

Winnebago County Livestock Waste Management Ordinance

Summary of Proposed Revisions 9-27-2016

Overview

The proposed revisions to the Livestock Waste Management Ordinance (LWMO) are needed to update language and terms, codes, and technical standards that are referenced or used to implement and enforce this document. It is also an attempt to remove unnecessary items, add needed changes and make the LWMO more consistent, and easier to understand and implement.

General Changes

The following changes were made throughout the LWMO for consistency:

“Animal” was replaced with “Livestock”

“Animal Lot” was replaced with “Livestock Facility”

“Animal Waste” or “Manure” was replaced with “Livestock Waste”

“Livestock Waste Transfer System/Facility” is added with “Livestock Waste Storage Facility” to meet new laws/rules regarding livestock waste transfer systems.

“Land and Water Conservation Department (LWCD)” was replaced with “the department”

Many of the revisions are simply reorganizing where certain information is located and adding or removing needed or unnecessary terms or requirements. These revisions were targeted at simplifying the document and allowing for normal changes and updates to occur in the codes and technical standards that are used to implement it, without having to revise the LWMO.

Provided in this packet of information are copies of the current LWMO and the proposed LWMO with the main revisions highlighted and items correctly alphabetized, placed and renumbered and/or re-lettered. This will allow you to see the current document and visualize and understand how the revised/final draft LWMO looks.

For ease of review, the following outline of significant changes is provided. This outline follows the revised version that has the changes highlighted.

Page 1

Cover Page: Abandonment section 13.14 was merged into section 13.10 “Application and Issuance of Permits” for continuity, thus the total number of sections is reduced from 15 to 14.

Page 2

Minor revisions made for clarity and simplification. The “General Changes” discussed above are started here and carried forward.

13.01 Authority

- (1) Removed 92.11, better defined Chapter 59.70, and added ATCP 50.56 and NR 151.05 Wis. Adm. Code. for Agricultural Performance Standards authority.
- (3) Added the current USGS Quadrangle Maps to the references.

13.02 Findings and Declaration of Policy

- (3) Minor edit for clarity. (Per LCC)

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13.03 Purpose:

Added “transfer” to reflect changes in the technical standards that require “livestock waste transfer facilities” be called out.

13.04 Interpretation

Added “severability” language for ordinance protection.

13.07 Definitions:

- (1) “Abandonment” was replaced with “Abandonment/Closure” and more simply defined.

“Animal” was replaced with (8) “Livestock” and defined without fish. (We have no technical standards to reference for fish farming facilities, and fish are currently regulated by DATCP and WDNR)

“Animal Lot” was replaced with (9) “Livestock Facility”. The definition was not changed.

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13.07 Definitions continued:

- (6) “Idle Livestock Waste Storage Facility” was added and defined. (This was to address facility that contain livestock waste and are currently not being used.)

- (8) “Livestock” replaced “Animal” and was redefined as previously stated above.

- (9) “Livestock Facility” replaced “Animal Lot”, definition was not changed.

- (10) “Livestock Waste” was redefined to include feed and those things that come in contact with livestock excreta.

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13.07 Definitions continued:

- (12) “Livestock Waste Storage Facility” was redefined for clarity and to call out the standards.
- (13) “Livestock Waste Transfer System” was added and defined.

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13.07 Definitions continued:

- (15) “Nutrient Management Plan” was redefined for clarity and simplicity.
- “Pond” was removed because it is covered under (24) “Waters of the State”.
- (18) “Process Wastewater” was added and defined to meet the new technical standards and codes.
- (20) “Substantially Alter” was added and defined because the term is used in the ordinance and was not previously defined.
- (23) “Unconfined Manure Pile” was added and defined because is used in the ordinance (referenced from Wisconsin State Code) and it was not previously defined.

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13.07 Definitions continued:

- (24) “Waters of the State” was updated to meet current code identified in 283.01(20). (Per LCC)

13.08 Activities Subject to Regulation:

- (1) Applicability. “livestock waste transfer system” was added to meet technical standards and codes.

