ATCP 50
Proposed Rule Revision

Sara Walling, Chief
Nutrient Management and Water Quality Section, DATCP

Sue Porter, Nutrient Management Specialist
DATCP
ATCP 50 Revisions Overview

• Update from the 2005 version of the NRCS 590 Nutrient Management (NM) Technical Standard to the 2015 NRCS 590

• Related NM items, including:
  • Increase cost share rates for NM planning
  • Identify an acceptable alternative method to the phosphorus index
  • Address potential conflict of interest for DATCP certified soil testing laboratories
  • Clarify NM plan submission requirements for NM planners
  • Provide a process for cancelling conservation engineer’s certification
## 590 Standard Revision Team Members

<table>
<thead>
<tr>
<th>Member</th>
<th>Affiliation</th>
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<tr>
<td><strong>Joe Bragger</strong>, Joe Bragger Family Dairy, UW Discovery Farms</td>
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<td><strong>John Koepke</strong>, John Koepke Farms, UW Discovery Farms</td>
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<td><strong>Kevin Masarik</strong>, Kevin Masarik, Groundwater Education Specialist, UW – Steven’s Point</td>
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<td><strong>Laura Chern</strong>, Laura Chern, Hydrogeologist, WDNR</td>
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<td><strong>Andrew Craig</strong>, Andrew Craig, Nutrient Management Specialist, WDNR</td>
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<td><strong>Terrence Kelly</strong>, Terrence Kelly, State Agronomist, Wisconsin NRCS</td>
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<td><strong>Pat Murphy</strong>, Pat Murphy, State Resource Conservationist, NRCS</td>
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<td><strong>Carrie Laboski</strong>, Carrie Laboski, Associate Professor and Soil Scientist, UW - Madison</td>
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<td><strong>Todd Schaumberg</strong>, Todd Schaumberg, CCA, Polenske Agronomic Consulting</td>
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<td><strong>Nikki Wagner</strong>, Nikki Wagner, CAFO NM Specialist, Frontier-Servco FS</td>
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<td><strong>Sue Porter</strong>, Sue Porter, Nutrient Management Specialist, DATCP</td>
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<td><strong>Tony Smith</strong>, Tony Smith, Resource Conservationist, Manitowoc Soil &amp; Water Conservation Dept.</td>
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<td><strong>Matt Zoschke</strong>, Matt Zoschke, County Conservationist, Clarke County LCD</td>
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NRCS 590 - What Didn’t Change

Examples:

• Soil testing requirements

• A2809 limits N and P application rates to crop need

• Restriction mapping

• Meeting T

• No ponding or runoff during application
NRCS 590 - What Didn’t Change

• No spreading on:
  • Saturated soils
  • Concentrated flow channels
  • Non-harvested buffers
  • Land where vegetation is not removed
  • Fields exceeding tolerable soil loss rates (T)
NRCS 590 – What Did Change

• Winter manure spreading requirements
• Increased groundwater protections
• Increased surface water protections
590 Changes –
Winter Spreading Restrictions

Current:
• 7,000 gal/ac limit
• No manure spreading
  • Within SWQMA
  • On locally identified areas (ex. Sinkholes)
  • Within 200 ft upslope of direct conduits to groundwater
  • On slopes >12%

New:
• 7,000 gal/ac limit or 60 lbs P$_2$O$_5$, whichever is less
• No manure spreading
  • Within SWQMA
  • Within 300 ft of direct conduits to groundwater, not just upslope
• No liquid manure application in February and March on:
  • DNR Well Compensation Areas for manure contamination
  • Soils with 5 ft or less to Silurian dolomite
590 Changes – Winter Spreading Plan

Current:
- Requires a winter spreading plan that identifies:
  - Areas of fields that don’t have a winter restriction
  - ID Fields with low slope and erosion, high roughness, farthest from surface waters

New:
- A Winter Spreading Plan identifies:
  - Quantity of nutrients to be spread during winter, or generated in 14 days, whichever is greater
  - Capacity of storage for each manure type generated
  - Capacity for stacking manure that is ≥ 16% dry matter without permanent storage.
New:

- Do not apply on slopes greater than 6% or to fields with concentrated flow channels unless 2 specific conservation practices are implemented

- Options are intended to deal with one or more of the 4R’s
  - Application rate
  - Application timing
  - Application method
  - Application type
590 Revisions – **Groundwater**

**Current:**
- No manure within 50’ of drinking well, unless grazing
- Incorporate manure within 200’ upslope of direct conduits to groundwater

**New:**
- No nutrients within:
  - 50’ of direct conduits to groundwater (within 300” in winter), unless grazing
  - 8’ of irrigation wells
- Only manure that is treated to substantially eliminate pathogens can be applied within:
  - 1,000’ of a Community potable water well
  - 100’ of a Non-Community potable water well (church, school, and restaurant)
590 Revisions – Groundwater

New:

• No manure on:
  • Areas identified by the Land Conservation Committee or in a conservation plan as areas contributing runoff to direct conduits to groundwater unless manure is substantially buried within 24 hours of application
590 Changes – Fall Nitrogen Restrictions

Current:
• When manure is applied to N restricted soil types, rate limits based on soil temps (50° or Sept. 15)
• Applications in the fall are limited to either 120 lbs N/acre or 90 lbs N/ac (~ half the crop need)

New:
• No commercial N on soils <5ft to any bedrock
• Practices/rates are different depending on the N restriction
• Rates limited based on soil temp (50° or October 1st)
# Revised NM Checklist/Review Form

