



TWIN LAKES ENVIRONMENTAL SERVICES

January 2015

Welcome to 2015!

2014 was a hectic year, but when was the last “quiet” year in your memory? As most of you are aware, my husband, Mike, decided it was time to return to politics. Several doors opened for him which lead him to make that decision, so this past summer ended up being all about campaigning for us. We had one weekend that was free from campaigning all summer long but we met many great Iowa folks in our district. It was worth it in the end as Mike won the District 10 House of Representatives seat! If you are with an organization that is headed to the Statehouse, please take a minute to introduce yourself to Mike. He is available if you have any concerns or questions. Please feel free to email him at:

Mike.Sexton@legis.iowa.gov

Review Your MMP

The harvest season was also hectic due to the unusual weather. The ground froze quickly after harvest, resulting in most farmers scrambling to get tillage and manure hauling done. If you were affected by this and had to switch your manure application from direct injection to surface application, please, let us know immediately so that we can change your manure management plan (MMP) to reflect this. **PLEASE BE AWARE:** If you did switch to surface application instead of direct injection you may not be in compliance if it is not in your MMP. Call us if you are not sure.

Also, start looking at your records and making sure they are up to date. The DNR has entered into an agreement with the EPA and must visit ALL sites within the next 5 years to ensure that every site understands and complies with state and federal rules and regulations. This will warrant a records inspection of your site, and they will need to see the last 5 years of spreading records. They will be doing site inspections of facilities to assure that there are no leaks in walls or spills at pumping areas. They will also be checking compost facilities to ensure that all dead animals are properly covered. Spread your compost every 18 months, IAC Cpt 105.3(8). Feed shed and bulk bin spills need to be cleaned up at all times as they need to be 100% contained. Finally, they will be checking separation distances from your well to your facility to ensure that it meets set backs.

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Manure Applicator Certification: What You Need To Know

State law requires all commercial manure applicators and confinement site manure applicators (specifically those with over 500 animal units in confinement) to attend annual training to handle, transport or land-apply manure.

Commercial Manure Applicators

To become certified as a Commercial Manure Applicator, complete one of the following:

- *View the 3-hour training DVD at your county extension office.
- *Schedule an appointment to take (and pass) the applicator exam at your local DNR field office.

Confinement Site Applicators

Farmers who have over 500 animal units in a confinement and apply their own manure need to be certified as a Confinement Site Manure Applicator. The certification is good for 3 calendar years. There are 3 ways to become certified or to renew:

- 1) Attend a 2-hour training course between January 13 and February 27 at a county extension office.
- 2) View the 2-hour training video at your county extension office.
- 3) Take and pass the 50-question, multiple choice, true/false exam at a DNR field office.

Dry Manure

Applicators who work with mostly dry or solid manure may want to schedule a training session at one of 7 remaining February workshops. These workshops are focused on application of poultry, cattle, or hog manure in a dry or solid form. They are open to both confinement and commercial applicators.

The workshops are free to attend and open to all. Applicators will be required to submit certification forms and fees to the Iowa DNR to meet manure applicator certification requirements before March 1 to avoid a late fee.

Please register for one of the workshops by calling the number listed with the selected site. All workshops begin at 1 p.m.

Feb. 10, Branding Iron Restaurant, Thompson. Call 641-584-2261 to register.

Feb. 12, Community Building, Ellsworth. Call 515-832-9597 to register.

Feb. 13, Borlaug Learning Center, Nashua. Call 641-228-1453 to register.

Feb 17, Washington County Extension Office, Washington. Call 319-653-4811 to register.

Feb. 20, Adair County Fairgrounds, Greenfield. Call 641-743-8412 to register.

Feb. 21, Heartland Museum, Clarion. Call 515-532-3453 to register.

Feb. 27, Buena Vista County Extension Office, Storm Lake. Call 712-732-5056

APPLICATORS

Submit your certification forms and fees to the DNR before March 1st in order to avoid a late fee!

DNR Requirements for Applying Liquid Manure on Snow-Covered or Frozen Ground

By Eldon McAfee, IPPA legal counsel, Beving, Swanson and Forrest, P.C.

Iowa law allows the application of all manure (whether dry or liquid) from any animal feeding operation (whether the operation is an open feedlot or confinement operation) on frozen or snow-covered ground except as specifically prohibited by the law. The specific provisions of the law (with practical points in italics) are:

*Liquid manure from a confinement operation that qualifies as a “small feeding operation” under DNR rules is exempt from the following requirements. A small feeding operation is a confinement operation using formed manure storage that has less than 500 animal units of capacity.

