

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

Members Absent: Cortney Remacle

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

Call to Order: Ortman called the meeting to order at 12:06pm

Approval of Minutes from 7-11-2017

Bussey moved to approve the minutes from the July 11, 2017 meeting. Ketring seconded the motion. Motion carried.

Agenda Items

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

- Ketring moved to swap agenda items #4 & #5. Bussey seconded the motion. Motion carried.
- Fischbach shared [handout for making recommendations with ordinance options](#).

2. Farm Tour Recap and Comments - Nothing

3. Introduction to Aerial Spraying of Manure and Manure Transport via Pipelines – concerns and regulatory options

- Fischbach shared a [couple of slides on a PowerPoint](#) giving an overview of spreading technology and manure irrigation.
- He also sent out the [Report from the Wisconsin Manure Irrigation Workgroup titled Considerations for the Use of Manure Irrigation Practices](#).
- Current regulations: spreading buffers for non-CAFOs are set by 590 Nutrient Management Standard. Spreading buffers are larger for CAFOs (see chart) more restrictive features.
- Discussion including what farmers do for manure spreading currently in Ashland County, none known that currently do aerial spraying of manure irrigation.
- Options: outright prohibition or take manure irrigation work group report and develop some form of conditional use process so recommend that the LCC use the Manure Irrigation Workgroup recommendations to create an ordinance.
- Fratt shared information on a draft ordinance called the Waste Irrigation Ordinance from Kewaunee County which used recommendations from the state Manure Irrigation Workgroup, they probably will have some changes still and public meetings. Kewaunee County also sent him a draft ordinance titled Waste Hauler Certification Ordinance.
- DATCP is proposing changes to ATCP 51, Livestock Facility Siting Law, which by law has to undergo revision every 4 years, proposing to make significant changes to the siting law. Still need to go to public hearing, possible changes and final ruling on

process. Given significant changes proposed it might make sense for the county to wait or not. Tillison asked what their timeline would be, Fischbach replied in 2018. The ATCP Board delayed approval for a hearing on the proposed changes until their September meeting, pending input from various stakeholders

- The proposed ATCP 51 Standards are still the main five; but very different on odor and change on runoff management from feed storage. Fischbach's interpretation is this would be more strict than current standards. Revised Property-Line Setbacks, farther away, new category 1 and 2, etc. for the producers in our region the manure storage set-backs would change from 400ft to 600ft from the property line, would mean farms would need more than 40 acres.
- Not enforced statewide, counties can have less stringent standards, so can put into place now and not update when the state updates.
- Proposed rule revision would replace Odor Score with a new Odor Standard which require an odor management plan for existing manure storage facilities within 600ft of a property line; existing livestock housing within 400ft of a property line. Install odor control practices to manage odor and setbacks with the new rules. Have created a clear variance option.

4. Discussion and Possible Action on Agricultural Ordinance Options

- Ortman knows what he wants at the end of the day, he wants 360 day capacity manure storage, a version of 243 that ensures that the county gets to look over what the state did and is best practices for air, land & water, zoning regarding CAFOs in the AEA, he wants to understand the water and air sheds with buffers zoned in to save our watershed, and have a permit process that went through LCC for manure irrigation.
- Discussion about sizes of manure spills: size of the truck, turn off valves, over flows.
- Fischbach added that 360 manure storage would require approval from the DNR as it is above state standards.
- Bussey commented that these are well thought out and a lot of work was already put into these regulations, he would suggest to work from the point of view of take from the whole and line out what we don't want.
- Tillison agrees with Bussey's suggested way to look at these. NR 151 already in place statewide, if we recommend to adopt this it gives Ashland County the ability to enforce and implement these codes that might not be well enforced or implemented at the state.
- Jolma had a question about what size animal unit farms NR 151 applies to. Fischbach replied that NR 151 applies to everyone, applies to existing farms if a corrective action is necessary because the existing farm isn't in compliance regardless of the farm size, only compelled to make changes if offered cost share.
- Ordinance option #1, NR 151, is already statewide for all sizes, gives local control if adopted through local ordinance. Ordinance option #2, ATCP 51 adds odor and setbacks and is for 500 animal units or more and expanded by 20%.
- Questions and comments on cost-share and funding.

