# CHIPPEWA COUNTY

## PLANNING & ZONING COMMITTEE

## REGULAR MEETING

## DECEMBER 19, 2024

## CHIPPEWA COUNTY COURTHOUSE, RM 302

## 4:30 PM

## 1. CALL TO ORDER

## 2. ROLL CALL

| Attendee Name | Organization | Title | Status | Arrived |
|---|---|---|---|---|
| Jason Bergeron | Chippewa County | District 7, Chair | Present | |
| Duane Shoebridge | Chippewa County | District 3, Vice-Chair | Present | |
| David Kelly | Chippewa County | District 14 | Present | |
| Rocky Kempe | Chippewa County | District 16 | Present | |
| Chuck Hull | Chippewa County | District 19 | Present | |

## 3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

None.

## 4. CONSENT AGENDA

Clary indicated that the minutes from the November meeting were not included in the packet or posted online.

Motion to Approve with the November PZC minutes being placed on the next agenda.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Duane Shoebridge, District 3, Vice-Chair |
| **SECONDER:** | David Kelly, District 14 |
| **AYES:** | Bergeron, Shoebridge, Kelly, Kempe, Hull |

1. Approve the Agenda
2. Approve the Minutes
3. Schedule Next Meeting Date - January 23, 2025

## 5. REPORTS

1. Chippewa County Nitrate Occurrence & Source Investigation (Emphasis on Town of Wheaton) – Kevin Masarik – UW-Stevens Point

   Kevin Masarik - UW Stevens Point presented a report on Chippewa County Nitrate Occurrence and Source Investigation (Emphasis on Town of Wheaton). No action taken.

| | |
|---|---|
| **RESULT:** | **DISCUSSED** |

## 6. PUBLIC HEARINGS - FOR DISCUSSION AND ACTION

1. 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request - Town of Wheaton
   Solhawk Dairy - Joel Seidlitz, Ken Schmidt, Scott Birch spoke as members of the public.

   Todd Prill - WI DNR CAFO Specialist spoke in regards to Solhawk Diary LLC and land spreading. Doug Clary, Chippewa Co. spoke. Motion to approve the CUP with Clary's recommendations . Roll call vote was taken with Jason Bergeron, Duane Shoebridge, Chuck Hull, and Rocky Kempe voting in favor and David Kelly voting against. 4-1 vote and motion passed

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Chuck Hull, District 19 |
| **SECONDER:** | Duane Shoebridge, District 3, Vice-Chair |
| **AYES:** | Bergeron, Shoebridge, Kelly, Kempe, Hull |

2. 2024-0016 Ryherd Rezone Petition - Town of Eagle Point
   Motion to Approve.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Chuck Hull, District 19 |
| **SECONDER:** | David Kelly, District 14 |
| **AYES:** | Bergeron, Shoebridge, Kelly, Kempe, Hull |

3. 2024-1002 Inn on Lake Wissota LLC and Passint Rezone Petition - Town of Anson
   Motion to Approve.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | David Kelly, District 14 |
| **SECONDER:** | Chuck Hull, District 19 |
| **AYES:** | Bergeron, Shoebridge, Kelly, Kempe, Hull |

4. 2024-1003 Burton Rezone Petition - Town of Anson
   Motion to approve.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Chuck Hull, District 19 |
| **SECONDER:** | David Kelly, District 14 |
| **AYES:** | Bergeron, Shoebridge, Kelly, Kempe, Hull |

5. 2024-1001 Gougar Conditional Use Permit Request - Town of Lafayette
   Motion to approve.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Duane Shoebridge, District 3, Vice-Chair |
| **SECONDER:** | Chuck Hull, District 19 |
| **AYES:** | Bergeron, Shoebridge, Kelly, Kempe, Hull |

## 7. BUSINESS ITEMS

1. Wissota Meadows First Addition - Preliminary State Plat Review - Town of Lafayette
   Committee and staff reviewed preliminary plat. A final plat will be submitted in the future.

| | |
|---|---|
| **RESULT:** | **DISCUSSED** |

2. Discussion on Future Planning & Zoning Committee Meeting Dates & Times
   Committee members discussed and agreed to move the start time from 4:30pm to 5:00pm for the regular PZC meetings.

   Comprehensive Planning: The committee discussed the upcoming comprehensive planning meeting scheduled for January and future meeting dates. The committee decided to handle both the hearing and comprehensive planning meeting the same night in January and then they would look at future meetings and overall agenda items to decide whether special meetings were required to avoid overly lengthy meetings each month.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Duane Shoebridge, District 3, Vice-Chair |
| **SECONDER:** | Rocky Kempe, District 16 |
| **AYES:** | Bergeron, Shoebridge, Kelly, Kempe, Hull |

## 8. AGENDA ITEMS FOR FUTURE CONSIDERATION

None discussed.

## 9. ADJOURN

Motion to Adjourn.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Chuck Hull, District 19 |
| **SECONDER:** | Rocky Kempe, District 16 |
| **AYES:** | Bergeron, Shoebridge, Kelly, Kempe, Hull |

**STATEMENT OF EXPLANATION**
**2024-1002 SOLHAWK DAIRY, INC. - CONDITIONAL USE REQUEST -**
**TOWN OF WHEATON**

To allow the expansion of an existing Livestock Operation, previously permitted under Conditional Use Permit 2021-0009, in the Agricultural District in accordance with Sections 70-71(b)(16), 70-108 and 70-160 through 70-173 of the Chippewa County Zoning Ordinance. Parcels are located in the N ½ of the NE ¼, Section 20, Township 28 North, Range 09 West. Town of Wheaton. Physical Address: 8777 County Highway X.

History:

| | | | |
|---|---|---|---|
| 11/21/24 | Planning & Zoning Committee | POSTPONE | Next: 12/19/24 |

(Posted on November 1, 2024)
(Chippewa County Website & County Clerk's Bulletin Board)

CHIPPEWA COUNTY PLANNING & ZONING COMMITTEE
NOTICE OF PUBLIC HEARING
STATE OF WISCONSIN

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that public hearings will be held on **November 21, 2024** beginning at **4:30 PM** at the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin relative to the following petitions:

**Rezone Petition: 2024-0016**
**Petitioner:** William & Connie Ryherd
Proposed CSM, which will modify the property lines between parcel number 23008-0323-62530201 and 23008-0323-62530203, which are Lots 1, 2 and 3, Block 2, Hathaway's Cornell Lake, located in the SW ¼ of the NW ¼, Section 3, Township 30 North, Range 08 West. Town of Eagle Point. Physical address: 18615 164th St.
**From:** Residential 3 **To:** Residential 1

**Rezone Petition: 2024-1001**
**Petitioner:** Mabel Steward Trust & Terry Steward **Agent:** Jason Hiess/Hiess-Loken & Associates
Parcel numbers 22808-1132-05010000 and 22808-1132-09250000, which are located in the NW ¼ of the SW ¼, Section 11, Township 28 North, Range 08 West. Town of Lafayette. Property Addresses: 17211 Cty Hwy J, 17223 Cty Hwy J and 17231 Cty Hwy J.
**From:** Residential 2 and Local Commercial **To:** Residential 1

**Conditional Use Permit: 2024-1000**
**Petitioner:** Cole Olynick **Property Owner:** Haas Sons Inc
To allow a non-metallic mine in the Agricultural District in accordance with sections 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance on parcel number 22810-2434-00020000, which is located in the SE ¼ of the SW 14, Section 24, Township 28 North, Range 10 West. Town of Wheaton. Physical Address: Vacant.

**Conditional Use Request: 2024-1002**
**Petitioner:** Solhawk Dairy, Inc
**Agent:** Dennis Hawkins and Auth Consulting & Associates, Inc.
To allow the expansion of an existing Livestock Operation in the Agricultural District in accordance with Sections 70-71(b)(16), 70-108 and 70-160 through 70-173 of the Chippewa County Zoning Ordinance. Parcels are located in the N ½ of the NE ¼, Section 20, Township 28 North, Range 09 West. Town of Wheaton. Physical Address: 8777 County Highway X.

Specific information regarding these public hearings can be obtained at the Chippewa County Department of Planning & Zoning. All persons interested are invited to attend this meeting.

Dated this **31st** day of **October**, 2024

Douglas Clary, Director
Department of Planning & Zoning
Chippewa County

Attachment: 2024-10002 Solhawk Dairy, Inc Conditional Use Request - Public Hearing Notices & Maps (8674 : 2024-1002 Solhawk Dairy, Inc. -

NOTICE TO ADJACENT PROPERTY OWNERS

STATE OF WISCONSIN – LIVESTOCK FACILITY SITING – CONDITIONAL USE REQUEST

Wis. Stats. s. 93.90; Wis. Adm. Code ch. ATCP 51

The Chippewa County Department of Planning & Zoning has received an application from **Solhawk Dairy, Inc.** to approve the expansion of an existing livestock facility located at 8777 County Highway X, Chippewa Falls, Wisconsin 54729. The property is located in the N ½ of the NE ¼, Section 20, Township 28 North, Range 09 West, Town of Wheaton. The applicant has filed the application form and worksheets prescribed by state law describing the proposed facility in detail. They are also designed to document compliance with uniform state livestock facility siting standards, including standards related to:

- Odor management.
- Property line and road setbacks.
- Manure management.
- Manure storage facilities.
- Runoff management.

On Friday, October 11, 2024, the Department notified the applicant that the application was complete. Under state law, Chippewa County must normally grant or deny the application within 90 days after the date of approval. Under state law, Chippewa County must approve the application unless it finds, based on other clear and convincing evidence, that the application fails to meet state standards. A political subdivision, such as Chippewa County, may not ordinarily consider other siting criteria, or apply standards that differ from the state standards.

Copies of the application form and worksheets are on file with the Department of Planning & Zoning, and are open to public inspection. Interested persons may submit comments and information, in writing, by 12:00 noon on Wednesday, November 20, 2024 or they may attend the public hearing as shown below. Individuals may review the siting application, and submit written comments, at the following address:

Department of Planning & Zoning
Chippewa County Courthouse, Room 009
711 N. Bridge Street
Chippewa Falls, Wisconsin 54729

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that a public hearing will be held on **November 21, 2024** beginning at **4:30 PM** at the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin relative to the following request.

An applicant, or a person who resides or owns land within 2 miles of the proposed livestock facility, may appeal the Chippewa County's decision to the Wisconsin Livestock Facility Siting Review Board. An appeal, if any, must be filed within 30 days. The Siting Review Board will review the local decision based on state law, and evidence in the local record (the Board will not hold a new hearing or accept new evidence).

On the back side of this notice, you will find a short summary of state livestock facility siting requirements. For more information, you may call Douglas Clary at (715) 726-7941 or visit the state website at http://livestocksiting.wi.gov/

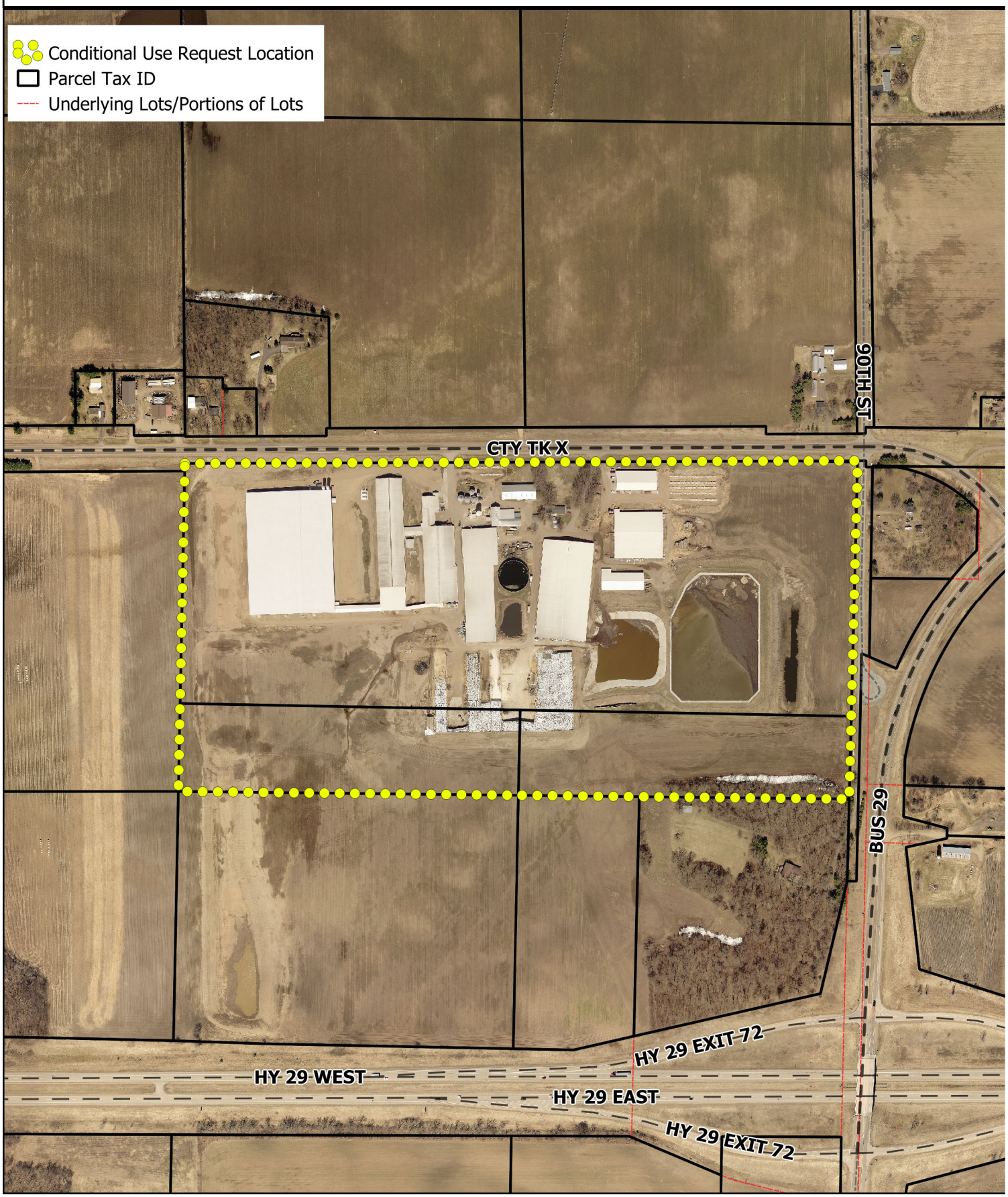
Attachment: 2024-10002 Solhawk Dairy, Inc Conditional Use Request - Public Hearing Notices & Maps (8674 : 2024-1002 Solhawk Dairy, Inc. -

**State Livestock Facility Siting Requirements (For New or Expanded Livestock Operations that Need a Local Permit)**

| Requirement | Applies to | Provisions |
|---|---|---|
| Application and Worksheets | All applicants | • Describes proposed livestock operation in detail.<br>• Shows number of "animal units" (AU) proposed.<br>• Documents compliance with state siting standards. |
| Odor Management (see worksheet) | Applicants whose livestock operation will be both of the following:<br>• Located within 2500 feet of closest neighbor.<br>• Over 500 AU for new livestock operation or 1000 AU for expansion. | • Odor score must meet state standard.<br>• Odor score depends on predicted odor from livestock structures (varies by structure size and type), odor management practices used, distance to nearest neighbors, and density of neighboring development. |
| Waste and Nutrient Management (see worksheet) | All applicants | • Shows maximum amount of waste that will be generated (manure and other).<br>• Describes waste management plan, including landspreading and storage if any.<br>• Identifies proposed manure storage and capacity.<br>• Identifies land available for spreading.<br>• Professional checklist shows that waste disposal plan is adequate to handle projected waste, and meets state standards (not required for operations under 500 AU that have adequate land base). |
| Waste Storage Facilities (see worksheet) | All applicants with manure storage facilities | • New facilities constructed to current state standards.<br>• Existing facilities appear to be safe (no indication of leakage or failure).<br>• Abandoned facilities are properly closed.<br>• Professional evaluation and construction plan. |
| Runoff Management (see worksheet) | All applicants | • Meet state nonpoint pollution standards.<br>• Control runoff from animal lots and feed storage. |
| Setbacks (see site map) | All applicants | • Meet local setbacks (cannot exceed state maximums of 100 to 200 feet depending on size).<br>• 350 ft. setback for new waste storage.<br>• Existing structures "grandfathered" (can continue and expand, but not toward property line).<br>• Must comply with existing water quality setbacks (wetland, floodplain, well setbacks). |
| Training and Response Plans | All applicants | • Incident response plan (spills and odor events).<br>• Employee training (manure and odor mgmt.). |

Attachment: 2024-10002 Solhawk Dairy, Inc Conditional Use Request - Public Hearing Notices & Maps (8674 : 2024-1002 Solhawk Dairy, Inc. -

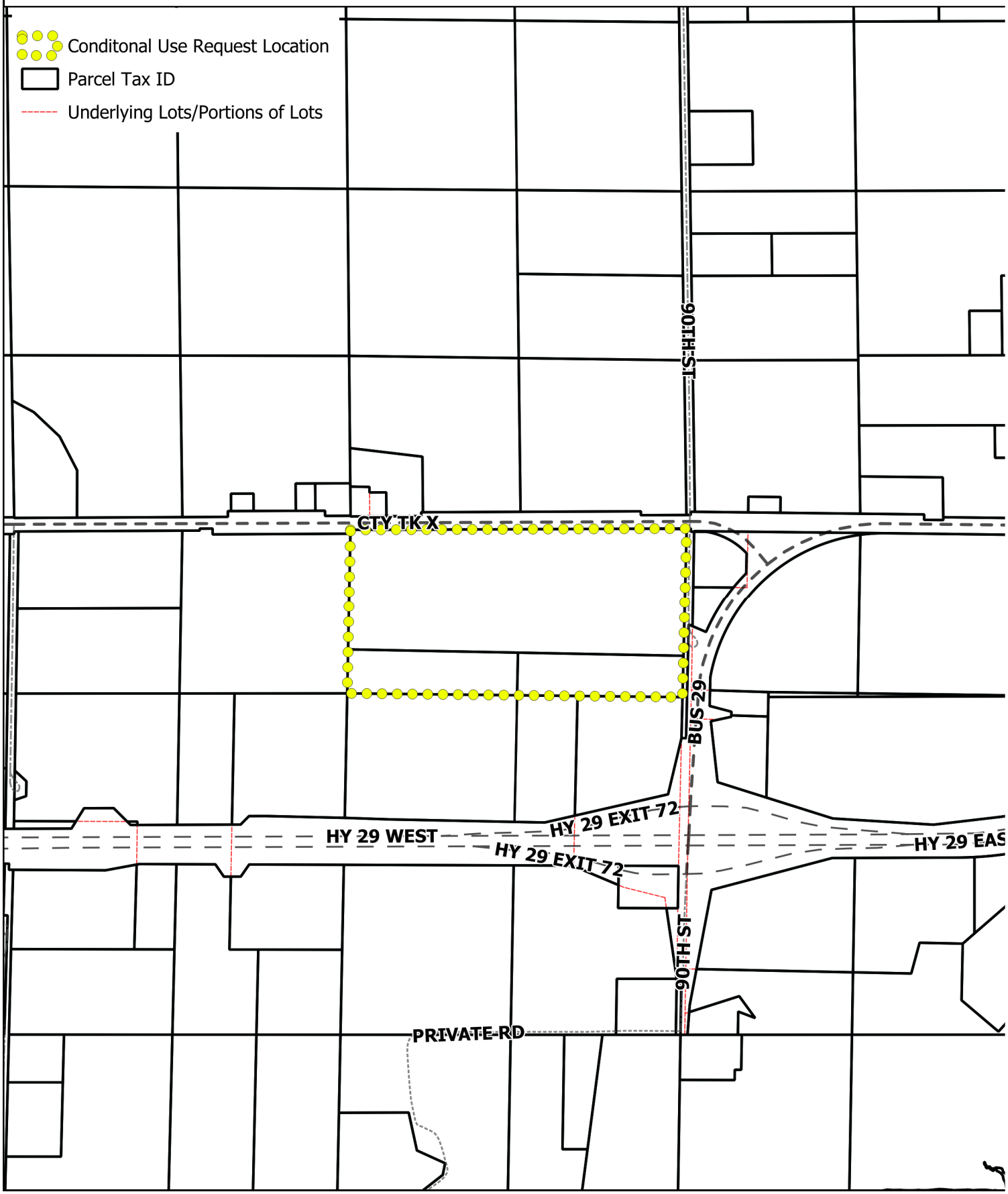
# 2024-1002 Solhawk Dairy, Inc Conditional Use Request
## Aerial (2023)




Produced on November 1, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

Attachment: 2024-10002 Solhawk Dairy, Inc Conditional Use Request - Public Hearing Notices & Maps (8674 : 2024-1002 Solhawk Dairy, Inc. -

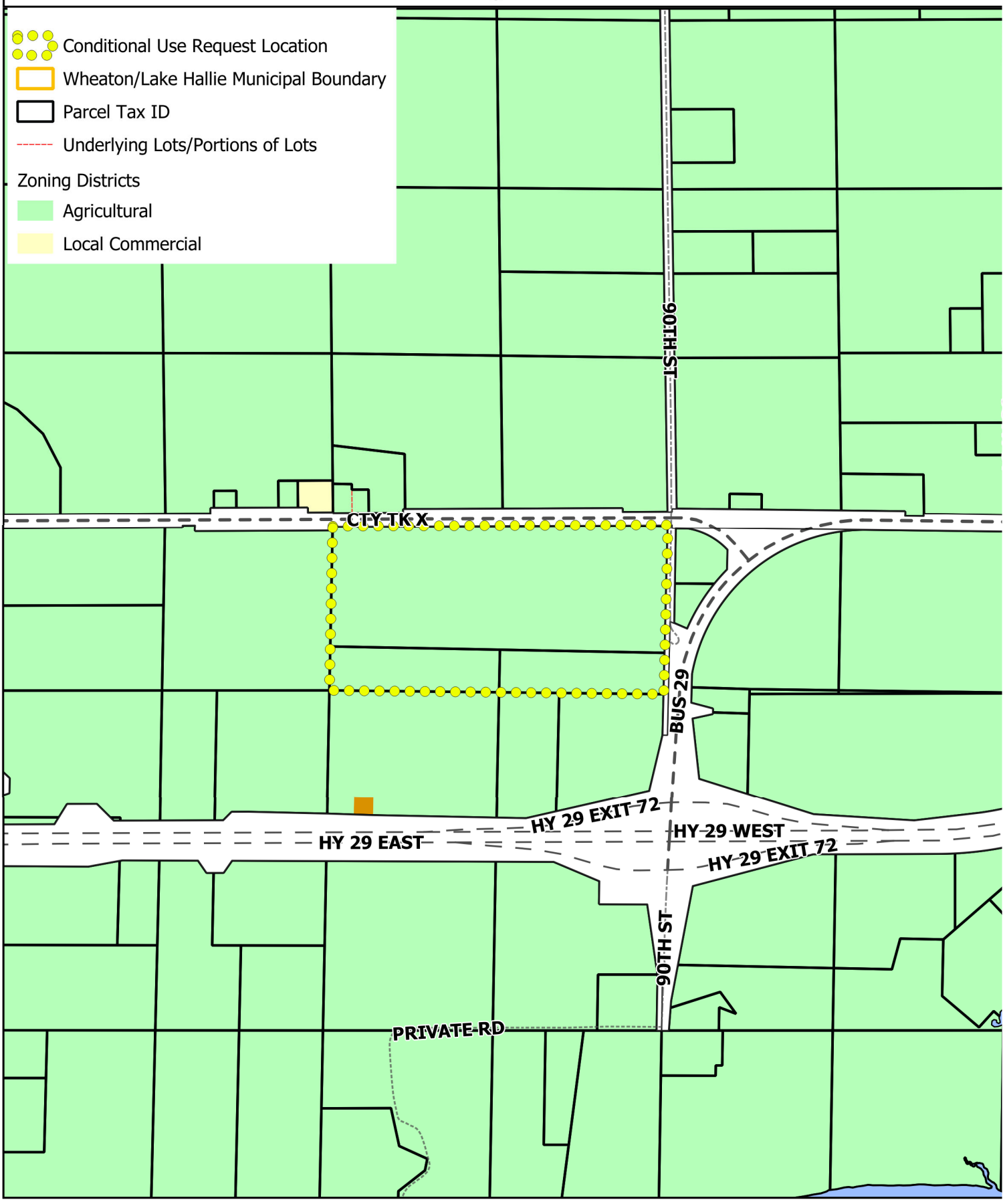
# 2024-1002 Solhawk Dairy, Inc Conditional Use Request
# Location Map




Produced on November 1, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

Attachment: 2024-10002 Solhawk Dairy, Inc Conditional Use Request - Public Hearing Notices & Maps (8674 : 2024-1002 Solhawk Dairy, Inc. -

# 2024-1002 Solhawk Dairy, Inc Conditional Use Request
## Zoning Districts




Produced on November 1, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only

Attachment: 2024-10002 Solhawk Dairy, Inc Conditional Use Request - Public Hearing Notices & Maps (8674 : 2024-1002 Solhawk Dairy, Inc. -

# CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE
# NOTICE OF ACTION

## Conditional Use Permit for a Livestock Facility (Town of Wheaton)

**APPEAL NUMBER: # 2021-0009**
**APPEAL DATE: 09-23-2021**

| **LAND OWNER(S):** | **Parcel Number:** |
|---|---|
| Solhawk Dairy, Inc, 8777 County Highway X, Chippewa Falls, Wisconsin 54729 | 22809-2012-00210000 |
| D & D Hawkins Farm, Inc, 8544 County Highway X, Chippewa Falls, Wisconsin 54729 | 22809-2012-00020000 |
| D & D Hawkins Farm, Inc, 8544 County Highway X, Chippewa Falls, Wisconsin 54729 | 22809-2011-00020000 |

Dear Solhawk Dairy, Inc. and D & D Hawkins Farm, Inc,

On September 23, 2021, the Planning & Zoning Committee considered your request for a Conditional Use Permit, which would allow the expansion of an existing Livestock Facility in the Agricultural District in accordance with Sections 70-71(b)(16), 70-108 and 70-160 through 70-173 of the Chippewa County Zoning Ordinance. Parcels are located in the N ½ of the NE ¼, Section 20, Township 28 North, Range 09 West, Town of Wheaton.

**DECISION:**
The Planning & Zoning Committee has **GRANTED** the conditional use permit, per the submitted documents, because the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards of the Zoning Ordinance.

The permit expiration, compliance monitoring, terms of the permit and transferability of this permit are listed below:

**Sec. 70-168 Expiration of Permit.**

(a) Expiration of Permit. A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the county may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within 2 years after issuance of permit:

(1) *Begin* populating the new or expanded livestock facility.

(2) *Begin* constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

(b) Permit Modifications. The operator shall notify the Administrator of any alteration or management changes that may affect compliance with the standards. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the county shall not withhold authorization for those changes.

**Sec. 70-169 Compliance Monitoring.**

The Department shall monitor compliance with the ordinance as follows:

(a) A livestock operator shall develop and submit to LCFM a complete nutrient management plan for the operation within 12 months of populating the permitted livestock facility.

(1) The operator shall maintain field specific nutrient management records, as needed to verify compliance, and shall develop and file annual updates to this plan. LCFM will review these records and plans on an

Attachment: 2021-0009 Solhawk Dairy, Inc. - CUP - FINAL_Decision (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

annual basis to monitor compliance with ATCP 51.16(1)(a)1. Written correspondence detailing the annual monitoring shall be sent to the Administrator and the livestock operator regarding compliance or non-compliance.

(b) Upon given notice to the livestock facility owner requesting the right of the Department to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.

(c) If the livestock facility owner refuses these authorities the right to view the permitted facility, the Administrator may obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.

(d) If a permitted facility is found not to be in compliance with the commitments made in the approved application, LCFM shall prepare an evaluation report that documents the points of non-compliance. LCFM shall provide this report to the Administrator. The Administrator shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application be complied with in a reasonable amount of time stated in this written notice.

(e) If non-compliance of the permit conditions as described in the written notice given by the Administrator continue past the stated reasonable time to comply, the Administrator may take further action as provided in this ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.

(f) If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five (5) days of receipt of the notice of noncompliance. The Committee shall schedule a hearing within five (5) days to determine if the conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

**Sec. 70-170 Terms of the Permit.**

A permit and the privileges granted by a permit issued under this ordinance is conditioned on the livestock operator's compliance with the standards in this ordinance, and with commitments made in the application for a permit. The County is authorized to suspend a permit or seek other redress provided in this ordinance for non-compliance.

**Sec. 70-171 Transferability**

A permit and the privileges granted by the permit run with land, and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application.

(a) Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the County Clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

A complete record of the hearing and the decision of the Planning & Zoning Committee are available for inspection in the Chippewa County Planning & Zoning Department, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin. Information can be reviewed and/or requested between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

Dated this **23rd** day of **September**, 2021.

By the Order of the Planning & Zoning Committee.

Douglas Clary

Attachment: 2021-0009 Solhawk Dairy, Inc. - CUP - FINAL_Decision (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

APPEAL NUMBER: # 2021-0009
APPROVAL DATE: September 23, 2021

DRAFT: 09-23-2021

Douglas Clary, Director
Department of Planning & Zoning

CC: Solhawk Dairy, Inc, 8777 County Highway X, Chippewa Falls, Wisconsin 54729 – *Hard Copy*
D & D Hawkins Farm, Inc, 8544 County Highway X, Chippewa Falls, Wisconsin 54729 –
DATCP – *via email*

Attachment: 2021-0009 Solhawk Dairy, Inc. - CUP - FINAL_Decision (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

# ATCP51 Permit Application
# Solhawk Dairy, Inc.

RECEIVED
SEP 24 2024
BY:

## September 2024

Compiled by:

**Auth Consulting & Associates, Inc. (AC/a)**
406 Technology Drive E, Suite A
Menomonie, WI 54751
715-232-8490 ph
715-232-8492 fx

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# ATCP51 Permit Application

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Chapter ATCP 51

## APPENDIX A

## APPLICATION FORM AND WORKSHEETS

Application for Local Approval
*New or Expanded Livestock Facility*

Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708–8911
(608) 224–4622
(608) 224–4500

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

## Introduction

Use this application form to obtain local approval for a *new* or *expanded* livestock facility (cattle, swine, poultry, sheep or goats) that will exceed 500 "animal units" (or a lower threshold established by local zoning ordinance prior to July 19, 2003).

Some local governments require local approval, but others do not. Check with your local government (county and town or municipality) to see if local approval is required in your area.

In some cases, you may need local approval from more than one local government (for example, the county and the town, or 2 towns if your livestock facility straddles the town line). But the application and approval process should be the same.

The construction of a new or altered *livestock structure* does not, by itself, constitute an "expansion" (unless there will also be an increase in *animal units*). If you already have a permit or local approval, you may not need another approval unless your planned expansion exceeds the number of animals previously authorized by your local government.

Local approval, if required, is governed by statewide uniform standards in Wisconsin Statutes s. 93.90 and Wisconsin Administrative Code chapter *ATCP 51*. This application documents compliance with those standards.

### *The Livestock Facility*

A livestock facility includes livestock, livestock structures, the land on which they are located (it does not include pastures or winter grazing areas). *Related livestock facilities* (see definition below) are treated as a single livestock facility, for purposes of local approval. However:

- *A separate species facility* (see definition below) may be treated as a separate livestock facility, even if it is owned by the same person and located on the same land parcel as another livestock facility.
- A mere acquisition of a neighboring livestock facility does not constitute an *expansion* unless more *animal units* are added to the combined facilities.

### *Completing the Application*

If local approval is required, complete this entire application form (including the worksheets). Follow the instructions in the application form. Attach all of the supplementary documentation required. Your application must be complete, credible and internally consistent.

The application form and worksheets ask for information to show compliance with Wisconsin livestock facility siting standards. A local government has *very limited* authority to modify the standards by local ordinance (modifications, if any, must be reflected in the local version of this application form).

As part of your application, you must specify the number of *animal units* that you will keep at a new or expanded livestock facility. If the local government approves your requested number, this will be the maximum number that you may keep for 90 days or more in any 12–month period.

A local government may require you to submit up to 4 duplicate copies of the complete application, worksheets, maps and other attachments. But you are not required to submit duplicate copies of engineering design specifications.

### *Worksheets*

This application includes the following worksheets:

- *Animal units* (worksheet 1)
- Odor management (worksheet 2)
- Waste and nutrient management (worksheet 3)
- Waste storage facilities (worksheet 4)
- Runoff management (worksheet 5)

Complete the worksheets following all instructions (including those on each worksheet). You may use a convenient automated spreadsheet in place of Tables A and B of worksheet 2 if you prefer (results are identical). The spreadsheet is available at http://www.datcp.state.wi.us.

If the Wisconsin Department of Natural Resources (*DNR*) has issued a Wisconsin Pollutant Discharge Elimination System (*WPDES*) permit for your proposed livestock facility, you can check a box on worksheets 3, 4 and 5, and submit a copy of that permit with the worksheets. A *WPDES* permit does not affect the requirements for completing worksheets 1 and 2.

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

### *Fees*

A local government may require a fee to offset its reasonable costs to review and process this application. The fee, if any, must be established by local ordinance and may not exceed $1,000. A local government may NOT charge any other fee, or require you to post any bond or security.

### *Local Approval Process*

If you complete the application properly, the local government MUST APPROVE the proposed livestock facility unless it finds, based on clear and convincing evidence in the local record, that the facility fails to meet the state standards.

Within 45 days after you submit your application, the local government must notify you whether your application is complete. If you failed to complete part of the application, you must submit the missing information. The local government must grant or deny the application within 90 days after it declares the application complete, and issue its decision in writing. The approval must include a duplicate copy of the approved application, marked "approved." The duplicate copy shall include all the worksheets, maps, and other attachments included in the application, with the exception of the engineering design specifications. The local government must make a record of its decision making process, and the evidence supporting its decision. The record must include your application.

### *Appeal of Local Decision*

If you disagree with the local government's decision on your application, you may appeal that decision to the Wisconsin Livestock Facility Siting Review Board ("Board"). Other "aggrieved persons" may also appeal to the Board. An "aggrieved person" includes any person who resides or owns land within 2 miles of your proposed livestock facility.

You must file your appeal within 30 days after the local government issues its decision (or, if you pursue a local administrative appeal process first, within 30 days after that appeal process is complete). The Board will review the local decision based on the evidence in the local record (it will not hold a new hearing or accept new testimony or evidence). You must file your appeal in writing at the following address:

Wisconsin Livestock Facility Siting Review Board
c/o Secretary, Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708–8911

### *Terms Used in this Application Form*

In this application form, you will see a number of ***italicized*** terms. Those terms are defined below (for more specific definitions, see *ATCP 51*):

**"Adjacent"** – Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right–of–way.

**"Affected Neighbors"** – Residences or *high–use buildings* within 2500 feet of any livestock structure at the proposed facility, other than those owned by the applicant or by persons who have agreed to exclude them from the applicant's odor score calculation. The total odor score for a *livestock facility* depends, in part, on the proximity and density of "affected neighbors."

**"Animal housing area"** – That portion of an animal housing structure to which animals have access, and in which manure may accumulate. "Animal housing area" includes free–stalls and travel lanes. It does NOT include holding areas, feed alleys, storage areas or milking parlors.

**"Animal lot"** – A feedlot, barnyard or other outdoor facility where livestock are concentrated for feeding or other purposes. Pastures and winter grazing areas are NOT "animal lots." Treat multiple "animal lots" as a single "animal lot" if runoff from the "animal lots" drains to the same treatment area or if runoff from the "animal lot" treatment areas converges or reaches the same surface water within 200 feet of any of those treatment areas.

**"Animal units"** – Equivalent units of *livestock*. The number of animals constituting an "animal unit" varies by species. For example, one milking dairy cow equals 1.4 "animal units." A beef animal over 600 lbs. equals 1.0 "animal units." A pig over 55 lbs. equals 0.4 "animal units." A laying chicken equals 0.01 "animal unit." The number of "animal units" kept at a *livestock facility* means the largest number of "animal units" that will be at the *livestock facility* on at least 90 days in any 12–month period. Calculate "animal units" according to worksheet 1.

**"BARNY runoff model"** – The Wisconsin version of a model that is commonly used to predict nutrient runoff from *animal lots*. An Excel computer spreadsheet version is available on the DATCP website (engineering directory).

**"Certified agricultural engineering practitioner"** – A practitioner who is properly qualified under *ATCP 50.46*.

**"Cluster"** – Any group of one or more *livestock structures* within a *livestock facility*. If you wish to do so, you may calculate separate odor scores for "clusters" that are separated by more than 750 feet.

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

**"Complete application for local approval"** – An application that contains everything required under ss. ATCP 51.30(1) to (4).

**"DATCP"** – Wisconsin Department of Agriculture, Trade and Consumer Protection. The application form cites DATCP rules including Wis. Adm. Code chs. *ATCP 51* (livestock facility siting), *ATCP 50* (soil and water resource management) and *ATCP 17* (livestock premises registration).

**"DNR"** – Wisconsin Department of Natural Resources. The application form cites DNR rules including Wis. Adm. Code chs. *NR 243* (*WPDES* permits), *NR 811* (community wells) and *NR 812* (private wells).

**"Expanded livestock facility"** – The entire *livestock facility* created by an *expansion*, including new, existing and altered *livestock structures* (existing structures are subject to less rigorous standards). Your application must indicate the maximum number of *animal units* that you will keep at the "expanded livestock facility."

**"Expansion"** – An increase in the largest number of *animal units* kept at a *livestock facility* on at least 90 days in any 12–month period. The acquisition of an existing livestock facility, by the operator of an *adjacent* facility, is not an "expansion" unless the operator increases the largest number of *animal units* kept at the combined livestock facilities on at least 90 days in any 12–month period.

**"High–use building"** – A residential building that has at least 6 distinct dwelling units; a restaurant, hotel, motel, or tourist rooming house; a school building; a hospital or licensed care facility; or a non–farm business or workplace that is open at least 40 hours a week. The odor score for your *livestock facility* depends, in part, on the proximity and density of neighboring "high–use buildings."

**"Karst features"** – Sinkholes, fractured bedrock or like features that may result in direct pollution runoff to groundwater.

**"Livestock"** – Cattle, swine, poultry, sheep or goats.

**"Livestock facility"** – A feedlot, dairy farm, or other operation where *livestock* are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12–month period. A "livestock facility" includes all of the tax parcels on which the facility is located, but it does NOT include a parcel used only for *pasture* or as a *winter grazing area*. *Related livestock facilities* are considered a single "livestock facility," except a livestock operator may elect to treat a *separate species facilities* as a separate livestock facility.

**"Livestock structure"** – A building or structure such as a barn, milking parlor, feed storage facility, feeding facility, *animal lot* or *waste storage structure*. *Pastures*, *winter grazing areas* and machine sheds are NOT "livestock structures."

**"Local approval"** – A license, permit, special zoning exception, conditional use permit, or other local authorization for a *new or expanded livestock facility*. This application form applies, regardless of the form of local approval. However, this application form does NOT cover any of the following permits (for which separate requirements may apply):

- Building, electrical or plumbing permits (if local standards are consistent with state code).
- Manure storage system permits (*see ATCP 50.56*), UNLESS construction is part of a *new or expanded livestock facility*.
- Permits required by certain local ordinances related to shoreland zoning, floodplain zoning, construction site erosion control or stormwater management.

**"New livestock facility"** – A *livestock facility* used for the first time, or for the first time in at least 5 years.

**"NRCS"** – The Natural Resource Conservation Service of the United States Department of Agriculture. Wisconsin livestock siting standards refer to NRCS Technical Guide standards.

**"Pasture"** – Land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over all of the grazing or feeding area.

**"Premises ID"** – The unique ID number assigned to your *livestock facility* under the Wisconsin Livestock Premises Registration Program (*ATCP 17*). Go to http://www.datcp.state.wi.us for more information. To register your *livestock facility*, go to http://www.wiid.org/.

**"Qualified nutrient management planner"** – A person, other than the applicant, who is qualified under *ATCP 50.48*.

**"Related livestock facilities"** – Two or more *livestock facilities* that are owned or managed by the same person and meet any of the following criteria:

- They are located on the same tax parcel or *adjacent* tax parcels.
- They use any of the same *livestock structures* to collect or store manure.
- They generate manure that is applied to the same parcel of land.



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**"Separate Species Facility"** – A distinct part of *a livestock facility* that meets all of the following criteria:

- It has only one of the following types of livestock, and that type is not found in any other part of the *livestock facility*:
  - Cattle
  - Swine
  - Poultry
  - Sheep
  - Goats
- It has no more than 500 *animal units*.
- Its animal housing and manure storage structures, if any, are located at least 750 feet from *livestock structures* that are used by other parts of the *livestock facility*.

**"Substantially altered"** livestock structure – A *livestock structure* that undergoes a material change in construction or use such as:

- An increase in the capacity of a *waste storage facility*.
- The addition of a liner to a *waste storage facility*.
- An increase of more than 20% in the area or capacity of a *livestock structure* used to house, feed, or confine *livestock* or to store livestock feed.
- An increase of more than 20% in the number of *animal units* that will be kept in a *livestock structure* on at least 90 days in any 12– month period.

**"Waste storage structure"** – An embankment structure, excavated pit, dugout or fabricated structure that is used to store manure, milking center waste or other organic waste generated by a *livestock facility*. For the purposes of waste storage structure setback (application form, A–2) and worksheet 2, a "waste storage structure" does not include a structure used to collect and store waste under an animal housing facility, or a manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

**"Waste storage facility"** — A *waste storage structure* and any attached piping or equipment used to load or unload the structure.

**"Winter grazing area"** – Cropland or *pasture* where *livestock* feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "Winter grazing area" does *not* include any of the following:

- An area, other than a *pasture*, where *livestock* are kept during the period from May 1 to September 30.
- An area which at any time has an average of more than 4 *animal units* per acre.
- An area from which *livestock* have unrestricted access to navigable waters of the state.
- An area in which manure deposited by *livestock* causes nutrient levels to exceed standards in *ATCP 51.16*.

**"WPDES permit"** – Wisconsin Pollutant Discharge Elimination System permit issued by DNR for a concentrated animal feeding operation over 1000 *animal units,* or for operations of any size that discharge pollutants directly to waters of the state.

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

arm–lwr– 11/04 January, 2006

**Wisconsin Department of Agriculture, Trade and Consumer Protection**
2811 Agriculture Drive, PO Box 8911, Madison WI 53708–8911
Phone: (608) 224–4622 or (608) 224–4500

## Application for Local Approval

***New or Expanded Livestock Facility***

Wis. Statutes s. 93.90
Wis. Adm. Code ch. ATCP 51

**1. Legal Name of Applicant** (Business Entity): Solhawk Dairy, Inc.

**2. Type of Business Entity:** check one

| | | | | |
|---|---|---|---|---|
| ☐ Individual | ☒ Corporation | ☐ Partnership | ☐ Cooperative | ☐ LLC |
| ☐ Trust | ☐ Other | Describe: | | |

**3. Other names,** if any, under which applicant does business (list all):

**4. Contact Individual:** Name: Solhawk Dairy, Inc.

Phone: 715-579-6371 E–mail: dennishawk70@gmail.com

**5. Business Address:** Street Address: 8544 County Highway X

| City/Village/Town: | County: | State: | Zip: |
|---|---|---|---|
| Chippewa Falls | Chippewa | WI | 54729 |

**6. Principal Owners or Officers** (list if applicant is an entity other than an individual):

| Name: | Title: | Phone: | |
|---|---|---|---|
| Dennis Hawkins | Secretary & Treasurer | 715-579-6371 | |
| Address: 8544 County Highway X | City: Chippewa Falls | State: WI | Zip: 54729 |
| Name: Doug Hawkins | Title: President | Phone: 715-579-6371 | |
| Address: 8544 County Highway X | City: Chippewa Falls | State: WI | Zip: 54729 |
| Name: | Title: | Phone: | |
| Address: | City: | State: | Zip: |

**7. Description of Proposed *Livestock Facility***

Check one: ☐ New *Livestock Facility* ☒ *Expanded Livestock Facility* Premises ID:

Address of Proposed *Livestock Facility*: 8777 County Highway X

| City/Village/Town: | County: | State: | Zip: |
|---|---|---|---|
| Chippewa Falls | Chippewa | WI | 54729 |

| Town # | Range # (E or W) | Section # | ¼ Section # |
|---|---|---|---|
| 28N | 09W | 20 | NE |

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

**Application (continued)**

**8. Total *Animal Units***

Enter total *animal units* from **worksheet 1:**

**Total *Animal Units***: 5196. This is the maximum *livestock facility* size for which the applicant requests approval at this time.

**9. Area Map of *Livestock Facility***

Attach a scale map or aerial photo of the proposed *livestock facility* and surrounding area. The map or photo must be appropriately sized and marked, so that it clearly and legibly shows all of the following:

- All existing and proposed *livestock structures.* Label each *livestock structure* to show structure type, and whether existing or proposed.
- The area lying within 2 miles of any of the *livestock structures.* Show all existing buildings, property lines, roadways, and navigable waters lying within that area.
- All residences and *high use buildings* within 2500 ft. of any *livestock structure.* Show which (if any) of those buildings are owned by the applicant, or by persons who have agreed to exclude the buildings from the applicant's odor worksheet calculations.
- Topographic lines at 10 ft. elevation intervals.
- Map scale and north direction indicator.

**10. Site Map of *Livestock Facility***

Attach a scale map or aerial photo of the proposed *livestock facility* site. The map or photo shall be appropriately sized and marked, so that it clearly and legibly shows all of the following:

- All existing and proposed *livestock structures.* Label each *livestock structure* to show structure type, and whether existing or proposed.
- The area lying within 1,000 ft. of any of the *livestock structures.* Show all existing buildings, property lines, roadways, navigable waters, and known *karst features* within that area.
- Topographic lines, at 2 ft. elevation intervals, for the area within 300 feet of the *livestock structures.*
- Map scale and north direction indicator.

**11. Location of *Livestock Structures***

The applicant certifies that:

- All *livestock structures* comply with applicable local property line and road setbacks (see *ATCP 51.12).*
- All *waste storage structures* comply with setbacks in *ATCP 51.12(2).*
- All *livestock structures* comply with applicable local shoreland, wetland, and floodplain zoning ordinances (copies available from local government).
- Wells comply with the Wisconsin well code (*NR 811* and *812*). *New or substantially altered livestock structures* are separated from existing wells (including neighbors' wells) by setback distances required in *NR 811* and *812.*

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

| Application (continued) |
|---|
| **12. Employee Training Plan**<br><br>Attach an Employee Training Plan for employees who will work at the *livestock facility.* Applicant determines plan contents, as long as the plan identifies all of the following:<br>• Training topics including, at a minimum, nutrient management, odor management, runoff management, manure and waste handling, employee safety, and environmental incident response.<br>• The number and job categories of employees to be trained.<br>• The form and frequency of training, which at a minimum must include a plan for at least one training per year.<br>• Training presenters (these may include *livestock facility* managers, consultants or professional educators).<br>• A system for taking and recording attendance. ~ See Attached ~ |
| **13. Environmental Incident Response Plan** ~ See Attached ~<br><br>Attach an Environmental Incident Response Plan for the *livestock facility.* Applicant determines plans contents, as long as the plan identifies all of the following:<br>• Types of environmental incidents covered. These must include, at a minimum, overflows and spills from waste storage facilities, catastrophic system failures, manure spills during transport and application, movement of manure during or after application, catastrophic mortality disposal emergency, and odor complaints.<br>• The name and business telephone number of at least one individual who will handle public questions and concerns related to environmental incidents.<br>• The names and telephone numbers of first responders (e.g. DNR, fire departments, excavation contractors).<br>• Incident response procedures, including emergency response, recordkeeping and reporting procedures. |
| **14. Odor Management Plan (*Optional*)** ~ No Odor Management Plan Attached ~<br><br>An applicant required to complete the odor management worksheet may attach an *optional* odor management plan. The applicant determines plan contents, as long as the plan addresses all of the following: activities to reduce community conflict; practices used to reduce dust; practices used to reduce odor from feed storage leachate; practices used to conserve water; and practices used to reduce odor from dead animals. |

~ See Odor Management Section Below ~

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

**Application (continued)**

**15. Other Laws**

The following laws, among others, may apply to the operation of a *livestock facility*. Local approval of a *livestock facility* siting application is NOT based on these laws, except as specifically provided in *ATCP 51*. However, violations may have other legal consequences:

- Soil conservation and nonpoint pollution laws (contact your county land conservation department). Livestock facilities that have 1,000 or more animal units, or that discharge pollutants directly to waters of the state, must also obtain a *WPDES permit* from *DNR*.
- Pesticide and agricultural chemical laws administered by *DATCP*.
- Animal disease control laws administered by *DATCP*.
- Animal mortality laws administered by *DATCP*.
- Vehicle weight limits and state prohibitions against spilling waste on roads.
- Food safety and animal health licenses administered by *DATCP*. All livestock operations must register, and some (such as dairy farms) must hold a state license.
- Air pollution control regulations administered by *DNR*.
- Building, electrical, plumbing and sanitation codes administered by the Wisconsin Department of Safety and Professional Services. A local authority may disapprove a proposed *livestock facility* that violates a conforming local code.
- Construction site erosion control laws administered by *DNR*.
- Local erosion control and stormwater management ordinances.
- Petroleum storage laws administered by the Wisconsin Department of Safety and Professional Services.
- High capacity well regulations administered by *DNR*.

**16. Worksheets**

Complete worksheets as required (follow instructions on each worksheet) and attach to application.

**Worksheet 1 – Animal Units.** ~ See Below ~

**Worksheet 2 – Odor Management.** ~ See Below ~

**Worksheet 3 – Waste and Nutrient Management.** If you hold a *WPDES permit* from *DNR* for the same proposed *livestock facility* (for an equal or greater number of *animal units*), check the appropriate box on this worksheet, and submit a copy of the permit with this application. ~ See Below ~

**Worksheet 4 – Waste Storage Facilities.** If you hold a *WPDES permit* from *DNR* for the same proposed *livestock facility* (for an equal or greater number of *animal units*), check the appropriate box on this worksheet, and submit a copy of the permit with this application. ~ See Below ~

**Worksheet 5 – Runoff Management.** If you hold a *WPDES permit* from *DNR* for the same proposed *livestock facility* (for an equal or greater number of *animal units*), check the appropriate box on this worksheet, and submit a copy of the permit with this application. ~ See Below ~



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

| Application (continued) |
|---|
| **Authorized Signature:**<br>*I certify that the information contained in this application (including worksheets and all attachments) is complete and accurate to the best of my knowledge.*<br>Signature of Applicant or Authorized Representative — Date: 9-17-24<br>Dennis Hawkins — Print Name<br>Secretary — Title |

| For Office Use Only: | |
|---|---|
| **Application #:** | |
| **Date Application Received:** | |
| **Date Completeness Determined:** | **Date Notice Sent to Applicant:** |
| **Date Notice Sent to Adjacent Landowners:** | |
| **Decision Date:** | |
| **Approved or Disapproved:** | |
| **Date Appeal Filed (if any):** | |

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

6.1.c

arm–lwr– 11/04 January 2006

**Wisconsin Department of Agriculture, Trade and Consumer Protection**
2811 Agriculture Drive, PO Box 8911, Madison WI 53708–8911
Phone: (608) 224–4622 or (608) 224–4500

## Worksheet 1 – *Animal Units*

**Instructions:** Use this worksheet to determine the number of *animal units* for which you request approval. You may request approval for a number that is large enough to accommodate current and potential future expansions. If the local government approves the requested number of *animal units*, that is the maximum number that you may keep for 90 days or more in any 12–month period. You may not exceed that number without additional approval.

