

## **Chapter 25**

**(Senate Bill 118)**

AN ACT concerning

### **Voluntary Agricultural Nutrient and Sediment Credit Certification Program**

FOR the purpose of authorizing the State Department of Agriculture to establish requirements for the voluntary certification and registration of sediment credits on agricultural land under the Voluntary Agricultural Nutrient Credit Certification Program; clarifying the authority of the Department of the Environment to establish eligibility and other requirements for use of sediment offset credits under any State or federal permit or other regulatory program; altering the intent of the General Assembly; and generally relating to the establishment of voluntary agricultural sediment credit certification and registration requirements.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 8–901, 8–902, and 8–904 to be under the amended subtitle “Subtitle 9. Voluntary Agricultural Nutrient and Sediment Credit Certification Program”

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 8–903

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Chapter 447 of the Acts of the General Assembly of 2010

Section 2

BY repealing and reenacting, with amendments,

Chapter 447 of the Acts of the General Assembly of 2010

Section 3

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

### **Article – Agriculture**

Subtitle 9. Voluntary Agricultural Nutrient **AND SEDIMENT** Credit Certification Program.

8–901.

The General Assembly finds and declares that:

(1) Voluntary nutrient **AND SEDIMENT** trading programs provide an innovative and cost-effective approach to enhance water and air quality and achieve additional water and air quality benefits; and

(2) The Agricultural Nutrient **AND SEDIMENT** Credit Certification Program established under this subtitle authorizes the Department to verify, certify, and register agricultural nutrient **OR SEDIMENT** credits in support of private and public nutrient **OR SEDIMENT** trading activities between the buyer of nutrient **OR SEDIMENT** credits and the farm owner or operator that agrees to be paid and implement best management practices to reduce agricultural nutrient **AND SEDIMENT** runoff and **NUTRIENT** emissions.

8–902.

(a) The Department may establish requirements for the voluntary certification and registration of nutrient **OR SEDIMENT** credits on agricultural land, as defined by the Department of Assessments and Taxation.

(b) Certification and registration requirements established under subsection (a) of this section shall 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 registry accessible to the public.

8–903.

On notice and opportunity to be heard, the Secretary may suspend or revoke the approval or certification of credits applicable for the Program for a violation of this subtitle or for a violation of any regulation adopted by the Secretary under this subtitle.

8-904.

Nothing in this subtitle is intended to supplant or limit the authority of the Department of the Environment to establish eligibility and other requirements for use of nutrient **OR SEDIMENT** offset credits under any State or federal permit or other regulatory program.

### **Chapter 447 of the Acts of 2010**

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to affect the rights and obligations of any party to any agreement to preserve land for agricultural use under any State, local, or private program for the preservation of agricultural land.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the authority of the State Department of Agriculture to establish requirements for the voluntary certification and registration of nutrient **OR SEDIMENT** credits on agricultural land, as provided by this Act, be retained by the State Department of Agriculture.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

**Approved by the Governor, April 10, 2012.**