Livestock Siting Technical Expert Committee
Nutrient Management Subcommittee
Meeting Notes September 29, 2010
DATCP Room 172
2811 Agriculture Drive
Madison, WI 53718

All Nutrient Management (NM) Subcommittee members attended except Jeff Endres. Dave Jelinski, Jeff Lyons, Melissa Malott, and Kara Slaughter were also present.

The meeting was called to order at 9:30 a.m. followed by roll call, preliminary business matters and review of notes from the meeting on September 8, 2010. Changes were made to the notes and are underlined below.

- It was noted that the following recommendation was made at the September 8th meeting but not recorded:

Recommendation: Given the dynamic nature of livestock operations, the larger Technical Expert Committee should consider the creation of an amendment process for a permit to ensure that the operation remains in compliance with siting standards.

- This is the text from the Sept. 8th meeting notes: "…It may be difficult to reflect changes in underlying runoff models (RUSLE2, P-index) during rule development. It is desirable to have as few differences between standards in the state as possible, but the constant improvement of models with better science is difficult to reconcile with the desire to limit the frequency of rule changes. DATCP legal counsel prefers to have model versions codified in the rule."

Recommendation: The Technical Expert Committee should explore the possibility of incorporating the most recent practice standard tools available at the time of application to reduce confusion as to what standards/tools apply. This is an issue that goes beyond the NM subcommittee.

- The following wording change to the Sept. 8th notes is more appropriate relative to a discussion of consultant credibility:

Occasionally, the credibility of consultants is questioned ~~sometimes appear not to be credible~~ because they are being paid by the applicant to develop the NM plan, yet the consultant's reputation is on the line as they are taking on significant liability to produce a quality, compliant plan.

- The subcommittee discussed the frequency of appeals. Out of 60 approved applications, seven appeals concerning five facilities were heard by the Livestock Facility Siting Review Board. Appeals concerned both county and town issued permits. An application must be determined to either meet the standards or not.
- The subcommittee recommended the inclusion of "organic by-products" as a nutrient source in Worksheet 3 Part C, item 4 and that references to UW nutrient recommendations should be simplified by striking the title, "Soil Test Recommendation for Field, Vegetable and Fruit Crops", which is only one of two allowable titles, and refer to "A2809" only.
- The subcommittee listened to two presentations:
  1. How will new NR 151 standards apply to NM under both ATCP 50 and NR 243?
  2. How will changes to the NRCS erosion prediction equation (RUSLE2) affect siting?

The NR 151 changes includes the requirement of an average PI of 6 over the not more than 8 year rotation and a PI of not more than 12 annually. DNR may approve alternative methods for meeting these standard crops such as cranberry where the PI can not be used. NM is required on croplands, pastures, and winter grazing areas. Pasture requirements will become effective July 2012. Tillage setback requirements need

70% vegetative cover across the entire bank area and large enough distance to stop bank breakdown and soil deposition, 5 to 20 feet depending on the level of control needed. Process wastewater, significant discharge, have been defined to include factors such as location to water, conveyance, slope, vegetation, and rain delivery factors.

- The Wisconsin T and K factors of RUSLE 2 will change sometime between Sept. 2011 and Jan. 2012 with implementation built into conservation plans.
  Recommendation: Coordinate the changes with NRCS and Snap Plus to allow producers enough lead time to adapt to the changes.

- The subcommittee discussed the documentation needed to ensure rented land will be available for manure spreading according to the nutrient management plan and how methods of manure disposal (other than land application) be documented?
  Recommendation: Add the land agreement summary, currently used by DNR for CAFOs to the application materials as part of Part B item 4. Change Worksheet 3 Part B to include description of disposition methods of manure other than through land application. Include DATCP fertilizer license # if appropriate. Amend Part C number 9 to include the word record keeping.

- The subcommittee discussed how environmentally sensitive features (karst, tile lines, direct conduits to groundwater) should be determined and documented.
  Recommendation: As currently required, the NM plan is required to identify groundwater conduits, concentrated flow channels, and other environmentally sensitive features and update maps as features are found by the planner, farmer, or conservation professionals. The agencies should provide more outreach, training, and education on field mapping to identify these features. Part C, 9. should include ongoing identification of sensitive features.

- The subcommittee discussed how to determine compliance with a nutrient management plan. The group reviewed the FPP Farm Inspection form. Local authorities must monitor field compliance under FPP.
  Recommendation: Local authorities should periodically monitor the nutrient management plans of operations with siting permits. Agencies should assist in statewide review of these plans and provide resource assistance where help is available.

- The subcommittee discussed under what conditions, if any, form the basis for local government to impose more stringent restrictions on land spreading practices?

  Local authorities must have scientifically defensible findings of fact to have more stringent manure spreading restrictions necessary to protect public health and safety. A local authority would need to select the pathogen and the practices to abate the problem and incorporate into an ordinance. Another approach is to rely on section V.A.2.b.(2) in NRCS 590 ("Do not apply nutrients to locally identified areas delineated in a *conservation plan* as contributing nutrients to direct conduits to groundwater or surface water as a result of runoff.") NRCS 590 defines conservation plan as follows:

  > *Conservation Plan* (V.A.2.b.(2)) - A plan developed and field verified by a conservation planner to document crop management and the conservation practices used to control sheet and rill erosion to tolerable levels (T) and to provide treatment of ephemeral soil erosion. A conservation plan must be signed by the land operator and approved by the county land conservation committee or their representative. A conservation plan will be needed for designating winter spreading restrictions other than those specifically listed in this standard, and when implementing the soil test P management strategy where the soil erosion assessment is not calculated with the Wisconsin Phosphorus Index model. A conservation planner must develop conservation plans using the minimum criteria found in the USDA, NRCS National Planning Procedures Handbook and the Wisconsin Field Office Technical Guide and be qualified by one of the following:

- Meeting the minimum criteria in the NRCS General Manual, Title 180, Part 409.9(c), NRCS Certified Conservation Planner Designation.
- Meeting criteria established by the county land conservation committee.
- Meeting the NRCS TechReg Certified Conservation Planner Option 1, 2, 3.

The subcommittee members discussed whether high risk conditions other than those in siting standard should be determined on a site-specific basis, and not statewide basis. They also discussed the pros and cons of allowing the conservation planning option authorized by NRCS 590 standard [V.A.2.b.(2)] but excluded from ATCP 51.

Next meeting is Oct. 13, 2010, 9:30 am in Room 172, DATCP
Adjournment 3:00 PM