

**Members Present:** George Bussey, Riley Jolma, Richard Ketring, Charles Ortman, Caryl Peck, Todd Rothe and Naomi Tillison

**Members Absent:** Cortney Remacle and Todd Berweger

**Others Present:** Jason Fischbach, Tom Fratt, Amy Tromberg, Brittany Goudos-Weisbecker, and Sara Chase reporter with the Ashland Daily Press

**Call to Order:** Ortman called the meeting to order at 12:07pm.

### **Approval of Minutes from 10-5-2017**

Ketring moved to approve the minutes from the October 5, 2017 meeting. Jolma seconded the motion. Motion carried.

### **Agenda Items**

#### **1. Revised Scope of Work, Timeline, and Meeting Schedule**

- Next Ashland County Board Meeting set for November 14<sup>th</sup>.
- Next LCC Meeting scheduled for November 3<sup>rd</sup>.

#### **2. Written Public Comments Received Since 10-5-2017**

- None since last meeting.

#### **3. Manure Irrigation / Manure Aerial Spraying Permit Conditions**

- Handed out the Draft Application for Manure Spray Irrigation Use Permit, Fischbach took the standards and regulation information we looked at last meeting and reformatted into this form.
- Main goal is to look at the Operational Standards listed, if the LCC decides to implement these rules /standards, then determine if these standards get put into an ordinance or just listed on the application permit.
- Small changes based on comments from last time including the drop nozzle height and droplet size. A couple technical things pulled from the Kewaunee County ordinance about pressure and 441 Natural Resources Conservation Service (NRCS) Conservation Practice Technical Standard on Irrigation System, Microirrigation. If put into ordinance format would need to add definitions.
- The owner of manure is currently responsible. Ketring reiterated suggestion of a draft contract to encourage the owner of the manure to use a contract with the applicator/ spreading contractor.
- Jolma asked about treated manure. Fischbach replied that Kewaunee County reduces setbacks if manure is treated, but that it is not currently in this draft permit.
- Jolma shared that there is some new technology for manure were they are taking out solids by going through a filtration system and pulling out the majority of the nitrogen, phosphorus and potassium. Left with about 70% of the volume you started with and they are calling it “tea-water,” it also runs through a treatment process that kills 99.9% of e coli and mrsa.

- Ketring would like to recognize that there is new technology.
- Need to define: Manure, Big Gun, Traveling Gun, etc.
- Rothe shared that for veggie production, he has what they call a “big gun” which sprays 200 feet but it is only actually a small size physically. How to define Big Gun vs. Center Pivot? Maybe better off defining the treated manure, with industry standards with phosphorus reductions in tea-water, set standard or guideline if you are going to use a gun with treated manure / tea-water and could require testing.
- Fischbach replied, the way it is written now that is covered under the nutrient management plan. If you do treat manure to reduce pathogen loads, are there restrictions in here to loosen up with pathogen load such as big gun and how to apply it and setbacks, or just not require a permit at all.
- Fischbach summarized discussion: Clean up big gun definition, specifically allowing traveling guns on a reel, leave setbacks the same for treated or untreated manure and then clean up the definition of manure, include tea water and treated manure as manure, and treated water to the level of area surface/ground water would then just be irrigation and not need a permit.
- Fratt concerned about trying to regulate too many unknowns. Trying to develop a permit for something that is not currently being done here and discussing new technology, if it comes up and a farmer wants to adopt a new technology then we can look at modifying or give a variance to the permit application to fit.
- Bussey asked, why are we talking about restricting types of technology instead of what any type of technology would do? If you meet the droplet size standard and the setback standards, then not concerned about what tool is used. Also wondering if droplet size is when it is released or when it hits the ground?
- Ortman summarized: No need to determine what you are spreading with as long as you are not doing so in a harmful way. Could take out the big gun, so strike out #11 “No ‘big gun’ type irrigation systems shall be used.”
- Fischbach said the next question is with treating manure you don’t get full pathogen reduction, but you do get a reduction, so do you want to see less stringent standards? Right now this doesn’t account for that. There would have to be a definition of manure, if there is any pathogens and the quality is less than area surface water/ ground water then you would need a permit to apply for the manure irrigation permit.
- Discussion regarding if it is not permitted to be discharged then it falls under the regulations. Treated manure, if not dischargeable, then still considered manure. Fischbach said will can look up standards for direct discharge into water of the state, and if it meets that standard then we would not need a permit to apply irrigation.
- Fratt stated that this would be an annual permit. Asked how would we address Berwegers concerns about using aerial spray irrigation in an emergency? Specifically public comment and 30 day review.
- A CAFO already has to have an emergency winter spreading plan in order to get that permit. Fischbach gave a scenario where a farmer put together an annual plan where they might spread and get annual permit or include in emergency planning.

