



Nutrient Management News

MARYLAND DEPARTMENT OF AGRICULTURE NUTRIENT MANAGEMENT PROGRAM

SUMMER 2019

Message from Secretary Bartenfelder

During the 2019 legislative session, the General Assembly passed Senate Bill 546, which affects Maryland farmers in several ways.

Senate Bill 546 increases the penalties for nutrient management violations, prioritizes the collection of soil data from farmers, and requires farmers, haulers, and manure brokers to keep additional records on where manure is transported and how it is used. The new law goes into effect on October 1, 2019.

Senate Bill 546 also requires the Maryland Department of the Environment (MDE) to charge an annual fee to Concentrated Animal Feeding Operations (CAFOs) with a chicken house capacity of 350,000 square feet or greater. MDE previously

waived this fee.

Additionally, the Maryland Department of Natural Resources has been directed to conduct water-quality monitoring at nine sites on Maryland's Lower Eastern Shore to verify that the actions required by the Phosphorus Management Tool are improving Maryland's waterways.

The bottom line for agriculture is that both farmers and government agencies are being held accountable for upholding and following Maryland's environmental laws. Farmers who use manure will be required to provide more details about the amount of manure generated, how it's being used, and where it's being transported on next year's Annual Implementation Reporting (AIR)

Forms. As usual, our staff will be on hand to assist farmers and walk them through the new reporting process.

I encourage all Maryland farmers who use or sell manure to keep good records of where manure is being transported and applied. Keeping detailed records will help ensure accurate reporting and that farmers are abiding by the new law.

Thank you in advance for your cooperation and best wishes for a successful growing season.

Joe Bartenfelder
Maryland Agriculture Secretary



Maryland's Phase III WIP Moves Forward

Public comment on Maryland's draft Phase III Watershed Implementation Plan (WIP) to restore the health of the Chesapeake Bay ended June 9. The draft plan outlines steps Maryland will take to meet its sediment, nitrogen and phosphorus reduction goals by 2025. The plan was drafted based on local input collected at 23 county meetings and numerous regional meetings. The Bay Program reports that while Maryland is on track to meet its phosphorus and sediment reduction goals, additional focus is needed to reduce nitrogen levels in the Bay. The draft plan outlines realistic measures for achieving Maryland's nutrient reduction goals by 2025. It is expected to be finalized by August 2019. Visit mde.maryland.gov to read the plan.

What Farmers Need To Know About Senate Bill 546



This spring, the Maryland General Assembly passed legislation (Senate Bill 546) that

increases financial penalties for farmers who are out of compliance with the Nutrient Management Program, adds supplementary reporting requirements on manure transport and land application, places new requirements on Concentrated Animal Feeding Operations (CAFOs), and requires water quality monitoring at nine sites on the lower Eastern Shore. The new law goes into effect October 1, 2019. Here are the key features:

Maximum Financial Penalties for Farmers Increased

- Farmers with late or missing Annual Implementation Reports

(AIRs) may be fined up to \$1,000.

- The fine for failing to implement a nutrient management plan is now capped at \$500 per violation and up to \$5,000 per operator, per year.
- A new \$250 fine has been added for anyone who applies phosphorus to land in violation of Maryland's Phosphorus Management Tool (PMT) regulations.
- Go to mgaleg.maryland.gov and search for SB546 for a full breakdown of all fines and penalties.

Financial Penalties for Certified Consultants and License Holders

The law requires licensed businesses and certified consultants to comply with all nutrient management reporting requirements including PMT implementation deadlines and submission of soil test data required by the PMT. Violators may be fined \$250.

New Manure Reporting Requirements

The law requires the Department to augment how it tracks manure movement both inside and outside of the State and places additional record-

keeping responsibilities on farmers, manure haulers, and brokers. As a result of the new reporting requirement, the 2019 AIR will have an expanded section on manure transport.

