

~~(B)~~ (F) (1) BY JULY 1, 2002 DECEMBER 31, 2002, A PERSON WHO, IN OPERATING A FARM, USES CHEMICAL FERTILIZER, SHALL COMPLY WITH A NUTRIENT MANAGEMENT PLAN FOR NITROGEN AND PHOSPHORUS THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(2) (I) BY JULY 1, 2002 DECEMBER 31, 2002, A PERSON WHO, IN OPERATING A FARM, USES SLUDGE OR ANIMAL MANURE, SHALL COMPLY WITH A NUTRIENT MANAGEMENT PLAN FOR NITROGEN THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(II) BY JULY 1, 2004 JULY 1, 2005, A PERSON WHO, IN OPERATING A FARM, USES SLUDGE OR ANIMAL MANURE, SHALL COMPLY WITH A NUTRIENT MANAGEMENT PLAN FOR NITROGEN AND PHOSPHORUS THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.

~~(C)~~ (G) A PERSON MAY MEET THE REQUIREMENTS OF SUBSECTION (A) (E) OF THIS SECTION BY REQUESTING, AT LEAST 90 60 DAYS BEFORE THE APPLICABLE DATE SET FORTH IN SUBSECTION (A) (E) OF THIS SECTION, THE DEVELOPMENT OF A NUTRIENT MANAGEMENT PLAN BY A CERTIFIED NUTRIENT MANAGEMENT CONSULTANT.

(H) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (E) AND (F) OF THIS SECTION, IF A PERSON RECEIVES STATE FUNDS FOR THE DEVELOPMENT OF A NUTRIENT MANAGEMENT PLAN FOR CHEMICAL FERTILIZER OR A NUTRIENT MANAGEMENT PLAN FOR SLUDGE AND ANIMAL MANURE BASED ON NITROGEN, THE PERSON SHALL IMPLEMENT THE PLAN UPON COMPLETION OF THE DEVELOPMENT OF THE PLAN.

(I) (1) IF A PERSON VIOLATES THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE PERSON THAT THE PERSON IS IN VIOLATION OF THE REQUIREMENT TO HAVE A NUTRIENT MANAGEMENT PLAN.

(2) AFTER A REASONABLE PERIOD OF TIME, IF THE PERSON FAILS TO HAVE A NUTRIENT MANAGEMENT PLAN, THE PERSON IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT TO EXCEED \$250.

~~(D)~~ (J) (1) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (F) OF THIS SECTION OR OF ANY RULE, REGULATION, OR ORDER ADOPTED OR ISSUED UNDER THIS SECTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE VIOLATION, A WARNING; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE VIOLATION, AFTER AN OPPORTUNITY FOR A HEARING WHICH MAY BE WAIVED IN WRITING BY THE PERSON ACCUSED OF A VIOLATION, AN ADMINISTRATIVE PENALTY THAT MAY BE IMPOSED BY THE DEPARTMENT OF THE ENVIRONMENT IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE.

(2) THE PENALTY IMPOSED ON A PERSON UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE: