

AAP Manure Exemption Policy

February 2010

The winter manure spreading ban has been in place since 1995, which was 15 years ago this summer. Therefore farmers have had sufficient time to make preparations for manure management systems that ensure there is enough storage capacity to comply with the winter spreading ban. In order to improve water quality and achieve the standards outlined in the Lake Champlain TMDL, the Agency is establishing new policies for manure spreading exemptions.

SMALL FARM MANURE EXEMPTIONS

Small farms may be provided a manure spreading exemption for emergency situations and management needs. The reason for the first manure spreading exemption will be documented. If a second exemption is requested for the same reason, a letter will accompany the exemption which will state the policy on issuing exemptions and the next step if a third request is made. If a third exemption is requested for the same reason as the first two exemptions, then an assurance of discontinuance (AOD) will be issued that details how the events that led up to this incident can be rectified. The farmer must agree to the AOD before the exemption will be granted. If the farmer requests another (4th) exemption, the Agency may consider this a violation of the AOD and can assess an administrative penalty.

MEDIUM FARM SPREADING EXEMPTIONS

Medium farms may be provided a manure spreading exemption in an emergency situation. If the emergency is due to lack of storage capacity and no other alternatives can be identified, the exemption will be issued with an assurance of discontinuance (AOD) detailing how the events that led up to this incident can be rectified. The farmer must agree to the AOD before the exemption will be granted. If the farmer requests another exemption due to the lack of storage capacity, the Agency may consider this a violation of the AOD and can assess an administrative penalty.

Exemption requests on a medium farm will be researched by the Agency of Agriculture Medium Farm Operations Coordinator assigned to that farm.

LARGE FARM SPREADING EXEMPTIONS

Large farms are not eligible for manure spreading exemptions as these rules have been in place since 1999.

ALL SPREADING EXEMPTIONS

For all farms receiving a manure spreading exemption; the lack of storage capacity means the current liquid waste storages owned or operated by the farmer requesting the exemption are at capacity based on the amount of manure that will be generated by the existing livestock and contributing areas such as barnyards, silage leachate, etc. during the remainder of the winter spreading ban. There are no other alternatives such as field stacking, using solid separation to reduce the total volume of manure, reducing wastes coming onto the farm such as whey, or the use of other possible solutions yet to be determined.

The Agency defines a repeat exemption as one that has occurred within three ban years of each other. For example, a failed pump in the 2004-2005 spreading ban year will be considered repeat if it occurs again before April 1, 2008.

If an exemption is issued to a farm, it will require that manure is applied:

- At minimum 150 feet away from surface water (streams or ditches);
- Applied at a rate of 3,000 gallons per acre or less; and
- Applied on fields with a slope of 3% or less.

If the conditions of the manure application requirements cannot be physically met, the Agency of Agriculture will create individual requirements which will be detailed in the manure spreading exemption.