- Ketring had a question about a nutrient management plan in place. Yes, this is included “land on which the manure is applied must be included in a nutrient management plan that meets the NRCS WI 590 Practice Code standard.”
- Ortman, if it actually is an emergency situation then might not have 24 hours.
- Bussey said once the person has a permit then the emergency situation is covered, if you don’t have the permit yet and an emergency arises then change the notification to get rid of the 30 day period so you wouldn’t have to wait. So it would be an annual permit with a January cycle, hopefully make an emergency clause irrelevant.
- Jolma said have it be an annual permit if you might apply manure this way that you do in January, use the 30 day period to determine what the surrounding land use is, or have LCC be able to grant a permit in an emergency situation, but have the manure owner procure what the surrounding land use is.
- Tillison, Bussey and Rothe discussed to leave the 30 day comment period intact but that if an emergency arises contact the LCC to allow emergency spreading with a 24 hour notice to any adjacent landowners.
- Rothe brought up that this does not say who would be notifying adjacent landowners. Peck asked, does that mean a farmer has to go to every neighbor to let them know? We have 75 fields that would be a lot of people/ houses we would have to stop at to notify them, and what if they aren’t home.
- Fischbach explained the reasoning 24 hour notice was put in, for aerial application, is that the risk is much higher to move off site if the farmer isn’t paying close enough attention to the wind speed or direction so this is trying to make sure everyone is aware of the conditions right before it is applied with a 24 hour notice.
- Rothe explained that adjoining landowners might not understand manure, some disconnect. Maybe this could help educate neighbors, explain why are we going to have to do an emergency aerial spraying, but maybe the farmer isn’t the best person to explain that, maybe LCC would be and explain this document.
- Fratt wonders about folks filling out a permit form for something they do not plan on doing, hard to get them to fill out a form for routine things they are going to do, everyone is very busy. Could see setting up a future winter spreading plan that talks about emergency situations.
- Jolma summarized discussion: put in an Emergency Clause that says the public comment and notification can be suspended if Land Conservation determines that your situation is an emergency.
- Fischbach put in the 30 day public comment period to be confident on what the adjoining land uses are to use the proper setbacks, could be 10 days instead. Its high enough risk that the idea of a neighboring farm putting manure way up in the air and the wind shifts direction you would want to know and want to be paying attention. He has four kids and would want to know if a permit has been issued and have a 24 hour notice. Regular manure stinks but it isn’t going to come across the property line.
- Made a note to add that the operator/ owner of the manure needs to give notice.
- Jason reiterated modifications that we have heard at this point: putting in the definition of manure, allow the Land Conservation Department to issue an emergency permit and waive the 30 day requirement, require owner of manure to

notify adjacent land owners within 24 hours of application; and remove big gun restriction.

- Tillison would like to increase setback for surface waters, from 50 feet to 100 feet. Fischbach explained that it currently reads setback of 50 feet, wind speed must be 10 mph or less, and wind direction away from water. This is more stringent than tanker spreading. Change setbacks for “Adjoining lakes, ponds, perennial and intermittent streams” from 50 feet to 100 feet.
- Bussey asked to clarify about the 24 hour notice, Fischbach replied that it is still included, Bussey and Peck do not see this as practical. Could have the Land Conservation Department waive both the 30 day period and 24 hour notice.
- Ketring moved to approve draft Application for Manure Spray Irrigation Use Permit with revisions as discussed. Bussey seconded the motion. Motion carried, 6-1.

#### **4. Continued Discussion of ATCP 51 Livestock Siting Ordinance**

- Recapped five options:
  1. Take no action, ATCAP 51 wouldn't apply.
  2. Adopt in local ordinance to all of Ashland County.
  3. Adopt entirety in local ordinance except in Agricultural Enterprise Area (AEA).
  4. Adopt county wide, but less stringent in AEA area, less restrictive setbacks or no odor standard.
  5. Wait for pending revisions in ATCP 51 before taking any action.
- Fischbach explained that the primary difference would be, if you adopt the entirety of ATCP 51, operations over 500 animal units would have to meet the odor standard and setbacks for manure storage facilities. If the county adopts the NR 151 ordinance the manure storage standards, barnyard standards and nutrient management standards apply anyway regardless of the farm size.
- Ketring asked, what would be the real impact on the farmers we have now? Jolma replied that the biggest impact would be the siting of manure storage. Fischbach added that farms could expand existing pit no closer to the property line but if they wanted to build a new facility separate from that one they would have to meet the more stringent setbacks.
- Jolma's biggest concern about this is that none of the manure storage facilities in Ashland County meet the ATCP 51 setbacks from the property line. Only issue Jolma sees is with setbacks. Berweger and Jolma passed odor standards, but that is changing with the revision of ATCP 51.
- Bussey moved to postpone consideration of ATCP 51 pending a conclusion of the state revision and review process. Ketring seconded the motion. Motion carried.

#### **5. Continued Discussion of Bayfield County Large-Scale CAFO Operations Ordinance and Other Options for Managing Large CAFOs**

- Move to next meeting.

#### **6. Discussion and Possible Recommendations to the Land Conservation Committee on Agricultural Ordinance Options**

- Move to next meeting.

**7. Next Steps**

- Jolma moved to recommend Land & Water Conservation Department staff take care of putting recommendations into ordinance format and permit format. Ketring seconded the motion. Motion carried.

**Next Meeting Date:** Thursday, December 7th from 12pm to 2pm at the Land and Water Conservation Department office on Sanborn Ave

**Adjourn:** Meeting adjourned by Ortman at 2:06pm

Respectfully submitted by Amy Tromberg  
Office Assistant, UW-Extension Ashland County