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**IDAPA 02
TITLE 04
CHAPTER 30**

02.04.30 - RULES GOVERNING NUTRIENT MANAGEMENT

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 37, Chapter 4, Title 22, Chapters 1 and 49, and Title 25, Chapter 40, Idaho Code. (3-29-12)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Nutrient Management.” (4-2-08)

02. Scope. These rules shall govern the certification process for soil samplers and nutrient management planners, and the process for collecting and handling soil samples. (4-2-08)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (4-2-08)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (4-2-08)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference, and copies of the documents may be obtained from the Idaho State Department of Agriculture central office at 2270 Old Penitentiary Road, Boise, Idaho, 83712 or accessed online. (3-29-12)

01. August 1997 University of Idaho, Soil Sampling Bulletin 704 (revised). This document can be viewed online at <http://www.cals.uidaho.edu/edComm/pdf/EXT/EXT0704.pdf>. (3-29-12)

02. Nutrient Management Standard (NMS). (3-29-12)

a. The 1999 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at http://www.agri.idaho.gov/Categories/Animals/Documents/nutrient_Management_code_590.PDF. (3-29-12)

b. The 2007 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at http://www.agri.idaho.gov/Categories/Environment/nmp/nmpPDF/june_2007_NRCS_590.pdf. (3-29-12)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS -- TELEPHONE -- AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (4-2-08)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-2-08)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (4-2-08)

04. Telephone Number. The telephone number of the Division of Animal Industries at the central office is (208) 332-8540. (4-2-08)

05. Fax Number. The fax number of the Division of Animal Industries at the central office is (208) 334-4062. (4-2-08)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture central office. (4-2-08)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter: (4-2-08)

01. Certified Soil Sampler. A person who has completed a Department approved soil sampler certification program and has received written certification from the Department. (4-2-08)

02. Department. The Idaho State Department of Agriculture. (4-2-08)

03. Director. The Director of the Idaho State Department of Agriculture or his designee. (3-29-12)

04. Nutrient Management Plan. A plan prepared in conformance with the Nutrient Management Standard for managing the amount, source, placement, form, and timing of the land application of nutrients and soil amendments for plant production. (4-2-08)

05. Nutrient Management Standard. For dairies and beef cattle animal feeding operations, the Nutrient Management Standard is the 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service Conservation Practice Standard, Nutrient Management Code 590 or other standard approved by the Director. For poultry concentrated animal feeding operations, the Nutrient Management Standard is the 2007 publication by the United States Department of Agriculture Natural Resources Conservation Service Conservation Practice Standard, Nutrient Management Code 590 or other standard approved by the director. (3-29-12)

06. Person. Any individual, partnership, association, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency, or instrumentality, or any legal entity, that is recognized by law as the subject of rights and duties. (3-29-12)

07. Operation(s). Animal feeding operation(s). (3-29-12)

08. Representative Soil Sample. A representative soil sample is a soil sample obtained as outlined by the August 1997 University of Idaho, Soil Sampling Bulletin 704 (revised) or other equivalent method as approved by the Department. (4-2-08)

09. Resource Concerns. Surface water runoff that leaves the operation from normal storm events, rain or snow, frozen ground or irrigation; and ground water concerns on the operation from a high water table, fractured bedrock, cobbles, gravel, coarse textured soils or other environmental considerations such as tile drains or shallow soils that are conducive for the downward movement of water and associated nutrients. (4-2-08)

011. ABBREVIATIONS.

01. CNMP. Certified Nutrient Management Planner. (4-2-08)

02. CSS. Certified Soil Sampler. (4-2-08)

03. NMP. Nutrient Management Plan. (4-2-08)

04. NMS. Nutrient Management Standard. (4-2-08)

05. NRCS. United States Department of Agriculture, Natural Resources Conservation Service.

(4-2-08)

06. SSB. August 1997 University of Idaho Soil Sampling Bulletin 704 (revised). (4-2-08)

07. USDA. United States Department of Agriculture. (4-2-08)

012. -- 019. (RESERVED)

020. APPLICABILITY.

These rules apply to nutrient management on the following operations: (3-29-12)

01. Dairies. All Manufactured Grade and Grade A dairies located in Idaho licensed to sell milk for human consumption. (3-29-12)

02. Beef Cattle Animal Feeding Operations. All beef cattle animal feeding operations in Idaho required to implement a NMP pursuant to IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." (4-2-08)

03. Poultry Concentrated Animal Feeding Operations. All poultry operations required to implement an NMP pursuant to Title 25, Chapter 40, Idaho Code. (3-29-12)

021. -- 099. (RESERVED)

100. NUTRIENT MANAGEMENT PLANS.

All NMPs required by IDAPA 02.04.14, "Rules of the Department of Agriculture Governing Dairy Waste," IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and IDAPA 02.04.32, "Rules Governing Poultry Operations," must be written by nutrient management planners who have been certified by the Department. (3-29-12)

101. -- 149. (RESERVED)

150. NUTRIENT MANAGEMENT PLANNER CERTIFICATION.

All persons who develop NMPs must be certified through the Department Certification Program. (4-2-08)

