

# Proposed Ordinance Updates

Chapter 49: Agricultural Performance  
Standards & Manure Management

2018 OA-028

EANR/LWC Meeting

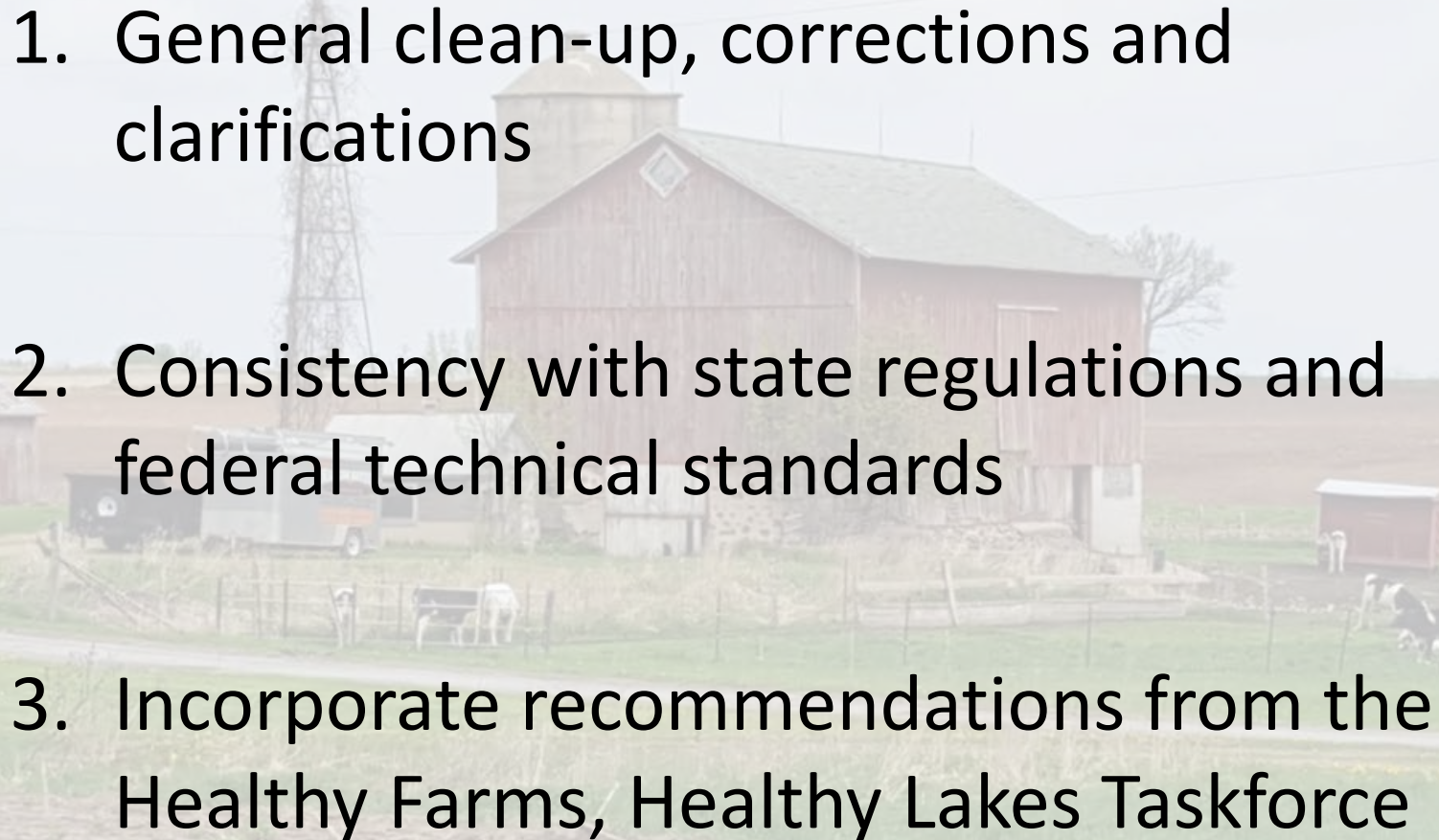
Thursday, February 14, 2019



**LAND & WATER  
RESOURCES  
DEPARTMENT**

Amy Piaget, County Conservationist  
Land Conservation Division

# Why update the ordinance?

1. General clean-up, corrections and clarifications
  2. Consistency with state regulations and federal technical standards
  3. Incorporate recommendations from the Healthy Farms, Healthy Lakes Taskforce
- 



## Chapter 14

- No variance procedures for Subchapter I
- Appeals to be submitted within 30 days after the challenged decision

## Chapter 49

- Added variance procedures for permits, technical standards and performance standards
- Appeals to be submitted within 60 days after receiving the written decision

## Chapter 14

### ➤ Manure

- Livestock excreta and other materials such as bedding, water, soil, hair, feathers, waste water contaminated runoff and other debris normally included in manure handling operations

## Chapter 49

### ➤ Manure

- Livestock excreta and includes the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids and process wastewater; and runoff collected from barnyards, animal lots, and feed storage areas.



