

# SENATE BILL 1029

M4, M3

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By: ~~Senator Middleton~~ Senators Middleton, Dyson, and Jennings Jennings, and Glassman

Introduced and read first time: February 26, 2013

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 7, 2013

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 20, 2013

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## 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  
15 and information available to the Department of the Environment; requiring  
16 that a certified agricultural operation be in compliance with certain laws,  
17 regulations, rules, and permit conditions at the end of the certification period;  
18 exempting an agricultural operation certified under the Program from certain  
19 nitrogen, phosphorus, and sediment reduction requirements; prohibiting a local  
20 government entity from ~~adopting or~~ enforcing certain laws, regulations, rules,  
21 ordinances, or standards for a certified agricultural operation for a certain  
22 period of time; stating that, if the Program is terminated, an agricultural  
23 operation certified at the time of termination shall remain certified for the

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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.



1 duration of the certification period; requiring a person that manages a certified  
2 agricultural operation to submit annually certain documentation to the  
3 Department of Agriculture; requiring a person that manages a certified  
4 agricultural operation to report certain changes to the Department of  
5 Agriculture within a certain amount of time; requiring the Department of  
6 Agriculture to make certain information available to the Department of the  
7 Environment; requiring ~~the Department of Agriculture~~ a certified verifier to  
8 conduct an on-site inspection of each certified agricultural operation with a  
9 certain frequency; requiring the Department of the Environment to, if  
10 applicable, assure compliance with certain requirements administered by the  
11 Department of the Environment with a certain frequency; requiring a certified  
12 verifier conducting an on-site inspection to provide the certified agricultural  
13 operation with certain information during the on-site inspection; requiring a  
14 certified verifier who conducts an on-site inspection to submit a certain report  
15 and information to the Department of Agriculture, the Department of the  
16 Environment if applicable, and the certified agricultural operation; requiring  
17 the Department of Agriculture, in coordination with the Department of the  
18 Environment, to establish a program to certify a person to verify whether an  
19 agricultural operation meets certain requirements; requiring the Department of  
20 Agriculture to maintain and publish on the Department of Agriculture's Web  
21 site a list of all certified verifiers; requiring the certification program to provide  
22 verifiers with certain training and education; prohibiting a certified verifier  
23 from verifying an agricultural operation in which the certified verifier holds an  
24 interest or that the certified verifier initially determined met certain  
25 requirements; authorizing the Department of Agriculture to charge a  
26 reasonable fee to administer the verifier certification program; authorizing the  
27 Department of Agriculture to require continuing education or training for  
28 verifiers; authorizing the Department of Agriculture to designate an entity to  
29 train, certify, and recertify verifiers; authorizing the Department of Agriculture  
30 to recognize the training program of an entity employing verifiers if the  
31 program meets certain requirements; requiring the Department of Agriculture  
32 to maintain certain information and make the information available for public  
33 review in a manner that protects the identity of a certain person; requiring a  
34 certified verifier to maintain certain information in a manner that protects the  
35 identity of a certain person; requiring the Department of the Environment and  
36 a certified verifier to maintain certain records and information in a manner that  
37 protects the identity of a certain person; prohibiting the ~~Department of~~  
38 ~~Agriculture from disclosing~~ disclosure of certain records and information before  
39 an agricultural operation is certified; requiring the Department of Agriculture  
40 to submit a certain annual report to the Governor and relevant committees of  
41 the General Assembly; authorizing the Department of Agriculture to suspend or  
42 permanently revoke a certification under certain circumstances; requiring the  
43 Department of Agriculture, with approval from the Department of the  
44 Environment, to adopt certain regulations; requiring the Department of  
45 Agriculture, ~~with approval from the Department of the Environment~~, to  
46 establish a certain committee to assist with the development of the regulations  
47 and to make certain recommendations related to the Program; requiring the

1 committee to meet with a certain frequency; defining certain terms; and  
2 generally relating to the Maryland Agricultural Certainty Program.

