



Winnebago County

Land & Water Conservation Department

FACT SHEET

Winnebago County Livestock Waste Management Ordinance

PURPOSE

To ensure the safe handling and application of livestock waste as well as to regulate the location, design, construction, alteration, operation, and maintenance of all livestock facilities and livestock waste transfer/waste storage facilities. Also, to regulate the abandonment of livestock waste transfer/waste storage facilities in order to prevent water pollution, protect the health and safety of residents and transients, prevent the spread of disease, and promote the prosperity and general welfare of the citizens of Winnebago County. This Ordinance shall apply to all unincorporated areas of Winnebago County.

SPECIFIC ITEMS

1. **LIVESTOCK** means animals that are kept for human use or raised for sale or profit, including, but not limited to bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer and elk, farm-raised game birds, camelids (llamas) and ratites (emu).
2. **LIVESTOCK FACILITIES.** This means a lot or building, or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of livestock, specifically designed as a confinement area in which livestock waste may accumulate, or where the concentration of livestock is such that a vegetative cover cannot be maintained within the enclosure. The standards and specifications for design, construction, operation and maintenance of a livestock facility are those identified in the USDA-NRCS Technical Guide and the Wisconsin Administrative Code NR812.
3. **LIVESTOCK FACILITY / LIVESTOCK WASTE STORAGE FACILITIES SETBACK REQUIREMENTS.** All new Livestock Facilities / Livestock Waste Storage shall be sited a minimum of 300 feet from wetlands and surface water. A Livestock Facility / Livestock Waste Storage may be sited between 300 feet and 75 feet from wetlands and surface water with an approved variance from the Winnebago County Land and Water Conservation Department. Well setbacks will vary, depending on the practice. **Note: Winnebago County LWCD and LCC highly recommend a minimum setback of 100 feet from a well to preserve water quality.**
4. **LIVESTOCK WASTE TRANSFER/WASTE STORAGE FACILITIES.** The standards and specifications for design, construction, operation, and maintenance of livestock waste storage facilities are those identified in the USDA-NRCS Technical Guide and the Wisconsin Administrative Code NR812.
5. **IDLE LIVESTOCK WASTE STORAGE FACILITIES.** Removal of livestock waste and restoration of an idle livestock waste storage facility to a safe and sanitary condition, as determined by the LWCD, is required within one year of the date it is deemed idle. The LWCD may extend the restoration deadline for good cause; such extensions shall not exceed one-year increments. After a livestock waste storage facility has been idle for two years it must be inspected by a qualified engineer or a DATCP, NRCS or LWCD engineering practitioner and all deficiencies corrected to current technical standards before it can be put back in service.
6. **LIVESTOCK WASTE MANAGEMENT AND UTILIZATION.** Livestock wastes for which transfer/storage permits are issued under this chapter of the Code and all wastes from existing livestock waste transfer/waste storage facilities shall be managed and utilized in accordance with all applicable current USDA-NRCS Technical Standards. A current

Nutrient Management Plan shall be submitted by the owner or operator of the livestock waste transfer/waste storage facility by March 31st annually to the Winnebago County Land and Water Conservation Department until the livestock waste transfer/waste storage facility is no longer in use and it has been properly abandoned/closed.

7. **LIVESTOCK WASTE MANAGEMENT, APPLICATION AND PROHIBITION REQUIREMENTS.** All livestock waste shall be managed and applied in accordance with all current applicable technical standards. Please refer to the **Livestock Waste Application Guidance Document**.
8. **LIVESTOCK WASTE PROHIBITIONS.** The following practices are prohibited pursuant of this ordinance:
- a) Overflow of livestock waste transfer/waste storage facilities.
 - b) Unconfined livestock waste stacking (piling) within a "Water Quality Management Area". *"Unconfined Livestock Waste Pile" means a quantity of livestock waste, at least 175 cu. ft. in volume, that covers the ground surface to a depth of at least 2 inches thick and is not confined within a livestock waste storage facility, livestock facility or barnyard runoff control facility.*

NOTE: A typical 140-bushel manure spreader contains about 175 cu. ft. of livestock waste.
A pile or stack larger than approximately 6'x6'x5'.

"Water Quality Management Area" means any of the following: 1) the area within 1,000 feet from the ordinary high-water mark of a lake, pond or flowage; 2) the area within 300 feet from the ordinary high-water mark of a stream or river; and 3) a site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.
 - c) Direct runoff of livestock waste or process wastewater to waters of the state. "Process Wastewater" means wastewater from the production area directly or indirectly used in the operation of livestock feeding operations that results from any or all of the following:
 - (1) Spillage or overflow from livestock watering systems.
 - (2) Washing, cleaning, or flushing pens, barns, livestock waste facilities, or other livestock feeding operation facilities.
 - (3) Direct contact swimming, washing, or spray cooling of livestock or dust control.
 - (4) Water that comes in contact with any raw materials or livestock by-products including but not limited to livestock waste, feed, milk, eggs or bedding.
 - d) Unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.
9. **UNCONFINED LIVESTOCK WASTE PILING/STACKING REGULATIONS.** In accordance with current applicable technical standards, "Unconfined Livestock Waste Pile or Stack" location may only be used for a maximum of 8 months. That site may not be used again for a minimum of one year if the waste dry matter was less than 32% or two years if waste dry matter was greater than 32%.

PERMIT REQUIREMENTS

No person or their agent may construct, reconstruct, enlarge, or substantially alter any livestock waste storage facility or livestock facility without first obtaining a LIVESTOCK WASTE MANAGEMENT PERMIT from the Winnebago County Land and Water Conservation Department.

PERMIT FEES

The initial fee for a permit under this chapter will be between \$300 and \$1,000 depending on the type of project.

The initial fee for a permit issued after the fact shall be doubled.

The extension fee for a permit under this chapter shall be \$100.00.

Contact the Winnebago County Land and Water Conservation Department (LWCD) at: (920)232-1950 or (920)727-8642. Copies of the Livestock Waste Management Ordinance may be obtained at the LWCD office located at: 625 East County Road Y, Suite 100, Oshkosh, WI. You can also find information on our website at: www.co.winnebago.wi.us/lwcd.