



PAULDING SOIL & WATER CONSERVATION DISTRICT

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Just following the regulations isn't always enough.

As many who handle manure can understand, even though you may be applying nutrients in an ethical manner, a violation of Pollution Abatement may still occur. There are many factors that come into play and as many of us know, the weather is quite unpredictable. As a Soil & Water Conservation District, we want landowners and producers in the Western Lake Erie Basin (WLEB) to be as informed as possible when it comes to the application of nutrients and the regulations that pertain to those nutrients.

Since 2015, Ohio farmers in the WLEB have been under regulations set forth by the state of Ohio, restricting the application of manure and fertilizer, known as Senate Bill 1. It states that manure and fertilizer is not to be applied under the following conditions:

1. **Frozen ground** is one such condition and is defined as soil that is un-penetrable by a steel object such as a digging shovel. Under frozen conditions, the manure or fertilizer has no way to absorb into the soil and will sit on the surface or leave the field as runoff.
2. **Saturated ground**, which is defined as soil in which the pore space is filled with water in the top two inches. Which would include water pooling on the surface.
3. **Snow covered** ground is defined as soil and plant residue that are covered by at least a half inch of either snow or ice.
4. Restrictions also apply when it comes to the **local weather that is being forecasted**. If the weather forecast shows a 50% chance or greater of more than one inch of rain in a 12-hour period, fertilizer application is restricted. For manure, if the local weather forecast is calling for a 50% chance or greater of a half inch in twenty-four hours, then manure application is also restricted.

Given these restrictions, Senate Bill 1 does have some exemptions. Nutrients can be applied to restricted fields under the following circumstances:

1. The manure or fertilizer can be **directly injected** into the ground or the applied nutrient can be **incorporated within 24 hours** following application.
2. Applied on an **established over wintering crop**, such as wheat or a cover crop. A growing crop or cover crop is defined as any crop that will be harvested or that was planted as an over wintering cover crop, that will not winter kill. This established crop is to create approximately 70% coverage.

To promote the wise use of our natural resources in order to enhance the environment and quality of life for the people of Paulding County.



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Even though there are exemptions, which allow for nutrient application, applicators should exercise caution when applying nutrients under restricted conditions. Applicators should keep in mind that there are Agricultural Pollution Abatement Laws that are still enforced. Violations can be issued if there are nutrient discharges into waters of the state, as stated in Ohio Revised Code (ORC) 939. ORC 939 states that any agricultural pollution entering the waters of the state is a violation and may be subject to fines and punishments.

1. What is defined as a “water of the state”? **Waters of the state** are defined as all streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth, that are situated wholly or partly within or border the state of Ohio. In layman’s terms it is any collection of water that has potential to contribute to a larger body of water.
2. **Agricultural pollution** means failure to use management or conservation practices in farming operations to abate the degradation of soil and the waters of the state by residual farm products, manure, or soil sediment, including attached substances. Simply stated means that, any nutrient rich runoff from agricultural lands is a violation of pollution abatement.

Pollution from both agricultural and non-agricultural areas have been deemed a major cause for the algal blooms in Lake Erie. This is an issue that is not going away any time soon, and will require an effort from agricultural and non-agricultural sectors to reduce nutrient pollution. From an agricultural standpoint, voluntary use of guidelines will prevent further issues. Refusing to follow these guidelines puts your farm, and the farms of others at risk to having more mandated restrictions. Further restrictions could state there will be no application allowed in the winter months.

Given all this information, let’s consider an example. A farmer applies liquid manure in late December on soil that is frozen, there is 25% chance of ¼” rain, and the application is on an established growing crop. At the first glance, this farmer is within all regulations of Senate Bill 1. However, for whatever reason, the liquid manure is discharged into the creek, which is waters of the state. This could be due to receiving more rain than predicted or runoff due to the ground thawing. This is considered a violation, even though this farmer under SB1 did nothing wrong, he is still in violation of Pollution Abatement due to the discharge.

Could this have been prevented? Unfortunately, sometimes the answer is no. However, the risk of it happening could be greatly reduced by following the Natural Resources Conservation Service (NRCS) 590 guidelines for application. These guidelines give setbacks from waters of the state and recommend not applying on more than 20 continuous acres with 200’ buffers during winter. There are also many other guidelines that will help prevent the pollution of waters of the state located in NRCS 590.

Should you ever have any questions on stockpiling, application or are looking for additional information resources please contact: Myself or your local Soil and Water Conservation District

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