3 BY adding to

4 Article – Agriculture

5 Section 8–1001 through 8–1013 to be under the new subtitle “Subtitle 10.  
6 Maryland Agricultural Certainty Program”

7 Annotated Code of Maryland

8 (2007 Replacement Volume and 2012 Supplement)

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

11 **Article – Agriculture**

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

13 **8–1001.**

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
15 INDICATED.

16 (B) (1) “AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR  
17 SEDIMENT” MEANS SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT THAT  
18 ORIGINATE FROM AN AGRICULTURAL OPERATION’S ~~CROPS~~ LAND OR ANIMALS.

19 (2) “AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR  
20 SEDIMENT” DOES NOT INCLUDE SOURCES OF NITROGEN, PHOSPHORUS, OR  
21 SEDIMENT THAT ORIGINATE FROM A RESIDENTIAL, MUNICIPAL, INDUSTRIAL,  
22 OR COMMERCIAL ACTIVITY.

23 (C) “PROGRAM” MEANS THE MARYLAND AGRICULTURAL CERTAINTY  
24 PROGRAM.

25 **8–1002.**

26 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CREATE A VOLUNTARY  
27 PROGRAM TO RECOGNIZE THE ENVIRONMENTAL STEWARDSHIP AND  
28 CONTRIBUTION OF MARYLAND FARMERS WHO IMPLEMENT AND MAINTAIN BEST  
29 MANAGEMENT PRACTICES CONSISTENT WITH THE STATE’S GOALS TO REDUCE  
30 THE AMOUNT OF NUTRIENTS AND SEDIMENT ENTERING THE CHESAPEAKE BAY,  
31 ITS TRIBUTARIES, AND OTHER WATERS OF THE STATE.

32 **8–1003.**

1           **(A) THERE IS A VOLUNTARY MARYLAND AGRICULTURAL CERTAINTY**  
2 **PROGRAM.**

3           **(B) THE PURPOSE OF THE PROGRAM IS TO ~~CERTIFY AN AGRICULTURAL~~**  
4 **~~OPERATION THAT MEETS~~ ACCELERATE THE IMPLEMENTATION OF**  
5 **AGRICULTURAL BEST MANAGEMENT PRACTICES TO MEET STATE**  
6 **AGRICULTURAL NITROGEN, PHOSPHORUS, AND SEDIMENT REDUCTION GOALS.**

7           **(C) (1) THE DEPARTMENT SHALL DEVELOP THE PROGRAM IN**  
8 **COORDINATION WITH THE DEPARTMENT OF THE ENVIRONMENT.**

9                   **(2) THE PROGRAM SHALL BE SELF-SUSTAINING AND REVENUE**  
10 **NEUTRAL.**

11           **(D) THE DEPARTMENT:**

12                   **(1) SHALL ADMINISTER THE PROGRAM; AND**

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

15 **8-1004.**

16           **(A) (1) A PERSON THAT MANAGES AN AGRICULTURAL OPERATION**  
17 **MAY APPLY FOR CERTIFICATION UNDER THE PROGRAM.**

18                   **(2) TO APPLY FOR CERTIFICATION, A PERSON SHALL SUBMIT AN**  
19 **APPLICATION TO THE DEPARTMENT ON THE FORM THE DEPARTMENT**  
20 **REQUIRES.**

21           **(B) AN AGRICULTURAL OPERATION MAY BE CERTIFIED AS MEETING**  
22 **THE REQUIREMENTS OF THE PROGRAM IF THE AGRICULTURAL OPERATION IS**  
23 **DETERMINED BY THE DEPARTMENT TO MEET:**

24                   **(1) A FULLY IMPLEMENTED SOIL CONSERVATION AND WATER**  
25 **QUALITY PLAN THAT ADDRESSES ALL SOIL CONSERVATION AND WATER QUALITY**  
26 **ISSUES ON THE AGRICULTURAL OPERATION;**

27                   **(2) A FULLY IMPLEMENTED NUTRIENT MANAGEMENT PLAN FOR**  
28 **THE AGRICULTURAL OPERATION IN ACCORDANCE WITH REGULATIONS**  
29 **ADOPTED BY THE DEPARTMENT UNDER SUBTITLE 8 OF THIS TITLE;**

