



Maryland Department of Agriculture

Agriculture | Maryland's Leading Industry

Office of the Secretary

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MEMORANDUM

To: Members of the Maryland General Assembly

From: Earl F. Hance
Secretary

Date: January 6, 2010

RE: Nutrient Management Planning in Maryland

Pursuant to §8-807 of the Annotated Code of Maryland, the Maryland Department of Agriculture is reporting on the coverage, implementation and evaluation of nutrient management plans being used on Maryland farms.

Background

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. These science-based documents help farmers manage fertilizers, animal waste and other nutrient sources more efficiently in order to meet crop needs while protecting water quality in streams, rivers and the Chesapeake Bay. Plans that address both nitrogen and phosphorus inputs are required for all agricultural land used to produce plants, food, feed, fiber, animals or other agricultural products.

Farmers are required to keep their nutrient management plans current, take new soil samples a minimum of once every three years and file annual reports with MDA describing how they implemented their nutrient management plans during the previous year.

Farmers who own or manage 10 or more acres of agricultural land and apply their own nutrients are required to attend a two-hour MDA-sponsored 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.

Enforcement Activities

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 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. In calendar year 2009, MDA issued \$37,900 in fines to 144 individuals. Following is a summary of MDA's enforcement activities for 2009:

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 2009, following ramped up enforcement efforts, nutrient management plans have been submitted for 99.8 percent (5,715 of 5,727) of eligible farms. This represents 99.8 percent (1,316,409 acres) of the total farm acreage (1,318,755 acres) required to be protected by these plans. Progressive enforcement actions are being pursued against the 12 farmers who remain out of compliance with the program.

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 describing how 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 2009, 99 percent of Maryland farmers (5,457) had submitted their AIRs to MDA. Fifty-seven farmers remain out of compliance. The implementation reports cover 1,295,530 acres of land or 99.2 percent of the affected acreage.

On-Farm Plan Implementation Reviews and Inspections

MDA conducted approximately 400 on-farm plan implementation reviews and inspections in calendar year 2009 covering 98,000 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.

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 while evaluating 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.

As these figures indicate, the majority of Maryland's farmers are in compliance with the Nutrient Management Program and doing their part to help restore the Chesapeake Bay. As a regulatory agency, MDA will continue to ensure that all farmers are complying with the law and to actively pursue violators.