

Winter 2013



Maryland



Nutrient Management News

MARYLAND DEPARTMENT OF AGRICULTURE NUTRIENT MANAGEMENT PROGRAM

AIRs DUE MARCH 1

March 1, 2013 is the deadline for Maryland farmers to file their Annual Implementation Reports (AIRs) with MDA describing their nutrient use during 2012.

Animal operations operating under a Confined Animal Feeding Operation (CAFO) Permit from the Maryland Department of the Environment (MDE) need to submit only one AIR-MDE/CAFO Reporting Form to MDA. The combined form is four pages and simplifies the reporting process for animal operations that are required to report their nutrient management activities to both MDA and MDE. MDA will copy the part of the form that it needs and forward the CAFO portion to MDE. CAFOs are also required to submit a manure analysis with their AIRs, as well.

MDA will mail AIR reporting forms and instructions to all farmers in the next few weeks. In addition, fillable PDFs and print versions of both reporting forms will be available on the MDA web site. All farmers should mail their reporting forms to their regional nutrient management specialist by March 1, 2013 at the address listed on back of this newsletter.



MESSAGE FROM SECRETARY HANCE

By now, you've heard that MDA's revised nutrient management regulations went into effect October 15, 2012. The new regulations will modify how a farm's nutrient management plan is developed and implemented and change the way organic nutrient sources and other materials are managed.

To help make the transition easier for farmers and wastewater treatment operations, we have implemented a phased approach to the revised regulations. This will allow folks time to secure financial and technical resources necessary to comply with the most immediate provisions of the new requirements.

Most immediately and importantly for farmers, existing nutrient management plans will be "grandfathered" through the time period for which they were developed. Nutrient management plans that were current October 15, 2012 will be valid until they expire. This guideline holds as long as there are no changes to the operation that would otherwise require revisions to the farm's nutrient management plan.

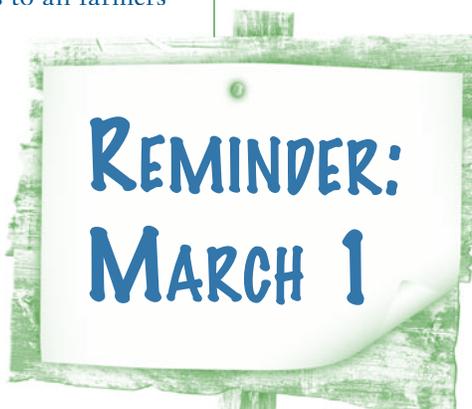
In addition, since the 2012 harvest and cover crop planting season was well underway when the new regulations were adopted, farmers will not be required to follow the new fall management requirements for small grains until fall 2013.

Finally, nutrient applications made during the winter of 2012-2013 should follow new injection/incorporation requirements to the best extent possible. There are some exceptions in the regulations, including those for established pastures. For full details on all the requirements, please visit www.mda.maryland.gov/pdf/finalnmregs.pdf.

Keep in mind, my staff is here to help you through this transition. Please contact your regional nutrient management specialist listed on the back of this newsletter for additional help and guidance.

A handwritten signature in cursive script, reading 'Earl Hance'.

Earl F. Hance
Maryland Agriculture Secretary



Answers to Frequently Asked Questions about...

MARYLAND'S NEW NUTRIENT MANAGEMENT REGULATIONS

MDA's revised nutrient management regulations became effective October 15, 2012. To help farmers understand the new requirements and corresponding deadlines, MDA has compiled answers to the most frequently asked questions received by our regional nutrient management specialists.

Q *Now that the revised regulations have taken effect, will I need to update my nutrient management plan right away, even though it doesn't expire until next year?*

A NMPs that were current as of October 15, 2012 will be considered valid until they expire. This guideline applies as long as there are no changes to an agricultural operation that would otherwise require a revision to the farm's NMP. For example, if a NMP was developed for the 2012 calendar year for spring and fall crops, it will expire on December 31, 2012 and will require an update for the 2013 crop season. In this case, the updated NMP developed for 2013 shall be developed and implemented in accordance with the revised requirements outlined in Maryland's Nutrient Management Manual.

Q *What if I have a multi-year plan?*

A If a multi-year plan existed on October 15, 2012, it will be considered valid through the period for which it was developed. A plan adhering to the new requirements will have to be developed and utilized when it expires. This guideline applies as long as there are no changes to an operation that would require a revision to the farm's NMP.

Q *When do the new timing requirements for fall nutrient applications go into effect?*

A Because the 2012 fall harvest and cover crop planting season is over, farm operators will not be required to adopt new management requirements this fall season. Beginning in 2013, organic nutrient sources must be incorporated into the

soil within 48 hours. The new requirements also limit fall nitrogen applications to small grain crops and call for cover crops to be planted when organic nutrient sources are applied in the fall. There are exceptions for permanent pastures, hay production fields and highly erodible fields. For more information, contact your regional nutrient management specialist listed on the back panel.

IMPORTANT DEADLINES FOR MARYLAND'S NEW NUTRIENT MANAGEMENT REGULATIONS

■ October 15, 2012

- NMPs that were current as of October 15, 2012 will be considered valid until they expire as long as there are no major changes to the operation that would require a revision. All plans developed after this date must conform to the new requirements.

■ Spring 2013

- All farmers must incorporate organic nutrients into the soil within 48 hours of application.

■ Fall 2013

- Farmers are required to plant cover crops when applying organic nutrient sources to fallow ground in the fall.
- New limits for fall nitrogen applications on small grains take effect for all farmers.

■ January 1, 2014

- A 10 to 35 ft. "no fertilizer application zone" must be in place adjacent to surface waters and streams. Pasture management practices must be installed under the guidance of soil conservation districts to protect streams from livestock impacts.

■ 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. Farmers with fewer than 50 animal units have until March 1, 2020.



Q *Do I need to inject or incorporate manure into the soil during the fall/winter of 2012-2013?*

A Winter nutrient applications must be made in accordance with a farmer's current and valid nutrient management plan. If a farmer has a valid plan developed before October 15, 2012 that accounts for manure or other organic nutrients based on surface application this winter, incorporation is not required. For all other farmers, nutrient applications made during the winter of 2012-2013 should be in accordance with new injection/incorporation requirements to the best extent possible.

Q *What if I don't have the equipment to inject or incorporate manure this winter?*

A In situations where the required equipment is not available, nutrient applications should occur on land with existing vegetative cover. In situations where both equipment and existing vegetative cover are not available, nutrient applications will be limited to cropland that has a minimum of 50 percent crop residue coverage prior to application. This 50 percent residue coverage must be maintained until March 1, 2013. All other conditions of winter nutrient application apply.

Q *Are there exceptions to the requirement that manure be incorporated into the soil within 48 hours?*

A Organic nutrients must be incorporated into the soil within 48 hours of application to achieve maximum water quality benefits, however, this requirement has been adjusted to provide exceptions for hay and pasture acres and highly erodible conditions. Also, spray irrigation of nutrients on existing crops does not require incorporation. MDA will be developing and posting guidance

documents on the MDA website at www.mda.maryland.gov to further clarify the requirements.

Q *When does the complete winter ban on nutrient applications take effect?*

A Smaller farms and municipal wastewater treatment plants will be given more time to comply with the ban on winter nutrient applications. The July 1, 2016 deadline prohibiting winter nutrient application will be extended to March 1, 2020 for farms with 50 animal units (1 animal unit equals 1,000 lbs. of live animal weight) or less and municipal wastewater treatment plants with a flow capacity of less than 0.5 million gallons per day. In addition, MDA recently received legislative authority to raise its cost-share ceiling for animal waste storage and containment structures. It is important to note that flexibility exists in the winter application ban. It does not apply to manure deposited by livestock, potash, liming materials and greenhouse use, certain vegetables, small fruit, small grain and cool season grass sod production that are managed in accordance with University of Maryland recommendations.

Q *Is stream fencing mandatory and are other options available? What is the deadline for this requirement?*

A Fencing is not a requirement. The regulations allow soil conservation district staff to evaluate each site to determine whether alternative BMPs such as watering facilities, livestock crossings, pasture management techniques or vegetative exclusion will work equally well in protecting water quality while offering farmers more manageable or cost-effective solutions. The deadline for implementing stream protection measures is January 1, 2014.

Q *When do setbacks have to be in place?*

A Beginning January 1, 2014, farmers will be 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 may be grown on the 10 ft. setback area with the exception of pasture and hay. The remaining 25 ft. setback may have crop plants, but may not be fertilized unless a directed application method is used.

Q *What are the new limits on fall fertilizer applications for small grains?*

A The revised regulations limit fall nitrogen applications for small grains if soil nitrate levels test greater than 10 ppm for wheat or 15 ppm for barley. The requirement is the result of four years of University of Maryland field research replicated in three locations across Maryland. Field tests consistently demonstrated that fall fertilizer is not cost-effective in increasing yields. This requirement takes effect in 2013.

Third Year of Record Cover Crop Enrollment

The MDA Cover Crop Program enjoyed a third straight year of record enrollment as farmers signed up to plant an impressive 607,400 acres of small grains this fall. Sign-up for the 2013-2014 program will be held this summer at soil conservation district offices.



FUNDING CAPS RAISED FOR MACS GRANTS

To help farmers comply with the Maryland's newly revised nutrient management regulations, funding caps for conservation grants provided by the Maryland Agricultural Water Quality Cost-Share (MACS) Program have been raised.

