

# SENATE BILL 1029

M4, M3

(3lr3135)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by ~~Senator Middleton~~ Senators Middleton, Dyson, and Jennings  
Jennings, and Glassman

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Agricultural Certainty Program**

3 FOR the purpose of establishing the Maryland Agricultural Certainty Program;  
4 stating the intent of the General Assembly; establishing the purpose of the  
5 Program; requiring the Department of Agriculture to develop the Program in  
6 coordination with the Department of the Environment; requiring that the  
7 Program be self-sustaining and revenue neutral; requiring the Department of  
8 Agriculture to administer the Program; authorizing the Department of  
9 Agriculture to establish by regulation reasonable fees to cover operation of the  
10 Program; requiring a person applying for certification to submit a certain  
11 application to the Department of Agriculture; establishing certain requirements  
12 for certification and recertification; authorizing the Department of Agriculture  
13 to certify an agricultural operation after certain requirements are met;  
14 requiring the Department of Agriculture to, on request, make certain records

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 and information available to the Department of the Environment; requiring  
2 that a certified agricultural operation be in compliance with certain laws,  
3 regulations, rules, and permit conditions at the end of the certification period;  
4 exempting an agricultural operation certified under the Program from certain  
5 nitrogen, phosphorus, and sediment reduction requirements; prohibiting a local  
6 government entity from ~~adopting or~~ enforcing certain laws, regulations, rules,  
7 ordinances, or standards for a certified agricultural operation for a certain  
8 period of time; stating that, if the Program is terminated, an agricultural  
9 operation certified at the time of termination shall remain certified for the  
10 duration of the certification period; requiring a person that manages a certified  
11 agricultural operation to submit annually certain documentation to the  
12 Department of Agriculture; requiring a person that manages a certified  
13 agricultural operation to report certain changes to the Department of  
14 Agriculture within a certain amount of time; requiring the Department of  
15 Agriculture to make certain information available to the Department of the  
16 Environment; requiring ~~the Department of Agriculture~~ a certified verifier  
17 to conduct an on-site inspection of each certified agricultural operation with a  
18 certain frequency; requiring the Department of the Environment to, if  
19 applicable, assure compliance with certain requirements administered by the  
20 Department of the Environment with a certain frequency; requiring a certified  
21 verifier conducting an on-site inspection to provide the certified agricultural  
22 operation with certain information during the on-site inspection; requiring a  
23 certified verifier who conducts an on-site inspection to submit a certain report  
24 and information to the Department of Agriculture, the Department of the  
25 Environment if applicable, and the certified agricultural operation; requiring  
26 the Department of Agriculture, in coordination with the Department of the  
27 Environment, to establish a program to certify a person to verify whether an  
28 agricultural operation meets certain requirements; requiring the Department of  
29 Agriculture to maintain and publish on the Department of Agriculture's Web  
30 site a list of all certified verifiers; requiring the certification program to provide  
31 verifiers with certain training and education; prohibiting a certified verifier  
32 from verifying an agricultural operation in which the certified verifier holds an  
33 interest or that the certified verifier initially determined met certain  
34 requirements; authorizing the Department of Agriculture to charge a  
35 reasonable fee to administer the verifier certification program; authorizing the  
36 Department of Agriculture to require continuing education or training for  
37 verifiers; authorizing the Department of Agriculture to designate an entity to  
38 train, certify, and recertify verifiers; authorizing the Department of Agriculture  
39 to recognize the training program of an entity employing verifiers if the  
40 program meets certain requirements; requiring the Department of Agriculture  
41 to maintain certain information and make the information available for public  
42 review in a manner that protects the identity of a certain person; requiring a  
43 certified verifier to maintain certain information in a manner that protects the  
44 identity of a certain person; requiring the Department of the Environment and  
45 a certified verifier to maintain certain records and information in a manner that  
46 protects the identity of a certain person; prohibiting the ~~Department of~~  
47 ~~Agriculture from disclosing~~ disclosure of certain records and information before

1 an agricultural operation is certified; requiring the Department of Agriculture  
 2 to submit a certain annual report to the Governor and relevant committees of  
 3 the General Assembly; authorizing the Department of Agriculture to suspend or  
 4 permanently revoke a certification under certain circumstances; requiring the  
 5 Department of Agriculture, with approval from the Department of the  
 6 Environment, to adopt certain regulations; requiring the Department of  
 7 Agriculture, ~~with approval from the Department of the Environment,~~ to  
 8 establish a certain committee *to monitor and provide oversight on certain*  
 9 *policies and standards*, to assist with the development of the regulations, and to  
 10 make certain recommendations related to the Program; requiring the committee  
 11 to meet with a certain frequency; defining certain terms; and generally relating  
 12 to the Maryland Agricultural Certainty Program.

13 BY adding to  
 14 Article – Agriculture  
 15 Section 8–1001 through 8–1013 to be under the new subtitle “Subtitle 10.  
 16 Maryland Agricultural Certainty Program”  
 17 Annotated Code of Maryland  
 18 (2007 Replacement Volume and 2012 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Agriculture**

22 **SUBTITLE 10. MARYLAND AGRICULTURAL CERTAINTY PROGRAM.**

23 **8–1001.**

24 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
 25 **INDICATED.**

26 **(B) (1) “AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR**  
 27 **SEDIMENT” MEANS SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT THAT**  
 28 **ORIGINATE FROM AN AGRICULTURAL OPERATION’S ~~CROPS~~ CROPS LAND OR ANIMALS.**

29 **(2) “AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR**  
 30 **SEDIMENT” DOES NOT INCLUDE SOURCES OF NITROGEN, PHOSPHORUS, OR**  
 31 **SEDIMENT THAT ORIGINATE FROM A RESIDENTIAL, MUNICIPAL, INDUSTRIAL,**  
 32 **OR COMMERCIAL ACTIVITY.**

33 **(C) “PROGRAM” MEANS THE MARYLAND AGRICULTURAL CERTAINTY**  
 34 **PROGRAM.**

35 **8–1002.**

1           IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CREATE A VOLUNTARY  
2 PROGRAM TO RECOGNIZE THE ENVIRONMENTAL STEWARDSHIP AND  
3 CONTRIBUTION OF MARYLAND FARMERS WHO IMPLEMENT AND MAINTAIN BEST  
4 MANAGEMENT PRACTICES CONSISTENT WITH THE STATE'S GOALS TO REDUCE  
5 THE AMOUNT OF NUTRIENTS AND SEDIMENT ENTERING THE CHESAPEAKE BAY,  
6 ITS TRIBUTARIES, AND OTHER WATERS OF THE STATE.

7   **8-1003.**

8           (A) THERE IS A VOLUNTARY MARYLAND AGRICULTURAL CERTAINTY  
9 PROGRAM.

10           (B) THE PURPOSE OF THE PROGRAM IS TO ~~CERTIFY AN AGRICULTURAL~~  
11 ~~OPERATION THAT MEETS~~ ACCELERATE THE IMPLEMENTATION OF  
12 AGRICULTURAL BEST MANAGEMENT PRACTICES TO MEET STATE  
13 AGRICULTURAL NITROGEN, PHOSPHORUS, AND SEDIMENT REDUCTION GOALS.

14           (C) (1) THE DEPARTMENT SHALL DEVELOP THE PROGRAM IN  
15 COORDINATION WITH THE DEPARTMENT OF THE ENVIRONMENT.

16                   (2) THE PROGRAM SHALL BE SELF-SUSTAINING AND REVENUE  
17 NEUTRAL.

18           (D) THE DEPARTMENT:

19                   (1) SHALL ADMINISTER THE PROGRAM; AND

20                   (2) MAY ESTABLISH BY REGULATION REASONABLE FEES  
21 SUFFICIENT TO COVER ANY COSTS INCURRED IN OPERATING THE PROGRAM.

22   **8-1004.**

23           (A) (1) A PERSON THAT MANAGES AN AGRICULTURAL OPERATION  
24 MAY APPLY FOR CERTIFICATION UNDER THE PROGRAM.

25                   (2) TO APPLY FOR CERTIFICATION, A PERSON SHALL SUBMIT AN  
26 APPLICATION TO THE DEPARTMENT ON THE FORM THE DEPARTMENT  
27 REQUIRES.

28           (B) AN AGRICULTURAL OPERATION MAY BE CERTIFIED AS MEETING  
29 THE REQUIREMENTS OF THE PROGRAM IF THE AGRICULTURAL OPERATION IS  
30 DETERMINED BY THE DEPARTMENT TO MEET:

1           (1) A FULLY IMPLEMENTED SOIL CONSERVATION AND WATER  
2 QUALITY PLAN THAT ADDRESSES ALL SOIL CONSERVATION AND WATER QUALITY  
3 ISSUES ON THE AGRICULTURAL OPERATION;

4           (2) A FULLY IMPLEMENTED NUTRIENT MANAGEMENT PLAN FOR  
5 THE AGRICULTURAL OPERATION IN ACCORDANCE WITH REGULATIONS  
6 ADOPTED BY THE DEPARTMENT UNDER SUBTITLE 8 OF THIS TITLE;

7           (3) ~~THE MINIMUM~~ AGRICULTURAL NITROGEN, PHOSPHORUS, AND  
8 SEDIMENT ~~ALLOCATION LOADS~~ LOAD REDUCTIONS NECESSARY FOR THE  
9 AGRICULTURAL OPERATION TO MEET:

10           (I) THE FULL IMPLEMENTATION OF THE MOST RECENT  
11 CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD AS APPROVED BY THE U.S.  
12 ENVIRONMENTAL PROTECTION AGENCY;

13           (II) THE APPLICABLE WATERSHED IMPLEMENTATION PLAN;

14           (III) ~~THE~~ ALL APPLICABLE LOCAL TOTAL MAXIMUM DAILY  
15 LOAD REQUIREMENTS; AND

16           (IV) ANY OTHER WATER QUALITY REQUIREMENTS FOR  
17 AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT; AND

18           (4) STATE AND FEDERAL LAWS, REGULATIONS, AND PERMIT  
19 CONDITIONS RELATING TO AGRICULTURAL SOURCES OF NITROGEN,  
20 PHOSPHORUS, OR SEDIMENT REDUCTION APPLICABLE TO THE AGRICULTURAL  
21 OPERATION.

22           (C) (1) THE DEPARTMENT MAY CERTIFY AN AGRICULTURAL  
23 OPERATION AFTER:

24           (I) NOTIFICATION TO THE DEPARTMENT OF THE  
25 ENVIRONMENT;

26           (II) ~~CONDUCTING AN~~ AN ON-SITE INSPECTION IS  
27 CONDUCTED BY A CERTIFIED VERIFIER, WITH THE ASSISTANCE OF THE  
28 DEPARTMENT OF THE ENVIRONMENT, AS APPROPRIATE;

29           (III) APPROVAL FROM THE DEPARTMENT OF THE  
30 ENVIRONMENT IF THE AGRICULTURAL OPERATION IS PERMITTED OR HAS AN  
31 APPLICATION SUBMITTED TO BE PERMITTED UNDER THE ENVIRONMENT  
32 ARTICLE; AND

1                   **(IV) A CERTAINTY AGREEMENT HAS BEEN ENTERED INTO**  
2 **BETWEEN THE DEPARTMENT AND THE PERSON MANAGING THE AGRICULTURAL**  
3 **OPERATION THAT OUTLINES THE TERMS AND CONDITIONS OF CERTAINTY**  
4 **APPLICABLE TO THE AGRICULTURAL OPERATION, INCLUDING:**

5                   **1. MAINTENANCE OF BEST MANAGEMENT**  
6 **PRACTICES REQUIRED FOR CERTIFICATION;**

7                   **2. REQUIREMENTS FOR VERIFICATION TO ASSURE**  
8 **CERTAINTY REQUIREMENTS ARE MAINTAINED;**

9                   **3. RECORDS THAT THE DEPARTMENT REQUIRES**  
10 **THE AGRICULTURAL OPERATION TO MAINTAIN; AND**

11                   **4. ANY OTHER ITEM THE DEPARTMENT**  
12 **DETERMINES TO BE NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM.**

13                   **(2) ON REQUEST, THE DEPARTMENT SHALL MAKE AVAILABLE TO**  
14 **THE DEPARTMENT OF THE ENVIRONMENT RECORDS AND INFORMATION**  
15 **ACQUIRED BY THE DEPARTMENT UNDER SUBSECTIONS (A), (B), OR (C) OF THIS**  
16 **SECTION RELATED TO COMPLIANCE WITH LAWS, REGULATIONS, PERMITS, OR**  
17 **OTHER REQUIREMENTS ENFORCED BY THE DEPARTMENT OF THE**  
18 **ENVIRONMENT.**

