



Delaware Nutrient Management



The Delaware Nutrient Management Commission Rules and Regulation Minutes of the Meeting Held July 19, 2006

In attendance:

<i>Commission Members Present</i>	<i>Others Present</i>
E. Lewandowski, Chairman	B. Coleman
C. Larimore	J. Timmons
A. Johnson	T. Garrahan
T. Keen	K. Foskey
<i>Commission Members Absent</i>	
B. Vanderwende	B. O'Neill
D. Baker	J. Manchester
<i>Ex-officios Present</i>	
W. Rohrer	

This meeting was properly notified and posted as required by law.

Minutes:

Call to Order/Welcome

Chairman Ed Lewandowski called the meeting to order at 5:30 p.m. and welcomed those in attendance.

Approval of Minutes:

C. Larimore motioned to approved the January 5, 2006 Rules and Regulations Subcommittee meeting minutes. Motion seconded by T. Keen which passed unanimously.

Discussion and Action Items:

Review Draft Language for January 1, 2007 Nutrient Management Mandate Regulations:

E. Lewandowski provided an overview of the draft language for January 1, 2007 Nutrient Management Regulations. He noted B. Rohrer provided draft language for January 1, 2007 mandate deadline (attached to minutes). E. Lewandowski read the draft into the record.

C. Larimore motioned to accept the draft language presented.

T. Keen asked for clarification of the draft language, specifically who would be impacted. B Rohrer reported the draft does not change anything intended in the Nutrient Management Law. The purpose is to close the loop for those who were not advised through a process and for those who purchased property now or after January 1, 2007. The Commission was to establish a method for mandating the nutrient management plan and the 20% process was adopted. The 20% mandate process is not comprehensive enough as it is. Discussion ensued as to how these individuals would be notified of the law so they are aware. J. Manchester noted ramifications should be listed.

The following changes were made:

- Add “and/or Animal Waste Management Plan” in three locations of the draft language.
- Add “Noncompliance could result in penalty action as outlined in §2280”

T. Keen seconded the motion with the amendments, which passed unanimously.

E. Lewandowski noted the draft regulations will be presented to Full Commission at the next meeting.

Review Draft Language for Nutrient Handling Around Impervious Surfaces:

B. Rohrer referred to page 3, 6.0, Nutrient Handling Requirements which is a new section of the regulations (attached to minutes). The new section identifies commercial fertilizers that need to be certified and the possibility of granting and exception. B. Rohrer read the draft language into the record. Discussion ensued as to whether or not adding Commercial Nutrient Handlers to the 6.2 of the draft. The consensus is this level of certification should not be added for granting an exception.

Discussion ensued as to adding manure or organic fertilizer to this section or not. E. Lewandowski stated his recollection was the flexibility allowing application of manure during the small window in the window. B. Rohrer also noted storage requirements of manure should also allow for flexibility.

After a lengthy discussion the draft will be changed as follows:

- “6.3 The application of organic fertilizer shall not be applied on surface areas covered by snow or frozen for a 24-hour period or greater.”
- Inorganic and Organic fertilizer will be defined.

T. Keen motioned to approve the draft language as presented with the addition of section 6.3 and the definitions of Inorganic and Organic fertilizer. C. Larimore seconded the motion, which passed unanimously.

B. Rohrer noted it would take 90-days for the regulations to pass. B. Rohrer suggested a timeline. Discussion ensued as to the best acceptable timeline. The timeline was determined as follows:

August 8, 2006: Commission approval

September 15, 2006: Open for comments during the month of October

November 2006: Review the comments received

November 15, 2006: Submit for regulations

December 2006: Regulations would become in effect

Public Comments: NONE

Next Meeting: NONE

Adjournment:

Chairman Lewandowski adjourned the meeting at 6:45 p.m.

Approved,

Ed Lewandowski, Chair
Rules & Regulations Subcommittee

BRR/mrp