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13.09 Standards and Specifications

- (2) “wetlands” were added with surface water in both sentences because wetlands are conduits to groundwater.
- (3) Livestock Waste Storage Facilities and Transfer Systems. “Transfer Systems” was added to the section title and “abandonment/closure” and “transfer system” were added to the explanation.

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13.09 Standards and Specifications continued

(4) Livestock Waste Storage Facilities Setback Requirements. “wetlands” were added to both sentences because wetlands are conduits to groundwater. The setback was increased to 300 feet. Added the last sentence to the rule to provide a variance option consistent with 13.09(2).

(5) Livestock Waste Management and Utilization. Redefined for clarity. Submittal date was changed to March 31st annually to encourage landowners to prepare their nutrient management plan in winter before spring so it can be properly implemented during the planting season.

(6) Livestock Waste Management Application Requirements. Title changed for consistency. Explanation changed for clarity and simplicity.

(6)(a)(1) and (6)(a)(2) Setback was increased from 200 feet to 300 feet to meet current technical standard requirements and state code.

(6)(b)(1) and (6)(b)(2) Setback increased from 200 feet to 300 feet to meet current technical standard requirements and state code.

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13.09 Standards and Specifications continued

(6)(c) Added “groundwater” to the rule.

(7)(c) Added “livestock waste or process wastewater” to meet current state code.

13.10 Application and Issuance of Permits

(3) Added “Transfer System” to the section title and the rule.

(3)(a) Added “with scale and north arrow”, “dimensions”, “wells and soil types” and change the distance from 300 to 1000 feet. This eliminated those other items being listed separately.

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13.10 Application and Issuance of Permits continued

(3)(b) The last sentence was removed because it is not part of the rule and is not necessary.

(3)(c) Added “bedrock” which eliminated a separate listing.

(3)(e) Added “surface water” and “wetlands” and increased distance from 500 feet to 1000feet. The balance of the rule was removed because it is covered under surface water and wetlands.

(3)(h) Added “gating and employee safety plans and signage” to meet current technical standards.

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13.10 Application and Issuance of Permits continued

(4) Livestock Facility Plan Requirements. Added “Livestock Facility” to the section title and rule.

(4)(a) Added “with scale and north arrow”, “dimensions”, “wells and soil types” and change the distance from 300 to 1000 feet. This eliminated those other items being listed separately.

(4)(b) Added “bedrock” and revised the requirement wording.

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13.10 Application and Issuance of Permits continued

(4)(d) Added “surface water and wetland” and increased distance from 500 to 1000 feet. The balance of the rule was removed because it is covered under surface water and wetlands.

(4)(e) Added “If requested by the Department” and “bench marks including elevations expressed in feet and hundredths”. This requirement is not always necessary depending on the project.

(5) Idle Livestock Waste Storage Facilities. This entire section was added new to address inactive livestock waste facilities that contain livestock waste.

(6) Abandonment/Closure. Added “Closure” to the section title, and the section, currently 13.14, was moved to this part of the ordinance for consistency.

(7) Livestock Waste Storage Facility and/or Transfer System Abandonment/Closure Plan Requirements. This entire section was added as needed guidance for the proper abandonment/closure of a Livestock Waste Storage Facility and/or Transfer System.

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13.10 Application and Issuance of Permits continued

(10) Permit Extensions. Changed the section title and wording from Renewals to “Permit Extensions” to eliminate confusion about process, and clarify what it means and allows.

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13.13 Administration

(1) Administrative Authority. Added “in accordance with sec. 92.07 Wis. Stats. for clarity.

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13.13 Administration continued

(5) Referral Authority. Added to further allow and clarify enforcement of the ordinance through the corporation council and the legal system.

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13.13 Administration continued

(6) Penalties. Correction - Changed Sec. 25.04(4)(b)(7) to 25.04(4)(a)(7)