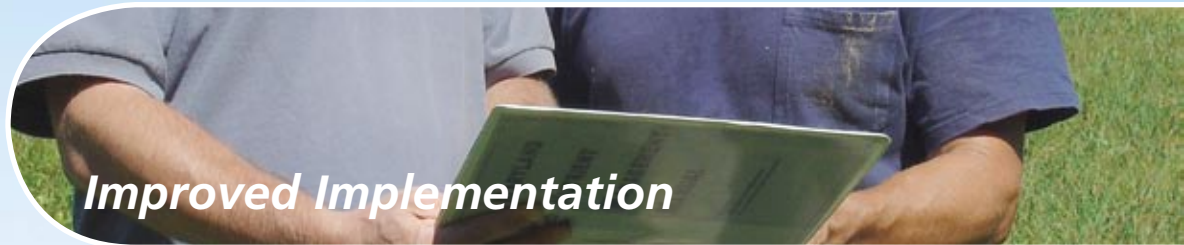


# MARYLAND NUTRIENT MANAGEMENT PROGRAM



*Improved Implementation*



*Increased Compliance and Enforcement*



*Enhanced Accountability*

2009 Annual Report







## *Message from Secretary Hance*



Improved implementation, increased compliance and enforcement, and enhanced accountability were top priorities for the Nutrient Management Program in 2009. In keeping with Governor Martin O'Malley's pledge to speed up the Chesapeake Bay restoration and bolster accountability to the public, the Nutrient Management Program has strengthened its enforcement efforts to ensure that both farmers and urban land managers are working to protect water quality in the Bay and its tributaries.

Maryland law requires farmers to operate their farms using a nutrient management plan and submit annual implementation reports to the Maryland Department of Agriculture (MDA) showing that their nutrient applications matched up with their nutrient management plans. To date, nutrient management plans have been submitted for more than 99 percent of Maryland's farms. Following ramped up enforcement efforts by our compliance team, the number of farmers without plans has dropped from 133 last year to 12 as of December 31, 2009. In addition, 99 percent of our farmers have submitted their annual implementation reports for the latest reporting period. Sixty-nine percent of roughly 400 farmers who were randomly selected for on-farm audits passed their inspections. MDA is working to bring the remaining operations into full compliance through its extensive education and compliance assistance programs.

As these figures indicate, the majority of Maryland's farmers are in compliance with the Nutrient Management Law and doing their part to help restore the Chesapeake Bay. As a regulatory agency, however, it is our responsibility to ensure that all farmers are complying with the law and to actively pursue violators. To that end, MDA issued over 1,800 warnings followed by 144 enforcement actions resulting in \$37,900 in fines for nutrient management violations in 2009.

In other areas, the Maryland Department of the Environment (MDE) began issuing its general discharge permit for animal feeding operations in December. Due to the strength of the Nutrient Management Program and the joint efforts of two agencies, our farmers are well positioned to comply with tough new comprehensive nutrient management requirements for mid-sized to large animal operations. MDA, in cooperation with the University of Maryland and the USDA Natural Resources Conservation Service, continues to refine and enhance the criteria and standards for managing and applying nutrient sources on agricultural land.

On the urban front, MDA continues to enforce Maryland's nutrient applicator requirements for lawn care service providers, golf courses and public groundskeepers. This year, the program conducted 63 reviews and issued 14 warning letters and one fine. Enforcement will continue to be a major focus of the program in coming years.

The following report more fully outlines our nutrient management progress and accomplishments. I thank our farmers for their commitment to using nutrient management plans as an on-farm management tool to make their operations more efficient and cost-effective while protecting and restoring the Chesapeake Bay. Maryland farmers are leading the way to a smart, green and growing future.

Earl F. Hance  
*Maryland Secretary of Agriculture*

# The Enforcement Process

MDA nutrient management specialists audit approximately 400 farms per year to verify that farmers are following their nutrient management plans. As part of the audit, the MDA specialist compares nutrient recommendations outlined in the farmer's nutrient management plan to nutrient application records and fertilizer receipts. MDA specialists also conduct a visual inspection of the operation. If problems are identified, farmers are given a prescribed amount of time to make corrections. If the problem is severe, the farmer may be issued a warning along with a time frame for correction. If the problem is not corrected within the established time frame, the enforcement process advances through these levels:

- STEP 1** A formal Notice of Agency Action is sent by first-class mail and certified mail. Farmers have 15 days to respond to this letter.
- STEP 2** If 15 days pass with no resolution, a Notice of Default is sent by first-class mail and certified mail advising farmers that they have 15 days to correct the violation.
- STEP 3** If 15 days pass with no resolution, a Default Decision and Order is sent by first-class mail and certified mail. The farmer is charged a \$350 penalty and required to correct the violation within 30 days.
- STEP 4** If 30 days elapse without resolution, a Fine Letter is sent by first-class mail advising the farmer that he/she has 10 days to pay the penalty before it is sent to the Department of Budget and Management's Central Collections Unit (CCU). Once the debt is sent to the CCU, the farmer will be assessed the \$350 penalty, plus an additional 17 percent collection fee, bringing the total charge to \$410.

Farmers involved in enforcement actions are ineligible to participate in state programs, including the Maryland Agricultural Water Quality Cost-Share (MACS) Program. In addition, the outstanding debt may affect credit ratings. If the original violation remains uncorrected, farmers may be fined an additional \$100 per day, up to \$2,000 per year.



MDA's six nutrient management specialists work to ensure that farmers are complying with the Nutrient Management Law and that environmental objectives are being met. These specialists review nutrient management plans submitted by farmers, analyze annual reports describing how farmers implemented their plans during the previous year, and perform

## Nutrient Management Plan Submissions

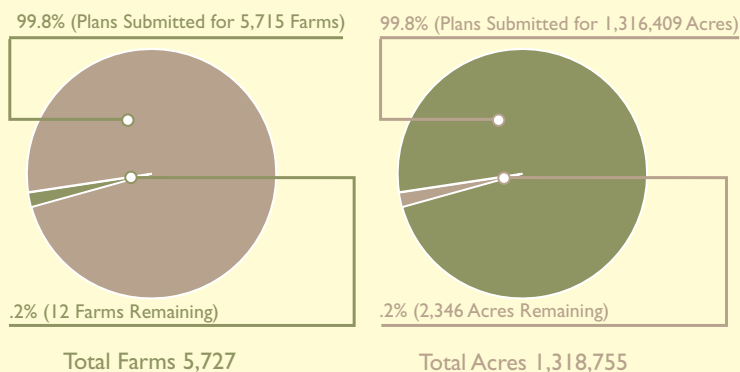
Maryland farmers are required by law to submit nutrient management plans to MDA that have been developed by an MDA certified consultant or farm operator who is trained and certified by MDA to develop a plan solely for his or her operation. As of December 31, 2009, following ramped up enforcement efforts, nutrient management plans have been submitted for 99.8 percent of 5,727 eligible farms. Progressive enforcement actions are being pursued against the 12 farmers who remain out of compliance with the program. In calendar year 2009, \$3,150 in fines were assessed against farmers who failed to submit their nutrient management plans.

## Annual Implementation Reports

Farmers are required to update their nutrient management plans to reflect changes in their operation and submit annual implementation reports (AIRs) to MDA by March 1 showing that they implemented their plans. In calendar year 2009, MDA issued 1,646 warning letters to farmers who failed to file their AIRs by the March 1 deadline, followed by 553 notifications of pending fines. By December 31, 2009, 99 percent of Maryland farmers had submitted their AIRs to MDA. Fifty-seven farmers remain out of compliance. MDA issued \$31,250 in fines against farmers who failed to submit their AIRs.



## Nutrient Management Plans Submitted (as of December 31, 2009)





## Inspection and Enforcement Program

on-farm inspections to make certain that plans are up-to-date and being followed properly. MDA is authorized to issue fines and penalties, take administrative actions and pursue judicial actions, including civil and criminal proceedings to bring farmers into compliance if necessary. The following is a summary of MDA's enforcement activities for 2009:

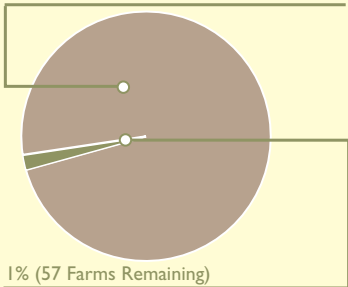
### On-Farm Plan Implementation Reviews and Inspections

MDA conducted approximately 400 on-farm plan implementation reviews and inspections in 2009 covering 101,500 acres to verify that farmers' nutrient application records and receipts were in line with their nutrient management plans. These inspections targeted a risk-based sampling of farms and included a visual spot check of the farming operation. Approximately 69 percent of those inspected were fully in

compliance, 25 percent were determined to be out of compliance due to expired plans and six percent failed their inspections due to inadequate records or failure to allow MDA staff to conduct inspections. MDA is working to bring these farmers into compliance. In calendar year 2009, MDA issued \$3,500 in fines against farmers who failed to take corrective actions.