19                   **(D) A CERTIFICATION ISSUED UNDER THIS SECTION IS VALID FOR 10**  
20 **YEARS IF:**

21                   **(1) THE AGRICULTURAL OPERATION REMAINS IN COMPLIANCE**  
22 **WITH THE REQUIREMENTS UNDER THIS SUBTITLE; AND**

23                   **(2) EXCEPT AS AUTHORIZED BY REGULATION, THERE ARE NO**  
24 **MATERIAL CHANGES TO THE OPERATION, INCLUDING CHANGE OF OWNERSHIP**  
25 **OF THE OPERATION.**

26                   **(E) AT THE END OF THE 10-YEAR CERTIFICATION PERIOD, AN**  
27 **AGRICULTURAL OPERATION CERTIFIED UNDER THIS SECTION SHALL ENSURE**  
28 **THAT THE AGRICULTURAL OPERATION IS IN COMPLIANCE WITH ALL**  
29 **APPLICABLE LAWS, REGULATIONS, RULES, AND PERMIT CONDITIONS THAT**  
30 **WENT INTO EFFECT AFTER THE DATE OF CERTIFICATION.**

31 **8-1005.**

1 AN AGRICULTURAL OPERATION CERTIFIED UNDER § 8-1004 OF THIS  
2 SUBTITLE MAY BE RECERTIFIED FOR 10 YEARS IF THE AGRICULTURAL  
3 OPERATION:

4 (1) MEETS THE REQUIREMENTS UNDER THIS SUBTITLE;

5 (2) MEETS THE LAWS, REGULATIONS, RULES, AND PERMIT  
6 CONDITIONS APPLICABLE TO THE AGRICULTURAL OPERATION AT THE TIME OF  
7 RECERTIFICATION; AND

8 (3) RECEIVES APPROVAL FROM THE DEPARTMENT OF THE  
9 ENVIRONMENT IF THE AGRICULTURAL OPERATION IS PERMITTED OR HAS AN  
10 APPLICATION SUBMITTED TO BE PERMITTED UNDER THE ENVIRONMENT  
11 ARTICLE.

12 8-1006.

13 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN  
14 AGRICULTURAL OPERATION THAT IS IN COMPLIANCE AND CERTIFIED UNDER  
15 THIS SUBTITLE IS NOT SUBJECT TO:

16 (1) STATE OR LOCAL LAWS OR REGULATIONS ENACTED OR  
17 ADOPTED AFTER THE DATE OF CERTIFICATION THAT REQUIRE THE REDUCTION  
18 OF AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT TO  
19 MEET:

20 (I) CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOADS,  
21 INCLUDING THE REQUIREMENTS IN A WATERSHED IMPLEMENTATION PLAN;

22 (II) LOCAL TOTAL MAXIMUM DAILY LOADS; OR

23 (III) OTHER WATER QUALITY REQUIREMENTS FOR  
24 MANAGING AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR  
25 SEDIMENT; OR

26 (2) ~~REQUIREMENTS~~ STATE OR LOCAL LAWS AND REGULATIONS  
27 ENACTED OR ADOPTED AFTER THE DATE OF CERTIFICATION RELATED TO  
28 MEETING A REALLOCATION OF NITROGEN, PHOSPHORUS, OR SEDIMENT ~~LOADS~~  
29 LOAD REDUCTIONS NECESSARY TO MEET:

30 (I) CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOADS,  
31 INCLUDING THE REQUIREMENTS IN A WATERSHED IMPLEMENTATION PLAN;

32 (II) LOCAL TOTAL MAXIMUM DAILY LOADS; OR

1 (III) OTHER WATER QUALITY REQUIREMENTS FOR  
2 MANAGING NITROGEN, PHOSPHORUS, OR SEDIMENT.

