

# ATCP 50 Proposed Rule Revision

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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

**Joe Bragger**, Bragger Family  
Dairy, UW Discovery Farms

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UW Discovery Farms

**Kevin Masarik**, Groundwater  
Education Specialist, UW – Steven's  
Point

**Laura Chern**, Hydrogeologist,  
WDNR

**Andrew Craig**, Nutrient  
Management Specialist, WDNR

**Terrence Kelly**, State  
Agronomist, Wisconsin NRCS

**Pat Murphy**, State Resource  
Conservationist, NRCS

**Carrie Laboski**, Associate  
Professor and Soil Scientist, UW -  
Madison

**Todd Schaumberg**, CCA,  
Polenske Agronomic Consulting

**Nikki Wagner**, CAFO NM  
Specialist, Frontier-Servco FS

**Sue Porter**, Nutrient Management  
Specialist, DATCP

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

**Tony Smith**, Resource  
Conservationist, Manitowoc Soil &  
Water Conservation Dept.

**Matt Zoschke**, County  
Conservationist, Clarke County LCD

# 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 SWQMAs
  - 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<sub>2</sub>O<sub>5</sub>, whichever is less
- No manure spreading
  - Within SWQMAs
  - 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  $\geq 16\%$  dry matter without permanent storage.



# 590 Changes – Winter Spreading Plan

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



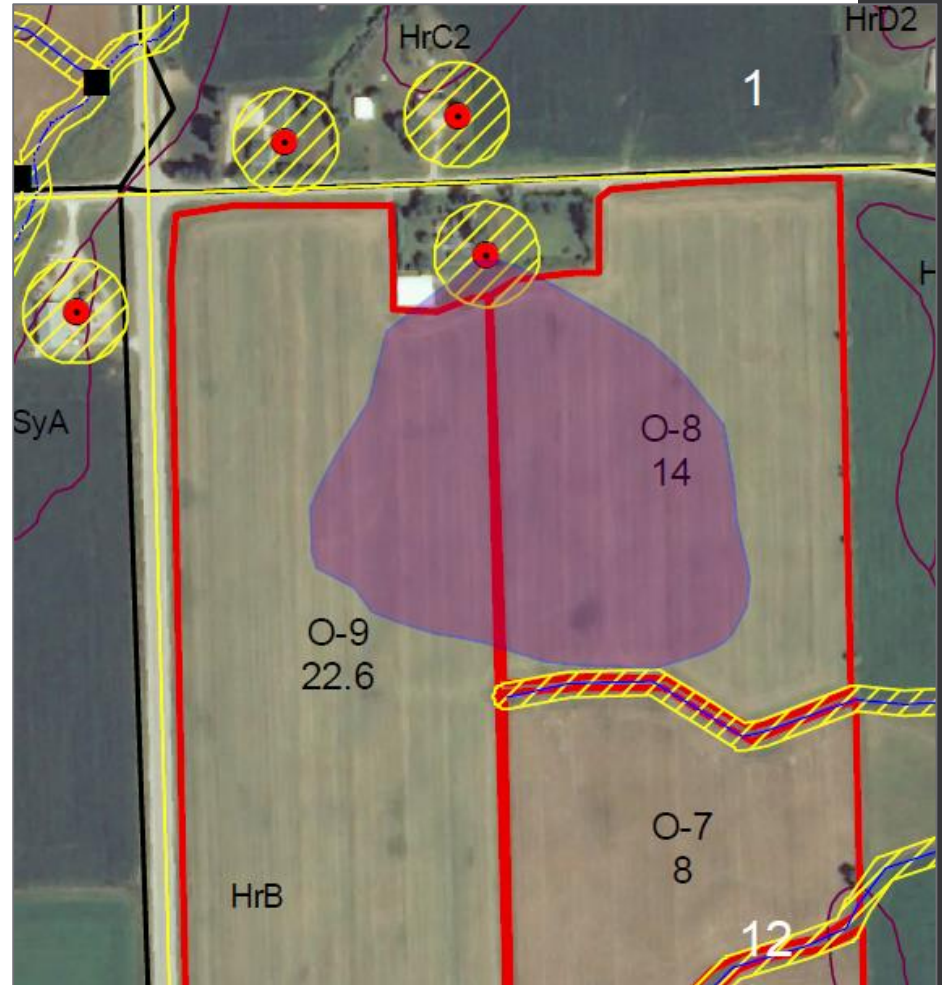
## New:

- 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*

COUNTY	DATE PLAN SUBMITTED	GROWING SEASON YEAR PLAN IS WRITTEN FOR (from harvest to harvest)	
TOWNSHIP: (T. N.)	RANGE: (R. E., W.)	CHECK ONE: <input type="checkbox"/> Initial Plan or <input type="checkbox"/> Updated Plan	
NAME OF FARM OPERATOR RECEIVING NUTRIENT MANAGEMENT PLAN		BUSINESS PHONE	
STREET ADDRESS		CITY	STATE ZIP
RELEVANT REASON THE PLAN WAS DEVELOPED: <input type="checkbox"/> Ordinance <input type="checkbox"/> NR 243 WPDES or NOD <input type="checkbox"/> DATCP-FP or cost share (cs) <input type="checkbox"/> DNR-cs <input type="checkbox"/> USDA-cs <input type="checkbox"/> Other			
CROPLAND ACRES (OWNED & RENTED)			
RENTED FARM(S) LANDOWNER NAME(S) AND ACREAGE: add sheet(s) if required			
WAS THE PLAN WRITTEN IN SNAPPLUS? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, which software version, if known?			
CHECK PLANNER'S QUALIFICATION: <input type="checkbox"/> 1. NAICC-CPCC <input type="checkbox"/> 2. ASA-CCA <input type="checkbox"/> 3. SSSA-Soil Scientist <input type="checkbox"/> 4. DATCP approved training course <input type="checkbox"/> 5. Other approved by DATCP			
NAME OF QUALIFIED NUTRIENT MANAGEMENT PLANNER		BUSINESS PHONE	
STREET ADDRESS		CITY	STATE ZIP