To complete this worksheet:

1. Identify each type of *livestock* that you might keep at the proposed facility. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12–month period.
2. Multiply the number of animals of each type by the relevant Animal Unit Factor to obtain *animal units* of each type.
3. Sum the *animal units* for all *livestock* types to obtain the Total *Animal Units* for which you request approval.

| | ***Livestock* Type** | **Animal Unit Factor** | ***Animal Units* For Proposed Facility** |
|---|---|---|---|
| *Example – Milking & Dry Cows* | | | *1.4 x 800 = 1120 AU* |
| **Dairy Cattle** | Milking and Dry Cows | **1.4** | 1.4 x 2850 x 1.4 = 3990 |
| | Heifers (800 lbs. to 1200 lbs.) | **1.1** | 1.1 x 660 x 1.1 = 726 |
| | Heifers (400 lbs. to 800 lbs.) | **0.6** | 0.6 x 600 x 0.6 = 360 |
| | Calves (up to 400 lbs.) | **0.2** | 0.2 x 600 x 0.2 = 120 |
| **Beef** | Steers or Cows (600 lbs. to market) | **1.0** | 1.0 x = |
| | Calves (under 600 lbs.) | **0.5** | 0.5 x = |
| | Bulls (each) | **1.4** | 1.4 x = |
| **Swine** | Pigs (55 lbs. to market) | **0.4** | 0.4 x = |
| | Pigs (up to 55 lbs.) | **0.1** | 0.1 x = |
| | Sows (each) | **0.4** | 0.4 x = |
| | Boars (each) | **0.5** | 0.5 x = |
| **Poultry** | Layers (each) | **0.01** | 0.01 x = |
| | Broilers (each) | **0.005** | 0.005 x = |
| | Broilers – continuous overflow watering | **0.01** | 0.01 x = |
| | Layers or Broilers – liquid manure system | **0.033** | 0.033 x = |
| | Ducks – wet lot (each) | **0.2** | 0.2 x = |
| | Ducks – dry lot (each) | **0.01** | 0.01 x = |
| | Turkeys (each) | **0.018** | 0.018 x = |
| **Sheep** (each) | | **0.1** | 0.1 x = |
| **Goats** (each) | | **0.1** | 0.1 x = |
| **Total *Animal Units* for Which Applicant Requests Approval** | | | = 5196 |

Signature of Applicant or Authorized Representative

9-17-24
Date

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

Arm–lwr–11/04 January 2006

**Wisconsin Department of Agriculture, Trade and Consumer Protection**
2811 Agriculture Drive, PO Box 8911, Madison WI 53708–8911
Phone: (608) 224–4622 or (608) 224–4500

## Worksheet 2 – Odor Management

**Instructions:** This worksheet addresses odor from *livestock structures*. You are NOT required to complete this worksheet if any of the following apply (check box if applicable):

☐ I am requesting approval for a *new livestock facility* with fewer than 500 *animal units*.

☐ I am requesting approval for an *expanded livestock facility* with fewer than 1,000 *animal units*.

☐ All *livestock structures* will be at least 2500 ft. from the nearest affected neighbor.

If you checked any of the above boxes, just sign below and submit this page with your application. If you did NOT check any of the above boxes, you must complete this worksheet to calculate the odor score (Box 4) for your proposed *livestock facility*. To meet the odor management standard, you must have a total odor score of 500 or more.

If *livestock structures* are located in *clusters* that are separated by more than 750 feet, you may elect to complete a separate worksheet for each *cluster*. If you choose that option, each *cluster* must meet the odor management standard.

A complete worksheet must include Tables A and B. You may use a convenient automated spreadsheet in place of Tables A and B if you prefer (submit spreadsheet output instead of tables, results will be identical). However, you must still sign and submit this signature page. The spreadsheet is available at the *DATCP* website, http://www.datcp.state.wi.us.

**TO COMPLETE THIS WORKSHEET, FOLLOW THESE STEPS:**

**Step 1: Complete Table A to determine the Predicted Odor from your *livestock structures*. Enter the Predicted Odor in Box 3 below (NOT Box 1).**

**Step 2: Complete Table B to determine your Separation Score. Enter your Separation Score in Box 1 below. (NOT Box 2).**

**Step 3: Enter your management credits in Box 2 (maximum 100 points).** All applicants may enter 80 points for completing required incident response and employee training plans (described on page A–3). Applicants completing an optional odor management plan (described on page A–3), may add an additional 20 points. Applicants determine plan contents, as long as the plan addresses the required topics.

**Step 4: Add Box 1 and Box 2. Subtract Box 3 and enter the total in Box 4. This is your Odor Score.**

| Box 1 | | Box 2 | | Box 3 | | Box 4 |
|---|---|---|---|---|---|---|
| 756 | + | 80 | – | 204 | = | 632 |
| **Separation Score** (from Step 2) | | **Management Score** (from Step 3) | | **Predicted Odor** (from Step 1) | | **Odor Score** |

**A local government must approve a *livestock facility* with an odor score of 500 or more (Box 4). You may add odor control practices to increase your odor score to 500 or more. A local government may approve, but is not required to approve, a *livestock facility* with an odor score less than 500 but not less than 470.**

Signature of Applicant or Authorized Representative

9-17-24
Date



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

**Livestock Facility:**
**Location:**

Odor Score Spreadsheet - Ver. 2.0

03/02/21

## 1. Animal Housing

| ID | Manure Management | Generation number | Occupied Area (Ft.$^2$) | Dist. to Nearest Neighbor (Ft.) | Control Practice | Reduction Factor | Control Practice | Reduction Factor | Control Practice | Reduction Factor | Predicted Odor |
|---|---|---|---|---|---|---|---|---|---|---|---|
| B1 | Freestall - Dairy - Scrape (incl. Beef and Heifers on forage ration) | 4 | 32,800 | 1,954 | Diet manipulation | 0.8 | Cleaning Frequently (3 or more per day) | 0.9 | None | 1 | 9 |
| B2 | Freestall - Dairy - Scrape (incl. Beef and Heifers on forage ration) | 4 | 30,100 | 1,746 | Diet manipulation | 0.8 | Cleaning Frequently (3 or more per day) | 0.9 | None | 1 | 9 |
| B3 | Freestall - Dairy - Scrape (incl. Beef and Heifers on forage ration) | 4 | 43,000 | 1,575 | Diet manipulation | 0.8 | Cleaning Frequently (3 or more per day) | 0.9 | None | 1 | 12 |
| B4 | Freestall - Dairy - Scrape (incl. Beef and Heifers on forage ration) | 4 | 59,400 | 1,193 | Diet manipulation | 0.8 | Cleaning Frequently (3 or more per day) | 0.9 | None | 1 | 17 |
| B5 | Freestall - Dairy - Scrape (incl. Beef and Heifers on forage ration) | 4 | 22,100 | 944 | Diet manipulation | 0.8 | Cleaning Frequently (3 or more per day) | 0.9 | None | 1 | 6 |
| B6 | Freestall - Dairy - Scrape (incl. Beef and Heifers on forage ration) | 4 | 177,908 | 2,337 | Diet manipulation | 0.8 | Cleaning Frequently (3 or more per day) | 0.9 | None | 1 | 51 |
| 1G | | | | | | | | | | | |
| 1H | | | | | | | | | | | |
| 1I | | | | | | | | | | | |
| 1J | | | | | | | | | | | |
| 1K | | | | | | | | | | | |
| 1L | | | | | | | | | | | |

## 2. Waste Storage

| ID | Storage type | Generation number | Surface Area (Ft.$^2$) | Dist. to Nearest Neighbor (Ft.) | Control Practice | Reduction Factor | Control Practice | Reduction Factor | Control Practice | Reduction Factor | Predicted Odor |
|---|---|---|---|---|---|---|---|---|---|---|---|
| WS1 | Liquid storage - Long term (pit and tank) Open anaerobic | 13 | 82,800 | 1,000 | Natural Crust | 0.3 | None | 1 | None | 1 | 32 |
| WS2 | Liquid storage - Long term (pit and tank) Open anaerobic | 13 | 11,000 | 1,500 | Natural Crust | 0.3 | None | 1 | None | 1 | 4 |
| WS3 | Liquid storage - Long term (pit and tank) Open anaerobic | 13 | 164,500 | 630 | Natural Crust | 0.3 | None | 1 | None | 1 | 64 |
| 2D | | | | | | | | | | | |
| 2E | | | | | | | | | | | |
| 2F | | | | | | | | | | | |

## 3. Animal Lots

| ID | Lot type | Generation number | Surface Area (Ft.$^2$) | Dist. to Nearest Neighbor (Ft.) | Control Practice | Reduction Factor | Control Practice | Reduction Factor | Control Practice | Reduction Factor | Predicted Odor |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 3A | | | | | | | | | | | |
| 3B | | | | | | | | | | | |

## 4. Separation Distance

| | |
|---|---|
| Weighted Distance to Neighbor | 1,351 |
| Direction of Nearest Neighbor | East |
| Adjusted Weighted Distance | 1,486 |

## 5. Management

| | |
|---|---|
| Basic Management Plans | Required |
| Advanced Odor Management Plan? | No |

| | |
|---|---|
| **Total Predicted Odor** | 204 |
| **Separation Score** | 756 |
| **Basic Management Score** | 80 |
| **Advanced Management Score** | 0 |



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Worksheet 2 (continued)

## Table B: Separation Score

| INSTRUCTIONS | RESULTS |
|---|---|
| **Step 1**: Enter, at right, the result from Table A, Column G (page A–7). | **Distance (ft.) to Nearest *Affected Neighbor*:** 1,273 |
| **Step 2**: Select multiplier based on the compass direction looking from the *livestock facility* to the nearest *affected neighbor*. Enter at right. | **Multiplier:** 1.1 |
| **Step 3**: Calculate wind–adjusted separation distance (Distance to nearest *affected neighbor* x multiplier). Enter at right. | **Wind–Adjusted Separation Distance (ft.)** 1,400 |
| **Step 4**: Determine *affected neighbor* density and enter at right:<br>*Low density* = No more than 5 residences and no *high–use buildings* within 1300 ft of each structure.<br>*High density* = 6 or more residences or at least one *high–use building* within 1300 ft of each structure. | **Low or High Density?** LOW |
| **Step 5**: Use results above and Chart 1 to find your Separation Score. Enter at right and on Page A–6 in **Box 1**. | **Separation Score** 756 |

| Compass Direction | Multiplier |
|---|---|
| North | 1.0 |
| Northeast | 1.0 |
| East | 1.1 |
| Southeast | 1.2 |
| South | 1.2 |
| Southwest | 1.2 |
| West | 1.3 |
| Northwest | 1.1 |

## Chart 1: Separation Score

| Wind–Adjusted Separation Distance (ft.) | Low Density | High Density |
|---|---|---|
| 0–99 | 505 | 503 |
| 100–149 | 506 | 504 |
| 150–199 | 511 | 507 |
| 200–249 | 516 | 510 |
| 250–299 | 521 | 514 |
| 300–349 | 527 | 518 |
| 350–399 | 534 | 523 |
| 400–449 | 541 | 528 |
| 450–499 | 548 | 533 |
| 500–599 | 560 | 542 |
| 600–699 | 577 | 555 |
| 700–799 | 595 | 569 |
| 800–899 | 615 | 585 |
| 900–999 | 636 | 601 |
| 1000–1099 | 658 | 619 |
| 1100–1199 | 681 | 637 |
| 1200–1299 | 705 | 657 |
| 1300–1399 | 730 | |
| 1400–1499 | 756 | |
| 1500–1599 | 783 | |
| 1600–1699 | 810 | |
| 1700–1799 | 839 | |
| 1800–1899 | 868 | |
| 1900–1999 | 899 | |
| 2000–2099 | 930 | |
| 2100–2199 | 962 | |
| 2200–2299 | 994 | |
| 2300–2399 | 1027 | |
| 2400–2499 | 1061 | |
| 2500–2749 | 1123 | |
| 2750–2999 | 1214 | |
| 3000–3249 | 1309 | |

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Worksheet 2 (continued)

## Chart 2: Odor Generation Numbers

| *Animal Housing Area* Type | Housing/ Management Type Code | Manure Management Method | Odor Generation Number | Exempt Buildings Maximum Size ($ft^2$) *(May exclude up to 4)* |
|---|---|---|---|---|
| **Dairy Stanchion** | DSDC | Daily to weekly cleaning | 2 | 7500 |
| **Dairy Free Stall and Beef & Dairy Heifers (Forage Ration)** | DBSS | Slatted floor (includes floor and pit below) | 6 | 2500 |
| | DBSC | Scrape | 4 | 3500 |
| | DBAF | Alley flush to storage | 10 | 1500 |
| | DBBP | Bedded pack | 2 | 7500 |
| **Beef Finishing (High Energy Ration)** | BFSF | Slatted floor (includes floor and pit below) | 12 | 1000 |
| | BFSC | Scrape | 8 | 2000 |
| | BFBP | Bedded pack | 4 | 3500 |
| **Pork Gestation/ Farrow/Nursery** | PGSF | Slatted floor (includes floor and pit below) | 46 | N/A |
| | PGPP | Pull plug to storage | 22 | N/A |
| **Pork Finishing** | PFSF | Slatted floor (includes floor and pit below) | 34 | N/A |
| | PFPP | Pull plug to storage | 20 | N/A |
| | PFSS | Scrape systems to storage | 11 | 1500 |
| | PFDB | Deep bedded | 4 | 3500 |
| **Poultry** | PBLT | Broiler (litter) | 1 | 15000 |
| | PDLQ | Ducks (liquid) | 20 | N/A |
| | PLAY | Layers | 20 | N/A |
| | PTDL | Turkey and Ducks (litter) | 2 | 7500 |

| Type Codes | *Waste Storage Facility* Types<br>*Note: Storage under slatted floor is addressed under animal housing.* | Odor Generation Number |
|---|---|---|
| WSSS | Solid (stack) | 2 |
| WSLT | Long term (6 months or longer as determined in Column E of worksheet 3) | 13 |
| WSST | Short term (less than 6 months as determined in Column E of worksheet 3) | 28 |

| *Animal Lot* Codes | *Animal Lot* Types | | Odor Generation Number |
|---|---|---|---|
| ALPV | **Paved** | | 4 |
| UPDB | **Unpaved** | Dairy/Beef/Sheep/Goats | 6 |
| UPSW | | Swine/Poultry | 11 |



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**Worksheet 2 (continued)**

## Odor Control Practice Specifications

Odor control practices identified in Chart 3 must meet the following specifications:

***Animal Housing***

**Diet manipulation (A1)** – Limit protein in animal diet by one of the following means:

- Match nutrient supply with animal requirements.
- Formulate low–protein amino acid supplemented diets.
- Add phytase enzyme ingredients.
- Process ingredients in ways that limit protein content of processed feed.
- Use phase feeding.
- Use split sex feeding.
- Minimize feed wastage.

**Bio–filter (B1)** – Vent air from *animal housing areas* through a bio–filter consisting of compost and wood chips, mixed at a rate of 30:70 to 50:50 (ratio by weight of compost to wood chips). The mixture must be at least 40% moisture by weight. The bio–filter must be 10" to 18" thick, and must have an area of at least 50 to 85 sq. ft. per 1000 cu. ft. per minute (cfm) of airflow.

**Vegetable oil sprinkling (B2)** – Sprinkle vegetable oil on floors in *animal housing areas* (swine) each day. Apply oil at start–up rate of approximately 40 milliliters per square meter per day (mL/$m^2$–day) in the first 1–2 days of each production cycle. During the remainder of each production cycle, apply oil at maintenance rate of 5 mL/$m^2$–day. Avoid oil applications to pens near fans, to areas near heaters, and to areas surrounding feeders.

**Fresh water flush (B3)** – Use fresh water to flush manure from floors of *animal housing areas* into collection or *waste storage structures*. Flush at least 3 times a day, and more often if necessary, to prevent manure from drying and sticking to floors. Flush must be adequate to remove manure solids effectively.

**Treated water flush (B4)** – Use treated manure effluent to flush manure from floors of *animal housing areas* into collection or *waste storage structures*. Flush at least 3 times a day, and more often if necessary, to prevent manure from drying and sticking to floors. Flush with waste storage effluent treated by one of the following means:

- *Solids Separation and Reduction (see E4 below).*
- *Aeration (see F1 below).*
- *Anaerobic digestion (see E1 below).*

**Air Dam (B5)** – Erect and maintain a wall (typically a 10–foot x 10–foot pipe frame and tarpaulin) placed at the end of a swine–finishing building, immediately downwind of the exhaust to deflect air and odor plume. Replace material used for the barriers (tarpaulins on a frame of solid wood, for example) as needed, which may be from a few years to decades, depending on the material.

**Windbreak (C1)** – Maintain a solid or porous windbreak, 10 to 50 feet from the odor source, which reduces forward momentum of airflow and vertically disperses the odor plume. The length of a windbreak shall be at least half of the perimeter of the animal housing. A windbreak may be constructed of vegetation or other materials. Vegetation windbreaks must contain at least 3 rows of trees and shrubs, of both fast and slow–growing species, that are well suited for the site. Windbreaks must be designed and constructed according to *NRCS* Technical Guide Standard 380 (June, 2002).

**Frequent cleaning of animal housing area (D1)** – Scrape and remove manure from *animal housing areas* at least 3 times a day.

Worksheet 2 (continued)

*Waste Storage Facilities*

**Anaerobic digestion (E1)** – Subject manure to managed biological decomposition within a sealed oxygen–free container ("digester"). Anaerobic digestion must meet design and operational standards necessary to achieve adequate odor control, including requirements for solids concentration, flow rates, retention time, and minimum temperatures. Systems must meet the following:

- *Plug flow digester.* Treats manure with a total solids concentration of 8 to 14%. Must be kept in the digester for at least 20 days at a temperature of 95° to 104° F. (35° to 40° C). The digester's ratio of flow path width to fluid depth must be between 3.5:1 and 5:1.
- *Complete mix digester.* Treats manure with a total solids concentration of 2.5 to 10%. Must be kept in the digester for at least 17 days at a temperature of 95° to 104° F. (35° to 40° C.). The digester must have appropriate mixing devices to ensure complete mixing.
- *Fixed film digester.* Treats manure with a total solids concentration of not more than 5%. Must be kept in the digester for 1 to 6 days at a temperature of 59° to 99° F (15° to 39° C). Microbial support material must have at least 3–inch openings.
- *Other systems.* Use proprietary design and performance specifications that are commonly accepted and provide adequate odor mitigation.

**Chemical or biological additives (E2)** – Apply, to stored manure, chemical or biological additives that are scientifically proven to be effective in reducing odor from that manure when applied under applicable conditions and in applicable amounts.

**Compost (E3)** – Aerobically treat solid or semi–solid manure to create compost. Compost must have a carbon: nitrogen ratio of 25:1 to 40:1, and must consist of at least 40 to 60% moisture by weight. Composted material must be held at a temperature of more than 130° F. (54° C.) for more than 5 days.

**Solids Separation and Reduction (E4)** – Reduce the solid content of stored manure to an average of less than 2% solids through separation, multi–tiered pits or other means.

**Water Treatment (E5)** – Install and use a physical, chemical or biological process that removes the majority of contaminants from the waste stream, resulting in a liquid effluent meeting surface water discharge standards. The remaining solid fraction or sludge must be accounted for based on its form, and the management it is subject to.

**Aeration (F1)** – Use aeration equipment to maintain aerobic activity in stored manure. Aeration must maintain an average of 2 milligrams of dissolved oxygen per liter of manure stored in the upper foot of manure stored in the aerated structure between April and October.

**Bio–cover (F2)** – Cover the surface of waste storage structure with an 8″ to 12″ thick blanket of dry wheat, barley or good quality straw. The blanket must cover nearly all of the waste surface between the months of April and October. Add to the blanket as necessary (typically every 6 weeks to 4 months) to maintain the required cover.

**Geotextile cover (F3)** – Cover the surface of waste storage structure with a geotextile membrane that is at least 2.4 mm thick. The membrane must cover nearly all of waste surface between the months of April and October.

**Impermeable cover (F4)** – Cover the surface of waste storage structure with an impermeable barrier that prevents gas from escaping. Gas must be drawn off, and either treated or burned.

**Natural crust (F5)** – Maintain a natural crust of dry manure on the surface of stored manure. The natural crust must cover a substantial amount of the surface area of the stored manure, for most of the time between the months of April and October.

**Bottom fill (F6)** – Add manure to a liquid *manure storage structure* from the bottom so as to limit disturbance to the surface of the stored manure.

**Windbreak (G1)** – Maintain a solid or porous windbreak, 10 to 50 feet from the odor source, which reduces forward momentum of airflow and vertically disperses the odor plume. The length of a windbreak shall be at least half of the perimeter of the *waste storage facility*. A windbreak may be constructed of vegetation or other materials. Vegetation windbreaks must contain at least 3 rows of trees and shrubs, of both fast and slow–growing species, that are well suited for the site. Windbreaks must be designed and constructed according to *NRCS* Technical Guide Standard 380 (June, 2002).

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**Worksheet 2 (continued)**

***Animal Lots***

**Frequent cleaning of *animal lot* (H1)** – Scrape and remove manure from *animal lot* surfaces at least once every 3 days. You may leave an undisturbed, compacted manure layer (1 to 2 inches thick) on the surface of unpaved *animal lots* to provide good surface sealing.

**Drag *animal lot* (H2)** – Drag manure in *animal lots* with harrow or disk at least once every 7 days during the months of April though October, to aerate and dry the manure.

***Animal lot* moisture control (I1)** – Prevent runoff water from flowing onto *animal lots* from roofs and other surfaces. Use diversions or roof runoff systems identified in *s. ATCP 50.70 or 50.85*. *Animal lots* must have a grade of at least one percent to promote drainage and drying.

**Windbreak (J1)** — Maintain a solid or porous windbreak, 10 to 50 feet from the odor source, which reduces forward momentum of airflow and vertically disperses the odor plume. The length of a windbreak shall be at least half of the perimeter of the *animal lot*. A windbreak may be constructed of vegetation or other materials. Vegetation windbreaks must contain at least 3 rows of trees and shrubs, of both fast and slow–growing species, that are well suited for the site. Windbreaks must be designed and constructed according to *NRCS* Technical Guide Standard 380 (June, 2002).

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Arm–Iwr– 11/04 January 2006

**Wisconsin Department of Agriculture, Trade and Consumer Protection**
2811 Agriculture Drive, PO Box 8911, Madison WI 53708–8911
Phone: (608) 224–4622 or (608) 224–4500

## Worksheet 3 – Waste and Nutrient Management

### Part A. Waste Generation and Storage Summary

**Instructions:** You must complete Parts A and B of this worksheet. If your *livestock facility* will have fewer than 500 *animal units* you may be exempt from Part C, depending on results of Part B. If Part C applies, it must be signed by a *qualified nutrient management planner* (you must also sign).

You are NOT required to complete this worksheet if you already hold a *WPDES permit* for the proposed *livestock facility* (for the same or greater number of *animal units*). Simply check the following box, sign at the bottom of this page, and include a copy of the *WPDES permit* with your application.

☐ I enclose a copy of my *WPDES permit* in place of Worksheet 3.

**Specify a single livestock type** (dairy, beef, swine, etc.). *Use a separate worksheet for each livestock type.*

**Livestock Type:** dairy

| Description of Storage | Column A Waste Storage Capacity (Gallons or Tons) | Column B Source of Waste (Animal Waste, Wastewater, Leachate, etc.) | Column C Average Annual Volume of Waste Produced from Each Source (Gallons or Tons) | Column D Total Average Annual Volume Waste Produced (Gallons or Tons) | Column E Storage Duration in Days (Column A divided by Column D times 365 days) |
|---|---|---|---|---|---|
| *Example: Unit 1 – lagoon* | *5,000,000 gallons* | *Animal waste*<br>*Wastewater*<br>*Leachate* | *4,000,000 gallons*<br>*1,000,000 gallons*<br>*2,000,000 gallons* | *7,000,000 gallons* | *260 days* |
| Unit 1 | 6,404,157 gal | animal waste<br>wastewater<br>leachate/runoff | 26,548,749 gal<br>7,845,430 gal<br>3,255,246 gal | 37,649,425 gal | 62 days |
| Unit 2 | 1,403,847 gal | | | | 14 days |
| Unit 3 | 18,386,274 gal | | | | 178 days |

Applicant affirms that the information provided in Part A is accurate.

Signature of Applicant or Authorized Representative — Date: 9-17-24



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6.1.c

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Worksheet 3 (continued)

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## Part B – Land Base for Applying Nutrients

1. Enter total *animal units* in proposed *livestock facility* (**from worksheet 1**): 5196.

2. What percentage of the waste from the *livestock facility* will be:
   a. Applied to land: 100 %. Attach map showing where waste will be applied to land.
   b. Processed and sold as commercial fertilizer, under a fertilizer license: 0 %.
   c. Disposed of in other ways: 0 %. Describe ways: _____

3. Multiply the percent in line 2a by the number of *animal units* in line 1. Result (# of *animal units*): 5196

4. Total acres of cropland currently available for land application (owned, rented, or landspreading agreement): 3784 acres

5. Divide # of acres in line 4 by # of *animal units* in line 3 to obtain ratio of acres to *animal units*: 0.73

6. Is the ratio in line 5 equal to or greater than the applicable ratio in Table 1? no

   If YES, and if the # of *animal units* in line 1 is less than 500, you need NOT complete Part C. Otherwise, complete Part C.

## Table 1: Acreage per *Animal Unit*

| Animal Type | Acres per *Animal Unit** |
|---|---|
| Dairy | 1.5 |
| Beef | 1.5 |
| Swine | 1.0 |
| Chickens/Ducks | 2.5 |
| Turkeys | 5.5 |
| Sheep/Goats | 2.0 |

* NOTE: A *livestock facility* is NOT required to attain or exceed this ratio of acres to *animal units*. But IF your *livestock facility* will attain or exceed this ratio and will have fewer than 500 *animal units*, you need NOT complete Part C of this worksheet.

Applicant affirms that the information provided in Part B is accurate.

Signature of Applicant or Authorized Representative — Date: 9-17-24

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## Part C – Nutrient Management Checklist

**Instructions:** All applicants must submit this checklist unless exempted under Part A or B. The checklist is based on the *NRCS* Technical Guide Nutrient Management Standard 590 (September, 2005).

| County Name: Chippewa | Date Submitted: | Township (T. 28N N., S.) – (R. 9W E., W.) |
|---|---|---|
| Cropland Acres: (owned, rented, or with manure spreading agreement) 3784 | Name of livestock operator submitting checklist: Dennis Hawkins | |

| | Yes | NA |
|---|---|---|
| **1. Are the following field features identified on maps or aerial photos?** | X | |
| a) Field location, soil survey map unit(s), field boundary, and field identification number. | X | |
| b) Areas prohibited from receiving nutrient applications: Surface water, established concentrated flow channels with perennial cover, permanent non–harvested vegetative buffer, non–farmed wetlands, sinkholes, lands where established vegetation is not removed, nonmetallic mines, and fields eroding at a rate exceeding tolerable soil loss (T). | X | |
| c) Areas within 50 ft of a potable drinking water well where mechanically–applied manure is prohibited. | X | |
| d) Areas prohibited from receiving winter nutrient applications: Slopes > 9% (12% if contour–cropped); Surface Water Quality Management Area (SWQMA) defined as land within 1,000 ft of lakes and ponds or within 300 ft of perennial streams draining to these waters, unless manure is deposited through winter gleaning/pasturing of plant residue and not exceeding the N and P requirements of this standard. | X | |
| e) Areas where winter applications are restricted unless effectively incorporated within 72 hours: Land contributing runoff within 200 ft upslope of direct conduits to groundwater such as a well, sinkhole, fractured bedrock at the surface, tile inlet, or nonmetallic mine. | X | |
| f) Sites vulnerable to N leaching: Areas within 1,000 ft of a municipal well, and soils listed in Appendix 1 of the Conservation Planning Technical Note WI–1. | X | |
| **2. Are erosion controls implemented so the crop rotation will not exceed T on fields that receive nutrients according to the conservation plan or WI P Index model?** | X | |
| **3. Check the methods below used to determine field soil nutrient levels:** | X | |
| a) Soil samples were collected and analyzed within the last 4 years according to UW Publication A2100 recommendations. | X | |
| b) For fields not meeting (a.) above, soil test phosphorus levels are assumed to be greater than 100 ppm soil test P. * | X | |
| c) For fields not meeting (a.) above, preliminary estimates of soil nutrients were determined using limited soil sampling (> 5 acre per sample) but analyzed by a DATCP certified laboratory. * | X | |
| *For fields with soil nutrient levels determined under (b) or (c), the applicant must collect and analyze soil samples meeting the requirements of A2100 within 12 months of siting approval, and revise the nutrient management plan accordingly. | | |
| **4. Using the field's predominant soil series and realistic yield goals, are planned nutrient application rates, timing, and methods of all forms of N, P, and K listed in the plan and consistent with UW Publication A2809, *Soil Test Recommendations for Field, Vegetable and Fruit Crops*, and the 590 standard?** | X | |
| **5. Do manure production and collection estimates correspond to the acreage needed in the plan? Are manure application rates realistic for the calibrated equipment used?** | X | |
| **6. Is a single phosphorus (P) assessment of either the P Index or soil test P management strategy uniformly applied to all fields within a tract?** | X | |
| **7. Are areas of concentrated flow, resulting in reoccurring gullies, planned to be protected with perennial vegetative cover?** | X | |
| **8. Will nutrient applications on non–frozen soil within the SWQMA comply with the following?** | X | |
| a) Unincorporated liquid manure on unsaturated soils will be applied according to Table 1 of the 590 standard to minimize runoff. | X | |
| b) One or more of the following practices will be used: 1) Install/maintain permanent vegetative buffers, or 2) Maintain greater than 30% crop residue or vegetative coverage on the surface after nutrient application, or 3) Incorporate nutrients leaving adequate residue to meet tolerable soil loss, or 4) Establish fall cover crops promptly following application. | X | |
| **9. Is a narrative included which describes proposed manure collection, transportation, and application methods?** | X | |

I certify that the documentation supporting this checklist is complete and accurate.

Signature of *Qualified Nutrient Management Planner*, other than applicant: Timothy J. Popple

(qualified by 1. NAICC–CPCC, 2. ASA–CCA, 3. ASA–Professional Agronomist, 4. SSSA–Soil Scientist)

Signature of Applicant or Authorized Representative:



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Phone: (608) 224–4622 or (608) 224–4500

## Worksheet 4 – *Waste Storage Facilities*

**Instructions:** This worksheet must be signed by a registered professional engineer or *certified agricultural engineering practitioner.* This worksheet must identify every *waste storage facility* in the proposed *livestock facility* (including storage structures and transfer systems).

You are NOT required to complete this worksheet if you already hold a *WPDES permit* for the proposed *livestock facility* (for the same or greater number of *animal units*). Simply check the following box, sign at the bottom of this page, and include a copy of the *WPDES permit* with your application.

☐ I enclose a copy of my *WPDES permit* in place of Worksheet 4.

***New* or *Substantially Altered* Facilities:** Design specifications for the following *new* or *substantially altered waste storage facilities* comply with *NRCS* Technical Guide Standards 313 (November, 2004) and 634 (November, 2004). [Identify each facility and attach design specifications for each facility.]

**Existing Facilities Retained:** The following *waste storage facilities* will continue in use without being *substantially altered.* Each facility meets one of the following:

☒ The facility (list each facility WSF3) was constructed of concrete or steel or both, was constructed within the last 10 years according to then–existing *NRCS* technical standards, and shows no apparent signs of structural failure or significant leakage.

☐ The facility (list each facility _____) was constructed within the last 3 years according to then–existing *NRCS* technical standards, and shows no apparent signs of structural failure or significant leakage.

☒ The facility (list each facility WSF1, and WSF2 (slurrystore)) was constructed to *NRCS* technical standards that existed at the time of construction, is in good condition and repair and shows no apparent signs of structural failure or significant leakage.

☐ The facility (list each facility _____) is in good condition and repair, shows no apparent signs of structural failure or significant leakage, and is located on a site at which the soils and separation distances to groundwater comply with *NRCS* Technical Guide Manure Storage Facility Standard 313, Table 1 (November, 2004).

☐ The facility (list each facility _____) is in good condition and repair, shows no apparent signs of structural failure or significant leakage, is located entirely above ground, and is located on a site at which the soils comply with *NRCS* Technical Guide Manure Storage Facility Standard 313, Table 5 (November, 2004).

**Facilities To Be Abandoned:** The following *waste storage facilities* will be closed according to a closure plan that complies with *NRCS* Technical Guide Standard 360 (June, 2001). [Attach closure plan for each facility.]

**Total Storage Capacity:** The *waste storage facilities* in the proposed *livestock facility* have a combined useable storage capacity of _____ gallons or tons (cannot include required "freeboard" in useable capacity). 26,194,271 gal

WISCONSIN Professional Engineer's Stamp DAVID A. McDANIEL 30605 CHIPPEWA FALLS, WI PROFESSIONAL ENGINEER

David McDaniel PE lic#30605
Print Name of Engineer (include WI License No.) or *Certified Agricultural Engineering Practitioner*

David McDaniel
Signature of Engineer or Practitioner

9.17.24
Date

ACA, 406 Technolgy Dr E, Menomonie, WI 54751
Name of Firm and Address



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## Worksheet 5 – Runoff Management

This Livestock Facility Has No Animal Lots

**Instructions:** This worksheet must be signed by a registered professional engineer or *certified agricultural engineering practitioner* (you must also sign). Signers attest to statements in this worksheet. You are responsible for compliance.

You are NOT required to complete this worksheet if you already hold a *WPDES permit* for the proposed *livestock facility* (for the same or greater number of *animal units*). Simply check the following box, sign at the bottom of this page, and include a copy of the *WPDES permit* with your application.

☐ I enclose a copy of my *WPDES permit* in place of Worksheet 5.

### *Animal Lots*[1]

1. ***New* or *Substantially Altered Animal Lots*:** All *new* or *substantially altered animal lots* will be constructed according to the attached design specifications that comply with *NRCS* Technical Guide Standard 635 (January, 2002). [Identify *animal lots* and attach design specifications for each *animal lot*.]

2. **Existing *Animal Lots* Near Surface Waters:** The following *animal lots* are located within 300 feet of a stream[2] or 1,000 feet of a lake. According to the *BARNY runoff model*, each of these *animal lots* has (or with minor alterations[3] will have) predicted average annual phosphorus runoff of less than 5 lbs. per year (measured at the end of the treatment area). Runoff does not discharge to any direct conduit to groundwater. [Identify *animal lots* and minor alterations if any.]

3. **Other Existing *Animal Lots*:** The following *animal lots* are NOT located within 300 feet of a stream[2] or 1,000 feet of a lake. According to the *BARNY runoff model*, each *animal lot* has (or with minor alterations[3] will have), a treatment area that reduces phosphorus runoff to an average of less than 15 lbs. per year (measured at the end of the treatment area). Runoff does not discharge to any direct conduit to groundwater. [Identify *animal lots* and minor alterations if any.]

### Feed Storage

NO HIGH MOISTURE FEED STORED ON SITE

1. **General.** The operator agrees to manage feed storage to prevent significant discharge of leachate or polluted runoff to waters of the state.

2. **Existing Feed Storage (High Moisture Feed).** Existing paved areas and bunkers that may be used to store or handle high moisture feed (70% or higher moisture content) will meet the following standards:

   a) Surface water runoff will be diverted from entering the paved area or bunker. [4]

   b) Surface discharge of leachate will be collected before it leaves any paved area or bunker, if the paved area covers more than one acre. Collected leachate will be stored and disposed of in a manner that prevents discharge to waters of the state. [5]

[1] Treat multiple lots as one *animal lot* if runoff from the *animals lots* drains to the same treatment area or if runoff from the *animal lot* treatment areas converges or reaches the same surface water within 200 feet of any of those treatment areas.

[2] Indicated by a solid or dashed blue line on a 1:24,000 scale USGS topographic map.

[3] "Minor alterations" are repairs or improvements that do not result in *a substantially altered animal lot*. "Minor alterations" may include conservation practices such as runoff diversions, contouring, and planting vegetation.

[4] Runoff may be diverted by means of earthen diversions, curbs, walls, gutters, waterways or other practices, as appropriate.

[5] Use safe methods to dispose of collected leachate. For example, leachate may be transferred to *waste storage structures* and then applied to land at agronomic rates.

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

6.1.c

Worksheet 5 (continued)

3. ***New* or *Substantially Altered* Feed Storage Structures (High Moisture Feed):** *New* or *substantially altered* feed storage structures (buildings, silos, bunkers or paved areas) used to store or handle high moisture feed (70% or higher moisture content) will be designed, constructed and maintained to the following standards [attach design specifications]:

   a) Surface water runoff will be diverted from entering the feed storage structure.[1]

   b) Surface discharge of leachate will be collected before it leaves the feed storage structure.[2]

   c) The top of the feed storage structure floor will be at least 3 vertical feet from groundwater and bedrock.[3]

   d) Any feed storage structure with an area greater than 10,000 sq. ft. will have a subsurface drainage system to collect leachate that may leak through the structure floor. The subsurface drainage system must consist of drainfill material below the surface material, a tile drainage network designed to collect the leachate and deliver it to storage, and a subliner. The tile drainage network must, at a minimum, be installed at the perimeter of the structure only on the downgradient side(s). The sub–liner must, at a minimum, consist of one of the following:

      - Two feet of soil, either in place or installed, having a minimum of 50% fine soil particles (that pass a #200 soil sieve).
      - Two feet of soil, either in place or installed, having a minimum of 30% fine soil particles (that pass a #200 soil sieve) and a minimum PI (plasticity index) of 7.
      - A 40 mil liner of HDPE, EPDM or PVC.
      - A geosynthetic clay liner.

   e) Collected leachate will be stored and disposed of in a manner that prevents discharge to waters of the state. [2]

## Nonpoint Pollution Standards

The livestock facility will be designed, constructed and maintained to do all of the following:

1. Divert runoff from contact with *animal lots*, *waste storage facilities*, paved feed storage areas or manure piles within 300 ft. of a stream or 1,000 ft. of a lake.

2. Avoid having any unconfined manure pile within 300 ft. of a stream or 1,000 ft. of a lake.

3. Prevent any overflow of *waste storage facilities.*

4. Restrict livestock access to waters of the state, as necessary to maintain adequate vegetative cover on banks adjoining the water (this does not apply to properly designed, installed and maintained livestock or farm equipment crossings).

WISCONSIN DAVID A. McDANIEL 30605 CHIPPEWA FALLS, WI PROFESSIONAL ENGINEER
Professional Engineer's Embossed Seal

Signature of Applicant or Authorized Representative — 9-17-24 Date

David McDaniel PE lic#30605
Print Name of Engineer (include WI License No.) or Certified Practitioner

David McDaniel — 9.17.24 Date
Signature of Engineer or Practitioner

ACA, 406 Technolgy Dr E, Menomonie, WI 54751
Name of Firm and Address

[1] Runoff may be diverted by means of earthen diversions, curbs, walls, gutters, waterways or other practices, as appropriate.

[2] Use safe methods to dispose of collected leachate. For example, leachate may be transferred to waste storage and then applied to land at agronomic rates.

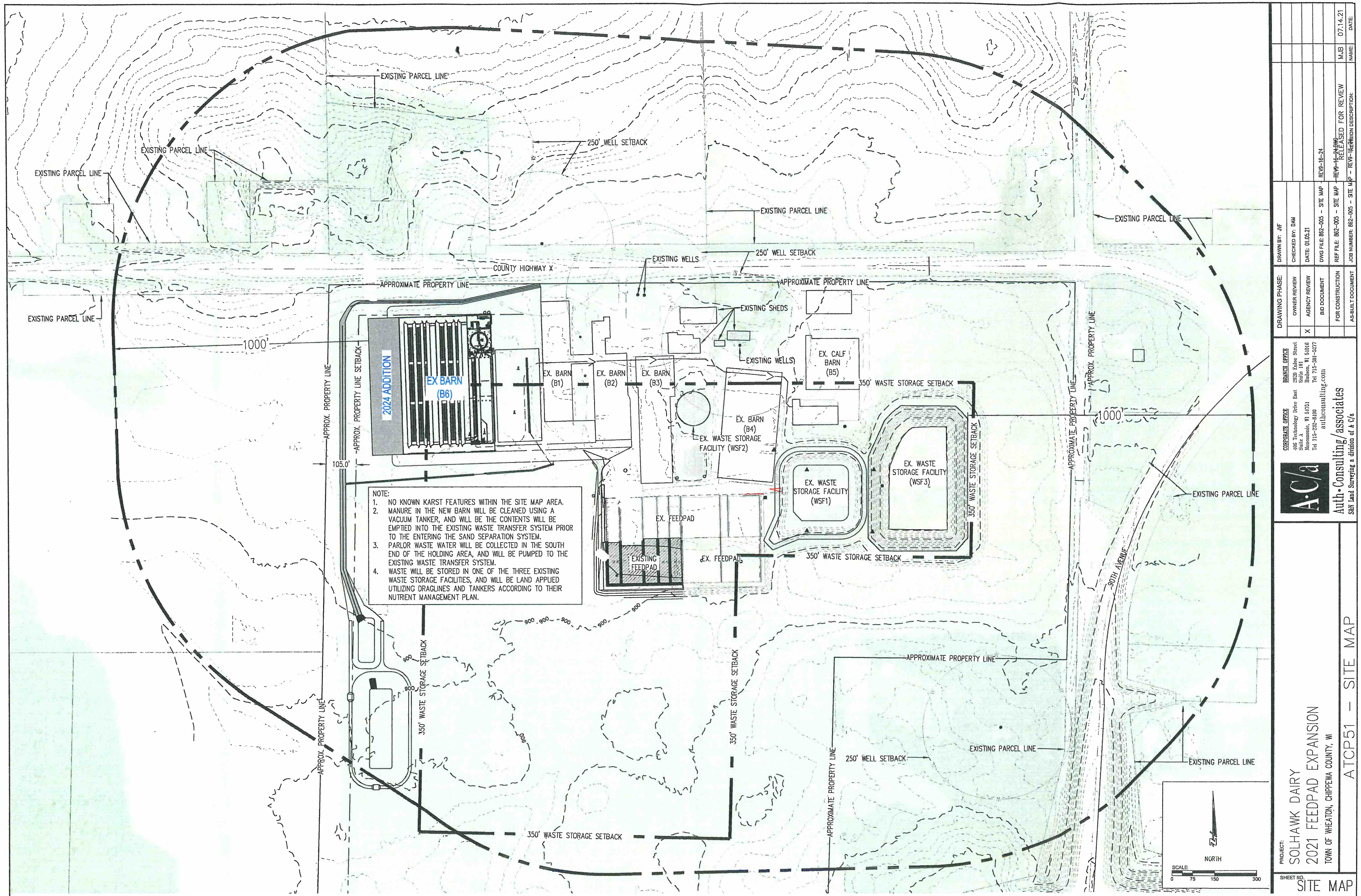
[3] A tile system or curtain drain may be used to intercept lateral groundwater seepage, as necessary, to achieve the required distance to groundwater.

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Maps

Area Map (22x34)
Site Map (11x17)

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional




DRAWING PHASE:
- OWNER REVIEW
- AGENCY REVIEW
- X BID DOCUMENT
- FOR CONSTRUCTION
- AS-BUILT DOCUMENT

DRAWN BY: JVF
CHECKED BY: DJM
DATE: 01.05.21
DWG FILE: 862-005 – SITE MAP
REF FILE: 862-005 – SITE MAP

| NAME: | DATE: |
|---|---|
| REV9-16-24 | |
| REV9-16-DRAWING RELEASED FOR REVIEW | MJB 07.14.21 |
| REV9 – REVISION DESCRIPTION: | |


CORPORATE OFFICE
400 Technology Drive East
Suite 1
Menomonie, WI 54751
Tel 715-232-8100

BRANCH OFFICE
2020 Tyler Street
Suite 1
Hudson, WI 54016
Tel 715-381-5277
authconsulting.com

A·C/a
Auth·Consulting/associates
S&N Land Surveying a division of A & C/a


PROJECT:
SOLHAWK DAIRY
2021 FEEDPAD EXPANSION
TOWN OF WHEATON, CHIPPEWA COUNTY, WI

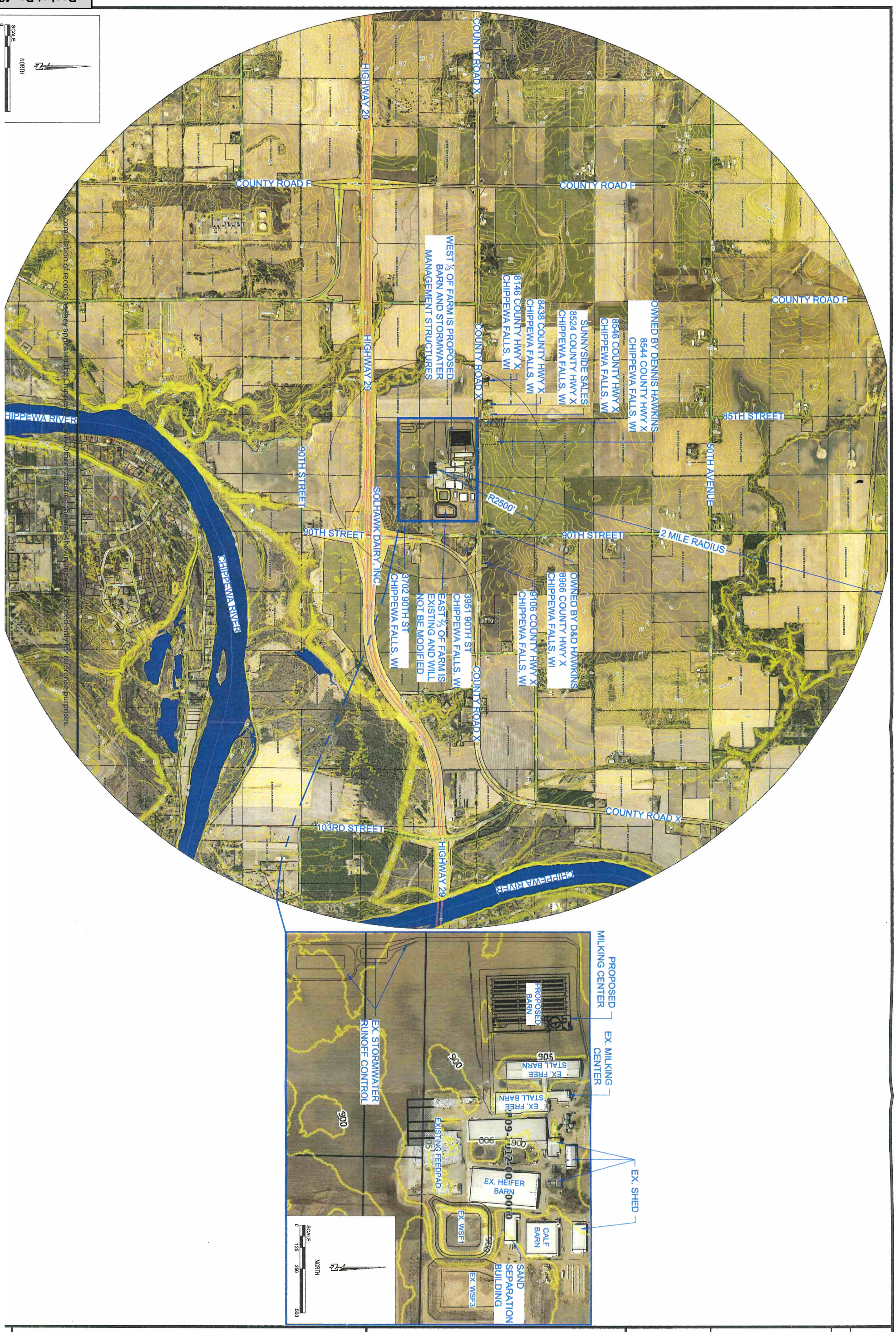
ATCP51 – SITE MAP

SHEET NO.
SITE MAP




Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)




PROJECT:
SOLHAWK DAIRY
2021 FEEDPAD EXPANSION
TOWN OF WHEATON, CHIPPEWA COUNTY, WI

ATCP51 — AREA MAP

SHEET NO.
AP

A·C/a Auth·Consulting/associates

CORPORATE OFFICE
406 Technology Drive E.
Suite A
Menomonie, WI 54751
Tel 715-232-8490
Fax 715-232-8492

BRANCH OFFICE
2920 Enloe Street
Suite 101
Hudson, WI 54016
Tel 715-381-5277

S&N Land Surveying

| | |
|---|---|
| DRAWN BY: | MJB |
| CHECKED BY: | DAM |
| DATE: | 07.09.21 |
| DWG FILE: | 862–005 |
| REF FILE: | 862.005 AREA MAP |
| JOB NUMBER: | 862–005 |

| REVISION DESCRIPTION: | NAME: | DATE: |
|---|---|---|

# Employee Training Plan

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Employee Training Plan
# Solhawk Dairy, Inc

## Table of Contents

Page

Training Goals, Objectives, Activities

Requirements, Standards, Procedures and Practices

Training Content

- Nutrient Management
- Odor Management
- Runoff Management
- Manure and Waste Handling
- Environmental Incident Response
- Employee / Work Place Safety

Employees to be Trained - See below

Frequency and Form of Training - See below

Training Presenters - See below

Record Keeping - See below

Feedback, evaluation and improvement

Example Checklists
- Manure Storage Facility
- Animal Lot
- Feed Storage Facility

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

- Step-by-step routines to implement control practices (e.g. frequent cleaning) required under a permit
- Responding to odor complaints

## Runoff Management

Standards, procedures and practices are in place to control runoff from animal lots and feed storage areas, and must be followed by employees, farm personnel assistants and others. For example, feed storage bunker leachate must collected and pumped to the manure storage facility. In addition, compliance must be maintained with certain performance standards required in the local siting permit.

Training may include:

- Cleaning and regular maintenance of gutters, diversions, drains and sediment basins.
- Proper feed bunker tire and plastic placement and removal
- Leachate collection system operation, including pump operation
- Cleaning of traffic areas and pads
- Maintenance (e.g. regarding, seeding) and mowing of filter strips and other grassed areas.

## Manure and Waste Handling

Standards, procedures and practices are in place to ensure proper storage, transfer and hauling of manure and waste. These must be followed by employees, farm personnel assistants and others.

Training may include:

- Review schedule and procedures for inspection and monitoring of manure storage, including frequent monitoring of manure levels
- Identification and use of proper agitation points
- Routine maintenance of vegetative areas
- Review procedures for pump operation, hose placement and pickup, equipment cleanup
- Proper procedures for hauling and applying manure

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

**Employee Safety**

Standards, procedures and practices are in place to ensure the health and safety of employees. These must be followed by employees, farm personnel assistants and others.

Training may include:

- Proper animal handling
- Proper equipment operations and certification where needed
- Accident reporting protocols
- Working in confined spaces
- Avoidance of dangerous conditions (including exposure to noxious gases)
- Maintaining fences, grates and protective areas

**Environmental Incident Response**

Standards, procedures and practices are in place to ensure proper responses in the event of manure spill or other incident. These must be followed by employees, farm personnel assistants and others. A written document with response procedures and emergency contacts is readily available.

Training may include:

- Review of Environmental Incident Response Plan
- Spill reporting and intermediate action steps

## Employees To Be Trained

List of all employees to be trained by job category and number of employees in this category:

Managers
Herdsman
Assistant Herdsman
Feeders
Milkers
Manure Handlers

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

## Form and Frequency of Training

By position, the training for employees and others may include:

Managers
Describe the form, timing and scope of training appropriate to position's duties and functions such as training on education on nutrient management.

Herdsman and Assistant Herdsman
Describe the form, timing and scope of training appropriate to position's duties and functions such as training on cattle care and handling, and loading and transportation

Feeder
Describe the form, timing and scope of training appropriate to position's duties and functions such as training on equipment safety, and operation and maintenance

Milker
Describe the form, timing and scope of training appropriate to position's duties and functions such as training on cattle care and handling, equipment safety, and operation and maintenance

Manure Handler
Describe the form, timing and scope of training appropriate to position's duties and functions such as training on handling procedures and emergency response steps

[Will need to customize to reflect form, trimming and scope of training]

## Training Presenters

Presenters may include:
Managers
Feed Consultants
Agronomy Consultant

## Recording Attendance

For each internal training, attendance will be recorded using a sign up sheet which will include the date of the training and the employees who attended. Similar methods will be used to verify other training received.

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

## Monthly Manure Storage Facility Checklist

Farm: Facility ID:
Inspected by: Date:

**Manure/Effluent Level**
Date: Last Observation Date:
Liquid level, ft: Depth remaining, ft:

[May add other items consistent with operation]

| Other Observations | Yes | No | Corrective Action Taken/Planned |
|---|---|---|---|
| Is liquid level marker visible? | | | |
| Does adequate freeboard exist (measured from lowest point in dam, berm, or spillway to liquid level)? | | | |
| Runoff holding pond: Is sufficient volume available for runoff from 25-yr, 24-hr storm? | | | |
| Manure pump/transfer pipes functioning? | | | |
| Recycle pumps/transfer pipes functioning? | | | |

| Earthen Facility | Yes | No | Corrective Action Taken/Planned |
|---|---|---|---|
| **Interior liner erosion observed . . .** Due wave action? | | | |
| In vicinity of inlets? | | | |
| In vicinity of outlets? | | | |
| Due to erosion from rainfall? | | | |
| Near agitation equipment access points? | | | |
| Cracking or damage to liner? | | | |
| **Signs of berm/dam damage due to . . .** Burrowing animals? | | | |
| Presence of trees? | | | |
| Presence of large weeds? | | | |
| Erosion or gullies? | | | |
| Poorly established sod? | | | |
| **Are there indications of . . .** Damp, soft, or slumping areas on berms? | | | |
| Seepage near toe of berm? | | | |
| Seepage around pipes through the berm? | | | |

| Concrete/Steel Tanks | Yes | No | Corrective Action Taken/Planned |
|---|---|---|---|
| **Signs of . . .** Cracks or structural damage? | | | |
| Leakage? | | | |
| Wet spots around base of tank? | | | |
| **Clean water diversion** Are perimeter drains plugged or blocked? | | | |
| Is roof water entering storage? | | | |
| Is field runoff entering storage? | | | |
| Are diversions/waterways maintained? | | | |
| **Visual appearance and safety** Is site neat and recently mowed? | | | |
| Is storage visually hidden from public? | | | |
| Are mortality or afterbirth observed? | | | |
| Are medical consumables observed? | | | |
| Is area fenced and properly marked? | | | |
| Is escape ladder available? | | | |

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

## Monthly Animal Lot Runoff Checklist

Farm: Lot ID:
Inspected by: Date:

| | Yes | No | Corrective Action Taken/Planned |
|---|---|---|---|
| Is filter strip repair required? | | | |
| Runoff control structures intact? | | | |
| Solids collection location needs to be cleaned? | | | |
| Cattle mound needs repair? | | | |

[May add other items consistent with operation]

## Monthly Feed Storage Facility Checklist

Farm: Facility ID:
Inspected by: Date:

% moisture of feed placed in facility:

| | Yes | No | Corrective Action Taken/Planned |
|---|---|---|---|
| Surface water diversion is operational? | | | |
| Leachate collection system, including pump, is operational? | | | |
| Does the collection structure need to be cleaned/pumped? | | | |
| Feed is adequately covered? | | | |
| Waste feed is properly stored? | | | |

[May add other items consistent with operation]

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Environmental Incident Response Plan

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Environmental Incident Response Plan
# Solhawk Dairy, Inc.

Compiled by:

**Auth Consulting & Associates, Inc. (AC/a)**
406 Technology Drive E, Suite A
Menomonie, WI 54751
715-232-8490 ph
715-232-8492 fx

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Table of Contents

Environmental Incident Response Plan Summary
- Contacts

Incident Response Plan
- Personal Injury/Fire Emergency
- Accidental Entry to Manure Storage or Transfer Facilities
- Manure Storage Overflow
- Manure Storage Failure
- Manure Spill During Transport or Application
- Movement of Manure During or After Application
- Catastrophic Mortality Disposal
- Hazardous Material Spill

Emergency Accident Plan Incident Worksheet

Odor Management

Odor Monitoring Worksheet

Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Environmental Incident Response Plan Summary

Farm Name: Solhawk Dairy, Inc.

Owner/Operators: Dennis Hawkins

Farm Address: 8544 County Highway X, Chippewa Falls, WI 54739

Legal Description: NE1/4 of Section 20 in the Township of Wheaton (T28N/R9W)

| Primary Farm Contacts | Telephone |
|---|---|
| Dennis Hawkins | 715-579-6371 |
| Farm Office | 715-879-5251 |

| Emergency Response | Name | Telephone |
|---|---|---|
| Fire/Rescue | Chippewa Falls Fire Department | 911<br>715-723-5710 |
| Police | Chippewa County Sherriff's Department | 911<br>715-726-7701 |
| Veterinarian | Country Doctors | 715-235-8555 |
| Manure Hauler | Practical Applications | 715-672-7867 |
| Excavator | Duke Wildenberg | 715-894-7625 |
| DNR Hazardous Spill Line | | 800-943-0003 |



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Personal Injury/Fire Emergency

| Contacts | | Telephone |
|---|---|---|
| Fire/Rescue | | 911 |
| Dennis Hawkins | Farm Emergency Coordinator | 715-579-6371 |

| Emergency Information | Location |
|---|---|
| First Aid Equipment | Farm Office |
| Fire Suppression Equipment | Farm Office & Vehicles |
| Hazardous/Flammable Materials on Farm (Fuel & Lubricants) | Fuel Tank Storage |

## Emergency Actions

1. Determine if nature of emergency and type of assistance required.
2. Call 911.
3. Attempt to stabilize injured person without moving, unless necessary and safe to do so.
4. Start CPR if necessary.
5. Implement evacuation of people and livestock if appropriate.
6. Identify potential locations of hazardous or flammable materials and notify emergency personnel when they arrive.



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Accidental Entry to Manure Storage or Transfer Facilities

| Contacts | | Telephone |
|---|---|---|
| Fire/Rescue | | 911 |
| Dennis Hawkins | Farm Emergency Coordinator | 715-579-6371 |

**Emergency Information** **Location**

Rescue Equipment is located in the office:

- First aid kit

## Emergency Actions

1. Call for help.
2. Shut off manure transfer pumps and agitators.
3. Initiate CPR if necessary.
4. Call 911.



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Manure Storage Overflow

| Contacts | | Telephone |
|---|---|---|
| Dennis Hawkins | Farm Emergency Coordinator | 715-579-6371 |
| Manure Hauler | Practical Applications | 715-672-7867 |
| Excavator | Duke Wildenberg | 715-894-7625 |
| DNR Hazardous Spill Line | | 800-943-0003 |

## Emergency Information

- Front end loader is parked at bunker silos.
- Utilize the nearest soil source on the farm for emergency fill.
- Construct temporary manure containment dikes as required to contain the spill.

## Emergency Actions

1. Contact Farm Emergency Coordinator.
2. Stop the flow.
3. Assess the situation and make appropriate calls.
4. Notify the DNR spill hotline (800-943-0003).
5. Begin clean-up.
6. If required, call manure hauler to bring pump and tanker, call excavator for backhoe.
7. Construct a temporary dike below the manure storage facility from soil, corn silage or other available materials if manure is flowing toward the culvert under 20th Avenue to prevent flow under road.
8. Use soil fill or corn silage to add temporary fill to the top of the manure storage facility berm to stop the manure overflow, if occurring from a defined location.
9. Place pumps and agitators in the pit and begin loading tankers for land application.
10. Land apply manure on fields approved for manure application in the nutrient management plan. Apply at the established rates. Or transfer manure to neighbor for pre-arranged storage.
11. Collect manure and contaminated soil from overflow area and from behind temporary dike. Land apply materials on fields approved for manure application in the nutrient management plan. Apply at the established rates. Remove temporary dike from the field and temporary fill from the manure storage facility berm.

## Manure Storage Leakage

Leakage from base or sidewall of manure storage structure are often seepage rather than flowing leaks. Responses are as follows:

- Dig a small well or ditch to catch all seepage, put in a submersible pump, and pump back into lagoon.
- Other holes may be likewise temporarily plugged using soils.

Contact engineer to develop a plan to repair the facility, and verify repairs are adequate.



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Manure Storage Failure

| Contacts | | Telephone |
|---|---|---|
| Dennis Hawkins | Farm Emergency Coordinator | 715-579-6371 |
| Manure Hauler | Practical Applications | 715-672-7867 |
| Excavator | Duke Wildenberg | 715-894-7625 |
| DNR Hazardous Spill Line | | 800-943-0003 |

## Emergency Information

- Front end loader is parked at bunker silos.
- Utilize the nearest soil source on the farm for emergency fill.
- Construct temporary manure containment dikes as required to contain the spill.

## Emergency Actions

1. Contact Farm Emergency Coordinator.
2. Stop all additional flow to storage from transfer systems.
3. Assess the situation and make appropriate calls.
4. Notify the DNR spill hotline (800-943-0003).
5. Begin clean-up.
6. If required, call manure hauler to bring pump and tanker, call excavator for backhoe.
7. Construct a temporary dike below the manure storage facility from soil, corn silage or other available materials if manure is flowing toward the culvert under 20th Avenue to prevent flow under road.
8. Use soil fill or corn silage to add temporary fill to the top of the manure storage facility berm to stop the manure overflow.
9. Place pumps and agitators in the pit and begin loading tankers for land application.
10. Land apply manure on fields approved for manure application in the nutrient management plan. Apply at the established rates. Or transfer manure to neighbor for pre-arranged storage.
11. Collect manure and contaminated soil from overflow area and from behind temporary dike. Land apply materials on fields approved for manure application in the nutrient management plan. Apply at the established rates. Remove temporary dike from the field and temporary fill from the manure storage facility berm.
12. Conduct engineering analysis of manure storage facility and develop repair plan. Obtain necessary approval for repair plan.
13. Repair manure storage facility.
14. Document actions.



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Manure Spill During Transport or Application

| Contacts | | Telephone |
|---|---|---|
| Dennis Hawkins | Farm Emergency Coordinator | 715-579-6371 |
| Police | Chippewa County Sherriff's Dept. | 715-726-7701 |
| DNR Hazardous Spill Line | | 800-943-0003 |

## Emergency Information

- Identify location of spill.
- Clean up equipment needed – skid steer, front end loader, corn silage/bedding, water tanker, or manure spreader.

## Emergency Actions

1. Eliminate the source.
    a. Stop manure application or pumps.
    b. Close valves. Separate pipes, creating an air gap and stopping flow.
    c. Transfer manure/liquid to another basin or lagoon.
2. Contain the spill, if possible.
    a. Create a containment dam in the field, ditch or stream.
    b. In a field, use tillage equipment to slow the flow.
    c. Check for tile flows.
    d. Construct temporary holding basin down slope.
    e. If possible, place soil over the point of seepage, ensuring that you do not drive over or compact the seepage point.
3. Assess the extent of spill and note any obvious damages.
    a. Did or could the spill reach any surface waters, well casings, or other sensitive areas.
    b. How much was released? What time?
4. Contact the appropriate agencies, including sheriff's department if traffic control is needed.
5. Clean up the spill and make repairs. Did any damage occur (employee injury, fish kills or property damage)?
6. Land apply materials collected manure and contaminated soil on fields approved for manure application in the nutrient management plan. Apply at established rates.
7. Document and review actions taken to contain or minimize the spill.



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Hazardous Material Spill

| Contacts | | Telephone |
|---|---|---|
| Dennis Hawkins | Farm Emergency Coordinator | 715-579-6371 |
| Fire/Rescue/Hazardous Material Response Unit | | 911 |
| DNR Hazardous Spill Line | | 800-943-0003 |

## Emergency Actions

1. Identify the hazardous material that has been spilled. Assess need for safety equipment.
2. Stop the flow. Turn off all pumps.
3. Assess the situation and make appropriate calls.
4. Flammable materials: Shut off power to area from the remote location. Eliminate sources of ignition.
5. Evacuate people and livestock as appropriate.
6. Contain the spill and begin cleanup.
7. Prevent hazardous materials from leaving spill site by constructing temporary dikes if necessary.
8. Once the situation has been stabilized, collect hazardous material using approved methods and dispose of contaminated soil according to regulations.
9. Document actions.



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Emergency Accident Plan Incident Worksheet

Incident Date/Time:

Location of Incident:

People/Agencies Involved:

Description of Incident:

Worksheet completed by: Name _____

Signature: _____

Date Completed: _____



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Odor Management

| Contacts | | Telephone |
|---|---|---|
| Dennis Hawkins | Farm Emergency Coordinator | 715-579-6371 |

## Odor Monitoring Program Actions

1. After a complaint is placed, fill out the Odor Monitoring Worksheet. Insert as much detail as possible.
2. Review activities to reduce odors:
    a. Manure agitation.
    b. Inject manure directly into soil.
    c. Clean feed bunkers.
    d. Arrange for timely mortality removal.
3. Steps to establish working relationship with neighbors and community members:
    a. Provide notice to neighbors prior to land application of manure.
    b. Avoid spreading manure during holidays and community events.
    c. Clean roads if operations have deposited manure or soil on it.
    d. Participate in local activities such as 4-H, dairy days, or school events. Host community picnic or open house.
4. Monitor effectiveness of odor control technologies and management.
    a. Record the amount of odor present as determined by managers.
    b. Number of complaints filed.



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

# Odor Management Worksheet

Date Complaint Received: Time: Form Completed By:

Complaint Received From:

Address:

Phone:

Comments:

Weather Conditions:

Sunny Partly Cloudy Mostly Cloudy Overcast Hazy

Temperature:

Relative Humidity:

Precipitation: None Fog Rain Sleet Snow

Wind Direction: Wind Speed:

N Calm

NW NE Light Breeze

W E Moderate Wind

SW SE Strong Wind

S

Odor Source:

Description:

Nuisance Potential:

Actions taken to reduce conflict:



Attachment: 2024-1002 Solhawk Dairy, Inc Conditional Use Request submitted information (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

Chippewa County
Land Conservation and Forest Management
"Stewardship for Sustainability"
(715) 726-7920
www.co.chippewa.wi.us
711 North Bridge Street
Chippewa Falls, WI 54729-1876

**ENGINEERING**: Ketty Clow, P.E.
voice: (715) 726-7923; fax: (715) 726-4589
e-mail: kclow@co.chippewa.wi.us

Attachment: LCFM_Solhawk_Notice of Acceptance 10-07-24 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

# NOTICE OF ACCEPTANCE
# PLAN REVIEW – LIVESTOCK FACILITY SITING

To: Doug Clary, Chippewa County Zoning Administrator
c: Dave McDaniel, Auth Consulting & Associates - AC/a
Dennis Hawkins, Solhawk Dairy, Inc.
Lynda Schweikert, Director LCFM

Date: October 7, 2024
Owner: Solhawk Dairy, Inc.
Location: NE ¼ of Section 20, T28N, R9W
Review by Land Conservation Department:
Ketty Clow, Environmental Engineer
Lynda Schweikert, Director

The Chippewa County Zoning Code (Chapter 70, Division 4. Livestock Facility Siting) provides the standards and process for Land Conservation and Forest Management Department (LCFM) review of livestock siting plans. County code requires compliance with livestock siting standards of Wisconsin Administrative Code-ATCP 51. Appendix A of ATCP 51 provides a standardized application form and worksheets. The Land Conservation and Forest Management Department has reviewed the submission for completeness and has evaluated the proposal against the standards of Chippewa County Code Chapter 70-160 through 70-173.

## 1. PLAN REVIEW DOCUMENTS

The following are considered to be the most pertinent review and acceptance documents:

A. ATCP 51 Permit Application received September 23, 2024.

## 2. FINDINGS

Findings are as follows:

(a). State Livestock Siting Standards.

**Application Form**

**This component of the report is found to be complete**.

All required attachments were provided, including:

- Area Map of Livestock Facility
- Site Map of Livestock Facility
- Location of Livestock Structures
- Employee Training Plan
- Environmental Incident Response Plan

**Worksheet 1 - Animal Units**

**This component of the report is found to be complete**.

The computed animal units requested for approval are 5,196 animal units.

**Worksheet 2 - Odor Management**

**This component of the report is found to be complete.**

Odor scores were computed for the nearest residence. The computed odor score for the most impacted residence is 632. This value is above the recognized state minimum value of 500.

**Worksheet 3 - Waste Generation and Storage Summary**

**This component of the report is found to be complete.**

The original 5-year NMP for Solhawk has an identified number of 4559 animal units during the permit term that ends February 2027. The 5159 number in the Livestock Siting Application is within 20% of animal units identified in the 5-year NMP per DNR policy. This plan was developed under the requirements of WI DNR CAFO requirements and the Chippewa County AGRICULTURAL PERFORMANCE STANDARDS, MANURE STORAGE AND LIVESTOCK FACILITY MANAGEMENT Ordinance. The plan is required to be updated annually and will require the updated plan to include actual animal units as they are populated.

**Worksheet 4 - Waste Storage Facilities**

**This component of the report is found to be complete.**

**Worksheet 5 – Runoff Management**

**This component of the report is found to be complete.**

## 3. CONCLUSIONS AND RECOMMENDATIONS

The submitted documents are accepted as meeting the standards, specifications, and other requirements of the livestock siting standards of Wisconsin Administrative Code-ATCP 51 of the Chippewa County Code Chapter 70-160 through 70-173. These elements of the proposal are recommended for approval.

Acceptance of these plans does not constitute permit approval. Approval must be granted by the Chippewa County Department of Planning and Zoning (P&Z).



Attachment: LCFM_Solhawk_Notice of Acceptance 10-07-24 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

CHIPPEWA COUNTY
# DEPARTMENT OF PLANNING & ZONING

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Land Management | Land Planning | Land Records & G.I.S. | POWTS & Wells

Date: December 17, 2024

To: Jason Bergeron, Planning & Zoning Committee Chair

From: Douglas Clary, Director

Re: Review of 93.90(3) Political Subdivision Authority
Solhawk Dairy, Inc. Conditional Use Permit 2024-1002

Dear Chair Bergeron,

Below is my review of Wisconsin State Statutes 93.90(3) in regards to the Solhawk Dairy, Inc. Livestock Facility Siting expansion request. My comments are in red.

**Wisconsin State Statutes – Chapter 93 – Agricultural, Trade and Consumer Protection**

93.90(3) Political subdivision authority.

**(a)** Notwithstanding ss. 33.455, 59.03 (2) (a), 59.69, 60.10 (2) (i), 60.61, 60.62, 61.34 (1), 61.35, 62.11 (5), 62.23, 66.0415, 92.07 (2), 92.11, and 92.15 (3) (a), a political subdivision may not disapprove or prohibit a livestock facility siting or expansion unless at least one of the following applies:

1. The site is located in a zoning district that is not an agricultural zoning district. **(Zoned Ag. Does not apply).**

2. The site is located in an agricultural zoning district in which the proposed new or expanded livestock facility is prohibited, subject to pars. (b) and (c). **(Zoned Ag. (b) and (c) are not applicable. Does not apply).**

3. The proposed new or expanded livestock facility violates an ordinance adopted under s. 59.692, 59.693, 60.627, 61.351, 61.353, 61.354, 62.231, 62.233, 62.234, or 87.30.

**59.692 – County Shoreland Zoning – (Non Shoreland Area. Does not apply).**
**59.693 – County Construction Site Erosion & Storm Water Management Zoning – (Does not apply).**
**60.627 – Town Construction Site Erosion & Storm Water Management Zoning – (Does not apply).**
**61.351 – Village Zoning of wetlands in shorelands (Does not apply).**
**61.353 – Village Zoning of Annexed or incorporated shorelands (Does not apply).**
**61.354 – Village Construction Site Erosion & Storm Water Management Zoning – (Does not apply).**
**62.231 – City Zoning of wetlands in shorelands – (Does not apply).**
**62.233 – City Zoning of annexed or incorporated shorelands – (Does not apply).**
**62.234 – City Construction Site Erosion & Storm Water Management Zoning – (Does not apply)**
**87.30 – Floodplain Zoning Standards (City, County, Town) – (Does not apply).**

4. The proposed new or expanded livestock facility violates a building, electrical, or plumbing code that is consistent with the state building, electrical, or plumbing code for that type of facility. **(No knowledge of these type of violations. Does not apply).**

5. The proposed new or expanded livestock facility will have 500 or more animal units and violates a state standard under sub. (2) (a). **(No knowledge of violations under sub (2)(a). Does not apply).**

Attachment: Clary to Bergeron_Review of 93.90(3) Letter_2024-12-17 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

> ***93.90(2)(a) Department Duties**. For the purposes of this section, the department shall promulgate rules specifying standards for siting and expanding livestock facilities. In promulgating the rules, the department may incorporate by cross-reference provisions contained in rules promulgated under ss. 92.05 (3) (c) and (k), 92.14 (8), 92.16, and 281.16 (3) and ch. 283. The department may not promulgate rules under this paragraph that conflict with rules promulgated under s. 92.05 (3) (c) or (k), 92.14 (8), 92.16, or 281.16 (3) or ch. 283.*

6. The proposed new or expanded livestock facility will have 500 or more animal units and violates a requirement that is more stringent than the state standards under sub. (2) (a) if the political subdivision does all of the following: **(Chippewa County has not adopted stricter standards than the state. Does not apply).**

a. Adopts the requirement by ordinance before the applicant files the application for approval.

b. Bases the requirement on reasonable and scientifically defensible findings of fact, adopted by the political subdivision, that clearly show that the requirement is necessary to protect public health or safety.

8. The proposed new or expanded livestock facility will have fewer than 500 animal units but will exceed a size threshold for requiring a special exception or conditional use permit that was incorporated into the political subdivision's ordinances before July 19, 2003, and the proposed new or expanded livestock facility violates a state standard under sub. (2) (a). **(Facility will have greater than 500 animal units. Does not apply).**

9. The proposed new or expanded livestock facility will have fewer than 500 animal units but will exceed a size threshold for requiring a special exception or conditional use permit that was incorporated into the political subdivision's ordinances before July 19, 2003, and the proposed new or expanded livestock facility violates a requirement that is more stringent than the state standards under sub. (2) (a) if the political subdivision does all of the following: **(Facility will have greater than 500 animal units. Does not apply).**

a. Adopts the requirement by ordinance before the applicant files the application for approval.

b. Bases the requirement on reasonable and scientifically defensible findings of fact, adopted by the political subdivision, that clearly show that the requirement is necessary to protect public health or safety.

**(ae)** A political subdivision that requires a special exception or conditional use permit for the siting or expansion of any of the following livestock facilities shall require compliance with the applicable state standards under sub. (2) (a) as a condition of issuing the special exception or conditional use permit:

1. A new or expanded livestock facility that will have 500 or more animal units. **(Facility is proposed to have 5,169 animal units).**

2. A new or expanded livestock facility that will have fewer than 500 animal units but that will exceed a size threshold for requiring a special exception or conditional use permit that was incorporated into the political subdivision's ordinances before July 19, 2003. **(Facility will have greater than 500 animal units. Does not apply).**

**(am)** Notwithstanding par. (ae), a political subdivision may apply to a new or expanded livestock facility described in par. (ae) 1. or 2., as a condition of issuing a special exception or conditional use permit, a setback requirement that is less stringent than a setback requirement under sub. (2) (a) if the setback requirement is incorporated in the political subdivision's ordinances as a numerical standard. **(Facility will meet the setback requirements of 70-165(d)(1) and (2)).**

**(ar)** Notwithstanding par. (ae) a political subdivision may apply to a new or expanded livestock facility described in par. (ae) 1. or 2., as a condition of issuing a special exception or conditional use permit, a requirement that is more stringent than the state standards under sub. (2) (a) if the political subdivision does all of the following: **(Chippewa County has not adopted stricter standards than the state. Does not apply).**

1. Adopts the requirement by ordinance before the applicant files the application for approval.

Attachment: Clary to Bergeron_Review of 93.90(3) Letter_2024-12-17 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

2. Bases the requirement on reasonable and scientifically defensible findings of fact, adopted by the political subdivision, that clearly show that the requirement is necessary to protect public health or safety.

**(b)** Notwithstanding ss. 59.69, 60.61, 60.62, 61.35, and 62.23, a political subdivision may not prohibit a type of livestock facility in an agricultural zoning district based on number of animal units if livestock facilities of that type with fewer animal units are allowed in that zoning district, unless the political subdivision also has an agricultural zoning district in which livestock facilities of that type are permitted or conditional uses without respect to number of animal units. **(Chippewa County has one zoning classification for Livestock Facilities. NA)**

**(c)** Notwithstanding ss. 59.69, 60.61, 60.62, 61.35, and 62.23, a political subdivision may not enact or enforce a zoning ordinance with a category of agricultural district in which livestock facilities are prohibited unless the political subdivision bases that prohibition on reasonable and scientifically defensible findings of fact, adopted by the political subdivision, that clearly show that the prohibition is necessary to protect public health or safety. **(Chippewa County has one zoning classification for Livestock Facilities. NA)**

**(d)** Notwithstanding ss. 92.15 (4) and 281.16 (3) (e), a political subdivision that requires compliance with state standards under sub. (2) (a) as a condition of issuing a special exception or conditional use permit for an expanded livestock facility is not required to determine that cost-sharing is available to the operator of the livestock facility for facilities or practices needed to comply with those standards if the livestock facility will have 500 or more animal units. **(Facility is proposed to have 5,169 animal units).**

**(e)** Notwithstanding ss. 59.69, 60.61, 60.62, 61.35, and 62.23, a political subdivision may not enact a requirement that a person obtain a special exception or conditional use permit for the expansion of a livestock facility that exists when the requirement takes effect, except that a political subdivision may enact a requirement that a person obtain a special exception or conditional use permit for the expansion of a livestock facility that exists when the requirement takes effect if the requirement applies only when the number of animal units that the livestock facility will have after expansion will exceed by more than 20 percent the largest number of animal units that were at the livestock facility for at least 90 days in the 12-month period before the requirement takes effect. **(Facility is proposed to have 5,169 animal units).**

**(f)** For the purposes of this subsection, the number of animal units that a livestock facility will have is the largest number of animal units that will be fed, confined, maintained, or stabled at the livestock facility on at least 90 days in any 12-month period. **(Facility is proposed to have 5,169 animal units).**

Attachment: Clary to Bergeron_Review of 93.90(3) Letter_2024-12-17 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

December 2024

# WPDES Permit Requirements of CAFO Farms

The DNR regulates the discharge of pollutants to waters of the state through the Wisconsin Pollutant Discharge Elimination System (WPDES) program. Wastewater permits contain all the monitoring requirements, special reports, and compliance schedules appropriate to the facility in question. Permits are issued for a five-year term. Individual (i.e., site-specific) WPDES permits are issued to municipal and industrial facilities discharging to surface water and/or groundwater in addition to approximately 350 CAFO farms.

**Wisconsin Administrative Code NR243 specifies WPDES permit requirements for CAFO farms:**

1. "No discharge" of manure and processed wastewater (milking center waste, feed storage runoff) from animal production areas.
    - Minimum of 180 days liquid manure storage.
    - Collect milking center wastes.
    - Collect leachate from feed storage structures.
    - Collect the initial 4.5 to 5 inches of precipitation (24-hour, 25-year storm for county) that contacts manure, parlor waste or feed.

2. Document that manure and process wastewater structures (waste storage, transfer systems, feed storage) at animal production site(s) meet required construction standards.
    - New structures have design plans submitted to DNR Engineers for approval
    - Existing structures are evaluated by a private engineer and submitted to the DNR.

3. Nutrient Management Planning:
    - Provide 5-year nutrient management plan for likely nutrient applications.
    - Provide **annual updates** that document actual nutrient management choices:
        - Individual fields need new soil sample test results at least every 4 years.
        - Individual field info regarding crops grown, tillage conducted, and all nutrient applications.
        - Document calculated soil erosion rates and Phosphorus Index (PI) for individual fields.
        - "Manure log" that identifies application date, manure source, manure rate, application method, and weather conditions at time of application.
        - Manure sample test results.

4. Monitoring and Reporting by farm:
    - Emergency Response Plan (Spills).
    - Monitoring and Inspection Plan.
    - Daily, weekly, and quarterly Inspections of manure, milking center waste, and feed storage runoff structures.
    - Summary of farm mortality management.

**DNR regional CAFO specialists interact with CAFO farms.** Responsibilities include issuing CAFO permits, on-farm inspections (production sites, manure applications), reviewing information submitted by CAFO farms (Annual Report, Annual NMP update), determine farm compliance with CAFO permit requirements, issue enforcement when needed (Compliance Reminder Letter, Notice of Noncompliance, Notice of Violation).

Attachment: CAFO Program Summary and Solhawk Summary_WDNR_Todd Prill_2024-12 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

December 2024

# Solhawk Dairy Inc Information

**CAFO Permit Timeline** (Link: https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx has file names listed in parenthesis).

March 1, 2007 – First CAFO permit issued.

June 1, 2013 – Second CAFO permit issued.

April 29, 2021 – DNR receives CAFO reissuance application for third permit (AG-APP-WC-2021-9-X04-29T08-03-16)

November 4, 2021 – DNR letter stating Solhawk Dairy Inc. has provided adequate documentation to demonstrate 180 days liquid manure storage for 5,890 animal units (AG-PNS-WC-2021-9-X04-29T08-03-16).

December 20, 2021 – DNR approves 5-year NMP for crop years 2022 to 2026 with an estimated 27.6 million gallons of liquid manure produced at the end of the first year of the permit term (AG-NMP-WC-2021-9-X04-29T08-03-16).

January 24, 2022 – 30-day public notice period begins for CAFO permit with 5,890 animal units. **No public comments received.**

March 1, 2022 – CAFO permit issued.

## NMP Information during current permit

**March 22, 2022** – Annual NMP Update provided to DNR for 2021 cropping season (Link =) Liquid manure application rates varied from 4,000 gallons/acre to 18,000 gallons/acre with no recent manure sample results and 11.1 million gallons applied (AG-NMP-WC-2022-9-X03-22T09-35-50).

- For 236 fields in 2021, none were highlighted in Compliance Check Report as having problems with nitrogen or phosphorus applications.

**May 2022** – Manure application inspection by DNR.

- Liquid manure application rate on Blaser A field was documented at 10,000 gallons/acre.
- All setback requirements were being followed.

**April through June 2022** – NMP field verification (see March 22, 2022 link)

- 30 fields (961 acres) had NMP records reviewed and were visually spot checked to verify NMP information provided in annual reports is accurate, manure application restriction maps are accurate, and conservation practices are being implemented.
- The DNR did not find non-compliance with nutrient management practices.

Attachment: CAFO Program Summary and Solhawk Summary_WDNR_Todd Prill_2024-12 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

**March 28, 2023** – Annual NMP Update provided to DNR for 2022 cropping season (AG-NMP-WC-2023-9-X03-28T12-32-39).

- Liquid manure application rates varied from 3,000 gallons/acre to 18,000 gallons/acre with manure sample results averaging 6.71 lbs nitrogen/1000 gallons and 27.6 million gallons applied.
- For 241 fields in 2022, three were highlighted in Compliance Check Report as having excess fall nitrogen applications on P (permeable) soils.

**April 2023** – Public complaint on "4-14-SW field".

- Liquid manure entered waterway and left field through culvert under 65th Ave into another waterway south of the road. Manure appeared to be contained to area immediately south of road.
- Solhawk Dairy Inc. agreed to complete tillage around field perimeters to reduce manure runoff risk and maintain adequately grassed waterways.

**March 19, 2024** – Annual NMP Update provided to DNR for 2023 cropping season (AG-NMP-WC-2024-9-X03-19T08-17-21).

- Liquid manure application rates varied from 4,000 gallons/acre to 16,000 gallons/acre with manure sample results averaging 8.67 lbs nitrogen/1000 gallons and 25.4 million gallons applied.
- For 246 fields in 2023, none were highlighted in Compliance Check Report as having problems with nitrogen or phosphorus applications.

## Other Information

1. Christopher Willger (DNR Water Resources Specialist) and Joseph Gerbyshak (DNR Fisheries Biologist) confirmed they are not aware of any fish kills on streams in the Town of Wheaton area since 2014. Since 2019, annual fish surveys of Trout Creek at 65th Ave. have been conducted and show a stable population of trout.

2. The 2021 Town of Wheaton Comprehensive Plan identified 20,138 acres used for agriculture. Solhawk Dairy Inc operates approximately 3,000 acres (15%) of ag land in the Town of Wheaton. Therefore, 85% of ag land in the Town of Wheaton is being operated by farms other than Solhawk.

3. In 2024, Solhawk reported 25,014,139 gallons of manure applied to 2,967 acres for an average application rate of 8,430 gallons/acre. The average application rate for CAFO farms with similar animal units to Solhawk Dairy (4150 AU's):
   - Farm 1 (5600 AU's) = 9,457 gallons/acre
   - Farm 2 (4767 AU's) = 12,044 gallons/acre
   - Farm 3 (4668 AU's) = 14,691 gallons/acre
   - Farm 4 (3540 AU's) = 11,230 gallons/acre
   - Farm 5 (3315 AU's) = 9,840 gallons/acre
   - Farm 6 (3010 AU's) = 10,991 gallons/acre

Attachment: CAFO Program Summary and Solhawk Summary_WDNR_Todd Prill_2024-12 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional

cultural conservation easement, certified by the register of deeds under s. 59.43 (1c) (i).

**(9)** PAYMENT. The department shall reimburse a cooperating entity for the department's agreed upon portion of the purchase cost and transaction costs related to the purchase of an agricultural conservation easement after the cooperating entity does all of the following:

(a) Complies with sub. (8).

(b) Submits documentation showing that any material title defects have been eliminated and any materially conflicting property interests have been eliminated or subordinated to the agricultural conservation easement, as required by the contract under sub. (6m).

(c) Submits proof of the amount of the purchase cost and transaction costs that the cooperating entity has paid, consistent with the contract under sub. (6m).

**(10)** TRANSFER OR RELINQUISHMENT OF HOLDER'S INTEREST. The transfer or relinquishment of another holder's interest does not affect the department's interest in an agricultural conservation easement.

**(11)** ENFORCEMENT OF EASEMENT. The department or any other holder of an agricultural conservation easement purchased under this section may enforce and defend the agricultural conservation easement.

**(12)** RECORD OF EASEMENTS. The department shall maintain a record of all agricultural conservation easements purchased under this section.

**(13)** COUNCIL. The department shall appoint a council under s. 15.04 (1) (c) to advise the department on the administration of this section.

**(14)** RULES. The department shall promulgate a rule, consistent with sub. (1m) (i), relating to allowable transaction costs for the program under this section.

**History:** 2009 a. 28; 2011 a. 32; 2015 a. 196.

**93.80 Arsenic in wood.** The department, jointly with the department of safety and professional services, shall review scientific evidence to determine whether there is a substantial likelihood that wood treated with copper, chromium, and arsenic is harmful to the environment or to human health.

**History:** 2001 a. 16; 2011 a. 32.

**93.90 Livestock facility siting and expansion. (1)** STATEWIDE CONCERN. This section is an enactment of statewide concern for the purpose of providing uniform regulation of livestock facilities.

**(1m)** DEFINITIONS. In this section:

(a) "Animal unit" has the meaning given in s. NR 243.03 (3), Wis. Adm. Code.

**NOTE: The definition of "animal unit" at NR 243.03 (3), Wis. Adm. Code, was repealed and a definition of "animal unit" was recreated at NR 243.03 (5) by CR 07-075.**

(b) "Application for approval" means an application for approval of a livestock facility siting or expansion.

(c) "Board" means the livestock facility siting review board.

(d) "Expansion" means an increase in the number of animals fed, confined, maintained, or stabled.

(e) "Livestock facility" means a feedlot or facility, other than a pasture, where animals used in the production of food, fiber, or other animal products are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. "Livestock facility" does not include an aquaculture facility.

(f) "Political subdivision" means a city, village, town, or county.

**(2)** DEPARTMENT DUTIES. (a) For the purposes of this section, the department shall promulgate rules specifying standards for siting and expanding livestock facilities. In promulgating the rules, the department may incorporate by cross-reference provisions contained in rules promulgated under ss. 92.05 (3) (c) and (k), 92.14 (8), 92.16, and 281.16 (3) and ch. 283. The department may not promulgate rules under this paragraph that conflict with rules promulgated under s. 92.05 (3) (c) or (k), 92.14 (8), 92.16, or 281.16 (3) or ch. 283.

(b) In promulgating rules under par. (a), the department shall consider whether the proposed standards, other than those incorporated by cross-reference, are all of the following:

1. Protective of public health or safety.

1m. Practical and workable.

2. Cost-effective.

3. Objective.

4. Based on available scientific information that has been subjected to peer review.

5. Designed to promote the growth and viability of animal agriculture in this state.

6. Designed to balance the economic viability of farm operations with protecting natural resources and other community interests.

7. Usable by officials of political subdivisions.

(c) The department shall review rules promulgated under par. (a) at least once every 4 years.

(d) The secretary shall appoint a committee of experts to advise the department on the promulgation of the rules under par. (a) and on the review of rules under par. (c).

(e) In addition to the rules under par. (a), the department shall promulgate rules that do all of the following:

1. Specify the information and documentation that must be provided in an application for approval in order to demonstrate that a livestock facility siting or expansion complies with applicable state standards under sub. (2) (a).

2. Specify the information and documentation that must be included in a record of decision making under sub. (4) (b).

**(3)** POLITICAL SUBDIVISION AUTHORITY. (a) Notwithstanding ss. 33.455, 59.03 (2) (a), 59.69, 60.10 (2) (i), 60.61, 60.62, 61.34 (1), 61.35, 62.11 (5), 62.23, 66.0415, 92.07 (2), 92.11, and 92.15 (3) (a), a political subdivision may not disapprove or prohibit a livestock facility siting or expansion unless at least one of the following applies:

1. The site is located in a zoning district that is not an agricultural zoning district.

2. The site is located in an agricultural zoning district in which the proposed new or expanded livestock facility is prohibited, subject to pars. (b) and (c).

3. The proposed new or expanded livestock facility violates an ordinance adopted under s. 59.692, 59.693, 60.627, 61.351, 61.353, 61.354, 62.231, 62.233, 62.234, or 87.30.

4. The proposed new or expanded livestock facility violates a building, electrical, or plumbing code that is consistent with the state building, electrical, or plumbing code for that type of facility.

5. The proposed new or expanded livestock facility will have 500 or more animal units and violates a state standard under sub. (2) (a).

6. The proposed new or expanded livestock facility will have 500 or more animal units and violates a requirement that is more stringent than the state standards under sub. (2) (a) if the political subdivision does all of the following:

a. Adopts the requirement by ordinance before the applicant files the application for approval.

Attachment: 93.90 Wisconsin State Statutes (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

b. Bases the requirement on reasonable and scientifically defensible findings of fact, adopted by the political subdivision, that clearly show that the requirement is necessary to protect public health or safety.

8. The proposed new or expanded livestock facility will have fewer than 500 animal units but will exceed a size threshold for requiring a special exception or conditional use permit that was incorporated into the political subdivision's ordinances before July 19, 2003, and the proposed new or expanded livestock facility violates a state standard under sub. (2) (a).

9. The proposed new or expanded livestock facility will have fewer than 500 animal units but will exceed a size threshold for requiring a special exception or conditional use permit that was incorporated into the political subdivision's ordinances before July 19, 2003, and the proposed new or expanded livestock facility violates a requirement that is more stringent than the state standards under sub. (2) (a) if the political subdivision does all of the following:

a. Adopts the requirement by ordinance before the applicant files the application for approval.

b. Bases the requirement on reasonable and scientifically defensible findings of fact, adopted by the political subdivision, that clearly show that the requirement is necessary to protect public health or safety.

(ae) A political subdivision that requires a special exception or conditional use permit for the siting or expansion of any of the following livestock facilities shall require compliance with the applicable state standards under sub. (2) (a) as a condition of issuing the special exception or conditional use permit:

1. A new or expanded livestock facility that will have 500 or more animal units.

2. A new or expanded livestock facility that will have fewer than 500 animal units but that will exceed a size threshold for requiring a special exception or conditional use permit that was incorporated into the political subdivision's ordinances before July 19, 2003.

(am) Notwithstanding par. (ae), a political subdivision may apply to a new or expanded livestock facility described in par. (ae) 1. or 2., as a condition of issuing a special exception or conditional use permit, a setback requirement that is less stringent than a setback requirement under sub. (2) (a) if the setback requirement is incorporated in the political subdivision's ordinances as a numerical standard.

(ar) Notwithstanding par. (ae) a political subdivision may apply to a new or expanded livestock facility described in par. (ae) 1. or 2., as a condition of issuing a special exception or conditional use permit, a requirement that is more stringent than the state standards under sub. (2) (a) if the political subdivision does all of the following:

1. Adopts the requirement by ordinance before the applicant files the application for approval.

2. Bases the requirement on reasonable and scientifically defensible findings of fact, adopted by the political subdivision, that clearly show that the requirement is necessary to protect public health or safety.

(b) Notwithstanding ss. 59.69, 60.61, 60.62, 61.35, and 62.23, a political subdivision may not prohibit a type of livestock facility in an agricultural zoning district based on number of animal units if livestock facilities of that type with fewer animal units are allowed in that zoning district, unless the political subdivision also has an agricultural zoning district in which livestock facilities of that type are permitted or conditional uses without respect to number of animal units.

(c) Notwithstanding ss. 59.69, 60.61, 60.62, 61.35, and 62.23, a political subdivision may not enact or enforce a zoning ordinance with a category of agricultural district in which livestock facilities are prohibited unless the political subdivision bases that prohibition on reasonable and scientifically defensible findings of fact, adopted by the political subdivision, that clearly show that the prohibition is necessary to protect public health or safety.

(d) Notwithstanding ss. 92.15 (4) and 281.16 (3) (e), a political subdivision that requires compliance with state standards under sub. (2) (a) as a condition of issuing a special exception or conditional use permit for an expanded livestock facility is not required to determine that cost-sharing is available to the operator of the livestock facility for facilities or practices needed to comply with those standards if the livestock facility will have 500 or more animal units.

(e) Notwithstanding ss. 59.69, 60.61, 60.62, 61.35, and 62.23, a political subdivision may not enact a requirement that a person obtain a special exception or conditional use permit for the expansion of a livestock facility that exists when the requirement takes effect, except that a political subdivision may enact a requirement that a person obtain a special exception or conditional use permit for the expansion of a livestock facility that exists when the requirement takes effect if the requirement applies only when the number of animal units that the livestock facility will have after expansion will exceed by more than 20 percent the largest number of animal units that were at the livestock facility for at least 90 days in the 12-month period before the requirement takes effect.

(f) For the purposes of this subsection, the number of animal units that a livestock facility will have is the largest number of animal units that will be fed, confined, maintained, or stabled at the livestock facility on at least 90 days in any 12-month period.

**(4)** POLITICAL SUBDIVISION PROCEDURE. (a) No later than 45 days after a political subdivision receives an application for approval, the political subdivision shall notify the applicant whether the application for approval is complete and, if it is not complete, what information is needed to complete the application for approval. As soon as the applicant has provided all of the required information, the political subdivision shall notify the applicant that the application for approval is complete.

(b) A political subdivision shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the political subdivision in connection with the application for approval.

(c) A political subdivision shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record under par. (b).

(d) Except as provided in par. (e), a political subdivision shall approve or disapprove an application for approval no more than 90 days after the day on which it notifies the applicant that the application for approval is complete. If an applicant complies with the rules promulgated under sub. (2) (e) 1. and the information and documentation provided by the applicant is sufficient to establish, without considering any other information or documentation, that the application complies with applicable requirements for approval, the political subdivision shall approve the application unless the political subdivision finds, based on other clear and convincing information or documentation in the record, that the application does not comply with applicable requirements.

(e) A political subdivision may extend the time limit in par. (d) if the political subdivision needs additional information to determine whether to approve or deny the application for approval, if the applicant makes a material modification to the application for approval, or for other good cause specified in writing by the political subdivision.

**(5)** REVIEW OF SITING DECISIONS. (a) In this subsection "ag-

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grieved person" means a person who applied to a political subdivision for approval of a livestock facility siting or expansion, a person who lives within 2 miles of a livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.

(b) An aggrieved person may challenge the decision of a political subdivision on an application for approval on the grounds that the political subdivision incorrectly applied the state standards under sub. (2) (a) that are applicable to the livestock facility siting or expansion or violated sub. (3), by requesting the board to review the decision. An aggrieved person is not required to exhaust the political subdivision's administrative remedies before requesting review by the board. An aggrieved person shall request a review under this paragraph within 30 days after the political subdivision approves or disapproves the application for approval or, if the aggrieved person chooses to exhaust the political subdivision's administrative remedies, within 30 days after the final decision in the political subdivision's administrative review process.

(bm) Upon receiving a request under par. (b), the board shall notify the political subdivision of the request. The political subdivision shall provide a certified copy of the record under sub. (4) to the board within 30 days after the day on which it receives the notice.

(c) Upon receiving the certified copy of the record under par. (bm), the board shall determine whether the challenge is valid. The board shall make its decision without deference to the decision of the political subdivision and shall base its decision only on the evidence in the record under sub. (4) (b). In a case that involves the application of requirements related to water quality, the board shall consult with the department of agriculture, trade and consumer protection or with the department of natural resources concerning the application of the requirements related to water quality. The board shall make its decision within 60 days after the day on which it receives the certified copy of the record under par. (bm), except that the board may extend this time limit for good cause specified in writing by the board.

(d) If the board determines that a challenge is valid, the board shall reverse the decision of the political subdivision. The decision of the board is binding on the political subdivision, subject to par. (e). If a political subdivision fails to comply with a decision of the board that has not been appealed under par. (e), an aggrieved person may bring an action to enforce the decision.

(e) An aggrieved person or the political subdivision may appeal the decision of the board to circuit court. The filing of an appeal does not in itself stay the effect of a decision of the board.

(f) A circuit court to which a decision of the board is appealed under par. (e) shall review the decision of the board based on the evidence in the record under sub. (4) (b).

**History:** 2003 a. 235; 2013 a. 80; 2017 a. 365.

**Cross-reference:** See also ch. ATCP 51, Wis. adm. code.

The Livestock Facility Siting Review Board may reverse individual improper conditions under sub. (5) without reversing a siting or expansion approval in whole, at least in the absence of an argument by the approving municipality or other interested party that the defective conditions could be replaced with proper conditions. Adams v. State, 2010 WI App 88, 327 Wis. 2d 676, 787 N.W.2d 941, 09-0608.
Affirmed. 2012 WI 85, 342 Wis. 2d 444, 820 N.W.2d 404, 09-0608.

By requiring the promulgation of state standards for livestock facility siting, the legislature expressly withdrew, with limited exceptions, the power of political subdivisions to enforce varied and inconsistent livestock facility siting standards, to disapprove livestock facility siting permits, and to condition the grant of a livestock facility siting permit on any requirement other than the state standards. Adams v. State, 2012 WI 85, 342 Wis. 2d 444, 820 N.W.2d 404, 09-0608.

Sub. (4) (d) provides a clear stand-alone basis for permit denial separate and apart from sub. (3) (a). Sub. (4) (d) and ss. ATCP 51.30 and 51.34, Wis. Adm. Code, establish that one requirement an applicant seeking a permit under this section must comply with in order to obtain approval for a permit is that the application must provide credible information showing that the proposed siting or expansion will comply with the state standards the Department of Agriculture, Trade and Consumer Protection promulgates under sub. (2) (a) and (e) 1. Failure to do so provides a political subdivision with the authority to deny a permit—regardless of whether any of the enumerated exceptions set forth in sub. (3) (a) applies. Town of Ledgeview v. Livestock Facility Siting Review Board, 2022 WI App 58, 405 Wis. 2d 269, 983 N.W.2d 685, 21-0240.

A harmonized reading of this section and related administrative code provisions requires that a court must first determine whether an application for a new or expanded livestock facility complies with sub. (4) (d) and ss. ATCP 51.30 and 51.34, Wis. Adm. Code, prior to considering whether any of the sub. (3) (a) exceptions applies. Town of Ledgeview v. Livestock Facility Siting Review Board, 2022 WI App 58, 405 Wis. 2d 269, 983 N.W.2d 685, 21-0240.

Under sub. (4) (d) and ss. ATCP 51.30 and 51.34, Wis. Adm. Code, the credibility of the information provided in an application must be determined within the context of all clear and convincing information and documentation that is part of the record. In this case, the Livestock Facility Siting Review Board did not err in denying the farm's application on credibility grounds based on the applicant's history of past violations of laws and the applicant's refusal to allow the political subdivision to inspect the premises as part of the application process. Town of Ledgeview v. Livestock Facility Siting Review Board, 2022 WI App 58, 405 Wis. 2d 269, 983 N.W.2d 685, 21-0240.

Wisconsin's New Livestock Facility Siting Rule. Lamb. Wis. Law. Feb. 2007.

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# Chapter ATCP 51

# LIVESTOCK FACILITY SITING

**Subchapter I — Definitions and General Provisions**
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**Subchapter III — Application and Approval**
ATCP 51.30 Application.
ATCP 51.32 Timely action on application.
ATCP 51.34 Granting or denying an application.
ATCP 51.36 Record of decision-making.

**Note:** This chapter is adopted under authority of ss. 93.07 (1) and 93.90 (2), Stats. This chapter interprets Wisconsin's livestock facility siting law, s. 93.90, Stats. According to the livestock facility siting law, a county, town, city or village ("political subdivision") may not prohibit or disapprove a new or expanded livestock facility of any size unless one of the following applies:

The site is located in a zoning district that is not an agricultural zoning district.

The site is located in an agricultural zoning district where the livestock facility is prohibited. A prohibition, if any, must be clearly justified on the basis of public health or safety. The livestock facility siting law limits exclusionary zoning based solely on livestock facility size.

The proposed livestock facility violates a valid local ordinance adopted under certain state laws related to shoreland zoning, floodplain zoning, construction site erosion control or stormwater management.

The proposed livestock facility violates a local building, electrical or plumbing code that is consistent with the state building, electrical or plumbing code for that type of facility.

The proposed livestock facility will have 500 or more "animal units" (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003), and the proposed facility violates one of the following:

- A state livestock facility siting standard adopted by the department under this chapter.
- A more stringent local ordinance standard enacted prior to the siting application. The more stringent local standard must be based on reasonable and scientifically defensible findings of fact, adopted by the local jurisdiction, which clearly show that the standard is necessary to protect public health or safety.

Some, but not all, political subdivisions require local approval of new or expanded livestock facilities. The livestock facility siting law *does not require* local approval. But *if* local approval is required, the political subdivision must grant or deny approval based on this chapter. A political subdivision may *not* consider other siting criteria, or apply standards that differ from this chapter, except as provided in the livestock facility siting law or this chapter.

The department must review the livestock facility siting standards under this chapter at least once every 4 years (*see* s. 93.90 (2) (c), Stats.). The department will review the standards at least annually during the first 4 years of rule implementation. The department will track local siting applications and decisions (*see* s. ATCP 51.34 (5)), and will review that information at least monthly during the first year of rule implementation.

The livestock facility siting law includes the following statements of legislative intent:

"This *[law]* is an enactment of statewide concern for the purpose of providing uniform regulation of livestock facilities."

"¼[T]he department shall consider whether *[livestock facility siting standards]* are all of the following:

- Protective of public health or safety.
- Practical and workable.
- Cost-effective.
- Objective.
- Based on available scientific evidence that has been subjected to peer review.
- Designed to promote the growth and viability of animal agriculture in this state.
- Designed to balance the economic viability of farm operations with protecting natural resources and other community interests.
- Usable by officials of political subdivisions."

## Subchapter I — Definitions and General Provisions

**ATCP 51.01 Definitions.** In this chapter:

**(1)** "Adjacent" means located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right–of–way.

**(2)** "Affected neighbor" means, for purposes of the odor score calculation under s. ATCP 51.14, a residence or high-use building located within 2,500 feet of any livestock structure at a proposed livestock facility. "Affected neighbor" does not include a residence or high-use building owned by any of the following:

(a) The livestock facility operator.

(b) A person who affirmatively agrees to have the residence or high-use building excluded from the odor score calculation under s. ATCP 51.14.

**Note:** The odor score calculation under s. ATCP 51.14 is based, in part, on the proximity and density of "affected neighbors." *See Appendix A, worksheet 2.*

**(3)** "Animal lot" means a feedlot, barnyard or other outdoor facility where livestock are concentrated for feeding or other purposes. "Animal lot" does not include a pasture or winter grazing area. Two or more animal lots at the same livestock facility constitute a single animal lot, for purposes of this chapter, if runoff from the animal lots drains to the same treatment area under s. ATCP 51.20 (2) or if runoff from the animal lot treatment areas converges or reaches the same surface water within 200 feet of any of those treatment areas.

