

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Agriculture
(DLS Control No. 16-053)**

Overview and Legal and Fiscal Impact

These regulations make clarifying, stylistic, and technical changes to various definitions and provisions relating to the Agricultural Nutrient and Sediment Credit Certification Program.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Agriculture:

Soil and Water Conservation: Agricultural Nutrient and Sediment Credit Certification Program: COMAR 15.20.12.01, .02, .05, .07, .08, and .09

Legal Analysis

Background

On April 15, 2016, the Maryland Department of Agriculture adopted regulations to implement the Agricultural Nutrient and Sediment Credit Certification Program by establishing requirements and standards for the generation and certification of nonpoint source nutrient and sediment credits on agricultural land.

Summary of Regulation

The regulations make clarifying, stylistic, and technical changes to various definitions and provisions of the Agricultural Nutrient and Sediment Credit Certification Program, including:

- altering the definition of “category 1 practice” to include sediment removal efficiencies and require that the Chesapeake Bay Program Partnership approve the practice;
- altering the definition of “credit” to mean a pollution reduction credit delivered to a specified location, rather than to the main stem of the Chesapeake Bay; and

- requiring that all affected parties receive a copy of a certain report prepared by a verifier conducting a site inspection.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 2-103(b), 8-902, and 8-903 of the Agriculture Article as statutory authority for the regulations. Section 2-103(b) provides general authority to the Secretary of Agriculture to adopt regulations relating to agriculture. Section 8-902 authorizes the department to establish requirements for the voluntary certification and registration of nutrient or sediment credits on agricultural land. Certification and registration requirements must include (1) application and eligibility requirements for certification; (2) standards for quantifying nutrient or sediment credits resulting from any existing or proposed agronomic, land use, and structural practice; (3) requirements governing the duration and maintenance of credits; and (4) establishment of a credit registration accessible to the public. Section 8-903 authorizes the Secretary to suspend or revoke approval or certification of nutrient or sediment credits when specified violations occur.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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