

An Overview of Regulations for Nutrient Management on Livestock Farms in Arkansas

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In 2003 the 84th Arkansas General Assembly passed Acts 1059 and 1061, which empowered the Arkansas Natural Resources Commission (ANRC) to ensure that all nutrients (nitrogen and phosphorus) are applied by certified applicators and according to nutrient management plans developed by certified plan writers in watersheds designated by the General Assembly as nutrient sensitive. The ANRC has established rules for these laws in:

- Title XX: Nutrient Management Planner Certification Program
- Title XXI: Nutrient Management Applicator Certification Program
- Title XXII: Nutrient and Poultry Litter Application and Management Program

The goal of this legislation is to maintain the benefits derived from the wise use of poultry litter, commercial fertilizer and other nutrient sources while avoiding undesirable effects from excess nutrients in the waters of the state. This fact sheet provides an overview of these three titles to present how these new laws may affect livestock operations.

Title XX: Nutrient Management Planner Certification Program

The purpose of Title XX is to train and certify nutrient management plan writers to prepare nutrient

management plans that explain how nutrients should be applied to land for crop production while protecting groundwater and surface water from excessive nutrient enrichment. Plan writers are certified through the ANRC and are required to go through training, pass an exam and attend continuing education hours for certification.

To become a certified nutrient plan writer, the first step is to complete and submit an application form to ANRC. The plan writer must then attend a four-day training program provided through the University of Arkansas Cooperative Extension Service. On the last day of training, the ANRC will administer an exam. A passing score must be achieved in order to be certified. The ANRC will charge a \$100 certification fee as well as a \$25 testing fee. Within 60 days of the exam, the ANRC will notify the applicant in writing of certification approval or denial.

Once certification is granted, it is valid for five years and will expire January 1 of the fifth year. To be eligible for certification renewal, plan writers are required to submit a renewal application with a \$100 renewal fee to ANRC and complete four hours of continuing education within the previous five years.

Plan writers are required to keep a copy of each nutrient management plan written as well as a summary listing all nutrient management plans

written with dates of preparation or revision. Plan writers must also submit a quarterly report to the ANRC with plan writer's name, certification number and number of plans completed.

Title XXI: Nutrient Management Applicator Certification Program

The purpose of Title XXI is to provide training on proper nutrient application processes and procedures to individuals who apply nutrients to land. The program also certifies the ability of those individuals to apply nutrients in a manner allowing for crop production while protecting groundwater and surface water from excessive nutrient enrichment. ANRC is the regulatory agency responsible for nutrient applicator certification along with collecting all associated fees.

There are two categories of nutrient applicator – commercial and private. The majority of applicators fall under the **private applicator** category, which means that individuals apply nutrients primarily to land they own or have a management interest. These individuals are also allowed to apply to friends' and neighbors' property as long as the majority (more than 50 percent) of the individual's annual income does not come from nutrient application. **Commercial applicators** are individuals who have a commercial business where the majority (more than 50 percent) of annual income is derived from nutrient application to land they do not own or have a management interest.

To become certified, both private and commercial nutrient applicators must attend the initial two-hour training course provided by the University of Arkansas Cooperative Extension Service. Following the course, private applicators must complete a registration form and submit a \$30 certification fee to ANRC. Commercial applicators must take and pass an exam following the course, complete a registration form and submit a \$60 certification fee and a \$25 testing fee to ANRC. Individuals working under the direct supervision of a certified applicator do not have to be certified. However, the certified applicator is responsible for ensuring the nutrients are applied in accordance to all regulatory requirements. To determine the next available nutrient applicator training, please contact your local county extension office.

Once certification is granted, it is valid for five years and will expire January 1 of the fifth year. To maintain certification, applicators must attend four hours of continuing education within the previous five years. Also, records of all nutrient applications must be on file for a minimum of five years. To renew

certification, private applicators must submit a \$30 certification renewal fee along with a renewal application to ANRC. Commercial applicators must submit a \$60 certification renewal fee along with a renewal application to ANRC.

Title XXII: Nutrient and Poultry Litter Application and Management Program

The purpose of this Title is to encourage prudent practices regarding the application and management of soil nutrients and poultry litter to protect and enhance the state's surface water quality while allowing for optimum soil fertility and proper plant growth. As part of Act 1061, the General Assembly declared eight watersheds as nutrient sensitive (Figure 1) in which Title XXII rules apply. In 2005 the General Assembly removed the Bull Shoals Lake watershed (HUC 11010003). If you are unsure if you are applying in a nutrient surplus area, please contact your local county extension office or your local conservation district office.

Within the nutrient surplus watersheds, nutrients must be applied by a certified nutrient applicator according to a nutrient management plan developed by a certified plan writer or by the Protective Rates set forth in Appendix B of Title XXII. A nutrient management plan will provide the proper rate, timing and manner of application for which the litter can be applied. Persons seeking a nutrient management plan should contact the local conservation district and request a plan. Plans are good for five years, after which the plan must be updated. For more information on nutrient management planning, refer to Extension fact sheet, *Phosphorus-Based Nutrient Management Planning* (FSA9516).

