
4th Bulletin of the Minnesota Agriculture Water Quality Certification Program and Assessment Tool

December 2014

What's in this bulletin?

- Carrier nitrogen application
- Manure application regulations and resource concerns
- Feedlot permits, manure application and the application form
- Reporting and tracking



**Minnesota Pollution
Control Agency**



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Preface

The information provided in these Bulletins is intended to be complementary to the handouts and Technical Guides, the first of which was published September 2013. If major modifications are made to the Assessment Tool, a new Technical Guide will be published at that time and the previous version retired. Bulletins, however, are cumulative and can be used as references going forward.

As this is a pilot program, procedural and technical positions presented in this bulletin are adapting to the findings of the program. New participants and certifiers using the MAWQCP Assessment Tool are encouraged to consult the Bulletins and latest version of Technical Guides.

1 Technical Positions

How do I score the nutrient management section when comparing carrier nitrogen application to the BMPs?

Several agricultural chemicals contain smaller amounts of nitrogen to facilitate herbicide uptake or act as chemical stabilizers. Ammonium sulfate and di-ammonium phosphate (DAP) are two such examples. It is important to credit these sources when scoring the nitrogen application rate. The scoring gets complicated, however, when determining if the actual farming practices are adhering to

the BMPs for source, timing and placement. A prime example is when DAP is applied in the fall when these practices are not recommended per the regional BMPs. The vast majority of the fertilizer may be applied in the spring but the ancillary fall application needs to be addressed.

I have a producer who manages manure on a field with intermittent streams, how do I determine compliance with existing manure setbacks?

The MPCA 70.20 rules regulate the application of manure near intermittent and perennial streams. For example, no manure application within 25 feet and additional stipulations for manure applied within 300 feet (see Bulletin No. 2 for more specific information). Many producers may be unsure of how the regulation defines a stream, especially with intermittent streams that may only flow part of the year. The United States Geological Survey quadrangle maps contain the locations of all of these streams the 70.20 rules reference. The Minnesota DNR maintains an online view of these maps here:

www.dnr.state.mn.us/maps/tomo.html. A stream may, however, be excluded from these set-back requirements when they are maintained as grassed waterways for erosion control. During your field verification step, visit these areas with the producer and ensure the resource concern is being addressed.

I have a producer who applies manure to alfalfa stands or other legumes for which

nitrogen recommendations are non-existent, how should I address this?

On dairies where manure storage and/or land availability is limited, the scenario may exist where manure is applied to legume forages, such as alfalfa. While agronomically applying nitrogen to a crop that is capable of fixing its nitrogen atmospherically is not recommended, the practice exists and the risk to water quality nonetheless needs to be determined. In general, limit rates of manure application to legumes to 3,000 gallons liquid or 10 tons solid per acre, unless higher rates have been shown to not damage the forage and runoff potential to nearby waters is low. This is per the NRCS 590 Nutrient Management practice standard.

Manure applied at the time of stand establishment can reduce nodulation and mineralizing nitrogen may be utilized by alfalfa stands. From a water quality standpoint the nitrogen, given the right soil and climate conditions, could be utilized by the alfalfa and is therefore less susceptible to loss to the environment. Similarly, nurse crops of small grain will utilize and may subsequently tie up or remove nitrogen. This is recognized by the Minnesota Fertilizer Recommendations for alfalfa which allow for the application of 25-30 lbs of nitrogen per acre during establishment.

Manure applied towards the end of stand life, however, may lay the groundwork for a nitrogen budget that is in excess of what the following crop can utilize. In corn-

following-alfalfa cropping systems, the legume credit in addition to the second year manure credit may provide nutrients in excess of what the corn can utilize.

The certifier may find that the greater risk is in terms of phosphorus application rates. Three to five years of alfalfa forage harvest without manure application is often important for maintaining target soil test phosphorus levels. If additional manure application years are added, maintaining phosphorus application rates that are at or below the crop removal rate across the rotation will be difficult.

2 Procedural Positions

How does the MAWQCP handle land application of manure when producers are below Animal Unit (AU) thresholds that necessitate permits and/or manure management plans?

When a producer signs their application they certify they are in compliance with feedlot permitting and MPCA 70.20 rules. While all feedlots need to be in compliance with the 70.20 rules, legally and for the MAWQCP program, the rules do not cover smaller feedlots when it comes to permit and manure management plan requirements. Since MAWQCP certification deems that a producer is meeting the state's water quality standards, it makes sense that small livestock producers are held to the same standards as large producers. For our program this is

especially true when it comes to land application of manure since it is part of the MAWQCP assessment. A producer lacking a manure or nutrient management plan that identifies the rate of application of the manure as well as sensitive features and the required setbacks, is challenged to verify they are meeting those standards. Therefore a producer who has a feedlot that requires MPCA registration (50 AU/10 AU in shoreland) and is land applying manure should be doing so in accordance with a manure or nutrient management plan that meets MPCA's 70.20 rules or NRCS's 590 practice standard. One exception is if the manure is applied by a commercial animal waste technician or certified private manure applicator. If the producer seeking certification does not have such a plan, the certifying agents for MAWQCP shall direct them to technical resources that can assist them, as well as inform them of options for financial assistance in obtaining the plan. This policy helps producers know what is required to be in compliance with the land application portion of the 70.20 rules. This will have the added benefit of removing the burden of many nutrient calculations from certifying agents when completing assessments and delivering sound conservation planning assistance to those participating in the program.