**(4)** "Animal unit" has the meaning that was given in s. NR 243.03 (3) as of April 27, 2004.

**Note:** See s. 93.90 (1m) (a), Stats., and s. ATCP 51.04. "Animal unit" equivalents, for different species and types of livestock, are shown in *Appendix A, worksheet 1 (animal units)*. The "animal unit" equivalents are based on s. NR 243.03 (3) as it existed on April 27, 2004 (the date on which the livestock facility siting law, 2003 Wis. Act 235, was published).

**(5)** "*BARNY* model" means the NRCS "Evaluation System to Rate Feedlot Pollution Potential," ARM-NC-17 (April 1982 version with modifications as of August 2005).

**Note:** The BARNY model is a commonly used computer model that predicts nutrient runoff from animal lots. Copies of the BARNY model are on file with the department, the secretary of state and the legislative reference bureau. An Excel computer spreadsheet version is available at www.datcp.state.wi.us.

**(6)** "Bedrock" means the top of the shallowest layer of a soil profile that consists of consolidated rock material or weathered-in-place material, more than 50% of the volume of which will be retained on a 2 mm soil sieve.

**(7)** "Certified agricultural engineering practitioner" means an agricultural engineering practitioner who is certified under s. ATCP 50.46 with a rating under s. ATCP 50.46 (5) that authorizes the practitioner to certify every matter that the practitioner certifies under this chapter.

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**(8)** "Cluster" means any group of one or more livestock structures within a livestock facility.

**(9)** "Complete application for local approval" means an application that contains everything required under s. ATCP 51.30 (1) to (4).

**(10)** "Department" means the Wisconsin department of agriculture, trade and consumer protection.

**(11)** "Direct runoff" has the meaning given in s. NR 151.015 (7).

**Note:** Under s. NR 151.015 (7), "direct runoff" means a discharge of a significant amount of pollutants to waters of the state resulting from any of the following practices:

(a) Runoff from a manure storage facility.

(b) Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or man-made conveyance.

(c) Discharge of leachate from a manure pile.

(d) Seepage from a manure storage facility.

(e) Construction of a manure storage facility in permeable soils, or over fractured bedrock, without a liner designed according to s. NR 154.04 (3).

**(12)** "DNR" means the Wisconsin department of natural resources.

**(13)** "Expanded livestock facility" means the entire livestock facility that is created by the expansion, after May 1, 2006, of an existing livestock facility. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

**Note:** This chapter applies to local approvals of *new or expanded* livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003). *See* s. ATCP 51.02. Although this chapter covers all livestock structures in an "expanded livestock facility," existing structures are subject to less rigorous standards than new or expanded structures, and are completely exempt from certain requirements.

**(14)** "Expansion" means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

**Note:** See s. ATCP 51.04.

**(15)** "Fine soil particles" means soil particles that pass through a # 200 soil sieve.

**Note:** See s. NR 151.002 (32).

**(16)** "High-use building" means any of the following buildings:

(a) A residential building that has at least 6 distinct dwelling units.

(b) A restaurant, hotel, motel or tourist rooming house that holds a permit under s. 97.605, Stats.

(c) A school classroom building.

(d) A hospital or licensed care facility.

(e) A non-farm business or workplace that is normally occupied, during at least 40 hours of each week of the year, by customers or employed workers.

**(17)** "Karst feature" means an area or superficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater. "Karst feature" may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

**(18)** "Livestock" means domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

**(19)** "Livestock facility" means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12–month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility."

**Note:** See definition of "related livestock facilities" in sub. (36) and "separate species facility" in sub. (38).

**(20)** "Livestock structure" means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. "Livestock structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

**(21)** "Local approval" means an approval, required by local ordinance, of a new or expanded livestock facility. "Local approval" includes a license, permit, special exception, conditional use permit or other form of local authorization. "Local approval" does not include any of the following:

(a) An approval required by a political subdivision within the scope of its authority under s. 59.692, 59.693, 60.627, 61.351, 61.354, 62.231, 62.234 or 87.30, Stats.

**Note:** See s. 93.90 (3) (a) 3., Stats. The statutes listed in par. (a) pertain to shoreland zoning, floodplain zoning, construction site erosion control and stormwater management.

(b) An approval required under a local building, electrical or plumbing code, if the standards for approval are consistent with standards established under the state building, electrical or plumbing code for that type of facility.

**Note:** See s. 93.90 (3) (a) 4., Stats.

**(22)** "Local ordinance" or "local code" means an ordinance enacted by a political subdivision.

**(23)** "Manure" means excreta from livestock kept at a livestock facility. "Manure" includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

**(24)** "Minor alteration" of a livestock structure means a repair or improvement in the construction of an existing livestock structure that does not result in a substantially altered livestock structure.

**(25)** "Navigable waters" has the meaning given in s. 30.01 (4m), Stats.

**(26)** "New livestock facility" means a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.

**Note:** This chapter applies to local approvals of *new or expanded* livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003). See s. ATCP 51.02.

**(27)** "NRCS" means the natural resource conservation service of the United States department of agriculture.

**(28)** "Operator" means a person who applies for or holds a local approval for a livestock facility.

**(29)** "Pasture" means land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over all of the grazing or feeding area.

**(30)** "Person" means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

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**(31)** "Political subdivision" means a city, village, town or county.

**(32)** "Populate" means to add animal units for which local approval is required.

**(33)** "Property line" means a line that separates parcels of land owned by different persons.

**(34)** "Qualified nutrient management planner" means a person qualified under s. ATCP 50.48.

**(35)** "Registered professional engineer" means a professional engineer registered under ch. 443, Stats.

**(36)** "Related livestock facilities" means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

(a) They are located on the same tax parcel or adjacent tax parcels of land.

**Note:** A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities. See sub. (14).

(b) They use one or more of the same livestock structures to collect or store manure.

(c) At least a portion of their manure is applied to the same landspreading acreage.

**Note:** Compare definition of "animal feeding operation" under s. NR 243.03 (2). "Related livestock facilities" are treated as a single livestock facility for purposes of local approval, except that a "separate species facility" may be treated as a separate livestock facility. *See* subs. (19) and (38).

**(37)** "Runoff" means storm water or precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

**(38)** "Separate species facility" means a livestock facility that meets all of the following criteria:

(a) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related under sub. (36):

1. Cattle.
2. Swine.
3. Poultry.
4. Sheep.
5. Goats.

**Note:** For purposes of par. (a), cattle and poultry are different "types" of livestock, but dairy and beef cattle are livestock of the same "type" ("cattle"). Milking cows, heifers, calves and steers (all "cattle") are livestock of the same "type." Turkeys, ducks, geese and chickens are livestock of the same "type" ("poultry").

(b) It has no more than 500 animal units.

(c) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related under sub. (36).

(d) It meets one of the following criteria:

1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related under sub. (36).

2. It and the other livestock facilities to which it is related under sub. (36) have a combined total of fewer than 1,000 animal units.

**(39)** "Site that is susceptible to groundwater contamination" means any of the following:

(a) An area within 250 feet of a private well.

(b) An area within 1,000 feet of a municipal well.

(c) An area within 300 feet upslope or 100 feet downslope of a karst feature.

(d) A channel with a cross-sectional area equal to or greater than 3 square feet that flows to a karst feature.

(e) An area where the soil depth to groundwater or bedrock is less than 2 feet.

(f) An area where none of the following separates the ground surface from groundwater and bedrock:

1. A soil layer at least 2 feet deep that has at least 40% fine soil particles.

2. A soil layer at least 3 feet deep that has at least 20% fine soil particles.

3. A soil layer at least 5 feet deep that has at least 10% fine soil particles.

**Note:** *See* s. NR 151.015 (18).

**(40)** "Substantially altered" livestock structure means a livestock structure that undergoes a material change in construction or use, including any of the following material changes:

(a) An increase in the capacity of a waste storage facility.

(b) The addition of a liner to a waste storage facility.

(c) An increase of more than 20% in the area or capacity of a livestock structure used to house, feed or confine livestock, or to store livestock feed.

(d) An increase of more than 20% in the number of animal units that will be kept in a livestock structure on at least 90 days in any 12-month period.

**(41)** "Unconfined manure pile" means a quantity of manure at least 175 cubic feet in volume that covers the ground surface to a depth of at least 2 inches, but does not include any of the following:

(a) Manure that is confined within a manure storage facility, livestock housing structure or barnyard runoff control facility.

(b) Manure that is covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

**(42)** "Waste" means manure, milking center waste and other organic waste generated by a livestock facility.

**(43)** "Waste storage facility" means one or more waste storage structures. "Waste storage facility" includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.

**(44)** "Waste storage structure" means a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12 (2) and 51.14, "waste storage structure" does not include any of the following:

(a) A structure used to collect and store waste under a livestock housing facility.

(b) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

**(45)** "Waters of the state" has the meaning given in s. 283.01 (20), Stats.

**(46)** "Winter grazing area" means cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "Winter grazing area" does not include any of the following:

(a) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.

(b) An area which at any time has an average of more than 4 livestock animal units per acre.

(c) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.

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(d) An area in which manure deposited by livestock causes nutrient levels to exceed standards in s. ATCP 51.16.

**(47)** "WPDES permit" means a Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06; correction in (16) (b) made under s. 13.92 (4) (b) 7., Stats., Register January 2017 No. 733.

**ATCP 51.02 Scope of this chapter. (1)** This chapter applies to local approvals of the following livestock facilities:

(a) A new or expanded livestock facility that will have 500 or more animal units.

(b) A new or expanded livestock facility that will exceed a lower size threshold, for a special exception or conditional use permit, if the threshold is expressed in terms of a specific number of animals or animal units and was incorporated in a local zoning ordinance prior to July 19, 2003.

**Note:** Some, but not all, political subdivisions require local approval of new or expanded livestock facilities. The livestock facility siting law *does not require* local approval. But *if* local approval is required, the political subdivision must grant or deny approval based on this chapter. A political subdivision may *not* consider other siting criteria, or apply standards that differ from this chapter, except as provided in the livestock facility siting law or this chapter.

A political subdivision may *not* require local approval for new or expanded livestock facilities smaller than 500 animal units, except as specifically authorized by the livestock facility siting law and this chapter. A political subdivision may apply a lower size threshold adopted by ordinance prior to July 19, 2003 *if that threshold is expressed as a specific number of animals or animal units.* A local threshold expressed in locally-defined "animal units" may meet this test, because it effectively indicates a specific number of animals, even if the local ordinance definition of "animal units" differs from the definition in this chapter. However the local application and approval process must use the "animal units" definition in this chapter.

Local approvals under this chapter "run with the land." *See* s. ATCP 51.08. They normally continue to apply, despite changes in ownership, as long as subsequent owners do not violate the terms of the local approval. Some ordinances might require a *pro forma* permit transfer with each transfer of ownership, but that transfer may not ordinarily limit the scope of approval.

A livestock operator is *not* required to obtain local approval under this chapter for the construction, repair or improvement of livestock structures, unless the operator also adds "animal units" for which local approval is required (local building codes and manure storage ordinances may apply). However, a political subdivision may withdraw a local approval granted under this chapter if the livestock operator does any of the following (*see* s. ATCP 51.34 (4)):

- Without local authorization, alters the approved livestock facility in a way that materially violates the terms of the local approval.
- Alters the approved livestock facility so that the altered facility violates the standards in subch. II.

**(2)** This chapter does not apply to any of the following:

(a) Livestock facilities other than those in sub. (1) that require local approval.

(b) An approval required by a political subdivision within the scope of its authority under s. 59.692, 59.693, 60.627, 61.351, 61.354, 62.231, 62.234 or 87.30, Stats.

**Note:** *See* s. 93.90 (3) (a) 3., Stats. The statutes listed in par. (b) pertain to shoreland zoning, floodplain zoning, construction site erosion control and stormwater management.

(c) An approval required under a local building, electrical or plumbing code, if the standards for approval are consistent with standards established under the state building, electrical or plumbing code for that type of facility.

**Note:** *See* s. 93.90 (3) (a) 4., Stats.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

**ATCP 51.04 Animal units.** In this chapter, and in every local approval or application for local approval under this chapter, the number of animal units kept or authorized at a livestock facility means the maximum number of animal units that are or may be kept on at least 90 days in any 12-month period.

**Note:** This section accounts for normal day-to-day and seasonal variations in livestock numbers, as livestock are born, received, moved and marketed. *See* s. 93.90 (3) (f), Stats.

Under this chapter, an applicant for local approval must specify the number of "animal units" for which the applicant seeks authorization. If the application is approved, the approval authorizes that number of "animal units." The authorized number is the maximum number of "animal units" that may be kept on 90 or more days in any 12-month period. A livestock operator may not exceed that authorized number without further local approval.

"Animal unit" equivalents, for different species and types of livestock, are shown in *Appendix A, worksheet 1 (animal units)*. The "animal unit" equivalents are based on s. NR 243.03 (3) as it existed on April 27, 2004 (the date on which the livestock facility siting law, 2003 Wis. Act 235, was published). *See* s. 93.90 (1m) (a), Stats., and s. ATCP 51.01 (4).

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

**ATCP 51.06 Local approval of existing livestock facilities. (1)** GENERAL. Except as provided in sub. (2), a local ordinance may not require local approval under this chapter for any of the following:

(a) A livestock facility that existed before May 1, 2006 or before the effective date of the local approval requirement.

(b) A livestock facility that the political subdivision has already approved. A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

**Note:** For example, if a political subdivision has already approved construction of a livestock facility that was reasonably designed to house up to 800 "animal units," that approval authorizes the operator to keep up to 800 "animal units" at that facility (even if the scope of approval is not explicitly stated in terms of "animal units").

**(2)** EXPANSIONS. A local ordinance may require local approval under this chapter for the expansion of a pre-existing or previously approved livestock facility under sub. (1) if the number of animal units kept at the expanded livestock facility will exceed all of the following:

(a) The applicable size threshold for local approval under s. ATCP 51.02 (1).

(b) The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006 or on the effective date of the approval requirement, whichever date is later.

**Note:** Consider the following examples:

**Example 1:** Suppose that a local ordinance enacted after May 1, 2006 requires local approval for livestock facilities with 500 or more "animal units." "Local approval is *not* required" for a livestock facility that already has 600 "animal units" on the local ordinance effective date, unless the facility expands to more than 720 "animal units." The number of "animal units" kept on the ordinance effective date means the largest number kept on at least 90 days in the 12 months prior to the ordinance effective date (*see* s. 93.90 (3) (e), Stats.).

**Example 2:** Suppose that a local ordinance enacted prior to July 19, 2003 requires local approval of livestock facilities with 400 or more "animal units." An expansion from 200 "animal units" (existing facility) to 450 "animal units" (expanded facility) will require local approval, unless the political subdivision has already given its approval. If the political subdivision has already approved construction of a livestock facility that is designed to house up to 450 "animal units," the operator does not need further local approval unless the operator proposes to exceed 450 "animal units."

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

**ATCP 51.08 Duration of local approval. (1)** Except as provided in sub. (2) or s. ATCP 51.34 (4), a local approval under this chapter:

(a) Runs with the land and remains in effect despite a change in ownership of the livestock facility or the land on which it is located.

**Note:** Some local ordinances may require a *pro forma* permit transfer with each transfer of ownership, but that transfer may not limit the scope of the prior approval.

(b) Remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted by the approval, and regardless of whether the livestock operator exercises the full authority granted by the approval.

**Note:** For example, if a livestock operator gets local approval under this chapter to expand from 400 "animal units" (existing) to 900 "animal units", the livestock operator may implement the approved expansion over a period of time chosen by the livestock operator. The operator does not lose the approval merely because the operator implements the expansion in gradual stages, or fails to expand by the full

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amount authorized. However, the operator must at least *begin* the expansion within 2 years, or face possible loss of approval. *See* sub. (2).

**(2)** A political subdivision may withdraw a local approval granted under this chapter unless the livestock operator does all of the following within 2 years after a local approval is granted:

(a) Begins populating the approved livestock facility.

(b) Begins construction on every new or expanded livestock housing structure, and every new or expanded waste storage structure, proposed in the application for local approval.

**(3)** If a local approval is appealed, the local approval is deemed to be granted for purposes of sub. (2) when the appeal is concluded. Withdrawal of a local approval under sub. (2) does not prevent a livestock operator from obtaining a new local approval under this chapter.

**Note:** A political subdivision should exercise sound judgment in deciding whether to withdraw a local approval under sub. (2). The political subdivision may consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply. A political subdivision should give the operator prior notice, and a reasonable opportunity to demonstrate compliance, before withdrawing a local approval.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

## Subchapter II — Livestock Facility Siting Standards

**ATCP 51.10 Livestock facility siting standards; general. (1)** STATE STANDARDS APPLY. Except as provided in sub. (2) or (3), a political subdivision shall grant or deny local approvals covered by this chapter based on the standards in this subchapter.

**(2)** STATE STANDARDS INCORPORATED IN LOCAL ORDINANCE. Beginning on November 1, 2006, a political subdivision may not deny a local approval covered by this chapter unless the political subdivision incorporates by local ordinance the standards in this subchapter and the application requirements in subch. III. A local ordinance may incorporate the standards and application requirements by reference, without reproducing them in full.

**Note:** The livestock facility siting law, s. 93.90, Stats., limits the reasons for which a political subdivision may deny local approval. For the first 6 months after the effective date of this chapter, from May 1, 2006 to November 1, 2006, a political subdivision may deny local approval based on standards in this chapter without incorporating those standards by local ordinance. *See* sub. (1). Sub. (2) applies beginning on November 1, 2006.

**(3)** MORE STRINGENT LOCAL STANDARDS. A political subdivision may not apply local standards that are more stringent than the standards in this subchapter unless all of the following apply:

(a) The political subdivision is authorized to adopt the local standards under other applicable law.

(b) The political subdivision enacted the standards by local ordinance, before the livestock facility operator filed the application for local approval.

(c) The political subdivision enacted the standards based on reasonable and scientifically defensible findings of fact adopted by the political subdivision's governing authority.

(d) The findings of fact under par. (c) clearly show that the standards are needed to protect public health or safety.

**Note:** *See* s. 93.90 (3) (ar), Stats.

**(4)** ORDINANCE PROVISIONS FILED WITH DEPARTMENT. Within 30 days after a political subdivision enacts an ordinance provision under sub. (2) or (3), the political subdivision shall file a copy of the ordinance provision with the department. Failure to file the ordinance provision with the department does not invalidate the ordinance provision. The political subdivision shall file the ordinance provision, by mail or e-mail, at the following applicable address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Agricultural Resource Management Division
Bureau of Land and Water Resources
P.O. Box 8911
Madison, WI 53708-8911
E-mail: livestocksiting@wisconsin.gov

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06; correction in (4) made under ss. 13.92 (4) (b) 6. and s. 35.17, Stats., Register May 2020 No. 773.

**ATCP 51.12 Livestock structures; location on property. (1)** PROPERTY LINE AND ROAD SETBACKS; GENERAL. Livestock structures shall comply with local ordinance requirements related to setbacks from property lines and public roads, except that no local setback requirement may do any of the following:

(a) Require a livestock structure to be set back more than 100 feet from any property line or public road right-of-way, except as provided in sub. (2), if the livestock facility will have fewer than 1,000 animal units.

(b) Require a livestock structure to be set back more than 200 feet from any property line, or more than 150 feet from any public road right-of-way, except as provided in sub. (2), if the livestock facility will have 1,000 animal units or more.

(c) Prevent the use of a livestock structure that was located within the setback area prior to the effective date of the setback requirement.

(d) Prevent the expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, other than an expansion toward the property line or public road to which the local setback applies.

**Note:** Many local jurisdictions have established basic property line and road setback requirements by ordinance. Setbacks vary depending on local circumstances, and often reflect years of local experience. Subsection (1) honors local setback requirements, provided that the setbacks do not exceed the limits specified in sub. (1).

**(2)** MANURE STORAGE STRUCTURE; SETBACK. A waste storage structure may not be located within 350 feet of any property line, or within 350 feet of the nearest point of any public road right-of-way, unless one of the following applies:

(a) The location of the waste storage structure complies with a local ordinance that specifies a shorter setback that is specific to waste storage facilities or waste storage structures.

(b) The waste storage structure existed prior to May 1, 2006. This paragraph does not authorize an expansion, toward a property line or public road right-of-way, of a waste storage structure that is located within 350 feet of that property line or public road right-of-way.

(c) The waste storage structure is a single new waste storage structure constructed no closer to the relevant property line or public road than a waste storage structure that existed on the same tax parcel prior to May 1, 2006, provided that the new structure is no larger than the existing structure and is located within 50 feet of the existing structure.

**Note:** See definition of "waste storage structure" in s. ATCP 51.01 (44).

**(3)** NAVIGABLE WATERS AND WETLANDS. A livestock facility shall comply with an applicable shoreland or wetland zoning ordinance that is enacted within the scope of authority granted under s. 59.692, 61.351 or 62.231, Stats.

**Note:** Essentially all navigable waters are now protected by ordinances that require building setbacks of 75 feet or more (depending on the ordinance). Zoning restrictions, if any, typically apply to *new or enlarged structures*. A zoning ordinance applies for purposes of sub. (3) if it is enacted within the scope of statutory authority under s. 59.692, 61.351 or 62.231, Stats., even if it is also enacted under other authority.

**(4)** FLOODPLAIN. A livestock facility shall comply with an applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under s. 87.30, Stats.

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**Note:** County or local zoning ordinances currently apply to many, but not all, waterways (not all waterways have mapped floodplains). Zoning restrictions, if any, typically apply to *new or enlarged structures*. A zoning ordinance applies for purposes of sub. (4) if it is enacted within the scope of statutory authority under s. 87.30, Stats., even if it is also enacted under other authority.

**(5)** WELLS. (a) Wells in a livestock facility shall comply with chs. NR 811 and 812.

(b) Except as provided in par. (c), new or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located.

(c) Paragraph (b) does not prohibit the alteration of a livestock structure that existed on May 1, 2006, unless that alteration reduces the distance between the livestock structure and an existing well.

**Note:** DNR rules under chs. NR 811 and 812 spell out well construction and well location standards to protect water supplies. Violation of well setback requirements in ch. NR 811 or 812 may prevent use of a well. DNR may grant appropriate variances, as provided in chs. NR 811 and 812.

**(6)** PRESUMPTION. For purposes of local approval, a livestock facility is presumed to comply with this section if the application for local approval complies with s. ATCP 51.30.

**Note:** Under s. ATCP 51.30, an application must be complete, credible and internally consistent. The application must include an area map, a site map, and a certification that the livestock facility complies with this section (*see Appendix A*). A local approval is conditioned upon compliance in fact (*see* s. ATCP 51.34 (4)). The presumption in sub. (6) may be rebutted by clear and convincing evidence in the record (*see* s. ATCP 51.34 and 51.36).

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

**ATCP 51.14 Odor and air emissions. (1)** ODOR STANDARD. Except as provided in subs. (2) to (4), a livestock facility shall have an odor score of at least 500. The operator shall calculate the odor score according to *Appendix A, worksheet 2*, or by using the equivalent spreadsheet provided on the department's website. An application for local approval shall include *worksheet 2* or the spreadsheet output.

**Note:** The spreadsheet equivalent of *Appendix A, worksheet 2* is available on the department's website at http://livestocksiting.wi.gov/ .

*Odor score* is based on *predicted odor generation* (based on size and type of livestock facility), odor practices, and the proximity and density of "affected neighbors." *See Appendix A, worksheet 2.*

An *odor score* is a predictive estimate. The standard in sub. (1) applies only for purposes of local livestock facility siting decisions under this chapter. Failure to comply with the standard in sub. (1) does not constitute evidence of a public or private nuisance, negligence, or a taking of property.

Odor control practices may also control air pollution emissions. The department will work to coordinate odor and air emissions field research with DNR, the Wisconsin agricultural stewardship initiative (WASI), and the University of Wisconsin. The department will consider research results when it reviews this chapter at least once every 4 years (see s. 93.90 (2) (c), Stats.). As part of its review, the department will consult with an advisory committee that includes representatives of livestock producers, local government and environmental interests. The department will consider amendments to this rule, as appropriate, based on research findings.

**(2)** EXEMPTIONS. The odor standard in sub. (1) does not apply to any of the following livestock facilities unless the facility operator voluntarily completes and submits *worksheet 2* or the equivalent spreadsheet output with the operator's application for local approval:

(a) A new livestock facility with fewer than 500 animal units.

(b) An expanded livestock facility with fewer than 1,000 animal units.

(c) A livestock facility in which all livestock structures will be located at least 2,500 ft. from the nearest affected neighbor.

**Note:** "Affected neighbors" (ATCP 51.01 (2)) are residences or "high-use buildings" (ATCP 51.01 (16)) *other than* those owned by the livestock operator or by persons who agree to be excluded from odor score calculations under sub. (1).

**(3)** CLUSTERS. If all of the livestock structures in a livestock facility are divided among 2 or more clusters, such that no cluster is located closer than 750 feet to any other cluster, an operator may choose to calculate an odor score under sub. (1) for each cluster rather than for the entire livestock facility. Each cluster shall comply with the odor standards in sub. (1).

**Note:** For example, a dairy operator can take advantage of sub. (3) if a proposed dairy facility includes a milking operation (cluster 1) and a heifer facility (cluster 2) located 800 feet from each other.

**(4)** LOCAL DISCRETIONARY CREDIT. (a) Notwithstanding sub. (1), a political subdivision may in its discretion approve a livestock facility with an odor score of less than 500, provided that the odor score is not less than 470.

(b) If a political subdivision exercises its discretionary authority under par. (a), its written decision under s. ATCP 51.34 (3) shall state the reason or reasons for that exercise of discretionary authority.

(c) The livestock facility siting review board may not review any of the following under s. 93.90 (5), Stats.:

1. A political subdivision's exercise, or refusal to exercise, discretionary authority under par. (a).

2. The adequacy of the political subdivision's stated reasons under par. (b) for exercising discretionary authority under par. (a).

**Note:** A political subdivision *must* approve a livestock facility that meets the odor standard under sub. (1), assuming that the facility meets other livestock facility siting standards under this chapter (*see* ATCP 51.34 (1)).

A political subdivision may *not* approve a livestock facility that fails to meet the odor standard under sub. (1), except that the political subdivision may exercise its discretionary authority under sub. (4) (a) in favor of an applicant if it chooses to do so. For example, a political subdivision may exercise its discretionary authority under sub. (4) (a) based on factors such as community tolerance, the applicant's near attainment of a standard, innovative odor control practices, local land use plans, or the applicant's past reputation for good management and community relations.

**(5)** CREDITS FOR ODOR CONTROL PRACTICES. In the calculation of predicted odor under sub. (1), an operator may claim credit for all of the following:

(a) Odor control practices, identified in *Appendix A, worksheet 2*, which the operator agrees to implement. For each odor control practice, the operator may claim a credit specified in *Appendix A, worksheet 2.*

(b) An odor control practice not identified in *Appendix A, worksheet 2* if the department pre-approves a credit for that practice. The operator shall claim the pre-approved credit according to the procedure specified in *Appendix A, worksheet 2.*

(c) An operator seeking department approval under par. (b) shall submit all of the following to the department in writing:

1. A clear description of the odor control practice for which the operator seeks an approved credit.

2. Scientific evidence to substantiate the efficacy of the odor control practice under relevant conditions.

(d) The department may approve a credit for an odor control practice under par. (b) if, in the department's opinion, there is adequate scientific evidence to show that under relevant conditions the practice will result in odor reduction commensurate with the approved credit. The department shall grant or deny the request within 90 days after the department receives the request.

**Note:** An odor control practice credit under sub. (5) is expressed, in the odor score calculation in *Appendix A, worksheet 2*, as a multiplier value (the *lower* the multiplier, the greater the benefit to the livestock operator).

**(6)** FUTURE REFERENCE POINTS. (a) Whenever an operator seeks local approval for the expansion of a livestock facility previously approved under this chapter, the operator may calculate an odor score under sub. (1) by reference to the same affected neighbors referenced in the odor score calculation for the prior local approval. The operator is not required to include, in the new odor score calculation, an affected neighbor that was not referenced in the odor score calculation for the prior local approval.

(b) Paragraph (a) applies regardless of any change in ownership of the livestock facility since the prior local approval, and regardless of the amount of time that has passed since the prior lo-

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cal approval, provided that the prior local approval has not been lawfully withdrawn for good cause under s. ATCP 51.08 (2) or 51.34 (4) (b).

**Note:** The odor score calculation in *Appendix A, worksheet 2* is partly based on the proximity and density of "affected neighbors" (*see* ATCP 51.01 (2)). An application for local approval documents those "affected neighbor" reference points. Subsection (6) protects an operator against the effects of encroaching development, without regulating that development directly.

A local government must keep a complete record of each local approval for at least 7 years, and must file with DATCP a copy of each approval (including the application on which it was based). The local government must also provide the livestock operator with documentation of the local approval, including the maps on which the approval was based (*see* s. ATCP 51.34 (3) (b)). The approved maps document the "odor score" reference points for purposes of sub. (6).

The livestock operator can record the local approval (including mapped "odor score" reference points) with the local register of deeds, and can convey the documentation to subsequent purchasers. In those ways, an operator can document previously-approved "odor score" reference points for purposes of a subsequent expansion.

**(7)** PRESUMPTION. For purposes of local approval, a livestock facility is presumed to comply with this section if the application for local approval complies with s. ATCP 51.30.

**Note:** Under s. ATCP 51.30, an application must be complete, credible and internally consistent. The application must include, among other things, a worksheet (or equivalent spreadsheet output) that shows compliance with this section. *See Appendix A, worksheet 2*. Local approval is conditioned upon compliance in fact (*see* s. ATCP 51.34 (4)). The presumption in sub. (7) may be rebutted by clear and convincing evidence in the record (*see* s. ATCP 51.34 and 51.36).

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

**ATCP 51.16 Nutrient management. (1)** NUTRIENT MANAGEMENT STANDARD. (a) Except as provided in par. (c):

1. Land applications of waste from a livestock facility approved under this chapter shall comply with NRCS nutrient management technical standard 590 (September, 2005), except for sections V.A.2.b(2), V.D, V.E and VI.

**Note:** NRCS nutrient management technical standard 590 (September, 2005) is reprinted in *Appendix B.* The following sections of the reprinted standard do *not* apply for purposes of this chapter:

V.A.2.b(2), related to additional requirements imposed by local conservation plans.

V.D, related to additional criteria to minimize N and particulate air emissions.

V.E, related to additional criteria to protect the physical, chemical and biological condition of the soil.

VI, related to discretionary considerations.

2. A nutrient management checklist, shown in *Appendix A, worksheet 3, part C*, shall accompany an application for local approval. A qualified nutrient management planner, other than the livestock operator, shall answer each checklist question. The planner shall have reasonable documentation to substantiate each answer, but neither the planner nor the operator is required to submit that documentation with the checklist.

**Note:** A livestock operator is *not* required to submit a complete nutrient management plan with an application for local approval. Both the operator and the qualified nutrient management planner must sign the nutrient management checklist. *See Appendix A, worksheet 3, part C.*

(b) A political subdivision may ask a nutrient management planner to submit the documentation that the planner relied upon to substantiate the planner's answer to one or more questions on the nutrient management checklist under par. (a) 2. The political subdivision may deny local approval if the planner's documentation does not reasonably substantiate the answer.

(c) Paragraph (a) does not apply to a livestock facility with fewer than 500 animal units unless the operator's ratio of acres to animal units, calculated according to *Appendix A, worksheet 3, part B,* is less than 1.5 for dairy and beef cattle, 1.0 for swine, 2.0 for sheep and goats, 2.5 for chickens and ducks, and 5.5 for turkeys.

**Note:** A waste and nutrient management worksheet (*Appendix A, worksheet 3*) must accompany every application for local approval. Among other things, the *worksheet* shows the operator's ratio of acres to animal units under par. (c).

Paragraph (c) is an exemption, not a requirement, for livestock facilities. If a livestock facility qualifies for exemption under par. (c), the operator is *not* required to submit a *nutrient management checklist* under par. (a). The ratios stated in par. (c) are based on the phosphorus content of manure from the respective livestock species.

**(2)** PRESUMPTION. For purposes of local approval, an operator is presumed to comply with sub. (1) if the application for local approval complies with s. ATCP 51.30.

**Note:** Under s. ATCP 51.30, an application must be complete, credible and internally consistent. The application must include, among other things, a *waste and nutrient management worksheet (Appendix A, worksheet 3)*. The completed *worksheet* must include all of the following:

- The types and amounts of manure and other organic waste that the facility will generate when fully populated.
- The types and amounts of waste to be stored, the waste storage facilities and methods to be used, the duration of waste storage, and waste storage capacity.
- The final disposition of waste by landspreading or other means.
- The acreage currently available for landspreading.
- A map showing where waste will be applied to land.
- A *nutrient management checklist* if required under sub. (1).

Local approval is conditioned upon compliance in fact (*see* s. ATCP 51.34 (4)). The presumption in sub. (2) may be rebutted by clear and convincing evidence in the record (*see* ss. ATCP 51.34 and 51.36).

**(3)** NUTRIENT MANAGEMENT UPDATES. An operator may update nutrient management plans and practices as necessary, consistent with sub. (1) (a) 1.

**Note:** This subsection does not require an operator to file updates with a political subdivision, but neither does it limit local authority to request updates or monitor compliance with sub. (1) (a) 1. *See* s. ATCP 51.34 (4).

**(4)** EXEMPTION. This section does not apply if all of the following apply:

(a) The operator holds a WPDES permit for the same proposed livestock facility, and that permit is based on housing for a number of animal units that is equal to or greater than the number for which the operator seeks local approval.

(b) The operator submits a copy of the WPDES permit with the operator's application for local approval.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

**ATCP 51.18 Waste storage facilities. (1)** DESIGN, CONSTRUCTION AND MAINTENANCE; GENERAL. All waste storage facilities for a livestock facility shall be designed, constructed and maintained to minimize the risk of structural failure, and to minimize the potential for waste discharge to surface water or groundwater. A waste storage facility may not lack structural integrity or have significant leakage. An unlined earthen waste storage facility may not be located on a site that is susceptible to groundwater contamination.

**Note:** A "site that is susceptible to groundwater contamination" is defined in s. ATCP 51.01 (39).

**(2)** EXISTING FACILITIES. For purposes of local approval, an existing waste storage facility is presumed to comply with sub. (1) if a registered professional engineer or certified agricultural engineering practitioner certifies one of the following in the application for local approval:

(a) The facility is constructed of concrete or steel or both, was constructed within the last 10 years according to then-existing NRCS standards, and shows no apparent signs of structural failure or significant leakage.

(b) The facility was constructed within the last 3 years according to then-existing NRCS standards, and shows no apparent signs of structural failure or significant leakage.

(c) The facility was constructed according to NRCS standards that existed at the time of construction, is in good condition and repair, and shows no apparent signs of structural failure or significant leakage.

(d) The facility is in good condition and repair, shows no apparent signs of structural failure or significant leakage, and is located on a site at which the soils and separation distances to groundwater comply with *NRCS technical guide manure storage facility standard 313, table 1 (November, 2004).*

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(e) The facility is in good condition and repair, shows no apparent signs of structural failure or significant leakage, is located entirely above ground, and is located on a site at which the soils comply with *NRCS technical guide manure storage facility standard 313, table 5 (November, 2004).*

**Note:** According to s. ATCP 51.30, an application for local approval must include a certification under sub. (2) for each existing waste storage facility. *See Appendix A, worksheet 4 (waste storage facilities).*

**(3)** NEW OR SUBSTANTIALLY ALTERED FACILITIES. For purposes of local approval, a new or substantially altered waste storage facility is presumed to comply with sub. (1) if all of the following apply:

(a) The application for local approval includes design specifications for the facility.

(b) A registered professional engineer or certified agricultural engineering practitioner certifies that the design specifications comply with all of the following:

1. NRCS technical guide manure storage facility standard 313 (November, 2004).

2. NRCS technical guide manure transfer standard 634 (November, 2004).

**Note:** According to s. ATCP 51.30, an application for local approval must include the design specifications and certification to which sub. (3) refers. *See Appendix A, worksheet 4 (waste storage facilities).*

**(4)** CLOSED FACILITIES. If a waste storage facility is closed as part of the construction or expansion of a livestock facility, the closure shall comply with *NRCS technical guide closure of waste impoundments standard 360 (December, 2002)*. A closure is presumed to comply with this subsection, for purposes of local approval, if the application for local approval includes the closure plan and certification required under s. ATCP 51.30.

**Note:** According to s. ATCP 51.30, an application for local approval must identify any waste storage facilities to be closed. The application must include a closure plan for each identified facility. A registered professional engineer or certified agricultural engineering practitioner must certify that the closure plan complies with *NRCS technical guide closure of waste impoundments standard 360 (December 2002). See Appendix A, worksheet 4 (waste storage facilities).*

Under s. NR 151.05 (3) and (4), an operator must normally close a manure storage facility if the facility has not been used for 24 months, or poses an imminent threat to public health, aquatic life or groundwater.

If a waste storage facility is abandoned or not properly closed, a political subdivision may seek redress under s. 66.0627 or 254.59, Stats., as appropriate.

**(5)** STORAGE CAPACITY. (a) The waste storage capacity of a livestock facility, not counting any excess storage capacity required for open waste storage facilities under par. (b), shall be adequate for reasonably foreseeable storage needs based on the operator's waste and nutrient management strategy under s. ATCP 51.16.

**Note:** Section ATCP 51.20 (5) prohibits overflow of waste storage facilities. *See* also ss. NR 151.08 (2) and ATCP 50.04 (1).

(b) An operator shall at all times maintain, in every open waste storage facility, unused storage capacity equal to the greater of the following volumes:

1. One foot multiplied by the top area of the storage facility.

2. The volume of rain that would accumulate in the manure storage facility from a 25-year 24-hour storm.

**Note:** The required excess storage capacity in par. (b), often called "freeboard storage," provides a safety factor to prevent manure storage overflow in the event of a major rain event.

(c) The waste storage capacity of a livestock facility is presumed to comply with this subsection, for purposes of a local approval, if the application for local approval complies with s. ATCP 51.30.

**Note:** Under s. ATCP 51.30, an application must be complete, credible and internally consistent. An application must include a *waste and nutrient management worksheet (worksheet 3*, signed by the operator and a qualified nutrient management planner) and a *waste storage facility worksheet (worksheet 4*, signed by a registered professional engineer or certified agricultural engineering practitioner). *Worksheet 3* must identify waste storage needs, based on the operator's landspreading and waste disposal strategy. *Worksheet 3* must also show waste storage *capacity*, consistent with *worksheet 4*. Capacity must be adequate for reasonably foreseeable needs.

**(6)** DEVIATION FROM DESIGN SPECIFICATIONS. Local approval of a livestock facility does not authorize an operator to populate that approved livestock facility if the construction, alteration or closure of a waste storage facility deviates materially, and without express authorization from the political subdivision, from the design specifications or closure plan included in the application for local approval.

**Note:** A political subdivision may inspect waste storage facilities to verify that they are constructed according to specifications included in the application for local approval. This section *does not require or prohibit* local inspection. A deviation under sub. (6) does not invalidate a local approval, but does prevent the livestock operator from populating the approved livestock facility until the deviation is rectified or approved.

This chapter does not limit the application of local waste storage ordinances, except in connection with the approval of a new or expanded livestock facility. For example, if a livestock operator constructs a new waste storage structure without adding "animal units" for which local approval is required, the construction must comply with the local waste storage ordinance if any.

But if a livestock operator proposes to add "animal units" *and* construct a new waste storage structure, to create an "expanded livestock facility" for which local approval is required, the waste storage standards in this chapter are controlling. A political subdivision may not disapprove the expansion, except for reasons provided under this chapter.

**(7)** EXEMPTION. This section does not apply if all of the following apply:

(a) The operator holds a WPDES permit for the same proposed livestock facility, and that permit is based on housing for a number of animal units that is equal to or greater than the number for which the operator seeks local approval.

(b) The operator includes a copy of the WPDES permit with the operator's application for local approval.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

**ATCP 51.20 Runoff management. (1)** NEW OR SUBSTANTIALLY ALTERED ANIMAL LOTS. New or substantially altered animal lots shall comply with *NRCS technical guide wastewater treatment strip standard 635 (January, 2002).*

**(2)** EXISTING ANIMAL LOTS. (a) The predicted average annual phosphorus runoff from each existing animal lot to the end of the runoff treatment area, as determined by the *BARNY* model, shall be less than the following applicable amount:

1. Fifteen pounds if no part of the animal lot is located within 1,000 feet of a navigable lake or 300 feet of a navigable stream.

2. Five pounds if any part of the animal lot is located within 1,000 feet of a navigable lake or 300 feet of a navigable stream.

**Note:** The *BARNY* model is a computer model that predicts nutrient runoff from animal lots. Copies of the *BARNY* model are on file with the department and the legislative reference bureau. An Excel spreadsheet version may be obtained from the NRCS Wisconsin website (engineering directory).

(b) Runoff from an animal lot may not discharge to any direct conduit to groundwater.

**Note:** See ss. NR 151.08 (4) and ATCP 50.04 (1). A direct conduit to groundwater may include, for example, a sinkhole.

**(3)** FEED STORAGE. (a) Feed storage shall be managed to prevent any significant discharge of leachate or polluted runoff from stored feed to waters of the state.

(b) If an existing paved area may be used, without substantial alteration, to store or handle feed with a 70% or higher moisture content:

1. Surface water runoff shall be diverted from entering the paved area.

2. Surface discharge of leachate from stored feed shall be collected before it leaves the paved area, if the paved area covers more than one acre. Collected leachate shall be stored and disposed of in a manner that prevents discharge to waters of the state.

**Note:** Feed leachate is a potentially serious water pollutant. Paved areas include paved feed storage bunkers and handling areas. Collected leachate may, for example, be transferred to waste storage and applied to land at agronomic rates.

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(c) A new or substantially altered feed storage structure, including any building, bunker, silo or paved area used for feed storage or handling, shall be designed, constructed and maintained to the following standards if it may used to store or handle feed with a 70% or higher moisture content:

1. Surface water runoff shall be diverted from entering the feed storage structure.

2. Surface discharge of leachate shall be collected before it leaves the feed storage structure.

3. The top of the feed storage structure floor shall be at least 3 vertical feet from groundwater and bedrock.

4. If the feed storage structure covers more than 10,000 square feet, it shall have an effective subsurface system to collect leachate that may leak through the structure floor. The system shall consist of drainfill material, a tile drainage network, and an effective sub-liner as specified in *Appendix A, worksheet 5, section II.C.*

5. Collected leachate shall be stored and disposed of in a manner that prevents discharge to surface water or groundwater.

**Note:** Collected leachate may, for example, be transferred to waste storage and applied to land at agronomic rates.

**(4)** CLEAN WATER DIVERSION. Runoff from a livestock facility shall be diverted from contact with animal lots, waste storage facilities, paved feed storage areas and manure piles within 1,000 feet of a navigable lake or 300 feet of a navigable stream.

**Note:** See ss. NR 151.06 and ATCP 50.04 (1). Runoff may be diverted by means of earthen diversions, curbs, gutters, waterways, drains or other practices, as appropriate.

**(5)** OVERFLOW OF WASTE STORAGE FACILITIES. A livestock facility shall be designed, constructed and maintained to prevent overflow of waste storage facilities.

**Note:** Under s. ATCP 51.18 (5), waste storage capacity must be adequate to meet reasonably foreseeable storage needs, based on the operator's waste and nutrient management strategy under s. ATCP 51.16. See also ss. NR 151.08 (2) and ATCP 50.04 (1).

**(6)** UNCONFINED MANURE PILES. A livestock facility may not have any unconfined manure piles within 1,000 feet of a navigable lake or 300 feet of a navigable stream.

**Note:** See ss. NR 151.08 (3) and ATCP 50.04 (1).

**(7)** LIVESTOCK ACCESS TO SURFACE WATERS OF THE STATE. A livestock facility shall be designed, constructed and maintained to prevent unrestricted livestock access to surface waters of the state, if that access will prevent adequate vegetative cover on banks adjoining the water. This subsection does not prohibit a properly designed, installed and maintained livestock crossing or machinery crossing.

**Note:** See ss. NR 151.08 (5) and ATCP 50.04 (1).

**(8)** PRESUMPTION. For purposes of local approval, a livestock facility is presumed to comply with this section if the application for local approval complies with s. ATCP 51.30.

**Note:** Under s. ATCP 51.30, an application must be complete, credible and internally consistent. An applicant must submit a *runoff management* worksheet signed by the applicant and a registered professional engineer or certified agricultural engineering practitioner (*see Appendix A, worksheet 5).* The *worksheet* shows presumptive compliance with this section. Local approval is conditioned upon compliance in fact (*see* sub. (9) and s. ATCP 51.34 (4)). The presumption of compliance may be rebutted by clear and convincing evidence in the record (*see* ss. ATCP 51.34 and 51.36).

**(9)** DEVIATION FROM DESIGN SPECIFICATIONS. Local approval of a livestock facility does not authorize an operator to populate that approved livestock facility if the construction or alteration of an animal lot or feed storage structure deviates materially, and without express authorization from the political subdivision, from design specifications included in the application for local approval.

**Note:** A political subdivision may inspect animal lots or feed storage structures to verify that they are constructed according to specifications included in the application for local approval. This section *does not require or prohibit* local inspection. A deviation under sub. (9) does not invalidate a local approval, but does prevent the livestock operator from populating the approved livestock facility until the deviation is rectified or approved.

**(10)** EXEMPTION. This section does not apply if all of the following apply:

(a) The operator holds a WPDES permit for the same proposed livestock facility, and that permit is based on housing for a number of animal units that is equal to or greater than the number for which the operator seeks local approval.

(b) The operator includes a copy of the WPDES permit with the operator's application for local approval.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

## Subchapter III — Application and Approval

**ATCP 51.30 Application. (1)** GENERAL. If local approval is required for a new or expanded livestock facility, a person seeking local approval shall complete and file with the political subdivision the application form shown in *Appendix A*. The application shall include all of the information required by *Appendix A* and attached *worksheets*, including any authorized modifications made by the political subdivision under sub. (2). The information contained in the application shall be credible and internally consistent.

**(2)** LOCAL MODIFICATIONS. A political subdivision may not alter the application form shown in *Appendix A* and attached worksheets, or require any additional information, except that a political subdivision may require information needed to determine compliance with local ordinance standards authorized under s. ATCP 51.10 (3) or 51.12 (1).

**(3)** ADDITIONAL COPIES. A political subdivision may require an applicant to submit up to 4 duplicate copies of the original application under sub. (1). Each duplicate copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include engineering design specifications.

**Note:** A political subdivision must file one duplicate copy of the final application and attachments with the department, within 30 days after the political subdivision grants or denies that application. *See* s. ATCP 51.34 (5). If the political subdivision approves the application, the political subdivision must give the applicant a copy of the approved application, marked "approved." *See* s. ATCP 51.34 (3) (b). The applicant may wish to record this documentation with the register of deeds, and convey the documentation to any subsequent purchaser of the livestock facility. Among other things, documentation establishes "odor score" reference points for future expansions. *See* s. ATCP 51.14 (6).

**(4)** LOCAL FEES. (a) A political subdivision may charge an application fee established by local ordinance, not to exceed $1,000, to offset the political subdivision's costs to review and process an application under sub. (1).

**Note:** Under s. 66.0628, Stats., any fee imposed by a political subdivision must bear a reasonable relationship to the service for which the fee is imposed.

(b) A political subdivision may not require an applicant to pay any fee, or post any bond or security with the political subdivision, except as provided in par. (a).

**Note:** If a waste storage facility is abandoned or not properly closed, a political subdivision may seek redress under s. 66.0627 or 254.59, Stats., and other law as appropriate. However, a political subdivision may not require an applicant for local approval to post any bond or security with the application.

**(5)** COMPLETE APPLICATION. Within 45 days after a political subdivision receives an application under sub. (1), the political subdivision shall notify the applicant whether the application contains everything required under subs. (1) to (4). If the application is not complete, the notice shall specifically describe what else is needed. Within 14 days after the applicant has provided everything required under subs. (1) to (4), the political subdivision shall notify the applicant that the application is complete. A notice of completeness does not constitute an approval of the proposed livestock facility.

**Note:** See s. 93.90 (4) (a), Stats.

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**(6)** NOTICE TO ADJACENT PROPERTY OWNERS. Within 14 days after a political subdivision issues a notice under sub. (5), the political subdivision shall mail a completed written copy of the notice in *Appendix C* to the recorded owner of each parcel of land that is adjacent to the proposed livestock facility. The political subdivision shall mail the notice by first class mail. A political subdivision may recover from the livestock facility operator, under sub. (4) (a), its reasonable cost to prepare and mail notices under this subsection. The sum of the costs charged to the livestock operator under this subsection and sub. (4) (a) may not exceed the maximum amount specified in sub. (4) (a). Failure to comply with the notice requirement under this subsection does not invalidate a political subdivision's approval of a proposed livestock facility, or create a cause of action by a property owner against the political subdivision.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

**ATCP 51.32 Timely action on application. (1)** GENERAL. Except as provided in sub. (2), a political subdivision shall grant or deny an application under s. ATCP 51.30 (1) within 90 days after the political subdivision gives notice under s. ATCP 51.30 (5) that the application is complete.

**(2)** TIME EXTENSION. (a) A political subdivision may extend the time limit in sub. (1) for good cause, including any of the following:

1. The political subdivision needs additional information to act on the application.

2. The applicant materially modifies the application or agrees to an extension.

(b) A political subdivision shall give an applicant written notice of any extension under par. (a). The notice shall state the reason for the extension, and shall specify the extended deadline date by which the political subdivision will act on the application.

**Note:** See s. 93.90(4) (d) and (e), Stats.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

**ATCP 51.34 Granting or denying an application. (1)** GRANTING AN APPLICATION. Except as provided in sub. (2), a political subdivision shall grant an application under s. ATCP 51.30 (1) if all of the following apply:

(a) The application complies with s. ATCP 51.30.

(b) The application contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets or is exempt from the standards in subch. II. To the extent that a standard under subch. II vests discretion in a political subdivision, the political subdivision may exercise that discretion.

**Note:** See s. 93.90 (4) (d), Stats.

**(2)** DENYING AN APPLICATION. A political subdivision may deny an application under s. ATCP 51.30 if any of the following apply:

(a) The application fails to meet the standard for approval under sub. (1).

(b) The political subdivision finds, based on other clear and convincing information in the record under s. ATCP 51.36, that the proposed livestock facility fails to comply with an applicable standard under subch. II.

**(3)** WRITTEN DECISION. (a) A political subdivision shall issue its decision under sub. (1) or (2) in writing. The decision shall be based on written findings of fact included in the decision. The findings of fact shall be supported by evidence in the record under s. ATCP 51.36. Findings may be based on presumptions created by this chapter.

**Note:** The Wisconsin Livestock Facility Siting Law, s. 93.90, Stats., provides a new option for "aggrieved persons" to appeal a local livestock facility siting decision. The law does not limit any existing right that any person may have to challenge a local decision in court.

Under the Livestock Facility Siting Law, an "aggrieved person" may appeal a local decision to the state Livestock Facility Siting Review Board ("Board"). An "aggrieved person" means an applicant for local approval, or a person who resides or owns land within 2 miles of the proposed livestock facility.

An "aggrieved person" may appeal a political subdivision's decision within 30 days after the political subdivision issues the decision (or, if the "aggrieved person" pursues a local administrative appeal process, within 30 days after that process is complete). The "aggrieved person" may challenge the local decision on the grounds that it incorrectly applied livestock facility siting standards under this chapter, or violated the Livestock Facility Siting Law.

When an appeal is filed, the Board must notify the political subdivision. Within 30 days after the political subdivision receives this notice, it must file a certified copy of its decision making record under s. ATCP 51.36 with the Board. The Board must review the local decision based on the evidence in the local record (the Board will not hold a new hearing or accept new evidence). The Board must make its decision within 60 days after it receives the certified local record (it may extend the deadline for good cause).

If the Board determines that the challenge is valid, it must reverse the decision of the political subdivision. The Board's decision is binding on the political subdivision (once any court appeal of the decision is completed, or the appeal time lapses). If the political subdivision fails to comply with the Board's decision, an "aggrieved person" may bring a court action to enforce the Board's decision.

An "aggrieved person" *or the political subdivision* may appeal the Board's decision to circuit court. The circuit court must review the Board's decision based on the evidence in the local record.

(b) If a political subdivision grants an application for local approval, the political subdivision shall issue the local approval to the applicant in writing. The local approval shall include a duplicate copy of the approved application, marked "approved." The duplicate copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include engineering design specifications.

**Note:** A successful applicant may wish to record the approval documentation under par. (b) with the register of deeds, and convey the documentation to any subsequent purchaser of the livestock facility. Among other things, the documentation establishes "odor score" reference points for future expansions. *See* s. ATCP 51.14 (6).

**(4)** TERMS OF APPROVAL. An approval under sub. (1) is conditioned on the operator's compliance with subch. II and representations made in the application for approval. This chapter does not limit a political subdivision's authority to do any of the following:

(a) Monitor compliance.

(b) Withdraw an approval, or seek other redress provided by law, if any of the following apply:

1. The operator materially misrepresented relevant information in the application for local approval.

2. The operator, without authorization from the political subdivision, fails to honor relevant commitments made in the application for local approval. A political subdivision may not withhold authorization, under this subdivision, for reasonable changes that maintain compliance with the standards in subch. II.

3. The livestock facility fails to comply with applicable standards in subch. II.

**Note:** A political subdivision should exercise sound judgment in deciding whether to take compliance action under sub. (4) (b). The political subdivision may consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply. A political subdivision may also consider the nature and seriousness of the violation, whether the violation was intentional or accidental, the operator's compliance history, consistency of enforcement, and whether the problem can be resolved without formal enforcement. Before taking compliance action, a political subdivision should give the operator notice and a reasonable opportunity to demonstrate compliance.

**(5)** NOTICE TO DEPARTMENT. (a) Within 30 days after a political subdivision grants or denies an application under this section, or withdraws an approval under sub. (4) (b) or s. ATCP 51.08 (2), the political subdivision shall do all of the following:

1. Give the department written notice of its action.

2. File with the department a copy of the final application granted or denied, if the political subdivision has granted or denied an application under this section. The copy shall include all of the worksheets, maps and other attachments included in the

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application, except that it is not required to include engineering design specifications.

3. File with the department a copy of the political subdivision's final notice or order withdrawing a local approval under sub. (4) (b) or s. ATCP 51.08 (2), if the political subdivision has withdrawn a local approval.

(b) A political subdivision shall submit the information required under pars. (a) and (b), by mail or e-mail, to the following address:

Wisconsin Department of Agriculture, Trade
and Consumer Protection
Agricultural Resource Management Division
Bureau of Land and Water Resources
P.O. Box 8911
Madison, WI 53708-8911
E-mail: livestocksiting@wisconsin.gov

(c) Failure to comply with par. (a) or (b) does not invalidate a political subdivision's decision to grant or deny an application for local approval, or to withdraw a local approval.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06; correction in (5) (b) made under ss. 13.92 (4) (b) 6. and 35.17, Stats., Register May 2020 No. 773.

**ATCP 51.36 Record of decision-making.** A political subdivision shall keep a complete written record of its decision-making related to an application under s. ATCP 51.30. The political subdivision shall keep the record for at least 7 years following its decision. The record shall include all of the following:

**(1)** The application under s. ATCP 51.30 (1), and all subsequent additions or amendments to the application.

**(2)** A copy of any notice under s. ATCP 51.30 (5), and copies of any other notices or correspondence that the political subdivision issues in relation to the application.

**(3)** A record of any public hearing related to the application. The record may be in the form of an electronic recording, a transcript prepared from an electronic recording, or a direct transcript prepared by a court reporter or stenographer. The record shall also include any documents or evidence submitted by hearing participants.

**Note:** Municipal law normally determines whether a hearing is required. *See*, generally, ch. 68, Stats.

**(4)** Copies of any correspondence or evidentiary material that the political subdivision considered in relation to the application.

**(5)** Minutes of any board or committee meeting held to consider or act on the application.

**(6)** The written decision required under s. ATCP 51.34 (3).

**(7)** Other documents that the political subdivision prepared to document its decision or decision-making process.

**(8)** A copy of any local ordinance cited in the decision.

**History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

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# Chapter NR 243

# ANIMAL FEEDING OPERATIONS

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**Subchapter IV — CAFO Enforcement**
NR 243.31 Enforcement.

**Note:** Ch. NR 243 as it existed on June 30, 2007 was repealed and a new Ch. NR 243 was created, Register April 2007 No. 616, eff. 7-1-07.

## Subchapter I — General

**NR 243.01 Purpose. (1)** The purpose of this chapter is to implement design standards and accepted management practices and to establish permit requirements and the basis for issuing permits to CAFOs. This chapter also establishes the criteria under which the department may issue a notice of discharge or a permit to other animal feeding operations that discharge pollutants to waters of the state or fail to comply with applicable performance standards and prohibitions in ch. NR 151. For other animal feeding operations, it is the intent of the department that a permit would be issued only when it can be demonstrated that an operation has a discharge of pollutants to waters of the state. The authority for promulgation of this chapter is in chs. 281 and 283, Stats.

**(2)** The department recognizes the unique nature of the state's agricultural industry and the industry's declared interest in protecting and preserving the state's natural resources. The department also recognizes the benefit of manure applied to land for its fertilizer and soil conditioning value, and encourages the management and use of these materials in such a manner. Only those animal feeding operations that improperly manage their wastes and as a result cause groundwater or surface water pollution or that fail to comply with applicable performance standards and prohibitions or those operations that are CAFOs will be regulated under this chapter. It is not the intent of the department to require that all animal feeding operations obtain a permit.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.02 Applicability.** The provisions of this chapter are applicable to large CAFOs and other animal feeding operations that discharge pollutants to waters of the state as determined under subch. III.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.03 Definitions.** The following definitions are applicable to terms used in this chapter. Definitions of other terms and meanings of abbreviations are in ch. NR 205.

**(1)** "Accepted management practices" means practices, techniques or measures through which runoff, manure, milking center waste, leachate and other waste streams associated with an animal feeding operation are handled, stored, utilized or otherwise controlled in a manner that is intended to achieve compliance with livestock performance standards and prohibitions established in ch. NR 151 and water quality objectives established under chs. 281 and 283, Stats. These practices, techniques or measures are established in this chapter as well as ch. NR 154 and ch. ATCP 50 and may include additional practices and procedures as approved by the department on a case-by-case basis.

**(2)** "Agricultural storm water discharge" means:

(a) For unpermitted animal feeding operations with 300 to 999 animal units, a precipitation-related discharge of manure or process wastewater pollutants to surface waters from a land application area that may occur after the owner or operator of the animal feeding operation has land applied manure or process wastewater in compliance with a nutrient management plan that meets the nutrient management requirements of this chapter; and

(b) For permitted CAFOs, a precipitation related discharge of manure or process wastewater pollutants to surface waters from a land application area that may occur after the owner or operator of the CAFO has land applied the manure or process wastewater in compliance with the nutrient management requirements of this chapter and the terms and conditions of its WPDES permit.

**Note:** The definition of agricultural storm water discharge does not include discharges of manure or process wastewater pollutants to surface waters from land application activities by an unpermitted small animal feeding operation, because these land application discharges to surface waters by a small operation are not a basis for requiring WPDES permit coverage. See s. NR 243.26 (2) (c).

**(3)** "Ancillary service and storage areas" means areas that are adjacent to the production area, but are not used for handling or managing livestock, livestock products, mortalities, manure, process wastewater or raw materials. These ancillary areas include areas such as access roads, shipping and receiving areas, pesticide and herbicide storage, oil or fuel storage, raw material handling equipment maintenance, crop equipment or vehicle storage and maintenance areas and refuse piles.

**(4)** "Animal feeding operation" means a lot or facility, other than a pasture or grazing area, where animals have been, are or will be stabled or confined, and will be fed or maintained for a total of 45 days or more in any 12-month period. Two or more animal feeding operations under common ownership or common management are a single operation if at least one of the following is true:

(a) The operations are adjacent.

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(b) The operations utilize common systems for the landspreading of manure or other wastes, including a nutrient management plan or landspreading acreage.

**Note:** While it is not the sole factor used to determine whether operations have a common system for landspreading, use of common land application equipment is one of the factors the department considers when determining if operations have a common system for landspreading.

(c) Manure, barnyard runoff or other wastes are commingled in a common storage facility prior to landspreading.

**(5)** "Animal unit" means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11, that are at an animal feeding operation.

**(6)** "Applicant" means an owner or operator of a proposed or existing CAFO that is applying for a WPDES permit.

**(7)** "Areas of channelized flow" means channels or depressions that concentrate flow and are either:

(a) Man-made by a means other than typical field cultivation practices.

(b) A natural channel or depression that cannot be removed or rerouted using typical field cultivation practices or that form on a recurring basis in the same area.

**(8)** "ASTM" means the American society for testing and materials.

**(9)** "Combined animal units" means any combination of animal types calculated by adding the number of single animal types as multiplied by the equivalency factors as specified in s. NR 243.11.

**(10)** "Compost" has the meaning specified under s. NR 500.03 (44).

**(11)** "Composting" has the meaning specified under s. NR 500.03 (45).

**(12)** "Concentrated animal feeding operation" or "CAFO" means an animal feeding operation to which any of the following apply:

(a) The operation has 1,000 animal units or more at any time and stores manure or process wastewater in a below or at grade level storage structure or land applies manure or process wastewater.

(b) The operation has 300 to 999 animal units and has a category I unacceptable practice under s. NR 243.24 (1) (a).

(c) Under s. NR 243.26 (2), the operation is designated by the department as having a significant discharge of pollutants to navigable waters or has caused the fecal contamination of water in a well.

**(13)** "CAFO outdoor vegetated area" means an area that is part of the ancillary service and storage area that consists of a large open outdoor vegetated area of land used by CAFO animals that is owned or operated by a CAFO and is adjacent or connected to, but not part of, the production area.

**(14)** "Conduit to a navigable water" means a natural or man-made area or structure that discharges to a navigable water via channelized flow. This includes open tile line intake structures, open vent pipes, sinkholes, agricultural well heads, drainage ditches that discharge to navigable waters and grassed waterways that drain directly to a navigable water.

**Note:** Conduits to navigable waters do not include the components of a subsurface drainage system that are not present at the soil surface.

**(15)** "Contaminated runoff" means that portion of manure, process wastewater, leachate or other wastes or raw materials mixed with precipitation from animal feeding operations that transports pollutants such as organic matter, suspended solids or nutrients.

**(16)** "Corrective measures" means accepted management practices or technical standards specified in ch. NR 154 or ATCP 50 designed to address an unacceptable practice or other practices determined by the department to be necessary to protect water quality.

**(17)** "DATCP" means the Wisconsin department of agriculture, trade and consumer protection.

**(18)** "Department" means the Wisconsin department of natural resources.

**(19)** "Designed structures" means groundwater monitoring systems, runoff control structures, permanent spray irrigation or other land application systems, manure, raw materials and waste storage facilities or other manure or waste transfer or treatment systems.

**(20)** "Direct conduits to groundwater" mean wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

**(21)** "Diversion" means a structure built to divert sheet flow or part or all of the water from an existing waterway into a different channel or area.

**(22)** "Exceptional resource water" means any surface water, or portion thereof, in s. NR 102.11.

**(23)** "Existing source CAFO" means an operation that is covered by a WPDES permit as of July 1, 2007, and any other permitted operation that is not a new source CAFO.

**Note:** Existing source CAFOs include CAFOs that are permitted as of July 1, 2007, and animal feeding operations in existence on a site prior to April 14, 2003 that add animals and later apply for a WPDES permit.

**(24)** "Frozen ground" means soil that is frozen anywhere between the first ½" and 8" of soil as measured from the ground surface.

**Note:** Under the definition of frozen ground, soil that is that frozen to a depth of ½" or less as measured from the ground surface is not considered frozen ground.

**(25)** "Governmental unit" means a municipality as defined in s. 281.01 (6), Stats.

**(26)** "Grassed waterway" means a natural or constructed waterway or outlet shaped or graded and established in suitable vegetation as needed for the conveyance of runoff from a field, diversion or other structure.

**(27)** "Hydrologic soil group" means a group of soils having similar runoff potential under similar storm and cover conditions.

**(28)** "Incorporation" means mixing the manure or process wastewater with surface soil so that at least 80% of applied manure or process wastewater is covered with soil and the application rate is controlled to ensure that applied material stays in place and does not run off. Incorporation includes standard agricultural practices such as tillage or other practices that are the equivalent to providing 80% soil coverage.

**(29)** "Injection" means the placement of liquid manure or process wastewater 4 to 12 inches below the soil surface in the crop root zone using equipment specifically designed for that purpose and where the applied material is retained by the soil and does not concentrate or pool below the soil surface.

**(30)** "Land application" means surface application, injection or incorporation of manure, process wastewater or other waste generated by a CAFO on cropland using manure hauling vehicles or equipment.

**(31)** "Large CAFO" means an animal feeding operation that has 1,000 animal units or more at any time.

**(32)** "Liquid manure" means manure with a solids content of less than 12%.

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**(33)** "Livestock facility" means a structure or system constructed or established on a livestock operation or animal feeding operation, including a runoff control system associated with an outside feedlot, manure storage facility or feed bunker.

**(34)** "Livestock performance standards and prohibitions" means performance standards and prohibitions contained in ss. NR 151.05, 151.06, 151.07 and 151.08.

**(35)** "Long-term no-till" means no-till farming that has been implemented a minimum of 3 consecutive years.

**(36)** "Manure" means a material that consists primarily of litter or excreta, treated or untreated, from livestock, poultry or other animals. Manure includes material mixed with runoff, bedding contaminated with litter or excreta, or process wastewater.

**(37)** "Margin of safety level" means the level in a liquid storage or containment facility that is vertically one foot below the lowest point of the top of the facility or structure.

**(38)** "Maximum operating level" means the level in a liquid storage or containment facility, measured vertically from the lowest point of top of the facility, that is the sum of the margin of safety level and the level necessary to contain the precipitation and runoff that will enter the facility as a result of 100-year, 24-hour rainfall event for swine, veal and poultry operations that are new source CAFOs or a 25-year, 24-hour storm event for all other operations.

**(39)** "Medium CAFO" means an animal feeding operation with 300 to 999 animal units that has a category I discharge to navigable waters under s. NR 243.24, or that is designated by the department as a CAFO under s. NR 243.26 (2).

**(40)** "Milking center waste" means all wastes generated at a milking center or milkhouse including waste milk, detergents, acids, sanitizers, manure, bedding materials and footbath chemicals.

**(41)** "New source CAFO" means any of the following:

(a) An operation that is a large CAFO that has been or will be constructed on or after April 14, 2003, on a new site where no other animal feeding operation is located.

(b) An operation that is a large CAFO that was in existence prior to April 14, 2003, but that completely replaces all of its production or processing equipment on or after April 14, 2003.

(c) A new addition to an existing operation that is a large CAFO that is essentially a new production area added on or after April 14, 2003 that is completely independent of the production area in existence on the site before April 14, 2003.

(d) An animal feeding operation that has been constructed on or after April 14, 2003, on a new site where no other animal feeding operation is located and later becomes a large CAFO.

**Note:** New operations are operations that essentially build on a brand new site or significantly modify most or all facilities at an existing site, on or after April 14, 2003.

**(42)** "NOD" means notice of discharge.

**(43)** "NRCS" means the Wisconsin natural resources conservation service.

**(44)** "NRCS Standard 590" means the technical standard for nutrient management contained in Appendix B to ch. ATCP 51, except for section V.D.

**Note:** Appendix B to ch. ATCP 51 includes the September 2005 version of NRCS Standard 590.

**(45)** "100-year, 24-hour rainfall event" means a rainfall event measured in terms of the depth of rainfall occurring within a 24-hour period and having an expected recurrence interval of once in 100 years as identified in Table 1.

**(46)** "Outstanding resource water" means any surface water, or portion thereof, specified in s. NR 102.10.

**(47)** "Pasture or grazing area" means an area where animals graze in large open areas, that is not adjacent to, or connected to, a CAFO production area, and where stocking densities, management systems and management of feed sources ensure that sufficient vegetative cover is maintained over the entire area at all times. A pasture or grazing area is not an animal feeding operation.

**Note:** Operations that have milking centers for animals on pasture or grazing areas are animal feeding operations since the milking center is considered to be an area of confinement.

**Note:** A CAFO may have multiple production areas located at different sites or farms, such as a main farm and satellite feedlots or farms.

**(48)** "Permanent runoff control systems" means constructions or devices installed to permanently contain, control, divert or retard surface runoff water.

**(49)** "Permit" means a WPDES permit for the discharge of pollutants issued by the department under ch. 283, Stats.

**(50)** "Permittee" means an owner or operator of a WPDES permitted CAFO.

**(51)** "Phosphorus index" means the method for assessing and minimizing phosphorus delivery to surface waters associated with manure or process wastewater applications referenced in section V.C.2. of NRCS Standard 590.

**(52)** "Phosphorus index value" means the value calculated using the phosphorus index that identifies the relative level of risk for phosphorus delivery from a field where manure or process wastewater, along with other nutrients sources, have been or will be applied.

**(53)** "Process wastewater" means wastewater from the production area directly or indirectly used in the operation of animal feeding operation that results from any or all of the following:

(a) Spillage or overflow from animal or poultry watering systems.

(b) Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities.

(c) Direct contact swimming, washing, or spray cooling of animals or dust control.

(d) Water that comes into contact with any raw materials or animal byproducts including manure, feed, milk, eggs or bedding.

**(54)** "Production area" means that part of an animal feeding operation that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas but not CAFO outdoor vegetated areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions that separate uncontaminated storm water. Included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment or disposal of mortalities.

**(55)** "Raw materials" means materials typically stored at an agricultural operation that are directly used in livestock production such as bedding material, silage, haylage, grain and other feed sources, but this term does not include pesticides, motor oil or fuel.

**(56)** "Reviewable facility or system" means runoff control structures, feed and other raw materials storage, permanent spray irrigation or other land application systems, groundwater moni-

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toring systems, manure storage facilities, manure treatment or transfer systems, or other structures or systems associated with the storage, containment, treatment or handling of manure or process wastewater.

**(57)** "Saturated soils" means soils where all pore spaces are occupied by water and where any additional inputs of water or liquid wastes cannot infiltrate into the soil.

**(58)** "Solid manure" means manure with a solids content of 12% or more.

**(59)** "Small CAFO" means an animal feeding operation with less than 300 animal units that is designated by the department as a CAFO under s. NR 243.26 (2).

**(60)** "Snow covered ground" means areas of a field covered with any amount of snow.

**(61)** "Source water protection area" means an area delineated by the department for a public water system or including numerous public water systems, whether the source is ground water or surface water or both, as part of the state source water assessment program approved by the U.S. environmental protection agency under 42 USC 300j-13.

**(62)** "Spray irrigation" means the application of liquid manure or process wastewater to cropland using equipment that discharges manure into the air via a single nozzle or multiple nozzles or hoses and disperses the manure over distances greater than could be achieved using typical moving vehicle or manure hauling equipment.

**(63)** "Storage facility" means an excavated or diked pond, walled structure or platform designed for containment of manure.

**(64)** "Sufficient vegetative cover" means that crop residue or vegetation is present over an entire area in an amount and density of stand that slows the movement of and limits contaminated runoff and soil erosion.

**(65)** "Surface applied manure" means manure applied to the ground surface by moving vehicles that is not incorporated or injected.

**(66)** "Surface water quality management areas" or "SWQMA" means all of the following:

(a) The area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage.

(b) The area within 1,000 feet from the high water mark of navigable waters that consist of a glacial pothole lake.

(c) The area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream or other non-lake navigable waters.

(d) The area within 300 feet of conduits to navigable waters.

**(67)** "Swallet" means a sinkhole or rock hole that intercepts a stream, diverting all or a portion of it to groundwater.

**(68)** "303 (d) listed waters" means the list of impaired waters in the state developed by the department pursuant to 33 USC 1313 and 40 CFR 130.7.

**(69)** "Tolerable soil loss" or "T" means the maximum rate of soil erosion, in tons per acre per year, allowable for particular soils and site conditions that will maintain soil productivity.

**Note:** Soil loss will be calculated according to the revised universal soil loss equation II as referenced in ch. ATCP 50 or, potentially, SNAP-Plus software currently being developed by UW-Extension.

**(70)** "25-year, 24-hour rainfall event" means a rainfall event measured in terms of the depth of rainfall occurring within a 24-hour period and having an expected recurrence interval of once in 25 years as identified in Table 1.

**(71)** "Unacceptable practice" means a practice that causes or has caused the discharge of pollutants to waters of the state or that results in an operation's failure to comply with livestock performance standards and prohibitions outlined in ch. NR 151.

**(72)** "Wastewater treatment strip" means a constructed strip or area of vegetation for reducing sediment, organic matter and other pollutants.

**(73)** "Waters of the state" has the meaning specified under s. 283.01 (20), Stats.

**(74)** "Water quality management area" or "WQMA" has the meaning in s. NR 151.015 (24).

**(75)** "Wetland" means areas delineated on a hydric soils map that are dominated by hydrophytic vegetation. Wetlands do not include prior converted or farmed wetlands.

**(76)** "Wetland functional values" means the values or uses of wetlands established in s. NR 103.03 (1).

**(77)** "Wet soil" means soil that is not saturated but has a moisture content that limits its ability to absorb significant amounts of additional liquid.

**(78)** "Winter acute loss index value" means the value calculated using the phosphorus index that identifies the relative level of risk for acute losses of manure and process wastewater pollutants associated with surface applications during frozen or snow-covered conditions.

**(79)** "WPDES" means the Wisconsin pollutant discharge elimination system established under ch. 283, Stats.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.04 Rainfall events.** The design rainfall amount and probable intensity of 25-year, 24-hour and 100-year, 24-hour rainfall events for locations in Wisconsin shall be determined from the data in Table 1, or for a particular location, the determination may be made on the basis of more recent rainfall probability data verified by a government agency and approved by the department for this purpose.

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**TABLE 1**
**Probable 25-year and 100-year 24-Hour Rainfall Events, In Inches of Rain, for Counties in Wisconsin**

| | 25-year | 100-year | | 25-year | 100-year |
|---|---|---|---|---|---|
| Adams | 4.7 | 5.9 | Marathon | 4.5 | 5.7 |
| Ashland | 4.3 | 5.4 | Marinette | 4.1 | 4.9 |
| Barron | 4.6 | 5.8 | Marquette | 4.6 | 5.8 |
| Bayfield | 4.4 | 5.4 | Menominee | 4.3 | 5.2 |
| Brown | 4.3 | 5.1 | Milwaukee | 4.5 | 5.5 |
| Buffalo | 4.8 | 6.1 | Monroe | 4.8 | 6.1 |
| Burnett | 4.6 | 5.7 | Oconto | 4.2 | 5.1 |
| Calumet | 4.4 | 5.3 | Oneida | 4.3 | 5.3 |
| Chippewa | 4.7 | 5.8 | Outagamie | 4.4 | 5.3 |
| Clark | 4.7 | 5.9 | Ozaukee | 4.4 | 5.4 |
| Columbia | 4.7 | 5.9 | Pepin | 4.8 | 6.0 |
| Crawford | 5.0 | 6.2 | Pierce | 4.8 | 6.0 |
| Dane | 4.8 | 6.0 | Polk | 4.7 | 5.8 |
| Dodge | 4.6 | 5.7 | Portage | 4.5 | 5.7 |
| Door | 4.1 | 4.9 | Price | 4.4 | 5.5 |
| Douglas | 4.4 | 5.5 | Racine | 4.6 | 5.6 |
| Dunn | 4.7 | 6.0 | Richland | 4.9 | 6.2 |
| Eau Claire | 4.7 | 6.0 | Rock | 4.7 | 6.0 |
| Florence | 4.1 | 4.9 | Rusk | 4.6 | 5.7 |
| Fond du Lac | 4.5 | 5.6 | St. Croix | 4.7 | 5.9 |
| Forest | 4.2 | 5.1 | Sauk | 4.8 | 6.1 |
| Grant | 5.0 | 6.2 | Sawyer | 4.5 | 5.6 |
| Green | 4.8 | 6.1 | Shawano | 4.4 | 5.4 |
| Green Lake | 4.6 | 5.7 | Sheboygan | 4.4 | 5.4 |
| Iowa | 4.9 | 6.2 | Taylor | 4.6 | 5.7 |
| Iron | 4.3 | 5.3 | Trempealeau | 4.8 | 6.1 |
| Jackson | 4.8 | 6.0 | Vernon | 4.9 | 6.2 |
| Jefferson | 4.6 | 5.8 | Vilas | 4.3 | 5.2 |
| Juneau | 4.7 | 6.0 | Walworth | 4.6 | 5.8 |
| Kenosha | 4.6 | 5.7 | Washburn | 4.5 | 5.6 |
| Kewaunee | 4.2 | 5.0 | Washington | 4.5 | 5.5 |
| LaCrosse | 4.9 | 6.1 | Waukesha | 4.6 | 5.6 |
| Lafayette | 4.9 | 6.2 | Waupaca | 4.5 | 5.5 |
| Langlade | 4.3 | 5.3 | Waushara | 4.6 | 5.7 |
| Lincoln | 4.4 | 5.5 | Winnebago | 4.5 | 5.5 |
| Manitowoc | 4.3 | 5.2 | Wood | 4.6 | 5.8 |

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.05 Calculating animal units. (1)** GENERAL. The total number of animal units at an operation shall be calculated using the methods in both subs. (2) and (3). The department shall compare the totals under both of these methods and shall use the highest calculated total to determine the size of an animal feeding operation. An owner or operator of an animal feeding operation shall use form 3400-25A for calculating the number of animal units present at the operation.

**Note:** In accordance with the definition in s. NR 243.03(4), animals included in the total count may be housed at more than one site or location.

**Note:** Form 3400-25A can be obtained at regional offices of the department or the department's Bureau of Watershed Management, 101 S. Webster St., P.O. Box 7921, Madison, Wisconsin 53707.

**(2)** COMBINED ANIMAL UNITS. The number of animal units present at an operation shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor in Table 2A. The total number of animal units at the operation is the sum of the calculated animal unit numbers of all animal types present at the operation.

**Note:** Under the combined animal unit calculation, an operation with 400 animal units of milking cows, 300 animal units of heifers and 200 animal units of swine would have a total of 1000 animal units present.

**(3)** INDIVIDUAL ANIMAL UNITS. The number of animal units present at an operation shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor in Table 2B. The total number of animal units at an operation is the highest calculated number of animal units for any individual animal type.

**Note:** Under the individual animal unit calculation, an operation with 400 animal units of milking cows, 300 animal units of heifers and 200 animal units of swine would have 400 animal units present.

**(4)** OTHER ANIMAL TYPES. For animal types not listed in Table 2A, the department shall base equivalency to animal units on live animal weights, the characteristics of the manure, including nutrient content or pollutant concentration, or a combination of both. In cases based strictly on live weight, 1,000 pounds of live weight is equivalent to one animal unit.

**TABLE 2A**
**Combined Animal Unit Calculation Equivalencies**

| Animal Type | Combined Animal Equivalent of 1,000 Animal Units | Combined Animal Unit Equivalency Factor |
|---|---|---|
| **Dairy Cattle:** | | |
| Milking and Dry Cows | 715 | 1.4 |
| Heifers (800 to 1200 lbs) | 910 | 1.1 |
| Heifers (400 to 800 lbs) | 1670 | 0.6 |
| Calves (under 400 lbs) | 5000 | 0.2 |
| **Veal Calves:** | | |
| Per Animal | 2000 | 0.5 |
| **Beef Cattle:** | | |
| Steers or Cows (400 lbs to Mkt) | 1000 | 1.0 |
| Calves (under 400 lbs) | 5000 | 0.2 |
| Bulls | 700 | 1.4 |
| **Swine:** | | |
| Pigs (55 lbs to Mkt) | 2500 | 0.4 |
| Pigs (up to 55 lbs) | 10000 | 0.1 |
| Sows | 2500 | 0.4 |
| Boars | 2000 | 0.5 |
| **Sheep:** | | |
| Per Animal | 10000 | 0.1 |
| **Horses:** | | |
| Per Animal | 500 | 2.0 |
| **Ducks:** | | |
| Per Bird (Liquid poultry manure handling) | 5000 | 0.2 |
| Per Bird (Non-liquid poultry manure handling) | 100000 | 0.01 |
| **Chickens:** | | |
| Per Bird (Liquid poultry manure handling) | 3000 | 0.033 |
| Layers (Non-liquid poultry manure handling) | 10000 | 0.01 |
| Broilers and Pullets (Non-liquid poultry manure handling) | 200000 | 0.005 |
| **Turkeys:** | | |
| Per Bird | 55000 | 0.018 |

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| TABLE 2B<br>Individual Animal Unit Calculation Equivalencies | | |
|---|---|---|
| **Animal Type** | **Individual Animal Equivalent of 1,000 Animal Units** | **Individual Animal Unit Equivalency Factor** |
| **Dairy Cattle:** | | |
| Milking and Dry Cows | 700 | 1.43 |
| Heifers (400 to 1200 lbs) | 1000 | 1.0 |
| **Veal Calves:** | | |
| Per Animal | 1000 | 1.0 |
| **Beef Cattle:** | | |
| Steers, Bulls or Cows (400 lbs to Mkt) | 1000 | 1.0 |
| **Swine:** | | |
| Pigs (55 lbs to Mkt) | 2500 | 0.4 |
| Pigs (up to 55 lbs) | 10000 | 0.1 |
| **Sheep:** | | |
| Per Animal | 10000 | 0.1 |
| **Horses:** | | |
| Per Animal | 500 | 2.0 |
| **Ducks:** | | |
| Per Bird (Liquid poultry manure handling) | 5000 | 0.2 |
| Per Bird (Non-liquid poultry manure handling) | 30000 | 0.0333 |
| **Chickens:** | | |
| Per Bird (Liquid poultry manure handling) | 30000 | 0.0333 |
| Layers (Non-liquid poultry manure handling) | 82000 | 0.0123 |
| Broilers and Pullets (Non-liquid poultry manure handling) | 125000 | 0.008 |
| **Turkeys:** | | |
| Per Bird | 55000 | 0.018 |

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.06 Variances. (1)** A permittee may request a waiver or variance to a requirement of this chapter. Subject to sub. (2), the department may approve a variance from a requirement in this chapter when special circumstances show that a variance is needed and the approval of the variance will not negatively impact or threaten the environment or public health. A request for a variance shall be submitted in writing and shall specify the requirement in this chapter from which a variance is requested and the reasons a variance is needed. The department shall approve or deny the variance within 30 days after the request is submitted.

**(2)** The department may not grant a waiver or variance to a federal statutory or regulatory requirement or to a state statutory requirement.

**Note:** If a permittee seeks approval of a variance to a requirement from this chapter that is specified in a WPDES permit, the permit must be modified to include the approved variance. Consequently, permittees should consider submitting any variance requests as part of the permit application process, so if approved, the variance can be incorporated into the permit.

**Note:** An animal feeding operation may participate in the Environmental Results Program (also known as the Green Tier Program) pursuant to s. 299.83, Stats. For more information on this innovative program that provides regulatory flexibility and superior environmental results, please contact the department at 608-267-3125.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.07 Incorporation by reference. (1)** CODE OF FEDERAL REGULATIONS. 40 CFR 412.22 in effect as of July 1, 2007, is incorporated by reference for this chapter. This federal regulation references 40 CFR 125.30 through 125.32 and these federal regulations are also incorporated by reference for this chapter. Copies of these regulations are available for inspection at the offices of the department and the legislative reference bureau, Madison, Wisconsin.

**Note:** Copies of these materials may be also be viewed online at www.gpo.gov, or may be purchased for personal use from: Superintendent of Documents, U.S. Government Printing Office, PO Box 371954, Pittsburgh, PA 15250-7954, phone: (202) 783-3238.

**(2)** OTHER MATERIALS. The materials listed in this section are incorporated by reference for this chapter. Some of the technical standards include secondary materials which are also incorporated by reference for this chapter. Copies of these materials are available for inspection at the offices of the department and the legislative reference bureau, Madison, Wisconsin. The materials incorporated by reference include:

(a) NRCS Standard 313, dated December 2005. NRCS Standard 313, dated December 2005, includes all of the following materials:

1. NRCS Agricultural Waste Management Field Handbook, Part 651, chs. 9 and 10, 1992.

2. NRCS Standard 342, dated June 2002.

3. NRCS Construction Specification 4, dated September 2003.

4. NRCS Construction Specification 203, dated March 2005.

5. NRCS Construction Specification 204, dated March 2005.

6. NRCS Construction Specification 300, dated December 2005.

7. American Concrete Institute 318, Building Code Requirements for Reinforced Concrete, in effect as of July 1, 2007.

8. ASTM Standard D-653-05.

9. ASTM Standard D-2488-00.

10. ASCE Standard SEI/ASCE 7-02.

11. ASAE Standard EP378.3.

12. ASAE Standard EP393.2.

(b) NRCS Standard 332, dated May 2002.

(c) NRCS Standard 360, dated December 2002.

(d) NRCS Standard 393, dated January 2001.

(e) NRCS Standard 585, dated June 2002.

(f) NRCS Standard 634, dated December 2005. NRCS Standard 634, dated December 2005, includes all of the following materials:

1. NRCS Construction Specification 15, Plastic Pipe Conduits, dated January 2006.

2. NRCS Standard 430DD-1, dated December 1988.

(g) NRCS Standard 635, dated January 2002. NRCS Standard 635, dated January 2002, includes all of the following materials:

1. NRCS Standard 350, dated July 2002.

2. NRCS Standard 612, dated March 2003.

**Note:** Copies of NRCS technical standards may be inspected at offices of the department, DATCP, NRCS (http://www.wi.nrcs.usda.gov), county land conservation departments and legislative reference bureau, Madison, Wisconsin.

**Note:** Copies of ASTM Standards may be obtained online at www.astm.org or at the corresponding address: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

**Note:** Copies of ASCE Standards may be obtained from the American Society of Civil Engineers online at http://www.asce.org.

**Note:** Copies of ASAE Standards may be obtained from the American Society of Agricultural and Biological Engineers online at http://www.asabe.org.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07; corrections in (1) and (2) (intro.) made under s. 13.92 (4) (b) 6., Stats., Register April 2013 No. 688.

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## Subchapter II — Requirements for Large Concentrated Animal Feeding Operations

### NR 243.11 Large concentrated feeding operations.

**(1)** APPLICABILITY. The provisions of this subchapter are applicable to existing large CAFOs, proposed expansions of existing animal feeding operations that will become large CAFOs and newly proposed large CAFOs.

**Note:** Owners or operators of animal feeding operations are responsible for obtaining all necessary state and local permits and approvals in addition to those outlined in this subchapter.

**(2)** CALCULATION OF ANIMAL UNITS. The determination as to whether an existing, proposed or expanded operation meets the criteria of a large CAFO shall be based on the total number of animal units at the animal feeding operation calculated pursuant to s. NR 243.05. Based on the provisions of this subchapter and information provided as part of an operation's application for a WPDES permit, as required in s. NR 243.12, the department shall determine whether a WPDES permit is required for an operation.

**(3)** WPDES PERMIT COVERAGE REQUIRED. (a) Except as provided in par. (b), any person owning or operating a large CAFO that stores manure or process wastewater in a structure that is at or below grade or that land applies manure or process wastewater shall have a WPDES permit. A discharge of pollutants from manure or process wastewater to waters of the state by an unpermitted animal feeding operation with 1,000 animal units or more is prohibited. A pasture or grazing area may operate without WPDES permit coverage.

(b) If a person owns or operates an animal feeding operation with 999 animal units or less, and that person expands its operation to 1000 animal units or more due to the purchase of another animal feeding operation, that person has 90 days from the date of the purchase to apply for a WPDES permit.

**(4)** ADDITIONAL INFORMATION. If requested by the department, owners or operators of animal feeding operations indicating that their operation will have 900 animal units or more shall submit additional information to the department regarding how the estimated number of animal units was calculated in accordance with Table 2A and 2B.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

### NR 243.12 WPDES permit application requirements.

**(1)** GENERAL. A large CAFO may not discharge pollutants from manure or process wastewater to waters of the state unless the discharge is covered by and in compliance with a WPDES permit. Pursuant to s. 283.37 (2), Stats., a complete application for a WPDES permit shall be filed in accordance with the following requirements:

(a) Except as provided for in par. (c), a person who is proposing to own or operate a large CAFO that will store manure or process wastewater in a storage facility constructed at or below grade or that will land apply manure or process wastewater shall file a preliminary application for a WPDES permit at least 12 months prior to the intended date on which the operation will become a large CAFO. The preliminary application for a WPDES permit shall consist of completed forms 3400-25 and 3400-25A. The owner or operator shall then submit a completed final WPDES permit application under sub. (2) at least 180 days prior to the intended date on which the operation would become a large CAFO. The owner or operator of a proposed large CAFO may not discharge pollutants from manure or process wastewater to waters of the state until one of the following has occurred:

1. The department has issued an individual WPDES permit for the operation.

2. The department has granted general WPDES permit coverage to the operation under s. NR 243.121.

(b) An owner or operator of an operation that is defined as a large CAFO as of July 1, 2007, that is not already covered by a WPDES permit or that has not already submitted a WPDES permit application, shall submit a complete permit application to the department by no later than July 31, 2007.

(c) An owner or operator of an animal feeding operation with 999 animal units or less that becomes a large CAFO as a result of the purchase of another animal feeding operation shall apply for a WPDES permit no later than 90 days from the date of the purchase.

**Note:** Owners or operators of an operation that has chickens or ducks with a non-liquid manure handling system, heifers, ducks or veal calves may become a CAFO for the first time due to the rule changes that became effective on July 1, 2007. Consequently, the department advises owners or operators to re-calculate the total number of animal units using the numbers in s. NR 243.05 and Table 2B to determine whether the operation has 1000 animal units or more and is required to obtain permit coverage.

(d) An owner or operator of a large CAFO that already holds a WPDES permit shall reapply at least 180 days prior to the expiration date of its current WPDES permit, unless all of the following apply:

1. The permittee has ceased operation or is no longer defined as a large CAFO under s. NR 243.03 (28).

2. The permittee has demonstrated to the department that there is no remaining potential for a discharge of manure or process wastewater pollutants to waters of the state that was generated while the operation was a CAFO.

3. The permittee submits a letter to the department documenting that subds. 1. and 2. have been satisfied.

**Note:** Due to the extent of water resources in the state, it is the department's position that if the manure or process wastewater from a CAFO is land applied to sites in Wisconsin, pollutants from the manure or process wastewater will reach waters of the state either via leaching to groundwater or surface runoff. Also, it is the department's position that storage facilities constructed at or below grade will have some pollutant discharges to groundwater. Therefore, all large CAFOs must apply for a WPDES permit.

**(2)** CONTENTS OF A FINAL PERMIT APPLICATION. (a) For a person applying for a first time permit issuance, a complete final permit application shall consist of the following:

1. The location of the existing or proposed site on maps including aerial photographs and soil survey maps.

2. A scaled drawing of existing and proposed animal housing, feed storage structures and other raw materials storage areas. The production area shall be clearly delineated as well as ancillary service and storage areas. Existing features shall be clearly delineated from proposed features.

3. A description and scaled drawing of existing and proposed manure storage or composting facilities, process wastewater storage or treatment facilities and other treatment systems. Plans and specifications for new manure storage or composting facilities and process wastewater facilities or proposed modifications to existing storage, composting or treatment facilities or systems shall be submitted. Upon approval by the department, plans and specifications for proposed storage, composting or treatment facilities may be submitted during the term of the permit if construction of the facilities will begin during the term of the permit. In addition, evaluations of existing storage, composting or treatment facilities or systems not previously reviewed and approved by the department shall be submitted.

**Note:** Stormwater construction site permit procedures and requirements outlined in ch. NR 216 may apply to construction activities.

4. A description and scaled drawing of existing and proposed runoff control systems, groundwater monitoring systems, water supply wells, permanent spray irrigation systems or other land-spreading or treatment systems. Plans and specifications for new systems or proposed modifications to existing systems shall be

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submitted. Upon approval by the department, plans and specifications for proposed systems may be submitted during the term of the permit if construction of these facilities is planned to begin during the term of the permit. In addition, evaluations of existing systems not previously reviewed and approved by the department shall be submitted.

**Note:** Department approval to submit plans and specifications for proposed systems and evaluations of existing systems during the term of the permit does not delay compliance with the requirements in s. NR 243.13.

5. A description and scaled drawing of any existing and proposed ancillary service and storage areas and outside animal lots, including a map showing the area's size and location, the number of animals to be using the area, projected number of days in use, and type and percent of vegetative cover to be maintained.

6. A complete nutrient management plan that meets the requirements of s. NR 243.14. The plan shall be based on the volume of manure that will be generated by the operation from 1,000 animal units or the number of animal units that are expected to be at the operation by the end of the first year of permit coverage, whichever is greater. The permittee shall specify the expected number of animal units at the operation for the first year of the permit and during the permit term. The plan shall include all of the following information:

a. A narrative overview of the operation's nutrient management plan including a general description of anticipated amounts and types of manure and process wastewater produced on an annual basis, amount of manure and process wastewater to be land applied, anticipated frequency of land application for manure and process wastewater, methods of land application, and other methods of use, disposal, distribution or treatment.

b. Additional information the department requests for the purpose of identifying possible water quality impacts associated with an operation's land application activities.

7. Any other information requested by the department that is necessary to comply with the requirements of ch. NR 150.

**Note:** The department has developed an environmental analysis questionnaire identifying most of the information needed to comply with ch. NR 150 that is included as part of a large CAFO's application package for first time issuances.

(b) For operations submitting a reissuance application, a complete reissuance application shall consist of the following:

1. Information on changes to the operation that have occurred during the current permit term and changes that are anticipated during the upcoming permit term, including changes that are necessary to comply with this chapter.

2. The location of the existing site and proposed modifications to the site on maps such as aerial photographs and soil survey maps.

3. Scaled drawing and descriptions of existing and proposed animal housing, manure storage, composting and treatment facilities, process wastewater storage or treatment facilities or systems, runoff control structures or systems, feed storage structures, groundwater monitoring systems, water supply wells, ancillary and service storage areas, loafing and outside lot areas and feed storage structures. Existing features shall be clearly delineated from proposed features.

4. An updated nutrient management plan reflecting changes that have occurred at the operation since the previous permit issuance or reissuance and that incorporates the requirements in this chapter.

5. A description of permanent spray irrigation systems and any other landspreading or treatment systems.

6. Any other information requested by the department that is necessary to comply with the requirements of ch. NR 150.

**(3)** APPLICATION FORMS. Final permit and reissuance application information shall be submitted along with completed forms 3400-25 and 3400-25A. The department shall take action on a complete application pursuant to s. NR 200.10.

**Note:** Applications and forms 3400-25 and 3400-25A can be obtained at regional offices of the department or the department's Bureau of Watershed Management, 101 S. Webster St., P.O. Box 7921, Madison, Wisconsin 53707.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.121 General permit coverage. (1)** GENERAL PERMIT. (a) The department may issue a WPDES general permit to cover a category or group of CAFOs where the department has determined that the operations will not be covered by an individual permit issued pursuant to s. 283.37 (2), Stats.

(b) For purposes of this section, a category or group of CAFOs may be defined by size of operation, type of livestock or species, geographic or watershed area, method of managing manure or any other feature or attribute that the department determines is appropriate for defining a category of coverage.

**(2)** GENERAL PERMIT APPLICATION REQUIREMENTS. An owner or operator seeking coverage under a general permit shall submit an application to the department in accordance with s. NR 243.12 and shall include information documenting that the operation qualifies for the general permit based on the eligibility criteria specified in the general permit.

**(3)** GENERAL PERMIT ELIGIBILITY. The department shall specify criteria for determining eligibility for general permit coverage in the WPDES general permit.

**(4)** INDIVIDUAL PERMIT COVERAGE. Under s. 283.35 (3), Stats., the department may withdraw general permit coverage for a CAFO and issue an individual permit to the CAFO. The CAFO shall submit additional information requested by the department that is needed for issuance of an individual permit.

**Note:** The department may allow a permittee to participate in a cooperative compliance program to assist the CAFO with maintaining compliance with a general permit. A cooperative compliance program is an organization comprised of several CAFOs that have been granted permit coverage under a general permit. Cooperative compliance programs primarily assist facilities in maintaining compliance with general permits. Cooperative compliance programs retain environmental experts with substantial experience and knowledge in the management of manure and nutrients, design and maintenance of agricultural best management practices and environmental protection.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.13 Standard WDPES permit requirements for large CAFOs. (1)** GENERAL. The department shall include conditions in permits that meet the requirements in subs. (2) to (8), if applicable to the primary livestock type housed at the CAFO. Pursuant to s. 283.31, Stats., the department shall include conditions in a WPDES permit for the production area and ancillary service and storage areas to ensure that clean water is diverted, as appropriate, from the production area and that are necessary to achieve compliance with surface water and groundwater quality standards contained in chs. NR 102 to 105, 140 and 207, and the livestock performance standards and prohibitions prescribed in ch. NR 151.

**Note:** Large CAFOs are not eligible for cost sharing under chs. NR 153 and 154, nor is cost sharing necessary for compliance with the livestock performance standards and prohibitions.

**(2)** DAIRY COWS, CATTLE AND DUCKS. (a) The standard in this subsection applies to large CAFOs that confine mostly mature dairy cows, milking or dry, or cattle such as heifers, steer or bulls, or ducks. Except as provided in par. (b) or (c), a large CAFO may not discharge manure or process wastewater pollutants to navigable waters from the production area, unless all of the following apply:

1. Precipitation causes an overflow of manure or process wastewater from a containment or storage structure.

2. The containment or storage structure is properly designed, constructed and maintained to contain all manure and process

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wastewater from the operation, including the runoff and the direct precipitation from a 25-year, 24-hour applicable rainfall event.

3. The production area is operated in accordance with the inspection, maintenance and record keeping requirements in s. NR 243.19.

**Note:** Operations are not allowed to discharge pollutants to navigable waters under any circumstance or storm event from areas of the production area where manure or process wastewater is not properly stored or contained by a structure. Wastewater treatment strips, grassed waterways or buffers are examples of facilities or systems that by themselves do not constitute a structure.

(b) 1. The department may establish an alternative discharge limitation to the standard limitation established in par. (a) if an applicant or permittee requests an alternative limitation. When requesting an alternative site specific limitation, the applicant or permittee shall submit all of the following additional information as part of the application for WPDES permit issuance or reissuance:

a. A technical analysis, calculations and other relevant information that demonstrates that the discharge of pollutants, on a mass basis, associated with the alternative limitation will be equal to or less than the mass loading of pollutants associated with achieving the standard limitations in par. (a).

b. A calculation of daily inputs to the storage systems and all daily outputs from the storage systems, including losses due to evaporation, sludge removal, and off-site transport of manure and wastewater.

c. A calculation determining the median annual overflow volume based on a 25-year period of actual rainfall data applicable to the site.

d. Representative samples and analysis of all sources of input into the storage systems for nitrogen, phosphorus, $BOD_5$ and total suspended solids, or other applicable pollutant data.

e. Predicted annual average discharge of pollutants, expressed, where appropriate, as a mass discharge on a daily basis in pounds per day, and calculated considering the information in this subd. 1. b. to d.

f. Any additional information requested by the department.

2. The department may approve an alternative limitation if the alternative limitation is based on site specific alternative technologies that will achieve a quantity of pollutants discharged from the production area that is equal to or less than the quantity of pollutants that would be discharged if the production area was designed, constructed, operated and maintained in compliance with the standard limitation in par. (a). If approved, the alternative limit shall be included in the proposed WPDES permit.

(c) A large CAFO that primarily confines ducks, was in existence as of 1974 and has not completely replaced all of its production or processing equipment after 1974, may have a discharge of pollutants from the production area to navigable waters that meets the limits in 40 CFR 412.22 provided the discharge will not exceed water quality standards. 40 CFR 412.22 is incorporated by reference in s. NR 243.07. The department shall impose best management practices or effluent limitations on the discharge to address other pollutants associated with manure or process wastewater or to meet surface water or groundwater quality standards. If the permittee chooses this option, the permittee shall monitor pollutants in all runoff from the production area to demonstrate compliance with effluent limitations.

**Note:** Copies of 40 CFR 412.22 and the other federal regulations referenced in 40 CFR 412.22 are available for inspection at the office of the department, Madison, Wisconsin and U.S. EPA offices.

**(3)** SWINE, POULTRY OTHER THAN DUCKS AND VEAL CALVES. (a) Except as provided in par. (b), a large CAFO that is an existing source CAFO that confines mostly swine, poultry other than ducks or veal calves shall comply with the requirements in sub. (2).

**Note:** All existing source dairy, cattle, swine, poultry other than ducks, and veal operations, are subject to the same discharge limitations related to the 25-year, 24-hour storm event as well as the same allowances for alternative discharge limitations. New source swine, poultry other than ducks, and veal calves have more restrictive discharge limitations and additional criteria for receiving alternative discharge limitations.

(b) A large CAFO that is a new source CAFO and that confines mostly swine, poultry other than ducks or veal calves may not discharge manure or process wastewater pollutants into navigable waters from the production area except as provided in par. (c). Storage and containment facilities and structures shall be designed, constructed, operated and maintained to contain all manure and process wastewater, including runoff and the direct precipitation from a 100-year, 24-hour rainfall event, and the production area shall be operated in accordance with the inspection, maintenance and recordkeeping requirements in s. NR 243.19.

(c) 1. For swine, poultry other than ducks or veal calf operations that are new source CAFOs, the department may establish an alternative discharge limitation to the applicable standard limitation established in par. (b) if an owner or operator of the large CAFO requests an alternative limitation. When requesting an alternative limitation under this paragraph, the applicant shall submit all of the following additional information as part of the application for WPDES permit issuance:

a. Calculations that demonstrate that the quantity of pollutants discharged from the production area will be offset by additional best management practices that achieve an equivalent or greater reduction in the quantity of pollutants released to other media, including water and air, from the production area or land application areas. The calculations shall be made on a mass basis, where appropriate.

b. Any other specific information requested by the department that is needed by the department to make a determination pursuant to this paragraph.

2. If approved by the department, the alternative limitation shall be established in the WPDES permit and shall be based on site specific innovative technologies that will achieve an overall environmental performance across all media that is equal to, or superior to, the reductions achieved by the standard as provided in par. (b).

**(4)** HORSES AND SHEEP. (a) This subsection applies to large CAFOs that confine mostly horses or sheep. All large CAFOs that confine mostly horses or sheep may not discharge process wastewater pollutants into navigable waters from the production area except if both of the following are met:

1. A rainfall event causes an overflow of process wastewater from a facility or structure designed, constructed, operated and maintained to contain all process wastewater generated including the runoff from a 25-year, 24-hour rainfall event.

2. The discharge complies with water quality standards.

(b) In a WPDES permit, the department may impose additional requirements or best management practices, or other restrictions for production area discharges of manure or process wastewater to meet surface water quality or groundwater standards.

**(5)** ALL LARGE CAFOS. (a) If a discharge of manure or process wastewater pollutants to waters of the state occurs, including a discharge allowed under subs. (2) to (4), the discharge shall comply with groundwater and surface water quality standards.

(b) The permittee may not allow livestock to come into direct contact with navigable waters in the production area.

**(6)** EMERGENCY RESPONSE PLAN. (a) *General.* Within 30 days of permit issuance or reissuance, a permittee shall develop an emergency response plan, or update an existing plan if neces-

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sary, that is designed to address unauthorized spills or discharges. For purposes of this subsection, unauthorized spills or discharges include catastrophic spills resulting from failures of containment or storage structures or equipment malfunctions, leakage from pumping systems and other events creating potential environmental damage. The emergency response plan shall be maintained at the production area in a place accessible to all employees. The permittee shall notify all employees involved with manure handling of the location and contents of the emergency response plan. Relevant portions of the plan shall be retained with land application equipment and with contracted land applicators. The plan shall be implemented whenever an unauthorized spill or discharge occurs. The plan shall be made available to the department upon request.

**Note:** Pursuant to s. 292.11, Stats., owners or operators of CAFOs are required to report spills of hazardous substances. Under s. 292.11, Stats., manure can be considered a hazardous substance.

