Wisconsin's Runoff Rules

what farmers need to know

January 2013 DNR Pub. No. WT 756 REV 1/13

Farms, like all major industries, must follow environmental requirements to control runoff from fields, pastures and livestock facilities. Otherwise this pollution can harm our lakes, streams, wetlands and groundwater.

Wisconsin adopted administrative rules in 2002 (NR 151), with revisions effective in 2011 that set statewide performance standards and prohibitions for all Wisconsin farms. All farmers must comply with these standards and prohibitions. Cost-share funding may be available to assist with compliance. Some state and local programs may require compliance whether or not cost-share funds are available.

This fact sheet explains the basic information that farmers need to know about these rules and how to comply with them. It is recommended that farmers contact their county land conservation staff for further details on these rules and their impact on farm operations.

► Agricultural Standards and Prohibitions:

ALL FARMERS MUST:

- *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 certified crop advisor or prepare their own NMP if they have received proper training.*
- *Use the phosphorous index (PI) standard to ensure that their NMP adequately controls phosphorous runoff over the accounting period.*
- *Avoid 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.*

► Additional Standards:

FARMERS WITH LIVESTOCK MUST:

- *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 STRUCTURES MUST:

- *Maintain structures to prevent overflow and maintain contents at or below the specified margin of safety.*
- *Repair or upgrade any failing or leaking structures to prevent negative impacts to public health, aquatic life and groundwater.*
- *Close idle structures according to accepted standards.*
- *Meet technical standards for newly constructed or significantly altered structures.*

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)* **MUST:**

- *Avoid stacking manure in unconfined piles.*
- *Divert clean water away from feedlots, manure storage areas, and barnyards located within this area.*

Photos: Jeffrey J. Strobel, Duane Popple and Lynda Schweikert

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► Farmland Preservation Tax Credit:

A farmer must comply with applicable state standards to receive the Farmland Preservation Tax Credit, even if cost sharing is not available. Farmers may be considered in compliance by entering into a schedule of compliance.

This requirement applies to farmers whose land is located in a certified farmland preservation zoning district (i.e. exclusive agriculture), or for farmers who signed a farmland preservation agreement after standards were in effect for that county. Farmers should contact their county land conservation staff for more information regarding applicable standards and compliance documentation.

► Implementation and Financial Assistance:

Under DNR rules, a landowner is normally entitled to cost sharing if the landowner is required to implement best management practices on "existing cropland" or an "existing" livestock facility or operation in order to comply with a DNR performance standard. Cropland or livestock facilities brought into service after the effective date of the standard are considered "new" and must meet standards and prohibitions without cost-share funding. Farmers with existing cropland or livestock facilities may be eligible for state or federal cost sharing and are encouraged to contact their county land conservation staff or USDA Natural Resources Conservation Service (NRCS) office for information about current funding sources, rates and practices eligible for cost sharing.

Farmers also should work with their land conservation staff to determine how these performance standards and prohibitions may affect their participation in various federal, state and local programs, such as Farmland Preservation. You can find a directory of land conservation offices and related agencies at http://datcp.wi.gov/Environment under "Land and Water Conservation."

► Permits and Licensing:

Farmers may be required to meet NR 151 Standards in order to obtain local and state permits. For livestock siting and manure storage ordinance permits, for example, nutrient management plans and other requirements may be imposed on livestock operations without providing cost sharing. Contact your local officials for additional information.

Farmers with 1,000 or more animal units must operate under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit and do not qualify for state cost sharing to meet permit requirements. Contact your DNR Service Center for more information about WPDES permits.

For more information about runoff management in Wisconsin and topics found in this brochure please visit:

runoffinfo.uwex.edu

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

UW Extension
Cooperative Extension

Wisconsin Department of Natural Resources

Department of Agriculture, Trade & Consumer Protection · Wisconsin

Wisconsin Land and Water Conservation Association, Inc.
wlwca.org

Wisconsin Department of Natural Resources (WDNR), 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).

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PRINTED ON RECYCLED PAPER

Graphic design by Jeffrey J. Strobel
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