3 (B) SUBSECTION (A) OF THIS SECTION MAY NOT PREVENT THE  
4 APPLICATION OR ENFORCEMENT OF ANY OTHER LAWS, REGULATIONS, OR  
5 PERMITS, INCLUDING:

6 (1) ORDERS SEEKING A CORRECTIVE ACTION FOR A VIOLATION  
7 OF TITLE 4, SUBTITLE 4 OF THE ENVIRONMENT ARTICLE;

8 (2) TITLES 5 AND 16 OF THE ENVIRONMENT ARTICLE;

9 (3) TITLE 9, SUBTITLES 2 AND 3 OF THE ENVIRONMENT  
10 ARTICLE;

11 (4) TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES  
12 ARTICLE;

13 (5) THE ADOPTION OF A GROWTH TIER MAP BY A LOCAL  
14 JURISDICTION UNDER TITLE 1, SUBTITLE 5 OF THE LAND USE ARTICLE;

15 (6) ANY STATE OR LOCAL LAW OR REGULATION THAT REGULATES  
16 THE DEVELOPMENT OF LAND;

17 (7) THE FEDERAL CLEAN WATER ACT;

18 (8) ANY REGULATION GOVERNING THE MANAGEMENT OF  
19 AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT  
20 INITIATED BY THE DEPARTMENT BEFORE THE ENACTMENT OF THIS SUBTITLE;  
21 OR

22 (9) ANY APPLICABLE LAWS OR REGULATIONS THAT HAVE BEEN  
23 ENACTED, BUT ARE SUBJECT TO A DELAYED IMPLEMENTATION PERIOD.

24 (C) A LOCAL GOVERNMENT ENTITY MAY NOT ENFORCE STATE OR  
25 LOCAL LAWS, REGULATIONS, RULES, ORDINANCES, OR STANDARDS ADOPTED  
26 AFTER THE DATE OF CERTIFICATION RELATING TO AGRICULTURAL SOURCES OF  
27 NITROGEN, PHOSPHORUS, OR SEDIMENT FOR AN AGRICULTURAL OPERATION  
28 CERTIFIED UNDER THIS SUBTITLE UNTIL THE END OF THE CERTIFICATION  
29 PERIOD.



1           **(D) IF THE PROGRAM ESTABLISHED UNDER THIS SUBTITLE IS**  
2 **TERMINATED, AN AGRICULTURAL OPERATION CERTIFIED UNDER THE**  
3 **PROGRAM SHALL:**

4                   **(1) REMAIN CERTIFIED FOR THE REMAINDER OF THE**  
5 **CERTIFICATION PERIOD FOR THE AGRICULTURAL OPERATION; AND**

6                   **(2) BE SUBJECT TO STATE AND LOCAL LAWS OR REGULATIONS**  
7 **APPLICABLE AT THE TIME OF CERTIFICATION, INCLUDING THIS SUBTITLE AND**  
8 **THE TERMS AND CONDITIONS OF THE CERTAINTY AGREEMENT ENTERED INTO**  
9 **UNDER THIS SUBTITLE.**

10 **8-1007.**

11           **(A) A PERSON THAT MANAGES AN AGRICULTURAL OPERATION**  
12 **CERTIFIED UNDER THIS SUBTITLE SHALL:**

13                   **(1) SUBMIT ANNUALLY TO THE DEPARTMENT:**

14                           **(I) NUTRIENT MANAGEMENT PLAN RECORDS, INCLUDING:**

15                                   **1. INFORMATION IDENTIFYING THE PERSON WHO**  
16 **MANAGES THE AGRICULTURAL OPERATION;**

17                                   **2. SOIL ANALYSIS DATA FOR THE LAND RECEIVING**  
18 **NUTRIENTS;**

19                                   **3. FERTILITY RECOMMENDATIONS FOR CROPS**  
20 **PRODUCED; ~~AND~~**

21                                   **4. A SUMMARY OF NUTRIENTS APPLIED BY SOURCE**  
22 **AND CROP TYPE; AND**

23                                   ~~4.~~ **5. MAPS IDENTIFYING THE LOCATION AND**  
24 **BOUNDARIES OF THE AGRICULTURAL OPERATION;**

25                           **(II) SOIL CONSERVATION AND WATER QUALITY PLAN**  
26 **RECORDS;**

27                           **(III) A CERTIFICATION SIGNED BY THE PERSON MANAGING**  
28 **THE AGRICULTURAL OPERATION THAT STATES THAT THE REQUIREMENTS OF**  
29 **THE PROGRAM WILL BE MAINTAINED FOR THE UPCOMING YEAR; AND**

1 (IV) ANY ADDITIONAL DOCUMENTATION THE DEPARTMENT  
2 DETERMINES TO BE NECESSARY TO DETERMINE COMPLIANCE WITH THE  
3 REQUIREMENTS OF THIS SUBTITLE; AND

4 (2) REPORT TO THE DEPARTMENT WITHIN 60 DAYS ANY CHANGE  
5 IN THE AGRICULTURAL OPERATION THAT AFFECTS CERTIFICATION UNDER THIS  
6 SUBTITLE.