- Berweger commented keep in mind, from a farmers standpoint if you cost share this, every time you add more cost to doing business the business either quits or gets bigger to offset the cost. Sometimes what you want to avoid is what you create.
- Does the Land Conservation Department have the capacity to go down the enforcement route? It turns the Land Conservation Department into an enforcement authority instead of a voluntary assistance provider.
- NR 151 lists a through h, can pick and choose, if adopted each is different. Are there some you do want and others you don't want?
 - a. Erosion standard – NR 151.02
 - b. Tillage setback – NR 151.03
 - c. Phosphorus index – NR 151.04
 - d. Manure storage construction standards (local permit) – NR 151.05
 - e. Process wastewater handling – NR 151.055
 - f. Barnyard runoff standards – NR 151.06 (permit)
 - g. Nutrient management plans – NR 151.07 (590 Standard)
 - h. Manure management prohibitions – NR 151.08
- Berweger worried about spreading window, already narrow up here and need to be practical. Bussey asked how do we have a reasonable exception process? Fischbach replied, under 590 Standard Nutrient Management Plan has winter spreading plan. Farmers shared comments that they want to use manure fertilizer the best they can, which would mean ideally not spreading on snow.
- NR 151.05 “d” Manure storage construction standards would put more rules and burden on existing farms, any new construction would need a permit and follow technical standards, would need pre-construction soil borings which add cost and some level of engineering documentation.
- Bussey asked are these standards designed to prevent a pit from failing? Fischbach replied, yes, that is why the technical standards were developed so the side walls don't fail and they don't leak or leach overly.
- Another one that would be a significant change would be NR 151.06 “f” Barnyard runoff standards, again some type of permitting processes, would require new or expanding facilities to meet those technical standards.
- Ketring has concern about the future /what we don't know and preserving and improving what we have now.
- Bussey moved to tentatively propose to move to adopt NR 151 “a through h” (NR 151.02, NR 151.03, NR 151.04, NR 151.05, NR 151.055, NR 151.06, NR 151.07, and NR 151.08); subject to future written input from the public or members of this work group. Discussion, asked Fischbach to explain “h” or NR 151.08, he read off prohibitions for manure management. Ketring seconded the motion. Motion carried. **Unanimous agreement.**
- Discussion regarding Livestock Facility Siting Law, ATCP 51: Setbacks, Odor, Nutrient Management Plan, Manure Storage, and Runoff Management. Ketring ready to recommend this. Jolma would propose to recommend limiting setbacks and odor under zoning. Rothe asked would zoning give local control on odor and setbacks, the other 3 are covered under NR 151. Tillison asked if NR 151 and ATCP 51 are the same on those three? Fischbach replied ATCP 51 under revision would be

more stringent. Bussey would defer action on ATCP 51 until after the state recommendations are finalized.

- Jolma explained his reasoning for addressing setbacks through zoning, the setbacks on manure storage are 450ft, proposed new setback is 600ft, this eliminates the ability to build any manure storage of reasonable size on 40 acres, most of the farms in this area are on 40 acre parcels one way or the other, maybe only 40 acres in one direction. So he would propose we address that through zoning in limiting housing around the existing AEA farms.
- Ketring moved to have the county address issues of Setbacks and Odor through county zoning as they relate to farm expansion and non-farm development, subject to future written input from the public or members of this work group. Rothe seconded the motion. Discussion included Ortman asking how would we implement this motion? Rothe thinks there is value in zoning as it leads to development in the AEA and that it is important to convey this to the LCC. Tillison wants zoning to work with the tribe too. Fischbach asked, so this would be protecting existing farms from houses encroaching, but what about the other way around, an existing house and someone wants to build a manure storage facility right next to a house, or Tillison added a cultural property. Ketring says this zoning could deal with either direction. Motion carried. **Unanimous agreement.**
- Would have the option to limit farm size through zoning in Ashland County. Do you want to create an area where certain size farms are not allowed, would need to have a district that would allow farms of unlimited size. Ketring would suggest just skipping this one and go onto the Bayfield County Operations Ordinance.

5. Discussion of Bayfield County Large-Scale CAFO Operations Ordinance and applicability in Ashland County

- Ketring moved to adopt Bayfield County's operations ordinance. Tillison seconded the motion.
- Discussion included Bussey asking for more information. He passed around an article from the Ashland Daily Press e-edition titled "\$50,000 penalty, Large feedlot hit with fine" written by Steven Verburg, The Wisconsin State Journal. The dairy herd tripled in size. What would it mean to our local agricultural operations if there was a 5,000 animal unit permitted in the Marengo Valley? Only 2,500 to 3,000 animal units in the entire county right now. What are the implications to our area?
- Bussey would support the Operations Ordinance with one change, apply the ordinance only to increases of 1,000 animal units or more, so for an existing operation if it is going to grow from point of adoption beyond 1,000 animal units then this operation would come into play. For a new operation, if it grows from 0 to 1,000 animal units, then when it breaks 1,000 animal units this ordinance applies. This is an equal protection way of actually grandfathering existing operations. Would be based on the farm, not necessarily the ownership. Out of respect for the farms currently operating. With this one change we could stand in solidarity with the other counties in northern Wisconsin who have passed the Operations Ordinance.
- Berweger comment that a lot of the operations ordinance has already been covered.

- Peck is not up for voting on this without knowing what is going on in Bayfield County, she doesn't want to jump on that band wagon without knowing more about it. Ortman suggested folks read or look over the Bayfield County Operations Ordinance again.
- Berweger commented that when he read through it there is a lot on road restrictions, the state patrol would happily pull you over and weigh you. A lot that would be common sense or hoops to go through. If he can legally go down the road why does he need to tell the county board exactly what kind of truck he has now, what happens if he gets a different truck?
- Ketring would like to have future discussion on this, truly not about the current farms.
- Bussey moved to table the motion as we are running out of time today. Berweger seconded the motion. Motion carried.

6. Next Steps

- Please read Bayfield County Operations Ordinance again carefully inside and out. Ortman could support with modifications.
- As we advertise the next meeting, with public comments on August 10, the working group is considering adoption of agricultural ordinances that would affect agriculture in Ashland County and will be receiving public input on the topic.

Next Meeting Date: Thursday, August 10, 6pm – 8pm, County Courthouse

Adjourn: Meeting adjourned by Ortman at 2:07pm

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