

Appendix 1 - Model Terms for Green Tier Participation at the Tier 1 Level

The purpose of this Appendix is to describe “model terms” for Green Tier participation so prospective Charter members will better understand what is expected of them and what they can expect from DNR.

Expectations

Dairy producers who wish to participate in Green Tier as members of this Charter shall undertake a combination of core activities and elective activities. Every Tier 1 Charter member shall undertake all of the core activities listed below. In addition, every Tier 1 Charter member shall also undertake three additional elective activities of their choosing. Both parts, the core activities and the elective activities, are required parts of the model terms and are explained in greater detail below.

Tier 1 Core Activities

Green Tier applicants at the Tier 1 level must submit with their Green Tier application **plans for activities that enhance the environment, with a schedule for implementation**. Charter members who participate at the Tier 1 level shall commit to undertake all of the following core activities:

No surface application of liquid manure (equal to or less than 12% solids) on snow-covered or frozen ground except in compliance with Appendix 3;

Manure handling training procedures that will prevent and minimize entry of manure into waters of the state;

Emergency response plans that include the content described in s. NR 243.13(6)(b), Wis. Adm. Code to prevent, contain and clean up spills and overflows of any material that could have significant environmental impacts;

Compliance with NR 151 Agricultural Standards and Prohibitions;

No application of manure within 100 feet of private water supply wells and within 1000 feet of community and municipal water supply wells;

Compliance with performance matrix when spreading solid manure (see Appendix 4);

Identify drain tile outfalls and develop plans to minimize drainage of manure to waters of the state;

Cancelled or unwanted farm chemicals shall be disposed through a local county Clean Sweep program or through DATCP's Clean Sweep Program manager if a local program does not exist; and,

No open burning or burial of garbage or refuse at any time. No open burning of other materials (e.g., leaves) when a DNR-issued Air Quality Advisory is in effect.

NOTE: Most of the Tier 1 core activities are included as basic compliance requirements in WPDES permits issued by DNR to those dairy producers that are required to have a permit. In those cases, the Charter member must also continue to comply with all of the specific requirements of their permit. This Charter does not by itself reduce or waive any of the compliance requirements applicable to any dairy producer.

Tier 1 Elective Activities

In addition to the core activities described above, Charter members shall commit to undertake at least three elective activities of their choosing. These elective activities must be specified in the Green Tier application as part of the applicant's plans for activities that enhance the environment, along with a schedule for implementation.

All elective activities selected by the prospective Charter member should address a significant environmental aspect that has been identified by the Charter member via their EMS.

In *every* case, the Charter member shall choose elective activities that go beyond minimum compliance requirements, i.e. activities they are not otherwise required (e.g. by permit or local ordinance) to undertake.

Members may, however, choose as an elective activity to go “beyond compliance” in an area where they are regulated (e.g., establishing buffer zones that are larger than required for compliance). Members cannot satisfy the model terms by choosing elective activities that are compliance requirements.

Finally, when selecting elective activities Charter members should be aware that the Green Tier program requires every participant to include objectives in their EMS that address at least two of the following three areas:

Improving their environmental performance with respect to aspects regulated by DNR;

Improving their environmental performance with respect to aspects not regulated by DNR; and,

Voluntarily restoring, enhancing, or preserving natural resources.

DNR shall maintain on its website a list of examples of elective activities appropriate for each of these three areas so prospective Charter members can better understand their options. The list will not be exhaustive. Charter members will have the freedom to make use of the listed examples or to develop their own ideas for elective activities.

Tier 1 Incentives

Charter members participating at the Tier 1 level shall receive the following incentives:

- Numbered certificate of recognition;
- Publicity as specified in Section IV.H. of this Charter;
- Use of Green Tier/Environmental Excellence logo as specified in the participant's Letter of Tier 1 Acceptance and in Appendix 5 of this Charter;
- Assignment of a DNR employee acceptable to the participant as their Single Point of Contact within DNR for Green Tier communications, DNR regulatory approvals, and technical assistance;
- Minimum inspection frequencies as specified in s. 299.83(4m)(f), Wis. Stats.;
- Eligibility for deferred civil enforcement as specified in s. 299.83(6m), Wis. Stats.; and
- All other benefits of this Charter generally and as specified in Sections III, IV, and V of this Charter.

11/29/2007 14

Appendix 2 - Model Terms for Green Tier Participation at the Tier 2 Level

The purpose of this Appendix is to describe “model terms” for Green Tier participation so prospective Charter members will better understand what is expected of them and what they can expect from DNR.

Expectations

Dairy producers who wish to participate in Green Tier as members of this Charter shall undertake a combination of core activities and elective activities. Every Tier 2 Charter member shall undertake all of the core activities listed below. In addition, every Tier 2 Charter member shall also undertake three additional elective activities of their choosing. Both parts, the core activities and the elective activities, are required parts of the model terms and are explained in greater detail below.

Tier 2 Core Activities

Green Tier applicants at the Tier 2 level must describe the **measures they propose to take to maintain and improve their superior environmental performance, with a schedule for implementation.**

Prospective Charter members who wish to participate at the Tier 2 level shall commit to undertake all of the following core activities:

Manure handling training procedures that will prevent and minimize entry of manure into waters of the state;

Emergency response plans that include the content described in s. NR 243.13(6)(b), Wis. Adm. Code to prevent, contain and clean up spills and overflows of any material that could have significant environmental impacts;

Compliance with NR 151 Agricultural Standards and Prohibitions;

No application of manure within 100 feet of private water supply wells and within 1000 feet of community and municipal water supply wells;

Compliance with performance matrix when spreading solid manure (see Appendix 4);

Identify drain tile outfalls and develop plans to minimize drainage of manure to waters of the state;

Cancelled or unwanted farm chemicals shall be disposed through a local county Clean Sweep program or through DATCP's Clean Sweep Program manager if a local program does not exist;

No open burning or burial of garbage or refuse at any time. No open burning of other materials (e.g., leaves) when a DNR-issued Air Quality Advisory is in effect;

Comprehensive Nutrient Management Plan (CNMP);

No mechanical surface application of manure on frozen or snow-covered ground;

Six (6) month liquid manure storage;

Total containment at the production area of all manure and process wastewater (i.e. no filter strips or overland flow systems);

Elimination of headland stacking practices or stacking of manure in accordance with NRCS 313;

Odor Minimization plan for land application and production areas in accordance with s. ATCP 51.14, Wis. Adm. Code;

Public complaint response plan, odor response plan and public input plan;

Management plan for feed storage leachate discharge or runoff in accordance with s. ATCP 51.20(3), Wis. Adm. Code; and,

Storm water management plan for fertilizers, pesticides, fuel storage, feed etc. handling areas.

NOTE: Many of the Tier 2 core activities are included as basic compliance requirements in WPDES permits issued by DNR to those dairy producers that are required to have a permit. In those cases, the Charter member must also continue to comply with all of the specific requirements of their permit. This Charter does not by itself reduce or waive any of the compliance requirements applicable to any dairy producer.

Tier 2 Elective Activities

In addition to the core activities described above, Charter members shall commit to undertake at least three elective activities of their choosing. These elective activities must be specified in the Green Tier application as part of the measures they propose to maintain and improve their superior environmental performance, along with a schedule for implementation.

All elective activities selected by the prospective Charter member should address a significant environmental aspect that has been identified by the Charter member via their EMS.

In *every* case, the Charter member shall choose elective activities that go beyond minimum compliance requirements, i.e. activities they are not otherwise required (e.g. by permit or local ordinance) to undertake.

Members may, however, choose as an elective activity to go “beyond compliance” in an area where they are regulated (e.g., establishing buffer zones that are larger than required for compliance). Members cannot satisfy the model terms by choosing elective activities that are compliance requirements.

Finally, when selecting elective activities Charter members should be aware that the Green Tier program requires every participant to include objectives in their EMS that address at least two of the following three areas:

Improving their environmental performance with respect to aspects regulated by DNR;
Improving their environmental performance with respect to aspects not regulated by DNR; and,
Voluntarily restoring, enhancing, or preserving natural resources.

DNR shall maintain on its website a list of examples of elective activities appropriate for each of these three areas so prospective Charter members can better understand their options. The list will not be exhaustive. Charter members will have the freedom to make use of the listed examples or to develop their own ideas for elective activities.

Tier 2 Incentives

Charter members participating at the Tier 2 level shall receive the following incentives:

Individually negotiated contract with incentives that are proportional to the environmental benefits that will be provided;

Numbered certificate of recognition;

Publicity as specified in the participation contract and in Section IV.H. of this Charter;

Use of Green Tier/Environmental Excellence logo as specified in the participation contract and in Appendix 5 of this Charter;

Assignment of a DNR employee acceptable to the participant as their Single Point of Contact within DNR for Green Tier communications, DNR regulatory approvals, and technical assistance;

Minimum inspection frequencies as specified in the participation contract and in s. 299.83(6)(j), Wis. Stats.;

Eligibility for deferred civil enforcement as specified in the participation contract and in s. 299.83(6m), Wis. Stats.; and

All other benefits of this Charter generally and as specified in the participation contract and in Sections III, IV, and V of this Charter.

Appendix 3: Restrictions for Surface Applying Liquid Manure on Frozen and Snow Covered Ground

