



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Agriculture TITLE-SERIES: 61-06D
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 61-06D Nutrient Management Certification

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §19-15-12

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rule describes the West Virginia Department of Agriculture's certification program for person that prepare and update nutrient management plans.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/9/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2026

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

n/a

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This legislative rule details the WV Department of Agriculture's certification program for persons that prepare and update nutrient management plans. When a nutrient management plan is prepared for a farm, it indicates how essential primary nutrients, that is nitrogen, phosphorus, and potassium, are to be managed on farm fields for crop or forage production and for the protection of water quality. Plans contain recommendations to farmers based on expected crop yield, existing nutrient levels in the soil, organic residuals, recommended stored manures, bio-solids and compost, optimum timing and placement of nutrients, environmental protection and normal farming practices such as liming, tillage, equipment calibration and crop rotation. The Department shall certify qualified persons to prepare these plans.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

For proper certification requirements.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

n/a

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

n/a

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

n/a

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Amie J Minor -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 61
LEGISLATIVE RULE
WEST VIRGINIA DEPARTMENT OF AGRICULTURE

SERIES 6D
NUTRIENT MANAGEMENT CERTIFICATION

§61-6D-1. General.

1.1. Scope. -- This legislative rule describes the West Virginia Department of Agriculture's certification program for persons that prepare and update nutrient management plans. When a nutrient management plan is prepared for a farm, it indicates how essential primary nutrients, that is, nitrogen, phosphorus, and potassium, are to be ~~annually~~ managed on farm fields for crop or forage production and for the protection of water quality. Plans contain recommendations to farmers based on expected crop yield, existing nutrient levels in the soil, organic residuals, recommended stored manures, bio-solids and compost, optimum timing and placement of nutrients, environmental protection and normal farming practices such as liming, tillage, equipment calibration and crop rotation. The Department shall certify qualified persons to prepare these plans.

1.2. Authority. -- W. Va. Code §19-15-12.

1.3. Filing Date. -- ~~April 19, 2012.~~

1.4. Effective Date. -- ~~July 1, 2012.~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect on August 1, 2036.

§61-6D-2. Definitions.

2.1. “Certified nutrient management planner” means a person certified by the Department under this subtitle to prepare and update a nutrient management plan in the state of West Virginia.

2.2. “Field identification number” means a number used by a farmer or operator to distinguish or pinpoint the location of a field or management unit on a farm.

2.3. “Nutrient content” means the percentage of any primary nutrients such as N (Nitrogen), P (Phosphorus), K (Potassium) and secondary nutrients such as Ca (Calcium), or Mg (Magnesium) in any type of source of plant nutrients.

2.4. “Nutrient management plan” or “plan” means a plan prepared by a certified nutrient management planner to manage the amount, form, placement, timing, and application of commercial fertilizers, animal manures, bio-solids, or other plant nutrients in order to prevent pollution and to maintain soil productivity.

2.5. “Primary crop nutrient needs” mean the primary nutrient requirements of a crop determined as pounds of nitrogen (N), available phosphate (P2O5) and soluble potash (K2O) and approved liming materials required for production of a crop yield unit such as a bushel of corn or a ton of hay.

2.6. “Watershed code” means the USGS ~~numeric code~~ hydrologic unit code (HUC) used by the State to identify a hydrologic unit area. This number will be reported at the 12-Digit HUC scale.

§61-6D-3. Certification Requirement.

3.1. Unless certified by the Department, under this rule a person shall not act as a certified nutrient management planner.

§61-6D-4. Certification Application and Examination Requirement.

4.1. To apply for the examination to be certified as a nutrient management planner, an applicant shall file the following with the Department at least thirty (30) days prior any announced examination:

4.1.a. A completed application on forms provided by the Department;

4.1.b. Proof of meeting one of the following:

4.1.b.1. Five (5) years of nutrient management practical experience working with farmers if one has and ~~an unrelated degree~~ or no degree or a degree in an unrelated field;

4.1.b.2. Three (3) years of practical experience and a two (2) year associates degree in an agricultural related field; or

4.1.b.3. One (1) year of experience and a baccalaureate degree in an agricultural related field (Agriculture or Natural Resources);

4.1.c. Current or former employers who supervised the applicant's nutrient management activities shall provide verification on Department forms. Nutrient management experience will be listed as a percentage of the time the individual performed actual nutrient management activities.

§61-6D-5. Examination.

5.1. The Department shall offer a certification examination for nutrient management planners once a year on the first Friday of February. The Department may add additional certification examination dates at its discretion. The Department ~~shall~~ may give sixty (60) days public notice of the time and place for each examination.

5.2. The Department may provide ~~required~~ preparatory training or a list of study materials before any examination is given.

5.3. The Department shall allow a candidate who fails a certification examination to make application to take the exam at the next scheduled exam date or any exam date thereafter.

§61-6D-6. Certification.

6.1. The Department shall certify any person as a nutrient management planner who:

6.1.a. Meets the requirements of this rule;

6.1.b. Passes the Department certification examination.

§61-6D-7. Certification Renewal.

7.1. The Department shall issue nutrient management certificate for two (2) years and may renew it at the end of the second year if the certificate holder meets the requirements of this section. However, the Department shall revoke a nutrient management certification after the first year if the certificate holder does not submit an annual activity report as described in 7.1.c of this section.

7.1.a. The certificate holder shall submit a renewal application on the form provided by the Department ~~which provides and provide~~ proof of the satisfactory completion within the past two (2) years of ~~at least the required twelve (12) eight (8)~~ hours of continuing education, workshops, or other training programs that have been pre-approved by the Department. ~~To facilitate certificate holders to gain the twelve (12) hours of training the Department shall provide a minimum of six (6) hours continuing education training annually.~~

7.1.b. The certificate holder shall submit, on the form required by the Department, an annual activity report on nutrient management plans by ~~December~~ January 31. The annual report shall include but is not limited to:

7.1.b.1. The name and certification number of the certificate holder;

7.1.b.2. The USGS 12 digit Watershed Code for each of the nutrient management plan(s) written;

7.1.b.3. County Name in which each ~~the~~ nutrient management plan(s) was written;

7.1.b.4. The number of acres in each ~~the~~ nutrient management plan(s), ~~animal units, and amount of nutrients under improved management.~~

§61-6D-8. Revocation of Nutrient Management Certification.

8.1 The Department shall revoke a nutrient management certificate if the certificate holder has:

8.1.a. Not submitted the annual report required by 7.1.b of this rule;

8.1.b. Not submitted renewal form as required by 7.1.a of this rule;

8.1.c. Not met the continuing education criteria as outlined in 7.1.a of this rule;

8.1.d. Falsified any document related to the Nutrient Management Program;

8.1.e. Misrepresented certification; or

8.1.f. Violated any applicable federal or state laws and rules.