

Chapter 447

(House Bill 974)

AN ACT concerning

Nutrient Trading – Voluntary Agricultural Nutrient Credit Certification Program

FOR the purpose of authorizing the State Department of Agriculture to establish requirements for the voluntary certification and registration of nutrient credits on agricultural land; establishing certain certification and registration requirements; authorizing the Secretary of Agriculture to suspend or revoke the approval or certification of certain credits under certain circumstances; preserving the authority of the Department of the Environment to establish eligibility and other requirements for use of nutrient offset credits under any State or federal permit or other regulatory program; providing for the application of this Act; declaring the intent of the General Assembly; and generally relating to the establishment of agricultural nutrient credit requirements.

BY adding to

Article – Agriculture

Section 8–901 through 8–904 to be under the new subtitle “Subtitle 9. Voluntary Agricultural Nutrient Credit Certification Program”

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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 CREDIT CERTIFICATION PROGRAM.

8–901.

THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) VOLUNTARY NUTRIENT 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 CREDIT CERTIFICATION PROGRAM ESTABLISHED UNDER THIS SUBTITLE AUTHORIZES THE DEPARTMENT TO VERIFY, CERTIFY, AND REGISTER AGRICULTURAL NUTRIENT CREDITS IN SUPPORT OF PRIVATE AND PUBLIC NUTRIENT TRADING ACTIVITIES BETWEEN THE BUYER OF NUTRIENT CREDITS AND THE FARM OWNER OR OPERATOR THAT AGREES TO BE PAID AND IMPLEMENT BEST MANAGEMENT PRACTICES TO REDUCE AGRICULTURAL NUTRIENT RUNOFF AND EMISSIONS.

8-902.

(A) THE DEPARTMENT MAY ESTABLISH REQUIREMENTS FOR THE VOLUNTARY CERTIFICATION AND REGISTRATION OF NUTRIENT 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 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 OFFSET CREDITS UNDER ANY STATE OR FEDERAL PERMIT OR OTHER REGULATORY PROGRAM.

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 credits on agricultural land, as provided by this Act, be retained by the State Department of Agriculture.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 4, 2010.