



State of Wisconsin
Governor Tony Evers



Department of Agriculture, Trade and Consumer Protection
Department of Natural Resources

EMERGENCY DISPOSAL OF MILK FOR DAIRY FARMS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

Updated March 25, 2020

You are advised to create and maintain a record of every milk disposal:

- In the event that state or federal programs become available to help farmers with lost revenue during the COVID-19 public health emergency, you are advised to create a record that includes the date, volume, reason, and location of disposal.
- Maintain all records, so that documentation can be produced upon request.

What are the DNR and DATCP proposing to help dairy farms with this emergency:

- For permitted CAFOs, during the current COVID-19 emergency, on a case-by-case basis DNR can reduce the number of days required for public comment for modifications to a nutrient management plan (NMP), such as adding fields, which will allow CAFOs flexibility to quickly change their land application plans if necessary.
- For non-permitted farms, DATCP staff will assist with updating NMPs at no cost. If staff are not able to assist directly, DATCP will determine how to get help with updates to NMPs and the best way to assist with any cost.
- For non-permitted farms, Governor Evers' Emergency Order #17 suspends the requirement in NR 151.07 to comply with a NMP during the emergency if a farmer demonstrates to the DNR that they do not have sufficient available storage capacity for unused milk and cannot comply with their current nutrient management plan when land-applying the milk.
- These emergency actions may not cause an unpermitted discharge of pollutants to waters of the state.

Environmental concerns:

- Discharge of milk to surface water or groundwater is a discharge of pollutants in the same way that discharge of manure or process wastewater would be.
- Milk contains higher concentrations of nutrients than manure and has high biochemical oxygen demand (BOD) which can cause detrimental impact to surface water including fish kills.
- Milk will have a very strong odor as it decomposes.

Land application of milk is regulated in the same way as land application of process wastewater:

- Milk is considered to be process wastewater under DNR rules governing animal feeding operations. [See NR 243.03 (53) and NR 151.015(16) Wis. Adm. Code]
- For permitted CAFOs, land application of milk must conform with your NR 243 nutrient management plan (NMP). Land applications, including nutrient content, must be tracked in the NMP.
- For non-permitted operations, DNR regulations prohibit "significant discharge" of process wastewater, including milk, to surface and groundwater. [See NR 151.055, Wis. Adm. Code]
- For all operations, land applications of milk to frozen or snow-covered ground requires that you follow the rules in NR 214. Contact the DNR for details.
- Land application of milk may not cause an unpermitted discharge of pollutants to waters of the state.

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What should you do if you have milk needing emergency disposal:

- One immediate option is to dispose of the milk in an existing manure storage structure, especially when expecting rainfall amounts that increase the chance of surface runoff and water impacts from land applied milk. When feasible, you can land apply the storage contents according to your NMP.
- The following recommendations for land applying manure and process wastewater, including milk, should be used to reduce the risk of groundwater or surface water contamination:
 - Use the farm's 590 NMP to determine the best places to apply the milk to meet the nutrient needs of this year's crop and adjust other planned nutrient applications to account for the nutrient content of the milk.
 - Milk should be applied uniformly across a field using liquid manure application equipment.
 - APPLICATION RATE: If you do not have a nutrient management plan, take care to follow the nutrient needs of the crop where you land-spread milk so you do not over apply or cause runoff or leaching.
 - Applying 4,500 gallons of milk per acre will provide about 200 pounds of N, 81 pounds of P₂O₅ and 67 pounds of K₂O.
 - All of the N and P in milk are considered immediately plant available, so care must be taken to apply milk to fields that have the lowest risk of groundwater or surface water contamination. Applying to fields with a perennial crop or those recently seeded increase the opportunity for plant uptake of the nutrient applied.
 - Consider making multiple applications with less volume per application to reduce the risk of nutrient losses.
 - Finding appropriate land for spreading may be difficult during the growing season, so plan to apply on land that:
 - Does not contain very sandy soils
 - Does not have shallow soils or high groundwater levels
 - Was not in alfalfa last year
 - Has not had manure or fertilizer applied this spring or even last fall
 - Is not too steep
 - Is away from streams, rivers, lakes and wetlands
 - Is in pasture that do not tends not to experience runoff
 - Consider injecting or incorporating land-applied milk to reduce the risk of runoff to surface waters.
 - Applications should be made only when heavy rainfall is not expected in the near future.
- Milk will have a very strong odor as it decomposes, so apply to fields farthest from neighbors if possible.
- Milk can be utilized for animal feed by the producer, however it may not be sold or distributed as animal feed unless the producer has a commercial feed license and the milk can be labeled accordingly. Questions regarding distributing milk for animal feed should be directed to DATCP. (Wis. Stat. § 94.72(5)(a)and(b), Wis. Stat. S 94.72(2))
- The solids in milk may plug valves, tanks, pipes, hoses and other storage and spreading equipment. Rinsing may reduce plugging.
- Exercise extreme caution if considering adding milk to anaerobic digesters. Consult the digester company before adding milk to the digester to determine appropriate volumes of milk that can be added without negatively impacting the digester's microbial communities.
- See UW Extension publication on managing waste milk for additional information:
<http://learningstore.uwex.edu/Assets/pdfs/A3610.pdf>

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