Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Pesticide and Seed

Robert D. Waltz, Ph.D.
State Chemist &
Seed Commissioner

Purdue University ▯ 175 South University Street
West Lafayette, IN 47907-2063
Telephone (765) 494-1492 ▯ Facsimile (765) 494-4331
www.oisc.purdue.edu

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FERTILIZER MATERIAL USE, DISTRIBUTION, AND RECORD KEEPING RULE

Indiana law directed the Office of Indiana State Chemist *(OISC)* to develop a rule to ensure that fertilizer materials are distributed and used effectively and safely as plant nutrients and in a manner that protects water quality.

The intent of the rule is to develop standards so that fertilizer materials *(both commercial fertilizers and manures)* are being handled and applied in a manner that will help ensure **protection of our environment. Full compliance with this rule *(355 IAC 8)* is required by Feb. 16,** 2013. Between now and then, OISC will be working through a variety of avenues to provide education and compliance assistance for individuals impacted by this rule.

This is not the rule that requires those applying manure from CFO's to be certified.

1. Who will likely be impacted by this rule?

This rule applies to anyone who uses or distributes fertilizer material (commercial fertilizer or manure) for the purposes of producing an agricultural crop. An exemption is made for those who apply less than 10 yrd ^{3} or 4,000 gallons of fertilizer or manure in a year.

2. What will this rule require?

Most of the rule requirements are recognized good-management practices.

- All fertilizer applicators must:
  - Develop a fertilizer application plan prior to application;
  - The plan must be based on agronomic rates, including consideration of soil fertility levels, crop need and availability of nutrients from fertilizer or other sources.
  - Apply fertilizer material in accordance with the fertilizer application plan for the target application site;
  - Fertilizer may not be applied:
    - Directly to surface water, to saturated ground or from a public road.

3. Staging restrictions for commercial fertilizer:

Commercial fertilizer must not be staged:

- Within 300 feet of surface waters, drainage inlets or water wells
- In standing water, a waterway or a floodway.

Commercial fertilizer staged for more than 72 hours must be:

- Covered with a tarpaulin.
- Applied within 30 days.

4. Staging restriction for manure:

Manure must not be staged:

- Within 300 feet from surface waters, drainage inlets or water wells.
  - Unless it is covered or there is a gradient barrier that contains or directs any manure away from surface waters, drainage inlets or water wells.
- On an area with a slope greater than 6% unless run-on and runoff are controlled.
- On any standing water, waterway or floodway.

Manure that is staged for more than 72 hours must be:

- Protected by a cover or gradient barrier.
- Set back from property lines 100 feet.
- Set back from public roads 100 feet.
- Set back from residential buildings 400 feet.
- Applied within 90 days.

5. Setbacks for manure applications:

- This rule requires manure application setbacks from the following features based on the application method and location:
  - Public Water Supply Wells and Surface Intake, Surface Waters, Sinkholes, Water Wells, Drainage Inlets, Property Lines and Public Roads

Manure application setback table

Table 1 – Unmanipulated Organic Fertilizer Application Setback Distances (in feet)

Known Feature	Liquid – Injection or Single Pass Incorporation (liquid/solid)	Liquid – Incorporation*; Surface Application (solid or compost); or Surface Application to Pasture	Liquid – Surface Application	
			< 6% Slope; or Residue Cover	> 6% Slope
Public Water Supply Wells and Surface Intake	500	500	500	500
Surface Waters	25	50	100	200
Sinkholes	25	50	100	200
Water Wells	50	50	100	200
Drainage Inlets	5	50	100	200
Property Lines and Public Roads	0	10	50	50

*** Liquid manure application with incorporation within 24 hours.**

6. **Restrictions for manure applications on Highly Erodible Land**

Manure may be applied to Highly Erodible Land (as shown on FSA & NRCS maps) if the land has **at least 40% crop residue or a vegetative cover crop.**

7. **Restrictions for manure applications on frozen or snow-covered ground**

Manure may be applied to frozen or snow-covered ground if the following restrictions are observed:

- No application within of 200 feet of surface water.
- No application in a floodway.
- Apply at ½ the agronomic rate for the planned crop.
- No application to ground with greater than 2% slope **unless** the ground has:
  - At least 40% crop residue; or
  - A vegetative cover crop.