1           **(3) THE ~~MINIMUM~~ AGRICULTURAL NITROGEN, PHOSPHORUS, AND**  
2 **SEDIMENT ~~ALLOCATION LOADS~~ LOAD REDUCTIONS NECESSARY FOR THE**  
3 **AGRICULTURAL OPERATION TO MEET:**

4                   **(I) THE FULL IMPLEMENTATION OF THE MOST RECENT**  
5 **CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD AS APPROVED BY THE U.S.**  
6 **ENVIRONMENTAL PROTECTION AGENCY;**

7                   **(II) THE APPLICABLE WATERSHED IMPLEMENTATION PLAN;**

8                   **(III) ~~THE~~ ALL APPLICABLE LOCAL TOTAL MAXIMUM DAILY**  
9 **LOAD REQUIREMENTS; AND**

10                   **(IV) ANY OTHER WATER QUALITY REQUIREMENTS FOR**  
11 **AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT; AND**

12           **(4) STATE AND FEDERAL LAWS, REGULATIONS, AND PERMIT**  
13 **CONDITIONS RELATING TO AGRICULTURAL SOURCES OF NITROGEN,**  
14 **PHOSPHORUS, OR SEDIMENT REDUCTION APPLICABLE TO THE AGRICULTURAL**  
15 **OPERATION.**

16           **(C) (1) THE DEPARTMENT MAY CERTIFY AN AGRICULTURAL**  
17 **OPERATION AFTER:**

18                   **(I) NOTIFICATION TO THE DEPARTMENT OF THE**  
19 **ENVIRONMENT;**

20                   **(II) ~~CONDUCTING AN~~ AN ON-SITE INSPECTION IS**  
21 **CONDUCTED BY A CERTIFIED VERIFIER, WITH THE ASSISTANCE OF THE**  
22 **DEPARTMENT OF THE ENVIRONMENT, AS APPROPRIATE;**

23                   **(III) APPROVAL FROM THE DEPARTMENT OF THE**  
24 **ENVIRONMENT IF THE AGRICULTURAL OPERATION IS PERMITTED OR HAS AN**  
25 **APPLICATION SUBMITTED TO BE PERMITTED UNDER THE ENVIRONMENT**  
26 **ARTICLE; AND**

27                   **(IV) A CERTAINTY AGREEMENT HAS BEEN ENTERED INTO**  
28 **BETWEEN THE DEPARTMENT AND THE PERSON MANAGING THE AGRICULTURAL**  
29 **OPERATION THAT OUTLINES THE TERMS AND CONDITIONS OF CERTAINTY**  
30 **APPLICABLE TO THE AGRICULTURAL OPERATION, INCLUDING:**

31                           **1. MAINTENANCE OF BEST MANAGEMENT**  
32 **PRACTICES REQUIRED FOR CERTIFICATION;**

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

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

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

7                   **(2) ON REQUEST, THE DEPARTMENT SHALL MAKE AVAILABLE TO**  
8 **THE DEPARTMENT OF THE ENVIRONMENT RECORDS AND INFORMATION**  
9 **ACQUIRED BY THE DEPARTMENT UNDER SUBSECTIONS (A), (B), OR (C) OF THIS**  
10 **SECTION RELATED TO COMPLIANCE WITH LAWS, REGULATIONS, PERMITS, OR**  
11 **OTHER REQUIREMENTS ENFORCED BY THE DEPARTMENT OF THE**  
12 **ENVIRONMENT.**

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

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

17                   **(2) EXCEPT AS AUTHORIZED BY REGULATION, THERE ARE NO**  
18 **MATERIAL CHANGES TO THE OPERATION, INCLUDING CHANGE OF OWNERSHIP**  
19 **OF THE OPERATION.**

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

25 **8-1005.**

26                   **AN AGRICULTURAL OPERATION CERTIFIED UNDER § 8-1004 OF THIS**  
27 **SUBTITLE MAY BE RECERTIFIED FOR 10 YEARS IF THE AGRICULTURAL**  
28 **OPERATION:**

