

## Chapter 339

(Senate Bill 1029)

AN ACT concerning

### Maryland Agricultural Certainty Program

FOR the purpose of establishing the Maryland Agricultural Certainty Program; stating the intent of the General Assembly; establishing the purpose of the Program; requiring the Department of Agriculture to develop the Program in coordination with the Department of the Environment; requiring that the Program be self-sustaining and revenue neutral; requiring the Department of Agriculture to administer the Program; authorizing the Department of Agriculture to establish by regulation reasonable fees to cover operation of the Program; requiring a person applying for certification to submit a certain application to the Department of Agriculture; establishing certain requirements for certification and recertification; authorizing the Department of Agriculture to certify an agricultural operation after certain requirements are met; requiring the Department of Agriculture to, on request, make certain records and information available to the Department of the Environment; requiring that a certified agricultural operation be in compliance with certain laws, regulations, rules, and permit conditions at the end of the certification period; exempting an agricultural operation certified under the Program from certain nitrogen, phosphorus, and sediment reduction requirements; prohibiting a local government entity from ~~adopting or~~ enforcing certain laws, regulations, rules, ordinances, or standards for a certified agricultural operation for a certain period of time; stating that, if the Program is terminated, an agricultural operation certified at the time of termination shall remain certified for the duration of the certification period; requiring a person that manages a certified agricultural operation to submit annually certain documentation to the Department of Agriculture; requiring a person that manages a certified agricultural operation to report certain changes to the Department of Agriculture within a certain amount of time; requiring the Department of Agriculture to make certain information available to the Department of the Environment; requiring ~~the Department of Agriculture~~ a certified verifier to conduct an on-site inspection of each certified agricultural operation with a certain frequency; requiring the Department of the Environment to, if applicable, assure compliance with certain requirements administered by the Department of the Environment with a certain frequency; requiring a certified verifier conducting an on-site inspection to provide the certified agricultural operation with certain information during the on-site inspection; requiring a certified verifier who conducts an on-site inspection to submit a certain report and information to the Department of Agriculture, the Department of the Environment if applicable, and the certified agricultural operation; requiring

the Department of Agriculture, in coordination with the Department of the Environment, to establish a program to certify a person to verify whether an agricultural operation meets certain requirements; requiring the Department of Agriculture to maintain and publish on the Department of Agriculture's Web site a list of all certified verifiers; requiring the certification program to provide verifiers with certain training and education; prohibiting a certified verifier from verifying an agricultural operation in which the certified verifier holds an interest or that the certified verifier initially determined met certain requirements; authorizing the Department of Agriculture to charge a reasonable fee to administer the verifier certification program; authorizing the Department of Agriculture to require continuing education or training for verifiers; authorizing the Department of Agriculture to designate an entity to train, certify, and recertify verifiers; authorizing the Department of Agriculture to recognize the training program of an entity employing verifiers if the program meets certain requirements; requiring the Department of Agriculture to maintain certain information and make the information available for public review in a manner that protects the identity of a certain person; requiring a certified verifier to maintain certain information in a manner that protects the identity of a certain person; requiring the Department of the Environment and a certified verifier to maintain certain records and information in a manner that protects the identity of a certain person; prohibiting the ~~Department of Agriculture from disclosing~~ disclosure of certain records and information before an agricultural operation is certified; requiring the Department of Agriculture to submit a certain annual report to the Governor and relevant committees of the General Assembly; authorizing the Department of Agriculture to suspend or permanently revoke a certification under certain circumstances; requiring the Department of Agriculture, with approval from the Department of the Environment, to adopt certain regulations; requiring the Department of Agriculture, ~~with approval from the Department of the Environment,~~ to establish a certain committee to monitor and provide oversight on certain policies and standards, to assist with the development of the regulations, and to make certain recommendations related to the Program; requiring the committee to meet with a certain frequency; defining certain terms; and generally relating to the Maryland Agricultural Certainty Program.

BY adding to

Article – Agriculture

Section 8–1001 through 8–1013 to be under the new subtitle “Subtitle 10.

Maryland Agricultural Certainty Program”

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

### **Article – Agriculture**

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

**8-1001.**

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

(B) (1) "AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT" MEANS SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT THAT ORIGINATE FROM AN AGRICULTURAL OPERATION'S ~~CROPS~~ LAND OR ANIMALS.

(2) "AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT" DOES NOT INCLUDE SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT THAT ORIGINATE FROM A RESIDENTIAL, MUNICIPAL, INDUSTRIAL, OR COMMERCIAL ACTIVITY.

(C) "PROGRAM" MEANS THE MARYLAND AGRICULTURAL CERTAINTY PROGRAM.

**8-1002.**

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

**8-1003.**

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

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

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

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

**(D) THE DEPARTMENT:**

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

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

**8-1004.**

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

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

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

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

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

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

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

**(ii) THE APPLICABLE WATERSHED IMPLEMENTATION PLAN;**

**(iii) ~~THE~~ ALL APPLICABLE LOCAL TOTAL MAXIMUM DAILY LOAD REQUIREMENTS; AND**

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

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

(c) (1) THE DEPARTMENT MAY CERTIFY AN AGRICULTURAL OPERATION AFTER:

(i) NOTIFICATION TO THE DEPARTMENT OF THE ENVIRONMENT;

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

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

(iv) A CERTAINTY AGREEMENT HAS BEEN ENTERED INTO BETWEEN THE DEPARTMENT AND THE PERSON MANAGING THE AGRICULTURAL OPERATION THAT OUTLINES THE TERMS AND CONDITIONS OF CERTAINTY APPLICABLE TO THE AGRICULTURAL OPERATION, INCLUDING:

1. MAINTENANCE OF BEST MANAGEMENT PRACTICES REQUIRED FOR CERTIFICATION;

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

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

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

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

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

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

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

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

**8-1005.**

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

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

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

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

**8-1006.**

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

**(1) STATE OR LOCAL LAWS OR REGULATIONS ENACTED OR ADOPTED AFTER THE DATE OF CERTIFICATION THAT REQUIRE THE REDUCTION**

**OF AGRICULTURAL SOURCES OF NITROGEN, PHOSPHORUS, OR SEDIMENT TO MEET:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) THE FEDERAL CLEAN WATER ACT;

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

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

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

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

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

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

8-1007.

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

(1) SUBMIT ANNUALLY TO THE DEPARTMENT:

(I) NUTRIENT MANAGEMENT PLAN RECORDS, INCLUDING:

1. INFORMATION IDENTIFYING THE PERSON WHO MANAGES THE AGRICULTURAL OPERATION;

2. SOIL ANALYSIS DATA FOR THE LAND RECEIVING NUTRIENTS;
3. FERTILITY RECOMMENDATIONS FOR CROPS PRODUCED; ~~AND~~
4. A SUMMARY OF NUTRIENTS APPLIED BY SOURCE AND CROP TYPE; AND

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

(II) SOIL CONSERVATION AND WATER QUALITY PLAN RECORDS;

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

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

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

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

8-1008.

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

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

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

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

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

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

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

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

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

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

**8-1009.**

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

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

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

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

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

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

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

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

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

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

(2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR VERIFIERS;

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

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

8-1010.

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

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

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

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

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

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

(1) PARTICIPATION IN THE PROGRAM; AND

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

**8-1011.**

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

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

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

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

**(1) THIS SUBTITLE; OR**

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

**8-1012.**

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

**8-1013.**

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

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

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

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

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

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

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

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

**Approved by the Governor, May 2, 2013.**