

1200 Nutrient Management

1203 Mandatory Nutrient Management Plan Reporting Implementation Regulations

**Developed with the Guidance, Advice and Consent of
The Delaware Nutrient Management Commission**

PREAMBLE

These regulations have been developed pursuant to 3 **Del.C.** Ch. 22 [72 **Del. Laws**, c. 60]. That statute established the Delaware Nutrient Management Commission and authorized the Commission to develop, review, approve, and enforce nutrient management regulations, including regulations governing a nutrient management planning program and the development of nutrient management plans. These regulations were developed by the Commission and the Delaware Department of Agriculture. They are adopted with the guidance, advice, and consent of the Commission.

1.0 Authority

1.1 These regulations are promulgated pursuant to the authority provided by 3 **Del.C.**, Ch. 22, §§2220 and 2221.

2.0 Purpose

2.1 The purpose of these regulations is to establish requirements for implementation of mandatory nutrient management plan reporting pursuant to Section 5, 72 **Del. Laws**, c. 60.

3.0 Registration Requirement For Persons Selected For Mandatory Nutrient Management Plan Reporting Pursuant To Section 5, 72 Del. Laws, c. 60.

3.1 Persons notified that they have been selected by the Commission to be phased into the nutrient management planning program and mandatory nutrient management plan reporting (pursuant to **Section 5, 72 Del. Laws, c. 60**) shall register with the Commission within thirty (30) days of receiving such notice. Registration shall be made in writing, by completing and submitting, to the Nutrient Management Program Administrator, a registration form approved by the Commission.

3.2 Failure to register within the required period shall subject the person(s) failing to respond to the penalty provisions of 3 **Del.C.**, Ch. 22.

3.3 If the Commission sends such notification by registered mail, the return receipt or other official proof of delivery shall constitute presumptive evidence that the notice mailed was received by the person(s) or the latter's agent; and the notation of refusal shall constitute presumptive evidence that the refusal was by the person(s) or the latter's agent.

7 DE Reg. 160 (8/1/03)

4.0 Requirement for Nutrient Management Plan and/or Animal Waste Management Plan in accordance with standards outlined in 3 Del.C. §2290 et. al. by January 1, 2007.

4.1 All animal feeding operations with greater than 8 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

and/or an animal waste management plan in accordance with the standards outlined in 3 **Del.C.** §2200 et al. by January 1, 2007.

4.2 Any animal feeding operation or person requiring a nutrient management plan and/or an animal waste management plan after January 1, 2007, shall have 180 days from the date the property owner or manager assumes control of the animal feeding operation with greater than 8 animal units or owns, leases or otherwise controls property in excess of 10 acres upon which nutrients are applied to develop and implement a nutrient management plan and/or an animal waste management plan.

4.3 Non-compliance with the nutrient management statute and regulations may result in an enforcement action and the imposition of fines and penalties as set forth in the Nutrient Management Law (3 **Del.C.** §2280, et. al).

7DE Reg. 160 (08/01/03)

10 DE Reg. 1794 (06/01/07)