

# FACT SHEET:

## MARYLAND'S AGRICULTURAL CERTAINTY PROGRAM



### Overview and Summary

#### PROGRAM DESCRIPTION

#### ABOUT THE AGRICULTURAL CERTAINTY PROGRAM

In 2013, the Maryland General Assembly passed legislation to establish a voluntary Agricultural Certainty Program that will give Maryland farmers a 10-year exemption from new environmental laws and regulations in return for installing best management practices in order to meet local or Chesapeake Bay Total Daily Maximum Load (TMDL) goals ahead of schedule.

The program allows participating farmers to conduct business in a predictable regulatory setting, while providing certainty that agricultural pollution controls are being implemented. Farmers must control all nutrient and sediment problems on farms using a Soil Conservation and Water Quality Plan and a current Nutrient Management Plan.

#### PROGRAM BACKGROUND

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The Maryland Department of Agriculture (MDA) was awarded a \$600,000 USDA Conservation Innovation Grant to develop a Certainty Program for Maryland farmers. After receiving legislative approval to move forward with the program, a diverse oversight committee was appointed to develop regulations needed to implement the program.

#### How Certainty Works

▶A farmer must enroll an entire parcel as identified by the Department of Assessments and Taxation, but does not have to include all land he operates to be eligible.

▶Farm operations must undergo an inspection, field evaluation and records review conducted by a certified verifier to determine compliance with local, state and federal environmental requirements.

▶TMDL compliance will be determined using the Nutrient Tracking Tool (NTT), which uses the same online platform developed by MDA for the Nutrient Trading Program.

▶MDA will also certify qualified certainty verifiers who meet experience and knowledge criteria in conservation and nutrient management planning.

*Regulations to implement the Maryland Agricultural Certainty Program have been finalized and are available on the Maryland Department of Agriculture's website.*



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### PROGRAM HIGHLIGHTS

#### IF A FARM IS APPROVED...

- ▶ An agreement is required outlining operation and maintenance consistent with current conditions deemed protective of water quality at current standards and notification requirements if certain management or site conditions change.
- ▶ The operation is excused for a 10-year period from meeting new regulatory programs or standards that put further restrictions or performance standards in place to address nitrogen, phosphorus or sediment runoff.
- ▶ At the end of the 10-year period the operation must be in compliance with all current requirements.
- ▶ There are 11 programs specifically listed from which the operation is not exempt, including requirements that are phased in and phosphorus management tool regulations.
- ▶ Participating farms must undergo inspections/review by a certainty verifier at least once every three years.
- ▶ MDE will review application information, may conduct a site visit to farms operating under an MDE permit, and may impose conditions to be met before an applicant may be considered for program participation.
- ▶ MDE will receive all information on program participants along with results of three-year interim reviews.
- ▶ MDE may seek additional information or conduct a site visit to assure compliance with environmental requirements.
- ▶ The enabling legislation authorizes MDA to charge fees to cover Certainty Program costs.

### OVERSIGHT COMMITTEE

#### MEMBERSHIP

- |   |  |  |
|---|--|--|
| <b>Ridgway Hall</b> , Attorney,<br>Washington, D.C.                                 | <b>Judith Marie O'Neil</b> , University of<br>Maryland Center for Environmental<br>Science | <b>Wayne Stafford</b> , Cecil County Farm<br>Bureau  |
| <b>Trey Hill</b> , Farmer,<br>Kent County   | <b>Steuart Pittman</b> , Dodon Farm<br>Training Center,<br>Anne Arundel County             | <b>Ann Swanson</b> , Chesapeake Bay<br>Commission  |
| <b>Lynne Hoot</b> , Maryland Grain<br>Producers Association,<br>Anne Arundel County | <b>James Raley</b> , Valentine's Delight<br>Farm, St. Mary's County                        | <b>Government representatives:</b><br><b>Kelly Shenk</b> , Agriculture Advisor,<br>U.S. Environmental Protection<br>Agency, Chesapeake Bay Program |
| <b>David Kann</b> , AET, Crop Consultant,<br>Dover, PA                              | <b>Denny Remsburg</b> , Frederick/Catoctin<br>Soil Conservation District Manager           | <b>Horacio Tablada</b> , Director, Land<br>Management Administration, MDE  |
| <b>Drew Koslow</b> , Choptank<br>Riverkeeper, Talbot County                         | <b>Paul Spies</b> , Chester River<br>Association, Talbot County                            | <b>Hans Schmidt</b><br>Assistant Secretary, Office of<br>Resource Conservation, MDA  |
| <b>Wes Messick</b> , Dorchester County<br>Soil Conservation District Chairman       | <b>Robert Stabler</b> , Farmer,<br>Montgomery County                                       | <b>Louise Lawrence</b> , Chief, Office of<br>Resource Conservation, MDA  |
| <b>Doug Myers</b> , Chesapeake Bay<br>Foundation                                    |  |  |