

Spring 2013



Maryland



Nutrient Management News

MARYLAND DEPARTMENT OF AGRICULTURE NUTRIENT MANAGEMENT PROGRAM

MESSAGE FROM SECRETARY HANCE

As farmers set their sights and labors on the promise of a new spring cropping season, MDA is committed to finding ways to foster compliance with Maryland's newly revised nutrient management regulations. Consider these incentive programs which have been introduced or enhanced as a direct result of the new regulations:



- Cost-share funding caps for animal waste management and containment projects have been doubled; the new funding cap is \$200,000 per project and \$300,000 per farm;
- Funding caps for other best management practices (BMPs) cost-shared through the Maryland Agricultural Water Quality Cost-Share (MACS) Program have been raised to \$50,000 per project and \$150,000 per farm;
- A new cost-share program for manure injection and incorporation equipment was introduced earlier this year and funding has been secured to continue the program next year;
- Manure transport grants are now open to dairy, beef and other types of livestock operations with high soil phosphorus levels; and
- Maryland's Income Tax Subtraction for Conservation Equipment has been expanded for the 2013 tax year to include qualifying vertical tillage equipment, global positioning devices and integrated optical sensing and nutrient application systems.

I urge all farmers to take advantage of these programs and work with local soil conservation districts to apply for cost-share grants and formulate a farm management strategy to comply with the new requirements. For more details on these incentive programs and nutrient management deadlines, visit our web site at www.mda.maryland.gov.

For additional guidance, please contact your regional nutrient management specialist listed on the back of this newsletter. With best wishes for a productive planting season in 2013.

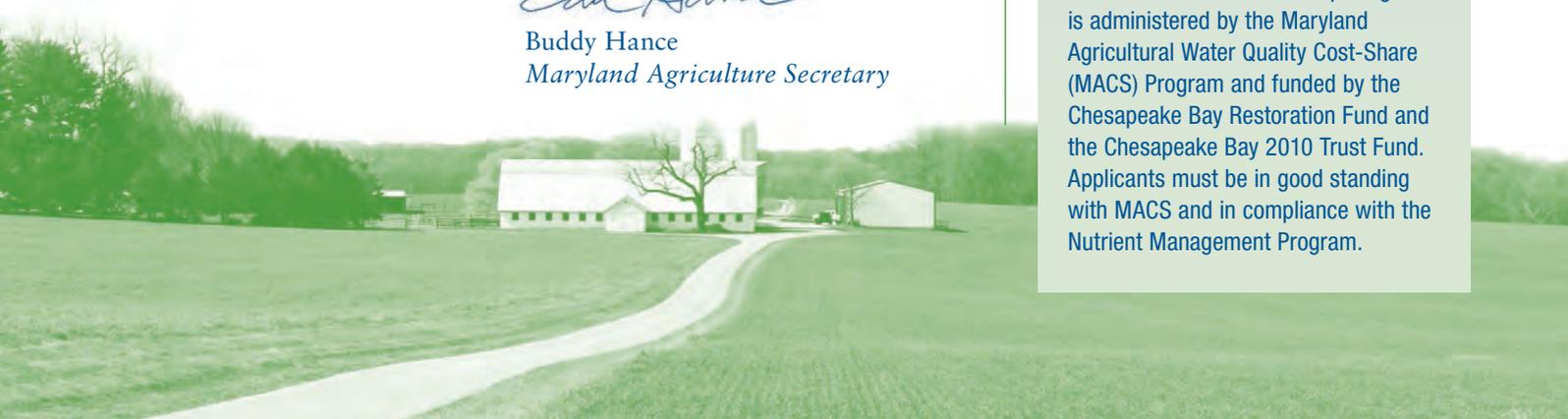
Buddy Hance
Maryland Agriculture Secretary

COVER CROP SIGN-UP BEGINS JUNE 24

Mark your calendars: Sign-up for MDA's 2013-2014 Cover Crop Program runs June 24 through July 15 at soil conservation district offices statewide. Don't miss this once a year opportunity to apply for attractive grants to help offset the cost of planting small grains on your fields this fall to conserve nutrients, reduce soil erosion and protect water quality in the Chesapeake Bay and its tributaries. Maryland's revised nutrient management regulations require cover crops to be planted when organic nutrient sources are applied to fields in fall.

