



ATCP 50 Fact Sheet

Nutrient Management

This rule (ATCP 50) establishes nutrient management standards for farms. The Department of Agriculture, Trade and Consumer Protection (DATCP) is adopting this rule to implement pollution runoff standards adopted by the Department of Natural Resources (DNR).

This rule spells out nutrient management standards based on nitrogen, not phosphorus. Farmers must follow an annual nutrient management plan prepared by a qualified planner. Qualified farmers may prepare their own plans.

Effective Date

By 2008, all "existing" farming operations must meet nutrient management standards. Farms must comply by 2005 if they are located near outstanding or impaired waters, or within a source water protection area. "New" farming operations must comply within one year after this rule is adopted. DNR rules define "new" and "existing" farm operations.

Cost-Sharing

Counties typically use cost-share grants to encourage *voluntary* compliance with nutrient management standards. In return for a cost-share grant, a farmer agrees to implement nutrient management for specified number of years. The county and farmer are free to negotiate the contract terms, including the cost-share amount (up to the maximum allowed by this rule).

Different cost-share requirements apply if a county or local government *requires* a farmer to implement nutrient management practices that

change an "existing" farming operation. In these cases, the county or local government *must* offer cost-sharing.

If cost-sharing is required, the cost-share offer must cover at least 70% of the farmer's annual cost to implement nutrient management (90% if there is an economic hardship). The farmer may accept an alternative flat payment of \$7 per acre per year.

If a county or local government cost-shares nutrient management for at least 4 years, it may then *require* the farmer to continue those practices at the farmer's expense. But a county or local government may continue to cost-share if it chooses to do so. *See cost-sharing fact sheet for more information.*

Nutrient Management Standards

Farmers applying nutrients must have and follow an annual nutrient management plan. *Nutrients* include manure, legume nitrogen, organic byproducts and commercial fertilizer.

The plan must comply with NRCS standard 590 (dated March 1999), and must include every field on which the farmer mechanically applies nutrients. Under NRCS standard 590 and this rule:

- Soil must be tested every 4 years, with approximately one composite sample per 5 acres.
- Fields receiving organic byproducts or manure must not exceed the T-value soil erosion rate, typically 3 to 5 tons of soil loss per acre per year.
- Applications of manure and other organic byproducts may not exceed 75 pounds of P₂O₅ per

acre per year unless incorporated into the soil within 72 hours.

- Nutrient applications may not exceed the amounts required to achieve crop fertility levels recommended by the University of Wisconsin in *Soil Test Recommendations for Field, Vegetable and Fruit Crops (1998)*, UW-Extension publication A-2809. This rule identifies some circumstances that may warrant higher applications.
- No manure or organic byproducts may be applied:
 - In waterways, or on frozen slopes greater than 9% (12% for grassed areas, and for contoured areas with all crop residue remaining).
 - Within 200 feet of streams, rivers, lakes, sinkholes, creviced bedrock or wells unless incorporated into the soil within 72 hours.

The federal government (NRCS) has proposed a phosphorus-based nutrient management standard. DATCP will modify its rules to incorporate the new federal standard by 2005 if NRCS adopts the standard by that date.

Qualified planner

A qualified nutrient management planner must prepare each nutrient management plan. A planner must be knowledgeable and competent in these areas:

- Compliance with NRCS technical guide.
- Soil testing.
- Calculating nutrient needs and crediting nutrient sources (such as manure) on a field-by-field basis.
- Using conservation plans.
- Relevant nutrient management laws.
- Preparing nutrient management plans.

Farmers may prepare their *own* plans if they are qualified to do so. They may demonstrate their

qualifications by preparing sound nutrient management plans. They may also complete a DATCP-approved training course every 4 years, and have the course instructor approve their plans. Persons preparing plans for others are presumed to be qualified if they are:

- Certified as crop consultants by the National Alliance of Independent Crop Consultants.
- Certified as crop advisors by the American Society of Agronomy, Wisconsin Certified Crop Advisors Board.
- Registered as crop scientists, crop specialists, soil scientists, soil specialists or professional agronomists with the American Registry of Certified Professionals in Agronomy, Crops and Soils.

DATCP may *disqualify* a nutrient management planner for a lack of qualifications or rule violations.

Bulk Fertilizer Sales

A person selling bulk agricultural fertilizer to a farmer must record the name and address of the person who prepared the farmer's nutrient management plan, if any. But this rule does not prohibit sales to farmers who do not yet have plans.

Soil Testing Laboratories

A nutrient management plan must be based on soil tests conducted by the University of Wisconsin or another certified soil-testing laboratory. DATCP will certify soil-testing laboratories. This rule spells out standards for certified laboratories. DATCP or its agent will audit laboratories for compliance.

If a certified laboratory recommends nutrient applications that exceed UW recommendations, it must include the UW recommendations for comparison. It must also include a written disclosure warning of the potential consequences of excessive applications.