



DELMARVA POULTRY INDUSTRY, INC.

16686 COUNTY SEAT HIGHWAY • GEORGETOWN, DELAWARE 19947-4881

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www.dpichicken.org

Date: February 19, 2020

To: Members of the Senate Education, Health & Environmental Affairs Committee

From: Holly Porter, Executive Director

Re: SB 928 – Environment – Concentrated Animal Feeding Operation Construction or Expansion – Manure Transport Plan Requirement - **Oppose**

Delmarva Poultry Industry, Inc. (DPI), the 1,700-member trade association representing the meat-chicken growers, processing companies and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware opposes SB 928 and urges an unfavorable committee report.

SB 928 will require that any farmer applying for a new CAFO permit for construction or expansion in a county where more than 30% of the acres tested for the Phosphorous Management Tool (PMT) have a Fertility Index Value (FIV) of 150 or more must complete a manure transport plan that requires that farmer to transport all of their manure to a county where less than 30% of the acres tested for PMT have an FIV of 150 or more.

According to the most recent report by the Maryland Department of Agriculture, this would impact farmers in Wicomico, Worcester, Somerset, Caroline and Calvert counties. For poultry, that is approximately 400 farms, according to data gathered by the National Agricultural Statistics Service. DPI has several concerns with the bill:

- Currently, anyone that applies for a CAFO permit is required to complete a Nutrient Management Plan that must account for how the manure will be handled. If the farmer owns crop land, they may use it on any fields that follow the plan, which incorporates the PMT. If the farmer does not have crop fields, they must still address how they will dispose of the litter, whether to a broker, a neighboring farmer, or transport to an alternative use.
- Under the current Nutrient Management Law, any farmer that applies fertilizer, whether manure or synthetic, must abide by their nutrient management plan that is prescriptive to the crops being planted, soil types, slope of fields, etc. The nutrient management plans must incorporate the PMT rule.
- Both chicken farmers and grain farmers must also submit annual implementation reports (AIR – attached to this letter) which details either where manure is going or where manure is coming from. These are again required by the Nutrient Management Law and are required, not voluntary.
- Last year, Senate Bill 546 strengthened the penalties for those not abiding by the nutrient management law or the PMT rule, increasing the fines to farmers.
- DPI feels this bill is duplicative of laws that are already in place.
- With the threshold of 30%, this greatly impacts counties that still have a majority of their land available for litter. For instance, Caroline county has nearly 65% of its fields less than FIV 150, but a farmer would now have to transport all of their manure from their CAFO to another location (costing them money for transport), and would have to purchase commercial fertilizer, costing tens of thousands of dollars, even if the fields they grow on are following the law of the Nutrient Management Plan and the regulations of the PMT.

- When a grower applies for a CAFO permit, the permit is valid for five years. It is not possible for a chicken grower to know where they plan to transport their manure each year for the next five years as this is a market-driven product. In those five years, farms could change ownership, crop rotations are likely to change, weather may impact the crops that are planted and when – all making it difficult to predict in a manure transport plan. Would the farmer be required to submit an updated manure transport plan every year? Again, this seems duplicative of the AIR form.
- There are a number of alternative uses for manure being researched by various companies, including projects that are done on farms. If a farm is not able to use their own manure due to expanding their CAFO permit, then this may slow down the number of innovative solutions that are considered.

Like many stakeholders, DPI agrees that it is important to know how much manure is being produce and where it is going, to ensure that only the fields able to use the manure are getting it. However, we feel SB 928 simply creates additional paperwork for growers that does not provide an environmental benefit. Rather than creating additional regulations, perhaps we should better utilize and facilitate the laws that are in place, such as the Nutrient Management Law and the next phases of the PMT to better understand if there is a problem that needs to be solved by additional legislation.

We urge an unfavorable vote on SB 928.

Should you have any additional questions, please feel free to contact me at porter@dpichicken.com or 302-222-4069 or Nick Manis, Manis Canning & Associates, 410-263-7882.