Commercial fertilizer can be applied by a certified applicator without a nutrient management plan. However, it must be applied according to the protective rates mentioned above, but only after a soil test with nutrient recommendations is obtained.

Another requirement of Title XXII is keeping records on the timing, rate and manner of nutrient applications for a minimum of five years as proof of compliance with these laws.

Summary

The purpose of these nutrient management laws is to maintain the benefits derived from the wise use of poultry litter, commercial fertilizer and other



ANRC

Nutrient Surplus Areas

Legend

- Interstate Highways
- US Highways
- City Boundaries
- County Lines
- Nutrient Surplus Area

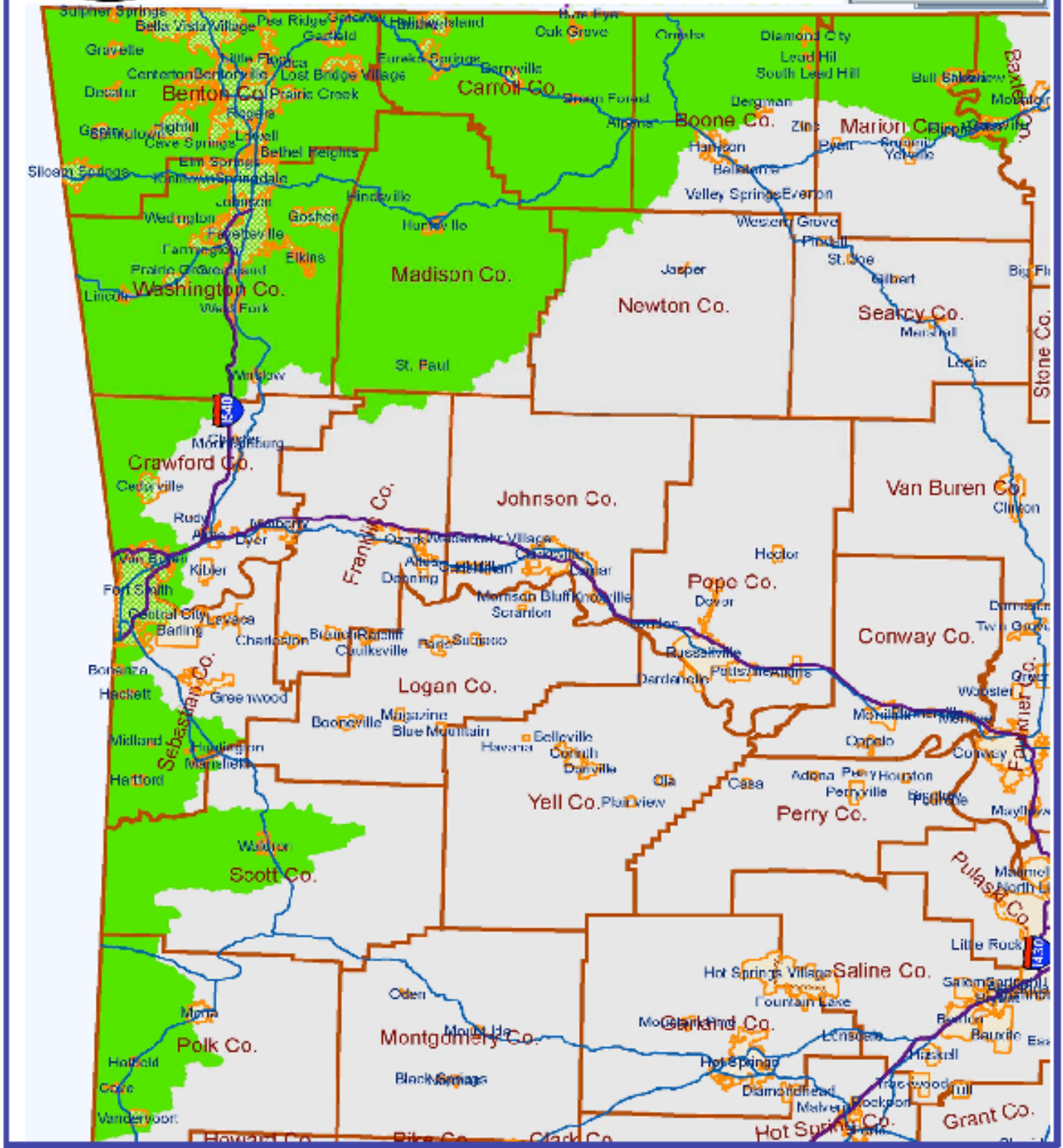


Figure 1. Map showing designated nutrient surplus areas determined by the 84th General Assembly.

nutrient sources while avoiding undesirable effects from excess nutrients in the waters of the state. In a nutshell, nutrient applications within a nutrient surplus watershed should be applied by a certified applicator and according to the protective rates for

commercial fertilizer or a nutrient management plan developed by a certified plan writer.

For more information, contact your local county extension or conservation district office.

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