- (a) *Frozen ground-liquid manure.* Surface application of liquid manure on frozen ground is prohibited, except for an emergency situation under par. (d) or if allowed under par. (e). Injection or immediate incorporation of liquid manure is allowed on frozen ground, except if prohibited due to snow covered conditions under par. (b).
- (b) *Snow covered ground-liquid manure.* Unless prohibited under par. (c) and subject to the frozen ground prohibition in par. (a), liquid manure may only be land applied to snow covered ground in accordance with the following:
1. If less than one inch of snow is present on the area where liquid manure is to be applied, surface application, injection or immediate incorporation of liquid manure is allowed.
 2. If there is one to 4 inches of snow present on the area where liquid manure is to be applied, surface application of liquid manure is prohibited, except for department approved emergencies under par. (d) or if allowed under par. (e). Immediate incorporation or injection is allowed on areas where there is one to 4 inches of snow.
 3. If there is greater than 4 inches of snow on the area where liquid manure is to be applied, surface application and incorporation of liquid manure is prohibited, except for department approved emergencies under par. (d) or if allowed under par. (e). Injection of liquid manure is allowed on areas where there is greater than 4 inches of snow.
- (c) *High-risk runoff period.* 1. Unless there is a department approved emergency situation under par. (d), liquid manure may not be surface applied from February 1 through March 31.
- (d) *Emergency applications for liquid manure.*
1. Except as provided in subd. 3., liquid manure may be surface applied on frozen or snow covered ground on an emergency basis in accordance with the restrictions in the below Table if all of the following conditions are met:
 - a. The manure is from a storage or containment facility that is designed and maintained in accordance with ss. NR 243.15 and 243.17 to provide 180 days of storage for the manure.
 - b. The application of manure is necessitated by exceedances or expected exceedances of the margin of safety level that were unavoidable due to unusual weather conditions, equipment failure or other unforeseen circumstances beyond the control of the Charter member.
 - c. The Charter member has notified the department verbally prior to the emergency application. Unless necessitated by imminent impacts to the environment or human or animal health, the Charter member may not apply manure to a field on an emergency basis until the department has verbally approved the application.
 - d. The Charter member submits a written description of the emergency application and the events leading to the emergency application to the department within 5 days of the emergency application.
 2. Allowances for emergency surface applications of liquid manure do not apply to situations where a Charter member has failed to properly maintain storage capacity either through improper design or management of the storage facility, including failure to properly account for the number or volume of wastestreams entering the facility, failure to empty a storage or containment facility in accordance with permit conditions prior to the onset of frozen or snow covered ground conditions or due to an increase in animal units.
 3. The Charter member may only conduct emergency surface applications of liquid manure in accordance with the restrictions in the below Table. The Charter member may only conduct emergency surface applications on fields that the department has approved for emergency applications, in writing, as part of a nutrient management plan. The department may approve alternate fields and impose alternative restrictions,

in writing on a case-by-case basis, if fields that meet the restrictions in the below Table are not available at the time of the emergency application, the Charter member has explored all other options identified in its emergency response plan, and the application results in a winter acute loss index value of 4 or less using the phosphorous index.

(e) *Existing source CAFOs-liquid manure exception.* Prior to January 1, 2010, if a Charter member does not have 180 days of storage for liquid manure as specified in s. NR 243.15, the Charter member may surface apply liquid manure on frozen or snow covered ground in accordance with the below Table without satisfying the emergency criteria in par. (d). If the Charter member does not have access to sites that meet the criteria in the below Table, the department may approve alternate sites and impose alternative restrictions, in writing on a case-by-case basis as part of a nutrient management plan, provided the application results in a winter acute loss index value of 4 or less using the phosphorus index. This allowance for existing source CAFOs to surface apply liquid manure on frozen or snow covered ground without satisfying the emergency criteria in par. (d) is not applicable after January 1, 2010.

(f) *Frozen liquid manure.* Liquid manure that is frozen and cannot be transferred to a manure storage facility may be surface applied on frozen or snow covered ground in accordance with the below Table. Surface applications of frozen liquid manure do not require prior department approval or notification provided application sites for frozen liquid manure are identified in the approved nutrient management plan. During February and March, the Charter member shall notify the department if the Charter member expects to surface apply frozen liquid manure more than 5 days in any one month.

Frozen and Snow Covered Ground Restrictions – Emergency Surface Applications of Liquid Manure

Criteria	Restrictions for fields with 0-2% slopes	Restrictions for fields with >2-6% slopes	Restrictions for fields with slopes greater than 6%
Required fall tillage practice prior to application	Chisel or moldboard plow or department approved equivalent ^A	Chisel or moldboard plow or department approved equivalent ^A	Not allowed
Application rate (cumulative per acre)	Maximum application volume of 7,000 gallons per acre per winter season, not to exceed 60 lbs. P ₂ O ₅ , the following growing season's crop P ₂ O ₅ budget taking into account nutrients already applied or other phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less	Maximum application volume of 3,500 gallons per acre per winter season, not to exceed 30 lbs. P ₂ O ₅ , the following growing season's crop P ₂ O ₅ budget taking into account nutrients already applied, or other phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less	Not allowed
Setbacks from surface waters	No application allowed within SWQMA	No application allowed within SWQMA	Not allowed
Setbacks from downslope areas of channelized flow, vegetated buffers, wetlands	200 feet	200 feet	Not allowed
Setbacks from direct conduits to groundwater	300 feet	300 feet	Not allowed

^A – All tillage and farming practices shall be conducted along the contour in accordance with the following requirements; 0-2% slope = no contouring required, >2-6% slope = tillage and practices conducted along the general contour. The department may approve alternative tillage practices on a case-by-case basis in situations where conducting practices along the contour is not possible