

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

Members Excused: Cortney Remacle and Naomi Tillison

Others Present: Jason Fischbach, Tom Fratt, Amy Tromberg and Sara Chase reporter with the Ashland Daily Press

Call to Order: Ortman called the meeting to order at 12:00pm

Introductions: Went around the room for brief introductions.

Approval of Minutes from 6-22-2017

Bussey moved to approve the minutes from the June 22, 2017 meeting. Rothe seconded the motion. Motion carried.

Agenda Items

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

- Discussion about conflict during evening meeting time for Thursday, July 27.
- Rothe moved to change public comment period from July 27 to the August 10 meeting and switch the times to July 27 from 12noon-2pm and August 10 from 6pm-8pm. Ketring seconded the motion. Motion carried.

2. Introduction to Chapter ATCP 51 – Livestock Facility Siting and Appendix A – Application and Worksheets

- This work group was tasked by the LCC to review various options, to assist with that Fischbach handed out an [outline of ordinance options](#).
- Fischbach presented a PowerPoint titled [Managing Impacts of Livestock Operations](#).
- ATCP 51 Livestock Facility Siting Rules only applies to 500 animal units and greater that are new or that have a 20% increase. If ordinance was put in, then if a farm expanded by more than 20% and exceeded 500 animal units then they would need a license from Ashland County.
- Reviewed ATCP 51 Standards, each has their own application form: Setbacks, Odor Standard, Nutrient Management Planning (590 Standard), Waste Storage Facilities, and Runoff Management.

3. Discussion on Livestock Facility Siting Ordinance (local adoption of ATCP 51)

- Fratt explained that you have to use the application that comes with ATCP 51 law, if that application is filled out correctly then the local government has to approve the application, there is no room for modification.
- Ortman asked do these standards in the ATCP 51 application follow best practices for land and water management?
- Fischbach showed example maps of setback mandates. Currently the only thing for a new facility to build is the county zoning permit.

- Bussey asked what happens if a farm does not comply with the odor standard, Fischbach replied under Siting Law can monitor compliance, so revisit original permit and get back in compliance with odor score. If you want anything on odor you need to adopt the Siting Law, nothing on odor under the CAFO ordinance.
- Berweger commented that neighbors within 2,500 feet or ½ mile can really affect your odor score, so this would be forcing farms to own the land ½ mile in every direction from their barn.
- Bussey asked do the setbacks take into account terrain? Can they apply for a variance? Berweger followed-up with who would say yes or no for a variance, an appeal or enforcing this.
- Rothe asked if it is all five or nothing? Fischbach clarified that you can do less restrictive in the Siting Law but a process is involved to go more restrictive.
- Fratt clarified that DATCP offers a range you can choose from for setbacks.
- Questions for Ashland County Corp Council to clarify what can be done legally to implement something like this and what options there would be for grandfathering in and/or a fixed point for future generations.
- Rothe commented that NR 151 covers most of this ATCP 51, Fratt clarifies that Odor Standards and Setbacks are not addressed in NR 151. Fischbach added that NR 243 also covers a lot of this for 1,000 animal units except for Odor and Setbacks.
- Bussey asked for examples of numbers for the equation for odor score under odor standards.
- Ketring wants to focus on good policy not personalities.

4. Introduction of NR 243 – Animal-Feeding Operations

- Relationship to large CAFOs and animal feeding operations with fewer than 1,000 animal units.
- Wisconsin Pollutant Discharge Elimination System (WPDES) permits are for point source discharge, NR 243 covers barnyard, point source and some non-point restrictions.
- NR 243 is already in effect and rules apply statewide. There are additional regulations that could be put in if determined that the states are not enough.
- WPDES permit required for operations with 1,000 or more animal units.
- CAFO WPDES Permit Requirements include: NR 243.13 production area discharge limitations; NR 243.14 Nutrient Management; and NR 243.15 plans and specifications to review storage transfer runoff control.
- Monitoring and Reporting, NR 243.19, self-reporting so monitoring done by the farm and submitted to DNR.
- Manure Storage Capacity, under NR 243, is 180 days, 100 year/24 hour storm. Exception is emergency application of manure in the winter to pre-approved fields.
- The question Bayfield County has issue with: Is 180 days of manure storage enough in our region to comply with the rest of NR 243?

