



Nutrient Management Fact Sheet: Delaware

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Disclaimer: This document does not constitute legal advice and is intended for educational purposes only. Readers and users are solely responsible for determining, and complying with, all federal, state and local laws, ordinances and regulations.

Nutrient Management Plans

Topic	Summary
Coverage	<p>Animal feeding operations with more 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. ¹</p> <p>If animal feeding operations do not land-apply animal waste, the operations may develop an Animal Waste Management Plan instead of a Nutrient Management Plan.</p> <p>CAFOs seeking coverage under an NPDES permit must implement a Nutrient Management Plan (including additional elements). ²</p>
Content	<p>Nutrient Management Plans (NMP) shall include: ³</p> <ul style="list-style-type: none"> - Field maps showing reference points, number of acres, and soil types. - Soil and organic waste analyses. - Current and planned crop rotations. - Expected yields based on best 4 out of 7-year data. - Recommended rates, timing, and methods of nutrient application. <p>An Animal Waste Management Plan (AWMP) shall include: ⁴</p> <ul style="list-style-type: none"> - Information concerning how the waste is stored prior to transport. - Records of where and to whom the animal waste was transported and the amount of such waste. - The mortality disposal method. <p>A Nutrient Management Plan under the NPDES permit shall, in addition to the elements above, also include: ⁵</p> <ul style="list-style-type: none"> - Diverting clean water from contacting animal waste. - Preventing storage, collection, and conveyance systems from leaking organic matter, nutrients, and pathogens to ground or surface water. - Providing adequate storage to prevent polluted runoff. - Handling manure and litter to reduce nutrient losses. - Managing dead animals to protect ground and surface waters. - Proper chemical handling. - Tillage and crop residue management practices.
Frequency of Updates	<p>NMPs shall be updated a minimum of every 3 years or be amended whenever there is any significant change in the design, construction or operation, which</p>



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	has a significant effect on the potential for the discharge of pollutants to state waters.
Paperwork	Plans and records must be maintained on-site and be made available for inspection by the Delaware Department of Agriculture and the Commission, but records are not considered public. Under the NPDES, the NMP or AWMP must be made available for public inspection and comment. ⁶
Planner Qualifications	Planners must be certified .

Manure Storage and Application

Topic	Summary
Storage	<p>Facility Siting/Setback</p> <p>Outdoor storage (other than an approved manure storage structure) shall be: ⁷</p> <ul style="list-style-type: none"> - Included in the nutrient management plan. - At least 100 feet from any body of water, drainage ditch, or public road. - At least 200 feet from any residence that is not located on the person's property. - At least 6 feet high in a conical shape. <p>Structure</p> <p>Under the NPDES permit, the production area must be designed, constructed, operated, and maintained to contain all manure and process wastewaters plus the runoff and direct precipitation from a 25-year, 24-hour rainfall event. ⁸</p>
Application	<p>Spreading</p> <p>Certification is required to:</p> <ul style="list-style-type: none"> - Apply nutrients to 10 acres or greater. - Operate an animal feeding operation of 8 animal units or greater. - Apply nutrients for a fee. - Advise or consult as part of developing an NMP. <p>Under the NPDES permit, CAFOs must determine the rate of application of nitrogen and phosphorus using the narrative rate approach or the linear rate approach in accordance with the State Technical Standards. ⁹ Application setbacks include 100 feet from the top of the bank of the water of the state to be protected or a 35-foot vegetated buffer or alternative compliance practices including a 10-foot vegetative buffer and planting a winter cover crop.</p>



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For areas not required to obtain an NMP, certified applicators and operators cannot apply nitrogen and phosphorus fertilizers to snow-covered or frozen ground or between December 7 and February 15.¹⁰

Testing

Soil testing and manure analysis are required under the nutrient management plan.

Technical Assistance

Topic	Summary
Software Tools	Manure Management Planner (MMP) is a software tool created by Purdue University that includes state-specific information for Delaware farmers to create manure management plans for crop and animal feeding operations.
Guides / Handbooks	DE NRCS nutrient management 590 standard . This checklist can help producers develop NMPs with reminders about plan identification, field maps, BMPs, and more. This template is available for livestock operations to write a DE AWMP.
Classes / Trainings	Producers interested in becoming certified in one or more levels of Nutrient Management Certification can go here for further details.
Tailored Expert Assistance	Dairy farmers can find a private or public Certified Nutrient Consultant to write an NMP here .

Financial Assistance

Summary

The [Agriculture Nutrient Management Plan Cost Assistance Program](#) provides cost-share funds for NMPs developed by private nutrient consultants. For producers with No-Land NMPs, click [here](#) to request cost-share funds.

The [Dairy Loan Program](#) provides a source of low-interest financing for managing dairy and milking parlor waste and manure in an environmentally sound and cost-effective manner with practices including waste management systems and equipment.

The [Nutrient Management Relocation Program](#) is a cost-share program designed to assist in transporting nutrients (manure) from areas of excess to areas in need of nutrients.

DE NRCS provides assistance through:

- Environmental Quality Incentives Program ([EQIP](#)) - offers financial cost-share assistance to farmers for the adoption of conservation practices and development of nutrient management plans.



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- Conservation Stewardship Program ([CSP](#)), which gives producers financial assistance to implement new conservation management practices and enhancements.

¹ <http://delcode.delaware.gov/title3/c022/sc03/index.html>

² <https://agriculture.delaware.gov/wp-content/uploads/sites/108/2019/02/CAFO-Fact-Sheet.pdf>

³ <http://delcode.delaware.gov/title3/c022/sc03/index.html>

⁴ <http://delcode.delaware.gov/title3/c022/sc03/index.html>

⁵ <http://delcode.delaware.gov/title3/c022/sc03/index.html>

⁶ https://agriculture.delaware.gov/wp-content/uploads/sites/108/2017/12/2011_CAFORegs_final.pdf

⁷ <http://delcode.delaware.gov/title3/c022/sc03/index.html>

⁸ https://agriculture.delaware.gov/wp-content/uploads/sites/108/2017/12/2011_CAFORegs_final.pdf

⁹ https://agriculture.delaware.gov/wp-content/uploads/sites/108/2017/12/2011_CAFORegs_final.pdf

¹⁰ <https://regulations.delaware.gov/AdminCode/title3/1200/1201.shtml>