

Proposed Ordinance Updates

Chapter 49: Agricultural Performance Standards & Manure Management

2018 OA-028

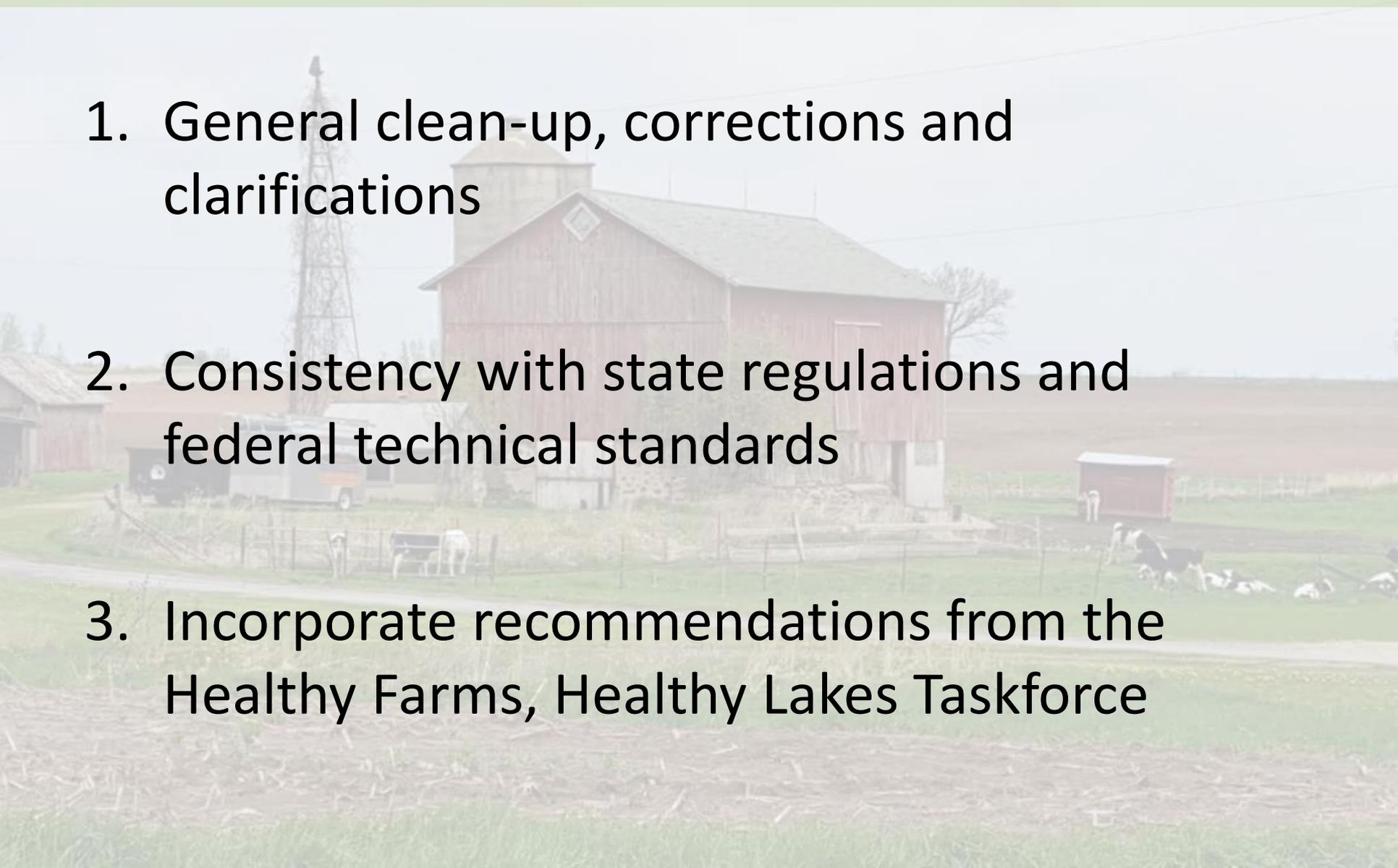
EANR & LWC Meeting
Thursday, December 13, 2018



**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
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- A faded background image of a rural farm scene. In the center is a large, two-story red barn with a white door and a small diamond-shaped window in the gable. To the left of the barn is a tall, metal lattice tower. In the foreground, several cows are grazing in a green field. The sky is overcast and grey.

General Clean-up

- Clarify permitting timelines
- Update variance and appeals processes
- Correct typos and errors

Chapter 14

- No variance procedures for Subchapter I
- Appeals to be submitted within 30 days after the challenged decision
- Inspection authority
 - Inspect lands affected by this subchapter in order to inspect such lands prior to or after permit issuance for the purpose of determining compliance
 - If permission cannot be received, entry by the department shall be according to s. 66.0119, Wis. Stats.

Chapter 49

- Added variance procedures for permits, technical standards and performance standards
- Appeals to be submitted within 60 days after receiving the written decision
- Inspection authority
 - Enter upon any lands affected by this chapter to inspect the land and request records to determine compliance including inspection of sites prior to or after the issuance of a permit or certificate and sites with unpermitted storage facilities
 - If permission cannot be received, entry by the department shall request a special inspection warrant pursuant to s. 66.0119, Wis. Stats.