29                   **(1) MEETS THE REQUIREMENTS UNDER THIS SUBTITLE;**

30                   **(2) MEETS THE LAWS, REGULATIONS, RULES, AND PERMIT**  
31 **CONDITIONS APPLICABLE TO THE AGRICULTURAL OPERATION AT THE TIME OF**  
32 **RECERTIFICATION; AND**

1           **(3) RECEIVES APPROVAL FROM THE DEPARTMENT OF THE**  
2 **ENVIRONMENT IF THE AGRICULTURAL OPERATION IS PERMITTED OR HAS AN**  
3 **APPLICATION SUBMITTED TO BE PERMITTED UNDER THE ENVIRONMENT**  
4 **ARTICLE.**

5 **8-1006.**

6           **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN**  
7 **AGRICULTURAL OPERATION THAT IS IN COMPLIANCE AND CERTIFIED UNDER**  
8 **THIS SUBTITLE IS NOT SUBJECT TO:**

9           **(1) STATE OR LOCAL LAWS OR REGULATIONS ENACTED OR**  
10 **ADOPTED AFTER THE DATE OF CERTIFICATION THAT REQUIRE THE REDUCTION**  
11 **OF AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT TO**  
12 **MEET:**

13                   **(I) CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOADS,**  
14 **INCLUDING THE REQUIREMENTS IN A WATERSHED IMPLEMENTATION PLAN;**

15                   **(II) LOCAL TOTAL MAXIMUM DAILY LOADS; OR**

16                   **(III) OTHER WATER QUALITY REQUIREMENTS FOR**  
17 **MANAGING AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR**  
18 **SEDIMENT; OR**

19           **(2) ~~REQUIREMENTS~~ STATE OR LOCAL LAWS AND REGULATIONS**  
20 **ENACTED OR ADOPTED AFTER THE DATE OF CERTIFICATION RELATED TO**  
21 **MEETING A REALLOCATION OF NITROGEN, PHOSPHORUS, OR SEDIMENT ~~LOADS~~**  
22 **LOAD REDUCTIONS NECESSARY TO MEET:**

23                   **(I) CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOADS,**  
24 **INCLUDING THE REQUIREMENTS IN A WATERSHED IMPLEMENTATION PLAN;**

25                   **(II) LOCAL TOTAL MAXIMUM DAILY LOADS; OR**

26                   **(III) OTHER WATER QUALITY REQUIREMENTS FOR**  
27 **MANAGING NITROGEN, PHOSPHORUS, OR SEDIMENT.**

28           **(B) SUBSECTION (A) OF THIS SECTION MAY NOT PREVENT THE**  
29 **APPLICATION OR ENFORCEMENT OF ANY OTHER LAWS, REGULATIONS, OR**  
30 **PERMITS, INCLUDING:**

31                   **(1) ORDERS SEEKING A CORRECTIVE ACTION FOR A VIOLATION**  
32 **OF TITLE 4, SUBTITLE 4 OF THE ENVIRONMENT ARTICLE;**