## Nutrient Management Checklist

**Sec. 92.05(3)(k), Wis. Stats. ATCP 50.04(3) & 51 Wis. Admin. Codes**

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>DATE PLAN SUBMITTED</th>
<th>GROWING SEASON YEAR PLAN IS WRITTEN FOR (from harvest to harvest)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOWNSHIP: (T. N.) RANGE: (R. E., W.)</td>
<td></td>
<td>CHECK ONE: ☐ Initial Plan or ☐ Updated Plan</td>
</tr>
</tbody>
</table>

**NAME OF FARM OPERATOR RECEIVING NUTRIENT MANAGEMENT PLAN**

<table>
<thead>
<tr>
<th>STREET ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
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**RELEVANT REASON THE PLAN WAS DEVELOPED:**

- ☐ Ordinance
- ☐ NR 243 WPDES or NOD
- ☐ DATCP-FP or cost share (cs)
- ☐ DNR-CS
- ☐ USDA-cs
- ☐ Other

**CROPLAND ACRES (OWNED & RENTED)**

**RENTED FARM(S) LANDOWNER NAME(S) AND ACREAGE: add sheet(s) if required**

**WAS THE PLAN WRITTEN IN SNAPPLUS?** ☐ YES ☐ NO

**CHECK PLANNER’S QUALIFICATION:**

- ☐ 1. NAICC-CPCC
- ☐ 2. ASA-CCA
- ☐ 3. SSSA-Soil Scientist
- ☐ 4. DATCP approved training course
- ☐ 5. Other approved by DATCP

**NAME OF QUALIFIED NUTRIENT MANAGEMENT PLANNER**

<table>
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**Use header sections to add comments. Mark NA in the shaded sections if no manure is applied.**

1. **Does the plan include the following nutrient application requirements to protect surface and groundwater?**

**I certify that the nutrient management plan represented by this checklist complies with Wisconsin’s NRCS 2015-590 nutrient management standard.**

**Qualified NM planner signature**

**Required for livestock siting permits: NAICC-Certified Professional Crop Consultant, ASA-Certified Crop Adviser, or SSSA-Soil Scientist**

**Qualified NM farmer-planner or Authorized operator signature - receiving and understanding the plan**

**Signature and date if reviewed for quality assurance**
NM Cost-Share Rate Increase

• Currently:
  $7 per acre per year for 4 years = $28/acre

• New Rate:
  $10 per acre per year for 4 years = $40/acre
  (ATCP 50.42(2)(g))

• Why?
  • Increase in soil testing costs
  • Increase in time required by planners to develop winter spreading plan component
  • Potential need to acquire more land to ensure the NM plan meets all land based restrictions, application rates, and can utilize all of their manure
NM Cost-share Upgrade??

From: Brian Haase [mailto:Brian.Haase@co.waupaca.wi.us]
Sent: Monday, November 28, 2016 9:26 AM
To: Walling, Sara Z - DATCP <Sara.Walling@wisconsin.gov>; Castelnuovo, Richard M - DATCP <Richard.Castelnuovo@wisconsin.gov>
Subject: 2 days

Sara/RC,

It took exactly 2 days from the Nov 23rd edition of the Country Today until a farmer left me a message Friday saying he no longer wanted to sign a NMP CSA today for $7/acre. He would like to wait for the $10/acre next year like he read in the paper. Honest, you just can’t make this stuff up. It’s getting hard to give money away😊

Can either of you give me a realistic time frame for which grant year the $10/acre C/S might come into effect?

Thanks,
NM Cost-share

- Landowners can choose to follow a more recent standard

- Previously cost-shared landowners = $3/acre contract

- Never cost-shared landowners = $10/acre contract

Regarding notation in the contract, we created a space in the cost-share contract to have the landowner consent to a newer standard.
NM Related Revisions

• Identify an acceptable alternative method to the phosphorus index (ATCP 50.04(1))
  • Soil Test P method

• Address potential conflict of interest for DATTCP certified soil testing laboratories (ATCP 50.50(9))

• Clarify qualifications and NM plan submission requirements for NM planners (ATCP 50.48 (2)(4) and ATCP 50.48 (6))

• Provide a process for cancelling conservation engineer’s certification (ATCP 50.46 (3)(c))

• Clarify or remove outdated language in the Farmland Preservation Compliance section (ATCP 50.16 (3), (4), and (6))
Summary

- Agriculture is adopting NM and making progress
- DATCP incorporating new 590 into ATCP 50 to further protect soil health and surface and groundwater quality
- 590 Revision process was extensive, inclusive, and included two rounds of public comment
- How does this affect me?
  - SnapPlus 16 can be used to identify farm specific impacts of these changes
ATCP 50 Revision Timeline

- **February 2016** – Scope statement approved
- **Currently** – Preparing hearing draft and related documents
- **November 2016** – DATCP Board request to approve draft rule for public hearings
- **January 2017** – Conduct public hearings
- **May 2017** – Present final draft rule to DATCP Board
- **Late 2017/Early 2018** – Rule becomes effective
Proposed Public Hearing
Dates and Locations

Monday Jan. 9, Eau Claire
Chippewa Valley Technical College

Thursday Jan. 19, Platteville
UW Platteville Markee Pioneer Student Center

Monday Jan. 23, Appleton
Fox Valley Technical College

Thursday Jan. 26, Madison
DATCP Prairie Oak State Office Building

2:00 – 4:00 pm & 5:30 – 7:30 pm
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Percent of County Cropland covered by a 590 NMP

- Based on NM checklists submitted to DATCP by county LCDs, NRCS, DNR and NM planners