

FREQUENTLY ASKED QUESTIONS CONCERNING THE VEGETABLE AND AGRONOMIC CROPS BMP
MANUAL FOR FLORIDA

Q Is the BMP process entirely voluntary?

A *BMPs are non-regulatory which makes it a largely voluntary process for Florida growers. However, if and when the FDEP drafts a Basin Management Action Plan for a particular basin, growers must demonstrate that they have implemented BMPs, or else growers are required to monitor their discharge to ensure that they are not contributing to water quality impairment.*

Q What do I need to do to be in compliance?

A *In accordance with the 1999 Florida Watershed Restoration Act, once growers pledge to implement the appropriate BMPs that have been adopted in state code, then they are provided a presumption of compliance with state water quality standards.*

Q What happens if a grower chooses not to adopt the BMPs?

A *A grower who chooses not to adopt or implement BMPs is not afforded the opportunity to receive cost-share funds and does not receive the presumption of compliance. Moreover, this grower may have to incur water quality monitoring costs to demonstrate that they are not contributing to water quality impairment.*

Q How many of the BMPs will a grower need to implement to get the presumption of compliance?

A *This is a case-by-case decision making process that depends upon a number of variables. There is no set number of BMPs that a grower is required to implement. Growers must follow the BMP Decision Tree Flowchart on pages 7 and 8 of the manual to determine the appropriate number of BMPs. It is estimated that most growers would need to implement between 7 to 14 out of a total of 49 BMPs contained in the manual.*

Q Where will a grower go to fill out the notice of intent (NOI)?

A *A grower can fill out their NOI which is contained in Appendix A-6 of the manual and mail it to FDACS at the address listed on the NOI, or can submit their NOI online using the Department's BMP Tracking System. If needed, they can request assistance through FDACS, UF-IFAS Extension and/or the BMP Implementation Team in their region.*

Q How will the Total Maximum Daily Load (TMDL) process affect growers and what are its effects on BMP sign-up?

A *The TMDL is a numeric load number that is individually derived for each impaired waterbody in the state. Growers in impaired watersheds must collectively demonstrate that they are implementing BMPs in order to meet minimum BMP participation rates. This can only be realized through the sign-up process and subsequent NOI submittal.*

Q Who and by what process will the growers' BMPs be approved so the grower gets the presumption of compliance?

A The NOI submittal constitutes entry into the BMP program. The rule language also states that participating growers are to implement BMPs in accordance with the timeline on the Candidate BMP Checklist which is on the back of the NOI form, and growers must also maintain recordkeeping documentation, as applicable.

Q What incentives are there for the growers to sign up?

A Growers who sign up and implement BMPs will receive the presumption of compliance, be eligible for cost-share, and will be exempt from water quality monitoring.

Q What cost-share programs will be available and how might this effect growers farming on leased land(s)?

A Realistically speaking, FDACS has not contemplated a statewide cost-share program as an adjunct to the BMP manual. Rather, regional cost-share programs are currently underway in the SRWMD, SJRWMD and SWFWMD areas. We are not aware of negative effects on lessees provided they can produce documentation demonstrating that they have a legally binding agreement that enables them to farm a particular parcel for a certain period of time.

Q Will the BMPs change from year-to-year so that a grower needs to re-file a NOI each year?

A No, the BMPs will not change year-to-year and a grower's original NOI will remain in force as long as they demonstrate "good faith" in order to stay abreast of current BMP requirements. Keep in mind that some changes to the manual will likely occur over time.

Q Is there a deadline for signing up and how long is the presumption of compliance good for?

A A grower can sign up and submit a NOI at any time; however, time is of the essence in impaired basins that are developing Basin Management Action Plans as FDACS is responsible to validate minimum BMP participation rates. The presumption of compliance is good in perpetuity, provided that the grower continues to implement current BMPs and maintains records.

Q Does the Vegetable and Agronomic Crop manual apply to the entire state?

A Yes; however growers in the Everglades Agricultural Area or the C-139 Basin must follow the regulatory requirements of the SFWMD instead.

Q What is the best way to respond to a grower who is tentative about filing the NOI?

A There is no charge for filing, no monetary penalty for non-compliance, and the NOI serves as your "regulatory shield" for potential future regulatory actions involving water quality issues.

Q How can a grower get the BMP manual?