- 1           (2)    **TITLES 5 AND 16 OF THE ENVIRONMENT ARTICLE;**
- 2           (3)    **TITLE 9, SUBTITLES 2 AND 3 OF THE ENVIRONMENT**  
3 **ARTICLE;**
- 4           (4)    **TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES**  
5 **ARTICLE;**
- 6           (5)    **THE ADOPTION OF A GROWTH TIER MAP BY A LOCAL**  
7 **JURISDICTION UNDER TITLE 1, SUBTITLE 5 OF THE LAND USE ARTICLE;**
- 8           (6)    **ANY STATE OR LOCAL LAW OR REGULATION THAT REGULATES**  
9 **THE DEVELOPMENT OF LAND;**
- 10          (7)    **THE FEDERAL CLEAN WATER ACT;**
- 11          (8)    **ANY REGULATION GOVERNING THE MANAGEMENT OF**  
12 **AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT**  
13 **INITIATED BY THE DEPARTMENT BEFORE THE ENACTMENT OF THIS SUBTITLE;**  
14 **OR**
- 15          (9)    **ANY APPLICABLE LAWS OR REGULATIONS THAT HAVE BEEN**  
16 **ENACTED, BUT ARE SUBJECT TO A DELAYED IMPLEMENTATION PERIOD.**
- 17          (C)    **A LOCAL GOVERNMENT ENTITY MAY NOT ENFORCE STATE OR**  
18 **LOCAL LAWS, REGULATIONS, RULES, ORDINANCES, OR STANDARDS ADOPTED**  
19 **AFTER THE DATE OF CERTIFICATION RELATING TO AGRICULTURAL SOURCES OF**  
20 **NITROGEN, PHOSPHORUS, OR SEDIMENT FOR AN AGRICULTURAL OPERATION**  
21 **CERTIFIED UNDER THIS SUBTITLE UNTIL THE END OF THE CERTIFICATION**  
22 **PERIOD.**
- 23          (D)    **IF THE PROGRAM ESTABLISHED UNDER THIS SUBTITLE IS**  
24 **TERMINATED, AN AGRICULTURAL OPERATION CERTIFIED UNDER THE**  
25 **PROGRAM SHALL:**
- 26                (1)    **REMAIN CERTIFIED FOR THE REMAINDER OF THE**  
27 **CERTIFICATION PERIOD FOR THE AGRICULTURAL OPERATION; AND**
- 28                (2)    **BE SUBJECT TO STATE AND LOCAL LAWS OR REGULATIONS**  
29 **APPLICABLE AT THE TIME OF CERTIFICATION.**

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

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

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

5                   **1. INFORMATION IDENTIFYING THE PERSON WHO**  
6 **MANAGES THE AGRICULTURAL OPERATION;**

7                   **2. SOIL ANALYSIS DATA FOR THE LAND RECEIVING**  
8 **NUTRIENTS;**

9                   **3. FERTILITY RECOMMENDATIONS FOR CROPS**  
10 **PRODUCED; ~~AND~~**

11                   **4. A SUMMARY OF NUTRIENTS APPLIED BY SOURCE**  
12 **AND CROP TYPE; AND**

13                   ~~4.~~ **5. MAPS IDENTIFYING THE LOCATION AND**  
14 **BOUNDARIES OF THE AGRICULTURAL OPERATION;**

15           **(II) SOIL CONSERVATION AND WATER QUALITY PLAN**  
16 **RECORDS;**

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

20           **(IV) ANY ADDITIONAL DOCUMENTATION THE DEPARTMENT**  
21 **DETERMINES TO BE NECESSARY TO DETERMINE COMPLIANCE WITH THE**  
22 **REQUIREMENTS OF THIS SUBTITLE; AND**

23           **(2) REPORT TO THE DEPARTMENT WITHIN 60 DAYS ANY CHANGE**  
24 **IN THE AGRICULTURAL OPERATION THAT AFFECTS CERTIFICATION UNDER THIS**  
25 **SUBTITLE.**

26           **(B) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE DEPARTMENT**  
27 **OF THE ENVIRONMENT RECORDS AND INFORMATION PROVIDED UNDER**  
28 **SUBSECTION (A) OF THIS SECTION RELATED TO COMPLIANCE WITH LAWS,**  
29 **REGULATIONS, PERMITS, OR OTHER REQUIREMENTS ENFORCED BY THE**  
30 **DEPARTMENT OF THE ENVIRONMENT.**

31 **8-1008.**

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

3           ~~(1)~~ (I) THE DEPARTMENT SHALL REQUIRE AN ON-SITE  
4 INSPECTION, AS DEFINED BY REGULATIONS ADOPTED UNDER THIS SUBTITLE,  
5 OF EACH AGRICULTURAL OPERATION CERTIFIED UNDER THIS SUBTITLE TO  
6 ASSURE THE AGRICULTURAL OPERATION CONTINUES TO MEET THE  
7 REQUIREMENTS OF THIS SUBTITLE; AND

8           ~~(2)~~ (II) THE DEPARTMENT OF THE ENVIRONMENT SHALL, IF  
9 APPLICABLE, ASSURE COMPLIANCE WITH LAWS, REGULATIONS, PERMITS, OR  
10 OTHER REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF THE  
11 ENVIRONMENT.