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](mailto:Sara.Walling@wisconsin.gov)>; Castelnovo, Richard M - DATCP <[Richard.Castelnovo@wisconsin.gov](mailto:Richard.Castelnovo@wisconsin.gov)>  
**Subject:** 2 days

Sara/RC,

It took exactly 2 days from the Nov 23<sup>rd</sup> 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 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 DATCP 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



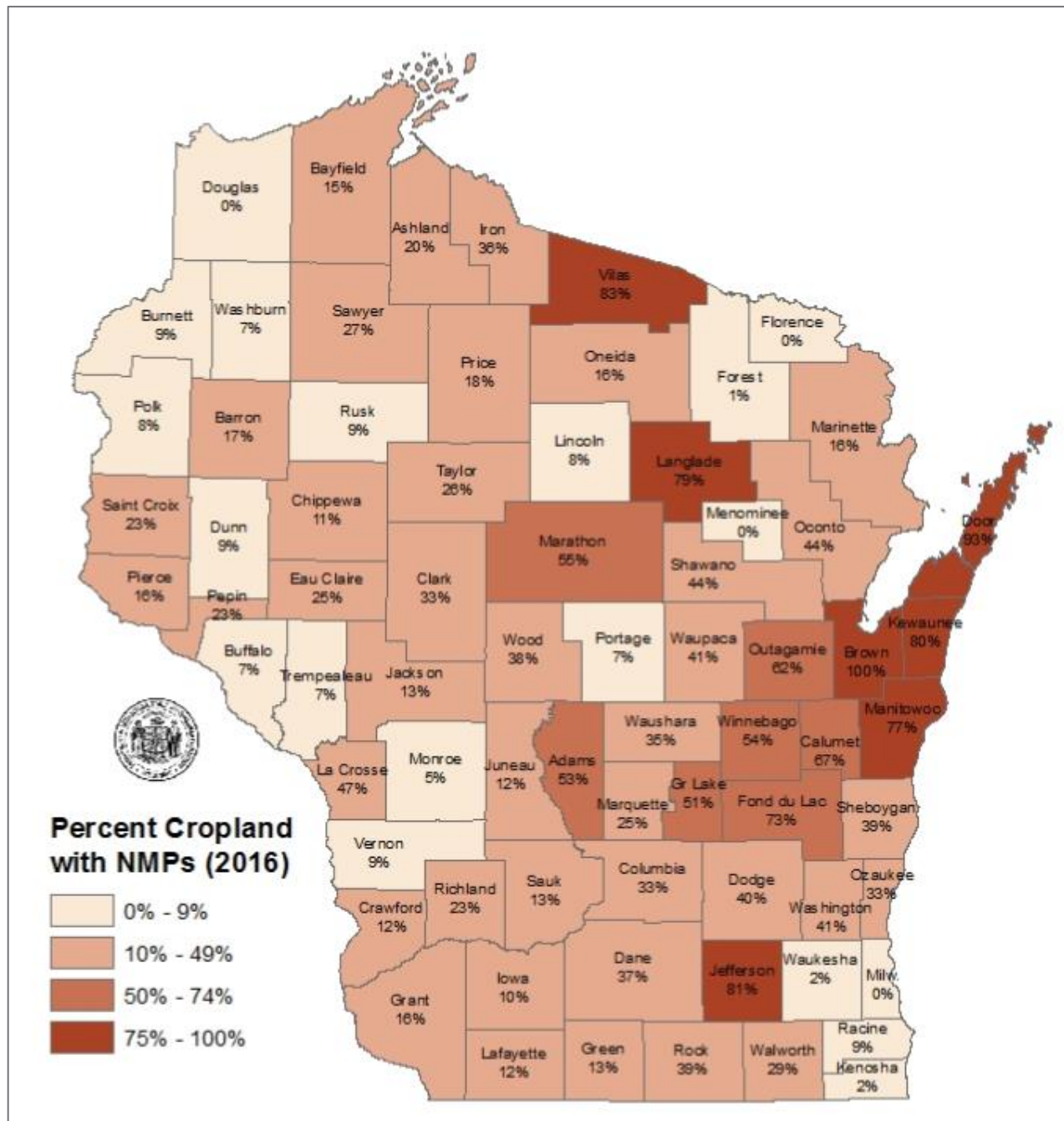
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# Percent of County Cropland covered by a 590 NMP

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



# 2006-2016 Nutrient Management Plan Acres Reported by Program

in thousands of acres

- Other = Voluntary
- CS= DNR NRCS Cost-Share
- DATCP= FP or Cost-Share
- CAFO=NR 243 WPDES Permit
- ORD=Manure Storage or Livestock Siting Ordinance

