



## **Delmarva Land & Litter Challenge Model Poultry Litter Transportation Program Attributes**

**Description** – Through a prolonged and thoughtful dialogue involving grain and poultry producers, environmental advocates and state government agency representatives; the DLLC Steering Committee reached consensus that adjustments need to be made to existing manure/litter transport programs in order to better facilitate the relocation of poultry litter without causing environmental degradation. The states of Delaware, Maryland, and Virginia all offer cost-share programs to support and promote the relocation of litter from areas that are saturated with nutrients to alternative use facilities or areas where litter can be land applied to provide nutrients at agronomically correct rates to support crop production. It is anticipated that as the state of Maryland implements its Phosphorus Management Tool (PMT), there will be an increased need to relocate poultry litter from the lower three eastern shore counties in MD (Wicomico, Worcester, and Somerset) to other areas eligible for land application, or to sites that utilize litter for alternative use technologies. At the same time, Delaware and Virginia are currently working on updating their Phosphorus Indexes, which could result in additional excess litter being identified and needing to be relocated for land application on eligible fields or to alternative use facilities.

To cost effectively and safely relocate additional tonnages of manure and poultry litter, improvements to the existing state transport programs are necessary. There are existing pros and cons to each state’s cost-share program; however, in the interest of providing a regional solution, the Delmarva Land & Litter Challenge has developed the following attributes of what might constitute a “model transport program”. Improvements or refinements to current government sponsored transport programs would enhance the economic viability of existing private transport services, providing incentives to relocate litter/manure greater distances to farms that are eligible to receive nutrients or to proven alternative use facilities.

**Objective** – In advancing these recommendations, the DLLC is seeking to accomplish two primary objectives:

1. Improve the effective functioning of critically important publicly funded manure/litter transport programs; and
2. Maintain and/or improve environmental safeguards in state-sponsored transport programs.

In addressing these two primary objectives, the attributes that the DLLC has developed will eliminate duplicative enforcement or oversight provisions associated with nutrient management plans (NMPs) and state cost-share transport programs; entice farmers to utilize the state-sponsored transport programs to effectively relocate litter out of areas with Fertility Index Values (FIV)>150; develop state databases and recording systems to identify eligible participants in state transport programs across state lines; ensure the more timely delivery of cost-share payments; and provide for compliance verification through the corresponding state’s Nutrient Management audit program.

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The successful adoption of the following framework elements, which are intended to be adopted as a package, will require transport program participants to submit required information in a timely manner.

**Who should be eligible to participate in government litter transport programs? –**

- **Senders** – Any producer of manure/poultry litter with a no-land operation or fields with FIV>150, and more than 10 miles away from the receiving operation.
- **Receivers** –
  - **Land Applicators** – Any nutrient end-user with fields at an FIV<150, who are in compliance with a current Nutrient Management Plan, and are more than 10 miles away from the sending operation.
  - **Alternate Use Facilities** – Any facility defined by the state Departments of Agriculture as an eligible receiver as defined by regulations established by the state.
- **Haulers/Brokers** – Haulers/brokers certified by the state as commercial nutrient handlers.

**Registration – Any sender, receiver or hauler/broker that wishes to participate in a state’s litter transport cost share program must pre-register with the state agency with responsibility for managing the transport program. This can be accomplished by satisfying information requirements under a state’s Nutrient Management Program or by becoming a pre-certified participant in a state transport program. State cost-share programs should require participants to maintain compliance with the state’s Nutrient Management Program; failure to do so should disqualify interested parties from participating in a state’s cost-share litter transport program.**

**Required information –**

- **Senders** – Senders must provide the location of their operation from which litter will be shipped, information on the size of their operation, the approximate amount of manure available for transport, their affiliated integrator, and indicate whether the operation is no-land or has fields with FIV>150. Upon satisfying registration requirements, senders will be assigned an eligibility/certification number and expiration date, and this information will be listed in a state database. The sender will be responsible for updating their operation’s information if any changes are made (i.e. change in integrator, more available litter/birds). A sender’s eligibility certification number will be held for a period of 5 years, after which a sender will have to update their registration through a simple online renewal form. The sender’s location, eligibility/certification number, expiration date, information on the size of their operation, the amount of manure available for transport, their affiliated integrator, and an indication as to whether the operation is no-land or has fields with FIV>150 will be stored in a database at the state agency with responsibility for managing the transport program.
- **Receivers** – Receivers who elect to participate in the state-sponsored transport program must register with the state agency that manages the program. To register, an eligible receiver must provide their operation’s location; crop(s) grown; the consultant/advisor that developed their NMP and the date the NMP was completed; the date of the

