

NR 151 Revisions

Miscellaneous Proposed Changes to
Ag Performance Standards & Prohibitions

Advisory Committee Meeting
January 7, 2008



Miscellaneous Changes

Miscellaneous changes covered by this presentation are in addition to changes being proposed to implement a tillage setback, the phosphorus index, & TMDLs.



Custodial Changes

- To achieve consistency with similar concepts in other rules & standards
 - Term “direct conduit to groundwater” replaces term “karst”. Consistent with NR 243
 - Term “Margin of Safety” replaces term “Freeboard”. Consistent with NR 243 & NRCS 313



Modifications to Standards

- Sheet, rill and wind erosion (NR 151.02)
 - Language added to clarify that pastures must also meet the sheet, rill and wind erosion performance standard.



Modifications to Standards

- Margin of Safety for manure storage facilities (NR 151.05)
 - New Facilities & Alterations: Maintain margin of safety (formerly freeboard) and contain 25-year, 24-hr storm event.
 - Failing & Leaking Existing Facilities: Must maintain margin of safety to be in compliance.



Modifications to Standards

- Direct Runoff
 - Modified definition (NR 151.015(7))
 - Affects livestock operations (NR 151.08(4))
- Intent of Modifications:
 - Add feed storage leachate and milking center wastes to list of discharges addressed
 - Expand applicability to cover channelized and overland flow from animal lot runoff to all waters of the state.
 - Allow identification of other direct runoff sources consistent with the intent of this prohibition.



Modifications to Standards

- Overflow
 - Created definition (NR 151.015(15m))
 - Affects livestock operations (NR 151.08(2))
- Intent of Modification
 - Clarifies that the prohibition on manure overflows includes intentional (pumping onto ground) as well as accidental (flow over brim) events

Modifications to Standards

- Substantially Altered
 - Modified definition (NR 151.015(20))
 - Affects altered livestock facilities (NR 151.05(2))
 - Affects definition of “new facilities” under NR 151.095(5).
- Intent of Modification
 - Clarifies that abandonment of manure storage facilities after October 1, 2002 is considered to be a significant alteration. This means that such abandoned facilities are considered “new” and must close the abandoned site without regard to the availability of cost sharing.

Modifications to Standards

- Nutrient Management (NR 151.07)
 - Clarifying note added to par. (2) regarding municipalities, industries and septage
 - Other regulations apply to these materials, but producers must account for nutrient additions as part of their NMP



Modifications to Standards

- Nutrient Management (NR 151.07)
 - Impaired Waters (303(d)) and ORW/ERW
 - Removed reference to soil nutrient test levels and replace with reference to nutrient delivery
 - Recognizes soil test levels are not the sole indication of delivery (revised NRCS 590)
 - Requires use of P-Index or other models



Modifications to Standards

- Notice Requirements
 - Affects notices issued under NR 151.09 and NR 151.095
- Intent of Modifications
 - Removed requirement to include appeals language in the notice to bring process into alignment with other DNR programs.



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