7 (B) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE DEPARTMENT  
8 OF THE ENVIRONMENT RECORDS AND INFORMATION PROVIDED UNDER  
9 SUBSECTION (A) OF THIS SECTION RELATED TO COMPLIANCE WITH LAWS,  
10 REGULATIONS, PERMITS, OR OTHER REQUIREMENTS ENFORCED BY THE  
11 DEPARTMENT OF THE ENVIRONMENT.

12 8-1008.

13 (A) (1) AT LEAST ONCE EVERY 3 YEARS WITHIN THE 10-YEAR  
14 CERTIFICATION PERIOD:

15 ~~(1)~~ (I) THE DEPARTMENT SHALL REQUIRE AN ON-SITE  
16 INSPECTION, AS DEFINED BY REGULATIONS ADOPTED UNDER THIS SUBTITLE,  
17 OF EACH AGRICULTURAL OPERATION CERTIFIED UNDER THIS SUBTITLE TO  
18 ASSURE THE AGRICULTURAL OPERATION CONTINUES TO MEET THE  
19 REQUIREMENTS OF THIS SUBTITLE; AND

20 ~~(2)~~ (II) THE DEPARTMENT OF THE ENVIRONMENT SHALL, IF  
21 APPLICABLE, ASSURE COMPLIANCE WITH LAWS, REGULATIONS, PERMITS, OR  
22 OTHER REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF THE  
23 ENVIRONMENT.

24 (2) THE INSPECTIONS REQUIRED UNDER PARAGRAPH (1) OF THIS  
25 SUBSECTION SHALL BE CONDUCTED BY A CERTIFIED VERIFIER DETERMINED BY  
26 THE DEPARTMENT.

27 (B) THE CERTIFIED VERIFIER CONDUCTING THE ON-SITE INSPECTION  
28 SHALL PROVIDE ~~A~~:

29 (1) A REPORT TO THE DEPARTMENT DETAILING THE  
30 AGRICULTURAL OPERATION'S COMPLIANCE WITH PROGRAM REQUIREMENTS,  
31 INCLUDING:

32 (I) EFFORTS TO MANAGE SOIL CONSERVATION AND WATER  
33 QUALITY; AND

1                   **(II) NUTRIENT APPLICATION, INCLUDING LOCATION, RATE,**  
2 **SOURCE, AND TIMING, BY CROP; AND**

3                   **(2) NOTICE TO THE CERTIFIED AGRICULTURAL OPERATION AT**  
4 **THE TIME OF THE ON-SITE INSPECTION OF ALL NEW STATE AND LOCAL LAWS**  
5 **AND REGULATIONS ENACTED OR ADOPTED SINCE THE DATE OF CERTIFICATION.**

6           **(C) FOLLOWING THE THIRD ON-SITE INSPECTION IN THE 10 YEAR**  
7 **CERTIFICATION PERIOD, THE CERTIFIED VERIFIER WHO CONDUCTED THE MOST**  
8 **RECENT ON-SITE INSPECTION SHALL PROVIDE INFORMATION TO THE**  
9 **DEPARTMENT, THE DEPARTMENT OF THE ENVIRONMENT AS APPLICABLE, AND**  
10 **THE CERTIFIED AGRICULTURAL OPERATION ON BEST MANAGEMENT PRACTICES**  
11 **APPLICABLE TO THE OPERATION AND NECESSARY FOR THE AGRICULTURAL**  
12 **OPERATION TO COMPLY WITH NEW LAWS, REGULATIONS, OR RULES ~~THAT WENT~~**  
13 **~~INTO EFFECT~~ ADOPTED OR ENACTED AFTER THE DATE OF CERTIFICATION AND**  
14 **NECESSARY FOR RECERTIFICATION.**

15 **8-1009.**

16           **(A) THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF**  
17 **THE ENVIRONMENT, SHALL:**

18                   **(1) ESTABLISH A PROGRAM TO CERTIFY A PERSON TO VERIFY**  
19 **WHETHER AN AGRICULTURAL OPERATION MEETS AND IS IN COMPLIANCE WITH**  
20 **THE REQUIREMENTS OF THIS SUBTITLE;**