(b) *Plan content.* The emergency response plan shall include all of the following information:

1. The names and telephone numbers of persons who are identified by the permittee as responsible for implementing the emergency response plan.

2. Areas of the production area where potential unauthorized spills or discharges can occur, and their accompanying surface and subsurface drainage points.

3. Procedures to be followed in the event of an unauthorized spill or discharge, including the following:

a. Actions to contain, minimize and manage any unauthorized discharge.

b. Actions to mitigate the adverse effects of any unauthorized discharge.

c. Identification of contractors, equipment, equipment technical support, clean-up materials and alternative manure storage that can be used in the event of an unauthorized discharge.

d. Identification of land application sites or alternative storage facilities that can be used in the event of an unauthorized discharge during precipitation events or when soils are saturated, frozen or snow covered. Those land application sites identified shall have the lowest potential to deliver pollutants to waters of the state out of all the land application sites available to the permittee.

e. Procedures for reporting the unauthorized discharge to the permittee's main operational contact, any applicable local emergency or health authorities, and the department in accordance with permit requirements and s. 292.11, Stats.

(c) *Amendments.* The emergency response plan shall be reviewed and, if appropriate or necessary, amended whenever the operation undergoes significant expansions or other changes that affect the volume or location of potential unauthorized spills or discharges. The plan shall be amended as needed to reflect changes in available equipment, available clean-up contractors or procedures to address unauthorized spills or discharges, or amended in accordance with comments provided by the department. Dates of plan amendments shall be retained with the plan at the production area.

**(7)** ANCILLARY SERVICE AND STORAGE AREAS. In accordance with the terms and conditions of the WPDES permit, a permittee may discharge contaminated storm water to waters of the state from ancillary service and storage areas provided the discharges of contaminated stormwater comply with groundwater and surface water quality standards. These areas include CAFO outdoor vegetated areas, access roads, sites used for the handling or storage of material or refuse other than manure, bedding, feed or process wastewater, areas for storage or maintenance of material handling equipment, areas for shipping and receiving, and other sources of contamination that are not identified as part of the production area. These areas do not include land application areas. The permittee shall take preventive maintenance actions and conduct periodic visual inspections to minimize the discharge of pollutants from these areas to surface waters. For CAFO outdoor vegetated areas, the permittee shall also implement the following practices:

(a) Manage stocking densities, implement management systems and manage feed sources to ensure that sufficient vegetative cover is maintained over the entire area at all times.

(b) Prohibit direct access of livestock or poultry to surface waters or wetlands located in or adjacent to the area unless approved by the department.

(c) Comply with other measures specified in the permit to prevent exceedances of groundwater and surface water quality standards.

**Note:** Examples of ancillary service and storage areas include access roads into the production area, pesticide storage, motor oil and fuel drums, equipment repair areas, and junk or scrap piles. These areas do not include land application areas or areas that are part of the production area. Contaminated stormwater discharges from construction site areas are subject to the WPDES permit requirements under ch. NR 216.

**(8)** MORTALITY MANAGEMENT. (a) Animal carcasses may not be disposed of in a manner that results in a discharge of pollutants to surface waters, violates groundwater standards or impairs wetland functional values. Animal carcasses may not be disposed of directly into waters of the state. In addition, carcasses may not be disposed of in liquid manure or process wastewater containment, storage or treatment facilities unless the containment, storage or treatment facility is adequately designed to contain and treat carcasses and the facility has been approved by the department for that use.

(b) The permittee shall maintain records of mortality management and disposal methods in accordance with s. NR 243.19.

**Note:** The permittee should be aware that there are additional restrictions on the disposal of animal carcasses in ch. 95, Stats., and ch. ATCP 3. Furthermore, there may be local regulations regarding disposal of carcasses. If a carcass is disposed of off-site, the disposal may be subject to the requirements in s. NR 502.12 or ch. NR 518.

**Note:** In accordance with s. 283.53, Stats., the term of a WPDES permit cannot exceed 5 years.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.14 Nutrient management. (1)** NUTRIENT MANAGEMENT PLANS. (a) *General.* Permittees shall submit a nutrient management plan developed by a nutrient management planner qualified under s. ATCP 50.48 to the department for review and approval outlining the amounts, timing, locations, methods and other aspects regarding the land application of manure and process wastewater. A complete nutrient management plan shall be submitted with a permit application in accordance with s. NR 243.12. The nutrient management plan shall comply with the requirements of this section and the permittee's WPDES permit. Subject to additional requirements specified in this section and in a WPDES permit, the land application practices identified in the nutrient management plan shall, at a minimum, conform with the nutrient budgeting, soil test recommendations, application practices and restrictions contained in NRCS Standard 590.

(b) *Plan content.* The permittee's nutrient management plan shall contain information necessary to document how the operation's land application activities will comply with the restrictions in NRCS Standard 590, this chapter and the conditions of the operation's WPDES permit. In cases where there is limited acreage available for application, the department may require that the permittee submit additional or more specific information, including verification that the permittee has permission to land apply manure on fields not owned by the permittee. The department may

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require additional management practices be included in the nutrient management plan to ensure compliance with the requirements of this chapter and the permittee's WPDES permit.

**Note:** The Wisconsin Conservation Planning Technical Note WI-1 contains additional detail on the information that needs to be included in a plan drafted in accordance with NRCS Standard 590, as well as additional background information useful for nutrient management planning. While additional information beyond that outlined in the technical note is needed to comply with the requirements of this section, the technical note does provide general guidance on how to create a nutrient management plan.

(c) *Amendments.* 1. The nutrient management plan shall be reviewed and amended by the permittee on an annual basis to reflect any changes in operations. Except as provided in subd. 2., the management plan may be amended at any time provided the proposed amendments are approved in writing by the department. An amendment does not become effective until the department has reviewed and approved the amendment.

2. The department may establish a condition in the WPDES permit that allows the permittee to implement certain types of nutrient management plan amendments without obtaining, or prior to obtaining, department approval.

**(2)** GENERAL REQUIREMENTS. (a) A discharge of manure or process wastewater pollutants to waters of the state by a CAFO as a result of the land application of manure or process wastewater is subject to the WPDES permit terms and conditions except where the discharge is an agricultural storm water discharge. A permittee's land application practices for manure and process wastewater shall comply with this section, the terms and conditions of the WPDES permit and the permittee's approved nutrient management plan. Except as provided in s. NR 243.142 (2), the permittee is responsible for ensuring that the manure and process wastewater generated or handled at the operation is land applied or disposed of in a manner that complies with this subchapter and the terms and conditions of the WPDES permit.

(b) A permittee who land applies manure or process wastewater shall land apply all manure and process wastewater in compliance with the following requirements:

1. Manure or process wastewater may not pond on the application site.

2. During dry weather conditions, manure or process wastewater may not run off the application site, nor discharge to waters of the state through subsurface drains.

3. Manure or process wastewater may not cause the fecal contamination of water in a well.

4. Manure or process wastewater may not run off the application site nor discharge to waters of the state through subsurface drains due to precipitation or snowmelt except if the permittee has complied with all land application restrictions in this subchapter and the WPDES permit, and the runoff or discharge occurs as a result of a rain event that is equal to or greater than a 25-year, 24-hour rain event.

5. Manure or process wastewater may not be applied to saturated soils.

6. Land application practices shall maximize the use of available nutrients for crop production, prevent delivery of manure and process wastewater to waters of the state, and minimize the loss of nutrients and other contaminants to waters of the state to prevent exceedances of groundwater and surface water quality standards and to prevent impairment of wetland functional values. Practices shall retain land applied manure and process wastewater on the soil where they are applied with minimal movement.

7. Manure or process wastewater may not be applied on areas of a field with a depth to groundwater or bedrock of less than 24 inches.

8. Manure or process wastewater may not be applied within 100 feet of a direct conduit to groundwater.

9. Manure or process wastewater may not be applied within 100 feet of a private well or non-community system as defined in ch. NR 812 or within 1000 feet of a community well as defined in ch. NR 811.

10. On a field with soils that are 60 inches thick or less over fractured bedrock, manure or process wastewater may not be applied on frozen ground or where snow is present.

11. Manure or process wastewater may not be applied on fields when snow is actively melting such that water is flowing off the field.

12. Where incorporation of land applied manure is required under NRCS Standard 590, the incorporation shall occur within 48 hours of application.

13. Manure or process wastewater may not be surface applied when precipitation capable of producing runoff is forecast within 24 hours of the time of planned application.

(c) Land application of process wastewater shall be included in the permittee's nutrient management plan and shall be done in accordance with the requirements of this section, except that process wastewater may be applied to frozen or snow covered ground in accordance with the requirements in s. NR 214.17 (2) to (6) instead of subs. (6) and (7). The permittee shall specify in the nutrient management plan or permit application whether process wastewater will be applied to frozen or snow-covered ground in accordance with subs. (6) and (7) or s. NR 214.17 (2) to (6).

(d) If incorporation is required under this section or the WPDES permit, the permittee shall specify the method of incorporation in the nutrient management plan.

**Note:** In addition to implementing practices specified in a nutrient management plan, the permittee should consider the following factors when making decisions about the timing of application and placement of manure and process wastewater on fields: the ability of the soil to absorb or otherwise hold liquids associated with manure and process wastewater based on the soil's moisture content or permeability, if snow is present on a field or the ground is frozen, the prediction of temperature increases that will likely result in sudden snowmelts or pollutant movement, upslope areas contributing runoff or snow melt to the site where applications occur, and other field conditions that may contribute to runoff events.

(e) A permittee shall identify as part of its nutrient management plan, to the maximum extent practicable, the presence of subsurface drainage systems in fields where its manure or process wastewater is applied.

(f) Subject to other restrictions on application rates in this section, the permittee shall use results of manure, process wastewater and soil analyses to determine nutrient application rates for manure and process wastewater.

**Note:** Under s. NR 243.19, the permittee shall conduct sampling of manure, process wastewater and soils, keep records associated with sampling and land application activities and submit reports to the department regarding the sample results and land application of manure and process wastewater.

**Note:** Pursuant to s. NR 243.142, the permittee is responsible for land application activities of the manure and process wastewater generated by the large CAFO, including the land application activities of contract haulers and employees.

**(3)** NUTRIENT CREDITING. A permittee's manure and process wastewater application rates shall take into account soil nutrient levels prior to landspreading, nutrient applications from other sources, including commercial fertilizers, biosolids, first and second year manure and legume credits, and other sources of nutrients that are expected to be applied or have already been applied to land where manure or process wastewater will be applied. Adjustments shall be made to assumed nutrient credits based on actual crop yields.

**(4)** SWQMA APPLICATION RESTRICTIONS. (a) Subject to additional restrictions in subs. (6) and (7) for the winter season, a permittee shall choose and implement one of the following op-

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tions whenever manure or process wastewater is applied on areas of fields within the SWQMA:

1. Not apply manure or process wastewater within 25 feet of a navigable water, conduit to a navigable water or wetland; and inject or immediately incorporate manure and process wastewater in all other areas within the SWQMA.

2. Not apply manure or process wastewater within 25 feet of a navigable water, conduit to a navigable water or wetland; and surface apply liquid manure and process wastewater in all other areas of the SWQMA provided that all of the following conditions are met:

a. The application is on long-term no-till ground.

b. The ground has 30% crop residue or more at the time of application.

c. The hydraulic application rate is limited to that specified in Table 3.

3. Establish a 35-foot wide vegetated buffer adjacent to the navigable water, conduit to a navigable water or wetland where there is no application of manure or process wastewater on the buffer; and comply with a practice in this subd. 3. a. or b. For the purposes of this subdivision, a vegetated buffer means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching navigable waters.

a. Inject or immediately incorporate manure and process wastewater in all other areas within the SWQMA, or

b. Surface apply in all other areas of the SWQMA provided the ground has 30% residue or more at the time of application and the hydraulic application rate is limited in accordance with Table 3.

4. Establish a filter strip that is a minimum of 21 feet wide adjacent to the navigable water, conduit to a navigable water or wetland; and comply with a practice in this subd. 4. a. or b. The filter strip shall be designed in accordance with NRCS Standard 393, dated January 2001. NRCS Standard 393, dated January 2001, is incorporated by reference in s. NR 243.07.

**Note:** Copies of NRCS Standard 393, dated January 2001 and documents referenced in this standard may be inspected at the offices of the department, DATCP, NRCS, county land conservation departments and the legislative reference bureau, Madison, Wisconsin.

a. Inject or immediately incorporate manure and process wastewater in all other areas within the SWQMA, or

b. Surface apply in all other areas of the SWQMA provided the ground has 30% residue or more at the time of application and the hydraulic application rate is limited in accordance with Table 3.

5. Not apply manure or process wastewater within 100 feet of a navigable water or conduit to a navigable water.

6. Implement other practices within the SWQMA that are approved, in writing, by the department provided that the permittee demonstrates pollutant reductions are equivalent to, or better than, reductions achieved by not applying manure or process wastewater within 100 feet of downgradient navigable waters or conduits to navigable waters.

**Note:** The Wisconsin buffer initiative may provide additional information on the proper design and use of riparian buffers to best protect water quality.

**Note:** Demonstrations of equivalent practices may consist of model outputs, calculations or other means of demonstrating equivalent pollutant reductions.

(b) The nutrient management plan shall specify the land application practices that have been selected and will be followed on each field to meet the requirements of this subsection. Permittees implementing practices under par. (a) 1., 2. or 4. shall demonstrate to the department how the practices provide for pollutant reductions equivalent to, or better than, reductions achieved by not applying manure and process wastewater within 100 feet of downgradient navigable waters or conduits to navigable waters.

(c) If the application rates in Table 3 apply pursuant to any of the requirements in par. (a) 2. to 4., any additional applications made to meet the allowed nutrient crop budget shall be done with a minimum of 7 days between applications, provided the soils are not saturated.

**TABLE 3**
**Maximum Rates of Unincorporated Liquid Manure and Process Wastewater Applied Within a SWQMA**

| Surface Texture Class[1] | Max Application Rate (gallons/acre) |
|---|---|
| Fine | 5,000 |
| Medium | 7,500 |
| Coarse | 10,000 |

1 Fine – clay, silty clay, silty clay loam, clay loam.
Medium – sandy clay, sandy clay loam, loam, silt loam, silt.
Coarse – loamy sand, sandy loam, sand. This category includes peat and muck based on their infiltration capacity.

**(5)** PHOSPHORUS DELIVERY. (a) The permittee shall assess and minimize the potential for delivery of phosphorus to waters of the state from fields by applying its manure and process wastewater in accordance with one of the methods specified in subd. 1. or 2. The permittee shall specify the method it will apply to a field in the nutrient management plan.

1. Use the soil test phosphorus method specified in NRCS Standard 590. In addition, for applications to fields directly adjacent to, or that have been determined by the department to have a high potential to deliver phosphorus to, 303 (d) listed waters impaired by nutrients or outstanding or exceptional resource waters, the permittee may not increase soil test phosphorus levels over a crop rotation unless the permittee receives department approval, and the permittee can demonstrate that deliverability of phosphorus to these waters will not increase as a result of increases in soil test phosphorus in the field. The permittee may not raise soil test phosphorus levels over a rotation above the optimum level for the highest phosphorus demanding crop in a rotation for a field with soil test phosphorus levels below optimum levels.

**Note:** Maps or written descriptions of the locations of outstanding and exceptional resource and 303 (d) listed waters can be found on the department's website at http://dnr.wi.gov.

**Note:** In accordance with s. NR 243.14 (1) (a) and NRCS Standard 590, a permittee shall determine optimum soil phosphorus levels for various Wisconsin crops as specified in University of Wisconsin-Extension Publication A2809, "Soil Test Recommendations for Field, Vegetable and Fruit Crops."

2. Use the phosphorus index method specified in NRCS Standard 590.

(b) If a permittee applies manure or process wastewater on fields with soil test levels greater than 100 ppm, the permittee shall comply with the requirements in both subd. 1. and 2.:

1. For fields with soil test phosphorus levels between 100 ppm and 200 ppm, the permittee shall calculate the planned average phosphorus index value for the crop rotation or for the next 4-year period, whichever time period is less. If the calculated average phosphorus index value is greater than 6, manure and process wastewater applications to that field are prohibited. If the calculated phosphorus index value is 6 or less, applications are allowed provided that the cumulative application of phosphorus from manure and process wastewater does not exceed 50% of the cumulative annual crop phosphorus removal over the rotation or the next 4-year period, whichever is less.

2. For fields with soil test phosphorus levels of 200 ppm and greater, applications of phosphorus from manure and process wastewater are prohibited unless the permittee receives depart-

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ment approval. The department may only approve the application if all of the following requirements are met:

a. The permittee can demonstrate that additional applications of manure or process wastewater will not significantly increase phosphorus delivery to surface waters or wetlands.

b. The permittee calculates the planned average phosphorus index value for the rotation or the next 4-year period, whichever is less and the planned average phosphorus index value is 6 or less.

c. The cumulative application of phosphorus from manure and process wastewater does not exceed 50% of the cumulative annual crop phosphorus removal over the rotation or the following 4-year period, whichever is less.

**Note:** Strategies for assessing and reducing phosphorus index (PI) values, algorithms, and software for calculating the Wisconsin PI can be found at http://wpindex.soils.wisc.edu/.

**Note:** A permittee that complies with the requirements of this section and its WPDES permit also addresses delivery of nitrogen to waters of the state.

**Note:** Also see s. NR 217.04 (1) (a) 5.

**(6)** SOLID MANURE WINTER RESTRICTIONS. The restrictions in this subsection apply to the land application of solid manure on frozen or snow covered ground.

(a) *Frozen ground-solid manure.* Unless prohibited under par. (c), solid manure may be surface applied on frozen ground if the manure is applied in compliance with the restrictions in Table 4 or otherwise immediately incorporated.

(b) *Snow covered ground-solid manure.* Unless prohibited under par. (c), solid manure may only be land applied to snow covered ground in accordance with the following:

1. If less than one inch of snow is present on the area where manure is to be land applied, the permittee may surface apply or immediately incorporate the solid manure.

**Note:** If there is less than one inch of snow on the ground and the ground is frozen, pursuant to par. (a), Table 4 restrictions must be followed when surface applying solid manure.

2. If one to 4 inches of snow is present on the area where manure is to be land applied, the permittee shall surface apply the manure in compliance with restrictions in Table 4 or otherwise immediately incorporate the solid manure.

3. If more than 4 inches of snow is present on the area where manure is to be land applied, the permittee shall surface apply the solid manure in compliance with the restrictions in Table 4. Incorporation of solid manure is prohibited.

**Note:** It is assumed that proper incorporation of solid manure is not achievable if more than 4 inches of snow is present at the time of application.

(c) *High-risk runoff period.* 1. Beginning January 1, 2008, solid manure may not be surface applied from February 1 through March 31 if any of the following conditions exist on the area of the field where the manure is to be applied:

a. Snow is present to a depth of one inch or greater.

b. The ground is frozen.

(d) To meet the requirements of par. (c), a permittee may choose to stack solid manure generated at a production area location in accordance with s. NR 243.141 (1) rather than use a storage facility that meets the design requirements in s. NR 243.15.

**TABLE 4**
**Restrictions for Surface Applying Solid Manure on Frozen and Snow Covered Ground**

| Criteria | Restrictions for fields With 0-6% slopes | Restrictions for fields with slopes > 6% and up to 9% | Restrictions for fields with slopes greater than 9% |
|---|---|---|---|
| Required fall tillage practice prior to application | Chisel or moldboard plow, no-till or a department approved equivalent[A] | Chisel or moldboard plow, no-till or department approved equivalent[A] | Not allowed |
| Minimum % solids allowed | 12% | > 20% | Not allowed |
| Application rate (cumulative per acre) | Not to exceed 60 lbs. $P_2O_5$ per winter season, the following growing season's crop $P_2O_5$ budget taking into account nutrients already applied, or phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less | Not to exceed 60 lbs. $P_2O_5$ per winter season, the following growing season's crop $P_2O_5$ budget taking into account nutrients already applied, or phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less | Not allowed |
| Setbacks from surface waters | No application allowed within SWQMA | No application allowed within 2.0 x SWQMA | Not allowed |
| Setbacks from downslope areas of channelized flow, vegetated buffers, and wetlands | 200 feet | 400 feet | Not allowed |
| Setbacks from direct conduits to groundwater | 300 feet | 600 feet | Not allowed |

[A] All tillage and farming practices shall be conducted in accordance with the following requirements; 0-2% slope = no contouring required, >2-6% slope = tillage and practices conducted along the general contour, >6% slope = tillage and farming practices conducted along the contour. The department may approve alternative tillage practices on a case-by-case basis in situations where conducting practices along the contour is not possible. Allowances for application on no-till fields only apply to fields where no-till practices have been in place for a minimum of 3 years.

**(7)** LIQUID MANURE WINTER RESTRICTIONS. The following additional restrictions in this subsection apply to the land application of liquid manure on frozen or snow covered ground:

(a) *Frozen ground-liquid manure.* Surface application of liquid manure on frozen ground is prohibited, except for an emergency situation under par. (d) or if allowed under par. (e). Injection or immediate incorporation of liquid manure is allowed on frozen ground, except if prohibited due to snow covered conditions under par. (b).

(b) *Snow covered ground-liquid manure.* Unless prohibited under par. (c) and subject to the frozen ground prohibition in par. (a), liquid manure may only be land applied to snow covered ground in accordance with the following:

1. If less than one inch of snow is present on the area where liquid manure is to be applied, surface application, injection or immediate incorporation of liquid manure is allowed.

2. If there is one to 4 inches of snow present on the area where liquid manure is to be applied, surface application of liquid manure is prohibited, except for department approved emergencies under par. (d) or if allowed under par. (e). Immediate incorporation or injection is allowed on areas where there is one to 4 inches of snow.

3. If there is greater than 4 inches of snow on the area where liquid manure is to be applied, surface application and incorporation of liquid manure is prohibited, except for department approved emergencies under par. (d) or if allowed under par. (e). In-

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jection of liquid manure is allowed on areas where there is greater than 4 inches of snow.

(c) *High-risk runoff period.* Unless there is a department approved emergency situation under par. (d), liquid manure may not be surface applied from February 1 through March 31.

(d) *Emergency applications for liquid manure.* 1. Except as provided in subd. 3., a permittee may surface apply liquid manure on frozen or snow covered ground on an emergency basis in accordance with the restrictions in Table 5 if all of the following conditions are met:

a. The manure is from a storage or containment facility that is designed and maintained in accordance with ss. NR 243.15 and 243.17 to provide 180 days of storage for the manure.

b. The application of manure is necessitated by exceedances or expected exceedances of the margin of safety level that were unavoidable due to unusual weather conditions, equipment failure or other unforeseen circumstances beyond the control of the permittee.

c. The permittee has notified the department verbally prior to the emergency application. Unless necessitated by imminent impacts to the environment or human or animal health, the permittee may not apply manure to a field on an emergency basis until the department has verbally approved the application.

d. The permittee submits a written description of the emergency application and the events leading to the emergency application to the department within 5 days of the emergency application.

2. Allowances for emergency surface applications of liquid manure do not apply to situations where a permittee has failed to properly maintain storage capacity either through improper design or management of the storage facility, including failure to properly account for the number or volume of wastestreams entering the facility, failure to empty a storage or containment facility in accordance with permit conditions prior to the onset of frozen or snow covered ground conditions or due to an increase in animal units.

**Note:** The allowance for emergency surface applications in compliance with permit conditions is intended to avoid more significant impacts to human health and water quality associated with uncontrolled overflows of manure storage facilities. Causes of emergency surface applications could include conditions such as prolonged storm events or early onset of frozen ground conditions that preclude applications of manure prior to the onset of frozen or snow covered ground conditions provided that the operation made all other attempts to maintain storage volume before an emergency application became necessary.

3. The permittee shall conduct emergency surface applications of liquid manure in accordance with the restrictions in Table 5. The permittee may only conduct emergency surface applications on fields that the department has approved for emergency applications, in writing, as part of a nutrient management plan. The department may approve alternate fields and impose alternative restrictions, in writing and on a case-by-case basis, if fields that meet the restrictions in Table 5 are not available at the time of the emergency application, the permittee has explored all other options identified in its emergency response plan and the application results in a winter acute loss index value of 4 or less using the phosphorus index.

**Note:** The winter acute loss index value is displayed under the heading "Acute Loss Frozen Soil PI" in the cropping screen of the Snap-Plus nutrient management software program.

**Note:** Reporting requirements for emergency surface applications are contained in s. NR 243.19.

(e) *Existing source CAFOs-liquid manure exception.* Prior to January 1, 2010, if an existing source CAFO does not have 180 days of storage for liquid manure as specified in s. NR 243.15, the permittee may surface apply liquid manure on frozen or snow covered ground in accordance with the restrictions in Table 5 without satisfying the emergency criteria in par. (d). If a permittee does not have access to sites that meet the criteria in Table 5, the department may approve alternate sites and restrictions, in writing on a case-by-case basis as part of a nutrient management plan provided the application results in a winter acute loss index value of 4 or less using the phosphorus index. This allowance for existing source CAFOs to surface apply liquid manure on frozen or snow covered ground without satisfying the emergency criteria in par. (d) is not applicable after January 1, 2010.

**Note:** An existing source CAFO is defined under s. NR 243.03 (23).

(f) *Frozen liquid manure.* Liquid manure that is frozen and cannot be transferred to a manure storage facility may be surface applied on frozen or snow-covered ground in accordance with the restrictions in Table 5. Surface applications of frozen liquid manure do not require prior department approval or notification provided application sites for frozen liquid manure are identified in the approved nutrient management plan. During February and March, the permittee shall notify the department if the permittee expects to surface apply frozen liquid manure more than 5 days in any one month.

**Note:** Applications of frozen manure under par. (f) are limited to times when the operation's manure handling system is not functioning due to very cold weather.

**TABLE 5**
**Frozen and Snow Covered Ground Restrictions – Emergency Surface Applications of Liquid Manure**

| Criteria | Restrictions for fields with 0-2% slopes | Restrictions for fields with >2-6% slopes | Restrictions for fields with slopes greater than 6% |
|---|---|---|---|
| Required fall tillage practice prior to application | Chisel or moldboard plow or department approved equivalent[A] | Chisel or moldboard plow or department approved equivalent[A] | Not allowed |
| Application rate (cumulative per acre) | Maximum application volume of 7,000 gallons per acre per winter season, not to exceed 60 lbs. $P_2O_5$, the following growing season's crop $P_2O_5$ budget taking into account nutrients already applied or other phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less | Maximum application volume of 3,500 gallons per acre per winter season, not to exceed 30 lbs. $P_2O_5$, the following growing season's crop $P_2O_5$ budget taking into account nutrients already applied, or other phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less | Not allowed |
| Setbacks from surface waters | No application allowed within SWQMA | No application allowed within SWQMA | Not allowed |
| Setbacks from downslope areas of channelized flow, vegetated buffers, wetlands | 200 feet | 200 feet | Not allowed |
| Setbacks from direct conduits to groundwater | 300 feet | 300 feet | Not allowed |

[A] All tillage and farming practices shall be conducted along the contour in accordance with the following requirements; 0-2% slope = no contouring required, >2-6% slope = tillage and practices conducted along the general contour. The department may approve alternative tillage practices on a case-by-case basis in situations where conducting practices along the contour is not possible

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**(8)** IDENTIFICATION OF SITES. The permittee shall submit sites that meet or are expected to meet the criteria in Tables 4 and 5 for manure and the criteria in s. NR 214.17 (2) to (6) for process wastewater to the department for review and approval as part of its nutrient management plan. In addition, the permittee shall evaluate each field at the time of application to determine if conditions are suitable for applying manure and complying with the requirements of this section. All surface applications of manure or process wastewater on frozen or snow-covered ground shall occur on those fields that represent the lowest risk of pollutant delivery to waters of the state and where the application results in a winter acute loss index value of 4 or less using the phosphorus index.

**(9)** ADEQUATE STORAGE. All permittees shall have and maintain adequate storage for all manure and process wastewater generated at the operation to ensure that wastes can be properly stored and land applied in compliance with the conditions and timing restrictions of the permit, nutrient management plan and this chapter. As part of the nutrient management plan, the permittee shall provide the department with documentation that it has adequate storage and methods of maintaining adequate storage for manure and process wastewater generated at the operation. For liquid manure, adequate storage means a minimum of 180 days of storage designed and maintained in accordance with ss. NR 243.15 (3) (i) to (k) and 243.17 (3) and (4).

**(10)** ADDITIONAL RESTRICTIONS. The department may require the permittee to implement practices in addition to or that are more stringent than the requirements specified in this section when necessary to prevent exceedances of groundwater quality standards, prevent impairments of wetland functional values, prevent runoff of manure or process wastewater during dry weather conditions or to address previous manure or process wastewater runoff events or discharges from a site to waters of the state that occurred despite compliance with this section and the conditions of a WPDES permit. These conditions may include additional restrictions on nitrogen and phosphorus loadings or other nutrients and pollutants associated with the manure or process wastewater, injection or incorporation requirements, restrictions on winter landspreading, distribution schedules, and other management or site restrictions. The department may also consider nutrient management conditions contained in ch. ATCP 50 as well as the following site-specific factors when developing permit conditions or reviewing and approving the nutrient management plan or any proposed amendments to an approved nutrient management plan:

(a) Soil limitations such as permeability, infiltration rate, drainage class and flooding hazard.

(b) Volume and water content of the waste material.

(c) Available storage capacity and method of application.

(d) Nutrient requirements of the crop or crops to be grown on the fields utilizing the manure.

(e) The presence of subsurface drainage systems.

(f) Potential impacts to waters identified as source water protection areas.

(g) Potential impact to groundwater in areas with direct conduits to groundwater, shallow soils over bedrock, highly permeable soils and shallow depth to groundwater.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07; correction in (7) (c) made under s. 13.92 (4) (b) 1., Stats., Register March 2019 No. 759.

**NR 243.141 Manure stacking. (1)** STACKING TO AVOID SURFACE APPLICATIONS IN FEBRUARY AND MARCH. For solid manure with a solids content of 16% or greater, the department may approve stacking of the manure outside of a department approved manure storage facility where a permittee chooses to stack solid manure in accordance with s. NR 243.14 (6) (d). Permittees choosing to stack solid manure under s. NR 243.14 (6) (d) shall land apply all stacked manure from a site within 8 months of the date when stacking first began at the site.

**(2)** OTHER STACKING ALLOWANCES. For periods when the ground is not frozen or snow-covered, the department may approve stacking of solid manure with a solids content of greater than 32% outside of a department approved manure storage facility on a case-by-case basis as allowed under a WPDES permit. Factors the department shall consider when approving stacking of solid manure on a case-by-case basis include the potential for leachate or runoff from the stack causing exceedances of surface water or groundwater quality standards or impairments to wetland functional values, information submitted or proposed to be submitted by the permittee outlining leaching and runoff characteristics of the manure, and practices to be implemented by the permittee to minimize the potential for leachate or runoff from the stack such as limiting the frequency, volume of manure to be stacked and length of stacking period.

**(3)** STACKING CONDITIONS. All proposed stacking sites shall be reviewed and approved by the department and identified in the permittee's nutrient management plan. Stacking approvals may be rescinded based on documented impacts to waters of the state at or from the stacking site. Stacking may only be approved provided the following requirements are met:

(a) When piled in a stack, the solid manure stack must be able to maintain its shape with minimal sloughing such that an angle of repose of 45 degrees or greater is maintained when the manure is not frozen.

(b) Stacking of solid manure outside of a department approved manure storage facility shall, at a minimum, meet the specifications in NRCS Standard 313, Table 9, dated December 2005. Alternatively, stacks may be placed on sites with soils in the hydrologic soil group D provided the manure has a solids content of greater than 32% and all other criteria in NRCS Standard 313, Table 9, dated December 2005, are met. NRCS Standard 313, dated December 2005, is incorporated by reference in s. NR 243.07.

**Note:** Copies of NRCS Standard 313, dated December 2005 and documents referenced in this standard may be inspected at the offices of the department, DATCP, NRCS, county land conservation departments and the legislative reference bureau, Madison, Wisconsin.

(c) The permittee shall implement any necessary additional best management practices to ensure stacking areas maintain compliance with the production area requirements in s. NR 243.13. Best management practices may include upslope clean water diversions or downslope containment structures.

**Note:** Manure with a solids content of approximately 20% or less may not meet the stacking criteria either because it cannot be stacked or is prone to runoff. This manure may require storage in a constructed facility during the months of February and March.

**Note:** Manure stacks are considered to be part of the animal production area and are subject to production area discharge restrictions in s. NR 243.13. For CAFOs, if a manure stack is not placed in a containment or storage structure or the runoff from the stack is not contained in a structure, discharges to navigable waters are not allowed under any circumstance or storm event.

(d) The stacked manure shall have minimal leaching so that leachate from the stack is contained within the designated stacking area and does not cause an exceedance of groundwater quality standards.

(e) Solid manure may not be stacked in a water quality management area.

(f) Stacks may only be placed on cropland.

**(4)** The department may require additional restrictions on stacking of solid manure needed to protect water quality, that include acceptable time periods for stacking, how long the manure stacks may remain in place, size of manure stacks, stack siting restrictions based on slope and soil conditions, loading and resting

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requirements of stacking sites, conservation practices and site monitoring requirements.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.142 Responsibility for large CAFO manure and process wastewater. (1)** GENERAL. Except as provided in sub. (2), the owner or operator shall be responsible for the storage, management and land application of all manure and process wastewater generated by the operation in accordance with terms and conditions contained in the WPDES permit and the approved nutrient management plan.

**Note:** If manure or process wastewater is stored or sent out of the state of Wisconsin, it is not regulated under ch. NR 243 or the WPDES permit once it is out of the state.

**(2)** EXEMPTIONS. Upon written department approval as required under sub. (3), once the manure or process wastewater is distributed offsite, the permittee is not responsible for the land application, use or disposal of manure or process wastewater if the manure or process wastewater is distributed in compliance with the conditions of the department approval and in accordance with any of the following:

(a) *De minimus quantity of solid manure distributed.* A de minimus amount of solid manure is sold or given away to another person. Under this paragraph, a de minimus amount of solid manure means the total quantity of manure distributed to the other person is no more than 175 cubic feet within a 30-day period and no more than 525 cubic feet within a 12-month period.

(b) *Distributed as a commercial product.* 1. The manure is sold or given away to another person and that person manipulates the manure, and distributes it as a commercial fertilizer pursuant to a fertilizer license issued by DATCP or distributes it as a soil or plant additive pursuant to a soil and plant additive license issued by DATCP.

2. The permittee manipulates the manure and distributes it as a commercial fertilizer pursuant to a fertilizer license issued by DATCP or distributes it as a soil or plant additive pursuant to a soil and plant additive license issued by DATCP. The permittee is responsible for the manipulated manure until it is distributed off-site to another person.

**Note:** If the permittee manipulates the manure and distributes the manure under a DATCP license, the permittee responsible for the manure and the manipulated manure is subject to the WPDES permit requirements until it is distributed off-site (off of any part of the CAFO) to another person. Transfer of responsibility can only occur if the conditions in sub. (3) are met.

(c) *Alternative uses of distributed manure.* For solid manure, the manure is sold or given away to another person for landscaping, greenhouse use, use as an animal bedding product or for other beneficial purposes that do not include application to croplands.

(d) *Manure or process wastewater is distributed to another permittee.* The manure or process wastewater is sold or given away to another operation permitted under a WPDES permit that has a department approved management plan that addresses the manure or process wastewater, and the manure or process wastewater will be land applied under the other permit.

(e) *Composted manure.* The manure is sold or given away to another person who composts the manure and the department has determined that the composting process and land application or use of the distributed manure will be more appropriately regulated under ch. NR 518.

**(3)** DEPARTMENT APPROVAL. If a permittee wants to transfer responsibility to another person for the land application, disposal or use of manure or process wastewater that will be distributed in accordance with one of the methods in sub. (2) (b) to (e), the permittee shall obtain written department approval for the distribution. If written approval is not obtained, the permittee remains responsible for the land application, disposal and use of the distributed manure or process wastewater in accordance with the terms of the permit and this chapter. To obtain department approval for the purposes of transferring responsibility, the permittee shall comply with all of the following conditions:

(a) Neither the permittee, its agent or a contract hauler working on behalf of the permittee may land apply the distributed manure.

(b) The permittee shall demonstrate to the department that the distributed manure will be beneficially used.

(c) If the manure is distributed in accordance with sub. (2) (b) or (c), and if the person receiving the manure intends to store the manure, the permittee shall demonstrate to the department that the distributed manure will be delivered to proper storage. For purposes of this paragraph, proper storage means one of the following:

1. The distributed manure will be stored in a facility that complies with NRCS Standard 313, December 2005.

2. The distributed manure will be stored in a manner that will not cause exceedances of groundwater and surface water quality standards and will not impair wetland functional values.

**Note:** Proper storage may include manure stored in bags provided that the manure is dry enough to avoid leachate generation.

**Note:** A permittee does not need to obtain approval from the department to transfer responsibility for de minimus amounts of manure under sub. (2) (a).

**(4)** REVOCATION OF APPROVAL. The department may revoke its approval of the responsibility transfer if the department determines that the conditions of approval are not being met by the permittee or recipients of the manure.

**(5)** RECORDKEEPING AND REPORTING. (a) The permittee shall estimate the amount of manure and process wastewater distributed under sub. (2) in its nutrient management plan and record the actual amount distributed at the time of distribution. The permittee shall create and maintain records that identify the name and address of the recipient of the distributed manure or process wastewater, the quantity distributed, and the dates of distribution. The permittee shall keep these records for at least 5 years and shall make them available to the department upon request. The permittee shall report the amount of manure distributed under sub. (2) to the department in the annual report.

(b) Prior to distribution, the permittee shall notify the recipient, in writing, of the nutrient content of the distributed manure and process wastewater based on the most recent representative sampling information that has been conducted in accordance with the permittee's WPDES permit. At a minimum, the permittee shall provide information to the recipient regarding the nitrogen and phosphorus content of the manure.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.143 Silurian bedrock performance standards.** Owners or operators that mechanically apply manure directly or through contract or other agreement to cropland or pasture areas that meet the definition of Silurian bedrock under s. NR 151.015 (17) must comply with s. NR 151.075.

**History:** CR 17-062: cr. Register June 2018 No. 750 eff. 7-1-18.

**NR 243.15 Design, submittal and approval of proposed facilities or systems. (1)** SUBMITTAL AND APPROVAL. (a) *Plans and specifications.* 1. Plans and specifications for proposed reviewable facilities or systems shall be submitted as part of the permit application unless written department approval is received for a later submittal. Plans and specifications shall be submitted during the term of the permit if construction of a reviewable facility or system or a modification to an existing reviewable facility or system is proposed during the term of the permit. Submittal of plans and specifications shall meet the requirements in s. NR 108.04 (2). Plans and specifications sub-

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mitted for department approval shall include a narrative describing the proposed facility or system, a written management and site assessment, scaled drawings, an operation and maintenance plan and relevant calculations for the proposed facility or system. An owner or operator may not commence construction of a proposed reviewable facility or system until plans and specifications have been approved by the department in writing.

**Note:** Department approval should not be viewed as a guarantee that the approved facility or system or permittee can or will comply with WPDES permit conditions.

2. Barnyards, feedlots and reviewable facilities or systems may not be located within 250 feet of a private well or noncommunity system as defined in ch. NR 812 or within 1000 feet of a community well as defined in ch. NR 811.

3. Owners or operators of large CAFOs shall, at a minimum, design and construct reviewable facilities or systems that are part of the production area to meet the production area requirements in s. NR 243.13, accepted management practices, and the adequate storage requirements under ss. NR 243.14 (9) and 243.17 (3). All proposed plans and specifications, including the operation and maintenance plan, shall include a written explanation regarding the ability of the proposed facility or system to meet the production area requirement in s. NR 243.13 and the adequate storage requirements under ss. NR 243.14 (9) and 243.17 (3).

4. The department may require the submittal of additional information necessary to meet the requirements of ch. NR 150.

(b) *Department approval.* The department shall review and approve, conditionally approve or reject the plans and specifications in accordance with the timelines established in s. 281.41, Stats.

**Note:** In accordance with s. NR 108.04, submittals shall occur at least 90 days prior to the anticipated date upon which the owner or operator plans to commence construction.

**Note:** Department approval may be in addition to any local or county approvals needed. Also, a storm water construction WPDES permit may be required prior to construction pursuant to ch. NR 216.

(c) *Alternative practices or designs.* When the owner or operator of the large CAFO demonstrates that accepted management practices or those practices or design standards specified in this section are more stringent than necessary to avoid a detrimental effect on water quality, the department may approve alternative practices or design standards. This demonstration may be made during the permit issuance process under ch. 283, Stats., or during the plan review process under this section. The department may only approve alternative practices or design standards if the owner or operator can demonstrate that the design and operation of the alternative practices will achieve compliance with the requirements of ss. NR 243.13 and 243.14 (9), surface water and groundwater quality standards and the 180-day storage requirement in s. NR 243.17 (3).

(d) *Additional requirements.* As part of its written approval of plans and specifications, the department may require that accepted management practices or design standards or those practices or design standards specified in this section be superseded by more stringent operational or design requirements or practices, based on the following site-specific conditions:

1. Physical location of the facilities or systems, including depth to groundwater and bedrock and proximity to surface waters and wetlands.

2. Soil limitations such as permeability, infiltration rate, drainage class and flooding hazard.

3. Volume and water content of the waste material.

4. Available storage capacity and method of application.

5. Additional requirements or practices necessary to prevent exceedance of groundwater or surface water quality standards or impairments to wetland functional values.

**(2)** RUNOFF CONTROL. Runoff control systems in the production area shall be designed to comply with the applicable standards in s. NR 243.13 using permanent runoff control systems that are consistent with accepted management practices such as wastewater treatment strips, sediment basins, waste storage facilities, roof runoff management, grassed waterways and clean water diversions. Wastewater treatment strips shall be designed in accordance with NRCS Standard 635, dated January 2002. NRCS Standard 635, dated January 2002, is incorporated by reference in s. NR 243.07.

**Note:** Copies of NRCS Standard 635, dated January 2002 and documents referenced in this standard may be inspected at the offices of the department, DATCP, NRCS, county land conservation departments, and the legislative reference bureau, Madison, Wisconsin.

**Note:** In accordance with s. NR 243.13(2), operations are not allowed to discharge pollutants to navigable waters under any circumstance or storm event from parts of the production area where manure or process wastewater is not properly stored or contained by a structure. Wastewater treatment strips, grassed waterways or buffers are examples of facilities or systems that by themselves do not constitute a structure.

**(3)** STORAGE OR CONTAINMENT. Permittees proposing to construct storage or containment facilities shall design and install facilities that, at a minimum, meet the following requirements:

(a) *Nutrient management.* Storage and containment facilities shall be designed to provide storage capacity that is consistent with the department approved nutrient management plan and the requirement in ss. NR 243.14 (9) and 243.17 (3).

(b) *Alarm systems.* For storage or containment facilities that are either covered, buried or otherwise concealed in a manner that does not allow visual inspection of the level of manure or process wastewater in the facility, submitted designs shall include installation of a monitoring or alarm system to prevent overflows from the facility.

(c) *Leakage collection or monitoring.* 1. The permittee shall assess if a leakage collection or monitoring system or secondary containment system is necessary to prevent discharges of manure and process wastewater to groundwater or surface waters and include the assessment as part of submitted plans and specifications. If the permittee determines that these systems are necessary, it shall include plans and specifications for these systems as part of its submittal. Components of a collection or monitoring system design may include secondary containment associated with liner installation, leachate collection, leachate recirculation, monitoring sumps or monitoring wells. Components of secondary containment may include concrete or earthen berms or diversions designed to temporarily collect or divert overland flow away from surface waters or areas susceptible to groundwater contamination.

2. The department may require the installation of a leakage collection or monitoring system or secondary containment based on the following considerations:

a. Whether facilities are located on or near areas that are susceptible to groundwater contamination such as direct conduits to groundwater, sandy soils, and sites with minimal separations between bedrock and high water tables.

b. The size and depth of the facility.

c. The type of liner used.

d. Characteristics of waste being stored.

e. Other considerations based on potential impacts to waters of the state.

(d) *Process wastewater.* Storage and containment facilities for process wastewater that are stored separately from manure shall be designed and constructed in accordance with ch. NR 213 and shall be designed to achieve compliance with the applicable standards in ss. NR 243.13 and 243.14 (9).

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(e) *Permanent markers.* Liquid manure and process wastewater storage and containment facilities shall be constructed with permanent markers to clearly indicate the margin of safety level and maximum operating levels. Liquid manure storage and containment facilities shall also have a marker near the bottom of the facility indicating the level at which the facility provides 180 days of storage.

(f) *Standard 313.* Manure storage and containment facilities constructed after July 1, 2007, shall, at a minimum, be designed and constructed in accordance with the design criteria contained in NRCS Standard 313, December 2005.

(g) *Solid manure-storage design capacity.* Subject to par. (h), all permittees shall have properly designed storage for all solid manure generated by the CAFO during February 1 through March 31 or shall obtain department approval to stack manure under s. NR 243.141.

(h) *Solid manure-timeframe for compliance.* 1. Except as provided in subd. 2., after July 1, 2007, all permit issuances, reissuances and modifications shall require that permittees provide solid manure storage for at least the time period from February 1 through March 31 or obtain department approval to stack manure under s. NR 243.141. If solid manure storage capacity is not obtained by an existing source CAFO at the time of public notice for a proposed permit reissuance or modification, the department shall include an evaluation and a schedule in the proposed permit to ensure that storage capacity is available by November 30th after permit reissuance or modification.

2. If an owner or operator of a large CAFO holds a WPDES permit on July 1, 2007, that requires compliance with the revised land application requirements in s. NR 243.14 upon department notification of rule changes, then the permittee shall meet the requirements in par. (g) by January 1, 2008.

(i) *Liquid manure-new source CAFOs.* All proposed liquid manure storage or containment facilities for new source CAFOs shall be designed and constructed to provide a minimum of 180 days of storage in accordance with par. (k). The design shall include a level indicator on the storage or containment facility indicating when the necessary amount of material has been removed to provide 180 days of storage. At the time of permit issuance or prior to November 30 after permit issuance, all new source CAFOs shall have properly designed liquid manure storage or containment facilities or a system of designed facilities that can contain, at a minimum, all liquid manure generated by the large CAFO for the animals present at the operation and other waste sources directed to the storage facility during any 180-day period. Properly designed storage is storage that meets the design requirements in par. (f). If a new source CAFO does not have at least 180 days of storage at the time of public notice of a proposed permit, the WPDES permit shall contain a construction schedule in order to ensure that an operation has a design volume of at least 180 days of storage prior to November 30.

(j) *Liquid manure-existing source CAFOs.* By January 1, 2010, all existing source CAFOs shall have liquid manure storage or containment facilities that are properly designed to provide a minimum of 180 days of storage in accordance with par. (k). All plans and specifications submitted on or after January 1, 2010 for proposed liquid manure storage or containment facilities by existing source CAFOs shall be designed to continue to provide a minimum of 180 days of storage in accordance with par. (k). The design shall include a marker near the bottom of the facility indicating when the necessary amount of material has been removed to provide 180 days of storage. The department may include requirements for evaluations, plan and specification submittal and construction schedules in permits prior to January 1, 2010 if necessary to insure that an operation meets the requirements for 180 days of storage for liquid manure storage or containment facilities by January 1, 2010.

(k) *Calculating design volume.* Design volume for providing 180 days of storage for liquid manure shall be calculated based on the maximum animals present at an operation for the period of time liquid manure and other wastes mixed with the liquid manure are to be stored during any 180-day period and other design considerations. Liquid manure that is not directed to any facility or structure covered by the operation's WPDES permit may be subtracted from the design volume calculations. At a minimum, design volume shall include all of the following:

1. Capacity for liquid manure that will be stored as well as process wastewater and other wastes that will be mixed and stored with the liquid manure.

2. Anticipated direct precipitation, runoff directed to the facility and evaporation for the 180-day storage period, including direct precipitation and runoff from a 100-year, 24-hour storm event for swine, veal and poultry operations that are new source CAFOs or a 25-year, 24-hour storm event for all other operations.

3. A margin of safety.

4. Other design and storage considerations specified in NRCS Standard 313, dated December 2005.

**Note:** 180 days of design storage is not required for process wastewater if process wastewater is stored separately from liquid manure. Requirements for storage of process wastewater are contained in s. NR 243.15 (3) (d).

**(4)** TRANSFER SYSTEMS. Manure and process wastewater transfer systems constructed after July 1, 2007, shall be designed, constructed and operated in accordance with the criteria contained in NRCS Standard 634, dated December 2005. NRCS Standard 634, dated December 2005 is incorporated by reference in s. NR 243.07.

**Note:** Copies of NRCS Standard 634, dated December 2005, and documents referenced in this standard may be inspected at the offices of the department, DATCP, NRCS, county land conservation departments, and the legislative reference bureau, Madison, Wisconsin.

**(5)** DIGESTERS FOR BIOGAS PRODUCTION. After July 1, 2007, digester facilities for biogas production shall be designed and constructed in accordance with NRCS Standard 313, December 2005. The department may apply additional design requirements in accordance with ch. NR 213 based on materials added or chemical characterization of the digester influent or effluent. Plans and specifications for digesters shall be submitted in accordance with sub. (1). At a minimum, the following information shall be included in the plans and specifications submitted for the construction of a digester for biogas production:

(a) The adequacy of each facility's proposed linings to prevent exfiltration of manure, untreated or digested, and other pollutants to groundwater.

(b) The proximity of bedrock and the water table to the proposed elevation of each facility's floors verified through onsite soil test borings or pits.

(c) Additional design considerations based on operation of the digester, including use of additives and operational temperatures.

**(6)** PERMANENT SPRAY IRRIGATION SYSTEMS. Proposed permanent spray irrigation and other treatment systems shall at a minimum meet the requirements of s. NR 214.14, soil investigation and groundwater monitoring criteria in ss. NR 214.20 and 214.21, and land application requirements specified in s. NR 243.14.

**Note:** Permanent spray irrigation systems are considered a reviewable system or facility; therefore, plans and specifications must be submitted to the department in accordance with sub. (1).

**(7)** GROUNDWATER MONITORING. The department may require the installation of groundwater monitoring wells in the vicinity of manure storage facilities, runoff control systems, per-

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manent spray irrigation systems and other treatment systems where the department determines monitoring is necessary to evaluate impacts to groundwater and geologic or construction conditions warrant monitoring. If a groundwater monitoring system is required, plans and specifications for a monitoring system shall be submitted and the system shall, at a minimum, be designed, constructed and monitored in accordance with chs. NR 140 and 141 and s. NR 214.21.

**(8)** COMPOSTING FACILITIES. The department shall determine if the design and operation of a manure or animal carcass composting facility that is part of the production area is more appropriately approved under this section or ch. NR 502. This determination shall be based on factors such as the type of materials mixed with the manure or animal carcass and the amount and source of the materials, the method of composting and the characteristics of the final composted material. If the department determines that design and operation requirements for a composting facility are appropriately reviewed and approved under this section, the department may still apply additional design and operation requirements contained in ch. NR 502 as needed to protect water quality and shall apply additional design and operation requirements as needed to meet the requirements in ss. NR 243.13 and 243.14 (9).

**(9)** FEED STORAGE. Proposed feed storage facilities and associated runoff control systems shall be designed and constructed to ensure that leachate and contaminated runoff are collected or controlled in a manner that complies with the applicable production area requirements in s. NR 243.13 and adequate storage requirements in s. NR 243.14 (9). Plans and specifications submitted to the department for proposed feed storage facilities shall include an evaluation of the need for underground leachate collection to prevent exceedances of groundwater quality standards.

**(10)** CONSTRUCTION AND POST CONSTRUCTION. All facilities or systems shall be constructed in accordance with the approved plans and specifications. After construction of a reviewable facility or system has been completed, the WPDES permit applicant or permittee shall submit a post-construction report to the department that includes:

(a) Scaled drawings of the constructed facility or system.

(b) Documentation that construction has complied with approved plans and specifications and applicable design standards.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.16 Evaluations of previously constructed facilities or systems. (1)** All owners or operators applying for a WPDES permit shall submit an evaluation of any constructed reviewable facilities and systems not previously approved or evaluated by the department, as part of the application for a WPDES permit. Evaluations shall be submitted under the signature and the seal of a professional engineer registered in Wisconsin or other qualified individual. At a minimum, evaluations shall include the following information:

(a) A narrative providing general background and operational information on existing facilities and systems.

