

Appendix G:

Additional Requirements for Trading

Trading Must Abide by the Requirements of COMAR 26.08.11

The following requirements support the reporting and verification portions of the regulation and must be followed for those either generating a marketable credit, or those who are trading the meet the restoration requirements of this permit.

Additional Requirements for Facilities generating a marketable credit.

- 1) Calculation of Credits. You must use assessment tools consistent with the Chesapeake Bay Program modeling tools and accepted by the Department. Any assumptions or backup data used in the calculations of credits must be maintained on-site.
- 2) Procedure for Certification. Credits are not valid or tradable until placed on the Registry. The registration of the credits requires completion of a Certification and Registration Form as provided by the Department, which includes documentation that the generator either owns the property or has the permission of the landowner to install, access and maintain the BMP. Only when that form is completed and the credits are on the registry, are they available for a trade. As a condition for the certification, the applicant and landowner must agree in writing to provide the Department, verifier and their agents access to the BMP during the lifespan of the credit. The credit owner is required to provide additional notification if the BMP changes, or the ownership of the property changes.
- 3) Verification and Reporting Requirements. In certification of a credit, the Department shall state the frequency at which the credits shall be verified, which shall be no less than every 3 year. You must include this verification process in your SWPPP monitoring plans. Verification of credits generated must be performed by a State or county inspector, a professional engineer registered in Maryland or a Department approved verifier. Each report prepared by an inspector or verifier in accordance with B(2) of the regulation shall include documentation that the BMP implemented continues to meet baseline compliance and that the credit generating BMP continues to be operated and maintained in accordance with the trading contract. If deficiencies exist and resulting corrective measures are needed, you must immediately implement them or jeopardize your trade. You may be required to perform additional inspections to ensure the BMP continues to perform as required.
- 4) The above calculations and permittee copies of the completed forms and correspondence with the Department must be kept onsite and available to an inspector.

Additional Requirements for Facilities Satisfying their Restoration Requirements via a Trade:

- 1) In the event of a default in a trade contract, expiration of a credit, or suspension or revocation of a credit, the buyer using the credit remains responsible for complying with the permit. In any of these events, the permittee must update the SWPPP and inform the Department of their plan to regain compliance with the restoration requirement of the permit.
- 2) Registration of Trades. The permittee must notify the Department about each trade they are involved in by filing a form provided by the Department within 15 days after the trade, after which time the Department will update the Registry to include the registration number. The permittee must update the SWPPP to include this registration number and how this trade is used to satisfy restoration requirements.
- 3) Verification and Reporting Requirements. The permittee must notify the Department annually the status of any trades they have initiated to meet the permit requirements.
- 4) Copies of the contract, the annual Department notification and any other correspondence with the Department regarding the trade must be kept onsite and available to an inspector.