

# FACT SHEET ON NEW DANE COUNTY WINTER LIQUID MANURE APPLICATION REQUIREMENTS

Adopted by the Dane County Board on 12/1/05

## **BACKGROUND AND PURPOSE:**

In early 2005, a series of runoff incidents occurred after the spreading of liquid manure on frozen ground. The runoff entered surface waters resulting in a fish kill and significant amounts of nutrient loading. As a result, the Dane County Manure Spreading Task Force was convened to address concerns about spreading liquid manure on frozen ground. The Task Force represented a wide array of interests and developed a set of spreading criteria and restrictions to mitigate runoff threats. These criteria have been incorporated into the Manure Storage and Utilization portion of Chapter 14, Dane County Code of Ordinances.

The purpose of the ordinance amendment is to regulate the winter application of stored pumpable liquid manure in order to protect the health and welfare of Dane County's residents and the economic and environmental value of the County's natural resources.

## **WHERE THE ORDINANCE APPLIES:**

This ordinance applies to all Dane County landowners<sup>1</sup> who apply stored, pumpable liquid manure on snow-covered, frozen or ice-covered cropland.

## **PERMITS AND PLANS:**

A winter application permit is required by November 1<sup>st</sup> prior to the winter in which the permittee intends to apply liquid manure<sup>2</sup>. The permit remains in effect for as long as the permittee spreads on land covered by a current approved conservation plan or until the permit is revoked. The winter application permit will be issued after the receipt and approval, by the Department, of a winter application plan, which must include the following:

1. A description of the emergency response procedures that will be engaged immediately in the event of direct runoff of liquid manure.
2. The application rate on either snow-covered, frozen, or ice covered cropland which is determined by the slope of the land upon which the permittee intends to spread manure:  
0-2% slope      7,000 gal/acre application rate  
3-6% slope      6,000 gal/acre application rate  
7-12% slope     5,000 gal/acre application rate  
>12% slope     ***Spreading Prohibited***
3. The conservation practices the permittee will follow in areas where liquid manure will be applied. Such conservation practices shall include one or more of the following: grassed buffers, contour strips, contour farming with all residue left on the surface, terraces,

---

<sup>1</sup> Landowner is defined by the ordinance to be either the person who owns a parcel of land or the person who rents, controls or uses a parcel of land for agricultural purposes.

<sup>2</sup> Permit application procedures and deadline for the winter of 2005/06 are different because the County Board adopted the ordinance after November 1. By January 20<sup>th</sup>, 2006, landowners intending to apply stored pumpable liquid manure during the winter of 2005/06 must notify the Department of Land and Water Resources by phone at (608) 224-3730 or in writing of their intent to comply with the ordinance. Department staff will enter those landowners' names on a register, and work with them to develop winter spreading plans in priority order based on potential for off-site impacts. Landowners listed on the register are determined to be in compliance for 2005/06 as long as they cooperate with the Department in the preparation of the winter application plan under §14.18 (2), Dane County Ordinances.

diversions, chisel plowing, and others deemed appropriate by Dane County Department of Land and Water Resources staff.

**AREAS PROHIBITED FOR WINTER SPREADING OF STORED, PUMPABLE LIQUID MANURE**

Stored pumpable liquid manure MAY NOT be spread on frozen, snow-covered, or ice covered cropland located in the following areas:

1. Waterway or other channelized flow
2. Non-harvested vegetation
3. Within 30 feet on either side of a waterway
4. Within 200 feet upslope of a well, tile inlet, sinkhole, gravel pit or fractured bedrock at the surface
5. Within 300 feet of a stream or drainage ditch
6. Within 1,000 feet of a lake
7. Slopes >12%

**RECORD KEEPING REQUIREMENT**

Landowners or persons permitted to spread liquid manure during winter months shall maintain an accurate record of the date, location and rate of application for every application of stored, pumpable liquid manure on the land that is subject to the winter application permit. Upon request, these records shall be made available to Department staff and shall be retained by the permittee for one year following the date of application.

**ACTIONS NOT REQUIRING A PERMIT**

Persons applying stored, pumpable liquid manure on frozen, snow-covered, or ice-covered cropland are exempt from permit requirements if the liquid manure is incorporated effectively within the first 24 hours of application.

***NOTE: "Effectively incorporating" is defined as the mixing of manure with the topsoil or residue or the subsurface placement of manure with the topsoil by such means as injection, disc sweep, mold board plow, chisel plow, or other tillage/infiltration methods such that nutrients will not run off the field or drain to subsurface tiles during application.***

**PERMIT FEES:**

There is no permit fee for the winter spreading application.

**PROGRAM ADMINISTRATION AND INFORMATION:**

The Dane County Land and Water Resources Department (608/224-3730) administers and enforces this ordinance.

**PENALTIES:**

Violations of the ordinance are subject to penalties of not less than \$10 and not more than \$200, plus enforcement costs. Each day of violation counts as a separate offense. Persons, who self-report manure spills or runoff, in time for the initiation of remedial measures to prevent or substantially minimize damage to aquatic ecosystems, are considered for enforcement leniency.