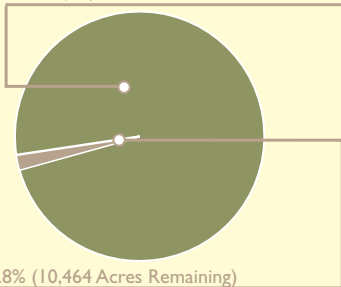
### Annual Implementation Reports Submitted (as of December 31, 2009)

99% (Reports Submitted for 5,457 Farms)



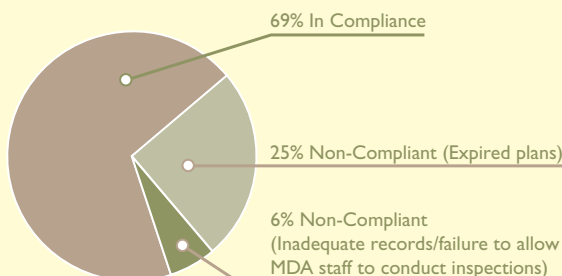
Total Farms 5,514

99.2% (Reports Submitted for 1,295,530 Acres)



Total Acres 1,305,994

### On-Farm Plan Implementation Reviews and Inspections



## Urban Nutrient Management Program

### Enforcement

MDA regulates individuals and companies that apply fertilizer to 10 or more acres of non-agricultural land, including lawn care companies, golf courses, public parks, airports, athletic fields and state-owned land such as recreation areas and highway right-of-ways. Urban land managers who care for these properties are required to take soil tests, follow the fertilizer recommendations of University of Maryland Extension and keep certain records of fertilizer applications.

Approximately 700 operations—including 200 golf courses and 400 lawn care service providers—are regulated by the Urban Nutrient Management Program and approximately 10 percent are inspected each year to ensure compliance. In 2009, MDA reviewed the fertilizer records of 36 individuals/firms to determine program compliance. Following these inspections, MDA issued warnings to 10 firms/individuals who were directed to correct their programs within an established time frame or face fines of up to \$1,000. In 2009, one firm was fined \$250 for noncompliance with program regulations. The most common compliance issue is failure to take soil tests. Twenty-seven follow-up reviews involving companies with previous compliance issues were also conducted during the year resulting in four additional warnings.





# Certification and Licensing Programs

## Nutrient Management Consultant Certification

Qualified applicants are trained and certified by the Nutrient Management Program to provide farmers with customized nutrient management plans that balance crop nutrient needs with environmental protection. Proper storage, handling and application of commercial fertilizers, biosolids and animal manure are emphasized.

In 2009, MDA certified 23 new consultants who passed the Nutrient Management Certification Exam, bringing to 1,096 the number of consultants who have successfully been trained by the program. The figure includes 322 consultants who operate under licenses and are actively writing plans and an additional 28 University of Maryland Extension consultants who are funded by MDA.

## Reviews of Plans Written by Certified Consultants

MDA conducts periodic reviews and field inspections to ensure the quality of plans written by the consultants that it certifies. In calendar year 2009, MDA specialists conducted 320 field inspections and evaluated an additional 266 plans for MDA cost-share projects to make certain that they met regulatory standards. Overall, approximately 91 percent of the consultants inspected passed their reviews. MDA provides ongoing training programs and continues to work with consultants to improve the quality of the plans they prepare for farmers.

## Certification Exam Workshop

A two-day training course is offered to individuals interested in taking the Nutrient Management Certification

Examination. In 2009, 50 individuals attended this training and approximately 66 percent of them passed the exam.

## Farmer Training and Certification Program

Farmers who want to become certified to write their own nutrient management plans attend specialized workshops offered regionally for livestock, poultry, crop, and nursery and greenhouse operations. The Farmer Training and Certification (FTC) Program includes about 11 hours of classroom lecture and practice in writing plans that are specific to the farmer's operation. Using the NuMan Pro software program, farmers develop their own plans with guidance from the University of Maryland Extension and MDA staff.

Farmers who pass a specialized exam and receive a favorable review from MDA staff are certified.

