

Massachusetts Plant Nutrient Regulations: Information Sheet for Agricultural Land

Why were plant nutrient regulations implemented?

In 2012, the Massachusetts Legislature passed *An Act Relative to the Regulation of Plant Nutrients* (Act). The Act directed the Department of Agricultural Resources (MDAR) to develop regulations to ensure that plant nutrients are applied in an effective manner to provide sufficient nutrients for maintaining healthy agricultural and non-agricultural land (turf and lawns), while minimizing the impacts of the nutrients on surface and ground water resources to protect human health and the environment.

What do the regulations involve?

The Act and regulations establish standards for the applications of plant nutrients to agricultural land and non-agricultural turf and lawns. The regulations for non-agricultural turf and lawns became effective on June 5, 2015. The regulations for agricultural land became effective on December 5, 2015. Amended regulations were published on January 12, 2018.

Implementation and Compliance Assistance

The Department is working with UMass Extension and other partners/stakeholders on outreach and education efforts to assist farmers and growers with understanding of and complying with these regulations.

What will these regulations require?

Any person who applies plant nutrients to agricultural land is required to adhere to plant nutrient application restrictions and follow University of Massachusetts Amherst Extension Guidelines (UMass Guidelines) for plant nutrient management. Should UMass Guidelines for certain growing systems not be available, equivalent extension service standards or standard industry practices must be followed.

Specific Restrictions and Requirements for Agricultural Land

- Apply plant nutrients according to UMass guidelines, including plant nutrient applications at agronomic rates based on assessments of soil fertility levels, crop need and availability of nutrients from plant nutrient materials; biosolid applications shall also be done in accordance to the requirements of 310 CMR 32.00.
- Not apply plant nutrients directly to surface water, to saturated ground or soils that are frequently flooded, or to frozen (at least 2 inches deep) or snow-covered (1 inch or more) soils.
- Application setbacks from sensitive areas, including 100 feet from surface waters used for public water supplies, in a Zone I area of a public water supply well, 50 feet from surface water (25 feet if a vegetated buffer is present), 10 feet from surface waters for applications by directed spray or injection, and on pastures and hayfields within 10 feet from surface waters.
- Application setbacks shall not apply to crop growing systems that operationally require

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proximity to surface water, provided that such applications are done in accordance with UMass Guidelines for such crop growing systems.

- These application setbacks shall not prevent activities that are allowed as normal maintenance of land in agricultural use, as defined by the Massachusetts Wetlands Protection Act.

Application Restrictions on Frozen and Snow-Covered Soil

- Applications of Agricultural Byproducts and Agricultural Process Water to frozen soil (at 2 inches deep) or snow-covered (1 inch or more) soil shall only be made if: the operation has inadequate storage and anticipates exceeding the available storage capacity limit during the time of the year that frozen soil and snow-covered soil typically occurs; the agricultural byproduct is non-stackable, there is no other reasonable option to manage it; and applications are made according to additional restrictions specified in the regulations. Restrictions to applications on frozen and snow-covered soils do not apply to: livestock manure deposited directly by animals, small livestock operations (criteria are specified in the regulations).
- Temporary in-field stacking of stackable agricultural byproducts as part of land application planning is permissible according to criteria specified in the regulations.

Nutrient Management Plan Requirements

The applications of plant nutrients to agricultural land shall be done based on a nutrient management plan. The plan can be developed by the operator or by a nutrient management professional. Requirements consider the following situations:

- UMass Guidelines for nutrient management are available for the agricultural commodity: Regardless of the number of acres in an agricultural operation, the plan shall comply with the guidance set forth within the UMass Guidelines for the agricultural commodity. The information maintained as part of any UMass Guideline recommendation shall constitute the plan for the agricultural operation. Generally, an existing and up-to-date NRCS nutrient management plan meets the regulatory criteria for a nutrient management plan.
- UMass Guidelines are not available for a given commodity and the agricultural operation involves plant nutrient applications to ten or more acres of agricultural land:
 - The regulations specify criteria for a basic nutrient management plan.
- If UMass Guidelines are not available for a given commodity and the agricultural operation involves plant nutrient applications to less than ten acres of agricultural land:
 - The regulations specify basic record keeping criteria to meet the plan requirements.

The regulations also specify criteria for plan maintenance and updates, and criteria for soil, plant tissue, and agricultural byproduct testing.

Enforcement:

MDAR has the statutory enforcement authority and may impose an administrative penalty for violations of any provisions in these regulations.