## Chapter 14

- No language on cost-share requirements
- Referred to outdated technical standards
  - Waste Storage Facility (2004)
  - Nutrient Management (1999)
  - Closure of Waste Impoundments (2002)
  - Manure Transfer (2004)

## Chapter 49

- Incorporated state requirements for cost-sharing as part of the implementation of the agricultural performance standards
- Includes language to reference subsequent modifications of technical standards through time



# HFHL Recommendations

- Incorporate the state agricultural performance standards and prohibitions
- Update manure storage permitting
- Create a Certificate of Use program for manure storages
- Update and expand winter spreading permitting requirements

## Chapter 14

- Only included manure management prohibitions
  - No overflow of manure storage facilities
  - No unconfined manure piles in WQMA
  - No direct runoff from feedlot or stored manure to waters of the state
  - No unlimited access of livestock to waters of the state that prevents the maintenance of adequate sod or self-sustaining vegetative cover

## Chapter 49

- Continues to include manure management prohibitions
- Incorporates the agricultural performance standards
  - Erosion standards
  - Tillage setback
  - PI standard
  - Manure storage facilities
  - Process wastewater handling
  - Clean water diversions
  - Nutrient management

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## Chapter 14

- Manure storage facility
  - An impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural wastes
- No setback requirements
- 2 year construction permit
- Review of manure storage permit applications
  - 20 working days after receiving complete application
  - 30 days after receiving a complete application may proceed as if a permit had been issued

## Chapter 49

- Manure storage facility
  - An impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure, process wastewater, or other animal or agricultural waste
- 350 ft setback from property line or road right-of-way
  - Property line is defined as the outermost boundary of a proper under common ownership
- 20 year permit covers construction and operation through life expectancy of the structure
- Review of manure storage permit applications
  - 30 calendar days after receiving complete application
  - 30 days after receiving a complete application may proceed as if a permit had been issued



# Chapter 14

- No language

# Chapter 49

- Operation of manure storage facilities
  - Constructed without a permit
  - Expired permit
- Operating requirements
  - Nutrient management plan for manure land applied from the manure storage facility
  - Submit NMP by June 1 annually
  - Properly operate storage in accordance with performance standards and prohibitions
  - Properly maintain storage from visible and serious damage, erosion or deformities
  - Properly maintain safety devices
  - Proof of compliance with requirements and allow inspections with advance notice
  - Develop closure plan if not used for 2 years or as required due to conditions

## Chapter 14

- Applies to stored, pumpable liquid manure
- 3 year permit term
- November 1<sup>st</sup> submittal deadline
- Plan written in a format approved by LWRD including a description of the emergency response procedures

## Chapter 49

- Applies to all manure applied to frozen, snow covered or ice-covered ground
  - Solid & liquid manure
- 4 year permit term
- October 15<sup>th</sup> submittal deadline
- Required plan components identified in ordinance



# Chapter 14

➤ Permit conditions include options to select from:

- Grassed buffers, contour strips, contour farming
- Residue management, no-till practices
- Terraces and diversions
- Chisel plow
- Other practices as approved by the department
- Application rate limits based on slope from 5,000 gal/acre to 7,000 gal/acre

Meets 590 standard

# Chapter 49

➤ Permit conditions include:

- No application in WQMA, waterways, concentrated flow channels, active snowmelt
- Do not exceed P removal of the following growing season's crop
- Application rates not to exceed 7,000 gal/acre
- Application rates not to exceed 60 lbs. P2O5 in winter
- Do not apply with slopes >6% without implementing 2 practices
  - » Contour buffer strips, contour strip cropped
  - » All crop residue left on the field and no fall tillage
  - » Apply manure in intermittent strips on no more than 50% of the field
  - » Apply manure to no more than 25% of the field during each application waiting 14 days between applications
  - » Reduce application rates not to exceed 3,500 gal/acre or 30 lbs P2O5
- Do not apply in fields with concentrated flow channels unless implementing 2 practices
  - » Above listed practices
  - » No application within 200 ft of all concentrated flow channels
  - » Fall tillage on the contour and slopes are less than 6%

2013



# Informational Meetings

- December 10<sup>th</sup> – Informational meeting in Springfield
  - Approximately 50 attendees
- February 4<sup>th</sup> – Informational meeting in Windsor
  - Rescheduled from January 30<sup>th</sup>
  - Approximately 30 attendees
- February 12<sup>th</sup> – Informational meeting in Primrose
  - Rescheduled from January 22<sup>nd</sup>
  - 11 attendees

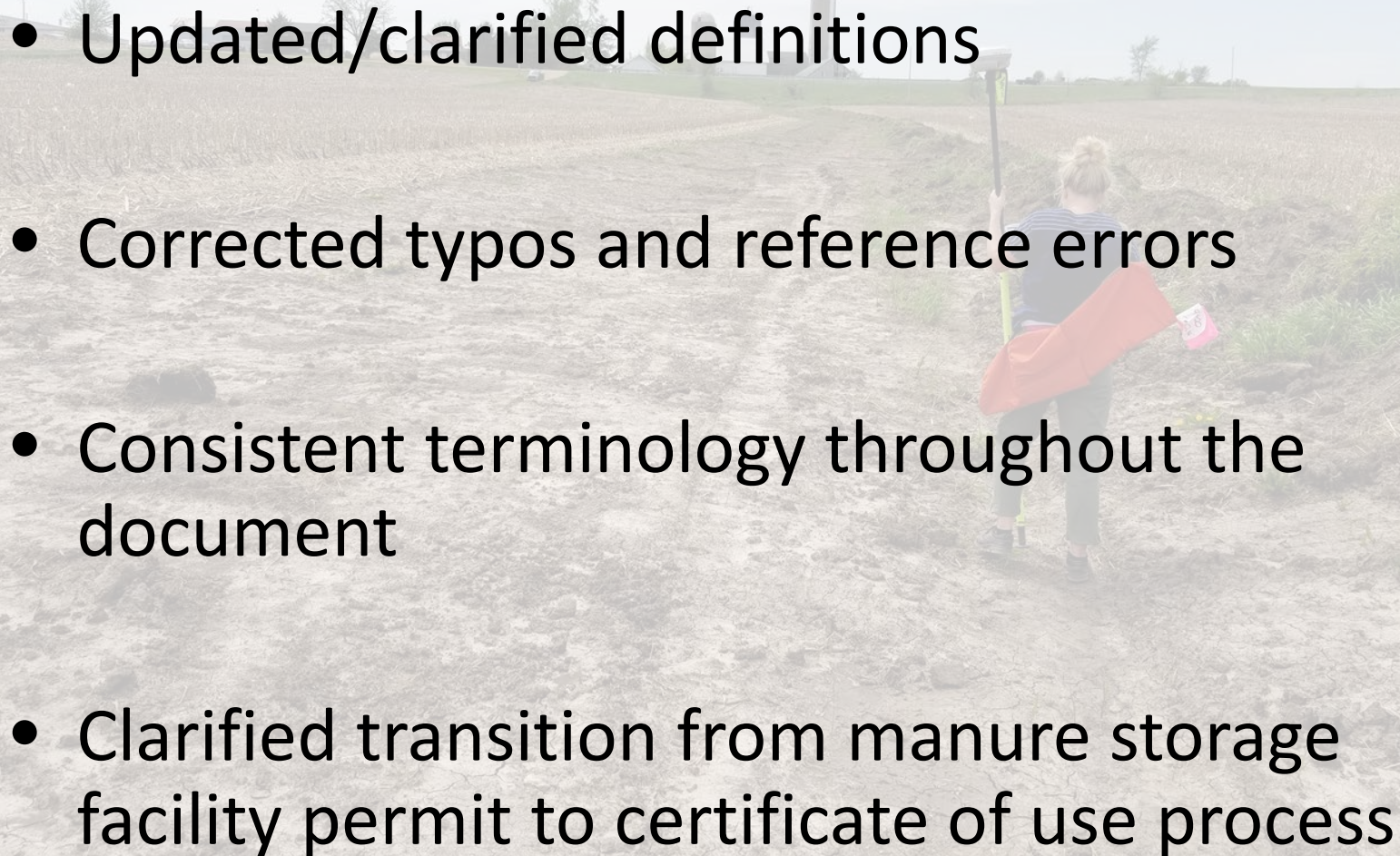


# Additional Discussion

- Presentation at the Farmers for the Upper Sugar River annual meeting, February 5<sup>th</sup>
  - Approximately 35 attendees
- One-on-one meetings with various groups
  - Engineers
  - Agronomists
  - Producers (at least 10)
  - Dairy Business Association
- Phone conversations and email correspondence