Consistency with State Regulations and Federal Technical Standards

- Definitions consistent with DATCP
- Cost-share requirements consistent with DNR and DATCP
- Technical Standards
 - Nutrient Management
 - Manure Storage
 - Process Wastewater

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 modification 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

Ag Performance Standards



Chapter 14

- Only included manure management prohibitions
 - No overflow of manure storage facilities
 - No unconfined manure piles in WQMAs
 - 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

Manure Storage Permitting



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

Certificate of Use



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

Winter Spreading Permit



Chapter 14

- Applies to stored, pumpable liquid manure
- 3 year permit term
- November 1st 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 15th 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

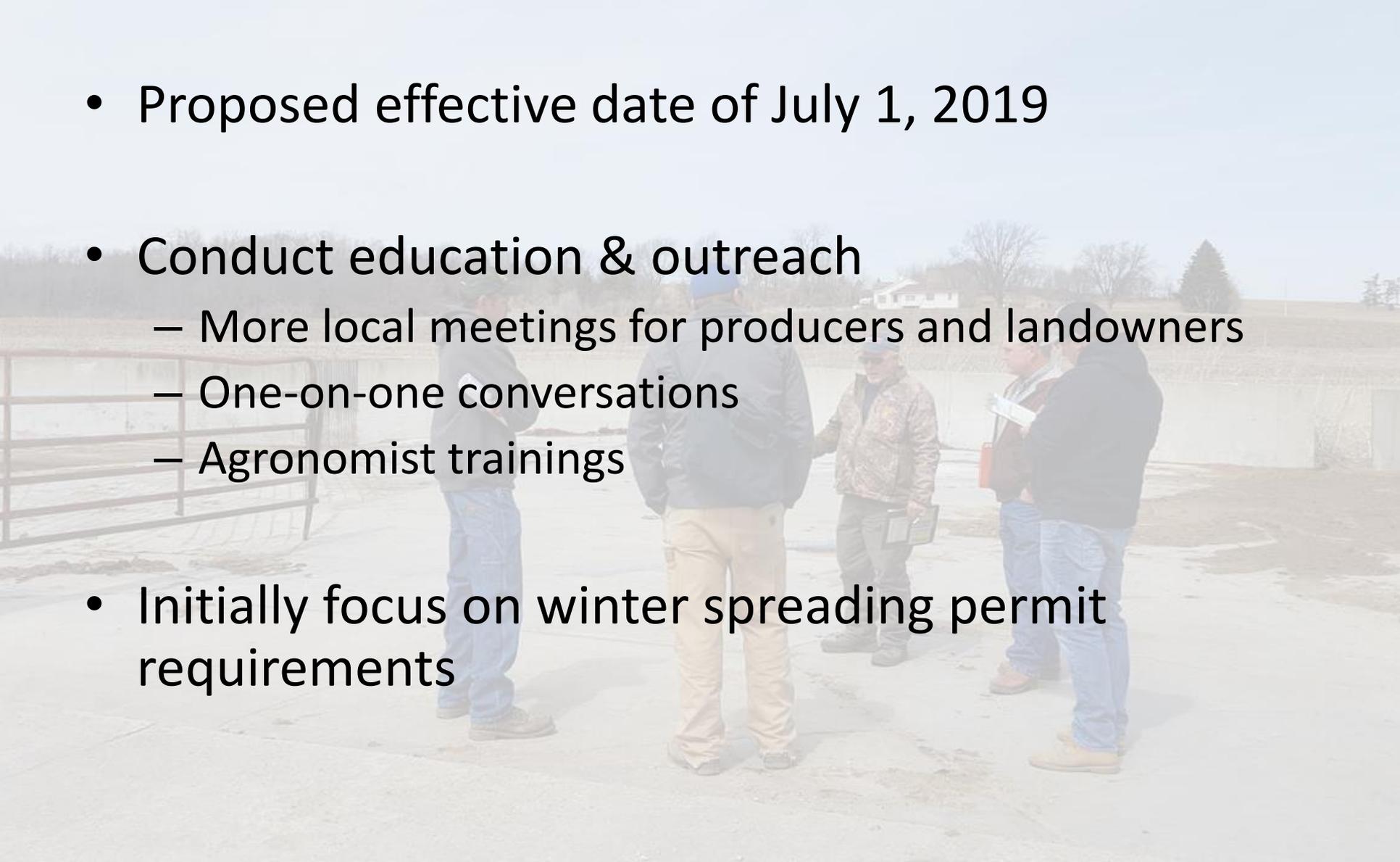
Chapter 49

➤ 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

Implementation

- Proposed effective date of July 1, 2019
 - Conduct education & outreach
 - More local meetings for producers and landowners
 - One-on-one conversations
 - Agronomist trainings
 - Initially focus on winter spreading permit requirements
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Developing Resources



Questions?



**LAND & WATER
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