Update to the feedlot question on the application form.

We have received some good feedback and requests to clarify the application form, in

particular, regarding the first question pertaining to feedlot permits and MPCA 70.20 rules. The new language says:

“Are you in compliance with Minnesota Administrative Rules Chapter 7020 – Animal Feedlots and, if applicable, do you have a valid National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) permit for your feedlot operation?”

The intent of the updated language is to ensure that all livestock feedlots and all producers applying manure are covered under the 70.20 rules and not just those who require permits.

What is the responsibility of the certifier in verifying compliance with the state laws and rules per the MAWQCP application form?

The application form requires that applicants be in compliance with current state water quality laws and rules. At the time a certification contract is signed, those producers need to be able to affirm they are in compliance with any rules or laws that are applicable to their operation. We do not expect the certifying agents to be verifying these statements of compliance with a county/MPCA feedlot officer, county environmental officers or agencies responsible for oversight. One of the objectives of this program is to reinforce the existing systems and not create duplicative efforts. In fact, with the strict privacy provisions in the statute that established the program, the agents are not

allowed to confer with those officers unless permitted by the applicant. Rather, we ask that agents be very upfront with applicants, inform them of their requirement to be in compliance and with whom they need to confer, so they can make a true statement when they sign the application. On the other hand, if a certifying agent witnesses an obvious violation of compliance, such as a lack of shoreland buffer where required, they can inform the applicant they will not be able to be certified until the issue is remedied. By doing so, this is not an action of regulatory oversight, but rather assuring that any water quality resource concerns are being addressed.

Compliance with feedlot rules can be more difficult for the certifier as those situations can be more fluid. A producer is in compliance at the time of inspection and any changes—in herd size for instance—can change their status, yet that producer may well think they are still in compliance. Here again, the certifier should encourage the producer to consult with the local feedlot officer so they can make an informed statement of compliance on the application. The certifier is also able to refuse certification if he/she witnesses obvious deficiencies such that the water quality resource concern is not being fully addressed.

Submittal checklist and reporting.

To date, the program has conducted on-farm signings with producers to commemorate the leadership

demonstrated by those producers in the first months of program operations. Going forward, certifiers can submit completed application through Sharepoint for review and signatures. A friendly reminder that there are four items that need to be submitted:

- Completed and signed MAWQCP application AG-03247.
- (Optional) Signed Informed Consent form AG-03249.
- Signed four-page certification agreement.
- Signed .pdf certification records. Use coversheet for large producers with a large number of certification records.

For reporting and tracking purposes, the program also requires:

- Copy of MAWQCP assessment tool with all producer certifications.
- Maps showing all certified tracts. Maps should have legal description, FSA tract numbers and planning field numbers, acres, locations of existing and planned conservation practices and management changes.

- Notes to assist with tracking. Document details of the certification such as conservation contracts (EQIP, CRP etc.) and Clean Water funds obligated to this contract.

After the materials have been reviewed and signed by program staff and the Commissioner's Office, we will return the contract to the certifier, or upon request, directly to the producer. The metal sign and information regarding use of the Water Quality Certified Farm logo will accompany the completed contract.

Additional information about Informed Consent to Release Private Data form.

Many of the producers that have attained certification have signed the Informed Consent form that allows MDA to release their certification status to the public. Several producers that received certification early in the process also agreed to be a part of program marketing materials, received press in local papers and on local radio stations, and generated interest within the community. This coverage has been useful in marketing the program; however, some of the more recent certified farms have been hesitant to sign the Informed Consent document because they do not want the same kind of attention others have received.

To address concerns when signing these documents, an additional information sheet has been developed to accompany the

Informed Consent form. The goal is to communicate with producers who are signing the Certification Contract that allowing their certification status to be public does not require them to be spokespeople for the program in the press or through MDA materials. Rather, signing of this form allows for them to take full advantage of their certification by allowing MDA the ability to:

- List certified farms on MDA's website.
- Confirm certification status to customers, companies, or local governments.
- Use of photos, quotes and information from farmers for MDA promotional materials **only** with the consent and approval of certified farms.
- Providing certified farm information to media **only** with the consent of certified farms.