A *They can request a hard copy from their local extension agent, from FDACS staff, or they can download a copy of the manual from the website:
www.floridaagwaterpolicy.com*

Q What if the guidelines change or get more stringent? Am I grandfathered in?

A *This is an interesting question, but in keeping with our earlier response, the presumption of compliance is good in perpetuity, provided the grower continues to implement current BMPs and maintains records. It is FDACS' responsibility under law to keep the manuals updated using the best available science – growers are responsible to implement the BMP recommendations.*

Q How does a producer address different crops on the same farm? For example, some mulched, some non-mulched. Under what circumstances would a grower need one or more NOIs based on different parcels, separate production units, different practices, etc.?

A *Many of the BMPs are applicable to multiple crop types. The best way to proceed is to first evaluate farm fields based on general cultural categories, such as field crops and mulched crops and use the decision tree flowchart accordingly. FDACS would not anticipate receiving different NOIs based on different production units once this distinction is made. Plasticulture production principles are fairly similar throughout the state, regardless of crop type. For starters, only submit different NOIs when parcel identification numbers are different or when growing both vegetable and agronomic crops in different counties.*

Q I'm growing grape tomatoes which I know have at least a 30-day longer harvest period than rounds. I'm on seep irrigation. Can I put my supplemental fertilizer under the plastic at the beginning of the season and just explain why (i.e. extended harvest season) in the comment section? It's cheaper to do it that way than to come back in with the wheel.

A *The fertilizer recommendations at present do not separate out different fertilizer recommendations for different types of tomatoes. The recommendations and the BMPs do allow for additional fertilizer, most likely N and perhaps K, to be added by the liquid injection wheel (in the case of seepage tomatoes), and by fertigation (in the case of drip-irrigated tomatoes). This is the BMP until research indicates a change is needed to address grapes directly.*

Q Is someone going to come out and inspect my fertilizer records?

A *Over time, as FDACS more fully develops their quality assurance program, it is reasonable to believe that a Department employee would ask to inspect fertilizer records at some juncture.*

Q Will someone come out each year to inspect and make sure I've done what I said I'd do?

A *Given the amount of vegetable and agronomic farms in the state, it is unreasonable to believe that a Department employee will inspect your operation annually.*

Q I get my soil test and fertilizer recommendations from my consultant/dealer, does that count?

A *Fertilizer recommendations can be provided from a private consultant or fertilizer dealer as long as the recommendations are based on a calibrated and correlated soil test. The recommendations must also be based on credible scientific research conducted in Florida on representative crops and soils.*

Q Does the recommendation from a consultant satisfy the criteria on page 93 as a credible research institution (some companies do their own research) and what site-specific conditions or documented data would support that approach?

A *A "credible" research institution (whether it be a private lab, private consultant, or fertilizer company) is one that conducts research by true scientific method involving hypotheses testing, etc., and solicits peer-review of research results and conclusions. It is the peer review and independent verification that makes the research credible. Obviously, research results and resulting recommendations from various land-grant universities in the Southeastern U.S. would qualify under this scenario.*

Q What about growers who have short leases (1 season or sometimes just part of the season) - how we can work with them on BMPs? In this instance, who is ultimately responsible to submit the NOI?

A *Undoubtedly, these individuals will be hard to track down. Further complicating this fact is the issue of absentee landowners. Our recommendation is to educate the landowner or leaseholder and work with the water management districts to educate their permitting staff relative to BMP programs since some of these leased farm lands may require a Water or Consumptive Use Permit which can be issued to both the landowner and leasee. This will help to locate these individuals; however, under Florida Law, the landowner or leaseholder are the only individuals entitled to receive the benefits associated with the NOI. Lastly, NOIs on a particular parcel are not transferable to another leased parcel.*

Q Does a calibrated soil test exist for the calcareous soils of South Miami-Dade County?

A *There currently is a partially calibrated soil test for Miami-Dade calcareous soils, as it has been somewhat problematic to develop a true calibrated soil test in this area because the farmed soils are high in P and K. The IFAS Extension Soil Testing Lab in Gainesville still does the Ammonium Bicarbonate-DTPA test for P, with the results interpreted as either high or low.*

Q When will the web-based BMP Tracking System be fully deployed and who is the anticipated user?

A *The new BMP tracking system is a software program maintained by FDACS and is expected to be operational by Spring of 2006. First level users will be UF-IFAS extension and FDACS staff in order to ensure its readiness.*

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