



## Livestock Contamination Reporting and Response

The application of livestock waste (manure) and associated wastewater to the environment are generally not considered hazardous substance discharges or environmental pollution (“contamination”). They can, however, be subject to regulation under state law. Determining if livestock waste discharged to the air, land or waters of the state is immediately reportable to the Department of Natural Resources (DNR) is often based on the volume, concentration and location of the discharge. A person who causes the contamination, owns the property where the contamination occurred, or has control over the contamination is considered a responsible party (RP). Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 requires all hazardous substance discharges and environmental pollution to be responded to as necessary. The main response steps are:

✓ Stop/Contain

✓ Immediately Report

✓ Clean-up/Restore

### Stop/Contain

Once contamination occurs or is discovered, the main priority is a timely response to stop and contain it. While responding, take appropriate measures to keep yourself and other responders safe. Some examples and considerations are:

- **Semi-truck/tanker or tractor/tanker accident:** Call 911 to report the accident and, if safe, respond to anyone injured. Begin active containment and recovery of manure from roadway, road ditch and the damaged tanker once the scene is secured. Earthen berms are typically constructed to dam the manure in the ditch and to protect nearby surface waters.
- **Farm equipment malfunction** (transfer line or hose leaks/breaks; pump or valve failures; storage overflows or failures; operational error; etc.): Stopping the flow is the first priority. Safely shut down any equipment causing the contamination. Contain livestock waste along low points with earthen berms, square bales and any other materials readily available to slow or stop the flow. For a waste storage overflow, shut off any barn reception tank pumps transferring manure into storage until levels are drawn down.

Keep any clean water diverted away from the contaminated area manure or from waste storage. Also, keep livestock waste away from private wells or other conduits to groundwater or surface water (areas with fractured rock/sinkholes, tile intake structures, ditches).

- **Field application site runoff:** This type of contamination is the most preventable. It is important to carefully plan manure applications and apply according to a nutrient management plan. If snow melt, saturated soil conditions, forecasted rain, etc. make conditions unsuitable for manure application, seek other alternatives to land application. If possible, haul to alternate storage or wait for suitable field application conditions.

If manure runoff occurs (even for an otherwise legal application) that has potential to threaten human health or the environment, manure applications must stop, the contamination must be reported, and actions need to be taken to minimize those impacts and stop the manure from migrating off the application site. These actions typically include tillage passes, placement of containment berms and use of absorption materials (straw, waste feed, etc.).

## **Immediately Report**

*Immediately reporting* a hazardous substance discharge is required under Wis. Stats. § 292.11 and Wis. Admin. Code § 706.05. If you are not sure whether to report a discharge, the safest course of action is to call the spill hotline (1-800-943-0003). Doing so ensures that you have complied with the reporting requirements of Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754. Even if you have already contained and cleaned up the discharge, you still need to report it. The DNR publication *Immediate Reporting Required for Hazardous Substance Spills* (RR-560) contains additional information on discharge reporting requirements.

If you have a livestock or poultry operation with a Wisconsin Pollutant Discharge Elimination System (WPDES) permit, you should also refer to your WPDES permit for any additional reporting requirements. Depending on the nature of the contamination you may also need to contact township authorities, the county land conservation department and any potentially impacted property owners.

When you report discharge, you will need to provide:

- Your name, address and phone number, and the name of the property owner, if different.
- The quantity, description and physical state of the discharged substance.
- The location and cause of the discharge, including physical address, location description and affected area.
- The actions taken to stop the discharge and/or minimize the impact to the environment.
- The actual or potential impacts to human health and the environment such as proximity to wells, surface water, etc.

The responsible party has an obligation to report and provide accurate documentation establishes a record of your actions to clean up the contamination and documents that your actions are in compliance with state law.

## **Clean-up/Restore**

Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 requires cleanup of a hazardous substance discharge and environmental pollution in a timely manner in order to protect human health and the environment. Although manure is an organic substance that will naturally break down over time, a large volume of manure in one place or discharged to surface water or groundwater can cause significant environmental contamination. The person who is legally responsible for the contamination must take action to recover discharged manure and return it to storage or apply to land in accordance with a nutrient management plan. The DNR encourages responsible parties to hire an environmental consultant to conduct this work, under the direction of the responsible party. The DNR is not responsible for hiring a consultant or directing an RP's consultant. See *Selecting an Environmental Consultant* (RR-502) for more information on hiring on consultant.

Vacuum trucks or pumps are typically used to recover manure contained in ditches and low areas. Residual manure on roads and ditches is typically flushed with water and recovered by vacuum or pumping. Recovery sumps can be constructed to route discharged manure to a collection point. If appropriate, residual manure on fields can be tilled into the soil or redistributed to reduce concentration and runoff potential. Excavation is typically not a recommended cleanup practice for removing manure.

Wetlands, waterways, road right-of-ways or offsite properties impacted by response actions must be restored. This may involve working with DNR, local town and county authorities and offsite affected property owners to ensure restoration practices are acceptable. Restoration may include filling recovery sumps, removing containment berms from waterways and road ditches and re-grading and seeding disturbed areas.

The RP is responsible for documenting actions taken to clean up the contamination and restore impacted areas and submitting that information required by law to the DNR. Making notes and taking photos during these activities can assist you in documenting the actions taken to respond to the discharge. Wis. Stats. ch. 292 and Wis. Admin.

Code chs. NR 700 through NR 754 requires (and a WPDES permit may require) a report documenting your actions. Specific information regarding documentation can be found in Wis. Admin. Code § NR 708.09.

### **Other Spill Response Resources & Information**

- Department of Natural Resources: visit [dnr.wi.gov](http://dnr.wi.gov), search “manure spills”
- Department of Agriculture, Trade and Consumer Protection’s Wisconsin Manure Management Advisory System: <http://www.manureadvisorysystem.wi.gov/>
- Wisconsin Statutes Chapter 292: <https://docs.legis.wisconsin.gov/statutes/statutes/292>
- Wisconsin Admin Code NR 700 Rule Series: [https://docs.legis.wisconsin.gov/code/admin\\_code/nr/700](https://docs.legis.wisconsin.gov/code/admin_code/nr/700)

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