

**Kewaunee Groundwater - Compliance Workgroup
FINAL MEETING NOTES**

Tuesday, November 17, 2015, 12pm – 3pm
Luxemburg Fairgrounds Expo Center
625 Third Street, Luxemburg, WI 54217

Attendance - Workgroup members present: Kyle Burton, Bill Phelps, Mark Jenks, Davina Bonness, Russ Rasmussen, Judy Polczynski, Marty Nessman, Heidi Schmitt-Marquez, Lee Luft, Sarah Geers, Jodi Parins, Elizabeth Wheeler (for Dean Hoegger), Cheryl Burdett, Paul Cornette, Nick Guilette, Ryan DeBroux, Dale Konkel (Door County Soil and Water Department) and Casey Jones

Meeting summary

Convene Meeting, Welcome and Introductions, Agenda Repair – Casey Jones (*meeting start at 12pm*)

- *No revisions / changes to draft meeting notes from 10-20-15*

Spills overview – Per Parins’ email request, Jones provided a brief overview of DNR spill response procedures. Key points:

- *There is no reportable quantity for manure—reporting is required when there is any potential for manure to impact human health or the environment*
- *DNR has a 24 hour spills reporting hotline; shortly after a spill is reported the DNR regional spills coordinator or on-call duty officer calls the responsible party (RP)*
- *DNR does not inspect every spill site but documentation is required to be submitted by RP to DNR showing proper clean-up and restoration has been done.*

Discussion of compliance recommendations – slides attached with summarized list of recommendations

- *Revision of spreading restriction maps for clarity to those that are applying manure: 1) one color of restricted areas (no manure); another color for nitrogen restricted soils, 2) map legends to have more detailed information*
- *Additional training for haulers – 3 certification levels offered by Professional Nutrient Applicators Association of Wisconsin (PNAAW) (trade group organized by custom manure applicators); Kewaunee LCD will be presenting at January 2016 PNAAW conference*
- *Annual training on regulations for all agricultural operations conducted by the DNR/County LCD*
- *Rule changes to certify custom manure applicators (create uniform standards similar to wastewater program)*
- *Require submittal of landowner permission form for use by farms (CAFOs only?)(example of form used by DNR wastewater program attached)*
- *Require submittal of land contracts by farmers to verify land base (CAFOs only?)*
- *Need to add detailed bullets to the recommendations for clarity*
- *Submittal of condensed NMP prior to hauling season with field IDs and rates*

Additional meeting – requested by Parins, confirmed by Rasmussen

Public comments summary:

- *Invite legislators to meeting*
- *Heavy scrutiny needed on NMP reviews*
- *Some CAFO farms okay, other exploiters*
- *Odor issues with farms*
- *Meeting went too fast through each recommendation / not enough discussion*
- *Compliance without enforcement doesn’t work*
- *DNR is ignoring permit violations & not turning in crop consultants*
- *Need to discuss how to fix problem / focus on solutions*

Adjourn – approximately 3:15pm

Recommendations

- Short-Term (1-2 years?)
 - Education
 - Outreach
 - Workload priority shift
- Long-Term (>2 years)
 - \$\$
 - Staffing
 - Code or statute changes

Short-Term

- Develop guidance on approval process and tracking for farms taking offsite wastes into storages (DNR Landspreading Team is working on this)
- DNR or EPA will inspect medium farms not inspected by County LCD (short or long term?)
- Requiring better documentation of compliance from CAFOs
- Develop concise field reference for NMP restrictions and setbacks (partner with UW Extension?)

- Improve NMP restriction map legends to include more information on restrictions (DATCP)
- More applicator training
- Shift DNR and/or County priorities to hauling audits
- Shift DNR and/or County priorities to paper review of NMP (soil sample and manure sample verification, land contracts, etc.)
- Prioritize where hauling audits should be conducted based on groundwater susceptibility
- Each NMP should have a concise bullet point of requirements to be in compliance (already have DATCP checklist...)

- Ask CAFO permittees to pre-notify DNR of spreading activities (help with complaint response/decide to do an audit)
- Better coordination/communication amongst DNR, County and EPA—use same checklist to measure compliance
- Require crop consultants attend annual training to reinforce consultant's responsibilities regarding NMPs (already required, continuing education credits?)

- Stop issuing emergency land application variances (agreed, DNR has done outreach and created guidance for staff)
- Winter spreading outreach (DATCP, DNR, UW Extension)
- BMP compliance assistance to promote better cropland management (no-till, cover crops, etc.)
- Notification to landowners of their responsibilities regarding land application of wastes
- Request that haulers have NMP info in all equipment during spreading (rates, restriction maps, etc.)

- Increased enforcement when necessary, stepped enforcement success stories should be shared with the public.
- EPA should review all Kewaunee County CAFO NMPs (short or long term?)
- County reporting of septic system inspection status, twice per year (online?)
- Outreach to public on how and what to report regarding compliance concerns

Long-term

- Discontinue practice of including alternative concentration limits in CAFO permits
- Increase DNR staffing with focus on more thorough NMP review
- Increase DNR staffing with focus on hauling audits
- Revision of NR 243 if current standards are inadequate (otherwise focus on implementation of existing standards)
- Continue groundwater studies
- All NMP info should be readily accessible by county, DNR and EPA via smart phone, tablet, etc.