New Requirements for CAFOs

The bill requires the Maryland Department of the Environment to charge an annual fee to CAFO operations and prohibits waivers. Farmers will be required to have coverage under the General Discharge Permit before construction begins. MDE is also prohibited from issuing coverage under the General Discharge Permit to a person who began constructing a CAFO before being issued permit coverage.

Stream Monitoring

The bill requires the Maryland Department of Natural Resources to conduct stream monitoring at nine sites on the Lower Eastern Shore.



Breakfast is Better on the Farm

The Burrier and Derr families will host UME's Breakfast on the Farm event June 22 at Valley Ho Farm in Frederick County. The popular gathering attracts hundreds of people who have never visited a working dairy farm. Chris and Jamie Derr (pictured) will be on hand to discuss what it takes to get dairy products from farm to table while preserving natural resources.

Equine Education Day

More than 80 people attended an environmental training workshop for owners and managers of large and small equine operations on May 2 at the Department's headquarters. The training focused on Maryland's nutrient management requirements and best management practices that can be installed on horse farms to protect soil and water resources. Sponsors included the Nutrient Management Program and the Maryland Horse Council.



PMT Update

Last November, the Phosphorus Management Tool (PMT) Advisory Committee voted to have an economic analysis performed to evaluate the potential impact of implementing the PMT on farmland with high soil phosphorus levels. Based on the study's findings, the Committee may ask the Secretary to provide farmers with a one year extension to implement the PMT. This extension is allowed under certain circumstances by Maryland's PMT regulations.

The analysis will look at economic factors affecting farmers with high soil phosphorus levels who will be prohibited from spreading manure or poultry litter on fields. Funding levels for the Manure Transport Program will be examined closely. The Department will notify farmers of the results of the analysis on its website at mda.maryland.gov.

Soil Test Data Results

To date, the Department has compiled soil phosphorus data for 1,120,668 acres of regulated farmland. Approximately 20 percent of farm fields tested have soil phosphorus levels that will require use of the PMT. The Department continues to target farms that have not submitted soils data for audits and inspections.

PMT Scheduling Tiers

The PMT categorizes farmland into three tiers (high, medium, and low) based on average soil phosphorus levels. Tiers govern how long a farmer has to transition to the PMT. The high risk and medium risk groups have already begun transitioning to the PMT. The low risk group will begin transitioning to the PMT in 2020. All farm fields with high soil phosphorus levels will be required to implement the PMT fully by 2022, unless the deadline is extended.

Cover Crop Program Offers More Incentives

Sign-up for Maryland's 2019-2020 Cover Crop Program runs June 21 through July 17 at soil conservation district offices statewide. Don't miss this limited opportunity to apply for grants to plant fall cover crops to improve your soil and the health of the Chesapeake Bay.

Maryland has earmarked \$22.5 million for this year's cover crop program. New this year, a \$15/acre Extended Season planting incentive is available to farmers who terminate their cover crops after May 1 in order to provide additional water quality benefits. Farmers who hire an airplane or helicopter to aerial seed cover crops into standing corn between August 15 and September 1 can qualify for a \$10/acre incentive payment.

The 2019-2020 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 and Atlantic Coastal Bays Trust Fund.

Applicants must be in good standing with MACS and in compliance with the Nutrient Management Program. Bring your completed Current Nutrient Management Certification with you when you apply. Search *Current Nutrient Management Certification* at mda.maryland.gov to download the form.

Maryland's 2019-2020 Cover Crop Planting Options



Plant Traditional Cover Crops

- Receive up to \$90/acre to plant traditional cover crops this fall with add-on incentive payments.
- A new \$15/acre Extended Season incentive payment is being offered to farmers who terminate cover crops after May 1. (Field inspection required)

Aerial Seed Traditional Cover Crops into Standing Corn

- Hire an airplane or helicopter to aerial seed cover crops into standing corn between August 15 and September 1 to receive an additional \$10/acre incentive payment.
- Aerial seeded cover crops also qualify for the \$15/acre Extended Season incentive payment if they are terminated after May 1.
- Maximum payment for aerial seeded cover crops is \$85/acre.

Learn more at: mda.maryland.gov

Quick Reference Guide for Lawn Care Pros



Here's a quick refresher straight from the *Maryland Professional Lawn Care Manual* on what licensed firms and certified

professionals need to know and do to stay in compliance with Maryland's Lawn Fertilizer Law. To download a copy of the complete manual go to mda.maryland.gov/fertilizer.

Soil Testing

Soil tests must be taken for each new customer and once every three years thereafter if phosphorus will be applied to the property. An approved lab must be used to test the samples. Follow University of Maryland recommendations included in these fact sheets: **TT-115** (turf maintenance), **TT-116** (seeding) and **TT-118** (golf courses). Download the fact sheets at mda.maryland.gov/fertilizer.

Record Keeping

Keep the following records of fertilizer applications:

- Name of the fertilizer applicator
- Size of the area fertilized
- Date of nutrient application
- Address and location of client
- Rate of application (*Example: 4 pounds of fertilizer per 1,000 square feet*)
- Total amount of fertilizer used per application
- Analysis of the fertilizer product used
- An original or legible copy of the fertilizer label

Nitrogen Limits

A single application may not exceed 0.9 pound total nitrogen per 1,000 square feet and 0.7 pound of soluble nitrogen per 1,000 square feet, except when using enhanced efficiency fertilizer. Annual limits may not exceed University of Maryland recommendations outlined in the chart.

Enhanced Efficiency Fertilizer

- Enhanced efficiency, controlled-release products may be applied at no more than 2.5 pounds of nitrogen per year.
- No more than 80 percent of the annual recommended rate for nitrogen may be applied.

Annual Nitrogen Recommendation Rates for Commercially Maintained Turfgrass Total Nitrogen Annually (pounds of N per 1,000 square feet)

Cool Season Grasses	Years 1 through 2	Subsequent Years
Kentucky bluegrass	3.0 - 4.0	2.0 - 3.5
Turf-type tall fescue	2.5 - 3.5	2.0 - 3.0
Fine fescue	1.0 - 2.0	0.0 - 1.5
Perennial ryegrass	2.5 - 3.5	2.0 - 3.0
Warm Season Grasses	Years 1 through 2	Subsequent Years
Bermudagrass	2.0 - 4.0	2.0 - 3.0
Zoysiagrass	1.0 - 2.0	0.0 - 2.0

- The maximum monthly release rate may not exceed 0.7 pound of nitrogen per 1,000 square feet.
- These products may not be applied after November 15.
- Professionals must maintain records of the release rate documented by the manufacturer.

Phosphorus Limits for Organic or Natural Organic Turf Fertilizer

- P₂O₅ may be applied based on soil test results and the University of Maryland Fertility Index Value Soil Test Category. (See Appendix D, *Maryland Professional Lawn Care Manual*, mda.maryland.gov/fertilizer)
- Organic or natural organic turf fertilizer may not be applied when soils test at "optimum" to "excessive" for phosphorus levels.
- If P₂O₅ is recommended for seeding or sod installation (Fact sheet TT-116) and the soil test phosphorus level is in the "optimum" range, only synthetic fertilizer may be used.

Synthetic Turf Fertilizer

- Except for starter fertilizer, fertilizer labeled for use on turf may not contain phosphorus.
- Apply P₂O₅ based on soil test results and the University of Maryland Fertility Index Value Soil Test Category. (See Appendix D, *Maryland Professional Lawn Care Manual*)

Fertilizer Setbacks

- Nitrogen or phosphorus may not be applied to turf within 15 feet of streams, creeks, ponds, or other waterways.
- If using a drop spreader, rotary spreader with deflector shield, or targeted spray, the setback may be reduced to 10 feet.
- Do not apply fertilizer to driveways, sidewalks, or other impervious surfaces.

Products that land on these surfaces must be swept back onto lawns or cleaned up.

