

# 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.

## 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 Extensions Guidelines (UMass Guidelines) for plant nutrient management. Operations involved in making applications to 10 or more acres of agricultural land are required to develop and implement a basic nutrient management plan.

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

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### **Seasonal Application Restrictions:**

- Fall (September 15 – December 15) applications of manure or agricultural byproducts may be made only to fields with an adequate vegetation cover (greater than 30%) unless: the application is made by to pasture or hayfield, the application is of compost, or the application is of agricultural process water to a growing crop.
- Winter (December 16 – March 1) applications of manure or agricultural byproducts may be made only if: the operation has inadequate storage and available storage capacity limit has been reached, 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 winter applications do not apply to: livestock manure deposited directly by animals, small livestock operations (criteria are specified in the regulations), or if the application is part of the recommended best management practices for the specific crop.
- Temporary in-field stacking of stackable agricultural byproducts as part of land application planning is permissible according to criteria specified in the regulations.

### **Basic Nutrient Management Plan Requirements:**

Operations involving plant nutrient applications to 10 acres or more agricultural land shall develop and implement a basic nutrient management plan for the application site. Plans shall be developed according to the requirements specified in the regulations. Commodity specific guidelines and templates will be made available by UMass. The plan can be developed by the operator or by a nutrient management professional. Generally, an existing and up-to-date NRCS nutrient management plan meets the regulatory criteria for a basic nutrient management plan.

The general plan requirements include:

- maps, identifiers, and crop plan for fields;
- assessments of the nutrient need for crop and/or crop rotation;
- determination of nitrogen or phosphorus as limiting factor;
- inventory of on-farm agricultural byproducts and assessment of available plant nutrients from these sources, if applicable;
- determination of plant nutrient application rates on individual fields based on crop nutrient need, soil test results and other criteria specified in the regulations;
- specification of plant nutrient amount, timing, and method of application for individual fields;
- record keeping of implementation of the plan, including soil test results, the amount and timing of plant nutrient applied;
- plan maintenance and updates; and
- compliance with 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.

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