21                   **(2) MAINTAIN A LIST OF ALL CERTIFIED VERIFIERS; AND**

22                   **(3) PUBLISH THE LIST OF ALL CERTIFIED VERIFIERS ON THE**  
23 **DEPARTMENT'S WEB SITE.**

24           **(B) (1) THE CERTIFICATION PROGRAM SHALL PROVIDE VERIFIERS**  
25 **WITH THE TRAINING AND EDUCATION NECESSARY TO DETERMINE WHETHER AN**  
26 **AGRICULTURAL OPERATION IS IN COMPLIANCE WITH THE PROGRAM.**

27                   **(2) A CERTIFIED VERIFIER MAY NOT VERIFY AN AGRICULTURAL**  
28 **OPERATION:**

29                   **(I) IN WHICH THE CERTIFIED VERIFIER HOLDS AN**  
30 **INTEREST, AS DEFINED BY REGULATION; OR**

31                   **(II) THAT THE CERTIFIED VERIFIER INITIALLY**  
32 **DETERMINED HAD MET THE REQUIREMENTS UNDER § 8-1004**~~(B)(1) AND (2)~~** OF**  
33 **THIS SUBTITLE.**

1           (C) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE  
2 DEPARTMENT MAY:

3                   (1) CHARGE REASONABLE FEES, INCLUDING AN ANNUAL  
4 CERTIFICATION FEE, TO COVER THE COSTS ASSOCIATED WITH THE  
5 CERTIFICATION PROGRAM;

6                   (2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR  
7 VERIFIERS;

8                   (3) DESIGNATE AN ENTITY TO TRAIN, CERTIFY, AND RECERTIFY  
9 VERIFIERS; AND

10                   (4) RECOGNIZE THE TRAINING PROGRAM OF AN ENTITY  
11 EMPLOYING VERIFIERS IF THE PROGRAM MEETS THE CERTIFICATION AND  
12 RECERTIFICATION TRAINING AND EDUCATION STANDARDS ESTABLISHED BY  
13 THE DEPARTMENT.

14   8-1010.

15           (A) EXCEPT AS PROVIDED IN § 8-1007(B) OF THIS SUBTITLE, ALL  
16 RECORDS AND INFORMATION CONCERNING ANY AGRICULTURAL OPERATION  
17 CERTIFIED BY THE DEPARTMENT UNDER ~~§ 8-1004~~ OF THIS SUBTITLE SHALL BE  
18 MAINTAINED BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC REVIEW  
19 IN A MANNER THAT ~~PROTECTS~~ PROVIDES THE GREATEST PUBLIC DISCLOSURE  
20 OF RECORDS AND INFORMATION WHILE PROTECTING THE IDENTITY OF THE  
21 PERSON FOR WHOM THE RECORDS OR INFORMATION RELATES.

22           (B) EXCEPT AS PROVIDED IN § 8-1008(B) OF THIS SUBTITLE, A  
23 CERTIFIED VERIFIER SHALL MAINTAIN ALL RECORDS AND INFORMATION  
24 CONCERNING A CERTIFIED AGRICULTURAL OPERATION IN A MANNER THAT  
25 PROTECTS THE IDENTITY OF THE PERSON FOR WHOM THE RECORDS OR  
26 INFORMATION RELATES.

27           (C) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE  
28 DEPARTMENT OF THE ENVIRONMENT SHALL MAINTAIN ALL RECORDS AND  
29 INFORMATION RECEIVED FROM THE DEPARTMENT UNDER §§ 8-1004(C)(2) AND  
30 8-1007(B) OF THIS SUBTITLE IN A MANNER THAT PROTECTS THE IDENTITY OF  
31 THE PERSON FOR WHOM THE RECORDS OR INFORMATION RELATES.

32                   (2) THIS SUBSECTION DOES NOT AFFECT THE MAINTENANCE AND  
33 DISCLOSURE OF RECORDS AND INFORMATION OBTAINED FROM ANY OTHER  
34 SOURCE BY THE DEPARTMENT OF THE ENVIRONMENT, EVEN IF THE RECORDS

1 AND INFORMATION ARE DUPLICATIVE OF INFORMATION PROVIDED TO THE  
2 DEPARTMENT OF THE ENVIRONMENT BY THE DEPARTMENT UNDER THIS  
3 SUBTITLE.

