

Agricultural Spills and How to Handle Them



A Guide from the
Wisconsin Dept. of Natural Resources
in cooperation with the
Wisconsin Dept. of Agriculture,
Trade, and Consumer Protection

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Think about all of the activity that takes place on a farm during any given day. There are various types of hazardous substances needed to get the job done—petroleum products, pesticides, and anhydrous ammonia, to name just a few.

Now think of things that you might not usually consider hazardous—like manure, commercial fertilizers, and waste milk. Should an accident occur, these can also be hazardous if they are released in large quantities or in sensitive locations. In the course of a day, a month, a year, the likelihood of some of these substances spilling onto the ground is probably very high. Depending on the nature of the spill, there are important actions that you need to be aware of to ensure your safety and to be in compliance with state and federal laws.

The Wisconsin Department of Natural Resources (DNR) regulates when to report spills of hazardous substances that may be used on farms, and how to clean them up.

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) specifically regulates the cleanup of agricultural pesticides and commercial fertilizers used on a farm.



What if I need help?

Let the DNR and DATCP assist you. These state agencies want to assist you when it comes to agricultural spills. Their job is to protect the environment—they have the education and experience to deal with all kinds of spills. They want to provide you with information and advice that will make spill containment and cleanup easier and faster, and that will ultimately reduce your costs and liabilities.

Both the DNR and DATCP are resources for you to use. Both agencies share responsibilities for agricultural spills, and both work to ensure that cleanup efforts meet legal standards. Working together, the DNR and DATCP will help you respond to a spill in the quickest and most efficient way.



Let the DNR and DATCP work with you.

This document is the result of a joint effort between the Runoff Management and the Remediation and Redevelopment Programs of the Wisconsin Department of Natural Resources. This document contains information about certain state statutes and rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions.

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Some of the information in this guide originally appeared in the publication *Spills on Logging Operations* from the Forest Industry Safety & Training



How do I dispose of spilled materials?

The best way to safely dispose of contaminated materials will vary. Manure-related spills (from a tanker, spreader, or storage facility) can be collected and land-applied, according to the site's nutrient management plan. This is true for most soils contaminated by commercial fertilizers or pesticides as well, although you must first obtain a permit from DATCP to do so. Fully recovered dry fertilizer spills can be stored or spread as originally intended. Some asphalt plants, bio-piles, or licensed landfills will accept petroleum-contaminated soils, but you will want to check with them in advance. Small amounts of petroleum-contaminated soil may be field-spread, with *prior* DNR approval.

When transporting contaminated waste, keep it covered so none is lost en route. And for your own protection, keep a copy of any receipts you get, and take pictures of the incident and clean-up actions. These are often needed to document your actions for the DNR and DATCP. You may be required to submit written documentation regarding the spill and clean-up actions.

Is there something I should be doing to prevent spills?

The best way to protect yourself from the costs and efforts of responding to a spill is to stop it from ever occurring. Inspect lines and hoses regularly. Use safety containers to transport and store fuel and other hazardous materials. When you complete a job, make certain all valves are closed, hoses are empty, and pumps are turned off. Examine equipment for kinks, excessive wear, abrasions on hoses or any other damage that could result in a spill or leak. And document your findings. Keeping a written record of your equipment's condition could protect you if a future spill occurs.

The bottom line:
Never intentionally dump any hazardous materials.
Call the DNR immediately if you have a spill.
And be sure spills are cleaned up before they have a chance to become a larger problem.

What spills are regulated and need to be reported?

Spills of *hazardous substances* require immediate notification and cleanup. Hazardous substances are ones that could potentially pose a hazard to human health or the environment. A spill may be considered hazardous due to the substance's quantity, concentration, or physical, chemical or infectious characteristics, or the location it occurs in. Examples of hazardous substances found on a farm include petroleum products, pesticides, herbicides, cleaning solutions and manure.



If you have a spill and are not sure whether it needs to be reported, the safest course of action is to call the spill reporting hotline at (800) 943-0003 to be certain that you have complied with regulations and to obtain information about cleanup options.

There may be federal reporting requirements that apply to your spill, as well. If you have a livestock or poultry operation with a Wisconsin Pollutant Discharge Elimination System (WPDES) permit, you should also refer to your WPDES permit for any additional reporting requirements.

Are certain spills exempt from reporting requirements?

There are some exemptions to reporting spills to the DNR, if the spill does not cause or threaten to cause adverse impacts to human health, safety or the environment*. ***Remember, however, that all spills need to be cleaned up regardless of whether they need to be reported to the DNR.***

* The DNR has a fact sheet titled "Wisconsin Spill Reporting Requirements", Publication No. RR-558, which explains these exemptions in detail (available on the DNR Web site at <http://dnr.wi.gov/org/aw/rr>).

Specific exemptions of products that may not need to be immediately reported to the DNR include discharges of:

- Gasoline or other petroleum products if the spill is completely contained on an impervious surface (one that is not penetrable to water, like pavement).
- Less than one gallon of gasoline or 5 gallons of other petroleum products if the spill is onto a surface that is not impervious or runs off an impervious surface.
- Dry fertilizer if the amount is less than 250 pounds.
- Liquid fertilizer if the amount is less than 25 gallons.
- Pesticides registered for use in Wisconsin if the amount discharged when diluted as indicated on the pesticide label would cover less than one acre of land if applied according to label instructions.

