



Ohio Department of Natural Resources

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DATE: December 27, 2011

TO: Ohio Soil and Water Conservation Districts

FROM: Ted Lozier, Chief
ODNR Division of Soil and Water Conservation

RE: Emergency Liquid Manure Application Plans

As you are certainly aware, precipitation during the 2011 calendar year is markedly above normal statewide and has exceeded the previous record high annual state precipitation total of 51.36 inches established in 1990. The November Monthly Water Inventory Report for Ohio states the 2011 average precipitation for the state is 52.38 inches, 17.12 inches above normal. The Division of Soil and Water Resources staff has been made aware of several situations where livestock facilities are concerned there will not be adequate storage to endure the winter months. For this reasoning, ODNR staff has developed an Emergency Liquid Manure Application Plan template for livestock producers to utilize.

It is likely that livestock producers will be contacting the SWCDs for assistance regarding inadequate storage levels, and we are attaching two documents for assistance in this area. These documents are as follows:

1. **Letter To Producer template** - The letter template is a great way to reach out to producers in your county. The letter provides producers with knowledge of several alternatives they may wish to consider. It also outlines the option of developing Emergency Liquid Manure Application Plans. As you are aware, OAC 1501:15-5-15 (A) states: *In a private civil action for nuisances involving agricultural pollution, it is an affirmative defense if the person owning, operating, or otherwise responsible for agricultural production or silvicultural operations is operating under and in substantial compliance with and approved operation and management plan.* An Emergency Liquid Manure Application Plan is considered part of an operation and management plan as outlined in OAC. Please use this letter or other appropriate means to inform livestock producers with liquid manure storage structures of the alternatives available to them.
2. **Emergency Liquid Manure Application Plan template** – This template with appropriate maps and application records attached would constitute an Emergency Liquid Manure Application Plan. Producers will likely request the assistance of SWCDs to compile the plan and necessary maps.

It is not ODNR's intent to recommend widespread winter application of manure, but where these applications are inevitable; we think the Emergency Liquid Manure Application Plan is a means to minimize the risk of pollution. ODNR's Resource Management Specialists will be available to assist your SWCD if questions or concerns arise in this regard.

If your district receives any media inquiries on this matter, please contact ODNR DSWR (614-265-6610) or the ODNR Office of Communications (614-265-6787) to coordinate a response. If you have any questions or concerns regarding the information provided above, please contact your Area RMS or ODNR-DSWR Administrator, Kirk Hines, at 614-581-6146. Thanks in advance for your assistance with this matter.