

SENATE BILL 1029

M4, M3

3lr3135

By: **Senator Middleton**

Introduced and read first time: February 26, 2013

Assigned to: Rules

A BILL ENTITLED

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; requiring a
22 person that manages a certified agricultural operation to submit annually
23 certain documentation to the Department of Agriculture; requiring a person
24 that manages a certified agricultural operation to report certain changes to the
25 Department of Agriculture within a certain amount of time; requiring the
26 Department of Agriculture to make certain information available to the
27 Department of the Environment; requiring the Department of Agriculture to
28 conduct an on-site inspection of each certified agricultural operation with a
29 certain frequency; requiring the Department of the Environment to, if
30 applicable, assure compliance with certain requirements administered by the
31 Department of the Environment with a certain frequency; requiring a certified

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 verifier who conducts an on-site inspection to submit a certain report and
 2 information to the Department of Agriculture, the Department of the
 3 Environment if applicable, and the certified agricultural operation; requiring
 4 the Department of Agriculture, in coordination with the Department of the
 5 Environment, to establish a program to certify a person to verify whether an
 6 agricultural operation meets certain requirements; requiring the Department of
 7 Agriculture to maintain and publish on the Department of Agriculture's Web
 8 site a list of all certified verifiers; requiring the certification program to provide
 9 verifiers with certain training and education; prohibiting a certified verifier
 10 from verifying an agricultural operation in which the certified verifier holds an
 11 interest or that the certified verifier initially determined met certain
 12 requirements; authorizing the Department of Agriculture to charge a
 13 reasonable fee to administer the certification program; authorizing the
 14 Department of Agriculture to require continuing education or training for
 15 verifiers; authorizing the Department of Agriculture to designate an entity to
 16 train, certify, and recertify verifiers; authorizing the Department of Agriculture
 17 to recognize the training program of an entity employing verifiers if the
 18 program meets certain requirements; requiring the Department of Agriculture
 19 to maintain certain information and make the information available for public
 20 review in a manner that protects the identity of a certain person; requiring a
 21 certified verifier to maintain certain information in a manner that protects the
 22 identity of a certain person; requiring the Department of the Environment to
 23 maintain certain information in a manner that protects the identity of a certain
 24 person; prohibiting the Department of Agriculture from disclosing certain
 25 records before an agricultural operation is certified; requiring the Department
 26 of Agriculture to submit a certain annual report to the Governor and relevant
 27 committees of the General Assembly; authorizing the Department of
 28 Agriculture to suspend or revoke a certification under certain circumstances;
 29 requiring the Department of Agriculture, with approval from the Department of
 30 the Environment, to adopt certain regulations; requiring the Department of
 31 Agriculture, with approval from the Department of the Environment, to
 32 establish a certain committee to assist with the development of the regulations;
 33 requiring the committee to meet with a certain frequency; defining certain
 34 terms; and generally relating to the Maryland Agricultural Certainty Program.

35 BY adding to
 36 Article – Agriculture
 37 Section 8–1001 through 8–1013 to be under the new subtitle “Subtitle 10.
 38 Maryland Agricultural Certainty Program”
 39 Annotated Code of Maryland
 40 (2007 Replacement Volume and 2012 Supplement)

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

43 **Article – Agriculture**

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

2 **8-1001.**

3 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(B) (1) “AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR**
6 **SEDIMENT” MEANS SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT THAT**
7 **ORIGINATE FROM AN AGRICULTURAL OPERATION’S CROPS OR ANIMALS.**

8 **(2) “AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR**
9 **SEDIMENT” DOES NOT INCLUDE SOURCES OF NITROGEN, PHOSPHORUS, OR**
10 **SEDIMENT THAT ORIGINATE FROM A RESIDENTIAL, MUNICIPAL, INDUSTRIAL,**
11 **OR COMMERCIAL ACTIVITY.**