01. Certification. The Nutrient Management Planner Certification will be valid unless revoked by the Department. (4-2-08)

02. Development. Nothing shall prohibit any person from developing an NMP for his own operation provided the person possesses a valid Nutrient Management Planner Certification issued by the Department. (4-2-08)

03. Continuing Education. The Department may require a CNMP to complete periodic continuing education training to retain certification. (4-2-08)

151. -- 189. (RESERVED)

190. REVOCATION OF NUTRIENT MANAGEMENT PLANNER CERTIFICATION.

Nutrient Management Planner Certification may be revoked by the Department if the CNMP: (4-2-08)

01. Submits Inaccurate Information. Submits NMPs that contain falsified or materially inaccurate information. (4-2-08)

02. Fails to Submit Plans. Fails to submit an NMP to the ISDA within thirty (30) days after being paid by a producer. (4-2-08)

03. Fails to Follow Provisions. Fails to meet any requirement of this rule. (4-2-08)

191. -- 199. (RESERVED)

200. SOIL SAMPLES.

The owners or operators of all dairies, beef cattle operations, and poultry operations required to implement nutrient management plans pursuant to IDAPA 02.04.14, "Rules of the Department of Agriculture Governing Dairy Waste," IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and IDAPA 02.04.32, "Rules Governing Poultry Operations," must have soil samples collected each year from all fields owned or operated by the dairy, beef, or poultry operation to which livestock waste, manure, or process wastewater from the operation was land applied. In addition, a poultry operation must have soil samples collected each year from all fields owned or operated by the poultry operation to which soil amendments from the operation were land applied. (3-29-12)

201. -- 219. (RESERVED)

220. SOIL SAMPLE COLLECTION.

01. CSS. All soil samples required to be collected pursuant to this chapter must be collected by a CSS. (4-2-08)

02. Representative Samples. All soil samples collected by a CSS must be representative samples pursuant to the provisions of the SSB. (4-2-08)

03. Sampling Depth. The soil samples shall be obtained from depths outlined in each operation's NMP unless soil survey data or site specific situations warrant alternative sampling depths. (4-2-08)

04. Alternative Sampling Depths. If the CSS determines that an alternative sampling depth is necessary due to resource concerns, the CSS must indicate such deviation in sampling depths on soil samples and laboratory soil sample submission forms. (4-2-08)

221. -- 229. (RESERVED)

230. SOIL SAMPLE SUBMISSION.

All soil samples collected pursuant to this chapter must be appropriately handled to protect the integrity of the sample and must be submitted to an approved laboratory by the CSS who collected the soil sample. (4-2-08)

231. -- 299. (RESERVED)

300. APPROVED LABORATORIES.

Only laboratories that hold a current valid certification from the North American Laboratory Proficiency Testing Program or equivalent method approved by the Department are approved laboratories for the purposes of this chapter. (3-29-12)

301. -- 399. (RESERVED)

400. RECORDS OF NUTRIENT ANALYSIS.

Owners or operators of facilities who are required to implement NMPs pursuant to IDAPA 02.04.14, "Rules Governing Dairy Waste," IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and IDAPA 02.04.32, "Rules Governing Poultry Operations," must retain records of nutrient analysis for a minimum of five (5) years. (3-29-12)

01. Complete Records. Records must be complete, readily available, and identified to the fields listed in the facility's NMP. (4-2-08)

02. Available to the Director. Records must be made available to the director for inspection and copying upon request. (4-2-08)

401. -- 499. (RESERVED)

500. SOIL SAMPLER CERTIFICATION.

All persons who collect soil samples from operations that are required to sample and test soil for nutrients pursuant to this chapter must be certified through the Department Certification Program. (4-2-08)

01. Certification. The Soil Sampler Certification will be valid unless revoked by the Department. (4-2-08)

02. Sampling. Nothing shall prohibit any person from sampling their own operation as outlined in these rules provided the person possesses a valid Soil Sampler Certification issued by the Department. (4-2-08)

03. Continuing Education. The Department may require CSS to complete continuing education training to ensure compliance within the provisions of this chapter. (4-2-08)

501. -- 899. (RESERVED)

900. REVOCATION OF SOIL SAMPLER CERTIFICATION.

Soil Sampler Certification is subject to revocation by the Department if the Certified Soil Sampler fails to meet the soil sampling criteria set forth in these rules. (4-2-08)

901. -- 989. (RESERVED)

990. PENALTIES.

Any person violating any of the provisions of this Chapter may be subject to the penalty provisions of Title 22, Chapter 1 and 49, Title 37, Chapter 4, and Title 25, Chapter 40, Idaho Code. (3-29-12)

01. Monetary Penalties. The imposition or computation of monetary penalties shall take into account the seriousness of the violation, good faith efforts to comply with the law, the economic impact of the penalty on the violator and such other matters as justice requires. (4-2-08)

02. Minor Violations. The Director may issue suitable warnings or other administrative actions for minor violations. (4-2-08)

991. -- 999. (RESERVED)

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NMS, Nutrient Management
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NRCS, Natural Resources
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