

Chapter 16.28 MANURE AND AGRICULTURAL NUTRIENT MANAGEMENT

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16.28.010 Application – Buffers.

Unless it is pursuant to a management plan approved by the Whatcom conservation district, the spreading of manure within 50 feet of drainage ditches leading to rivers and streams is prohibited (for buffer requirements on streams, rivers, and other bodies of water, see Chapter [16.16](#) WCC). (Ord. 98-074; Ord. 98-056).

16.28.020 Application – Liquid manure.

Unless it is pursuant to a management plan approved by the Whatcom conservation district, the spreading of liquid manure, by any means, to either corn ground or bare ground during the non-application period is prohibited. (Ord. 98-074; Ord. 98-056).

16.28.030 Definitions.

For the purpose of this chapter:

- A. “Bare ground” means land upon which a vigorously growing crop has not been established immediately prior to the non-application period.
- B. “Corn ground” means land upon which a crop of corn has been grown immediately prior to the non-application period.
- C. “Drainage ditch” means an artificially created watercourse constructed to convey surface or ground water.
- D. “Management plan” means a plan containing:
 - 1. Results of soil and manure testing;
 - 2. An analysis demonstrating that the proposed manure application is necessary to meet the needs of the growing crop, and a recommendation as to the amount of manure applied;
 - 3. A description of the proposed application site, including soil type, percent slope, drainage class, flood hazard, erosion hazard, seasonal water table depth, leaching and run-off potential;

4. Features designed to prevent the transportation of manure by natural processes away from the site.

E. "Non-application period" means September 1st through March 15th of the following calendar year. For the year of 1998 only, the non-application period will begin October 1st. Any liquid manure applied prior to this date should be worked in, with a cover crop planted by October 1st to help minimize run-off and nitrate contamination of ground water. Should favorable climatic conditions exist, application may begin earlier in the spring than the dates established in this chapter, following approval from the Whatcom conservation district board based on T Sum 200 or best available science. Soil conditions must also be considered when deciding when to apply nitrogen.

F. "Liquid manure" means a suspension of livestock manure in water in which the concentration of manure solids is low enough to maintain a free flowing fluid. Liquid manure also includes slurry which is a mixture of livestock manure, bedding and waste feed in water. Liquid manure and slurry is typically applied to fields by pumping through irrigation equipment or by hauling and spreading with a tank wagon. The solids content of liquid manure or slurry is usually less than 10 percent. A practical definition of liquid manure includes any livestock manure mixture that can be pumped through conventional liquid manure handling equipment.

G. "T Sum 200" is a method used to determine the optimum time for applying the first application of nitrogen to grassland in the spring. This method uses adds the mean daily air temperature (mean of maximum and minimum in degrees Celsius) from January 1st to the date when the sum of the daily mean temperature accumulated number reaches 200. Negative mean temperatures (below zero degrees Celsius) are assigned a zero value, i.e., not subtracted. At this point T sum 200 the soil is generally considered to be warm enough to begin to use additional nitrogen without increased risk of nitrate leaching. (Ord. 98-074; Ord. 98-056).

16.28.040 Annual review.

On at least an annual basis, the Portage Bay shellfish protection district advisory committee shall review bacterial water quality data collected by at least the North West Indian College, and Washington State Departments of Ecology and Health for the shellfish districts, to monitor the effectiveness of this chapter. The bacterial water quality data collected for the shellfish protection districts shall be public and, specifically, made available to the Whatcom County dairy producer advisory committee. (Ord. 98-074; Ord. 98-056).

16.28.045 Appeals.

Appeals shall be made and administered pursuant to WCC [16.16.265](#), Critical Areas. (Ord. 2005-029 § 1 Exh. A).

16.28.050 Penalties and enforcement.

Violations of the provisions of this chapter shall be enforced by the Whatcom County planning and development department pursuant to WCC [16.16.270](#), Critical Areas. (Ord. 98-074; Ord. 98-056).

16.28.060 Adjudication of invalidity.

Adjudication of invalidity of any of these articles, sections, clauses, or provisions of this chapter shall not affect or impair the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid. (Ord. 98-074; Ord. 98-056).