12           (2) THE INSPECTIONS REQUIRED UNDER PARAGRAPH (1) OF THIS  
13 SUBSECTION SHALL BE CONDUCTED BY A CERTIFIED VERIFIER DETERMINED BY  
14 THE DEPARTMENT.

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

17           (1) A REPORT TO THE DEPARTMENT DETAILING THE  
18 AGRICULTURAL OPERATION'S COMPLIANCE WITH PROGRAM REQUIREMENTS,  
19 INCLUDING:

20                   (I) EFFORTS TO MANAGE SOIL CONSERVATION AND WATER  
21 QUALITY; AND

22                   (II) NUTRIENT APPLICATION, INCLUDING LOCATION, RATE,  
23 SOURCE, AND TIMING, BY CROP; AND

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

27           (C) FOLLOWING THE THIRD ON-SITE INSPECTION IN THE 10 YEAR  
28 CERTIFICATION PERIOD, THE CERTIFIED VERIFIER WHO CONDUCTED THE MOST  
29 RECENT ON-SITE INSPECTION SHALL PROVIDE INFORMATION TO THE  
30 DEPARTMENT, THE DEPARTMENT OF THE ENVIRONMENT AS APPLICABLE, AND  
31 THE CERTIFIED AGRICULTURAL OPERATION ON BEST MANAGEMENT PRACTICES  
32 APPLICABLE TO THE OPERATION AND NECESSARY FOR THE AGRICULTURAL  
33 OPERATION TO COMPLY WITH NEW LAWS, REGULATIONS, OR RULES ~~THAT WENT~~

1 ~~INTO EFFECT~~ ADOPTED OR ENACTED AFTER THE DATE OF CERTIFICATION AND  
2 NECESSARY FOR RECERTIFICATION.

3 **8-1009.**

4 (A) THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF  
5 THE ENVIRONMENT, SHALL:

6 (1) ESTABLISH A PROGRAM TO CERTIFY A PERSON TO VERIFY  
7 WHETHER AN AGRICULTURAL OPERATION MEETS AND IS IN COMPLIANCE WITH  
8 THE REQUIREMENTS OF THIS SUBTITLE;

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

10 (3) PUBLISH THE LIST OF ALL CERTIFIED VERIFIERS ON THE  
11 DEPARTMENT'S WEB SITE.

12 (B) (1) THE CERTIFICATION PROGRAM SHALL PROVIDE VERIFIERS  
13 WITH THE TRAINING AND EDUCATION NECESSARY TO DETERMINE WHETHER AN  
14 AGRICULTURAL OPERATION IS IN COMPLIANCE WITH THE PROGRAM.

15 (2) A CERTIFIED VERIFIER MAY NOT VERIFY AN AGRICULTURAL  
16 OPERATION:

17 (I) IN WHICH THE CERTIFIED VERIFIER HOLDS AN  
18 INTEREST, AS DEFINED BY REGULATION; OR

19 (II) THAT THE CERTIFIED VERIFIER INITIALLY  
20 DETERMINED HAD MET THE REQUIREMENTS UNDER ~~§ 8-1004(B)(1) AND (2)~~ OF  
21 THIS SUBTITLE.

22 (C) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE  
23 DEPARTMENT MAY:

24 (1) CHARGE REASONABLE FEES, INCLUDING AN ANNUAL  
25 CERTIFICATION FEE, TO COVER THE COSTS ASSOCIATED WITH THE  
26 CERTIFICATION PROGRAM;

27 (2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR  
28 VERIFIERS;

29 (3) DESIGNATE AN ENTITY TO TRAIN, CERTIFY, AND RECERTIFY  
30 VERIFIERS; AND

1           (4) RECOGNIZE THE TRAINING PROGRAM OF AN ENTITY  
2 EMPLOYING VERIFIERS IF THE PROGRAM MEETS THE CERTIFICATION AND  
3 RECERTIFICATION TRAINING AND EDUCATION STANDARDS ESTABLISHED BY  
4 THE DEPARTMENT.

