

Article Environment§ 313.

(a) The Department may adopt rules and regulations to carry out the provisions of this subtitle.

(b) In adopting any rule or regulation under this subtitle, the Department shall consider:

(1) Existing physical conditions;

(2) The character of the area involved, including surrounding land uses;

(3) Priority ranking of waters as to effluent limits;

(4) Zoning;

(5) The nature of the existing receiving body of water;

(6) The technical feasibility of measuring or reducing the particular type of water pollution;

(7) The economic reasonableness of measuring or reducing the particular type of water pollution; and

(8) The purposes of this subtitle.

(c) Except as this subtitle otherwise provides for a particular type of rule or regulation, a rule or regulation adopted under this subtitle may:

(1) Impose, as circumstances require, different requirements for different pollutant sources and for different geographical areas;

(2) Apply to sources located outside this State that cause, contribute to, or threaten environmental damage in this State; and

(3) Make special provisions for alert and abatement standards and procedures for occurrences or emergencies of pollution or on other short term conditions that are an acute danger to health or to the environment.

§ 325.1.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL ADOPT REGULATIONS TO LIMIT THE SIZE OF SWINE FARM OPERATIONS TO MINIMIZE POTENTIAL WATER QUALITY IMPACT TO THE WATERS OF THE STATE.

(B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL INCLUDE A PROVISION TO GRANDFATHER SWINE FARM OPERATIONS IN EXISTENCE AT THE TIME THE REGULATIONS TAKE EFFECT.

(C) THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE SHALL CONSULT WITH LOCAL GOVERNMENTS AND REPRESENTATIVES OF THE AGRICULTURAL COMMUNITY BEFORE DEVELOPING THE REGULATIONS.