.0239 NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: NUTRIENT MANAGEMENT

The following is the management strategy for nutrient management in the Neuse River Basin:

(1) The following persons shall obtain a certificate, issued within five years of the effective date of this Rule by the Cooperative Extension Service or the Division of Water Quality, verifying completion of training and continuing education in nutrient management. Within one year from the effective date of this Rule, the Division of Water Quality, in cooperation with the Cooperative Extension Service, shall conduct a sign-up process for persons wishing to take the nutrient management training. If these persons fail to obtain the nutrient management certificate, they are required to develop and properly implement nutrient management plans for the lands where they apply fertilizer within five years of the effective date of this Rule:

(a) Applicators who in a calendar year apply fertilizer to cropland areas, including row and vegetable crops, floriculture areas, ornamental areas and greenhouse production areas, that together comprise at least 50 acres and persons responsible for managing cropland areas, as described in Sub-Item (1)(a) of this Rule, that together comprise at least 50 acres;

(b) Applicators who in a calendar year apply fertilizer to a golf course, recreational land areas, right-of-way, or other turfgrass areas that together comprise at least 50 acres, and persons responsible for managing the turfgrass aspects of lands, as described in Sub-Item (1)(b) of this Rule, that together comprise at least 50 acres; and

(c) Commercial applicators who apply fertilizer to at least 50 total acres per year of lawn and garden areas in residential, commercial, or industrial developments, and persons responsible for managing the lawn and garden aspects of lands, as described in Sub-Item (1)(c) of this Rule, that together comprise at least 50 acres.

(2) If the persons listed in Sub-Items (1)(a)-(c) of this Rule do not attend and complete within five years of the effective date of this Rule a nutrient management training program administered by the Cooperative Extension Service, their nutrient management plans shall meet the following requirements:

(a) Nutrient management plans for cropland shall meet the standards and specifications of the USDA - Natural Resources Conservation Service or the standards and specifications adopted by the NC Soil and Water Conservation Commission. Written approval from a technical specialist designated pursuant to rules adopted by the Soil and Water Conservation Commission must be obtained by the applicator certifying that a nutrient management plan meeting these standards has been developed for the lands where they apply fertilizer.

(b) Nutrient management plans for turfgrass, floriculture, ornamental and greenhouse production application of nutrients shall meet recommended guidelines in the following documents or other recommended guidelines from land-grant universities to minimize nutrient loss to waters in the Neuse River Basin. Nutrient management plans for turfgrass shall follow the North Carolina Cooperative Extension Service (NCCES) guidelines in "Water Quality And Professional Lawn Care"; NCCES publication number WQMM-155 or "Water Quality And Home Lawn Care"; NCCES publication number WQMM-151. Copies may be obtained from the Division of Water Quality, 512 North Salisbury Street, Raleigh, North Carolina 27626 at no cost. Nutrient management plans for nursery crops and greenhouse production shall follow the Southern Nurserymen's Association guidelines promulgated in "Best Management Practices Guide For Producing Container-Grown Plants". Copies may be obtained from the Southern Nurserymen's Association, 1000 Johnson Ferry Road, Suite E-130, Marietta, GA 30068-2100 at a cost of thirty-five dollars ($35.00). There materials related to nutrient management plans for turfgrass, nursery crops and greenhouse production are hereby incorporated by reference including any subsequent amendments and editions and are available for inspection at the Department of Environment and Natural Resources Library, 512 North Salisbury Street, Raleigh, North Carolina. The Division of Water Quality shall develop model plans in consultation with the Cooperative Extension Service, the Natural Resources Conservation Service, the Division of Soil and Water Conservation, and the North Carolina Department of Agriculture and approved by the Director of the Division of Water Quality within one year of the effective date of this Rule. The model plans shall provide a description of the type of information to be included in the plans for source of nutrients, the amount of nutrient applied, the placement of nutrients, and the timing of nutrient

applications. Written approval from a technical specialist designated pursuant to rules adopted by the Environmental Management Commission must be obtained by the applicator certifying that a nutrient management plan meeting these standards has been developed for the lands where they apply fertilizer.

(c) For nutrient management plans developed under Sub-Items (2)(a) and (2)(b) of this Rule using dry poultry litter from animal waste management systems involving 30,000 or more birds, dry poultry litter shall be applied at agronomic rates for nitrogen based on realistic yield expectations derived from waste nutrient content, crop and soil type, or yield records.

(d) Nutrient management plans and supporting documents must be kept on-site or be producible within 24 hours of a request by the Division of Water Quality.

(e) Nutrient management plans may be written by the applicator or a consultant to the applicator.

(3) Applicators and commercial applicators subject to Item (2) of this Rule who do not develop a nutrient management plan or do not apply nutrients in accordance with a nutrient management plan meeting the specifications in Item (2) are in violation of this Rule and are subject to enforcement measures authorized in G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties), and G.S. 143-215.6C (injunctive relief).

(4) Residential landowners and other individuals applying fertilizer to less than 50 acres per year shall to the maximum extent practical apply fertilizer to residential, commercial, industrial, turfgrass, and cropland areas at rates recommended by the Cooperative Extension Service.

History Note: *Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1);*
Eff. August 1, 1998.