Fertilizer Timing Restrictions

- Nitrogen and phosphorus fertilizer may not be applied to turf between December 1 and March 1.
- From November 16 through December 1, lawn care professionals (not homeowners) may apply nitrogen to lawns at a maximum rate of 0.5 pound per 1,000 square feet, if agronomically appropriate.
- The law prohibits anyone from applying lawn fertilizer containing nitrogen and phosphorus to impervious surfaces or frozen ground.
- Lime, potassium, and other nutrients are not regulated under the law.

Newly Established Lawns

Turf fertilizer used for routine maintenance applications may not contain phosphorus unless a current soil test (less than three years old) indicates the need. When establishing turf after a tillage operation or more drastic disturbance, such as construction, phosphorus may be applied without a soil test following University of Maryland recommendations for seeding. (See Fact sheet TT-116 at mda.maryland.gov/fertilizer)

Penalties

Violators are subject to civil penalties of up to \$1,000 for the first violation and \$2,000 for each subsequent violation.



Best Practice Spotlight



Covered Livestock Heavy Use Area

This best management practice includes a roof and gutter system constructed over a heavy use area to divert clean water away from barnyards or feedlots. It is usually constructed as part of a comprehensive manure management system.

Farmers report that the roofed structure makes manure management easier, reduces mud, and helps prevent rainwater from mixing with animal manure.

Additional benefits:

- Provides a temporary animal confinement area during inclement weather.
- Can be co-cost-shared using state and federal funds.
- Free technical and engineering assistance is provided by soil conservation districts.

Training Calendar

Agricultural Nutrient Management Program

Farmer Training and Certification

Date	July 2, 2019
Location	Wye Research and Education Center, Queenstown, MD
Who Should Attend	Growers who want to become certified to write nutrient management plans for their own nursery, greenhouse, or controlled environment operations.

Consultant Nutrient Management Exam

Date	August 2, 2019
Location	Annapolis, MD
Who Should Attend	Individuals who want to take the exam to become certified to write nutrient management plans for farmers.

Agricultural Nutrient Management Update Training

Save the Date	December 17, 2019
Location	National Wildlife Visitor Center, Laurel
Who Should Attend	Farmers, consultants and anyone who makes nutrient management recommendations. Check the website for registration information later this summer.

Learn and Earn Continuing Education Credits On-Line

Ongoing	Many educational programs qualify for Maryland Nutrient Management continuing education credits. Even if you can't attend a webinar session "live," you may be able to earn continuing education credits at a later date.
How to Register	Visit mda.maryland.gov and click on Nutrient Management in the Quick Links Bar. Follow the link to training classes.

Turfgrass Nutrient Management Program

Professional Fertilizer Applicator Certification Training/Exam

Dates/Locations	July 10, 2019 – Derwood, MD
	August 12, 2019 – Boonsboro, MD
	October 8, 2019- Annapolis, MD
	December 9, 2019 – Salisbury, MD
Who Should Attend	Individuals who want to take the exam to become certified to apply fertilizer to lawns that they manage. Optional training sessions are available.

Professional Fertilizer Applicator Continuing Education Offerings

Dates	New offerings are being planned and will be posted on the website as soon as they are finalized.
Locations	Statewide
Who Should Attend	Individuals who are currently certified. The class satisfies the two-hour continuing education requirement for recertification.
How to Register	Visit mda.maryland.gov/fertilizer . Check back often for new offerings.



The Bay is Improving

Record rainfall took a heavy toll on the health of the Chesapeake Bay in 2018, but the Bay still managed to bring home a "C" on its annual Report Card issued by the University of Maryland Center for Environmental Science (UMCES). According to UMCES, despite extreme rainfall last year, the overall trend indicates that the health of the Chesapeake Bay is improving over time.



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What's Inside:

- New Law Impacts Farmers
- PMT Update
- Urban Rules 101
- Cover Crop Sign-up

Maryland Nutrient Management News is published by the Maryland Nutrient Management Program. It is designed to help farmers, consultants, and lawn care professionals comply with Maryland's nutrient management regulations. Comments and suggestions should be directed to the Maryland Nutrient Management Program, Maryland Department of Agriculture. Email nminfo.mda@maryland.gov or call 410-841-5959.

