

Title 15
DEPARTMENT OF AGRICULTURE

Subtitle 20 SOIL AND WATER CONSERVATION

Chapter 04 Nutrient Management Certification and Licensing

Authority: Agriculture Article, §§8-801—8-806, Annotated Code of Maryland

.01 Scope.

A. These regulations describe the Department's certification and licensing program for individuals or businesses that prepare and offer farm nutrient management plans.

B. When a nutrient management plan is prepared for a farm it indicates how essential primary nutrients, that is, nitrogen, phosphorus, and potassium, are to be annually managed on farm fields for crop production and for the protection of water quality. Plans contain recommendations to farmers based on expected crop yield, existing nutrient levels in the soil, organic residuals, optimum timing and placement of nutrients, environmental protection, and normal farming practices such as liming, tillage, and crop rotation. The Department shall certify qualified individuals to prepare these plans.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Certified farm operator" means an individual certified by the Department under this subtitle to prepare a nutrient management plan solely for agricultural land that the individual:

- (a) Owns;
- (b) Operates, or
- (c) Has a legal interest in.

(2) "Certified nutrient management consultant" or "consultant" means an individual certified by the Department under this subtitle to prepare a nutrient management plan.

(3) "Crop nutrient needs" means the primary nutrient requirements of a crop determined as pounds of N, P₂O₅, and K₂O required for production of a crop yield unit such as a bushel of corn or a ton of alfalfa.

(4) "Department" means the Maryland Department of Agriculture or its designee.

(5) "Fertilizer" means any substance containing a recognized plant nutrient used for its plant nutrient content and designed for use in promoting plant growth.

(6) "Field identification number" means a number used by a farmer/operator to distinguish or pinpoint the location of a field or management unit on a farm.

(7) "Nutrient content" means the percentage of any primary nutrients as N, P₂O₅, or K₂O in any type or source of plant nutrients.

(8) "Nutrient management plan" or "plan" means a plan prepared by a certified nutrient management consultant or certified farm operator to manage the amount, placement, timing, and application of animal waste, fertilizer, sewage sludge, or other plant nutrients in order to prevent pollution and to maintain the productivity of soil when growing agricultural products.

(9) "Person" means the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity, unless otherwise provided.

(10) "Watershed code" means the code used by the State to identify a hydrologic unit area.

.03 Certification and License Requirement.

A. Unless certified by the Department, an individual may not act as a certified nutrient management consultant or a certified farm operator as provided by this chapter.

B. Unless licensed by the Department, a person may not engage in the business of providing a certified nutrient management plan as provided by this chapter.

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.04 Certification Application and Examination Requirement.

A. To apply for the examination to be certified as a nutrient management consultant, an applicant shall file the following with the Department at least 15 days before any announced examination:

- (1) An application on the form the Department requires;
- (2) Proof of meeting one of the following:

(a) A school-authenticated college degree in an agriculturally related area, and 1 year of practical experience acceptable to the Department in nutrient management planning, or

(b) A combination of education and practical experience related to nutrient management planning which is acceptable to the Department; and

- (3) Except for a government agency, the applicable certification fee by check or money order.

B. To apply for the farm operator certification, a person shall:

- (1) File the required application forms with the Department; and
- (2) Pay the applicable fees by check or money order.

C. Unless timely filed and complete, an application may be denied.

.05 Examination.

A. Nutrient Management Consultants.

(1) The Department shall offer a certification examination for nutrient management consultants at least once a year. The Department shall give 30 days public notice of the time and place for each examination.

(2) The Department may provide required training or a list of study materials before any examination is given.

(3) The Department shall allow a candidate who fails a certification examination to take another examination if the candidate:

- (a) Makes application to the Department 15 days before the next examination date; and
- (b) Pays a certification fee.

B. Farm Operators.

(1) The Department shall offer required certification training and examinations targeted to specific farm operation types for farm operators at least once per year.

(2) The Department shall allow a candidate who fails a certification examination to retake the examination if the candidate files an application with the Department at least 15 days before the date of the next examination.

.06 Certification.

A. The Department shall certify any individual as a nutrient management consultant or certified farm operator who:

- (1) Meets the requirements of this chapter;
- (2) Meets the Department's educational and experience requirements;
- (3) Meets the Department's training requirements; and
- (4) Passes a Department-approved examination.

B. The Department may issue a supplemental certification to an individual who prepares a nutrient management plan for an agricultural operation producing a specialty plant, crop, animal, or product, and who meets:

- (1) All the requirements of §A of this regulation; and
- (2) Additional educational and experience requirements relating to the production specialty, as approved by the Department.

.07 Employment Requirement.

An individual who is certified by the Department shall be licensed or employed by a person licensed under this chapter if engaged in the business of providing nutrient management plans. Individuals who are certified may develop a nutrient

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management plan for the purposes of complying with Regulation .09 of this chapter for land they own or operate without obtaining a license.

.08 Certification Renewal.

A. A certificate is issued for 1 year and may be renewed for a 3-year term by:

(1) Submitting a renewal application on the form the Department requires;

(2) Except for a government agency or a farmer or operator doing a plan for land they manage, paying a renewal fee to the Department;

(3) Providing proof of satisfactory completion of continuing education, workshops, or other training programs approved by the Department that includes:

(a) At least 6 hours of training within the first year, and 12 hours thereafter within the 3-year term for certified consultants; or

(b) At least 2 hours of training within the first year, and 6 hours thereafter within the 3-year term for certified farm operators;

(4) Complying with all requirements on the preparation of a nutrient management plan; and

(5) Complying with all other requirements of this chapter.

B. An individual who fails to renew the certification may be required to take another certification examination as provided by this chapter.

.09 License Application.

