



University of Arkansas Division of Agriculture

An Agricultural Law Research Project

## **Application Restrictions Statutes & Regulations**

**Delaware**

[www.NationalAgLawCenter.org](http://www.NationalAgLawCenter.org)



## Application Restrictions

### STATE OF DELAWARE

#### **1) 3 Del. C. §§ 2201, 2242; CDR 3-1200-1201 (6.2)**

*The statutes and Constitution are current through the 2018 regular and special legislative sessions. The statutes are subject to changes by the Delaware Legislative Council.*

#### **1) 3 Del. C. §§ 2201, 2242; CDR 3-1200-1201 (6.2)**

##### **§ 2201. Declaration of purpose.**

The purposes of this chapter are:

- (1) To regulate those activities involving the generation and application of nutrients in order to help improve and maintain the quality of Delaware's ground and surface waters and to meet or exceed federally mandated water quality standards, in the interest of the overall public welfare;
- (2) To establish a certification program that encourages the implementation of best management practices in the generation, handling or land application of nutrients in Delaware;
- (3) To establish a nutrient management planning program; and
- (4) To formulate a systematic and economically viable nutrient management program that will both maintain agricultural profitability and improve water quality in Delaware.

##### **§ 2242. Certification; applications.**

- (a) Applications for certification shall be made to the Commission in writing on a form designated by the Commission.
- (b) The Commission shall develop and approve minimum criteria for certification, which shall be included in regulations promulgated by the Secretary.
- (c) The Commission may establish by regulation a yearly fee not to exceed \$100 for each certificate.
- (d) If the Commission finds the applicant qualified to handle nutrients in the classifications the applicant has applied for, the Commission may issue a certificate limited to the classifications for which the applicant is qualified. The Commission may limit the certificate of the applicant based on any subclassification the Commission has

established. If a certificate is not issued as applied for, the Commission shall inform the applicant in writing of the reasons therefor.

**Section 6.0 Nutrient Handling Requirements.**

[ . . . ]

**6.2** For land areas not required to have a Nutrient Management plan, applications of Nitrogen and Phosphorus fertilizers by anyone holding a commercial nutrient handler or nutrient consultant certification, or anyone required to be certified at said level pursuant to 3 Del.C. § 2242 and section 4.0 herein, are prohibited when one of the following conditions exist:

**6.2.1** The surface area of application is impervious such as sidewalks, roads and other paved areas and the misdirected fertilizer is not removed on the same day of application;

**6.2.2** The surface area is covered by snow or frozen; or

**6.2.3** The date of application is between December 7 and February 15.

[ . . . ]