

CLOSURE OF ABANDONED MANURE STORAGE FACILITIES

COMPLIANCE WITH AGRICULTURAL PERFORMANCE STANDARDS

(NR 151.05(3))

This fact sheet explains the requirements for compliance with manure storage performance standards, specifically, the closure of abandoned facilities under s. NR 151.05(3). This includes assessing and documenting current compliance status, and then informing landowners of that status and any steps needed to meet technical standards. Following these key steps is critical to ensuring that landowners meet and maintain compliance with performance standards.

Requirements and Procedures for Closure of Abandoned Facilities

The purpose of this standard is to reduce the threat to surface and ground water from abandoned manure storage facilities.

This performance standard related to closure applies to any structure that

- 1) is part of livestock facility no longer in operation, or
- 2) remains unused ("idle" or "abandoned") for 24 months.

If a structure meets either of these conditions, it must be closed in a manner that will prevent future contamination of groundwater or surface waters or be covered by an approval by the DNR or governmental unit to delay closure. Technical standards for proper closure are available.

This standard applies to all manure storage facilities regardless of when they were initially constructed. To determine that a manure storage facility meets the performance standards for closure, several kinds of documentation may be used to establish the dates and extent of use of the structure. Observation, a landowner's statement, or aerial photos may all be used to show that a facility is no longer in use.

Documentation and Communication

Documenting current compliance status of a facility and communicating the results to the landowner are necessary steps in establishing the foundation for requiring the landowner to maintain compliance with the performance standard. This is mainly the local governmental unit's responsibility. Appropriate documentation may include site visits showing the facility is in compliance, or office records confirming that the facility was in past compliance and is therefore required to maintain compliance. The landowner should then be informed of the determination and the reasoning behind it. This is consistent with the process set forth in the statewide Implementation Strategy for NR 151 Agricultural Performance Standards and Prohibitions. Once compliance with a standard is met, it is the current and future landowner's responsibility to maintain compliance.



Certain records can be used to document that an unused structure was closed in accordance with the appropriate standards. This documentation includes local permitting documents, signed construction certification forms or cost-share reimbursements for closure BMPs. Self-certification statements of cross-compliance signed and dated by the farmer for Farmland Preservation or other programs can be used to document that compliance has been achieved and is required to be maintained without regard to future cost-sharing. In addition, any facility known to be idle or abandoned for at least 24 months is in compliance if there is documentation that the extension has been granted under s. NR 151.05(3)(b). Acceptable documentation in this case includes a letter from the County to the landowner stating that the required conditions for the extension are met and that the extension is approved.

Effect of Compliance Determination on Cost-sharing

Landowners may meet the technical requirements as the result of receiving cost-sharing, meeting permit requirements or voluntarily action without cost-sharing. Requirements for cost-sharing to achieve compliance will vary depending on the physical condition of the abandoned facility and when it was abandoned. The following are general guidelines that apply to the most commonly encountered situations:

- A landowner with a facility requiring closure must be offered cost-share when the abandonment occurred prior to October, 2002.
- If the facility was abandoned after October, 2002 then cost sharing requirements will depend on the condition history of the structure. For example:
 - If the closure is required to comply with another standard, such as the standard for failing and leaking existing facilities (NR 151.05(4)), cost sharing is required unless the facility was under an operation and maintenance agreement effective on October 1, 2002.
 - If the closure is voluntary (not required to meet another standard for an existing facility), then cost share is not required.
 - Cost sharing is not required for closure of any facility constructed after October 1, 2002.



In cooperation with:

