

# Managing Impacts of Livestock Operations

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Ashland County Agricultural Ordinance Advisory Group

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# What's the Goal?

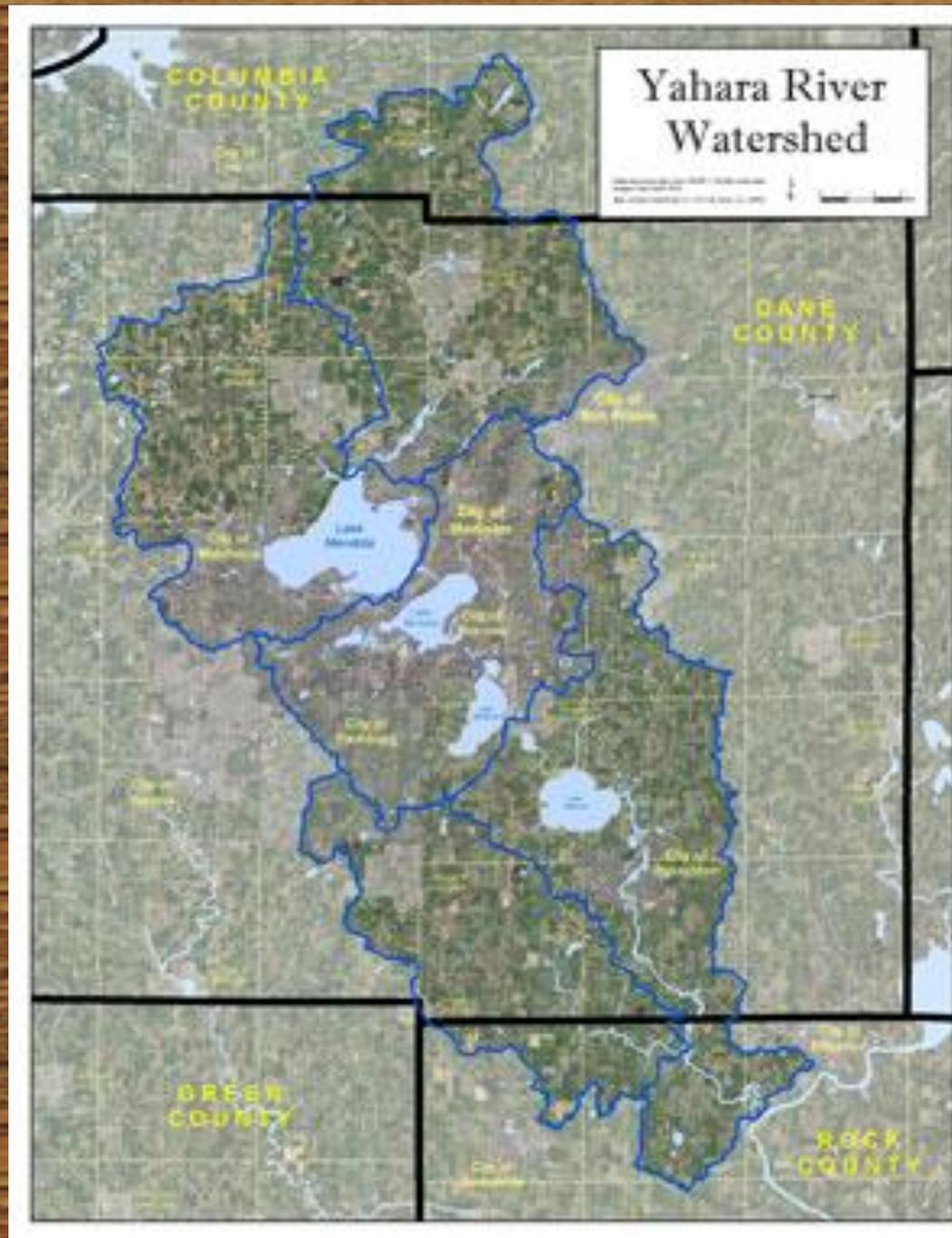
- Identify and assess the magnitude of risks posed by specific aspects of livestock operations
- Ensure the risks do not cause degradation of public health and safety
- Risk mitigation actions are typically weighed against benefits

# Many Options to Manage Agricultural Risks

- Education (teach good practices)
- Research (develop good systems)
- Collaboration (work together)
- Incentives (market or policy driven)
- Regulation (command and control)
- Other approaches?

# Yahara River Pride Farms Conservation Board

- Multi-stakeholder NGO
- Certification program
- Cost-share
- Education, research



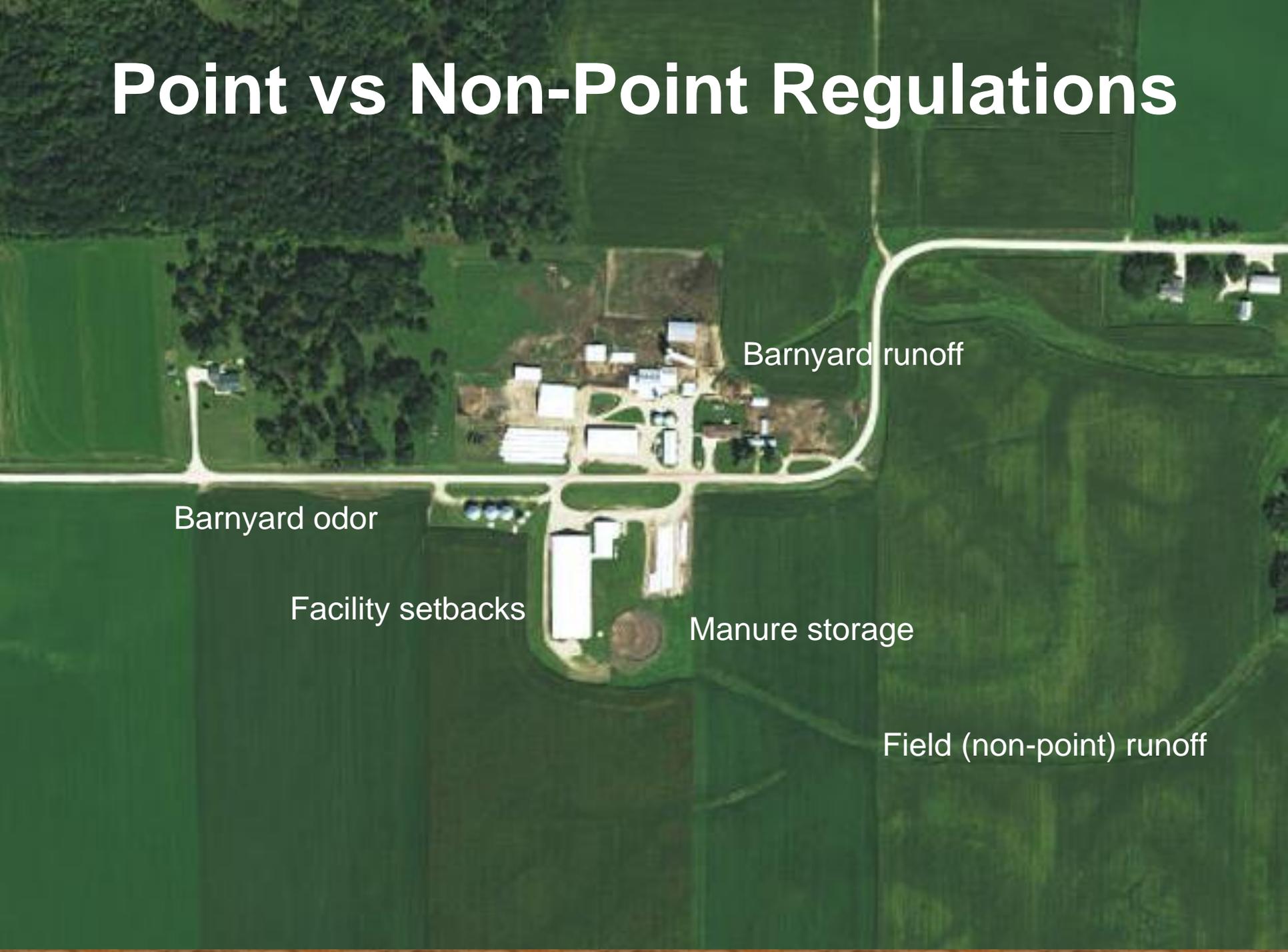
# Farmland Preservation

- State income tax credit in exchange for enrolling land in farmland preservation
- Must be compliant with conservation regs to qualify

# Fields, Waters, and Woods Agricultural Enterprise Area

- What are the possibilities?
  - Certification program?
  - Water quality trading program with City of Ashland?
  - Investment opportunities?
  - Collaborative research?
  - Farm development assistance?

# Point vs Non-Point Regulations



Barnyard runoff

Barnyard odor

Facility setbacks

Manure storage

Field (non-point) runoff

**Are there negative cumulative impacts even if everyone follows the rules?**

An aerial photograph of a rural landscape, likely a farm or agricultural area, showing a patchwork of green and brown fields. A grid of thin white lines is overlaid on the image. In the center, there is a large white text overlay that reads "Are there negative cumulative impacts even if everyone follows the rules?". The text is in a bold, sans-serif font. The background shows various agricultural features, including fields, roads, and some buildings. There are also some small white boxes with letters 'G' and '6' scattered across the grid.

# Existing Regulatory Framework - Federal

- EPA (Clean Water Act)
  - Delegated to States
- EPA (tribal sovereignty)
- USDA-NRCS (Technical Standards)
- FIFRA (pesticide rules)
- Worker Protection Standards
- Others

# Existing Regulatory Framework - State

- NR 151 – Ag Standards and Prohibitions
  - Applies to all sizes of operations
- ATCP 50 – Soil and Water Resource Management Program
- NR 812 – High Capacity Wells
  - DNR approval required for pumping 70+ gallons per minute (100,000 gallons/day)

# 1000 Cow Dairy Water Use

- 68,000 – 84,000 gallons of water per day
- 2,800 – 3,500 gallons/hr (average)
- 47 – 58 gallons/minute (average)

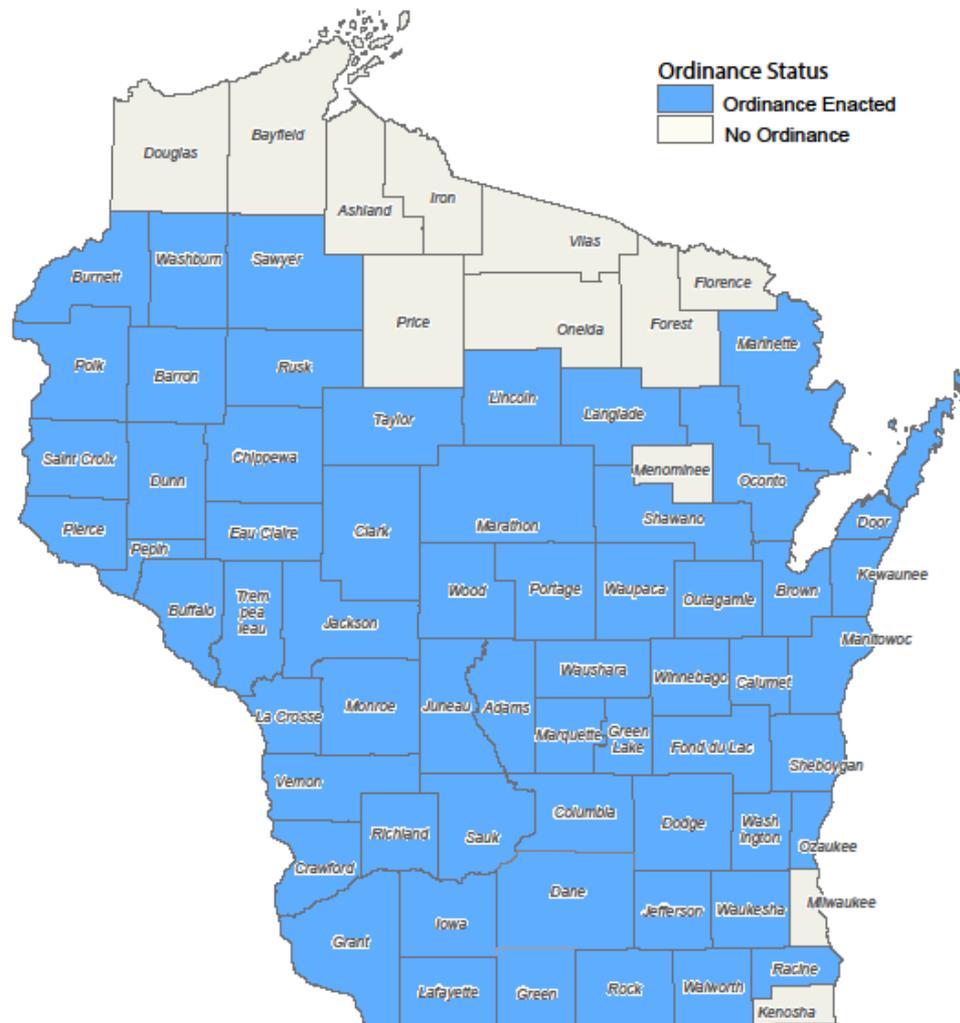
# Existing Regulatory Framework - State

- ATCP 51 – Livestock Facility Siting Law
  - Applies to operations >500 au
- NR 243 – WPDES Permit
- Food safety, road weights, high capacity wells, etc.

# Existing Regulatory Framework – County/Town

- Local adoption of ATCP 51, NR 151
- Zoning options
- Manure storage ordinances
- Above-and-beyond ordinances

# Counties with Manure Storage Ordinances



Wisconsin Department of Agriculture, Trade and Consumer Protection  
Bureau of Land and Water Resource Management



# Adjacent Counties

- Bayfield County
  - Manure storage ordinance only covering manure storage (not barnyards)
  - Siting license required for operations over 500 au
  - Operations permit required for CAFOs
  - Additional restrictions in South Fish Creek watershed (pending litigation)

# Adjacent Counties

- Iron County
  - No manure storage ordinance
  - No livestock siting
  - CAFOs are conditional uses in A2 zoning districts
  - Currently no land zoned A2, so a rezone and conditional use permit would be required

# Adjacent Counties

- Douglas County
  - Manure storage ordinance only covering manure storage (pending)
  - Siting license required for operations over 500 au
  - Operations permit required for CAFOs

# Existing Regulations

- NR 151 (Standards and prohibitions)
- ATCP 51 (Livestock facility siting law)
- NR 243 (CAFO water quality permits)
- NRCS 590 Standard (Nutrient management)
- Road weight limits
- Local manure storage ordinance
- Local operational ordinances
- US EPA – TMDL (impaired waters)

# **NR 151 - Subchapter II**

**Agricultural Performance  
Standards and Prohibitions**

# Agricultural Performance Standards

- Soil loss less than “T” (NR 151.02)
- 5’ tillage setback from lakes and streams (NR 151.03)
- Phosphorus index rotation (8 years) average less than 6, individual year less than 12 (NR 151.04)

# Agricultural Performance Standards

- New manure storage structures built to minimize risk of structural failure and minimize leakage (NR 151.05)
- Manure storage structures built after 2011 designed to accommodate 25yr-24hour storm
- Manure storage facilities not used for 24 months required to be closed

# Agricultural Performance Standards

- Process wastewater cannot be discharged to waters of the state (NR 151.055)
- Livestock facilities within 1000' of a lake or 300' of a navigable stream shall divert runoff away from feedlots, manure storage areas, barnyards (NR 151.06)

# Agricultural Performance Standards

- Nutrient management plans are required when applying manure or other nutrients (NR 151.07)

# Manure Management Prohibitions (NR 151.08)

- No overflow from manure storage facilities
- No unconfined manure within 1000' of a lake/pond, 300' navigable stream
- No direct runoff from a feedlot or stored manure into waters of the state
- No unlimited access of livestock to waters of the state in a location where animals prevent maintenance of adequate sod or vegetation

# NR 151

## Implementation and Enforcement

What if someone is not compliant.....

- First, DNR determines...
  - Whether new or existing cropland
  - Costs of bringing into compliance with standards
  - Whether cost-sharing is available

# NR 151

## Implementation and Enforcement

What if someone is not compliant.....

- Then...
  - If new cropland then landowner shall comply with standards
  - If existing cropland then landowner shall comply with standards if:
    - Cost-sharing has been offered, or
    - Corrective measures do not involve eligible costs

# Ashland County Ordinance

- Adoption of NR 151 standards and prohibitions
- Permit required to build a new, significantly alter, or abandon a manure storage facility
- Enforced by LCC