4 (D) ~~THE DEPARTMENT MAY NOT DISCLOSE ANY~~ EXCEPT AS PROVIDED  
5 IN § 8-1007(B) OF THIS SUBTITLE, RECORDS AND INFORMATION RELATING TO  
6 AN AGRICULTURAL OPERATION OPERATION THAT ARE GENERATED OR  
7 OBTAINED SOLELY FOR THE PURPOSE OF OBTAINING CERTIFICATION MAY NOT  
8 BE DISCLOSED BY ANY STATE AGENCY, DEPARTMENT, OR CERTIFIED VERIFIER  
9 BEFORE THE AGRICULTURAL OPERATION IS CERTIFIED UNDER THIS SUBTITLE.

10 (E) ~~THE~~ ON OR BEFORE DECEMBER 31, 2014, AND EACH DECEMBER 31  
11 THEREAFTER, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE  
12 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT  
13 ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS  
14 COMMITTEE AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE ON:

15 (1) PARTICIPATION IN THE PROGRAM; AND

16 (2) RECOMMENDATIONS OF THE ~~STAKEHOLDER~~ OVERSIGHT  
17 COMMITTEE ESTABLISHED IN § 8-1013 OF THIS SUBTITLE.

18 8-1011.

19 (A) IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT, ON  
20 NOTICE AND OPPORTUNITY TO BE HEARD, THE DEPARTMENT MAY SUSPEND OR  
21 PERMANENTLY REVOKE THE CERTIFICATION OF:

22 (1) AN AGRICULTURAL OPERATION CERTIFIED UNDER THIS  
23 SUBTITLE; AND

24 (2) A PERSON CERTIFIED ~~TO EVALUATE AND CERTIFY AN~~  
25 ~~AGRICULTURAL OPERATION~~ AS A VERIFIER UNDER THIS SUBTITLE.

26 (B) A CERTIFICATION FOR AN AGRICULTURAL OPERATION OR A  
27 VERIFIER ISSUED UNDER THIS SUBTITLE MAY BE SUSPENDED OR  
28 PERMANENTLY REVOKED ACCORDING TO PROCEDURES ESTABLISHED BY  
29 REGULATION IF THE CERTIFICATION HOLDER VIOLATES:

30 (1) THIS SUBTITLE; OR

31 (2) A REGULATION ADOPTED BY THE DEPARTMENT UNDER THIS  
32 SUBTITLE, INCLUDING A REGULATION ESTABLISHING OTHER GOOD CAUSE FOR  
33 SUSPENSION OR REVOCATION.

1 8-1012.

2 THE DEPARTMENT, WITH APPROVAL FROM THE DEPARTMENT OF THE  
3 ENVIRONMENT, SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE  
4 PROGRAM.

5 8-1013.

6 (A) (1) THE DEPARTMENT SHALL ESTABLISH ~~A~~ AN STAKEHOLDER  
7 OVERSIGHT COMMITTEE.

8 (2) THE ~~STAKEHOLDER~~ OVERSIGHT COMMITTEE SHALL INCLUDE  
9 REPRESENTATIVES OF DIVERSE INTERESTS.

10 (B) THE ~~STAKEHOLDER~~ OVERSIGHT COMMITTEE SHALL:

11 (1) MONITOR AND PROVIDE OVERSIGHT ON THE DEVELOPMENT  
12 AND IMPLEMENTATION OF POLICIES AND STANDARDS RELATING TO THE  
13 PROGRAM;

14 ~~(1)~~ (2) ASSIST IN THE DEVELOPMENT OF REGULATIONS  
15 ADOPTED TO IMPLEMENT THIS SUBTITLE; AND

16 ~~(2)~~ (3) MEET AT LEAST ONCE EVERY ~~4 YEARS~~ YEAR TO  
17 EVALUATE THE PERFORMANCE OF THE PROGRAM AND MAKE  
18 RECOMMENDATIONS FOR IMPROVEMENTS TO OR TERMINATION OF THE  
19 PROGRAM.

20 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
21 General Assembly that soil conservation districts shall provide services related to  
22 certification and verification under Title 8, Subtitle 10 of the Agriculture Article, as  
23 enacted by Section 1 of this Act, without cost or fee until existing resources are  
24 inadequate to provide these services without cost or fee.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2013.