



CHESAPEAKE BAY COMMISSION

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SB 1029 (Ch339), Maryland Agricultural Certainty Program Adopted 2013

Establishes a voluntary Maryland Agricultural Certainty Program to accelerate the implementation of agricultural best management practices to meet State agricultural nitrogen, phosphorus, and sediment reduction goals.

MDA may certify an agricultural operation if, among other things, MDA determines that the operation

- (1) has a fully implemented soil conservation and water quality plan;
- (2) has a fully implemented nutrient management plan;
- (3) meets nitrogen, phosphorus, and sediment load reductions associated with The Bay TMDL and any Local TMDL's; and
- (4) meets State and federal laws, regulations, and permit conditions relating to agricultural sources of nitrogen, phosphorus, or sediment reduction applicable to the operation.

For a ten year period after the date of certification an agricultural operation that is in compliance and certified under the program is not subject to State or local laws or regulations enacted or adopted that relate to the reduction of agricultural sources of nitrogen, phosphorus, or sediment to meet the TMDL, local TMDLs, or other water quality requirements.

At the end of the 10-year certification period, a certified operation must comply with all applicable laws, regulations, rules, and permit conditions that went into effect after the operation was initially certified. An agricultural operation that is certified under the program is subject to specified recordkeeping, reporting, and inspection requirements. The program must be self-sustaining and revenue neutral.

The program does not prevent the application or enforcement of any other laws, regulations, or permits, including the federal Clean Water Act and specified State laws relating to water control and abatement, water resources and wetlands, and the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program, among others.

MDA must establish an oversight committee to

- (1) monitor and provide oversight on the development and implementation of policies and standards relating to the program;
- (2) assist in the development of implementing regulations;
- (3) meet at least once every year to evaluate program performance;
- (4) and make recommendations for improvements to or termination of the program.

MDA is required to submit a report by December 31, 2014, and each December 31 thereafter, to the Governor and specified legislative committees on program participation and the oversight committee's recommendations.