

Informing the Public: WQ and Nutrient Management Education in Delaware

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INTRODUCTION

In June of 1999 the Delaware General Assembly passed House Substitute Bill 1 for House Bill 250. This Bill amended Title 3 of the Delaware Code by adding Chapter 22: Nutrient Management. The purposes of this Chapter are:

- 1) To regulate those activities involving the generation and application of nutrients in order to help improve and maintain the quality of Delaware's ground and surface waters and to meet or exceed federally mandated water quality standards, in the interest of the overall public welfare;
- 2) To establish a certification program that encourages the implementation of best management practices in the generation, handling, or land application of nutrient in Delaware; and
- 3) To establish a nutrient management planning program; and
- 4) To formulate a systematic and economically viable nutrient management program which will both maintain agricultural profitability and improve water quality in Delaware.



"Animal Units"



WHO IS AFFECTED BY THE LEGISLATION?

Beginning January 1, 2004, all persons who conduct the following activities shall be **duly certified** by the Commission in accordance with Commission regulations or shall utilize a duly certified person or firm:

- 1) Operate any animal feeding operation in excess of **8 animal units** (as defined by NRCS standards), or
- 2) Apply nutrients to lands in **excess of 10 acres** or waters as a component of a commercial venture or lands that he or she owns, leases, or otherwise controls; or
- 3) Advise or consult with persons required by this chapter to be certified by the Commission.

All animal feeding operations with greater than **eight animal units** or any person who owns, leases or otherwise controls property in **excess of 10 acres** upon which nutrients are applied shall **develop and implement a nutrient management plan**.

DELAWARE NUTRIENT MANAGEMENT COMMISSION

Chapter 22 establishes a Nutrient Management Commission to "...develop, review, approve and enforce regulations governing the certification of individuals engaged in the business of land application of nutrients and the development of nutrient management plans..."

- 1) The Delaware Nutrient Management Commission consists of 15 voting members and 4 ex-officio members. The 15 voting members are: the Director of the Division of Soil and Water Conservation of the Delaware Department of Natural Resources and Environmental Control, 4 members appointed by the Governor, 3 members appointed by the President Pro Tempore of the Senate and 2 members appointed by the Senate Minority Leader, and 3 members appointed by the Speaker of the House and 2 members appointed by the House Minority Leader.
- 2) The 14 appointed members of the Commission are residents of the State of Delaware, must have participated in the industry or organization they represent for at least 5 years, and consist of 7 full-time farmers (2 from New Castle County, 2 from Kent County, and 3 from Sussex County), 1 commercial/agricultural nutrient applicator, 1 member of the commercial nursery industry, 1 golf course/lawn care industry representative, 2 members from one or more community based environmental advocacy groups, 1 Nutrient Consultant, and 1 public citizen. The 7 full-time farmers shall further consist of:
 - i. 1 dairy farmer;
 - ii. 1 swine producer;
 - iii. 3 poultry farmers; and
 - iv. 2 row-crop farmers (1 grain and 1 vegetable).

The Commission is charged to:

- 1) Consider the establishment of critical areas for targeting of other voluntary or regulatory programs;
- 2) Establish best management practices to reduce nutrient losses to the environment;
- 3) Develop educational and awareness programs designed to voluntarily curtail use of nutrients by persons not otherwise covered by this Chapter;
- 4) Consider the development of a transportation and alternative use incentive program to move nutrients from areas with overabundance to areas needing nutrient sources;
- 5) Make such other recommendations to the Secretary that it deems important for the furtherance of the goals of this Chapter; and
- 6) Establish the elements and general direction of the **State Nutrient Management Program**.



Progress:

- 1651 Individuals have completed Session 1 or 53 "Non-Agricultural"
- 1375 Individuals have completed Session 2
- 876 Individuals have completed Session 3

In total more than 9000 "contact hours" (each Session is worth 3 credits, or approximately 3 hours of class time)



LEVELS OF CERTIFICATION

Chapter 22 established four levels of certification:

- 1) **Nutrient Generator:** a person within the State of Delaware who operates a facility that produces organic or inorganic nutrients;
- 2) **Private Nutrient Handler:** A person in this State who applies organic or inorganic nutrients to lands or waters he or she owns, leases, or otherwise controls;
- 3) **Commercial Nutrient Handler:** A person in this State who applies organic or inorganic nutrients to lands or waters as a component of a commercial or agricultural business in exchange for a fee or service charge.
- 4) **Nutrient Consultant:** A person in this State who is engaged in the activities of advising or consulting regarding the formulation, application, or scheduling of organic or inorganic nutrients within the State of Delaware.



REQUIREMENTS FOR CERTIFICATION

The minimum requirements for the certifications are:

- 1) **Nutrient generator** – To obtain a nutrient generator certificate, the applicant must take and successfully complete at least 6 credits of educational course work as approved by the Commission or Program Administrator. Proof of such completion of course work shall be submitted with the application.
- 2) **Private nutrient handler** – To obtain a private nutrient handler certificate, the applicant must take and successfully complete at least 9 credits of educational course work as approved by the Commission or Program Administrator. Proof of such completion of course work shall be submitted with the application.
- 3) **Commercial nutrient handler** – To obtain a commercial nutrient handler certificate the following criteria must be satisfied:
 - a. The applicant must take and successfully complete at least 12 credits of educational course work as approved by the Commission or Program Administrator. Proof of such completion of course work shall be submitted with the application.
 - b. The applicant must pass a written test approved by the Commission.
- 4) **Nutrient consultant** – To obtain a nutrient consultant certificate the following criteria must be satisfied:
 - a. The applicant must take and successfully complete at least 12 credits of educational course work as approved by the Commission or Program Administrator. Proof of such completion of course work shall be submitted with the application.
 - b. The applicant must have a valid certificate or equivalent authorization, such as a license for the certificated activity, from another state or organization that requires under these regulations and approved by the Commission.
 - c. Reciprocity: The Commission has adopted a policy of accepting certification from certain other states and certification programs (e.g. CCA certification). A test covering the Delaware Law is still required.

CONTINUING EDUCATION

After a certificate is issued, the certificate holder must take and successfully complete continuing education courses approved by the Commission or Program Administrator in accordance with the following:

- 1) **Nutrient generator** – 6 credits of continuing education in each three-year period following the issuance of the certification.
- 2) **Private nutrient handlers** – 6 credits of continuing education in each three-year period following the issuance of the certification.
- 3) **Commercial nutrient handlers** – 9 credits of continuing education in each three-year period following the issuance of the certification.
- 4) **Nutrient consultants** – 8 credits of continuing education each year following the issuance of the certification.