(b) Available post-construction documentation including the date and materials of construction.

(c) For facilities or systems that are part of the production area, an assessment of the ability of the facility or system to meet the production area requirements in s. NR 243.13, the adequate storage requirement under s. NR 243.14 (9), and accepted management practices.

(d) An assessment of the ability of the facility or system to meet the applicable design requirements identified in s. NR 243.15.

(e) Any proposed actions to address issues identified as part of the evaluation.

**(2)** The department may require an evaluation of a constructed facility or system previously reviewed and approved or evaluated by the department based on factors including the age of the facility or system, the facility's or system's ability to meet current design standards, requirements of this chapter or permit conditions, identified environmental impacts or physical location of the storage facility relative to waters of the state.

**(3)** The department may require additional practices, conditions or permittee actions based on department review of submitted evaluations of previously constructed structures or systems. This includes the installation of a leakage collection or monitoring system, secondary containment systems, or groundwater monitoring, increased inspection frequency, or replacement, upgrade or closure of systems or structures in order to ensure compliance with requirements in ss. NR 243.13 and 243.15, prevent exceedances of groundwater or surface water quality standards or to prevent impairments to wetland functional values.

**(4)** By January 1, 2010, permittees shall have or install the permanent markers specified in s. NR 243.15 (3) (e) to previously constructed liquid manure and process wastewater storage or containment facilities.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.17 Operation and maintenance.** The permittee shall operate all constructed facilities and systems in accordance with applicable requirements of s. NR 243.13, the operation and maintenance plan for a given facility or system, and WPDES permit conditions.

**(1)** DIGESTER FACILITIES. (a) *Influent and effluent characterization.* 1. Prior to introducing any additives to a digester, other than manure, the permittee shall obtain written department approval. If any materials other than manure are used in the digester, the permittee shall maintain daily records of the volumes of all manure and non-manure components added to the digester influent.

2. The department may require monitoring for additional pollutants, including metals, based on the characterization of digester additives or the digester influent or effluent.

3. The department may apply additional requirements under chs. NR 213 and 214 if either:

a. Materials other than manure comprise 10% or greater of the total digester volume.

b. The department determines that the chemical characterization of the digester influent or effluent warrants additional requirements.

**(2)** CHEMICAL ADDITION OR DISPOSAL. (a) *Additive approval.* Except as provided in par. (b), the permittee shall notify the department and obtain written department approval prior to adding any chemicals, pollutants or other wastes to any manure, process wastewater, or stormwater storage facility or treatment system. In this section, other wastes means any waste other than manure, process wastewater or stormwater. Factors the department will consider when approving a chemical or pollutant include:

1. The beneficial use or purpose of the chemical or pollutant.

2. The potential impact the storage or land application of the mixed waste containing the chemical or pollutant may have on waters of the state.

(b) *Exceptions.* The WPDES permit may specify certain additives for which written department approval is not required before adding the substance to a treatment or storage facility.

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(c) *Prohibited materials.* Medical wastes, including expired or unused antibiotics, petroleum products not designed for use in manure storage facilities, pesticides, paints, solvents and hazardous wastes may not be disposed of in storage or treatment facilities specified in par. (a).

**(3)** LIQUID MANURE-MAINTAINING 180 DAYS OF STORAGE. (a) Except as provided in sub. (4), once a permittee has constructed or established properly designed manure storage or containment facilities or a system of properly designed facilities that provide a minimum of 180 days of storage for liquid manure pursuant to s. NR 243.15 (3) (i) or (j), the operation shall operate and maintain the storage facilities or system such that the 180-day design requirement is met for all animals onsite, except as allowed under sub. (4).

(b) Liquid storage facilities or systems shall be emptied so that the 180-day level indicator, specified in s. NR 243.15 (3) (i) or (j), is visible on at least one day between October 1 and November 30, except for liquid manure remaining due to unusual fall weather conditions prohibiting manure applications during this time period. The permittee shall record the day on which the 180-day level indicator was visible during this time period. Permittees unable to empty their storage facility to the 180-day level indicator between October 1 and November 30, shall notify the department by December 5.

(c) Permittees shall demonstrate compliance with the 180-day design storage capacity requirement at all the following times:

1. As part of an application for permit issuance and reissuance.

2. At the time of submittal of plans and specifications for proposed reviewable facilities or systems.

3. In annual reports to the department.

4. Subject to sub. (4), when a facility is proposing, at any time, a 20% expansion in animal units or an increase by an amount of 1,000 animal units or more.

**(4)** LIQUID MANURE-EXCEPTIONS TO MAINTAINING 180 DAYS OF STORAGE. (a) Permittees that have maintained a minimum of 180 days of storage capacity for liquid manure in accordance with sub. (3) may be allowed to temporarily reduce this level of minimum required design capacity to 150 days design capacity if all of the following are met:

1. The reduction in storage is related to a planned increase in animal units.

2. The permittee notifies the department in writing of the proposed reduction prior to the planned expansion and reduction in 180-day design storage.

3. The permittee has a department approved expansion plan and schedule outlining how the operation will acquire or construct additional storage to achieve 180 days of storage after the expansion. The proposed schedule to acquire or construct additional storage may not exceed 24 months from the date of notification.

(b) Failure to maintain 180 days of storage under this paragraph is not reason for allowing emergency applications of liquid manure under s. NR 243.14 (7) (d).

**Note:** The 180-day storage capacity includes process wastewater and other wastes mixed and stored with liquid manure. See s. NR 243.15 (3) (k).

**(5)** SOLID MANURE-MAINTAINING STORAGE DURING FEBRUARY AND MARCH. Pursuant to s. NR 243.15 (3) (g) and (h), once a permittee has constructed or established properly designed manure storage facilities or a system of properly designed facilities that provide storage for solid manure generated at an operation site during February 1 through March 31, the operation shall operate and maintain the storage facilities or system to continue to provide storage for all solid manure generated at the operation site from February 1 to March 31, or otherwise obtain department approval to stack some or all of the manure in accordance with ss. NR 243.14 (6) (d) and 243.141 (1).

**(6)** DISCHARGE PREVENTION. A permittee shall operate and maintain storage and containment facilities to prevent overflows and discharges to waters of the state.

(a) The permittee may not exceed the maximum operating level in liquid storage or containment facilities except as a result of recent precipitation or conditions that do not allow removal of material from the facility in accordance with permit conditions.

(b) The permittee shall maintain a margin of safety in liquid storage or containment facilities that levels of manure, process wastewater and other wastes contained in the storage or containment facility may not exceed. Materials shall be removed from the facility in accordance with the permittee's nutrient management plan to ensure that the margin of safety is not exceeded.

**(7)** CLOSURE. (a) *General.* If the permittee wishes to abandon or discontinue use of structures or systems covered under this subchapter, a closure plan shall be submitted to the department for prior approval.

(b) *Manure storage facilities.* Closure of manure storage facilities shall be completed, at a minimum, according to NRCS Standard 360, dated December 2002. NRCS Standard 360, dated December 2002, is incorporated by reference in s. NR 243.07. Closure of a manure storage facility shall occur when manure has not been added or removed for a period of 24 months, unless the owner or operator can provide information to the department that the structure is designed to store manure for a longer period of time or information that the storage structure will be utilized within a specific period of time.

**Note:** Copies of NRCS Standard 360, dated December 2002, and documents referenced in this standard may be inspected at the offices of the department, DATCP, NRCS, county land conservation departments and the legislative reference bureau, Madison, Wisconsin.

(c) *Monitoring wells.* Groundwater monitoring wells shall be abandoned in accordance with ch. NR 141.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.18 Combined wastes.** If a permittee combines manure or process wastewater with other types of waste not generated by the operation, the combined wastewater shall be stored and land applied in accordance with this subchapter. The permittee shall obtain department approval prior to combining other wastes with manure or process wastewater. The department may apply additional requirements such as the requirements in ch. NR 113, 213, 204 or 214 to the land application of the combined wastes and to the design of structures or systems associated with the combined wastes. Factors that the department shall consider in determining other applicable requirements include the volume and characteristics of the wastes or wastewater combined with the manure, requirements in other rules and any treatment of the combined wastes. The operation's nutrient management plan shall address land application of these wastes.

**Note:** Other wastes do not include process wastewater from the operation itself. Examples of other wastes include septage or municipal biosolids.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.19 Inspections, record keeping and reporting. (1)** MONITORING AND INSPECTION PROGRAM. In accordance with a WPDES permit, the permittee shall submit a monitoring and inspection program designed to determine compliance with permit conditions that identifies the areas that the permittee will inspect in accordance with this section, the person responsible for conducting the inspections and how inspections will be recorded and submitted to the department. The monitoring and inspection program shall be consistent with the requirements in this subsection.

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(a) *Inspections.* Visual inspections shall be completed by the permittee or designee in accordance with the following frequencies:

1. Daily inspection for leakage of all water lines that potentially come into contact with pollutants or drain to storage or containment structures or runoff control systems, including drinking or cooling water lines.

2. Weekly inspections to ensure proper operation of all storm water diversion devices and devices channeling contaminated runoff to storage or containment structures.

3. Weekly inspections of liquid storage and containment structures. For liquid storage and containment facilities, the berms shall be inspected for leakage, seepage, erosion, cracks and corrosion, rodent damage, excessive vegetation and other signs of structural weakness. In addition, the level of material in all liquid storage and containment facilities shall be measured and recorded in feet or inches above or below the margin of safety level.

4. Quarterly inspections of the production area, including outdoor animal pens, barnyards and raw material storage areas. CAFO outdoor vegetated areas shall be inspected quarterly.

5. Periodic inspections and calibration of landspreading equipment to detect leaks and ensure accurate application rates for manure and process wastewater. An initial calibration of spreading equipment shall be followed by additional calibration after any equipment modification that may impact application of manure or process wastewater or after changes in product or manure or process wastewater consistency. Spreading equipment for both liquid and solid manure shall be inspected just prior to the hauling season, and equipment used for spreading liquids shall be inspected at least once per month during months when hauling occurs.

6. Inspections each time manure or process wastewater is surface applied on frozen or snow-covered ground to determine if applied materials have run off the application site. Inspections shall occur during and shortly after application.

(b) *Corrective actions.* The permittee shall take corrective actions as soon as practicable to address any equipment, structure or system malfunction, failure or other problem identified through monitoring or inspections in par. (a).

(c) *Sampling.* Manure, process wastewater and soil on fields used for land application shall be sampled by the permittee in accordance with this chapter and WPDES permit conditions. Manure or process wastewater shall be analyzed on at least an annual basis for nitrogen, phosphorus and percent solids in years when the manure or process wastewater is applied. The department may require more frequent monitoring and monitoring for other parameters as part of a WPDES permit where necessary to provide representative samples of manure and process wastewater. Manure and soil samples shall be analyzed by a laboratory certified under s. ATCP 50.50. Samples of process wastewater that are not mixed with manure shall be analyzed using applicable methods specified in ch. NR 219. The department may specify alternative methods for sampling in the WPDES permit. The permittee shall submit appropriate quality control information for sampling and analysis upon written request of the department.

**Note:** NRCS Standard 590 requires soil testing once every 4 years.

**(2)** RECORD KEEPING. The permittee shall retain complete records onsite of all information required as part of this subchapter for a period of at least 5 years from the date the records are created. Results of inspection information, sampling and other information required under this section shall be recorded at the time the information is obtained.

(a) *Record keeping requirements for the production area.* The permittee shall create and retain records documenting the following information for the production area:

1. Current design of any manure storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity.

2. Sampling and inspection information required under sub. (1) (a) and (c).

**Note:** This subsection requires that specific information must be recorded when samples are taken or inspections are conducted.

3. The date that liquid storage facilities were emptied to the 180-day level indicator.

4. The date, time and estimated volume of any overflow.

5. Any actions taken to correct deficiencies as required under sub. (1) (b). Deficiencies not corrected within 30 days shall be accompanied by an explanation of the factors preventing correction.

6. Mortality management and practices used by the permittee to meet the requirements of s. NR 243.13 (8), including the dates and methods of disposal.

(b) *Record keeping requirements for land application activities.* The permittee shall create and retain the following records for activities associated with land application:

1. A copy of the nutrient management plan.

2. Daily logs recorded using form 3200-123A or a department approved equivalent, indicating the following.

a. The dates manure or process wastewater is applied to each field.

b. Fields used.

c. Acres applied.

d. Manure source and waste type.

e. Spreader volume.

f. Number of loads.

g. Whether the soil was dry, wet, saturated, frozen or snow covered at the time of application.

h. Weather conditions at time of application.

i. Whether manure was injected, incorporated or surface applied.

j. Dates of emergency applications in winter.

k. For surface applications on frozen or snow-covered ground, whether any applied manure or process wastewater ran off the application site.

3. A weather log for all dates that manure and process wastewater is spread, including weather 24 hours prior to and following application.

4. Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied.

5. Results from manure, process wastewater and soil sampling.

6. Dates of manure application equipment inspection.

7. Records of the date, recipient name and address, approximate amount and nutrient content of manure or process wastewater distributed to another person in accordance with s. NR 243.142.

(c) *Record keeping for sampling.* For each manure, process wastewater and soil sample taken, the permittee shall record the following information:

1. The date, exact place, method and time of sampling or measurements.

2. The individual or lab that performed the sampling or measurements.

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3. The date the analysis was performed.

4. The individual who performed the analysis.

5. The analytical techniques or methods used.

6. The results of the analysis.

(d) *Record keeping for inspections.* For each inspection conducted by the permittee, the permittee shall record the following information:

1. The date and name of persons performing the inspection.

2. An inspection description, including components inspected.

3. Details of what was discovered during the inspection.

4. Recommendations for repair or maintenance.

5. Any corrective actions taken.

**(3)** REPORTING REQUIREMENTS. (a) *Corrective actions.* If the permittee fails to take corrective action within 30 days of identifying a malfunction, failure or other problem identified under sub. (1), the permittee shall contact the department immediately following the 30-day period and provide an explanation for its failure to take action.

(b) *Quarterly reporting requirements.* The permittee shall summarize the results of the inspections conducted at the production area in a written quarterly report. The reports shall be maintained onsite until submittal as part of the annual report in par. (c). The report shall include the following information:

1. Identified permit violations including all discharges of manure or process wastewater to surface waters, overflows of liquid manure or process wastewater storage and containment structures, and number of missed inspections.

2. Dates, times and approximate volume of discharges in subd. 1.

3. Corrective actions taken.

4. A summary of the condition of runoff control systems and storage and containment structures.

5. A summary of recorded levels of materials in liquid storage and containment structures, including exceedances of the maximum operating and margin of safety levels.

6. Other information requested by the department in writing or in the permit.

(c) *Annual reporting requirements.* The permittee shall submit written annual reports to the department by the date specified in the WPDES permit for all manure and other process wastewater that is generated. These annual reports shall cover the previous calendar year or cropping year, as specified in the WPDES permit, and shall include the following:

1. The quarterly reports required under par. (b).

2. The number and type of mature and immature animals at the operation and whether the animals are in open confinement or housed under roof.

3. The total amount of material in large CAFO storage or containment facilities, including manure and process wastewater generated by the large CAFO in the previous 12 months, precipitation and runoff diverted to storage or containment structures.

4. Lab analyses of manure and process wastewater land applied in the previous 12 months, and the most recent soil test analysis completed for fields receiving manure or process wastewater in the previous 12 months.

5. An annual spreading report summarizing manure and other process wastewater land application activities using form 3200-123 or a department-approved equivalent, indicating the following for each field receiving manure or process wastewater:

a. Date of application.

b. Information on the fields where manure or process wastewater is applied including field identification, slope and soil test phosphorus levels.

c. Acres applied.

d. Source and nutrient content of applied manure.

e. Current and previous field crops.

f. Nutrient balance indicating crop nutrient need in comparison to nutrients applied and credited from all sources.

g. Whether the soil was dry, wet, saturated, frozen or snow covered.

h. Method and rate of application in tons or gallons per acre.

i. Whether fields meet T.

j. Whether soil tests have been taken within the last 4 years.

k. Number of years of crop phosphorus need applied based on crop rotation.

L. For surface applications on frozen or snow-covered ground, whether any applied manure or process wastewater ran off the application site.

6. Dates on which storage facilities were emptied to the 180-day level indicator.

7. Total amount of manure and process wastewater distributed to another person by the permittee in accordance with s. NR 243.142 in the previous 12 months.

8. Total number of acres for land application covered by the nutrient management plan developed in accordance with s. NR 243.14.

9. Total number of acres actually used by the permittee for land application of manure and process wastewater in the previous 12 months.

10. A statement indicating whether the current version of the permittee's nutrient management plan was developed or approved by a certified nutrient management planner.

11. Results of land application equipment inspections and calibration.

12. Other information requested by the department in writing or in the permit.

**Note:** Forms 3200-123 and 3200-123A can be obtained at regional offices of the department or the department's Bureau of Watershed Management, 101 S. Webster St., P.O. Box 7921, Madison, Wisconsin 53707.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

## Subchapter III — Other Animal Feeding Operations

**NR 243.21 Purpose.** The purpose of this subchapter is to establish procedures, in cooperation with other federal and state agencies and governmental units, for addressing unacceptable practices through the issuance of a notice of discharge or WPDES permit under s. 281.16 or ch. 283, Stats. Animal feeding operations with fewer than 1000 animal units that have unacceptable practices are subject to this subchapter.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.23 General requirements for animal feeding operations. (1)** LIVESTOCK PERFORMANCE STANDARDS AND PROHIBITIONS. (a) Owners and operators of animal feeding operations shall comply with the livestock performance standards and prohibitions in accordance with the requirements s. NR 151.095.

(b) The department may grant a variance to livestock performance standards or accepted management practices consistent with s. NR 151.097. A variance may not be granted to a livestock prohibition or other statutory requirements.

**Note:** Additional procedures for implementing cropland performance standards are included in ch. NR 151.

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**Note:** Under s. 281.16 (3) (e), Stats., an owner or operator may not be required by the state, or a governmental unit through an ordinance or regulation, to bring existing livestock facilities into compliance with the livestock performance standards or prohibitions, technical standards or conservation practices unless cost sharing is available.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.24 Department discharge determination and NODs.** Unless based on information provided as part of a WPDES permit application submitted pursuant to s. NR 243.26 (1), no determination may be made by the department that an unacceptable practice exists at an operation until there has been an onsite investigation by the department or a federal or state agency or governmental unit.

**(1)** CATEGORIES OF UNACCEPTABLE PRACTICES. The department shall identify the categories of discharge associated with unacceptable practices pursuant to the following criteria:

(a) *Category I.* A category I unacceptable practice is a practice or facility at an animal feeding operation that causes a point source discharge of pollutants to navigable waters by either of following means:

1. Pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made device.

2. Pollutants are discharged into navigable waters that originate outside of the operation and pass over, across or through the operation or otherwise come into direct contact with the animals confined at the operation.

(b) *Category II.* A category II unacceptable practice is a practice or facility at an animal feeding operation that causes a discharge of pollutants to waters of the state that is the result of an owner's or operator's failure to comply with a livestock performance standard or prohibition in ss. NR 151.05 to 151.08. For Category II discharges, waters of the state has the meaning specified under s. 281.01 (18), Stats.

(c) *Category III.* A category III unacceptable practice is a practice or facility at an animal feeding operation that caused a discharge of pollutants to waters of the state and that is not described in par. (a) or (b).

**(2)** COORDINATION WITH GOVERNMENTAL UNITS. Unless an unacceptable practice is an imminent threat to public health or fish and aquatic life, the department shall notify the appropriate governmental unit prior to taking any of the following actions:

(a) Contacting an owner or operator of an animal feeding operation under the procedures in this subchapter to investigate a discharge from an unacceptable practice.

(b) Issuing an NOD for a category II unacceptable practice.

(c) Taking enforcement action under s. 281.98, Stats., against an owner or operator of an animal feeding operation for failing to comply with a livestock performance standard or prohibition.

**(3)** DEPARTMENT ACTION. If the department determines that an unacceptable practice exists at an operation based on its own onsite investigation, an investigation conducted by a federal or state agency or governmental unit, or information provided as part of WPDES permit application, the department may take any of the following actions:

(a) *For all unacceptable practices.* 1. The department may coordinate with a designated governmental unit to address the unacceptable practice and provide assistance to the owner or operator. This contact shall be made as soon as possible after the determination that an unacceptable practice exists at an operation to maximize opportunities for the governmental unit to provide assistance to the owner or operator.

2. The department may issue a notice of intent to issue an NOD.

(b) *Category I unacceptable practices.* For category I unacceptable practices, the department may take any of the following actions:

1. Issue an NOD to the owner or operator of the animal feeding operation to address the unacceptable practices.

2. Send the owner or operator a permit application if the owner or operator has not filed a WPDES permit application pursuant to s. NR 243.26.

3. Designate the operation as a CAFO under s. NR 243.26 (2).

4. Take direct enforcement action.

**Note:** In general, the department considers factors such as the degree of harm to a waterbody and the level of mismanagement or negligence by an owner or operator when deciding whether to take direct enforcement action.

(c) *Category II unacceptable practices.* For category II unacceptable practices, the department may take any of the following actions:

1. Issue an NOD if requested by a governmental unit or if a governmental unit is not addressing a facility's noncompliance with livestock performance standards or prohibitions in a manner consistent with the procedures established in ch. NR 151.

2. Follow the procedures outlined in s. NR 151.095.

3. Designate the operation as a medium or small CAFO under s. NR 243.26 (2).

(d) *Category III unacceptable practices.* For category III unacceptable practices, the department may take any of the following actions:

1. Issue an NOD to the owner or operator.

2. Take direct enforcement action.

3. Designate the operation as a medium or small CAFO under s. NR 243.26 (2).

**Note:** In most cases, the department will rely on governmental units to fully implement the livestock performance standards and prohibitions and address impacts to water quality from category II unacceptable practices. The department intends to issue NODs in accordance with this section in cases where a governmental unit has requested assistance in implementing and enforcing the performance standards or prohibitions or in cases where a governmental unit has failed to appropriately address unacceptable practices at animal feeding operations in a timely manner. The department recognizes that coordination between governmental units, the department of agriculture, trade and consumer protection and other state agencies is needed to achieve statewide compliance with the performance standards and prohibitions. Accordingly, the department has worked with counties, the department of agriculture, trade and consumer protection and other interested partners to develop a detailed intergovernmental strategy for achieving compliance with the performance standards and prohibitions that recognizes the procedures in this subchapter, state basin plans and the priorities established in land and water conservation plans.

**(4)** NOTICE OF DISCHARGE. (a) If the department issues an NOD to an owner or operator of an animal feeding operation, it shall be sent certified mail, return receipt requested or personal delivery.

(b) The department shall include all of the following information in an NOD:

1. A summary of the results of the onsite investigation used to determine that unacceptable practices exist at an operation. The summary shall include a determination of the category of the unacceptable practice that exists at the operation. The department shall provide a copy of the summary to the animal feeding operation and appropriate governmental unit.

2. One or more suggested corrective measures for the unacceptable practice identified in the summary report. The department may amend an NOD at any time to reflect changes to suggested corrective measures based on further evaluation and planning associated with addressing the unacceptable practice.

3. A list of known governmental or private services that may be available to provide technical or financial assistance.

4. For category II unacceptable practices, the NOD shall contain determinations consistent with s. NR 151.095, except that the length of the compliance period shall be determined in

Attachment: Chapter NR 243 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

accordance with subd. 5. Determinations required under s. NR 151.095 may be included as part of the NOD or as amendments to the NOD.

**Note:** Section NR 151.095 contains the criteria and establishes the procedures for determining when cost sharing is required for eligible costs associated with corrective measures and when cost sharing is considered to have been made available. Cost sharing is not required for new facilities and for practices that do not involve eligible costs, such as moving a manure pile. Cost sharing for eligible costs may be available under ch. NR 120 or 153.

5. A reasonable compliance period for implementing necessary corrective measures shall be specified in the NOD. The compliance period identified in the NOD shall be determined by the department in accordance with the following:

a. The length of the compliance period shall be from 60 days to 2 years unless otherwise provided for in this paragraph.

b. The length of the compliance period may be less than 60 days if the site is an imminent threat to public health or fish and aquatic life.

c. The compliance period may not be more than 2 years unless an alternative compliance period has been mutually agreed upon by the department and the owner or operator of the animal feeding operation.

d. For existing practices or facilities where corrective measures require cost sharing in accordance with s. NR 151.095 and where cost sharing has not previously been made available, the compliance period specified in an NOD shall begin on the date that cost share dollars are available pursuant to s. NR 151.095 (5) (d).

**Note:** Cost-share dollars may be offered as part of an NOD or may be included in an amendment to an NOD.

e. For all other practices or facilities, the compliance period specified in the NOD shall begin on the date of the NOD, regardless of the availability of cost sharing.

6. An explanation of the possible consequences if the owner or operator fails to comply with the provisions of the notice, including enforcement or loss of cost sharing, or both.

(c) The department may request that proposed corrective measures be submitted to the department for review prior to implementing the corrective measures.

(d) The department may require that accepted management practices be superseded by additional design requirements or practices if they are necessary for water quality protection.

(e) The department may require that the owner or operator of the animal feeding operation, or a designee, notify the department as to the status of implementing the corrective measures prior to the end of the compliance period.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.25 NOD enforcement. (1)** CATEGORIES I AND III. (a) Owners or operators or animal feeding operations that receive an NOD for a category I or III unacceptable practice shall implement corrective measures within the compliance period specified, regardless of the availability of cost sharing. The owner or operator may seek cost sharing to implement corrective measures within the specified compliance period, but if cost sharing is not available, the owner or operator shall install corrective measures to abate or eliminate the discharge without cost sharing or otherwise apply for a WPDES permit.

(b) If the owner or operator does not implement the corrective measures within the specified time frame to address category I or III unacceptable practices, the department may issue a specific WPDES permit or grant general permit coverage or the department may pursue enforcement action under ch. 283, Stats.

**(2)** CATEGORY II. For operations issued an NOD for a category II unacceptable practice, if the owner or operator of the animal feeding operation does not implement corrective measures within the compliance period specified in the NOD, and cost sharing has been made available for existing facilities or practices or if cost sharing is not required under s. NR 151.095, the department may take enforcement action pursuant to s. 281.98, Stats., require the submittal of a WPDES permit application or take other appropriate actions against the owner or operator.

**Note:** The procedures specified in this subchapter for category II unacceptable practices are limited to actions taken by the department under s. 281.98, Stats., for noncompliance with a livestock performance standard or prohibition. Pursuant to other statutory authority, the department may take direct enforcement action without cost sharing against a livestock producer for willful or intentional acts or other actions by a producer that pose an imminent or immediate threat to human health or the environment.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

**NR 243.26 WPDES permits for medium and small CAFOs. (1)** OPERATIONS DEFINED AS A MEDIUM CAFO. Any owner or operator of an animal feeding operation with 300 to 999 animal units shall submit a complete application for a WPDES permit to the department before a category I discharge to navigable waters occurs. An owner or operator of an animal feeding operation that has 300 to 999 animal units may not have a Category I discharge to navigable waters under s. NR 243.24 (1) (a) unless the discharge is covered by and in compliance with a WPDES permit. In the event an owner or operator of an animal feeding operation has a Category I discharge to navigable waters and that operation is not covered by a WPDES permit at the time of the discharge, the owner or operator shall immediately contact the department and shall immediately apply for a WPDES permit.

**(2)** OPERATIONS DESIGNATED AS MEDIUM OR SMALL CAFOS. (a) Subject to par. (c), for animal feeding operations not already defined as a CAFO under sub. (1), the department may designate an animal feeding operation with 999 animal units or less as a CAFO if all of the following occur:

1. The department conducts an onsite investigation of the operation.

2. The department determines one of the following:

a. The operation is a significant contributor of pollutants to navigable waters and the department considers the factors in par. (b) when making this determination; or

b. The operation has caused the fecal contamination of water in a well constructed in accordance with ch. NR 811 or 812.

3. For discharges of pollutants from land applied manure or process wastewater to navigable waters by an animal feeding operation with 300 to 999 animal units, the department determines the discharge was not an agricultural storm water discharge.

4. The department provides written notification to the owner or operator of the designation.

**Note:** Consistent with past regulatory practices, the department intends to continue to work cooperatively with animal feeding operations to address discharges to waters of the state to the maximum extent practicable in order to make designation of an operation as a CAFO unnecessary. This approach includes using voluntary programs or the issuance of an NOD, which typically provides an opportunity to obtain cost-share and technical assistance, to aid an operation to implement corrective measures.

**Note:** Written notification by the department may be included as part of a Category I, II or III NOD or a separate written notice may be sent to the owner or operator.

**Note:** For animal feeding operations with less than 300 animal units, a significant discharge of pollutants to navigable waters from land application activities is not a basis for designating an operation as a CAFO and requiring a WPDES permit-see par. (c). For animal feeding operations with 300-999 animal units, a significant discharge of pollutants to navigable waters from either the production area or land application areas is a basis for CAFO designation and WPDES permit coverage.

(b) The department shall consider all of the following factors when determining whether an operation is a significant contributor of pollutants to navigable waters under par. (a):

1. The size of the animal feeding operation and the amount of manure or process wastewater reaching navigable waters.

Attachment: Chapter NR 243 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

2. The location of the operation's production and land application areas relative to the navigable waters.

3. The means of conveyance of the manure or process wastewater into navigable waters.

4. The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharges of manure or process wastewater into navigable waters.

5. Other factors relevant to water quality impacts.

(c) If the animal feeding operation has less than 300 animal units, the department may not designate the operation as a CAFO based on the discharge criteria in par. (a) 2. a. unless the operation had a Category I discharge to navigable waters under s. NR 243.24 (1) (a) that the department determines contributed a significant amount of pollutants to navigable waters.

(d) If an animal feeding operation is designated as a CAFO under par. (a), the owner or operator of the operation shall take one of the following actions within 90 days of written notification by the department of the designation:

1. In accordance with sub. (3), submit a completed WPDES permit application for an individual permit or for general permit coverage to the department. If a general permit is not available from the department, the permittee shall apply for an individual permit.

2. Demonstrate to the complete satisfaction of the department that the owner or operator has taken actions to permanently eliminate or significantly reduce the discharge that was the basis of the designation.

(e) If the owner or operator fails to take the actions required in par. (d) within 90 days of notification, the department may take enforcement action.

**(3)** APPLICATIONS. Applications shall, at a minimum, be submitted on forms 3400-25 and 3400-25A. The department may require additional information as part of the permit application consistent with the requirements of subch. II.

**Note:** Applications can be obtained at regional offices of the department or the department's Bureau of Watershed Management, 101 S. Webster St., P.O. Box 7921, Madison, Wisconsin 53707.

**(4)** WPDES TERMS AND CONDITIONS. (a) WPDES permits issued under this subchapter shall contain requirements designed to implement corrective measures to address unacceptable practices, to protect groundwater and surface waters, and to prevent impairments to wetland functional values. At a minimum, permits shall contain requirements that a permittee do all of the following:

1. Comply with livestock performance standards and prohibitions, regardless of the availability of cost sharing.

2. Address manure, process wastewater and contaminated runoff from the production area in a manner that is consistent with accepted management practices and that treats or contains all manure, process wastewater and contaminated runoff for storm events up to and including a 25-year, 24-hour storm event.

**Note:** In determining accepted management practices for small and medium CAFOs, the department shall consider the factors contained in 40 CFR 125.3 (d).

3. Control all discharges from the production area in a manner that does not cause exceedances of groundwater or surface water quality standards or impair wetland functional values.

4. Develop and implement a nutrient management plan in accordance with s. NR 243.14 for the land application of manure and process wastewater.

5. Comply with the requirements in ss. NR 243.13 (5) (b) and (6) to (8) and 243.142 (5).

6. Conduct periodic inspections of the production area and land application equipment at a frequency specified in the WPDES permit.

7. Conduct manure, process wastewater and soil sampling in accordance with WPDES permit conditions.

8. Maintains and submit reports to the department in accordance with WPDES permit conditions.

**Note:** The WPDES permit requirements outlined in this subsection for small and medium CAFOs, including the requirement to develop and implement a nutrient management plan in accordance with s. NR 243.14, are only mandatory for those small and medium operations that have been issued a WPDES permit. For small and medium CAFOs that have not been issued a WPDES permit, nutrient management requirements contained in ch. ATCP 50 apply.

(b) All submitted plans and specifications or evaluations of facilities or structures required under a WPDES permit shall be done in accordance with ss. NR 243.15 and 243.16 unless the department includes alternative requirements in the WPDES permit.

**Note:** Under par. (b), all permitted medium and small CAFOs are required to install 180 days of storage for liquid manure.

(c) The permittee shall comply with the operation and maintenance requirements in s. NR 243.17, unless the department includes alternative requirements in the WPDES permit.

**Note:** Pursuant to s. 283.31, Stats., and federal regulations, a point source discharge by a medium size CAFO is prohibited unless the discharge is covered by, and in compliance with, a WPDES permit.

**Note:** Pursuant to ch. NR 153, operations covered by a WPDES permit are no longer eligible for cost sharing under s. 281.65, Stats.

**(5)** GENERAL PERMITS. The department may issue a general permit to cover a category of medium or small CAFOs.

**(6)** REISSUANCE OR TERMINATION OF WPDES COVERAGE. If a medium or small CAFO is covered by an individual or general WPDES permit, the owner or operator shall maintain permit coverage and shall reapply for continued coverage at least 180 days prior to the expiration of the WPDES permit unless:

(a) The permittee has ceased operation or is no longer a CAFO.

(b) The permittee has demonstrated to the satisfaction of the department that there is no remaining potential for a discharge to navigable waters of manure and process wastewater that was generated while the operation was a CAFO, or there is no remaining potential to cause well contaminations.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

## Subchapter IV — CAFO Enforcement

**NR 243.31 Enforcement. (1)** If the department finds that the owner or operator of a CAFO violated a term or condition of its WPDES permit, the department may, following notice to the permittee, modify, suspend or revoke the permit, in whole or in part, under s. 283.53 (2), Stats.

**(2)** If the department finds that the owner or operator of a CAFO is violating a term or condition of its WPDES permit, any requirement in this chapter or ch. 283, Stats., or that the owner or operator of a CAFO is discharging manure or process wastewater pollutants to waters of the state without a WPDES permit, the department may refer the matter to the department of justice for enforcement, pursuant to s. 283.89, Stats. In an enforcement action, the department may seek temporary or permanent injunctive relief and may seek the civil and criminal penalties established in s. 283.91, Stats. The department may recover the costs of investigating the violation and the expenses of prosecution, including attorneys fees under s. 283.91 (5), Stats., and the costs of removing, terminating or remedying the adverse effects on the water environment under s. 283.87, Stats.

**History:** CR 05-075: cr. Register April 2007 No. 616, eff. 7-1-07.

Attachment: Chapter NR 243 (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

Draft: 2024-12-17

# CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE
# NOTICE OF ACTION

## Conditional Use Permit for a Livestock Facility (Town of Wheaton)

**APPEAL NUMBER: # 2024-1002**
**APPEAL DATE: 11-21-2024**

| **LAND OWNER(S):** | **Parcel Number:** |
|---|---|
| Solhawk Dairy, Inc, 8777 County Highway X, Chippewa Falls, Wisconsin 54729 | 22809-2012-00210000 |
| D & D Hawkins Farm, Inc, 8544 County Highway X, Chippewa Falls, Wisconsin 54729 | 22809-2012-00020000 |
| D & D Hawkins Farm, Inc, 8544 County Highway X, Chippewa Falls, Wisconsin 54729 | 22809-2011-00020000 |

Dear Solhawk Dairy, Inc. and D & D Hawkins Farm, Inc.,

On November 21, 2024, the Planning & Zoning Committee held a public hearing to consider the Solhawk Dairy, Inc. and D & D Hawkins Farm, Inc. (*collectively "**Solhawk Dairy, Inc.**"*) request for a Conditional Use Permit, which would allow the expansion of an existing Livestock Facility, from 4,559 animal units to 5,196 animal units, in the Agricultural District in accordance with Sections 70-71(b)(16), 70-108 and 70-160 through 70-173 of the Chippewa County Zoning Ordinance. The Planning & Zoning Committee postponed a decision until their December 19, 2024 meeting. The Parcels associated with this request are located in the N ½ of the NE ¼, Section 20, Township 28 North, Range 09 West, Town of Wheaton.

**Findings of Facts:**
The Planning & Zoning Committee state the following findings of fact in regards to the Solhawk Dairy, LLC. Livestock Facility Siting application:

1. On September 23, 2024, Solhawk Dairy, Inc. submitted an application for the expansion of an existing Livestock Facility and the $1,000 application fee as required by 70-163(c) of the Zoning Ordinance. The existing Livestock Facility was approved as Conditional Use Permit 2021-0009 on September 23, 2021 for 4,559 animal units. The request is to increase the animal units to 5,196.
2. On October 7, 2024, Ketty Clow, Environmental Engineer with the Department of Land Conversation and Forest Management determined the application to be complete pursuant to 70-163(d)(1)(a) and sent, via email, a Notice of Acceptance letter dated October 7, 2024 to the Solhawk Dairy, Inc., Dave McDaniel of Auth Consulting & Associates, Douglas Clary, Director of Planning & Zoning and Lynda Schweikert, Director of Land Conservation and Forest Management.
3. On November 1, 2024, a Notice to Adjacent Property Owners was sent to all landowners directly adjacent to the applicant informing them of the proposed expansion and that the Chippewa County Planning & Zoning Committee scheduled a public hearing on November 21, 2024 where the proposal was to be reviewed.
4. On November 21, 2024, the Chippewa County Planning & Zoning Committee held a public hearing beginning at 4:30 PM at the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin. Chair Jason Bergeron, Supervisor Duane Shoebridge, Supervisor/County Board Chair Chuck Hull, Supervisor Rocky Kempe and Supervisor David Kelly were present. Douglas Clary, Director of Planning & Zoning, Lynda Schweikert, Director of Land Conservation and Forest Management and Trenton Shutter, Project Engineer of Land Conservation & Forest Management were also present.
5. Dennis Hawkins, Solhawk Dairy, Inc. presented the application to the Planning & Zoning Committee for review.
6. There was 1 individual who came forward to speak for the proposed expansion. There were 8 individuals who came forward to speak against the proposed expansion. A petition with 69 signatures against the proposed expansion was submitted by Joel Seidlitz.

Attachment: 2024-1002 Solhawk Dairy, Inc. - CUP - DRAFT_Decision (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

Draft: 2024-12-17

APPEAL NUMBER: # 2024-1002
APPROVAL DATE: December 19, 2024

Draft: 2024-12-17

7. On December 19, 2024, the Planning & Zoning Committee confirmed that the application complies/does not comply with Division 4 of the Chippewa County Zoning Ordinance and all applicable state regulations.

**DECISION:**

At their December 19, 2024 meeting, the Planning & Zoning Committee has **GRANTED/DENIED** the conditional use permit, per the submitted documents, because the application for the proposed livestock facility contains sufficient/insufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets/does not meet the standards of the Zoning Ordinance and all applicable state regulations.

**{If GRANTED}** The Planning & Zoning Committee has placed the following conditions on the permit:

1. The permit expiration, compliance monitoring, terms of the permit and transferability of this permit will follow sections 70-168, 70-169, 70-170 and 70-171, respectively, of the Chippewa County Zoning Ordinance. (A copy is attached).
2. Any other conditions as part of the approval process.

**{If DENIED}** The Planning & Zoning Committee finds the record supports Denial based on the following:

A complete record of the hearing and the decision of the Planning & Zoning Committee are available for inspection in the Chippewa County Planning & Zoning Department, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin.

Dated this **20th** day of **December**, 2024.

By the Order of the Planning & Zoning Committee.

Douglas Clary, Director
Department of Planning & Zoning

CC: Solhawk Dairy, Inc, 8777 County Highway X, Chippewa Falls, Wisconsin 54729 – *Hard Copy*
D & D Hawkins Farm, Inc, 8544 County Highway X, Chippewa Falls, Wisconsin 54729 –
DATCP – *via email*

Attachment: 2024-1002 Solhawk Dairy, Inc. - CUP - DRAFT_Decision (8674 : 2024-1002 Solhawk Dairy, Inc. - Conditional Use Request)

Draft: 2024-12-17

**STATEMENT OF EXPLANATION**

Amendatory Zoning Ordinance No.

**2024-0016 RYHERD REZONE PETITION - TOWN OF EAGLE POINT**

Comprehensive zoning consists of written text (commonly referred to as the zoning ordinance) and an official zoning map. The zoning ordinance is a guideline for permitted and conditional uses, which are separated into zoning classifications or districts. The zoning map shows how a town board has designated the particular zoning classifications or districts to parcels of land within their particular jurisdiction. A rezone is where a property owner or other authorized entity seeks to amend the official zoning map, which would allow a use that is currently not permitted on the parcels of land based on the existing zoning classification or district. This is referred to as a zoning map amendment or "rezoning". The requested rezoning change may not be granted if it does not fit with the comprehensive plan and community goals for the respective town and county.

**LEGAL DESCRIPTION**

Proposed CSM, which will modify the property lines between parcel number 23008-0323-62530201 and 23008-0323-62530203, which are Lots 1, 2 and 3, Block 2, Hathaway's Cornell Lake, located in the SW ¼ of the NW ¼, Section 3, Township 30 North, Range 08 West. Town of Eagle Point. Physical address: 18615 164$^{th}$ St.

**From:** Residential 3 **To:** Residential 1

Amendatory Zoning Ordinance No.

**2024-0016 RYHERD REZONE PETITION - TOWN OF EAGLE POINT**

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Chuck Hull, District 19 |
| **SECONDER:** | David Kelly, District 14 |
| **AYES:** | Bergeron, Shoebridge, Kelly, Kempe, Hull |

History:

| | | | |
|---|---|---|---|
| 11/21/24 | Planning & Zoning Committee | TABLED | Next: 12/19/24 |

(Posted on November 1, 2024)
(Chippewa County Website & County Clerk's Bulletin Board)

CHIPPEWA COUNTY PLANNING & ZONING COMMITTEE
NOTICE OF PUBLIC HEARING
STATE OF WISCONSIN

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that public hearings will be held on **November 21, 2024** beginning at **4:30 PM** at the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin relative to the following petitions:

**Rezone Petition: 2024-0016**
**Petitioner:** William & Connie Ryherd
Proposed CSM, which will modify the property lines between parcel number 23008-0323-62530201 and 23008-0323-62530203, which are Lots 1, 2 and 3, Block 2, Hathaway's Cornell Lake, located in the SW ¼ of the NW ¼, Section 3, Township 30 North, Range 08 West. Town of Eagle Point. Physical address: 18615 164th St.
**From:** Residential 3 **To:** Residential 1

**Rezone Petition: 2024-1001**
**Petitioner:** Mabel Steward Trust & Terry Steward **Agent:** Jason Hiess/Hiess-Loken & Associates
Parcel numbers 22808-1132-05010000 and 22808-1132-09250000, which are located in the NW ¼ of the SW ¼, Section 11, Township 28 North, Range 08 West. Town of Lafayette. Property Addresses: 17211 Cty Hwy J, 17223 Cty Hwy J and 17231 Cty Hwy J.
**From:** Residential 2 and Local Commercial **To:** Residential 1

**Conditional Use Permit: 2024-1000**
**Petitioner:** Cole Olynick **Property Owner:** Haas Sons Inc
To allow a non-metallic mine in the Agricultural District in accordance with sections 70-71(b)(2), 70-108 and 70-180 through 70-187 of the Chippewa County Zoning Ordinance on parcel number 22810-2434-00020000, which is located in the SE ¼ of the SW 14, Section 24, Township 28 North, Range 10 West. Town of Wheaton. Physical Address: Vacant.

**Conditional Use Request: 2024-1002**
**Petitioner:** Solhawk Dairy, Inc
**Agent:** Dennis Hawkins and Auth Consulting & Associates, Inc.
To allow the expansion of an existing Livestock Operation in the Agricultural District in accordance with Sections 70-71(b)(16), 70-108 and 70-160 through 70-173 of the Chippewa County Zoning Ordinance. Parcels are located in the N ½ of the NE ¼, Section 20, Township 28 North, Range 09 West. Town of Wheaton. Physical Address: 8777 County Highway X.

Specific information regarding these public hearings can be obtained at the Chippewa County Department of Planning & Zoning. All persons interested are invited to attend this meeting.

Dated this **31st** day of **October**, 2024

Douglas Clary, Director
Department of Planning & Zoning
Chippewa County

Attachment: 2024-0016 Ryherd Rezone - Public Notices & Maps (8670 : 2024-0016 Ryherd Rezone)

CHIPPEWA COUNTY
# DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone:715.726.7940 • Fax:715.726.4596 • www.co.chippewa.wi.us •

Land Management | Land Planning | Land Records & G.I.S. | POWTS & Wells

Date: October 31, 2024

To: Property Owner(s)

From: Douglas Clary, Director

Re: Public Meetings & Public Hearing

Dear Property Owner(s):

The Chippewa County Department of Planning & Zoning has received a rezone petition for a parcel of land that is located either adjacent to or in the vicinity of property owned by you. You are receiving this notice because your property has been determined to be within the legal public hearing notification distance per county and state requirements. I have enclosed a map identifying the location of the parcels associated with the rezone petition. If you have any questions regarding this rezone petition, please contact me at (715) 726-7941.

**REZONE PETITION: #2024-0016**
**Property Owner**: William & Connie Ryherd
Proposed CSM, which will modify the property lines between parcel number 23008-0323-62530201 and 23008-0323-62530203, which are Lots 1, 2 and 3, Block 2, Hathaway's Cornell Lake, located in the SW ¼ of the NW ¼, Section 3, Township 30 North, Range 08 West. Town of Eagle Point. Physical address: 18615 164th St.

**From:** Residential 3 **To:** Residential 1

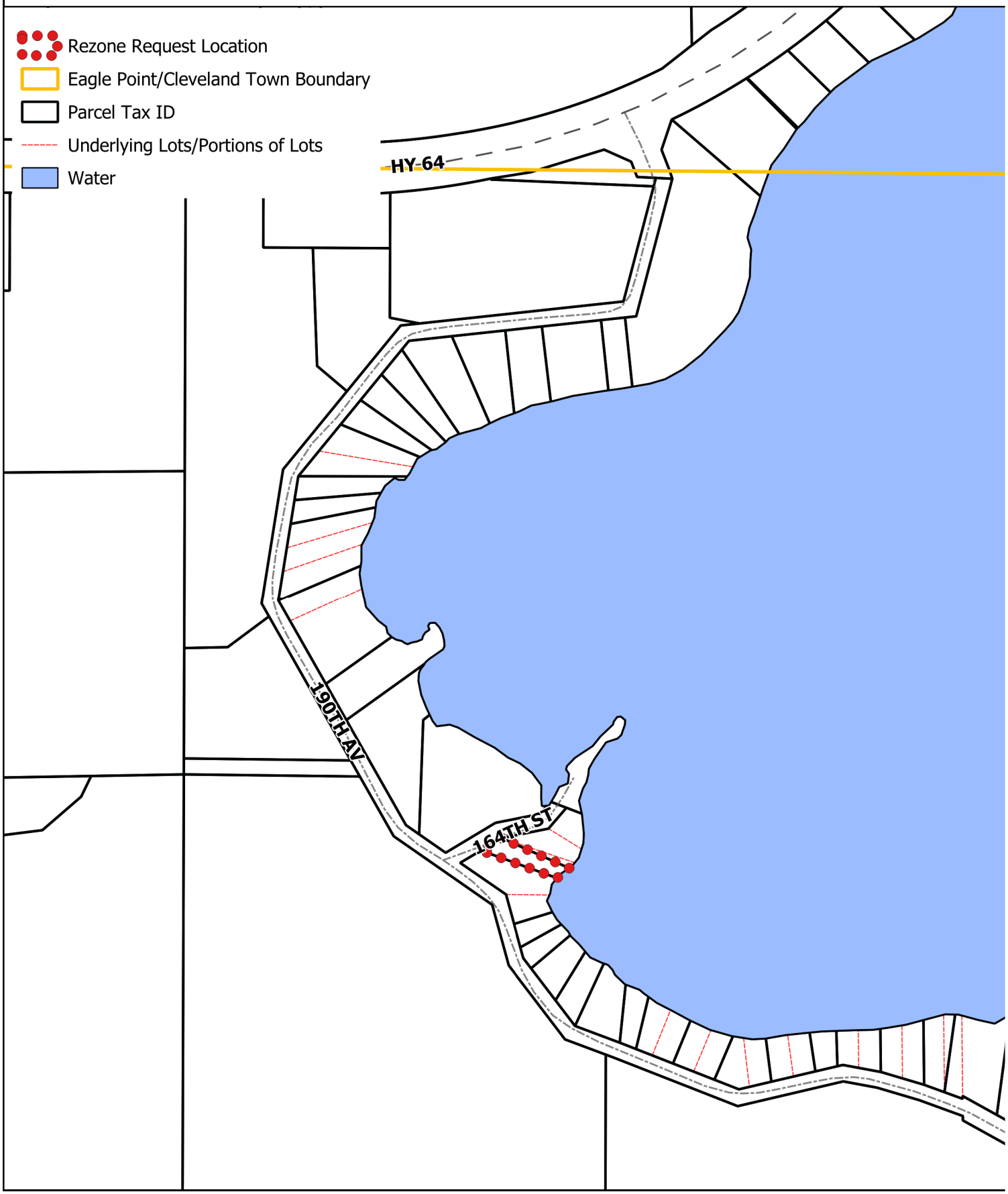
**Eagle Point Plan Commission**
The Eagle Point Town Board will **REVIEW** this request on **November 11, 2024** at **7:00 PM,** at the Eagle Point Town Hall, 14802 State Highway 124, Chippewa Falls, Wisconsin 54729. The Plan Commission will forward a recommendation on the petition to approve, disapprove or approve with modification(s) and/or conditions to the Town Board.

**Eagle Point Town Board**
The Eagle Point Town Board will **REVIEW** this request on **November 18, 2024** at **7:00 PM,** at the Eagle Point Town Hall, 14802 State Highway 124, Chippewa Falls, Wisconsin 54729. The Town Board will forward a recommendation on the petition to approve, disapprove or approve with modification(s) and/or conditions to the Planning & Zoning Committee.

**Chippewa County Planning & Zoning Committee:**
The Chippewa County Planning & Zoning Committee will hold a **PUBLIC HEARING** for this petition on **November 21, 2024** at **4:30 PM** in the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin. The Committee will make a determination on the petition to approve, disapprove or approve with modification(s) and/or conditions. If the Planning & Zoning Committee approves or approves with modification/conditions, the petition will be forwarded to the County Board meeting on **December 10, 2024** at **6:00 PM** for their consideration. If the Planning & Zoning Committee disapproves, the petition will fail.

