

January 1, 2010 Deadline: 180 Days of Storage

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Time flies and the future is closer than you think.

Starting on January 1, 2010, all WPDES permitted livestock operations will be required to have a minimum of 180 days of manure and process wastewater storage capacity. For producers operating under a WPDES permit issued pursuant to the 2007 version of Wis. Adm. Code ch NR 243, the requirement to maintain 180 days of storage is old news. However, for all other WPDES permitted producers, this requirement will be new as of January 1, 2010 and could present some challenges in the coming months.

To maintain compliance with NR 243, as of January 1, 2010, all producers regulated by NR 243 must ensure they have at least 180 days of manure storage – this could mean adding additional storage capacity or manure treatment systems, modifying storm water management practices or modifying a nutrient management plan to accommodate land application under varying circumstances. Starting January 1, 2010, producers must also be able to demonstrate their facility has 180 days worth of storage. To demonstrate compliance, NR 243 requires installation of a 180 day marker in all manure storage facilities.

In addition to the 180 day storage and marker requirements, come January 1, 2010, certain exceptions from liquid manure spreading restrictions will also be eliminated. NR 243.14(7) prohibits surface application of liquid manure to frozen or snow covered ground unless it is necessary in an emergency situation. However, since NR 243 revisions were promulgated, existing CAFOs operating without 180 days of storage have been allowed to apply liquid manure *without satisfying the emergency criteria*, so long as applications are done in accordance with restrictions outlined in Table 5 of NR 243. That exemption also expires on January 1, 2010.

So if you operate and existing CAFO pursuant to a WPDES permit issued prior to the 2007 update of NR 243, you should take note of these two items and take note of the calendar.

Contact DBA or Michael Best & Friedrich, LLP at 608.257.3501 for more information.