Wisconsin's Runoff Rules: What Farmers Need to Know

Wisconsin's rules to control polluted runoff from farms, as well as other sources, went into effect October 1, 2002. The state Legislature passed the rules to help protect Wisconsin's lakes, streams and groundwater.

DNR rule NR 151 sets performance standards and prohibitions for farms. It also sets urban performance standards to control construction site erosion, manage runoff from streets and roads, and manage fertilizer use on large turf areas.

DATCP rule ATCP 50 identifies conservation practices that farmers must follow to meet performance standards. The DATCP rule also sets out the requirements for nutrient management plans. Your County LCD has primary responsibility for implementing the agricultural runoff standards.

What does this mean for you? See the details inside...

Wisconsin Department of Natural Resources (DNR)
Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP)
In cooperation with:
USDA Natural Resources Conservation Service (NRCS)
University of Wisconsin-Extension (UWEX)
County Land Conservation Departments (LCD)
For farmers who grow agricultural crops

- Meet tolerable soil loss ('T') on cropped fields.
- Follow a nutrient management plan designed to limit entry of nutrients into state waters (groundwater and surface water).

Note: Nutrient management plans must be in place by Oct. 1, 2003 for corn, soybeans, and winter rye. By May 1, 2004, other crops must have plans in place. By Oct. 1, 2005 for high priority watersheds.

For farmers who raise, feed, or house livestock

- Prevent direct runoff from feedlots or stored manure into state waters.
- Limit livestock access to state waters to avoid high concentrations of animals and maintain adequate or self-sustaining and cover along waterways.
- Follow a nutrient management plan for manure application.

For farmers who have, or plan to build, a manure storage structure

- Maintain structures to prevent overflow.
- Repair or upgrade any failing or leaking structures that pose an imminent health threat or that violate groundwater standards.
- Close abandoned structures according to accepted standards.
- Meet technical standards for newly constructed or substantially altered structures.

Livestock operations planning to expand might need to apply for a permit from DNR.
Contact your DNR service Center for more information.

For farmers with land in a Water Quality Management Area (500 feet from a stream, 100 feet from a lake, or in areas susceptible to groundwater contamination)

- Do not stock manure in uncovered piles.
- Divert clean water away from feedlots, manure storage areas, and barnyards located within this area.

NUTRIENT MANAGEMENT PLANS

To meet the new nutrient management standards, farmers may hire an agronomist or prepare their own nutrient management plan if they complete a DATCP-approved training course or otherwise demonstrate that they are qualified. These plans must:

- Rely on soil nutrient tests from a DATCP-certified laboratory.
- Comply with current NRCS Nutrient Management Standard 590.
- Follow the recommendations for nutrient applications in the Soil Test Recommendations for Field, Vegetable, and Fruit Crops, UWEX publication A-2460, unless there are circumstances that justify more than the recommended application.
- Include additional management practices to reduce runoff of phosphorus or other nutrients if the farms have Wisconsin Pollutant Discharge Elimination System (WPDES) permits, or have fields near high priority waters (see note in left column).
Many farmers voluntarily install conservation practices on their farms to help improve water quality and wildlife habitat and to help prevent soil erosion. Cost sharing is available for many practices.

Producers can expect counties to continue to offer voluntary cost sharing. They may negotiate voluntary cost share contracts that:

- Pay for selected conservation practices, or selected costs.
- Pay for installation or maintenance, or both.
- Pay for some practices if a farmer agrees to install others without cost sharing.
- Pay alternative flat rates per acre for annual practices such as nutrient management and contour farming.
- Make paycuts for a specified number of years in return for a farmer's commitment to continue annual practices (such as nutrient management or contour farming).

Agricultural performance standards and prohibitions went into effect on October 1, 2002, except for nutrient management (see note on page 3). Producers who are in compliance on or after that date do not have a right to cost sharing if they later fall out of compliance. Producers who establish new facilities (e.g., build new livestock housing or manure storage) may be eligible for cost sharing, but cost sharing is not required for compliance. Those covered by WPOES permits are not eligible for state cost sharing to meet performance standards and prohibitions required under their permits. They may be eligible for federal cost sharing under certain NRCS programs unless they have received a notice of violation or are under an enforcement action.

In most cases, farmers cannot be required to change an existing cropland practice or livestock facility on a farm to meet the new standards, unless they are offered cost sharing. Farmers are eligible for at least 70% cost sharing — more if there is an economic hardship.

Contact your county Land Conservation Department for current funding sources. Rates may change from year to year. Practices available for cost sharing and cost-share rates may also vary by county. Cost-share dollars through the USDA Natural Resources Conservation Service (NRCS) may be combined with other state or local cost-share programs, as long as the total does not exceed 100% of the cost.

### COST SHARING COMPARISON

<table>
<thead>
<tr>
<th>COVERED COSTS</th>
<th>STATE</th>
<th>NRCS</th>
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</thead>
<tbody>
<tr>
<td>Shaded Bales</td>
<td>70%</td>
<td>80%</td>
</tr>
<tr>
<td>Economic Hardship</td>
<td>Up to 70%</td>
<td>10 to 75%</td>
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<tr>
<td>Flat rates for some processes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Installation</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Farm's contribution of labor,</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>supplies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livestock facility expansion</td>
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<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>Varies</td>
<td>No</td>
</tr>
<tr>
<td>Moving</td>
<td>Varies</td>
<td>No</td>
</tr>
<tr>
<td>Land taken out of production</td>
<td>Varies</td>
<td>No</td>
</tr>
</tbody>
</table>

CSP - Conservation Stewardship Program
CRP - Conservation Reserve Program
For more information on runoff management in Wisconsin and topics found in this brochure please visit:
runoffinfo.uwex.edu

Contact your county Land Conservation Department for more information.

COUNTY LAND CONSERVATION DEPARTMENTS

Each county LCD will develop an implementation strategy including cost sharing and enforcement. Counties will use their DATCP-approved land use and water resource management (LWORM) plans to identify local conservation needs and set priorities in a county. The LWORM plan will outline the implementation strategy, including enforcement procedures.

FOR MORE INFORMATION...

TWO REMINDERS...

FARM AND PRESERVATION PROGRAM

Even if cost sharing is not available, a farmer must comply with site standards to receive the Farm and Preservation tax credit. The requirement applies to farmers whose land is either located in a district regulated as excess or high-ballast land or who have signed a contract after county standards were in effect. If a farmer has had time to come into compliance but problems have not been corrected, the county may seek to suspend a farmer’s tax credits.

The cooperating agencies are: EEO/Obstruction Action employer and provide equal opportunity in employment and programs inclusive race, sex and ADA accommodations.

IN COOPERATION WITH:

Wisconsin DATCP
Bureau of Land & Water Resource Management
PG, Box 811
Madison, WI 53708

Wisconsin DNR
Runoff Management Section
P.O. Box 7821
Madison, WI 53702

County Land Conservation Departments