In Fiscal Year 2009, MDA trained and certified 27 farmers to write their own nutrient management plans. Since the FTC program began in 2005, 310 farmers have been certified by MDA to write nutrient management plans for their own operations.

## Applicator Voucher Training

Persons who apply nutrients to 10 or more acres of cropland that they own or rent are required to attend an applicator training course once every three years. In 2009, MDA and the University of Maryland Extension conducted 32 voucher training sessions attended by 251 participants. To date, 5,410 nutrient applicator vouchers have been issued.



## Continuing Education

Nutrient management consultants certified by MDA are required to keep abreast of the latest technology and environmental regulations. Consultants are required to attend six hours of continuing education courses following their first year of certification. Thereafter, they must complete 12 hours of continuing education classes once every three years in order to renew their certificates. Farmers who are certified by MDA to write their own nutrient management plans are required to attend six hours of continuing education classes once every three years in order to remain eligible to update and revise their plans.

In 2009, MDA, in partnership with University of Maryland Extension, offered 28 comprehensive continuing education workshops on nutrient management topics. Approximately 2,174 participants attended the training during the year. MDA reviewed and approved an additional 27 workshops and training programs sponsored by recognized organizations and neighboring universities to help consultants meet their continuing education requirements. These were attended by 166 participants.

# Maryland's Nutrient Management Regulations

Nutrient management plans are science-based documents that help farmers manage crop nutrients and animal waste more efficiently in order to protect water quality in streams, rivers and the Chesapeake Bay. The Water Quality Improvement Act of 1998 requires all farmers grossing \$2,500 a year or more or livestock producers with 8,000 pounds or more of live animal weight to run their operations using a nutrient management plan that addresses both nitrogen and phosphorus inputs. These plans are required on all agricultural land used to produce plants, food, feed, fiber, animals or other agricultural products.

Farmers are required to update their nutrient management plans at least once every three years or when changes are made to their operations and file annual implementation reports with MDA describing how they implemented their nutrient management plans during the previous calendar year.

Farmers who own or manage 10 or more acres of agricultural land and apply their own nutrients are required to obtain an applicator voucher and attend a two-hour MDA-sponsored continuing education program on nutrient application once every three years. Professionals 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.

Non-agricultural nutrient applicators, including commercial lawn care companies, landscapers, golf course managers and public groundskeepers, are required by law to follow University of Maryland Extension guidelines when applying nutrients to lawns, athletic fields or other landscapes. Both agricultural and urban nutrient applicators are required to maintain accurate records of soil test results and nutrient applications and make these records available to MDA if they are selected for an implementation review and evaluation.



## Maryland Department of Agriculture Nutrient Management Offices

### REGION 1: Allegany, Garrett and Washington counties

Maryland Department of Agriculture  
Nutrient Management Program  
3 Pershing Street, Room 100  
Cumberland, MD 21502  
301-722-9193

### REGION 4: Baltimore, Cecil, Harford and Kent counties

Maryland Department of Agriculture  
Nutrient Management Program  
19 Newport Drive, Suite 106  
Forest Hill, MD 21050  
410-838-6181, ext. 118

### REGION 2: Carroll, Frederick, Howard and Montgomery counties

Maryland Department of Agriculture  
Nutrient Management Program  
92 Thomas Johnson Drive, Suite 110  
Frederick, MD 21702  
301-694-9290, ext. 136 or 137

### REGION 5: Caroline, Dorchester, Queen Anne's and Talbot counties

Maryland Department of Agriculture  
Nutrient Management Program  
317 Carter Avenue, Suite 100  
Denton, MD 21629  
410-479-4905 or 410-479-4929

### REGION 3: Anne Arundel, Calvert, Charles, Prince George's and St. Mary's counties

Maryland Department of Agriculture  
Nutrient Management Program  
50 Harry S. Truman Parkway  
Annapolis, MD 21401  
410-841-5934 or 410-841-5949

### REGION 6: Somerset, Wicomico and Worcester counties

Maryland Department of Agriculture  
Nutrient Management Program  
27722 Nanticoke Road, Unit 2  
Salisbury, MD 21801  
410-677-0802, ext. 4



### Maryland Department of Agriculture

Office of Resource Conservation

Nutrient Management Program  
50 Harry S. Truman Parkway  
Annapolis, MD 21401  
[www.mda.state.md.us](http://www.mda.state.md.us)



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Deputy Secretary