

ACROSS THE LINE FENCE: Editorials, Opinions & Letters To The Editor



Manure spillage, runoff violations eroding farmer credibility

A column of opinion by Ray Mueller, Chilton.

It's happened again. And, sad to say, it's likely to happen at least a few more times in the coming weeks and throughout this year.

The "it" is the pollution of surface waters and the killing of fish from the runoff of liquid manure that's been applied to farmland or that has accidentally spilled from storage facilities because of equipment failure or a human mistake.

This topic has certainly been prominent in the news this month, starting with the disclosure of a fish kill in the Blue Mounds/Mount Horeb area that wiped out more than 200 brown trout in a branch of the Sugar River in western Dane County because liquid manure had been spread on frozen soil in a steep-sloped field nearby. A quick thaw in late February carried enough runoff manure to the river to kill the fish.

As fate would have it, the portion of the Sugar River sustaining the fish kill had recently been upgraded for fish habitat as part of a nearly \$1 million spending project. In late 2004, it had received an official upgrading from an "impaired" waterway.

I don't know the particulars of this incident but it parallels several others in the state in recent years. Frozen ground. Liquid manure. Steep slopes. The likelihood of a quick thaw. A nearby stream, lake or river that still has a game fish population (many in Wisconsin no longer do).

But this was only one of five manure-related incidents this winter, mostly in south-central Wisconsin. There was another fish kill in a stream, contamination of private wells in Dodge County and a 480,000-gallon manure runoff to a tributary running into Lake Mendota near Madison, according to the Wisconsin Department of Natural Resources.

There were 32 fish kills throughout

Wisconsin in 2003, with some but not all due to manure runoff. In 2004, there were 30 such incidents – only half of which have been diagnosed for the cause.

Manure was identified as the culprit in six of the cases in 2004 and probably a seventh. The DNR notes that a majority of those incidents involved small farms – or at least those not large enough to meet the operating permit requirement of at least 1,000 animal units.

Doesn't anyone recognize the danger in certain sets of circumstances? Surely, with all the attention that has been given to this topic, the farm owner/operator and the commercial applicator ought to have second or third thoughts about when and where liquid manure is applied. What did they think or were they thinking at all?

Didn't they know about or did they ignore what happened – fish kills and fines – when others did the same thing in recent years? If nothing else will gain their attention, prosecution by the state attorney general's office will. Peg Lautenschlager has vigorously pursued these incidents during her tenure.

The parties in the Dane County incident at Sugar River last month cooperated with authorities in mitigation efforts after the first round of damage was done but that's not an excuse. Is there an excuse?

Certainly there are reasons why what turned out to be faulty decisions are made. It could be that the manure was threatening to overflow the storage facility (another potential violation).

Time is also tight. It's true that the time is limited for having solid terrain for travel, especially with the prospect of several weeks of soft soils during the spring thaw, the many months that are needed for growing crops and the late harvest of crops (as was the case after the 2004 growing season).

Commercial applicators of liquid manure have formed a professional organization and properly advocate cer-

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tain standards to their members and non-members. Although they might not have a legal responsibility for applications that lead to surface water pollution, they should, at a minimum, act as a brake on application decisions that are evidently risky.

If the Sugar River catastrophe wasn't enough, the attorney general's office announced during the first week of March that the DNR had referred three manure spillage incidents from 2004 for prosecution. One of the incidents involved the killing of 23 species of fish

along a 30-mile river stretch (as a youngster, I thought it was wonderful to catch up to six fish species in the river that bordered our farm – a river now almost devoid of fish and polluted with carcinogens from one or more industrial sources).

The cases before the attorney general involve four streams in southwest Wisconsin – the Pecatonica River and Otter Creek in Lafayette and Iowa counties and the Willow and South Hollow creeks in Richland County. Two of the three incidents occurred in July 2004, the other in October. Two stemmed from valve switches at storage units and one from field application of liquid manure.

Whatever the particulars, these incidents don't serve anyone well. Fish were the direct victims – fish kills are the actionable standard for legal prosecution on manure spills in Wisconsin – but there are also many other victims.

Spokesmen for farm organizations

are fond of proclaiming that "farmers are good stewards of the land." That claim is undermined by every new manure spillage incident – many of which, fortunately, don't result in fish kills. Perhaps the statement about good stewardship will have to be amended to say that most, but not all, farmers are good stewards of the land and natural resources.

The timing of the recent fish kill and the referral for prosecutions from 2004 incidents was extremely bad for a second reason. Guess what's happening this week and next?

Yes, it's the public hearings about the state's new livestock facility siting bill – legislation that would accommodate the creation of more places with higher livestock numbers in the state. The recent fish kill and the other incidents provide perfect ammunition for persons opposed to the legislation – not that being extremely concerned about fish kills, surface water pollution and manure spills of

any type isn't appropriate.

The obvious message from the livestock facility siting regulations is that more operations with a larger number of cattle at one place will be appearing on the landscape. This creates a threat in the minds of many people – one that is difficult to erase given the number of incidents in recent years that nourish their fears.

That so many incidents have occurred in recent years is not acceptable because too many of them were predictable even in the face of claims that the weather is not predictable. How to prevent further violations is a task facing farm organizations and all the other parties to whom farmers and commercial applicators pay attention.

Unfortunately, what I wrote in this space just a month ago on this topic proved to be prophetic. On this one, I wish I'd been wrong.