Effective December 25, 2012, the cost-share ceiling for animal waste treatment and containment projects increases from \$100,000 per project to \$200,000 per project, with a maximum payout of \$300,000 per farm. Other BMPs will increase from \$35,000 per project to \$50,000 per project, with a maximum payout of \$150,000 per farm.

A flat rate ceiling applies to all BMP components. Average allowable rates for materials and services necessary to install a BMP are established annually by each county. In many instances, USDA and MACS funds can be combined for maximum financial help. Farmers should contact their soil conservation district for free technical support and application assistance.

URBAN UPDATE

New Urban Nutrient Management Regs Nearing Completion

Following months of planning and discussions with University of Maryland Extension representatives, members of the Maryland Turfgrass Council and other stakeholder groups, MDA has announced that regulations needed to implement Maryland's lawn fertilizer law are nearing completion. MDA expects the regulations to be submitted to the Joint Committee on Administrative, Executive and Legislative Review (AELR) shortly. Following approval by AELR, the first training and certification classes will be offered for lawn care professionals. For updates on MDA's training and certification schedule, visit www.mda.maryland.gov/fertilizer.

Enforcement Update

Between July 1, 2012 and November 15, 2012, MDA reviewed the fertilizer records of seven lawn care companies, five golf courses and one public agency to verify compliance with urban requirements. No violations were found. Follow-up reviews conducted at eight organizations determined that previous violations had been corrected. Since July 1, 2012, MDA has collected \$500 in fines from two companies for non-compliance.



Cover
Crops...
Protecting
the Bay



TRAINING CALENDAR



Nutrient Applicator Voucher Training and Recertification

University of Maryland Extension offers free, statewide voucher training and renewal courses to farm operators who apply nutrients to 10 or more acres of cropland. The two-hour nutrient applicator training course is required once every three years. Contact your county Extension office for

dates and locations at <http://extension.umd.edu/local/index.cfm> or visit www.mda.maryland.gov and click on Nutrient Management in the Quick Links Bar and follow the link to training classes and webinars.

Farmer Certification Workshops

Four workshops remain this winter for farmers who want to become certified to write nutrient management plans for their own operations. Each program consists of about 11 hours of classroom lecture and practice in writing plans and is designed for farmers who use manure and fertilizer. Visit www.mda.maryland.gov. Scroll down the Quick Links to Nutrient Management and click on Nutrient Management Training Classes for a registration form or contact MDA at 410-841-5959 to register.

- **Operation Type:** Crop Operations that Use Manure and Fertilizer
Day Classes: January 15 and January 24, 2013
Location: University of Maryland Extension—Baltimore County Office
- **Operation Type:** Crop Operations that Use Manure and Fertilizer
Day Classes: February 5 and 15, 2013
Location: University of Maryland Wye Research and Education Center, Queen Anne's County
- **Operation Type:** Crop Operations that Use Manure and Fertilizer
Day Classes: February 19 and 28, 2013
Location: University of Maryland Extension—Washington County Office
- **Operation Type:** Crop Operations that Use Manure and Fertilizer
Evening Classes: March 7, 14, 21 and 28, 2013
Location: University of Maryland Extension—Montgomery County Office

University of Maryland Extension On-Line Training Opportunities

UME's Livestock and Poultry Environmental Learning Center offers a series of on-line Webinars on manure management that may qualify for continuing education credits. Visit www.anmp.umd.edu/Events for a listing.

Learn and Earn Continuing Education Credits On-Line

Many educational programs qualify for Maryland Nutrient Management continuing education credit. Even if you can't attend a webinar session "live," you might be able to earn continuing education credits at a later date. Call 410-841-5959 or visit www.mda.maryland.gov and click on Nutrient Management in the Quick Links Bar and follow the link to training classes and webinars.

AGRICULTURAL ENFORCEMENT UPDATE

Annual Implementation Reports

As of November 15, 2012, Annual Implementation Reports (AIRs) have been received for 99 percent of the state's approximately 5,400 eligible farms. The reports, due each year by March 1, describe how farmers followed their nutrient management plans during the previous cropping season. Since July 1, 2012, MDA has collected \$4,000 in fines against farmers who failed to submit their AIRs.

On-Farm Implementation Reviews and Inspections

Between July 1, 2012 and November 15, 2012, MDA conducted 295 on-farm implementation reviews and inspections to ensure that nutrient management plans are current, records are in line with plans, and that the farmer is using the plan to properly manage nutrients. Approximately 70 percent of the farms inspected were in compliance. Warnings were issued to 94 farmers. More than 50 percent of the violations were due to expired nutrient management plans. Since July 1, 2012, MDA has collected one \$100 fine from a farmer who failed to take corrective actions.





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 Anthony G. Brown, *Lt. Governor*
 Earl F. Hance, *Secretary*
 Mary Ellen Setting, *Deputy Secretary*



Financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration (NOAA).

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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/pdf/finalnmregs.pdf

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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.