Experience with this law shows that the DNR may receive calls from people who see manure application on snow-covered or frozen ground and believe there is a complete ban. The DNR will investigate these calls so producers who are exempt from the requirements of the law may still want to contact the DNR before they apply manure so that the DNR can respond accordingly to any complaints.

*Liquid manure from a confinement operation that is injected or incorporated on the same date is also exempt from the following restrictions on application of frozen or snow-covered ground. Injection is applying manure beneath the soil surface and incorporation is soil tillage that mixes the manure into the upper four inches or more of soil.

In other words, even if the ground is

frozen or snow-covered between the dates set out below, the liquid manure can be applied without complying with the emergency restrictions if it can be injected or incorporated on the same date.

*Surface application of liquid manure from a confinement operation is prohibited on snow-covered ground from December 21 to April 1 and on frozen ground from February 1 to April 1, except when there is an emergency.

It may seem obvious, but keep in mind that liquid manure from a confinement operation may be applied between these dates if the ground is not frozen or snow-covered. Likewise, the manure may be applied before and after these dates even if the ground is frozen or snow-covered.

Frozen ground is ground that is impenetrable because of frozen soil moisture, but does not include ground that is frozen in the top 2” or less. Snow-covered ground is ground that is covered by 1” or more of snow or by 1/2” or more of ice.

The restrictions on liquid manure application on frozen or snow-covered ground apply only to those areas where the ground is frozen or snow-covered. If there are areas of a field that do not qualify as frozen or snow-covered, manure may be applied in those areas.

Also, the critical factor is the condition of the ground at the time the manure is applied. For example, if the ground is snow covered early in the day but not later in the day, then manure may be surface applied later in the day without being subject to the emergency rules.

Services we offer at *T.L.E.S:*

Manure Management Plan (MMP) development to include RUSLE2 and Phosphorus Index

Nutrient Management Plans (NMP) to meet EPA CAFO regulations

Comprehensive Nutrient Management Plans (CNMP) to meet NRCS EQIP requirements

Online record keeping system:
www.realtimeag.com

Pre site consultations and mapping

New Construction

Expansion

Construction site pre-inspections

Matrix calculations

NPDES/Storm Water Permits

DNR site inspections

Manure Application Records

DNR required monitoring

Other services as may be required or requested

Snow-Covered and Frozen Ground...continued from page 3

The same applies to manure applied on ground that becomes snow-covered or frozen after the application. Thus, to ensure compliance with DNR requirements, a producer should document the condition of the ground at the time the manure was applied by keeping a detailed log and/or taking photos.

*An emergency is when there is an immediate need to apply manure because the manure storage structure is full due to unforeseen circumstances affecting the storage of liquid manure and which are beyond the producer's control. The law specifically states that these unforeseen circumstances must be beyond the control of the producer. The law also specifically states that these circumstances include unusual weather conditions or equipment or structural failure.

The most common example of unusual weather conditions is a prolonged wet period in the fall that delays crop harvest and therefore does not allow manure application until the ground is frozen or when wet field conditions prevent manure application until the ground is frozen because of damage to the field from manure application equipment if manure was applied before the ground froze. The most common example of an equipment or structural failure would be a broken water line that fills a manure pit with water.

If a confinement operation has a construction permit that includes a master matrix and points were taken for injection of manure (master matrix item 26(e)), DNR rules state:

“If an emergency arises and injection or incorporation are not feasible, prior to land application of manure the applicant must receive a written approval for an emergency waiver from a department field office to surface-apply manure.”

Accordingly, producers who have taken points under master matrix item 26e must contact their DNR field office and get written approval before surface-applying manure due to unusual weather conditions or any other emergency.

To apply liquid manure on snow or frozen ground due to an emergency, the law and the DNR rules require the producer or applicator to comply with the following:

1) Telephone the DNR before application.

The producer must telephone the DNR field office where the confinement operation is located before the manure application. The producer must give the producer's name, DNR facility name, DNR facility ID number, reason for the emergency application, application date, estimated number of gallons to be applied, and the fields in the MMP where the manure will be applied. The producer must document the emergency upon request by DNR.

See <http://www.iowadnr.gov/fo/fomap.html> for a field office map with contact information. The DNR field office telephone numbers are:

Manchester: 563-927-2640
 Atlantic: 712-243-1934
 Mason City: 641-424-4073
 Des Moines: 515-725-0268
 Spencer: 712-262-4177
 Washington: 319-653-2135

2) Apply the liquid manure on land identified in the MMP for emergency application.