2019

Nutrient Management Annual Implementation Report (AIR) for CAFO and MAFO Operations

Due March 1, 2020



Maryland Department of the Environment

For Field Office Use
For HQ Use

- 1. County
2. MDA Op Number MDE AI Number:
3. Operator/Owner Legal Name Last Suffix First Middle Int.
4. Farm/Operation Name
5. Mailing Address
6. City 7. State 8. Zip
9. E-Mail address
10. Telephone Number(s) Office Home Cell

11. Total Farmed Acres including Pastures

12. Operation Type (Check all that apply)

- Crop Production
Hay / Pasture
Nursery/Greenhouse
Organic
Animal
No-Land (0 Managed Acres)
Other

13. Account ID updates - List changes to Account ID's, and check if added or deleted from operation since your previous AIR report. Attach additional pages if needed.

No change of account ID(s)

Table with columns: Added, Deleted, and a blank column for listing changes.

14. Nutrient Sources Used (Check all that apply)

- Commercial Fertilizers
Biosolids/Sewage Sludge
Animal Manure
Food Waste
Other

Nutrient Management Consultant and Plan Information

15. Name of Nutrient Management Plan Writer:

- 16. Certificate #
17. License #
18. Date NM Plan Written:
19. Date NM Plan Expires:

20. Total Acres of animal manure recommended for land application by the nutrient management plan.

Animals other than poultry Check if None.

- 21. Number of head during 2019.
Beef, cows and bulls
Beef, feeder cattle (500 lbs and over)
Beef, young stock (less than 500 lbs)
Dairy, cows
Dairy, heifers
Dairy, calves
Swine, sows and boars
Swine, growers
Sheep
Goats
Horses
Other

Crop Production

- 22. _____ Acres under conservation tillage with 30%-59% residue coverage at planting.
- 23. _____ Acres under conservation tillage with 60% or more residue coverage at planting.
- 24. _____ Acres of crop land under irrigation.

Nursery / Greenhouse

- 25. _____ Acres/sq.ft. Container nursery/ greenhouse irrigation runoff and leachate capture and reuse.

Poultry

- 26. Poultry (*in 1,000s per flock*)
 _____ Broilers/Roasters _____ Pullets
 _____ Layers _____ Turkeys
- 27. _____ Number of Flocks per year

28. Poultry Integrator:

- 29. _____ Number of Poultry Houses
- 30. _____ Total sq.ft. of all poultry houses

Poultry Litter

- 31. _____ Tons Poultry litter removed during crust-outs in 2019. Check if Windrowed
- 32. _____ Tons Poultry litter removed during partial or total cleanout(s) in 2019.
- 33. _____ Tons of On-Farm Collected poultry litter that remained stored or stockpiled from 2018.
- 34. On-Farm Collected poultry litter that was land applied to your farm operation in 2019.
 _____ Tons _____ Acres
- 35. Tons of imported poultry litter that remained stored or stockpiled from 2018 and was applied in 2019.
 _____ Tons _____ Acres
- 36. _____ Acres Poultry litter incorporated within 48 hrs with vertical tillage equipment (Ex: "Turbo Till").

Commercial Fertilizer

- 37. _____ Acres using variable rate fertilizer application or split application.
- 38. _____ Acres where Nitrogen was applied based on the recommendations of the Pre-Sidress Nitrogen Test (PSNT).
- 39. _____ Acres where Commercial fertilizer Nitrogen was incorporated within 24 hours.
- 40. _____ Acres where Commercial fertilizer Phosphorus was incorporated within 24 hours.

Manure/Organics Storage

- 41. _____ Number of manure/organics storage structures
 Check if **None**
- 42. Total available storage capacity:
 _____ Cu. Ft _____ Gals _____ Tons
- 43. Yes No Temporary stockpiling of manure/organics?

Manure/Organics *other than poultry litter*

- 44. _____ Acres Liquid manure applied with injector or other sub-surface applicator.
- 45. _____ Acres Liquid manure incorporated within 48 hrs with vertical tillage equipment (Ex: "Turbo Till").
- 46. _____ Acres Manure application applied at the crops Phosphorus Removal Rate.
- 47. _____ Tons Total On-Farm Collected manure/organics
 _____ Gals
- 48. _____ Tons Total On-Farm Collected manure/organics
 _____ Gals that remained stored or stockpiled from 2018.
- 49. On Farm Collected manure/organics that was land applied to your farm operation in 2019.

Type of Manure/Organics	Amount	Land Application
<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Swine	Tons	Acres
<input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Other: _____	Gals.	Acres
<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Swine	Tons	Acres
<input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Other: _____	Gals.	Acres
<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Swine	Tons	Acres
<input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Other: _____	Gals.	Acres

- 50. Total imported manure/organics that remained stored or stockpiled from 2018 and was applied in 2019.
 Tons _____ / Acres _____ Gallons _____ / Acres _____

51. Imported Manure, Biosolids, Food Waste or Other Organics on your farm operation. Be sure to report **COUNTY** and **STATE** from which material was imported. Use additional sheets if necessary.

MDA/MDE ID: _____

Check if None

Name	Address - Location where Manure/ Organics were Imported?	Check Type of Imported Manure/ Organics	Amount	Amount Used	Land Application
Name of person:	Street:	<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Compost <input type="checkbox"/> Biosolids Class A <input type="checkbox"/> Biosolids Class B <input type="checkbox"/> Poultry Processing DAF <input type="checkbox"/> Food Residuals <input type="checkbox"/> Other Manure or Organics: _____	Gals.	Gals.	Acres
Name of Farm/Entity:	City: County: State, Zip		Tons	Tons	Acres
Name of person:	Street:	<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Compost <input type="checkbox"/> Biosolids Class A <input type="checkbox"/> Biosolids Class B <input type="checkbox"/> Poultry Processing DAF <input type="checkbox"/> Food Residuals <input type="checkbox"/> Other Manure or Organics: _____	Gals.	Gals.	Acres
Name of Farm/Entity:	City: County: State, Zip		Tons	Tons	Acres
Name of person:	Street:	<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Compost <input type="checkbox"/> Biosolids Class A <input type="checkbox"/> Biosolids Class B <input type="checkbox"/> Poultry Processing DAF <input type="checkbox"/> Food Residuals <input type="checkbox"/> Other Manure or Organics: _____	Gals.	Gals.	Acres
Name of Farm/Entity:	City: County: State, Zip		Tons	Tons	Acres

52. Exported Manure, Food Waste or Other Organics that left your farm operation. Be sure to note **COUNTY** and **STATE** to which material was exported. Use additional sheets if necessary.

Check if None

Name	Address - Location where Manure/Organics were Exported?	Check Type of Exported Manure/ Organics	Amount Tons/Gals	Sent To:
Name of person:	Street:	<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Compost <input type="checkbox"/> Poultry Processing DAF <input type="checkbox"/> Food Residuals <input type="checkbox"/> Other Manure or Organics: _____	Gals.	<input type="checkbox"/> Alternative Use Facility <input type="checkbox"/> Manure/ Organics Broker <input type="checkbox"/> Other Farm Operation
Name of Farm/Entity:	City: County: State, Zip		Tons	
Name of person:	Street:	<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Compost <input type="checkbox"/> Poultry Processing DAF <input type="checkbox"/> Food Residuals <input type="checkbox"/> Other Manure or Organics: _____	Gals.	<input type="checkbox"/> Alternative Use Facility <input type="checkbox"/> Manure/ Organics Broker <input type="checkbox"/> Other Farm Operation
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Name of Farm/Entity:	City: County: State, Zip		Tons	

53. Summary of Nutrient Applications by Crop See Instructions for help with this

TOTAL pounds of AVAILABLE nutrients applied. If you did not apply nutrients, list the crop, the crop acreage and draw a line through the rest of the boxes.

CROP Include Pastures	Acres	Commercial Fertilizer in pounds			Manure in pounds			Biosolids/Sewage Sludge in pounds			Other Organic Sources in pounds		
		N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O
Corn grain, dry land													
Corn grain, irrigated													
Corn silage													
Soybeans, full season													
Soybeans, double crop													
Small grains, Spring 2019													
Small grains, Fall 2019													
Hay, grass													
Hay, legume													
Pasture													
Vegetables													
Tobacco													
List other crops:													

Report Certification :

All of the information contained within this 2019 Nutrient Management Annual Implementation Report (AIR) is true to the best of my knowledge. A valid nutrient management plan for my operation(s) for calendar year 2020 will be developed and implemented.

MDA/MDE ID: _____

54. Operator's Signature

55. Operator's Printed Name: _____

56. Date signed: _____

57. Summary of Nutrient Applications by Field (CAFO/MAFO Operations, See instructions).

List all fields that received manure in **2019**, whether generated on site or imported. Field names must correspond with the nutrient management plan field names. Use additional sheets if needed.

Field Name / Mgmt Unit	Acres	Crop & Yield Goal	Crop Yield Harvested	Soil Test results (ppm, mg/l or lbs/a) P ₂ O ₅	Nutrients recommended for Crop & Yield Goal (in lbs/acre)		Nutrient application rates from Manure, Litter, Process Wastewater (in lbs nutrient per acre)		Commercial fertilizer, sewage sludge, and other nutrient sources (in lbs nutrient per acre)		
					N	P ₂ O ₅	N	P ₂ O ₅	Type	N	P ₂ O ₅
A-1	30	corn grain 150 bu	130	81 ppm	150	20	7	20	urea	150	0

58. Manure Nutrient Content. Attach Lab Sheets. Samples must reflect manure used or exported manure in 2019.

59. Unpermitted Discharges. List all times during **2019** that unpermitted discharges of contaminated water occurred from the production area to waters of the State (surface and ground water), along with **date, time, quantity of discharge and the source**, ex: chicken house, manure shed, swale between chicken houses, etc. Check if no known discharge(s) occurred.



2019 Nutrient Management Annual Implementation Report

Due March 1, 2020

For Field Office Use

For HQ Use

1. County _____ 2. MDA Operator Number _____

3. Operator/Owner **Legal** Name Last _____ Suffix _____
 First _____ Middle Int. _____

4. Farm/Operation Name _____

5. Mailing Address _____

6. City _____ 7. State _____ 8. Zip _____

9. E-Mail address _____

10. Telephone Number(s) Office _____ Home _____
 Cell _____

11. _____ **Total Farmed Acres including Pastures**

12. **Operation Type** (Check all that apply)

- Crop Production
- Hay / Pasture
- Nursery/Greenhouse
- Organic
- Animal
- No-Land (0 Managed Acres)
- Other _____

13. **Account ID updates** - List changes to Account ID's, and check if added or deleted from operation since your previous AIR report. Attach additional pages if needed.

No change of account ID(s)

Added Deleted

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

14. **Nutrient Sources Used** (Check all that apply)

- Commercial Fertilizers
- Biosolids/Sewage Sludge
- Animal Manure
- Food Waste
- Other _____

Nutrient Management Consultant and Plan Information

15. Name of Nutrient Management Plan Writer:

16. Certificate # _____

17. License # _____

18. Date NM Plan Written: ____/____/____

19. Date NM Plan Expires: ____/____/____

20. _____ Total Acres of animal manure recommended for land application by the nutrient management plan.

Animals other than poultry Check if None.

21. Number of head during 2019.

- _____ Beef, cows and bulls
- _____ Beef, feeder cattle (500 lbs and over)
- _____ Beef, young stock (less than 500 lbs)
- _____ Dairy, cows
- _____ Dairy, heifers
- _____ Dairy, calves
- _____ Swine, sows and boars
- _____ Swine, growers
- _____ Sheep
- _____ Goats
- _____ Horses
- _____ Other _____

Crop Production

22. _____ Acres under conservation tillage with 30%-59% residue coverage at planting.
23. _____ Acres under conservation tillage with 60% or more residue coverage at planting.
24. _____ Acres of crop land under irrigation.