NOTE: Manure applied by means of injection or same-day incorporation means the ground is not considered frozen or snow-covered and the above restrictions are not required.

8. **Monitoring requirements for manure application:**

- The applicator must monitor the target application site soil conditions and the 24-hour weather forecast prior to application for predicted rain events to ensure that predictable manure runoff does not occur.

- ❖ During and immediately following the application, the applicator must monitor the application site effluent from field tile outlets and surface water channels for a change of color, flow or volume.
- ❖ If there is a change caused by the application, the applicator must stop the application immediately, stop the effluent and apply it later or elsewhere.
- ❖ Report any spill to the Indiana Department of Environmental Management spill hotline at (888) 233-7745.

9. **Licensed distributor record keeping requirements.**

Licensed fertilizer material distributors are required to keep the following records for 2 years:

- ➢ Name of the certified applicator accepting receipt of the organic fertilizer.
- ➢ Certification number of the applicator.
- ➢ Amount of fertilizer distributed.
- ➢ Representative nutrient value or values of the organic fertilizer.
- ➢ Date of distribution.

10. **Applicator record keeping requirements.**

Licensed fertilizer material applicators are required to keep the following application records for 2 years:

- ➢ Address or location description of the application site.
- ➢ Name of the certified applicator making or supervising the application.
- ➢ Certification number of the certified applicator.
- ➢ Rate applied.
- ➢ Representative nutrient value or values of the fertilizer material.
- ➢ Type of fertilizer material applied.
- ➢ Method of fertilizer application.
- ➢ Date of application.

11. **When will this rule take effect?**

The rule became final March 16, 2012. Full compliance is required by February 16, 2013

Details on any of the requirements or procedures related to this rule can be found at www.oisc.purdue.edu or by contacting OISC at **1-800-893-6637**.

Frequently Asked Questions:

1. I don't have the Category 14 license to apply fertilizer. Do these rules apply to me?

Yes. These rules apply to anyone who applies more than 10 yrd^3 or 4,000 gallons of commercial fertilizer or manure in the production of an agricultural crop.

2. What kind of fertilizer application plan do I need?

The plan needs be in writing and take into account the agronomic needs of the crop, existing soil fertility and all fertilizer inputs for that field.

3. **What do you mean when you say Surface Waters, Sinkholes or Drainage Inlets?**

It is defined to include streams, lakes, ponds, rivers, swamps, marshes and wetlands. The term does not include temporary ponding in an agricultural crop growing area, temporary puddles, farmed wetlands or private ponds.

4. **How much will this cost me?**
There is no cost as this is a use rule, there is no licensing or certification required. The only cost that may be incurred might be the time spent with record keeping; however, most information may already be recorded by your operation.

5. **Do I need a license or certification for this?**
No. This is a use rule, and there is no licensing or certification required. The only part of this rule that is applicable to licensed applicators is the record keeping sections.

6. **Are there going to be forms for me to follow?**
Yes. OISC is working with many different parties to provide forms or templates for you to use as examples.

7. **How do I measure 6% slope or 2% slope?**
Percent slope is the amount of change in elevation in 100 feet. Purdue Extension can direct you to publication ID-72a-W or to other resources.

8. **What is a floodway?**
As used in these rules, a floodway means the channel of a river or stream that would be necessary to carry the volume of a 100-year rain event. Exact location of a floodway can generally be determined by the county agency that grants a local building permit or can be identified by the Indiana Department of Natural Resources through their "INdiana Floodplain Information Portal".

9. **Will there be monitoring / record keeping forms to me to use?**
Yes . OISC is working with many different parties to provide forms or templates for you to use as examples. Please visit oisc.purdue.edu for the templates.

10. **What is a gradient barrier?**
A gradient barrier is a berm or other physical feature that is used to prevent runoff from entering surface waters.

11. **Where do these setback numbers come from?**
The setback distances are consistent with other manure application and staging limitations currently established in Indiana.

12. **What if I don't follow these rules? Will there be penalties?**
The use rules are intended to protect water quality, and many are recognized good management practices. In the event of a violation civil penalties may occur.