**Manure management included in algae-fighting bill**

By John Hageman Contributing Writer, Outdoor News

On Aug. 18, a few days after Senate Bill 356 was introduced by Edna Brown (D-Toledo), on Aug. 14, to define manure as a type of fertilizer, State Rep. Michael Sheehy (D- Oregon) answered with House Bill 611 to deal with Ohio’s manure management.

Senate Bill 356 is co-sponsored by Capri S. Carfaro (D) and Nina Turner (D) and revises Senate Bill 150 to include manure as a fertilizer with applicators subject to training and certification. Manure had been exempted in a 11th hour maneuver before S.B. 150’s passage in a move publicly criticized by environmental groups and privately by some scientists and agency staff members.

S.B. 356 also speeds up the deadline for the completion of fertilizer applicator training and certification requirements from Sept. 30, 2017, to Dec. 31, 2014.

The act reads, in part: “This act is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, health, and safety … the recent water crisis in Ohio highlights the necessity to keep Ohio’s water supply free from toxic algae and other pollutants ... .”

House Bill 611, co-sponsored by Teresa Fedor (D), Mike Ashford (D), Mike Foley (D), Nickie J. Antonio (D), Dale Mallory (D), Robert F. Hagan (D), John Patrick Carney (D) and Chris Redfern (D) “prohibits a person from land applying manure under specified circumstances, and to establish related requirements.”

These circumstances include:

• On snow-covered or frozen soil  
• When the top two inches of soil are saturated from precipitation  
• When the local weather forecast for the land application area contains greater than a 50 percent chance of precipitation exceeding one-half inch in a 24-hour period.

Exceptions are afforded for emergencies using U.S. Department of Agriculture Natural Resources Conservation Service standard practices.

The bill requires applicators by Dec. 1 to ensure that they have at least a 120-day storage facility available that will prevent discharges to surface and ground water. Record-keeping of the volume of manure stored would be required.

The 120-day storage requirement rule applies only to facilities that are capable of producing greater than 350 million tons of manure annually. But, the smaller operations must also store manure away from streams and highly erodible ground and keep records of the volume of manure stored.

These bills attempt to fix Ohio’s “manure loophole” that exempted animal waste from fertilizer applicator certification requirements. This should reduce nutrient input from animal waste that contributes to the excess phosphorus that is necessary for fertilizing harmful algae blooms in Lake Erie.

On Sept. 22, Reps. Michael Sheehy (D) and John Patterson (D) introduced House Bill 625, requiring the Ohio Environmental Protection Agency to establish state standards for acceptable and dangerous levels of the algal toxin microcystin in Ohio’s drinking water and develop procedures for testing for it.

The bill would also require that the public water system operator notify the local board of health when the toxins reach a certain level and for the health director to alert members of the general public that are affected by the problem.

None of these bills is expected to move forward at this time, according to sources close to these issues, since all of these bills were introduced by the minority party.

Only time will tell if the problems that they address will encourage nonpartisan support and passage through both legislative chambers.

Democrats in the House are also urging Gov. John Kasich to declare the Maumee River a distressed watershed, so more immediate action could be taken to address the problems associated with the toxic algal blooms. Many observers agree that this is an appropriate response to Toledo’s water crisis.

A distressed watershed is one that has aquatic life and health that is impaired by nutrients from agriculture land uses. Threats to public health, drinking water supplies, recreation, and public safety are also taken into consideration.

In a distressed watershed, nutrient management plans ban manure application from Dec. 15 until March 1 without prior approval. First-time violators receive a warning letter, with additional violations leading to additional orders to comply. After several violations, first-degree misdemeanor charges could follow a refusal to comply.

They also criticized the Ohio EPA’s proposed relaxation of protection for pipeline, highway, and coal mine impacts to wetlands and streams.

In related news (see p. 11), the Ohio Farm Bureau Federation’s board of trustees has committed $1 million to help Western Lake Erie area farmers complete fertilizer applicator training by Earth Day 2015, April 22 – 29 months ahead of the current law’s requirement of Sept. 30, 2017.