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operation's last audit; and their most recent field FIV levels based on soil test data (test data must be taken within the previous 12-months prior to registration). This information will verify that the interested receiver has a current NMP, and will also verify (through the FIV levels found from soil tests) that they have fields that are eligible to receive litter. Eligible receivers will be assigned an eligibility/certification number and expiration date. The eligibility/certification number will expire 5 years after the date it is issued, and receivers will renew their registration through a simple online renewal form. The receiver's location, eligibility/certification number, expiration date, crop(s) grown the consultant/advisor that developed their NMP and the date the NMP was completed, as well as the date of the receiver's last audit, and their most recent field FIV levels based on soil test data will be stored in a database at the state agency with responsibility for managing the transport program. For a receiving operation to continue to be eligible for state transport program cost share assistance, they must remain in compliance with their NMP, and compliance will be verified by audits performed through the state's Nutrient Management Program.

- **Haulers/Brokers** – A hauler/broker will be determined to be eligible upon completion of sufficient continuing education requirements as determined by the state agency that manages the litter transport program. Upon completion of continuing education requirements, haulers/brokers will be registered as eligible/certified commercial nutrient handlers and will be assigned an eligibility/certification number and expiration date. A hauler/broker's eligibility certification number will be held for a period of 5 years, after which a hauler/broker will have to update their registration through a simple online renewal form. The hauler/broker's address, eligibility/certification number, expiration date, and continuing education status will be stored in a database at the state agency with responsibility for managing the transport program.

**Claim for Payment** – The applicant for a state transport cost share payment will submit a Claim for Payment form after litter has been relocated. The Claim for Payment form will include: the sender's affiliated integrator information; the results of a nutrient and moisture test on a sample of the litter that was relocated; documentation of the fields where litter was or will be applied, and the FIV for each field as shown by soil tests (soil test data must be taken within the 12-months prior to application); the consultant/advisor that developed the receiver's NMP and the date the NMP was completed; the tons transported; the distance traveled; the hauling equipment used; and each party's (Sender, Receiver, and Hauler/Broker) eligibility/certification number. The party submitting the Claim for Payment will also provide weight slips or other documentation of average weight per load per vehicle as determined appropriate by the state agency with responsibility for managing the transport program. Assuming that proper documentation is provided, State agencies are expected to process and notify applicants of approval for Claims for Payment within 5-7 business days, and should pay Claims for Payment within 30 days of approval.

#### **Audit Process/Method for Verifying Compliance –**

**Compliance verification will be performed through the audits required under a state's Nutrient Management Program.** States should randomly audit no less than 20% of the

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participants in the Nutrient Management Program each year. States should retain the ability to increase the frequency of audits for those participants who have been found not to be in compliance.

### **Record Retention Requirements –**

- **Sender** – A sender is required to retain records of transport transactions for a minimum of 6-years after each transaction.
- **Receiver** – A receiver is required to retain an updated and compliant NMP that is updated at least every 3-years, or as required by Nutrient Management Law. Receivers are also required to retain records of transport transactions for a minimum of 6-years after each transaction.
- **Haulers/Brokers** – Haulers/brokers are required to retain detailed records of transactions for a minimum of 6-years after each transaction.

**Data Access** – States should maintain a publically searchable online database of eligible/certified senders, receivers, and haulers/brokers. The state will publish the eligibility/certification number; expiration date; and county of senders, receivers, and haulers/brokers. The state agency managing the program will store internally, but will not release publicly other than in aggregate form by county, the additional required information that is gathered when a participant registers, including operation location, size, soil test results and other data, subject to the confidentiality rules of the state. Managing agencies within the Delmarva states will share registrant information with the other states to inform and approve interstate transport transactions.

**Penalties/Non-Compliance** – Failure to comply with state nutrient management laws, transport program rules, or falsification of records will result in sanctions as deemed appropriate by the state.

### **Addendum:**

In developing model attributes for state transport programs the DLLC also recommends the following:

**FIV Standardization** – the land grant universities in the states of Delaware, Maryland, and Virginia should engage in a discussion about how to standardize FIV calculations.

**Private Transport Program** – The feasibility of a private transport exchange for Delmarva should be studied further.