

NEW CONSTRUCTION & ALTERATION OF MANURE STORAGE FACILITIES

COMPLIANCE WITH WISCONSIN AGRICULTURAL PERFORMANCE STANDARDS

(NR 151.05(2))

This fact sheet explains the requirements for compliance with manure storage performance standards, specifically, the construction of new or alteration of existing facilities under s. NR 151.05(2). 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.

Standards for Construction of New Facilities and Alterations to Existing Facilities

The purpose of this standard is to avoid creating new threats to surface and ground waters from newly constructed manure storage facilities or significant facility alterations.

The standard for new construction and alterations applies only to facilities built or significantly altered after October 1, 2002. State law requires that new or substantially altered facilities meet technical requirements at the time of construction.

A facility is considered significantly altered if the owner initiates a change that “results in a relocation of a structure or facility or significant changes to the size, depth or configuration of a facility.” This includes replacing the liner or increasing the structure’s capacity or area by 20% or more.

These facilities must be designed, constructed and maintained to: minimize the risk of structural failure; minimize facility leakage; comply with groundwater standards, and maintain adequate freeboard storage. Well established technical standards are available to meet these requirements.

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.



Requirements and Procedures for New or Altered Facilities

For newly constructed facilities, compliance can be established by showing that the structure was built after October 1, 2002 in accordance with adequate standards. Compliance with design and construction requirements does not have to be established by a physical inspection of the facility. Acceptable records establishing the date and adequacy of construction standards include local permits and supporting application documents, signed construction certification forms, cost-share reimbursements for completed facilities, or physical evidence, such as dated aerial photos that show when a new structure was built, or an existing structure altered.

Compliance with the maintenance provisions of the standards will require site inspections. To meet continuing compliance maintenance requirements, the farmer will need to:

- Maintain one foot of freeboard storage or adequate freeboard storage to the equivalent volume of a 25-year, 24-hour storm, whichever is greater.
- Maintain the facility to minimize the risk of structural failure and leakage, performing necessary repairs
- Upgrade, repair or abandon a facility that is failing or leaking (See NR 151.05(4)).
- Close the structure in accordance with NR 151.05(3) if the facility is being abandoned (operation ceases or the structure is idle for 24 months), unless the owner or operator meets requirements to retain the facility.

Having the right level of documentation is particularly important in the case of a substantially altered structure, and these documents may not all carry the same weight in terms of establishing compliance. For example, aerial photos alone may not provide sufficient data to verify the nature of a significant alteration.

Generally, signed and dated self-certification statements of cross-compliance may also be used as documentation that compliance has been achieved and must be maintained at the landowner's expense.

Effect of Compliance Determination on Cost-sharing

Any new or substantially altered facility constructed after October 1, 2002 must be in compliance. If a facility constructed after October 1, 2002 is found to be non-compliant, the landowner can be directed to fix the problem regardless of cost-share availability.



In cooperation with:

