



## What is a Distressed Watershed?

In December 2010 the Ohio Department of Natural Resources (ODNR), Division of Soil and Water Resources (DSWR) revised rules for the Agricultural Pollution Abatement Program (APAP). These rules establish state standards for a level of management and conservation practices in farming and animal feeding operations in order to abate excessive soil erosion or the pollution of waters of the state by soil sediment and animal manure.

The newly revised APAP rules include provisions for a "Watershed in Distress". A Watershed in Distress is a watershed, which has aquatic life and health that is impaired by nutrients from agricultural land uses. Threats to public health, drinking water supplies, recreation, and public safety are also taken into consideration when a watershed is designated in distress. Upon any such designation under the new rules the ODNR DSWR Chief may thereby set specific requirements for the storage, handling and land application of manure and also require nutrient management plans for land and operations within the designated watershed boundaries.

## Grand Lake St. Marys Designated "Distressed"

**January 18, 2011-** The Grand Lake St. Marys (GLSM) Watershed was designated as a watershed in distress by ODNR with the required consent of the Ohio Soil and Water Conservation Commission.

As of that date, farm owners/operators, animal manure applicators or those responsible for applying manure in the GLSM watershed shall:

- Follow the USDA NRCS Field Office Technical Guide (standard 633) when land applying manure.

Beginning **January 19, 2013** farm owners/operators, animal manure applicators or those responsible for applying manure in the GLSM watershed shall:

- Not apply manure between December 15<sup>th</sup> and March 1<sup>st</sup> without prior approval for each application.
- Keep records of manure storage volumes and ensure 120 days of storage is available on December 1<sup>st</sup> of each year.
- Not surface apply manure on frozen ground or ground covered with more than 1" of snow outside of the December 15<sup>th</sup> and March 1<sup>st</sup> dates. (Outside those dates manure may be applied if it is injected or incorporated within 24hrs.)

- Not surface apply manure if the local weather forecast for the land application area contains greater than 50% chance of exceeding ½" precipitation extending 24 hrs. after the projected start of the application of manure.

By **December 15, 2012** farm owners/operators or person(s) responsible for producing, applying, or receiving in excess of 350 tons and/or 100,000 gallons of manure on an annual basis shall develop and operate in conformance with a nutrient management plan. This plan must address the method, amount, form, placement, cropping system and timing of all nutrient applications. CNMPs and the OSU Nutrient Management Workbook are both acceptable plan formats and can be submitted for approval with up to date information. This plan shall be submitted to the local SWCD or ODNR-DSWR for review and approval no later than December 15, 2012. If you do not have a nutrient management plan, the local SWCD can assist you with how to go about getting a plan developed for your operation.

## Compliance with the New Rules

The new rules are being phased in to allow time for farm operations located in the GLSM watershed to develop nutrient management plans and make management changes as needed to comply with these new rules. However, adherence to the USDA NRCS Field Office Technical Guide (practice standard 633) when land applying manure became a requirement upon the January 18, 2011 designation. This standard must now be followed when land applying manure. Copies of NRCS practice standard 633 are available from your local SWCD office or online:

<http://www.dnr.state.oh.us/tabid/8856/Default.aspx>

Farm owners/operators or those responsible that do not follow or comply with these rules are subject to possible enforcement action by ODNR-DSWR. For first time violations warning letters will be mailed to remind individuals of what is needed to comply with the new rules. Repeat violations will be handled on a case by case basis; however, the ODNR DSWR Chief can issue an order and require those who violate it to comply with these rules. Any person who fails to comply with a Chief's Order is guilty of a misdemeanor of the first degree. Each day of violation is considered a separate offense. In addition, the sentencing court may assess damages in an amount equal to the cost of repairing, reclaiming, or restoring public or private property. The Chief may also refer an operation under an order to the Ohio Dept. of Agriculture and request consideration be given to also requiring a state permit.