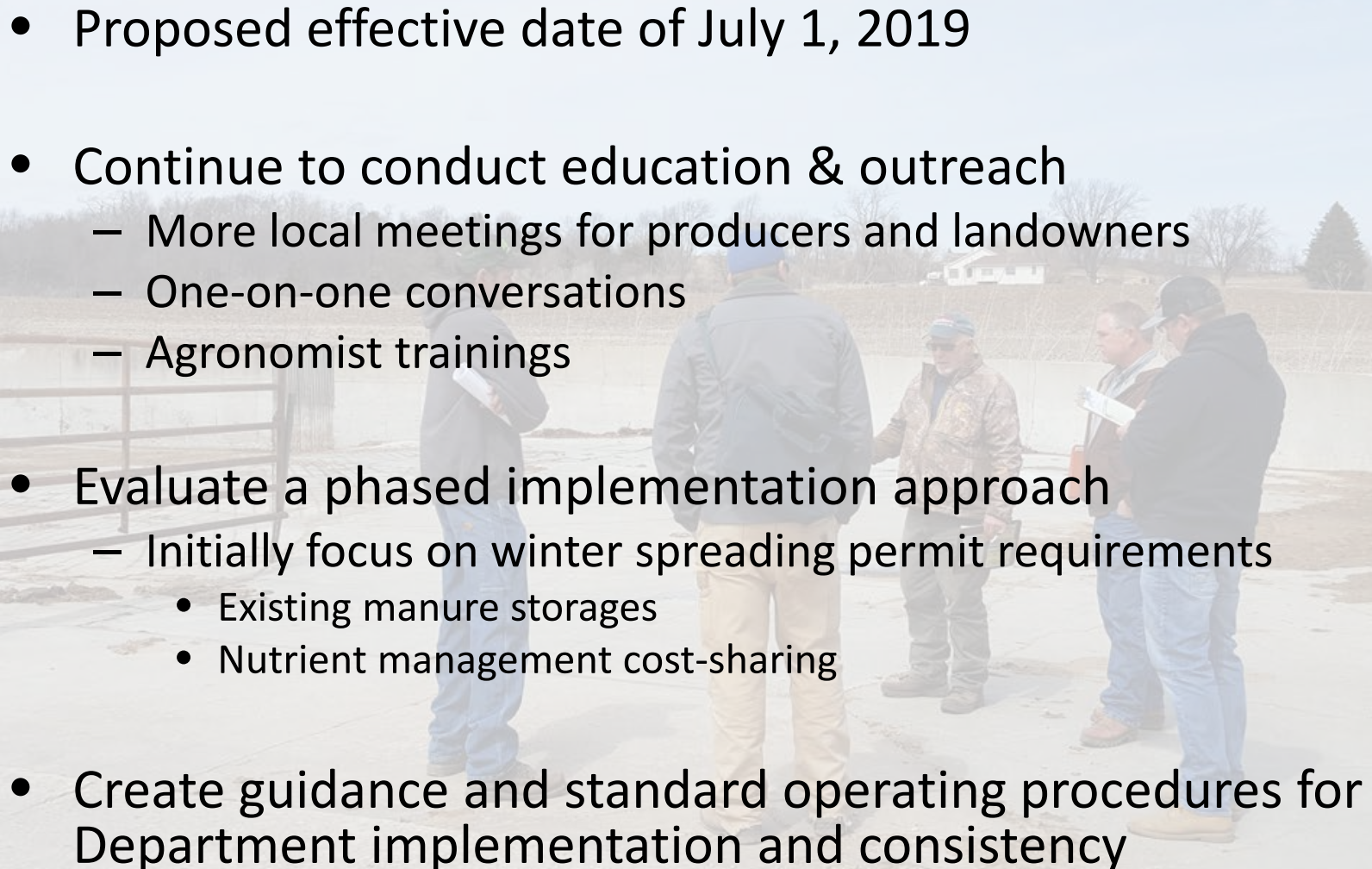


# Proposed Sub. 2

- Updated/clarified definitions
  - Corrected typos and reference errors
  - Consistent terminology throughout the document
  - Clarified transition from manure storage facility permit to certificate of use process
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- A person is standing in a field, holding a surveying instrument (likely a total station or similar) on a tripod. The person is wearing a blue shirt and dark pants. The field is dry and cracked, suggesting a drought or arid conditions. In the background, there are some buildings and trees under a cloudy sky.

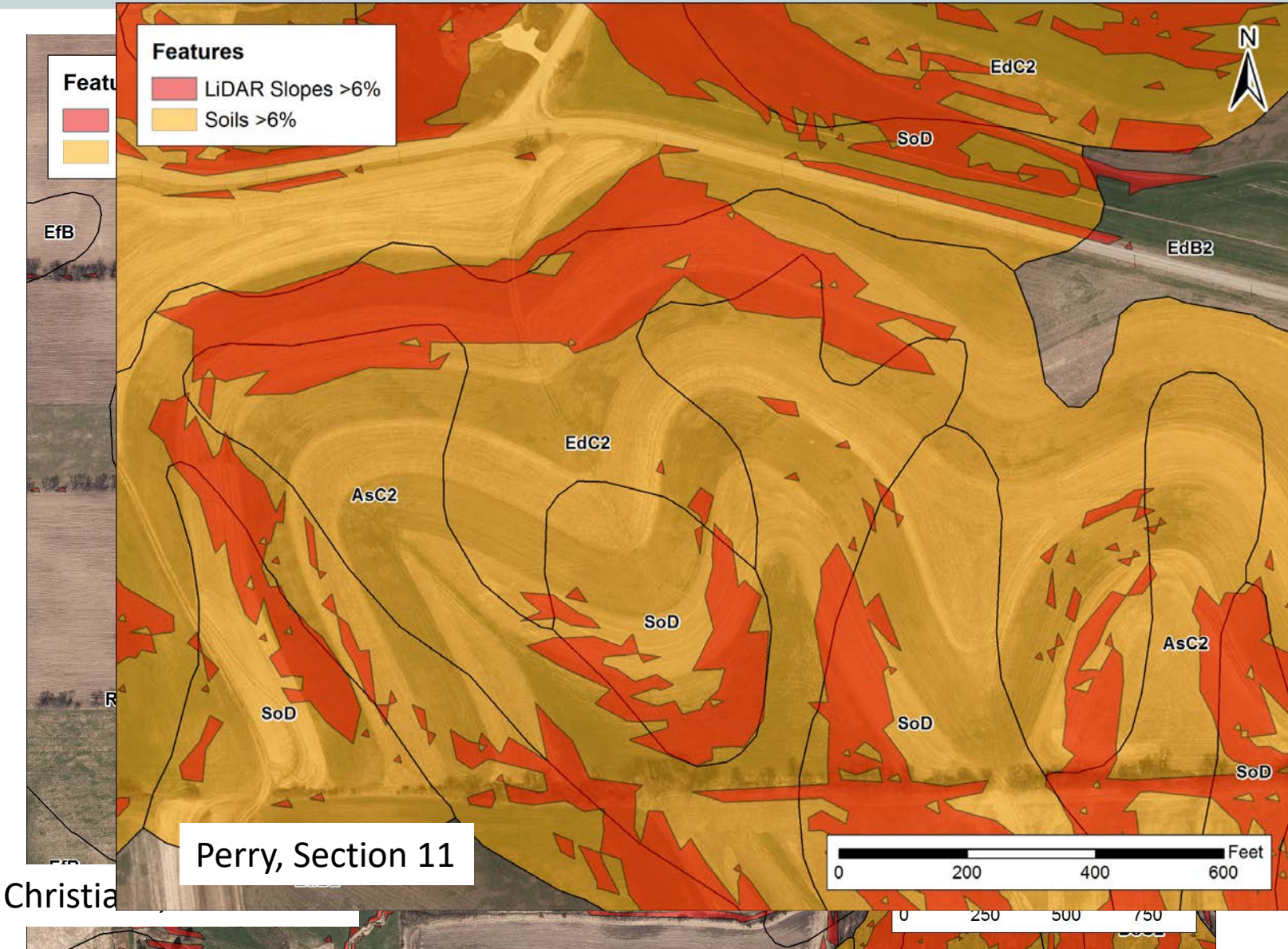


# Implementation

- Proposed effective date of July 1, 2019
  - Continue to conduct education & outreach
    - More local meetings for producers and landowners
    - One-on-one conversations
    - Agronomist trainings
  - Evaluate a phased implementation approach
    - Initially focus on winter spreading permit requirements
      - Existing manure storages
      - Nutrient management cost-sharing
  - Create guidance and standard operating procedures for Department implementation and consistency
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# Developing Resources





# Questions?



**LAND & WATER  
RESOURCES  
DEPARTMENT**

Lyman F. Anderson Agriculture & Conservation Center  
5201 Fen Oak Drive, Room 208  
Madison, WI 53718  
(608) 224-3730  
[lwr@countyofdane.com](mailto:lwr@countyofdane.com)