

Ch 26

Chapter 26 Agricultural Performance Standards and Manure Management Ordinance

The purpose of this ordinance is to provide for proper and safe storage, handling, and land application of manure and to reduce the delivery of manure, other waste materials, fertilizers, and sediment to surface waters and groundwater through the use of conservation practices and implementation of state performance standards and prohibitions.

All Farmers

- Meet tolerable soil loss (“T”) on cropped fields and pastures.
- Annually develop and follow a Nutrient Management Plan (NMP) designed to keep nutrients and sediment from entering lakes, streams, wetlands and groundwater. Farmers may hire a consultant or prepare their own NMP if they have received proper training. Annual plan submission deadline is June 1st.
- Use the phosphorous index (PI) standard to ensure that their NMP adequately controls phosphorous runoff over the accounting period.
- No tilling within 5 feet of the edge of the bank of surface waters. This setback may be extended up to 20 feet to ensure bank integrity and prevent soil deposition.

Farmers with Livestock

- Prevent direct runoff from feedlots or stored manure from entering lakes, streams, wetlands and groundwater.
- Limit access or otherwise manage livestock along lakes, streams and wetlands to maintain vegetative cover and prevent erosion.
- Prevent significant discharges of process wastewater (milkhouse waste, feed leachate, etc.) into lakes, streams, wetlands, or groundwater.

Farmers Who Have, or Plan to Build Manure Storage Facilities

- Maintain facilities to prevent overflow and maintain contents at or below the specified margin of safety.
- Repair or upgrade any failing or leaking facilities to prevent negative impacts to public health, aquatic life and groundwater.
- Close idle facilities according to accepted standards or sign a retainment agreement to keep the facility for future use.
- Meet technical standards for newly constructed or significantly altered facilities.

Farmers with Land in a Water Quality Management Area

(300 feet from streams, 1,000 feet from a lake or in areas susceptible to groundwater contamination)

- No stacking manure in unconfined piles. Feeding rings with accumulated manure are considered unconfined piles.
- Divert clean water away from feedlots, manure storage areas, and barnyards located within this area.

Cost Share Requirements *(see 26.010)*

An owner or operator of an agricultural facility or practice that is in existence before October 1, 2002, may not be required to comply with the performance standards, prohibitions, conservation practices or technical standards under this chapter unless cost-sharing is available from any source, to the owner or operator.

Manure Storage Facility Permit, Use, & Specification

(see Subch. IV for detailed requirements)

• Permit Required

- Construction of a new facility or substantially alter an existing manure storage facility including the construction or substantial alteration of waste transfer systems connected to a manure storage facility.
- Upgrade, repair or replace a manure storage facility that has been identified as posing an imminent threat to public health, fish and aquatic life, or groundwater
- Closing an existing manure storage facility, including conversion of its use

• Exception to Permit Requirement

- Emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a permit. Any repairs performed as a result of the facility failing, overtopping or repairs substantially altering the original design or construction of a facility shall be reported, in writing, immediately within one day of the emergency to the department.

Certificate of Use *(see 26.016)*

No person may operate or use a manure storage facility or any portion of a manure storage facility that was constructed after March 23, 2017 unless the person has a valid certificate of use for the storage facility or portion of the manure facility that is being operated or used. The certification includes the following operating requirements:

- Updates and follows an annual NMP that covers all manure land applied from the facility.
- Properly operates the facility in accordance with performance standards under 26.008.
- Properly maintains the facility free from visible and serious damage, erosion, or deformities that would impair the facility's safety or function
- Properly maintains the safety devices for the facility
- Submits to periodic inspections of the storage facility with advance notice from the department.
- Develops and implements a plan for closure of the facility when the facility becomes idle or closure is required based on conditions specified under 26.008(8)(c).

Additional Information

The following information can be found on the Sauk County Land Resources and Environment Department website:

<https://www.co.sauk.wi.us/landconservation>

- Chapter 26 Agricultural Performance Standards and Manure Management Ordinance
- Consultants available to assist Sauk County landowners with developing NMPs
- Manure Storage Construction & Abandonment Documents
- Cost Share Application Materials
- Practices Eligible for Cost Share Assistance