- Include provisions in CAFO permits to evaluate compliance such as surface water monitoring or groundwater monitoring at production sites
- Every CAFO using manure irrigation should monitor groundwater at spreading sites per NR 214
- Clarify through rulemaking that CAFOs must get approval from DNR prior to emergency spreading
- Clarify through rulemaking that DNR has authority to require off-site groundwater monitoring at landspreading fields
- Increase County staffing for land application oversight

- Increase penalties/forfeitures (currently up to \$10,000 per day/per violation for CAFOs...)
- Forfeitures to be placed in fund for safe water supply
- Develop long term plan to deal with Kewaunee County's water contamination (BMP group?)
- Increase fees for CAFO permits/NMPs
- If DNR cannot address issues than EPA should take over
- Enforce penalties on crop consultants and haulers when NMPs are inaccurate or not followed
- Recommend to legislature/DNR to increase staffing resources

- Complete DNR CAFO WPDES public notice database with permit application information, correspondence, etc. (similar to DNR air program database)
- Clarify through rulemaking/guidance that CAFOs cannot accept septage waste (should be addressed in guidance landspreading team is working on)
- Modify rules regarding combined wastes approval process (more specific tracking/reporting)
- Clarify through rulemaking that CAFOs cannot have same fields in multiple CAFO NMPs
- Define through rule-making or guidance what constitute substantial compliance at CAFOs

- More money for septic system compliance evaluations
- Evaluations of well data and trends

V. Approval/Acknowledgement Statement

I, _____ (land owner), hereby give _____ (WPDES permittee/septage business) permission to land apply the above waste(s) to my field(s) listed above, furthermore:

- I understand that I can revoke this privilege at any time and accept these useful nutrients and/or add beneficial properties to the soils of my fields.
- I will not allow any other industrial, municipal, or septage waste to be land applied any time during the year when this product is applied and I will communicate to the farmer and the permittee/company applying wastes of any additional nutrients added to these fields so that the nitrogen crop needs are not exceeded and so that they may be credited in a nutrient management plan.
- All other applicers of waste will not be allowed to apply wastes to the approved field.
- I will receive a copy of the annual land application report from the company applying waste each year after application and will provide to any farmers.
- If the applicable land is enrolled in the CRP, Conservation Reserve Program, it is my responsibility to amend the CRP plan if necessary and keep anyone applying waste informed of any special requirements.

Please initial and check one box:

- _____ I give permission for the WPDES permittee/septage business to reduce the site application distance from the applicable residence(s) based on NR 214.17 (2) (b), NR 113.07 (3) (b) 12, or NR 204.07 (3) (o) (see table below).
- _____ I do not give permission for a reduction in site application distance from the applicable residence(s) (see table below).

Minimum Distance from Residence(s) for Application				
Code	Permission or No Permission	Surface Application	Incorporation	Injection
NR 113.07 (3) (b) 12.	Without Permission	500 ft	500 ft ⁽¹⁾ or 200 ft ⁽²⁾	200 ft
	With Permission	250 ft	200 ft ⁽¹⁾ or 100 ft ⁽²⁾	100 ft
NR 204.07 (3) (o)	Without Permission	500 ft	200 ft	200 ft
	With Permission	250 ft	100 ft	100 ft
NR 214.17 (2) (b)	Without Permission	500 ft	500 ft	500 ft
	With Permission	500 ft	200 ft	500 ft

⁽¹⁾ If not lime stabilized but incorporated within 6 hours. ⁽²⁾ If lime stabilized and incorporated within 6 hours.

I, _____ (farmer), hereby certify that:

- These fields are actively farmed with crop removal each year.
- The nutrients added to the soils are accounted for in an appropriate nutrient management plan to prevent nitrogen and phosphorus over application.
- The nutrients are accounted for through the appropriate Land and Water Conservation Department if necessary.
- Information regarding crops, planting/harvesting schedules, crop output and additional fertilizer use will be communicated to the WPDES permittee/septage business and will not exceed nitrogen needs for the crops grown.

I, _____ representing WPDES permittee or as septage business OIC:

- Agree to communicate any crop restriction requirements to the farmer and owner.
- Agree to communicate nutrient application rates to the farmer and owner and will ensure that nitrogen needs of crop grown are not exceed.
- Agree to notify and obtain the necessary approvals from the Land and Water Conservation Department if necessary.
- Agree to provide a copy of the annual land application report to the owner.

All parties agree to:

- Understand and agree to all rules and regulations of the Wisconsin Department of Natural Resources that apply to the land application of the applied waste including but not limited to horizontal/vertical setbacks and application rates.
- Understand that the Wisconsin Department of Natural Resources will review each site/field for approval.

Property Owner Name (Print)	Signature	Date
Farmer Name (Print)	Signature	Date
WPDES Permittee/Septage Business OIC (Print)	Signature	Date

VI. Additional Comments for Approval Considerations (include attachments as needed)

- Form applies to a storage facility for the identified waste type.