Approximately \$20 million has been allocated for this year's program. Farmers may choose from two planting options. Traditional cover crops receive a base rate of \$45/acre and up to \$55/acre in add-on incentives for using highly valued planting practices and harvested cover crops qualify for \$25/acre with a bonus payment of \$10/acre if rye is used as the cover crop. There are no enrollment caps and certain restrictions apply.

Studies have shown that cover crops improve soil health, reduce weeds and pests and encourage beneficial insects. The Cover Crop Program is administered by the Maryland Agricultural Water Quality Cost-Share (MACS) Program and funded by the Chesapeake Bay Restoration Fund and the Chesapeake Bay 2010 Trust Fund. Applicants must be in good standing with MACS and in compliance with the Nutrient Management Program.





TIMELINE FOR IMPLEMENTING NEW REGS

MDA's revised nutrient management regulations took effect October 15, 2012 and are being implemented in stages over the next several years. Here are descriptions of the new requirements along with corresponding deadlines.

▶ *Effective Immediately*

- Nutrient management plans that were developed before October 15, 2012 will need to be updated when they expire or if there are changes to the operation that require modifications, whichever occurs first. Plans revised or updated after

October 15, 2012 must be developed and implemented in accordance with the revised requirements outlined in *Maryland's Nutrient Management Manual*.

▶ *Beginning Spring 2013*

- Manure, biosolids and other organic nutrient sources must be injected or incorporated into the soil within 48 hours of application. There are exceptions for spray irrigation on a growing crop, permanent pastures, hay production fields, and highly erodible fields. Information clarifying exceptions and guidance can be found at www.mda.maryland.gov. Click on Nutrient Management under the Quick Links menu.

▶ *Beginning Fall 2013*

- Fall application of nitrogen is prohibited on small grains if a fall nitrate test indicates levels greater than 10 parts per million (ppm) for wheat or 15 ppm for barley.
- Cover crops must be planted when organic nutrient sources are applied in the fall.

▶ *Beginning January 1, 2014*

- Farmers are required to establish a 35 ft. setback for fertilizer applications adjacent to surface waters and streams. The setback is reduced to 10 ft. when "directed" application methods are used such as directed spray or injection, which reduce the potential for nutrient losses. No crop plants

SUMMARY OF NUTRIENT APPLICATION REQUIREMENTS Now IN EFFECT

- Chemical fertilizer may be applied from March 1-November 15 for a growing crop, as long as University of Maryland recommendations are followed.
- Organic nutrients (except poultry litter) may be applied from March 1-November 15 for an existing crop, a fall planted crop, or a crop that is planted the following spring, if University of Maryland recommendations are followed.
- Poultry litter may be applied in spring and fall for an existing crop or crops planted for the upcoming season, if it is applied following University of Maryland recommendations.
- Organic nutrient sources must be injected or incorporated into the soil within 48 hours of application. Certain exceptions exist.
- Winter application (November 16-March 1) of chemical fertilizer is prohibited. **Exceptions exist** for green up of perennial forage crops and small grains as well as greenhouse, cool season grass sod production and vegetable and fruit production, if applications are performed following University of Maryland recommendations.
- Use of potash and liming materials is not restricted in winter.
- Manure deposited directly by livestock is not restricted at any time of year.
- Winter application of organic nutrient sources is permitted on cropland — with certain restrictions — until the 2016 deadline if:
 - an operation has inadequate manure storage through March 1
 - the manure/waste is non-stackable
 - there is no other reasonable option to manage the manure

may be grown on the 10 ft. setback area with the exception of pasture and hay. Crop plants may be grown on the remaining 25 ft. setback, but may not be fertilized unless a “directed” application method is used.

- Livestock access to streams and certain surface waters is restricted by establishing a minimum 10 ft. setback. **Fencing is not necessarily a requirement.** The regulations allow soil conservation district staff to evaluate each site to determine whether alternative BMPs such as watering facilities, stream crossings, pasture management techniques or vegetative exclusion will work equally as well in protecting water quality.

▶ **Beginning July 1, 2016**

- Nutrient applications are prohibited between November 1 and March 1 for Eastern Shore farmers and between November 15 and March 1 for Western Shore farmers. This requirement applies to farmers with 50 or more animal units (*1 animal unit equals 1,000 pounds of live animal weight*).

▶ **Beginning March 1, 2020**

- Farmers with fewer than 50 animal units are prohibited from applying nutrients between November 1 and March 1 on the Eastern Shore and between November 15 and March 1 on the Western Shore.

INTRODUCING THE PHOSPHORUS MANAGEMENT TOOL

The Phosphorus Site Index (PSI) has been replaced with the Phosphorus Management Tool (PMT). The new tool has been updated to mirror the latest research in environmental risk assessment for agricultural fields.

The new PMT is the product of more than three years of peer-reviewed research conducted by scientists at the University of Maryland. It identifies areas where excess phosphorus is present in the soil and a high potential for phosphorus loss exists. Its aim is to prevent the additional build up of phosphorus in soils that are already saturated. Farmers using the new PMT will be in a better position to more accurately evaluate management options that can reduce the risk of phosphorus losses from agricultural fields to nearby waterways.

There are several differences between the PSI and the new PMT. The new PMT is more sensitive to varied environmental conditions that are found throughout the state. It looks separately at each pathway phosphorus travels to waterways in order to determine risks. In addition, it decreases the number of categories for risk assessment from four to three. The Fertility Index Value (FIV) of 150 remains the threshold for requiring the use of the new PMT.

MDA anticipates that it will adopt the new PMT. Once adopted, farmers will be required to use the new PMT when updating nutrient management plans.



GRANTS STILL AVAILABLE FOR MANURE INCORPORATION AND INJECTION

Farmer interest in MDA's new grant program for manure injection and incorporation has been strong. Since January, farmers have taken advantage of nearly 40 percent of the program's \$2 million budget. Under the effort, farmers receive grants to help cover the cost of injecting or incorporating manure, food waste and other organic products into cropland, a requirement under Maryland's newly revised nutrient management regulations.

There's still time to take advantage of this important incentive program. Participation is limited to operators who have not used eligible equipment for incorporation or injection of manure during the past five years. Cost-share rates range from \$10 to \$55 an acre depending on the type of equipment or services used. Farmers who use manure injection receive the highest reimbursement rates.

All work must be completed by June 1, 2013, and all claims for payment received by June 10, 2013. Other restrictions apply. MDA plans to offer this program again in Fiscal Year 2014. Farmers should visit their local soil conservation district office as soon as possible to apply. Applications will be accepted until all funds are fully committed.

URBAN UPDATE

Lawn Fertilizer Regs Move Forward

Preparations are in full swing for Maryland's lawn fertilizer law which takes effect October 1, 2013. Under the new law, lawn care professionals hired to apply fertilizers to turfgrass must be certified by MDA or work under the direct supervision of an individual who is certified.

Regulations to implement the law were published in the *Maryland Register* in January and MDA, in cooperation with the University of Maryland, is pulling together the tools and resources necessary to develop a comprehensive training, testing and certification program for lawn care pros. MDA recognizes the seasonal aspects of the lawn care industry and is working to make the transition as smooth as possible.

- A training manual is under development and will be available on MDA's website in June
- Lawn care pros will be notified by mail when the manual is available
- Certification testing is slated to begin this summer and expected to continue until year's end in order to address demand and busy schedules as the program begins

MDA is committed to helping members of the lawn care industry meet the requirements of the new regulations. Program updates are available at www.mda.maryland.gov/fertilizer.

MDA Launches Education Program for Homeowners

Maryland's new lawn fertilizer law requires both homeowners and lawn care professionals to obey fertilizer application restrictions, use best management practices when applying fertilizer, observe fertilizer blackout dates and follow University of Maryland recommendations when fertilizing lawns. To help spread the word among homeowners, a public service campaign was launched in April on radio stations serving the greater Baltimore, Washington, D.C. and Annapolis markets. In addition, MDA and its conservation partners will be out in full force this spring and summer at garden shows, county fairs and other public events with information on the new requirements.

Enforcement Update

Between July 1, 2012 and April 1, 2013, MDA reviewed the fertilizer records of 10 lawn care companies, 11 golf courses and 1 public agency to verify compliance with current urban requirements. Two violations were found. Follow up reviews conducted at 10 organizations determined that nine previous violations had been corrected and one violation was ongoing. Since July 1, 2012, MDA has collected \$750 in fines from three companies for noncompliance.

AGRICULTURAL CERTAINTY PROGRAM GETS NOD

This spring, the Maryland General Assembly passed an Agricultural Certainty Program that will give Maryland farmers a 10-year exemption from new Chesapeake Bay restoration requirements in return for installing voluntary best management practices that meet the Bay's current federally mandated pollution reduction goals. While details of the bill will be worked out through regulations, the program provides farmers with the opportunity to conduct business in a "predictable regulatory setting," according to Maryland Agriculture Secretary Buddy Hance. The bill was supported by MDA, Governor Martin O'Malley and the Chesapeake Bay Foundation among others. Look for details in upcoming issues of *Maryland Nutrient Management News*.

GOOD NEWS FOR DAIRY FARMERS

MDA has received \$500,000 in additional funding for fiscal years 2013 and 2014 from the Chesapeake Bay 2010 Trust Fund to expand its Manure Transport Program to include all types of eligible livestock operations in need of financial assistance to transport excess manure off farms or to other areas within their operations. In recent years, due to limited funds, Manure Transport grants have been awarded almost exclusively to poultry

operations seeking to transport poultry litter out of the Chesapeake Bay Watershed.

With Maryland's revised nutrient management regulations now in effect, the timing of this additional funding could not be better. Animal producers, particularly dairy farmers, should take another look at their nutrient management plans and consider how the Manure Transport Program can benefit their operations.

Cost-share grants of up to \$18 per ton are available to help cover transportation, loading and handling costs to transport manure. Participation in the program does not count toward the new cost-share caps established by the Maryland Agricultural Water Quality Cost-Share (MACS) Program. For more information, contact the soil conservation district or MACS at 410-841-5864.

AGRICULTURAL ENFORCEMENT UPDATE

Annual Implementation Reports

As of March 31, 2013, Annual Implementation Reports (AIRs) have been received for 90 percent of the state's approximately 5,300 eligible farms. The reports, due each year by March 1, describe how farmers followed their nutrient management plans during the previous cropping season. MDA issued warning notices to 1,437 farmers who failed to submit their 2012 AIRs. Since July 1, 2012, \$5,500 in AIR penalties has been collected.

On-Farm Implementation Reviews and Inspections

Between July 1, 2012 and March 31, 2013, MDA conducted 561 on-farm implementation reviews and inspections. Approximately 70 percent of the farms inspected were in compliance. Warnings were issued to 166 farmers. More than 45 percent of the violations were due to expired nutrient management plans. Since July 1, 2012, MDA has collected \$1,350 in fines against five farmers who failed to take corrective actions.

TRAINING CALENDAR

Fundamentals of Nutrient Management Training Course

Dates:	June 17 and 18, 2013
Location:	MDA Headquarters, Annapolis
Who Should Attend:	Individuals who want to become certified to write nutrient management plans for farmers.

Greenhouse and Nursery Farmer/Operator Certification Program/Exam

Date:	July 10, 2013
Location:	Central Maryland Research and Education Center, Ellicott City
Who Should Attend:	Owner/operators and employees of greenhouse and nursery operations who want to become certified to write their own nutrient management plans.

Consultant Nutrient Management Exam

Date:	August 2, 2013
Locations:	Annapolis, Boonsboro and Princess Anne
Registration Deadline:	July 20, 2012
Who Should Attend:	Persons who want to become certified to write nutrient management plans for farmers.

Learn and Earn Continuing Education Credits On-Line

Ongoing:	Consultants and farmers certified to prepare nutrient management plans are required to take continuing education courses in order to keep abreast of the latest nutrient management technologies and regulations. Many educational programs qualify for Maryland Nutrient Management continuing education credits. Even if you can't attend a webinar session "live," you might be able to earn continuing education credits at a later date.
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How to Register

Contact Information:	Call 410-841-5959 or visit www.mda.maryland.gov , click on Nutrient Management in the Quick Links Bar and follow the link to training classes and webinars.
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Nutrient Management Notes

▶ HAVE YOU MOVED?

Please help us keep your contact information up-to-date. Call your regional nutrient management office with address, email or telephone changes as soon as possible.

▶ REGS ON WEB

Read Maryland's revised nutrient management regulations at:
www.mda.maryland.gov

▶ SUBSCRIBE TO MARYLAND NUTRIENT MANAGEMENT NEWS ON-LINE

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Maryland Nutrient Management News is published by the Maryland Nutrient Management Program. It is designed to help farmers and lawn care professionals comply with Maryland's Nutrient Management Law and to assist certified consultants in the professional delivery of services to the agricultural community. Comments and suggestions should be directed to the Maryland Nutrient Management Program, Maryland Department of Agriculture, 410-841-5959.