5. Identification of issues and concerns related to agricultural operations not covered by NR 151, ATCP 50, ATCP 51, or NR 243

- 590 Standard Nutrient Management Planning and Water Quality

- 3 main things: limit soil erosion, meet but not exceed crop nutrient needs, and minimize non-point nutrient/ manure loss.
- NR 243 requires spreading restrictions and prohibitions to follow 590 Standard.
- Fischbach shared the simple restriction list of where nutrients shall not be applied to at any time.
- 590 Standard applies to all farms and has [new winter restrictions](#): No manure on slopes great than 6% or on fields with concentrated flow channels unless two conservation practices are in place.
- Under NR 243 there are additional restrictions on winter manure spreading.
- Reviewed the Surface Water Quality Management Area (SWQMA) Restrictions.
- Examples of winter spreading (winter is defined as frozen or snow) and summer options; hits our area because of all of our concentrated flow areas.
- Fischbach shared maps with overlays of where manure could be spread on a field with SWQMA restrictions and winter restrictions.

6. Options for adopting more stringent standards

- Fischbach handed out the 19 page [Large-Scale Concentrated Animal Feeding Operations Ordinance](#). Bayfield County and Douglas County recently passed this ordinance, which only applies to 1,000 animal units or more and a permit is required from the majority of the county board.
- In effect a conditional use permit for the operation. Bayfield County Corp Council legal argument is that this regulates operations.
- Work Group asked to read through and at our next meeting will have an opportunity to discuss.
- Ketring comments that this is a tool that gives the county board authority. Fischbach asks how do you implement this? Is it clear enough?
- Ortman wonders if this application is fair, and asks is it even achievable? He would potentially modify this to fit our county and our farmers so they could actually fill it out and submit.
- Discussion on asking for information and a dialogue between the county and farmer, but also not sure what the right answers are, what does the county expect or want?
- Jolma comments, as a farmer when you look at this you have no idea what you could do to meet what the county board wants.
- Fischbach added, by not putting in policy the county did not need state approval for going above and beyond.
- For going above and beyond the existing rules the state does give you some other tools such as Water Quality Standards 92.15.
- The court fight between Bayfield County & WI DNR is about this, the state interpretation is impaired waterway, and if all standards are being followed and still impaired you can go above and beyond. Bayfield County's view or stance is to prevent problem from getting worse.
- The [Bayfield County South Fish Creek Watershed Animal Waste Storage and Management Ordinance](#) only applies to CAFOs in that waterway, so a small area but in the heart of Bayfield County farming area, which is impaired with phosphorus.

- Amending NR 243 for that watershed; they want higher storage capacity, want cropping plans with at least three spreading windows; annual PI limited to 2 (current rule is 12); no manure application within 48 hours; manure incorporated within 48 hours if applied within a SQWMA, etc.
- Additional Regulations to Protect Public Health and Safety 92.11 – this is what Kewaunee County did, scientific findings of fact required and approved by local referendum.

7. Examples of ordinances with more stringent standards

- Manitowoc County Ag Ordinance
- Kewaunee County Groundwater Protection Ordinance
- Bayfield County CAFO Operations Ordinance
- Bayfield County South Fish Creek Manure Storage Ordinance

8. Options for Ashland County concerning aerial spraying of manure and manure transport through pipelines

- Move to next meeting

9. Next Steps

- Ortman asked members to go through the Bayfield County Large-Scale Concentrated Animal Feeding Operations Ordinance and make note of any confusing or unreasonable questions.

Next Meeting Date: Thursday, July 27, 12noon – 2pm, County Courthouse

Adjourn: Meeting adjourned by Ortman at 2:07pm

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