

# **MAEAP Verification Protocol**

## **MAEAP Advisory Council Recommendation for Submission to the Commission of Agriculture & Rural Development**

### **Adopted September 14, 2011**

Reference:

PA 2 (2011) Sec. 8705 (8)

“Verification” means the on-site evaluation performed by the department in accordance with protocols adopted by the commission of agriculture and rural development to determine if MAEAP standards have been met.

Reference:

PA 2 (2011) Sec. 8710

MAEAP means the Michigan Agriculture Environmental Assurance Program provided for in section 8710, P.A. 2 (2011)

#### **MAEAP Verification Requires that a Farmer:**

- Complete MAEAP educational requirements.
- Perform applicable risk assessment(s).
- Develop and implement one or more MAEAP conservation plans based on the applicable risk assessment(s).
- Contact the Michigan Department of Agriculture & Rural Development (MDARD) to request a farm specific inspection.
- If MAEAP standards have been met, MAEAP verification is issued by MDARD and is valid for 3 years.

#### **MAEAP Reverification Requires that a Farmer:**

- Complete one or more risk assessments.
- Update & implement the corresponding MAEAP conservation plan as needed.
- Contact MDARD to request a farm specific inspection, by MDARD or its designee.
- If MAEAP standards have been met, MAEAP verification is issued by MDARD and is valid for 3 years.

A farm that is not reverified by the end of its third year of verification, and that has not requested reverification, is considered lapsed.

#### **MAEAP Revocation:**

MDARD may revoke verification of a MAEAP-verified farm if any of the following apply:

- In consultation with MDEQ, MDARD determines with scientific evidence provided by water quality data that the MAEAP-verified farm caused an exceedance of water quality standards as a result of nonconformance with MAEAP standards.
- The MAEAP-verified farm fails to conform to MAEAP standards as a result of gross negligence.

- The MAEAP-verified farm fails to comply with protocols for verification as approved by the Commission of Agriculture & Rural Development.
- Upon advice from the DEQ/MDARD technical review panel, MDARD determines that the MAEAP-verified farm is responsible for a pattern of violations of environmental laws, rules, regulations, permit conditions, settlement agreements, orders of consent, or judicial orders that were due to separate and distinct events.

A farm that has resolved all items associated with a MDEQ or USEPA enforcement action, as determined by the appropriate regulatory authority, may be eligible to apply for MAEAP Verification.

Farms with lapsed or revoked verifications forfeit all incentives provided to MAEAP-verified farms.

**Procedures for Revocation:**

The Department shall employ the following process when seeking to revoke a farm's MAEAP verification:

- (1) The Department shall provide notice personally or by mail of the fact(s) or conduct that warrant revocation of MAEAP verification.
- (2) The Department shall provide notice of and hold an informal hearing with the farm to allow the farm to offer evidence as to why its MAEAP verification should not be revoked. The notice shall include the date and time of the hearing, the intended action of the Department, and the basis for the action. This notice may be combined with the notice required in (1) above.
- (3) If, following the informal hearing, the Department determines to proceed with the revocation of MAEAP verification, the Department shall refer the matter to the Michigan Administrative Hearings System to conduct a hearing in accordance with the Michigan Administrative Procedures Act, MCL 24.201 *et seq.* and Rule 285.900.1 *et seq.*, Hearing Procedures.
- (4) The Department's determination to revoke MAEAP verification shall be reviewable as provided for by law.