Nursery / Greenhouse

25. _____ Acres/sq.ft. Container nursery/ greenhouse irrigation runoff and leachate capture and reuse.

Poultry

26. Poultry (*in 1,000s per flock*)

_____ Broilers/Roasters _____ Pullets
 _____ Layers _____ Turkeys

27. _____ Number of Flocks per year

28. Poultry Integrator:
- _____

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30. _____ Total sq.ft. of all poultry houses

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Commercial Fertilizer Op ID: _____

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Manure/Organics Storage

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43. Yes No Temporary stockpiling of manure/organics?

Manure/Organics other than poultry litter

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Tons _____ / Acres _____ Gallons _____ / Acres _____

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Op ID: _____

Check if None

Name	Address - Location where Manure/ Organics were Imported?	Check Type of Imported Manure/ Organics	Amount	Amount Used	Land Application
Name of person:	Street:	<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Compost <input type="checkbox"/> Biosolids Class A <input type="checkbox"/> Biosolids Class B <input type="checkbox"/> Poultry Processing DAF <input type="checkbox"/> Food Residuals <input type="checkbox"/> Other Manure or Organics: _____	Gals.	Gals.	Acres
Name of Farm/Entity:	City: County: State, Zip		Tons	Tons	Acres
Name of person:	Street:	<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Compost <input type="checkbox"/> Biosolids Class A <input type="checkbox"/> Biosolids Class B <input type="checkbox"/> Poultry Processing DAF <input type="checkbox"/> Food Residuals <input type="checkbox"/> Other Manure or Organics: _____	Gals.	Gals.	Acres
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Name of Farm/Entity:	City: County: State, Zip		Tons	
Name of person:	Street:	<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Compost <input type="checkbox"/> Poultry Processing DAF <input type="checkbox"/> Food Residuals <input type="checkbox"/> Other Manure or Organics: _____	Gals.	<input type="checkbox"/> Alternative Use Facility <input type="checkbox"/> Manure/ Organics Broker <input type="checkbox"/> Other Farm Operation
Name of Farm/Entity:	City: County: State, Zip		Tons	
Name of person:	Street:	<input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Horse <input type="checkbox"/> Sheep <input type="checkbox"/> Compost <input type="checkbox"/> Poultry Processing DAF <input type="checkbox"/> Food Residuals <input type="checkbox"/> Other Manure or Organics: _____	Gals.	<input type="checkbox"/> Alternative Use Facility <input type="checkbox"/> Manure/ Organics Broker <input type="checkbox"/> Other Farm Operation
Name of Farm/Entity:	City: County: State, Zip		Tons	

53. Summary of Nutrient Applications by Crop See Instructions for help with this table.

Op ID: _____

TOTAL pounds of AVAILABLE nutrients applied. If you did not apply nutrients, list the crop, the crop acreage and draw a line through the rest of the boxes.

CROP Include Pastures	Acres	Commercial Fertilizer in pounds			Manure in pounds			Biosolids/Sewage Sludge in pounds			Other Organic Sources in pounds		
		N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O
Corn grain, dry land													
Corn grain, irrigated													
Corn silage													
Soybeans, full season													
Soybeans, double crop													
Small grains, Spring 2019													
Small grains, Fall 2019													
Hay, grass													
Hay, legume													
Pasture													
Vegetables													
Tobacco													
List other crops:													

Report Certification :

All of the information contained within this 2019 Nutrient Management Annual Implementation Report (AIR) is true to the best of my knowledge. A valid nutrient management plan for my operation(s) for calendar year 2020 will be developed and implemented.

54. Operator's Signature

55. Operator's Printed Name: _____

56. Date signed: _____