12 **(C) “PROGRAM” MEANS THE MARYLAND AGRICULTURAL CERTAINTY**
13 **PROGRAM.**

14 **8-1002.**

15 **IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CREATE A VOLUNTARY**
16 **PROGRAM TO RECOGNIZE THE ENVIRONMENTAL STEWARDSHIP AND**
17 **CONTRIBUTION OF MARYLAND FARMERS WHO IMPLEMENT AND MAINTAIN BEST**
18 **MANAGEMENT PRACTICES CONSISTENT WITH THE STATE’S GOALS TO REDUCE**
19 **THE AMOUNT OF NUTRIENTS AND SEDIMENT ENTERING THE CHESAPEAKE BAY,**
20 **ITS TRIBUTARIES, AND OTHER WATERS OF THE STATE.**

21 **8-1003.**

22 **(A) THERE IS A VOLUNTARY MARYLAND AGRICULTURAL CERTAINTY**
23 **PROGRAM.**

24 **(B) THE PURPOSE OF THE PROGRAM IS TO CERTIFY AN AGRICULTURAL**
25 **OPERATION THAT MEETS STATE AGRICULTURAL NITROGEN, PHOSPHORUS, AND**
26 **SEDIMENT REDUCTION GOALS.**

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

29 **(2) THE PROGRAM SHALL BE SELF-SUSTAINING AND REVENUE**
30 **NEUTRAL.**

1 **(D) THE DEPARTMENT:**

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

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

5 **8-1004.**

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

8 **(2) TO APPLY FOR CERTIFICATION, A PERSON SHALL SUBMIT AN**
9 **APPLICATION TO THE DEPARTMENT ON THE FORM THE DEPARTMENT**
10 **REQUIRES.**

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

14 **(1) A FULLY IMPLEMENTED SOIL CONSERVATION AND WATER**
15 **QUALITY PLAN THAT ADDRESSES ALL SOIL CONSERVATION AND WATER QUALITY**
16 **ISSUES ON THE AGRICULTURAL OPERATION;**

17 **(2) A FULLY IMPLEMENTED NUTRIENT MANAGEMENT PLAN FOR**
18 **THE AGRICULTURAL OPERATION IN ACCORDANCE WITH REGULATIONS**
19 **ADOPTED BY THE DEPARTMENT;**

20 **(3) THE MINIMUM AGRICULTURAL NITROGEN, PHOSPHORUS, AND**
21 **SEDIMENT ALLOCATION LOADS NECESSARY FOR THE AGRICULTURAL**
22 **OPERATION TO MEET:**

23 **(I) THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD;**

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

25 **(III) THE LOCAL TOTAL MAXIMUM DAILY LOAD**
26 **REQUIREMENTS; AND**

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

1 **(4) STATE AND FEDERAL LAWS, REGULATIONS, AND PERMIT**
2 **CONDITIONS RELATING TO AGRICULTURAL SOURCES OF NITROGEN,**
3 **PHOSPHORUS, OR SEDIMENT REDUCTION APPLICABLE TO THE AGRICULTURAL**
4 **OPERATION.**

5 **(C) (1) THE DEPARTMENT MAY CERTIFY AN AGRICULTURAL**
6 **OPERATION AFTER:**

7 **(I) NOTIFICATION TO THE DEPARTMENT OF THE**
8 **ENVIRONMENT;**

9 **(II) CONDUCTING AN ON-SITE INSPECTION WITH THE**
10 **DEPARTMENT OF THE ENVIRONMENT, AS APPROPRIATE;**

11 **(III) APPROVAL FROM THE DEPARTMENT OF THE**
12 **ENVIRONMENT IF THE AGRICULTURAL OPERATION IS PERMITTED OR HAS AN**
13 **APPLICATION SUBMITTED TO BE PERMITTED UNDER THE ENVIRONMENT**
14 **ARTICLE; AND**

15 **(IV) A CERTAINTY AGREEMENT HAS BEEN ENTERED INTO**
16 **BETWEEN THE DEPARTMENT AND THE PERSON MANAGING THE AGRICULTURAL**
17 **OPERATION THAT OUTLINES THE TERMS AND CONDITIONS OF CERTAINTY**
18 **APPLICABLE TO THE AGRICULTURAL OPERATION, INCLUDING:**

