prior to the  
development of a nutrient management plan. Only the penalty for  
failure to develop a plan would apply;  
20
- 22          9. Requires the Commissioner of Agriculture, Food and Rural  
Resources to submit an annual report on implementation of  
nutrient management laws;  
24
- 26          10. Grants an exemption from property tax for animal waste  
storage facilities;  
28
- 30          11. Grants an exemption from sales tax for materials to  
construct, repair or maintain an animal waste storage facility;  
and  
32
- 34          12. Requires the Department of Environmental Protection and  
the Department of Agriculture, Food and Rural Resources to enter  
into a memorandum of agreement on a process to review and issue  
permits issued under the National Pollutant Discharge Elimination  
System.  
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