5 8-1010.

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

13           (B) EXCEPT AS PROVIDED IN § 8-1008(B) OF THIS SUBTITLE, A  
14 CERTIFIED VERIFIER SHALL MAINTAIN ALL RECORDS AND INFORMATION  
15 CONCERNING A CERTIFIED AGRICULTURAL OPERATION IN A MANNER THAT  
16 PROTECTS THE IDENTITY OF THE PERSON FOR WHOM THE RECORDS OR  
17 INFORMATION RELATES.

18           (C) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE  
19 DEPARTMENT OF THE ENVIRONMENT SHALL MAINTAIN ALL RECORDS AND  
20 INFORMATION RECEIVED FROM THE DEPARTMENT UNDER §§ 8-1004(C)(2) AND  
21 8-1007(B) OF THIS SUBTITLE IN A MANNER THAT PROTECTS THE IDENTITY OF  
22 THE PERSON FOR WHOM THE RECORDS OR INFORMATION RELATES.

23           (2) THIS SUBSECTION DOES NOT AFFECT THE MAINTENANCE AND  
24 DISCLOSURE OF RECORDS AND INFORMATION OBTAINED FROM ANY OTHER  
25 SOURCE BY THE DEPARTMENT OF THE ENVIRONMENT, EVEN IF THE RECORDS  
26 AND INFORMATION ARE DUPLICATIVE OF INFORMATION PROVIDED TO THE  
27 DEPARTMENT OF THE ENVIRONMENT BY THE DEPARTMENT UNDER THIS  
28 SUBTITLE.

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

35           (E) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE  
36 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT

1 ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS  
2 COMMITTEE AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE ON:

3 (1) PARTICIPATION IN THE PROGRAM; AND

4 (2) RECOMMENDATIONS OF THE STAKEHOLDER COMMITTEE  
5 ESTABLISHED IN § 8-1013 OF THIS SUBTITLE.

6 8-1011.

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

10 (1) AN AGRICULTURAL OPERATION CERTIFIED UNDER THIS  
11 SUBTITLE; AND

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

14 (B) A CERTIFICATION FOR AN AGRICULTURAL OPERATION OR A  
15 VERIFIER ISSUED UNDER THIS SUBTITLE MAY BE SUSPENDED OR  
16 PERMANENTLY REVOKED ACCORDING TO PROCEDURES ESTABLISHED BY  
17 REGULATION IF THE CERTIFICATION HOLDER VIOLATES:

18 (1) THIS SUBTITLE; OR

19 (2) A REGULATION ADOPTED BY THE DEPARTMENT UNDER THIS  
20 SUBTITLE, INCLUDING A REGULATION ESTABLISHING OTHER GOOD CAUSE FOR  
21 SUSPENSION OR REVOCATION.

22 8-1012.

23 THE DEPARTMENT, WITH APPROVAL FROM THE DEPARTMENT OF THE  
24 ENVIRONMENT, SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE  
25 PROGRAM.

26 8-1013.

27 (A) (1) THE DEPARTMENT SHALL ESTABLISH A STAKEHOLDER  
28 COMMITTEE.

29 (2) THE STAKEHOLDER COMMITTEE SHALL INCLUDE  
30 REPRESENTATIVES OF DIVERSE INTERESTS.

1           **(B) THE STAKEHOLDER COMMITTEE SHALL:**

2                   **(1) ASSIST IN THE DEVELOPMENT OF REGULATIONS ADOPTED TO**  
 3 **IMPLEMENT THIS SUBTITLE; AND**

4                   **(2) MEET AT LEAST ONCE EVERY 4 YEARS TO EVALUATE THE**  
 5 **PERFORMANCE OF THE PROGRAM AND MAKE RECOMMENDATIONS FOR**  
 6 **IMPROVEMENTS TO OR TERMINATION OF THE PROGRAM.**

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.