An applicant for a license to engage in the business of providing a nutrient management plan as provided by this chapter shall do the following:

A. Submit to the Department an application on the form the Department requires;

B. Pay, except for a government agency, the applicable fee;

C. Have at least one individual who is a certified nutrient management consultant as provided by this chapter working under the license; and

D. Agree to comply with the requirements of this chapter.

.10 License Renewal.

A license is issued for 1 year and expires unless the applicant renews the license for a 3-year term and qualifies by:

A. Submitting a renewal application on a form the Department requires;

B. Except for a government agency, paying a renewal fee to the Department;

C. Having a minimum of one individual who is a certified nutrient management consultant as provided by this chapter working under the license; and

D. Complying with the requirements of this chapter.

.11 Record-Keeping and Reporting Requirements.

A. License Holder Record-Keeping and Reporting Requirements. A person who holds a license under this chapter shall keep records, and file with the Department by September 30 of each year an annual activity report covering the previous year (July 1 through June 30) that contains the following information:

(1) Name and number of the license holder;

(2) Name of the certified nutrient management consultant or consultants employed between the previous July 1 and June 30;

(3) Number of nutrient management plans completed; and

(4) Acreage covered by the plan and by county and State watershed codes for this acreage.

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B. Information Concerning the Phosphorus Management Tool.

(1) As provided in §B(2) and (3) of this regulation, a license holder or a certified consultant who is not operating under a license shall file a report with the Department that includes information relating to nutrient management plans developed for operations which have soils with a phosphorus fertility index value of 150 or above.

(2) The report shall include information that the Department determines necessary to evaluate the implementation of the Phosphorus Management Tool, as provided in the Maryland Nutrient Management Manual, Section II-C2.

(3) The report shall be filed annually on a form developed by the Department not later than September 30th.

(4) The Department shall maintain the information provided in the report in a manner that protects the identity of the person for whom the plan was prepared and that person's personal information.

C. Information related to soil test phosphorus

(1) As provided in §C(2)—(4) of this regulation, a license holder or a certified consultant who is not operating under a license shall file a report with the Department that includes field or management-unit information relating to phosphorus levels in the soil determined by a soil analysis conducted in accordance with COMAR 15.20.08.05D related to nutrient management plans developed in accordance with COMAR 15.20.07 and 15.20.08.

(2) The report shall include:

(a) Soil test phosphorus levels for each field or management unit in the nutrient management plan and expressed in terms of the Fertility Index Value;

(b) Acreage associated with a specific soil analysis and field or management unit;

(c) The county in which the field or management unit is located; and

(d) Other information that the Department considers necessary to evaluate soil phosphorus data.

(3) The report shall be filed on a form developed by the Department not later than September 30, 2015 and every sixth year thereafter.

(4) The report may not include any information identifying the person or specific operation about whom the report is prepared.

D. List of Reported Operations. Concurrent with the report required under §C of this regulation, a license holder or a certified consultant who is not operating under a license shall file a separate report with the Department that includes the names of the persons, farm names, as applicable, and addresses of those operations for which soil phosphorus data has been provided to the Department.

E. Nutrient Management License Holder Record-Keeping Requirements. A license holder shall keep:

(1) A copy of any nutrient management plan prepared under this chapter;

(2) Records with the following information if the information is not already contained in a plan:

(a) Consultant's name and certification and license number;

(b) Landowner's or operator's name and address;

(c) Location of the land, including county and watershed code;

(d) Total acres of land for nutrient application, including acres of each crop or land cover;

(e) Date of the initial plan and subsequent revisions;

(f) Soil analysis for each field;

(g) Organic waste analysis;

(h) Expected crop yields by field, and basis used for calculations;

(i) Recommended nutrient rates for each field and crop, including application time and methods to be used;

(j) Any adjustment of recommendations due to limitations, which shall be justified and documented; and

(k) Any other instructions or suggestions resulting in plan modification; and

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(3) Required records for at least 5 years and make them available to the Department upon request.

.12 Denial, Suspension, or Revocation of Certificate or License.

After the opportunity for a hearing, the Department may deny, suspend, or revoke the certification or license of any person who violates any of the regulatory requirements of this chapter, including:

- A. Providing misleading, false, or fraudulent information in applying for a certificate or license;
- B. Providing the Department with any misleading, false, or fraudulent report;
- C. Offering or preparing a certified nutrient management plan as provided by this chapter without a certificate and license;
- D. Offering or preparing a nutrient management plan that does not comply with the requirements of COMAR 15.20.08;
- E. Failing to have a minimum of one certified nutrient management consultant working under a license;
- F. Failing to promptly provide any report or to allow the Department access to inspect any record required to be kept by this chapter;
- G. Failing to meet continuing education requirements.

.13 Reinstatement of Certificate or License after Disciplinary Action.

Upon application for a certificate, any person whose certificate is denied, suspended, or revoked may be required to retake the certification examination.

Administrative History

Effective date:

Regulations .01—.15 adopted as an emergency provision effective October 13, 1992 (19:22 Md. R. 1981); emergency status extended at 20:3 Md. R. 255; adopted permanently effective March 15, 1993 (20:5 Md. R. 515)

Regulation .05A amended effective January 27, 1997 (24:2 Md. R. 116)

Chapter revised effective May 29, 2000 (27:10 Md. R. 967)

Regulation .02B amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 684)

Regulation .03A amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 684)

Regulation .04 amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 684)

Regulation .05A,B amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 684)

Regulation .06 amended effective April 16, 2001 (28:7 Md. R. 692)

Regulation .06A amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 694)

Regulation .08A amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 684)

Regulation .10A amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 684)

Regulation .11 amended effective June 8, 2015 (42:11 Md. R. 726)

Regulation .12D amended effective April 16, 2001 (28:7 Md. R. 692)

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