



Wisconsin's Runoff Management Rules

NR 243 Animal-Feeding Operations

NR 243 is part of 8 Department of Natural Resources rules that address runoff pollution (also known as nonpoint source pollution), the major cause of polluted waters in Wisconsin and the United States

Complete versions of the Runoff Management rules can be obtained by visiting the DNR Runoff Management Program Web page (<http://dnr.wi.gov/runoff>) or by contacting:

**Wisconsin DNR
Runoff Management/
WT 2
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P.O. Box 7921
Madison, WI 53707
(608)266-0140**

NR 243 is a *recreated* rule that adds the agricultural performance standards and prohibitions in NR 151 to the existing requirements for animal-feeding operations.

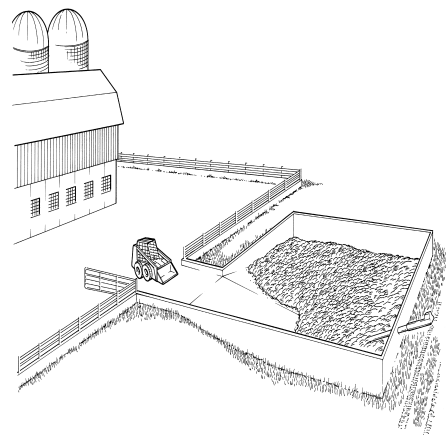
The rule outlines regulations of two kinds of animal feeding operations: those with 1,000 or more animal units that are commonly referred to as Concentrated Animal Feeding Operations or CAFOs (These agricultural operations currently are required to obtain a Wisconsin Pollutant Discharge Elimination System or WPDES permit); and smaller operations with fewer than 1,000 animal units. The rule includes information on the Notice of Discharge program, which the Department of Natural Resources (DNR) uses to address water quality impacts from smaller-scale animal feeding operations.

NR 243 changes affecting CAFOs or WPDES-permitted operations, include the following.

- Allowances for the DNR to determine animal unit equivalency for exotic species on a live weight basis (e.g., 1 animal unit equal to 1,000 pounds live weight).
- Clarification of what constitutes a complete WPDES permit application.
- Inclusion of a requirement that new or expanding operations need to apply for a WPDES permit 12 months prior to reaching 1,000 or more animal units.

- Inclusion of language that better reflects federal requirements.
- Clarification of DNR authority to review and approve an operation's Manure Management Plan and take into consideration drain tile systems, source water protection areas, impaired waterbodies, outstanding and exceptional resource waters, and phosphorus issues.
- Clarification of DNR authority regarding stacking and composting of manure.
- Clarification of permittee responsibility for sold or processed manure.
- Clarification of requirements for industrial, combined, and other process waste waters.

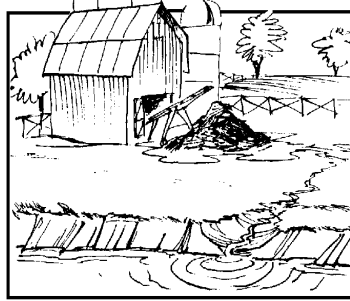
The section of the code dealing with animal feeding operations with fewer than 1,000 animal units outlines possible DNR actions, such as the issuance of a Notice of Discharge, for addressing water



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quality impacts from animal feeding operations (including violations of livestock performance standards and prohibitions). The DNR's involvement with animal-feeding operations with fewer than 1,000 animal units is intended to be limited to areas where local units of government have either requested DNR assistance or where they are not properly implementing the standards and prohibitions. In addition, within counties that are not implementing the performance standards and prohibitions, the DNR will be targeting its implementation efforts to high-priority water quality areas. For existing facilities that do not meet the federal definition of a point source of pollution, cost sharing must be provided for at least 70 percent of eligible cost *prior* to enforcing compliance with the standards or

prohibitions. The DNR can enforce directly in cases where cost sharing has previously been offered or for new



facilities that do not meet performance standards or prohibitions.

Three (3) categories of unacceptable practices that impact water quality are outlined in the revised NR 243:

Category I Unacceptable Practice. This meets the federal definition of a point source discharge.

Category II Unacceptable Practice. This is a violation of a performance standard or prohibition outlined in NR 151.

Category III Unacceptable Practice. All other unacceptable practices impacting water quality fall into this category.

Any operation with more than 301 animal units that has a Category I Unacceptable Practice must apply for a WPDES permit.

Under the rule, the DNR will now be the primary funding source for cost-share eligibility practices at operations identified through the Notice of Discharge program. The Department of Agriculture, Trade, and Consumer Protection had previously provided the funding.