The land must be identified in the MMP before the manure application. The MMP can either be the original MMP that has been submitted to the DNR or the original MMP can be amended and kept in the producer's records and then submitted to the DNR with the next required updated MMP.

3) Apply the liquid manure on land with a phosphorus index of 2 or less.

If there is no land in the MMP with a P-index of 2 or less, the producer must add land to the MMP that qualifies. If that is not a viable option, the producer should contact a consultant or DNR for other options.

- 4) **Block any surface tile intake on land in the MMP and down-grade from the application during application and for at least 2 weeks after.**
- 5) **Properly manage the manure storage structure, including properly accounting for the amount of manure to be stored.**

DNR rules state that due to the possibility that ground could be snow covered and frozen for the entire period from December 21 to April 1, a confinement operation should not plan to apply liquid manure during that time. Confinement operations without alternatives to manure application must have enough storage capacity to store the manure from December 21 to April 1 under normal circumstances. However, until December 21, 2015, insufficient manure storage capacity will qualify as a reason for emergency manure application. After that date, no confinement operation will be allowed to apply liquid manure under the emergency application procedures because of a lack of capacity to store manure from December 21 until April 1.

- 6) **For manure storage structures constructed after July 1, 2009, construct the structure to have at least 180 days of manure storage.**
- 7) **Implement additional measures necessary to contain runoff as necessary to prevent violation of federal EPA effluent standards.**

The DNR encourages all producers faced with emergency manure applications to contact the appropriate DNR field office as soon as possible so that the field office may assist the producer with taking all reasonable steps to handle the situation. This contact also provides the DNR with the necessary information to respond to any public inquiries. Finally, producers should notify neighbors that they will be surface applying manure and work with them to minimize any negative impacts. The critical message to neighbors is that application of frozen or snow-covered ground is the last resort and that their understanding is

an emergency situation is appreciated.

In addition to the requirements of the law and DNR rules, producers must also remember that manure that is surface applied, under any soil conditions including frozen or snow-covered ground, must always be applied in compliance with the general manure application requirements. These requirements include:

*All manure must be applied so as not to cause water pollution

*All manure that is not injected or incorporated on the same date must be applied at least 200' away from a creek, well, or other water body or source and 800' away from a high quality water source as designated by the Iowa DNR.

*If a confinement operation has a DNR manure management plan, liquid manure from the operation cannot be applied within 750' of a neighbor's residence, business, church, school, or public use area unless the manure is injected or incorporated within 24 hours or unless the residence, owner, etc. signs a written waiver.

*If a confinement operation has a DNR MMP, all manure must be applied in compliance with the MMP.

Did you switch from directly injecting your manure to surface applying this winter due to the weather?

If so, please make sure that your MMP reflects this change. If it doesn't than you will not be in compliance.

Give us a call if you are not sure or just want to verify that your MMP reflects surface application.

Manure Application & Real Time Ag

When applying manure, please be sure you are applying to fields that have been properly added to your manure management plan; especially if you are a client on Real Time Ag. If on Real Time Ag, spreading records cannot be added to the website unless that field is actually a part of your plan. Your manure applicators rely on you as to what fields they can apply to. If they looked at your plan and found these acres were not actually a part of your plan, they would not be able to apply. As you know, it is not hard to add acres to your plan, but we need you to provide that information to us. We are currently receiving calls from manure applicators about fields they applied to but which are not a part of your plan. We can't fix what you don't provide to us.

Once again, Real Time Ag is designed to make sure that what is in the MMP is also what is happening on your farm. If farms are not there or your crop rotations are not correct then manure applications cannot be entered.

TWIN LAKES ENVIRONMENTAL SERVICES

2203 Ogden Avenue
Rockwell City, IA 50579

AFFIX ADDRESS LABEL HERE

Crop Rotations - - - They Matter!



Please review your plan regularly, especially every planting season. It is imperative that we have the correct crop rotations on file and marked in your MMP. If your plan does not match what is going on in your fields then let us know immediately. You are allowed to change your crop rotations whenever and however you want, but you **MUST** let us know so that it can be reflected in your plan. You will not be in compliance if your crop rotations do not match your MMP and you could receive a notice of violation from the DNR.

*You are allowed to change crop rotations but you **MUST** have the correct rotation annotated in your MMP. Let us know when you decide to change your rotations.*

We're on the web!
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