When in doubt, the safest course of action is to call the 24-hour toll-free reporting hotline: (800) 943-0003.

Why should I report a spill?

Reporting a spill is always in your best interest! Reporting spills can minimize potential legal consequences. Accurate information protects you from future false accusations, establishes a record on your follow up activities cleaning up the spill, and documents that your responses are in compliance with DNR and/or DATCP regulations. Reporting a spill doesn't mean you're a bad operator or have done something wrong. Not reporting spills is where problems start.

Even if you have already contained and cleaned up the spill, you should still report it. If the DNR receives any calls on a particular spill, documentation of clean-up efforts will help to resolve problems that might arise.

How do I clean up a spill?

For some spills of particularly hazardous substances, your best solution is to hire a specialist to contain and clean, as well as document these efforts. To save time and money, it is in your best interest to contain and clean up a spill as soon as possible. You can always contact DNR and DATCP field staff for technical advice on cleaning up your spill. Keeping the following items at your site could save you time, effort, and expense in the long run:

- Clamps and plugs that fit your equipment's hoses and pipes.
- Oil Dry® (or other broadcast absorbent).
- Drums, barrels, or buckets.
- Tarp(s) and shovel(s).
- Excavation equipment or the name of a contractor in your area.

In general, actions to address the spill include:

- ✓ Stopping it from getting bigger. Clamp the hose, plug the leak, and place a bucket under the leak.
- ✓ Stopping the spill from spreading. Build a dike around the spill area, or use absorbent materials like Oil Dry® or Kitty Litter®. (These work well on hard or frozen areas.)
- ✓ Isolating the contaminated soil. Dig up the contaminated soil, and place it in a container or on a tarp.
- ✓ Protecting the contaminated area. Cover the area with a tarp and/or divert runoff from that area.

Never put yourself into a dangerous situation that exposes you to unhealthy levels of hazardous substances or in situations that you can't get out of.

Call for help if a spill is too big to handle with existing equipment or personnel.

DATCP has a specific fund, the Agricultural Chemical Cleanup Program (ACCP), to help you pay for the cleanup costs associated with agricultural pesticides and commercial fertilizers. This fund is from fees that you pay when you purchase pesticides and fertilizers. For more information on this fund, check out the DATCP web site at: <http://datcp.state.wi.us>. For other substances, you may have private insurance that can pay for the response action costs.

What information will I have to provide to authorities when reporting a spill?

When you report a spill, you will need to provide the following information.

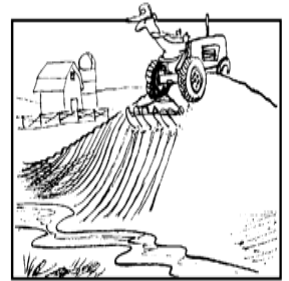
- Your name and address and the location of the spill, along with the property owner's name.
- The physical state, quantity, and chemical characteristics of the discharged substances.
- Where the substance was spilled, and where the spill ended up.
- Actions that you took to stop the release and/or minimize the impact to the environment.
- The actual or potential impacts to human health and the environment.

**An accidental spill is not illegal.
Failure to report is.**

Am I responsible when a spill occurs?

Whoever causes a spill to occur is responsible for that spill. In addition, whoever possesses or controls the hazardous substance that is spilled also shares legal responsibility for the spill. Under the spill law (s. 292.11, Wis. Stats.), these parties are responsible for taking actions to clean up the spill and restore the environment.

For example, if Joe is working for Company X and a spill occurs during his job, both Joe and Company X are responsible for cleaning up the spill. Or if Company X causes a spill of your materials on your property, both you and Company X are responsible – you as the property owner who possesses or controls the hazardous substance, and Company X as the one who caused the spill to occur.



Failure to clean up a spill can lead to high costs to you and/or your company or operation. The DNR can impose penalties for failure to take appropriate actions. Typically cleanup costs increase dramatically as the spilled substance spreads through the environment. Spills that are not quickly responded to can leak into the groundwater resulting in expensive investigations and cleanups. If the DNR has to clean up the spill, you will be billed for those costs as well as the costs for DNR staff time. The DNR cleanup requirements are contained in chapter NR 700–726, Wis. Adm. Code.



The Toll-Free Hotline for Reporting Agricultural Spills (800) 943-0003

24 hours a day 7 days a week

DNR Regional Spill Coordinators

Northeast Region: Green Bay
(920) 662-5492

Southeast Region: Milwaukee
(414) 263-8685

West-Central Region: Eau Claire
(715) 839-1604

Northern Region: Rhinelander
(715) 365-8963

South-Central Region: Fitchburg
(608) 275-3332

Statewide Coordinator: Green Bay
(920) 662-5488



When you report your spill to the DNR, DNR staff will contact DATCP. DATCP's environmental enforcement specialists are based throughout the state. These field investigators are assigned to long-term clean-up projects, landspreading contaminated soil, and responding to acute pesticide and commercial fertilizer spills.

For questions about DATCP's regulations and procedures, call (608) 224-4500.