

(iii) The amount of nitrogen and phosphorus necessary to achieve the expected crop yield for the land that is the subject of the nutrient management plan, as determined by:

1. The field's actual yield record and soil productivity for that crop; or

2. If information concerning actual yield record and soil productivity for a crop is unavailable, relevant information concerning similar fields and soil;

(iv) Soil erodibility and nutrient retention capacity;

(v) 1. The best reasonable scientific methods accepted by the Department and the University of Maryland Cooperative Extension Service; OR

2. SCIENTIFICALLY VALIDATED DATA FOR THE DEVELOPMENT OF A NUTRIENT MANAGEMENT PLAN AS DEFINED BY THE DEPARTMENT IN REGULATION; and

(vi) Existing best management practices.

(2) Each nutrient management plan shall provide flexibility for management decisions that may be required by conditions beyond the control of the farmer.

(b) (1) [Each] A SUMMARY OF EACH nutrient management plan shall be filed AND UPDATED with the Department[:

(i) When it is developed; and

(ii) Each time it is updated] AT A TIME AND IN A FORM THAT THE DEPARTMENT REQUIRES BY REGULATION.

(2) [Submission of the plan shall include a grant by the property owner or operator to the Department of a right of entry on the property to evaluate compliance with the plan as long as the Department:

(i) Enters the property in daylight hours at a reasonable time that allows the property owner or operator the opportunity to be present; and

(ii) Conducts its evaluation in a manner that minimizes any inconvenience to the farmer.

(3) The Department shall maintain a copy of each [nutrient management plan] SUMMARY for 3 years in a manner that protects the identity of the individual for whom the nutrient management plan was prepared.

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(a) To apply for certification as a nutrient management consultant, an applicant shall: