

CHAPTER 6: AGRICULTURAL PERFORMANCE STANDARDS AND PROHIBITIONS

Effective October 1, 2002, NR 151 set forth state minimum performance standards and prohibitions for farms and urban areas. These performance standards and prohibitions were designed to achieve water quality standards by limiting nonpoint source water pollution. It is the landowner's responsibility to meet the agriculture performance standards and prohibitions. The role of the Wood County Land Conservation Department is to assist landowners in planning, designing, installing and approving management plans and practices to meet NR 151 standards. The Department of Natural Resources has developed ten components to NR 151 implementation that identify DNR's role and their expectations of counties for each implementation component. See (appendix M). The following is a list of the Agricultural Performance Standards and prohibitions.

Performance Standards

NR 151.02 Sheet, rill and wind erosion

All land where crops or feed are grown shall be cropped to achieve a soil erosion rate equal to, or less than, the "tolerable" (T) rate established for that soil.

NR 151.05 Manure storage facilities

All livestock producers building new manure storage facilities, substantially altering manure storage facilities, or choosing to abandon their manure storage facilities shall comply with this section.

New or substantially altered manure storage facilities shall be designed, constructed and maintained to minimize the risk of structural failure of the facility, minimize leakage of the facility in order to comply with the groundwater standards.

Closure of a manure storage facility shall occur when an operation where the facility is located ceases operations, or manure has not been added or removed from the facility for a period of 24 months. The owner or operator may retain the facility for a longer period of time by demonstrating all of the following conditions are met:

1. The facility is designed, constructed and maintained in accordance with an accepted standard.
2. The facility is designed to store manure for a period of time longer than 24 months.
3. Retention of the facility is warranted based on anticipated future use.

Manure storage facilities in existence as of October 1, 2002, that pose an imminent threat to public health or fish and aquatic life or are causing a violation of groundwater standards shall be upgraded, replaced or abandoned in accordance with this section.

NR 151.06 Clean water diversions

All livestock producers within a water quality management area shall comply with this section. A water quality management area, as defined by NR 151 is the area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage, except that for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

Runoff shall be diverted away from contacting feedlot, manure storage areas and barnyard areas within water quality management areas except that a diversion to protect private well is required only when the feedlot, manure storage area or barnyard area is located upslope from the private well.

NR 151.07 Nutrient management

All livestock and crop producers that apply manure or other nutrients directly or through contract to agricultural fields shall comply with this section.

Manure, commercial fertilizer and other nutrients shall be applied in conformance with a nutrient management plan. The nutrient management plan shall be designed to limit or reduce the discharge of nutrients to waters of the state for the purpose of complying with state water quality standards and groundwater standards.

Effective for all farms on January 1, 2005 if the farm is located in

1. Watersheds containing outstanding or exceptional waters.
2. Watersheds containing impaired waters.
3. Source water protection areas.

Effective for all other farms on January 1, 2008.

NR 151.08 Manure management prohibitions

All livestock producers shall comply with this section.

1. No overflow of manure storage facilities.
2. No unconfined manure pile in a Water Quality Management Area.
3. No direct runoff from a feedlot or stored manure into the waters of the state.
4. No unlimited access by livestock to waters of the state.

NR 151 Local Implementation Strategy

The following is a description of the procedures that the Wood County Land Conservation Department may use to assist landowners in meeting the Chapter NR 151 Agricultural Performance Standards and Prohibitions. This implementation strategy is based on Land Conservation Department staff and funding availability.

Information and Education

The Wood County Land Conservation Department, along with UW-Extension Service and WDNR, will initiate an information and education campaign to inform all Wood County farmers of the requirements of Chapter NR 151. This effort has been implemented through local press releases and newsletters and will attempt to voluntarily get landowners to comply with NR 151. The Land Conservation Department staff will also make direct contact with landowners during farm visits for other program purposes and inform them of NR 151 requirements.

Priority Farm Identification

With over 1,000 farm operations in Wood County, it is essential that a prioritization process be implemented to address the requirements of Chapter NR 151. Due to limited staff, the Wood County Land Conservation Department has developed the following priority farm identification strategy:

First Priority - Farms where a valid complaint has been received regarding the violation of the agricultural performance standards or prohibitions.

Second Priority – Farms applying for Farmland Preservation Agreements.

Third Priority – Farms applying for an Animal Waste and Manure Management Ordinance Permit.

Fourth Priority – Farms that receive cost-share assistance under the Land and Water Resource Management program for barnyard runoff control systems.

Fifth Priority – Farms located in watersheds draining to 303(d) waters.

Compliance Determination

On-site evaluations will be the primary means of determining compliance with Chapter NR 151 requirements. On-site evaluations will be completed using the evaluation form included as Appendix C. The information in the evaluation form will be tracked using the county geographic information system. Landowners that have gone through the evaluation process will receive the following:

- A copy of the evaluation report with a landowner signature page.
- A letter with instructions on appeal procedures if the landowner contests the evaluation.
- Recommendations for measures needed to achieve compliance.
- A schedule for achieving compliance with the standards.
- The availability and source of cost-share funds for installing recommended practices.

Compliance determinations will be completed based on the following priorities:

- For any landowner who voluntarily requests a determination.
- For any new farmland preservation program participants.
- For any farm that is requesting a permit under Wood County’s Animal Waste and Manure Management Ordinance.
- For any farm that receives a valid complaint regarding a violation of the agricultural performance standards and prohibitions.

Enforcement

Enforcement of actions associated with NR 151.09 and NR 151.095 will be coordinated with the WDNR. If a landowner continues to remain in noncompliance with the state performance standards and/or prohibitions, or should a landowner refuse technical and/or financial assistance from the Land Conservation Department, the LCD will forward all information corresponding to the infraction(s) to the WDNR and will notify the landowner(s) by registered mail that they are subject to an enforcement action pursuant to NR 151.09 and NR 151.095. The WDNR contact for Wood County is the WDNR Basin Supervisor from the Wausau office.

Appeals

Any person aggrieved by a decision of the Wood County Land Conservation Department may file a written appeal of the decision to the Wood County Land Conservation Department, Courthouse, 400 Market Street, Wisconsin Rapids, WI 54495-8095 within 30 days of the department’s decision. A hearing on the appeal shall be commenced within 60 days of the date of the appeal.

Cost-share Assistance

The Wood County Land Conservation Department provides cost-share funding assistance to landowners installing best management practices through its Soil and Water Resource Management Program.

To receive financial assistance, landowners must enter into a cost-share agreement with the Land Conservation Department. Cost-share agreements are binding documents that secure funds for installing best management practices. The administration of the cost-share assistance programs is the responsibility of the Wood County Land Conservation

Department. The department maintains participating landowner files in accordance with approved methods and practices for accounting and recording keeping. The department is also responsible for the monitoring of best management practices installed with cost-share assistance to ensure proper operation and maintenance during the expected life of the practice.

The Land Conservation Department has also established a cost containment policy to equitably distribute the available cost-share funds. The cost containment policy uses a combination of procedures to accomplish its goal. Bidding, average costs and flat rates as well as maximum cost-share amounts are used to contain project costs. A copy of the Wood County Cost Containment Policy can be found in Appendix D.

Best Management Practices

The following is a list of Best Management Practices listed in ATCP-50 that are eligible to receive cost-share assistance under the Wood County Soil and Water Resource Management Program:

- manure storage systems
- manure storage system closure
- barnyard runoff control systems
- access roads and cattle crossings
- animal trails and walkways
- contour farming
- cover and green manure crop
- critical area stabilization
- diversions
- field windbreaks
- filter strips
- grade stabilization structures
- heavy use area protection
- livestock fencing
- livestock watering facilities
- milking center waste control systems
- nutrient management
- pesticide management
- prescribe grazing
- relocating or abandoning animal feeding operations
- residue management
- riparian buffers
- roofs
- roof runoff systems
- sediment basins
- sinkhole treatment
- streambank and shoreline protection

- strip-cropping
- subsurface drains
- terrace systems
- underground outlets
- waste transfer systems
- wastewater treatment strips
- water and sediment control basins
- waterway systems
- well decommissioning
- wetland development or restoration