19 **1. MAINTENANCE OF BEST MANAGEMENT**
20 **PRACTICES REQUIRED FOR CERTIFICATION;**

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

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

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

27 **(2) ON REQUEST, THE DEPARTMENT SHALL MAKE AVAILABLE TO**
28 **THE DEPARTMENT OF THE ENVIRONMENT RECORDS AND INFORMATION**
29 **ACQUIRED BY THE DEPARTMENT UNDER SUBSECTIONS (A), (B), OR (C) OF THIS**
30 **SECTION RELATED TO COMPLIANCE WITH LAWS, REGULATIONS, PERMITS, OR**
31 **OTHER REQUIREMENTS ENFORCED BY THE DEPARTMENT OF THE**
32 **ENVIRONMENT.**

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

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

5 **(2) EXCEPT AS AUTHORIZED BY REGULATION, THERE ARE NO**
6 **MATERIAL CHANGES TO THE OPERATION, INCLUDING CHANGE OF OWNERSHIP**
7 **OF THE OPERATION.**

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

13 **8-1005.**

14 **AN AGRICULTURAL OPERATION CERTIFIED UNDER § 8-1004 OF THIS**
15 **SUBTITLE MAY BE RECERTIFIED FOR 10 YEARS IF THE AGRICULTURAL**
16 **OPERATION:**

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

18 **(2) MEETS THE LAWS, REGULATIONS, RULES, AND PERMIT**
19 **CONDITIONS APPLICABLE TO THE AGRICULTURAL OPERATION AT THE TIME OF**
20 **RECERTIFICATION; AND**

21 **(3) RECEIVES APPROVAL FROM THE DEPARTMENT OF THE**
22 **ENVIRONMENT IF THE AGRICULTURAL OPERATION IS PERMITTED OR HAS AN**
23 **APPLICATION SUBMITTED TO BE PERMITTED UNDER THE ENVIRONMENT**
24 **ARTICLE.**

25 **8-1006.**

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

29 **(1) STATE OR LOCAL LAWS OR REGULATIONS ENACTED OR**
30 **ADOPTED AFTER THE DATE OF CERTIFICATION THAT REQUIRE THE REDUCTION**
31 **OF AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT TO**
32 **MEET:**

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

3 (II) LOCAL TOTAL MAXIMUM DAILY LOADS; OR

4 (III) OTHER WATER QUALITY REQUIREMENTS FOR
5 MANAGING AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR
6 SEDIMENT; OR

7 (2) REQUIREMENTS ENACTED OR ADOPTED AFTER THE DATE OF
8 CERTIFICATION RELATED TO MEETING A REALLOCATION OF NITROGEN,
9 PHOSPHORUS, OR SEDIMENT LOADS NECESSARY TO MEET:

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

12 (II) LOCAL TOTAL MAXIMUM DAILY LOADS; OR

13 (III) OTHER WATER QUALITY REQUIREMENTS FOR
14 MANAGING NITROGEN, PHOSPHORUS, OR SEDIMENT.

15 (B) SUBSECTION (A) OF THIS SECTION MAY NOT PREVENT THE
16 ENFORCEMENT OF ANY OTHER LAWS, REGULATIONS, OR PERMITS, INCLUDING:

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

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

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

22 (4) TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES
23 ARTICLE;

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

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

28 (7) THE FEDERAL CLEAN WATER ACT;

1 **(8) ANY REGULATION GOVERNING THE MANAGEMENT OF**
2 **AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT**
3 **INITIATED BY THE DEPARTMENT BEFORE THE ENACTMENT OF THIS SUBTITLE;**
4 **OR**

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

7 **(C) A LOCAL GOVERNMENT ENTITY MAY NOT ENFORCE LAWS,**
8 **REGULATIONS, RULES, ORDINANCES, OR STANDARDS RELATING TO**
9 **AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT FOR AN**
10 **AGRICULTURAL OPERATION CERTIFIED UNDER THIS SUBTITLE.**

11 **8-1007.**

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

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

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

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

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

20 **3. FERTILITY RECOMMENDATIONS FOR CROPS**
21 **PRODUCED; AND**

22 **4. MAPS IDENTIFYING THE LOCATION AND**
23 **BOUNDARIES OF THE AGRICULTURAL OPERATION;**

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

26 **(III) A CERTIFICATION SIGNED BY THE PERSON MANAGING**
27 **THE AGRICULTURAL OPERATION THAT STATES THAT THE REQUIREMENTS OF**
28 **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) AT LEAST ONCE EVERY 3 YEARS WITHIN THE 10-YEAR
14 CERTIFICATION PERIOD:

15 (1) THE DEPARTMENT SHALL REQUIRE AN ON-SITE INSPECTION
16 OF EACH AGRICULTURAL OPERATION CERTIFIED UNDER THIS SUBTITLE TO
17 ASSURE THE AGRICULTURAL OPERATION CONTINUES TO MEET THE
18 REQUIREMENTS OF THIS SUBTITLE; AND

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

23 (B) THE CERTIFIED VERIFIER CONDUCTING THE ON-SITE INSPECTION
24 SHALL PROVIDE A REPORT TO THE DEPARTMENT DETAILING THE
25 AGRICULTURAL OPERATION'S COMPLIANCE WITH PROGRAM REQUIREMENTS.

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

1 **8-1009.**

2 (A) THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF
3 THE ENVIRONMENT, SHALL:

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

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

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

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

13 (2) A CERTIFIED VERIFIER MAY NOT VERIFY AN AGRICULTURAL
14 OPERATION:

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

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

20 (C) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE
21 DEPARTMENT MAY:

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

25 (2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR
26 VERIFIERS;

27 (3) DESIGNATE AN ENTITY TO TRAIN, CERTIFY, AND RECERTIFY
28 VERIFIERS; AND

29 (4) RECOGNIZE THE TRAINING PROGRAM OF AN ENTITY
30 EMPLOYING VERIFIERS IF THE PROGRAM MEETS THE CERTIFICATION AND

1 RECERTIFICATION TRAINING AND EDUCATION STANDARDS ESTABLISHED BY
2 THE DEPARTMENT.

3 8-1010.

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

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

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

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

26 (D) THE DEPARTMENT MAY NOT DISCLOSE ANY RECORDS RELATING TO
27 AN AGRICULTURAL OPERATION BEFORE THE AGRICULTURAL OPERATION IS
28 CERTIFIED UNDER THIS SUBTITLE.

29 (E) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE
30 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
31 ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS
32 COMMITTEE AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE ON:

33 (1) PARTICIPATION IN THE PROGRAM; AND

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

3 **8-1011.**

4 **(A) IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT, ON**
5 **NOTICE AND OPPORTUNITY TO BE HEARD, THE DEPARTMENT MAY SUSPEND OR**
6 **REVOKE THE CERTIFICATION OF:**

7 **(1) AN AGRICULTURAL OPERATION CERTIFIED UNDER THIS**
8 **SUBTITLE; AND**

9 **(2) A PERSON CERTIFIED TO EVALUATE AND CERTIFY AN**
10 **AGRICULTURAL OPERATION UNDER THIS SUBTITLE.**

11 **(B) A CERTIFICATION ISSUED UNDER THIS SUBTITLE MAY BE**
12 **SUSPENDED OR REVOKED ACCORDING TO PROCEDURES ESTABLISHED BY**
13 **REGULATION IF THE CERTIFICATION HOLDER VIOLATES:**

14 **(1) THIS SUBTITLE; OR**

15 **(2) A REGULATION ADOPTED BY THE DEPARTMENT UNDER THIS**
16 **SUBTITLE, INCLUDING A REGULATION ESTABLISHING OTHER GOOD CAUSE FOR**
17 **SUSPENSION OR REVOCATION.**

18 **8-1012.**

19 **THE DEPARTMENT, WITH APPROVAL FROM THE DEPARTMENT OF THE**
20 **ENVIRONMENT, SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE**
21 **PROGRAM.**

22 **8-1013.**

23 **(A) (1) THE DEPARTMENT SHALL ESTABLISH A STAKEHOLDER**
24 **COMMITTEE.**

25 **(2) THE STAKEHOLDER COMMITTEE SHALL INCLUDE**
26 **REPRESENTATIVES OF DIVERSE INTERESTS.**

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

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

1 **(2) MEET AT LEAST ONCE EVERY 4 YEARS TO EVALUATE THE**
2 **PERFORMANCE OF THE PROGRAM AND MAKE RECOMMENDATIONS FOR**
3 **IMPROVEMENTS TO THE PROGRAM.**

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

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