Attachment: 2024-0016 Ryherd Rezone - Public Notices & Maps (8670 : 2024-0016 Ryherd Rezone)

# 2024-0016 Ryherd Rezone Request
# Location Map




Attachment: 2024-0016 Ryherd Rezone - Public Notices & Maps (8670 : 2024-0016 Ryherd Rezone)

Produced on November 1, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

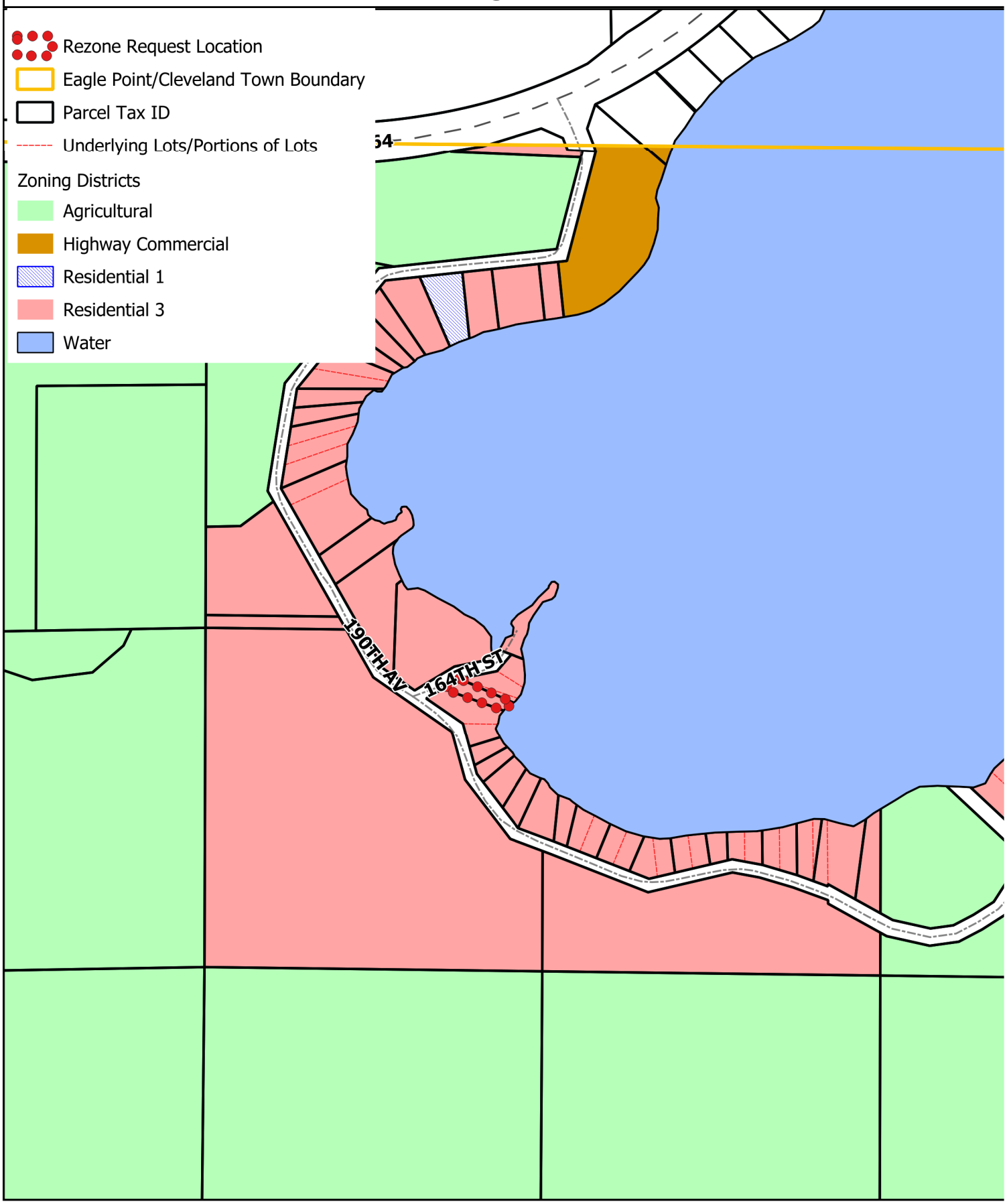
# 2024-0016 Ryherd Rezone Request
# Aerial (2023)




Attachment: 2024-0016 Ryherd Rezone - Public Notices & Maps (8670 : 2024-0016 Ryherd Rezone)

Produced on November 1, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

# 2024-0016 Ryherd Rezone Request
## Zoning Districts




Produced on November 1, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only

Attachment: 2024-0016 Ryherd Rezone - Public Notices & Maps (8670 : 2024-0016 Ryherd Rezone)

CHIPPEWA COUNTY

# DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone:715.726.7940 • Fax:715.726.4596 • www.co.chippewa.wi.us •

## 2024 Rezone Application



Comprehensive zoning consists of written text (commonly referred to as the zoning ordinance) and an official zoning map. The zoning ordinance is a guideline for permitted and conditional uses, which are separated into zoning classifications or districts. The zoning map shows how a town board has designated the particular zoning classifications or districts to parcels of land within their particular jurisdiction. A **REZONE** is where a property owner or other authorized entity seeks to amend the official zoning map, which would allow a use that is currently not permitted on the parcels of land based on the existing zoning classification or district. This is referred to as a zoning map amendment or "rezoning". The requested rezoning change may not be granted if it does not fit with the comprehensive plan and community goals for the respective town and county.

| **SECTION I: Parcel Owner Information** | | | **SECTION II: Agent Information** | | |
|---|---|---|---|---|---|
| **Name:** William + Connie Ryherd | | | **Name:** | | |
| **Mailing Address:** 117 College Ave | | | **Mailing Address:** | | |
| **City:** Winthrop Harbor | **State:** IL | **Zip:** 60096 | **City:** | **State:** | **Zip:** |
| **Telephone:** 847-400-7912 or 7913 | | | **Telephone:** | | |
| **Email Address (Required):** connie807@hotmail.com | | | **Email Address (Required):** | | |

| **SECTION III: Parcel Information** | | | |
|---|---|---|---|
| **Town of:** Eagle Point | **Property Address:** 18615 164th St | | |
| **Parcel Number(s):** 23008-0323-62530203 | **City:** Bloomer | **State:** WI | **Zip:** 54724 |
| **Existing Zoning District(s):** R3 | **Proposed Zoning District(s):** R1 | | |

**GENERAL DIRECTIONS:**

1. **Complete** this Application form and the required four (4) parts:
   - ☐ Part 1: General Questions related to the request
   - ☐ Part 2: Planning & Zoning Committee Schedule - 2024
   - ☐ Part 3: General Rezoning Process
   - ☐ Part 4: Applicant Acknowledgement/Signature

2024-11-01
Please see the proposed CSM.
Douglas Clary

RECEIVED
SEP 19 2024
BY:

2. **Submit** the completed application, all required information and a **$350.00** public hearing fee (Make check payable to: Chippewa County Treasurer) by the deadline (as listed in Part 2) to the Chippewa County Department of Planning & Zoning, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin 54729.
3. **Make arrangements** to attend or have a representative attend any local town plan commission or town board meetings, and the required Planning & Zoning public hearing. This presence is needed so that questions can be answered and concerns addressed.

| **FOR DEPARTMENT OF PLANNING & ZONING STAFF USE:** | | |
|---|---|---|
| **Receipt Number:** 25262 | **Appeal Number:** 20240016 | **Public Hearing Date:** 10-24-24 |

Attachment: 2024-0016 Ryherd Rezone - Application (8670 : 2024-0016 Ryherd Rezone)

Once the completed application is received, the Department will prepare a public hearing notice and publish it within the Chippewa Herald. The public hearing notice will include the location and time of the required public hearing before the Chippewa County Planning & Zoning Committee. In addition, your neighbors, the Town Board and any appropriate county or state agencies will be notified. At the public hearing, any party may appear in person or may be represented by an agent or attorney to present information to the Planning & Zoning Committee in support or opposition of the rezone request.

**PART 1: General Questions. Please use a separate 8.5" x 11" sheet to answer these questions.**

(A) As the applicant, do you have legal title to the parcel(s)? If you **do not** have legal title to the property, please have the property owner sign this application.

(B) Identify the parcel(s) that are or will be part of this rezone request. If needed, an additional sheet listing those parcels can be attached.

(C) Describe the present and, if known, any proposed improvements on each parcel of land.

(D) Explain why you are requesting to rezone of each parcel. Please identify the proposed use of each parcel.

(E) Explain the compatibility of your proposed use(s) with the existing use(s) on adjacent parcels and those in the vicinity of this parcel(s).

(F) Discuss any additional issues you feel that supports the consistency of your proposed use with County ordinances and plans as well as any Town ordinances or plans.

Be prepared to give a detailed presentation when called upon at the public hearing before the Planning and Zoning Committee. Prepare an outline of your proposal, something similar to a "business plan", detailing for the Planning & Zoning Committee your proposal. Include any documentation you feel is necessary as part of your presentation in defining your proposal for the Committee and possibly the County Board. It is vital to your application to consult with professionals you feel may be able to assist with your application (i.e. surveyor, attorney, engineer, etc.)

**PART 2: Planning & Zoning Committee Schedule - 2024**

Applications will not be placed on the appropriate agenda unless they are properly completed and include **ALL** required supporting information or documents **and** payment of the public hearing fee. Applicants are encouraged to consult with staff of the Department of Planning & Zoning prior to the filing of the application. This is an important step to insure that all pertinent issues are identified and to determine what information in addition to the application forms might be necessary in order for the department to accept and process your application. Please CIRCLE or HIGHLIGHT the meeting you intend on attending:

| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Applications Due @ 12:00 Noon | 12-21 | 01-25 | 02-22 | NA | 04-25 | 05-23 | 06-20 | 07-25 | 08-22 | 09-26 | 10-24 | 11-21 |
| Public Hearing/Meeting (Thu) | 01-18 | 02-22 | 03-21 | NA | 05-23 | 06-20 | 07-18 | 08-22 | 09-19 | 10-24 | 11-21 | 12-19 |
| County Board Meeting (Tues) | 02-13 | 03-12 | 04-09 | NA | 06-11 | 07-09 | 08-13 | 09-10 | 10-08 | 11-12 | 12-10 | 01-14 |

*Note: Typically, the Planning & Zoning Committee meetings start at 4:30 PM on the designated dates above.*
*Note: No Committee meeting in April due to the Spring Election.*

**PART 3: General Rezoning Process:**

(A) The rezone application is filed with the Department of Planning & Zoning. This includes the legal description of the parcels to be rezoned, a written statement addressing the questions as listed in Part 1 and any other information your feel will aid in a decision on this request.

(B) The Town Board will be notified of the rezone application. The Town Board can recommend approval or denial of a rezoning request. If the Town Board denies a rezone request, the Planning & Zoning Committee can only recommend an approval with modification to the rezone request or deny the rezone request.

(C) A Class 2 Public Hearing Notice will be published in the Chippewa Herald detailing the request and the date and time of the Public Hearing.



Attachment: 2024-0016 Ryherd Rezone - Application (8670 : 2024-0016 Ryherd Rezone)

(D) Property owners of the land and those property owners within 400' (or maybe a greater distance) of the requested rezone change are notified directly by mail as well as the Town Board Chair and Town Clerk. The notice to the property owners will generally contain a portion of the public hearing notice and information pertaining to meetings to be held at the Town level (plan commission, town board, etc) as well as the Public Hearing in front of the Planning & Zoning Committee.

(E) General maps (location map, aerial view and existing zoning districts map) will be prepared for the request by the Department.

(F) A department staff report is prepared and sent to the Planning & Zoning Committee, while comments from the general public are solicited.

(G) Following the Public Hearing, the Planning & Zoning Committee will make a motion to either approve, approve with modification or deny the rezoning request. If the rezone request receives an approval or approval with modification an ordinance amendment will be prepared and placed on the next County Board meeting agenda for their approval.

(H) If the County Board approves the rezone and the town board files an objection to the approval, the town board will then have 45 days to veto the rezone request following the applicable state statutes.

(I) If the rezone request receives County Board approval, the final step is the publication of the amendment in the Chippewa Herald. Once published, the zoning district amendment takes effect. The entire process from application deadline to final publication can take two months or more to complete depending upon the scheduling of hearing dates.

**PART 4: Applicant Acknowledgement/Signature**

This application must be signed by the property owner or in case of an agreement to purchase the property, a letter from the property owner acknowledging the potential buyer is seeking the rezone.

- I certify that the information I have provided in this application is true, accurate and complete.
- I or a representative will have an opportunity to present to the Planning & Zoning Committee information in favor of this request.
- I have the authority to allow the staff of the Department of Planning & Zoning and Planning & Zoning Committee member's access to the property to conduct necessary inspections related to this request.
- I understand that I cannot speak to any member of the Planning & Zoning Committee about this application, except at the public hearing.
- I understand that I cannot direct any written communication about this application to a member of the Planning & Zoning Committee, unless I also file a copy with the Department of Planning & Zoning and direct additional copies to each person who has registered an interest in this application.
- I also understand that if I or my representative fail to appear in front of the Planning & Zoning Committee during the designated public hearing or my failure to observe the above mentioned rules, my request may be **DENIED**.

Signed: _____ Date: 19 SEP 2024
Owner/Agent

**PART 5: Planning & Zoning Department Mailing List**

Applicant
Property Owner Owners within 400'
Planning & Zoning Committee Members
Town Board Chair & Clerk
County Board Supervisor
News Media
Wisconsin DNR
US Army Corp of Engineers
Wisconsin DOT



Attachment: 2024-0016 Ryherd Rezone - Application (8670 : 2024-0016 Ryherd Rezone)

William + Connie Ryherd

Part 1

A) Yes

B)

C) Remove existing cabin. Replace with new cabin with walkout basement. Existing garage will remain place. Outhouse will be removed. Small shed on lakeside of property will be removed. New well will be drilled, existing well will be removed. Septic field installed.

D) New cabin will be updated to a 4 season cabin so that we can have indoor plumbing for bath + kitchen. Current cabin has no inside shower/toilet. This allows us to relocate as residents to this location.

E) Allows us to update to four season house like both our neighbors have updated.

F) This will allow us to make this our permanent residence within the next few years. This will improve our lot as our neighbor's have to maintain standards required by both town + county.

Attachment: 2024-0016 Ryherd Rezone - Application (8670 : 2024-0016 Ryherd Rezone)

# CHIPPEWA COUNTY CERTIFIED SURVEY

MAP NUMBER _____

RECORDED IN VOLUME _____ OF THE CERTIFIED SURVEY MAP PAGE _____

BEING PART OF LOTS 2 & 3 OF BLOCK 2 OF HATHAWAY'S CORNELL LAKE SUBDIVISION IN GOVERNMENT LOT 4 OF SECTION 3, TOWNSHIP 30 NORTH, RANGE 8 WEST, TOWN OF EAGLE POINT, CHIPPEWA COUNTY WISCONSIN.

*BEARINGS ARE REFERENCED TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 3, ASSUMED BEARING OF N 0° 10' 32" W.*

*DATA TABLE*

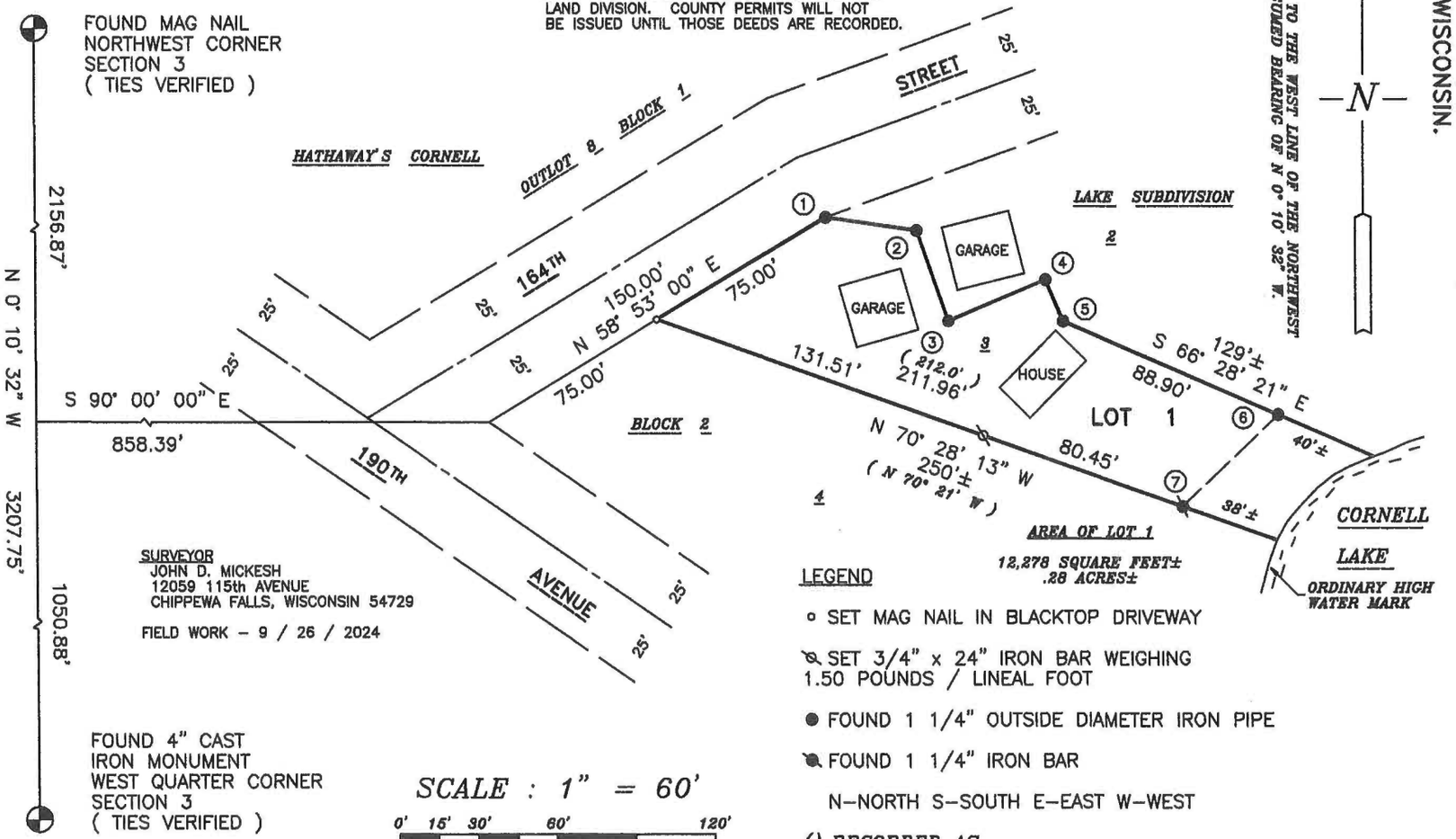
| NUMBER | BEARING | DISTANCE |
|---|---|---|
| 1–2 | S 81° 51' 24" E | 34.98' |
| 2–3 | S 19° 20' 12" E | 36.34' |
| 3–4 | N 67° 08' 13" E | 40.23' |
| 4–5 | S 23° 10' 41" E | 17.17' |
| 6–7 | S 46° 23' 07" W | 50.34' |

PUBLIC TRUST NOTE
ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE CONSTITUTION. THE APPROXIMATE ORDINARY HIGH WATER MARK IS SHOWN FOR REFERENCE PURPOSES ONLY.

NOTE:

THE RECORDING OF A CERTIFIED SURVEY MAP DOES NOT TRANSFER OWNERSHIP. DEEDS MUST ALSO BE EXECUTED TO COMPLETE THIS LAND DIVISION. COUNTY PERMITS WILL NOT BE ISSUED UNTIL THOSE DEEDS ARE RECORDED.

WISCONSIN
JOHN D. MICKESH
S-2012
CHIPPEWA FALLS
WI
LAND SURVEYOR
10/21/2024




SURVEYOR
JOHN D. MICKESH
12059 115th AVENUE
CHIPPEWA FALLS, WISCONSIN 54729

FIELD WORK – 9 / 26 / 2024

*SCALE : 1" = 60'*

0' 15' 30' 60' 120'

*AREA OF LOT 1*
*12,278 SQUARE FEET±*
*.28 ACRES±*

LEGEND

- ○ SET MAG NAIL IN BLACKTOP DRIVEWAY
- ⊗ SET 3/4" x 24" IRON BAR WEIGHING 1.50 POUNDS / LINEAL FOOT
- ● FOUND 1 1/4" OUTSIDE DIAMETER IRON PIPE
- ⊗ FOUND 1 1/4" IRON BAR

N–NORTH S–SOUTH E–EAST W–WEST

*() RECORDED AS*

SHEET 1 OF 2 SHEETS





Attachment: 2024-0016 Ryherd Rezone - Application (8670 : 2024-0016 Ryherd Rezone)

CHIPPEWA COUNTY CERTIFIED SURVEY

MAP NUMBER _____

RECORDED IN VOLUME _____OF THE

CERTIFIED SURVEY MAPS PAGE _____

**BEING PART OF LOTS 2 AND 3 OF BLOCK 2 OF HATHAWAY'S CORNELL LAKE SUBDIVISION IN GOVERNMENT LOT 4 OF SECTION 3, TOWNSHIP 30 NORTH, RANGE 8 WEST, TOWN OF EAGLE POINT, CHIPPEWA COUNTY, WISCONSIN.**

I, John D. Mickesh, Professional Land Surveyor, hereby certify :

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and AE – 7 of the Wisconsin Administrative Code and Chapter 38, Chippewa County's Land Division Ordinance and under the direction of William G. and Connie Ryherd, I have surveyed, divided, and mapped said parcel of land, that such survey correctly represents all exterior boundaries and the subdivision of the land surveyed and that this land is part of Lots 2 and 3 of Block 2 of Hathaway's Cornell Lake Subdivision in Government Lot 4 of Section 3, Township 30 North, Range 8 West, Town of Eagle Point, Chippewa County, Wisconsin.

Commencing at the Northwest Corner of Section 3, thence S 0° 10' 32" E along the west line of the Northwest Quarter, 2156.87 feet, thence S 90° 00' 00" E 858.39 feet, thence N 58° 53' 00" E 75.00 feet to the point of beginning, thence continuing N 58° 53' 00" E 75.00 feet, thence S 81° 51' 24" E 34.98 feet, thence S 19° 20' 12" E 36.34 feet, thence N 67° 08' 13" E 40.23 feet, thence S 23° 10' 41" E 17.17 feet, thence S 66° 28' 21" E 88.90 feet to the beginning of a meander line which lies 40 feet more or less from the waters edge of Cornell Lake, thence S 46° 23' 07" W along the meander line, 50.34 feet to the end of the meander line which lies 38 feet more or less from the waters edge of Cornell Lake, thence N 70° 28' 13" W 211.96 feet to the point of beginning.

Including all that land lying between the meander line and the waters edge of Cornell Lake.

Said parcel is subject to easements and restrictions of record.

CHIPPEWA COUNTY DEPARTMENT OF PLANNING AND ZONING

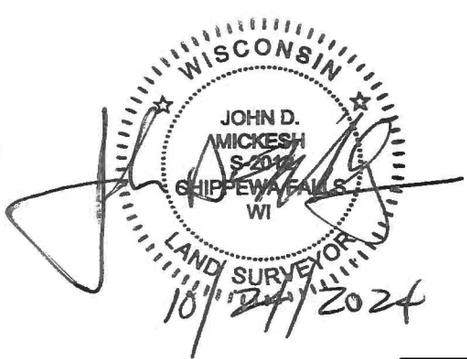
I, Douglas Clary, Director of the Chippewa County Department of Planning and Zoning, certify that this Certified Survey Map is approved of as complying with Chapter 38 and other applicable Chapters of the County Code of General Ordinances.

Dated this _____ day of _____, 2024.

_____.

Douglas Clary, Director

Sheet 2 of 2 Sheets




Attachment: 2024-0016 Ryherd Rezone - Application (8670 : 2024-0016 Ryherd Rezone)

**STATEMENT OF EXPLANATION**
**2024-1002 INN ON LAKE WISSOTA LLC AND PASSINT REZONE PETITION**
**- TOWN OF ANSON**

Comprehensive zoning consists of written text (commonly referred to as the zoning ordinance) and an official zoning map. The zoning ordinance is a guideline for permitted and conditional uses, which are separated into zoning classifications or districts. The zoning map shows how a town board has designated the particular zoning classifications or districts to parcels of land within their particular jurisdiction. A rezone is where a property owner or other authorized entity seeks to amend the official zoning map, which would allow a use that is currently not permitted on the parcels of land based on the existing zoning classification or district. This is referred to as a zoning map amendment or "rezoning". The requested rezoning change may not be granted if it does not fit with the comprehensive plan and community goals for the respective town and county.

**LEGAL DESCRIPTION**

Parcel numbers 22908-2213-70255007, 22908-2213-72042001 and 22908-2213-73979001, which are Lot 7 of CSM 255, Lot 1 of CSM 2042 and Lot 1 of CSM 3979. All parcels are located in the SW ¼ of the NE ¼, Section 22, Township 29 North, Range 08 West. Town of Anson. Property Addresses: 16649 96th Avenue and 9550 167th Street.

**From:** Residential 2 and Residential 1 **To:** Residential 1

(Posted on November 27, 2024)
(Chippewa County Website & County Clerk's Bulletin Board)

CHIPPEWA COUNTY PLANNING & ZONING COMMITTEE
NOTICE OF PUBLIC HEARING
STATE OF WISCONSIN

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that public hearings will be held on **December 19, 2024** beginning at **4:30 PM** at the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin relative to the following petitions:

**Rezone Petition: 2024-0016**
**Petitioner:** William & Connie Ryherd
Proposed CSM, which will modify the property lines between parcel number 23008-0323-62530201 and 23008-0323-62530203, which are Lots 1, 2 and 3, Block 2, Hathaway's Cornell Lake, located in the SW ¼ of the NW ¼, Section 3, Township 30 North, Range 08 West. Town of Eagle Point. Physical address: 18615 164th St.
**From:** Residential 3 **To:** Residential 1
***(Note:** At the petitioner's request, this rezone petition was postponed from November 21, 2024 meeting)*

**Rezone Petition: 2024-1002**
**Petitioners:** Inn on Lake Wissota LLC and Randal & Diane Passint
Parcel numbers 22908-2213-70255007, 22908-2213-72042001 and 22908-2213-73979001, which are Lot 7 of CSM 255, Lot 1 of CSM 2042 and Lot 1 of CSM 3979. All parcels are located in the SW ¼ of the NE ¼, Section 22, Township 29 North, Range 08 West. Town of Anson. Property Addresses: 16649 96th Avenue and 9550 167th Street.
**From:** Residential 2 and Residential 1 **To:** Residential 1

**Conditional Use Permit: 2024-1001**
**Petitioner:** Mary Jane Gougar
To operate an in-home daycare in the Residential 1 District in accordance with section 70-108 and 70-115 of the Chippewa County Zoning Ordinance on parcel number 22807-0531-68630081, which is Lot 81 of LeMay II, located in the NE ¼ of the SW ¼, Section 5, Township 28 North, Range 7 West. Town of Lafayette. Physical Address: 20249 64th Avenue.

**Rezone Petition: 2024-1003**
**Petitioner:** Brittany Burton
Parcel number 23007-3111-61391513, which is Lots 13-18, Block 15, Eau Claire Realty Plat, located in the NE ¼ of the NE ¼, Section 31, Township 30 North, Range 07 West. Town of Anson. Property Address: 14059 198th Street.
**From:** Residential 3 and Industrial **To:** Residential 1

Specific information regarding these public hearings can be obtained at the Chippewa County Department of Planning & Zoning. All persons interested are invited to attend this meeting.

Dated this **25th** day of **November**, 2024

Douglas Clary, Director
Department of Planning & Zoning
Chippewa County

Attachment: 2024-1002 Inn on Lake Wissota LLC & Passint Rezone - Notices & Maps (8714 : 2024-1002 Inn on Lake Wissota LLC and Randal &

CHIPPEWA COUNTY
# DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone:715.726.7940 • Fax:715.726.4596 • www.co.chippewa.wi.us •

Land Management | Land Planning | Land Records & G.I.S. | POWTS & Wells

Date: November 25, 2024

To: Property Owner(s)

From: Douglas Clary, Director

Re: Public Meetings & Public Hearing

Dear Property Owner(s):

The Chippewa County Department of Planning & Zoning has received a rezone petition for parcels of land. You are receiving this notice because your property has been determined to be within the legal public hearing notification distance per county and state requirements. I have enclosed a map identifying the location of the parcels associated with the rezone petition. If you have any questions regarding this rezone petition, please contact me at (715) 726-7941.

**REZONE PETITION: #2024-1002**
**Petitioners:** Inn on Lake Wissota LLC and Randal & Diane Passint
Parcel numbers 22908-2213-70255007, 22908-2213-72042001 and 22908-2213-73979001, which are Lot 7 of CSM 255, Lot 1 of CSM 2042 and Lot 1 of CSM 3979. All parcels are located in the SW ¼ of the NE ¼, Section 22, Township 29 North, Range 08 West. Town of Anson. Property Addresses: 16649 96th Avenue and 9550 167th Street.

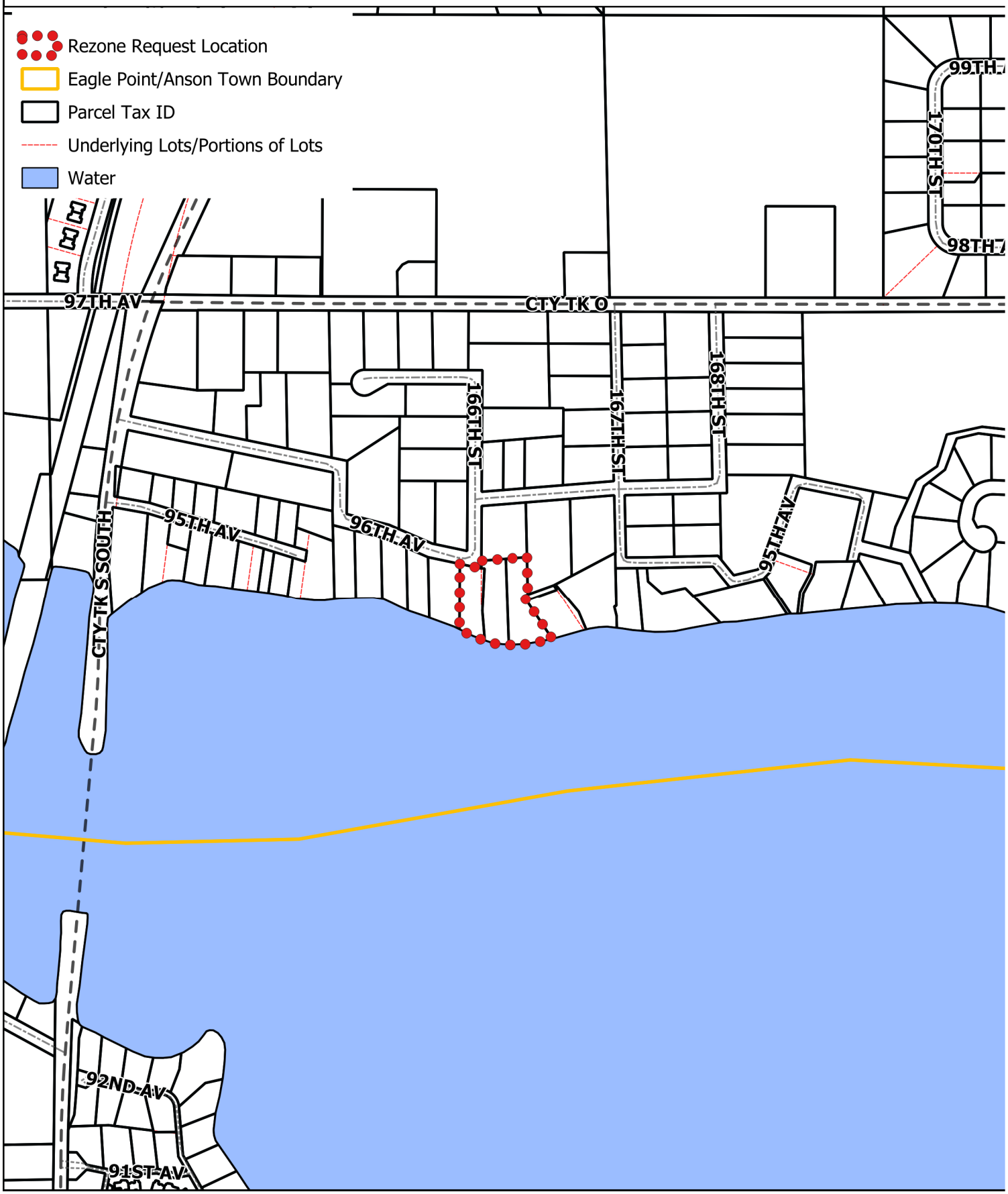
**From:** Residential 2 and Residential 1 **To:** Residential 1

**Anson Town Board**
The Anson Town Board will **REVIEW** this request on **December 12, 2024** at **7:30 PM,** at the Anson Town Hall, 13836 County Highway S South, Jim Falls, Wisconsin 54728. The Town Board will forward an **ADVISORY** recommendation to the Chippewa County Planning & Zoning Committee to approve, disapprove or approve with modification(s) and/or condition(s).

**Chippewa County Planning & Zoning Committee:**
The Chippewa County Planning & Zoning Committee will hold a **PUBLIC HEARING** for this petition on **December 19, 2024** at **4:30 PM** in the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin. The Committee will make a determination on the petition to approve, disapprove or approve with modification(s) and/or conditions. If the Planning & Zoning Committee approves or approves with modification, the petition will be forwarded to the County Board meeting on **January 14, 2025** at **6:00 PM** for their consideration. If the Planning & Zoning Committee disapproves, the petition will fail.

Attachment: 2024-1002 Inn on Lake Wissota LLC & Passint Rezone - Notices & Maps (8714 : 2024-1002 Inn on Lake Wissota LLC and Randal &

# 2024-1002 Inn On Lake Wissota LLC & Passint Rezone Request
## Location Map




Produced on November 22, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

Attachment: 2024-1002 Inn on Lake Wissota LLC & Passint Rezone - Notices & Maps (8714 : 2024-1002 Inn on Lake Wissota LLC and Randal &

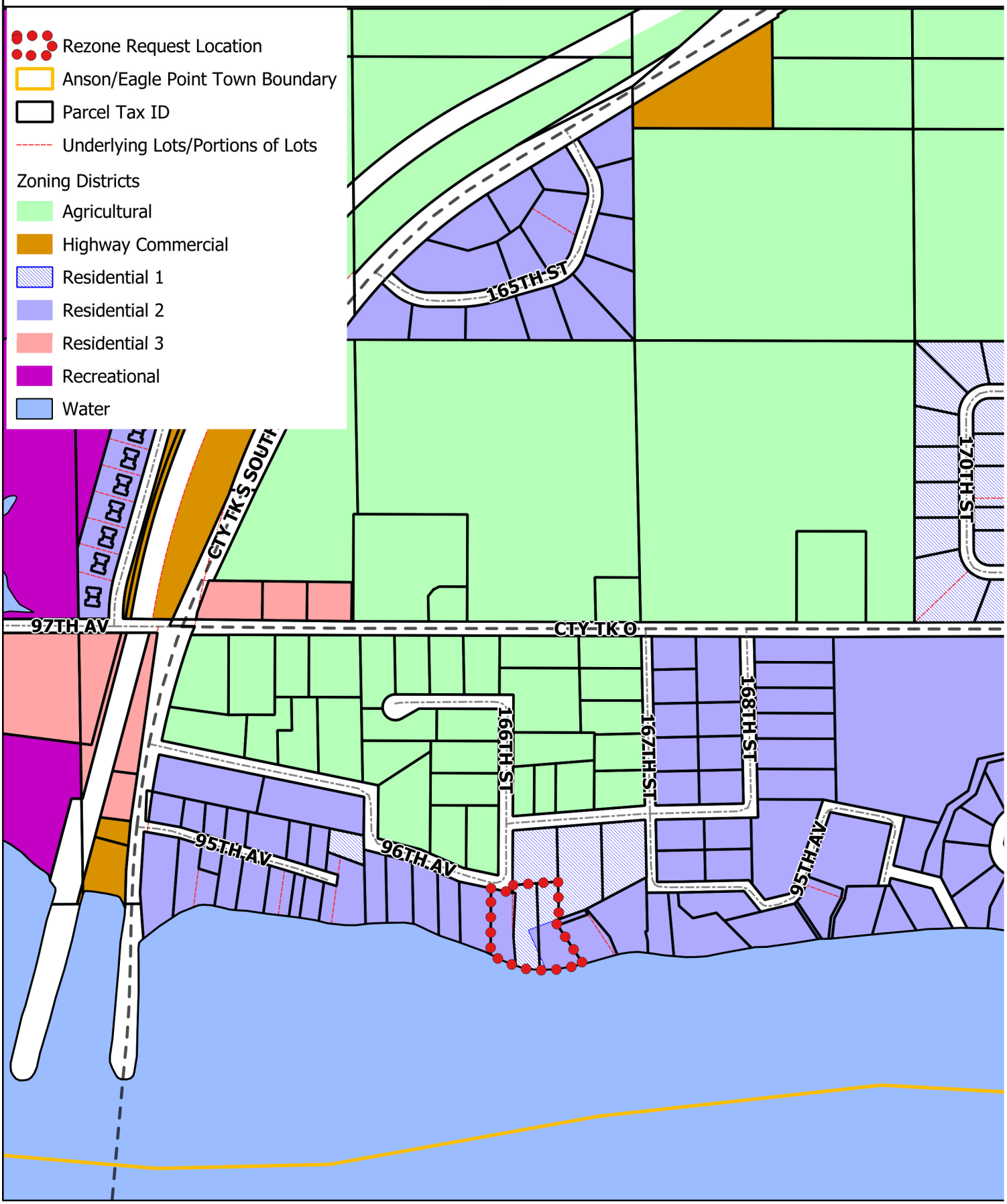
# 2024-1002 Inn On Lake Wissota LLC & Passint Rezone Request
## Aerial (2023)




Produced on November 22, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

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# 2024-1002 Inn On Lake Wissota LLC & Passint Rezone Request
## Zoning Districts




Produced on November 22, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only

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CHIPPEWA COUNTY

# DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone:715.726.7940 • Fax:715.726.4596 • www.co.chippewa.wi.us •

## 2024 Rezone Application



Comprehensive zoning consists of written text (commonly referred to as the zoning ordinance) and an official zoning map. The zoning ordinance is a guideline for permitted and conditional uses, which are separated into zoning classifications or districts. The zoning map shows how a town board has designated the particular zoning classifications or districts to parcels of land within their particular jurisdiction. A **REZONE** is where a property owner or other authorized entity seeks to amend the official zoning map, which would allow a use that is currently not permitted on the parcels of land based on the existing zoning classification or district. This is referred to as a zoning map amendment or "rezoning". The requested rezoning change may not be granted if it does not fit with the comprehensive plan and community goals for the respective town and county.

| SECTION I: Parcel Owner Information | | | SECTION II: Agent Information | | |
|---|---|---|---|---|---|
| Name: Inn on Lake Wissota | | | Name: | | |
| Mailing Address: 116649 96th Ave | | | Mailing Address: | | |
| City: Chippewa Falls | State: WI | Zip: 54729 | City: | State: | Zip: |
| Telephone: 715-382-4401 | | | Telephone: | | |
| Email Address (Required): rest@innonlakewissota.com | | | Email Address (Required): | | |
| **SECTION III: Parcel Information** | | | | | |
| Town of: Anson | | | Property Address: 116649 96th Ave, | | |
| Parcel Number(s): 22908-2213-72042001, 22908-2213-70255007, | | | City: Chippewa Falls | State: WI | Zip: 54729 |
| Existing Zoning District(s): 22908-2213-73979001 R2 \| R1 | | | Proposed Zoning District(s): R1 | | |

**GENERAL DIRECTIONS:**

RECEIVED NOV 08 2024 BY:

1. **Complete** this Application form and the required four (4) parts:
   - ☐ Part 1: General Questions related to the request
   - ☐ Part 2: Planning & Zoning Committee Schedule - 2024
   - ☐ Part 3: General Rezoning Process
   - ☐ Part 4: Applicant Acknowledgement/Signature
2. **Submit** the completed application, all required information and a **$350.00** public hearing fee (Make check payable to: Chippewa County Treasurer) by the deadline (as listed in Part 2) to the Chippewa County Department of Planning & Zoning, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin 54729.
3. **Make arrangements** to attend or have a representative attend any local town plan commission or town board meetings, and the required Planning & Zoning public hearing. This presence is needed so that questions can be answered and concerns addressed.

| FOR DEPARTMENT OF PLANNING & ZONING STAFF USE: | | |
|---|---|---|
| Receipt Number: | Appeal Number: 2024-1002 | Public Hearing Date: 12-19-24 |

Attachment: 2024-1002 Inn on Lake Wissota LLC & Passint Rezone - Application (8714 : 2024-1002 Inn on Lake Wissota LLC and Randal & Diane

(D) Property owners of the land and those property owners within 400' (or maybe a greater distance) of the requested rezone change are notified directly by mail as well as the Town Board Chair and Town Clerk. The notice to the property owners will generally contain a portion of the public hearing notice and information pertaining to meetings to be held at the Town level (plan commission, town board, etc) as well as the Public Hearing in front of the Planning & Zoning Committee.

(E) General maps (location map, aerial view and existing zoning districts map) will be prepared for the request by the Department.

(F) A department staff report is prepared and sent to the Planning & Zoning Committee, while comments from the general public are solicited.

(G) Following the Public Hearing, the Planning & Zoning Committee will make a motion to either approve, approve with modification or deny the rezoning request. If the rezone request receives an approval or approval with modification an ordinance amendment will be prepared and placed on the next County Board meeting agenda for their approval.

(H) If the County Board approves the rezone and the town board files an objection to the approval, the town board will then have 45 days to veto the rezone request following the applicable state statutes.

(I) If the rezone request receives County Board approval, the final step is the publication of the amendment in the Chippewa Herald. Once published, the zoning district amendment takes effect. The entire process from application deadline to final publication can take two months or more to complete depending upon the scheduling of hearing dates.

**PART 4: Applicant Acknowledgement/Signature**

This application must be signed by the property owner or in case of an agreement to purchase the property, a letter from the property owner acknowledging the potential buyer is seeking the rezone.

- I certify that the information I have provided in this application is true, accurate and complete.
- I or a representative will have an opportunity to present to the Planning & Zoning Committee information in favor of this request.
- I have the authority to allow the staff of the Department of Planning & Zoning and Planning & Zoning Committee member's access to the property to conduct necessary inspections related to this request.
- I understand that I cannot speak to any member of the Planning & Zoning Committee about this application, except at the public hearing.
- I understand that I cannot direct any written communication about this application to a member of the Planning & Zoning Committee, unless I also file a copy with the Department of Planning & Zoning and direct additional copies to each person who has registered an interest in this application.
- I also understand that if I or my representative fail to appear in front of the Planning & Zoning Committee during the designated public hearing or my failure to observe the above mentioned rules, my request may be **DENIED**.

Signed: _____ Date: 11/7/2024
Owner/Agent

Randal L. Passint 11/7/20

**PART 5: Planning & Zoning Department Mailing List**

Applicant
Property Owner Owners within 400'
Planning & Zoning Committee Members
Town Board Chair & Clerk
County Board Supervisor
News Media
Wisconsin DNR
US Army Corp of Engineers
Wisconsin DOT



Attachment: 2024-1002 Inn on Lake Wissota LLC & Passint Rezone - Application (8714 : 2024-1002 Inn on Lake Wissota LLC and Randal & Diane

Part 1

A. Yes - we and the Passints have both signed for the parcels.

B. 22908-2213-70255007
22908-2213-72042001
22908-2213-73979001

C. Changed lot lines - no improvements planned

D. Changed lot lines - single family dwelling zoning

E. All in compliance with R1 zoning.

F. NA

Attachment: 2024-1002 Inn on Lake Wissota LLC & Passint Rezone - Application (8714 : 2024-1002 Inn on Lake Wissota LLC and Randal & Diane

**STATEMENT OF EXPLANATION**
**2024-1003 BURTON REZONE PETITION - TOWN OF ANSON**

Comprehensive zoning consists of written text (commonly referred to as the zoning ordinance) and an official zoning map. The zoning ordinance is a guideline for permitted and conditional uses, which are separated into zoning classifications or districts. The zoning map shows how a town board has designated the particular zoning classifications or districts to parcels of land within their particular jurisdiction. A rezone is where a property owner or other authorized entity seeks to amend the official zoning map, which would allow a use that is currently not permitted on the parcels of land based on the existing zoning classification or district. This is referred to as a zoning map amendment or "rezoning". The requested rezoning change may not be granted if it does not fit with the comprehensive plan and community goals for the respective town and county.

**LEGAL DESCRIPTION**

Parcel number 23007-3111-61391513, which is Lots 13-18, Block 15, Eau Claire Realty Plat, located in the NE ¼ of the NE ¼, Section 31, Township 30 North, Range 07 West. Town of Anson. Property Address: 14059 198th Street.

**From:** Residential 3 and Industrial **To:** Residential 1

(Posted on November 27, 2024)
(Chippewa County Website & County Clerk's Bulletin Board)

CHIPPEWA COUNTY PLANNING & ZONING COMMITTEE
NOTICE OF PUBLIC HEARING
STATE OF WISCONSIN

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that public hearings will be held on **December 19, 2024** beginning at **4:30 PM** at the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin relative to the following petitions:

**Rezone Petition: 2024-0016**
**Petitioner:** William & Connie Ryherd
Proposed CSM, which will modify the property lines between parcel number 23008-0323-62530201 and 23008-0323-62530203, which are Lots 1, 2 and 3, Block 2, Hathaway's Cornell Lake, located in the SW ¼ of the NW ¼, Section 3, Township 30 North, Range 08 West. Town of Eagle Point. Physical address: 18615 164th St.
**From:** Residential 3 **To:** Residential 1
***(Note:** At the petitioner's request, this rezone petition was postponed from November 21, 2024 meeting)*

**Rezone Petition: 2024-1002**
**Petitioners:** Inn on Lake Wissota LLC and Randal & Diane Passint
Parcel numbers 22908-2213-70255007, 22908-2213-72042001 and 22908-2213-73979001, which are Lot 7 of CSM 255, Lot 1 of CSM 2042 and Lot 1 of CSM 3979. All parcels are located in the SW ¼ of the NE ¼, Section 22, Township 29 North, Range 08 West. Town of Anson. Property Addresses: 16649 96th Avenue and 9550 167th Street.
**From:** Residential 2 and Residential 1 **To:** Residential 1

**Conditional Use Permit: 2024-1001**
**Petitioner:** Mary Jane Gougar
To operate an in-home daycare in the Residential 1 District in accordance with section 70-108 and 70-115 of the Chippewa County Zoning Ordinance on parcel number 22807-0531-68630081, which is Lot 81 of LeMay II, located in the NE ¼ of the SW ¼, Section 5, Township 28 North, Range 7 West. Town of Lafayette. Physical Address: 20249 64th Avenue.

**Rezone Petition: 2024-1003**
**Petitioner:** Brittany Burton
Parcel number 23007-3111-61391513, which is Lots 13-18, Block 15, Eau Claire Realty Plat, located in the NE ¼ of the NE ¼, Section 31, Township 30 North, Range 07 West. Town of Anson. Property Address: 14059 198th Street.
**From:** Residential 3 and Industrial **To:** Residential 1

Specific information regarding these public hearings can be obtained at the Chippewa County Department of Planning & Zoning. All persons interested are invited to attend this meeting.

Dated this **25th** day of **November**, 2024

Douglas Clary, Director
Department of Planning & Zoning
Chippewa County

Attachment: 2024-1003 Burton Rezone - Notices & Maps (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

CHIPPEWA COUNTY
# DEPARTMENT OF PLANNING & ZONING

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Land Management | Land Planning | Land Records & G.I.S. | POWTS & Wells

Date: November 25, 2024

To: Property Owner(s)

From: Douglas Clary, Director

Re: Public Meetings & Public Hearing

Dear Property Owner(s):

The Chippewa County Department of Planning & Zoning has received a rezone petition. You are receiving this notice because your property has been determined to be within the legal public hearing notification distance per county and state requirements. I have enclosed a map identifying the location of the parcel associated with the rezone petition. If you have any questions regarding this rezone petition, please contact me at (715) 726-7941.

**REZONE PETITION: #2024-1003**
**Petitioner:** Brittany Burton
Parcel number 23007-3111-61391513, which is Lots 13-18, Block 15, Eau Claire Realty Plat, located in the NE ¼ of the NE ¼, Section 31, Township 30 North, Range 07 West. Town of Anson. Physical Address: 14059 198th Street

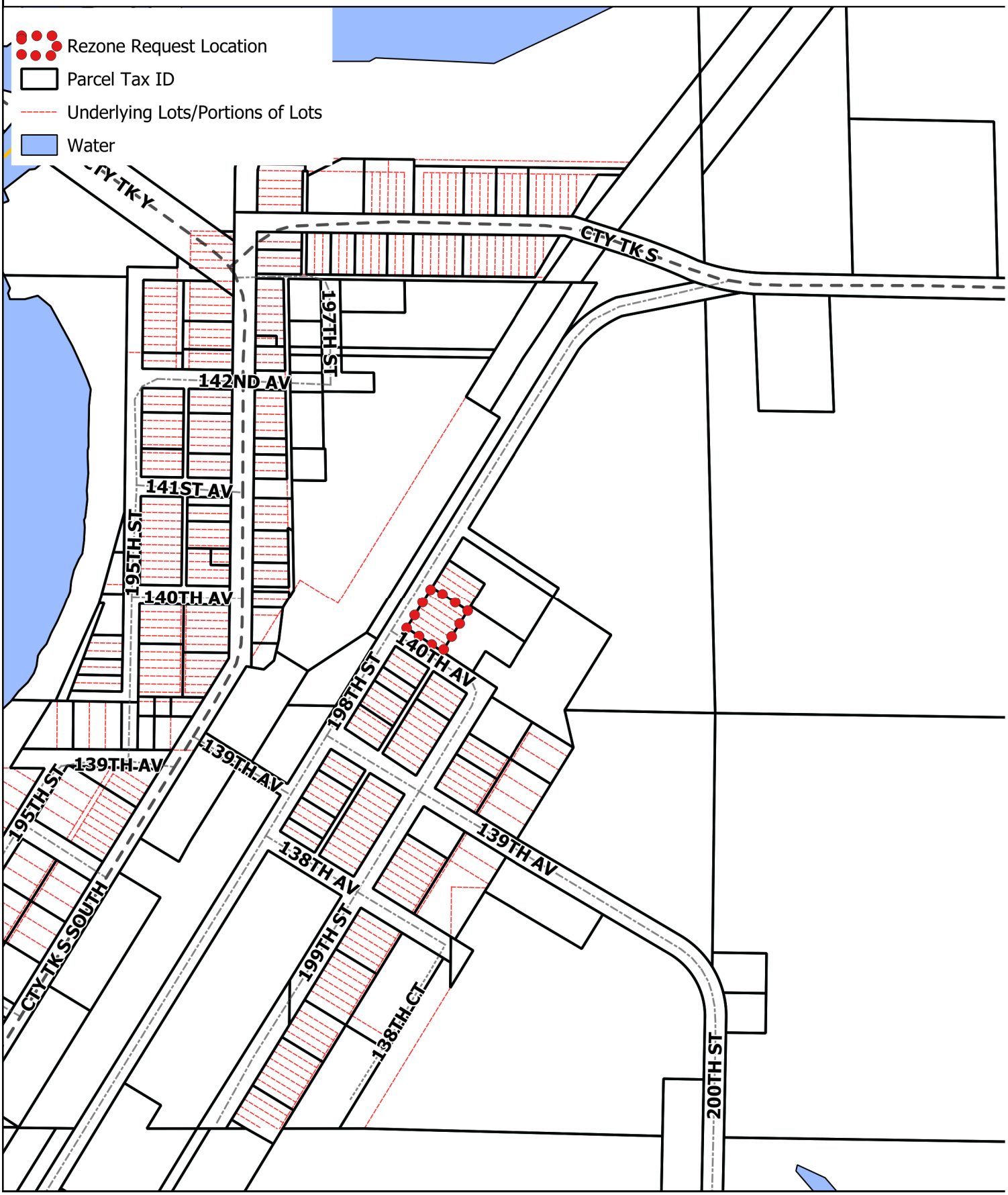
**From:** Residential 3 & Industrial **To:** Residential 1

**Anson Town Board**
The Anson Town Board will **REVIEW** this request on **December 12, 2024** at **7:30 PM,** at the Anson Town Hall, 13836 County Highway S South, Jim Falls, Wisconsin 54728. The Town Board will forward an **ADVISORY** recommendation to the Chippewa County Planning & Zoning Committee to approve, disapprove or approve with modification(s) and/or condition(s).

**Chippewa County Planning & Zoning Committee:**
The Chippewa County Planning & Zoning Committee will hold a **PUBLIC HEARING** for this petition on **December 19, 2024** at **4:30 PM** in the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin. The Committee will make a determination on the petition to approve, disapprove or approve with modification(s) and/or conditions. If the Planning & Zoning Committee approves or approves with modification, the petition will be forwarded to the County Board meeting on **January 14, 2025** at **6:00 PM** for their consideration. If the Planning & Zoning Committee disapproves, the petition will fail.

Attachment: 2024-1003 Burton Rezone - Notices & Maps (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

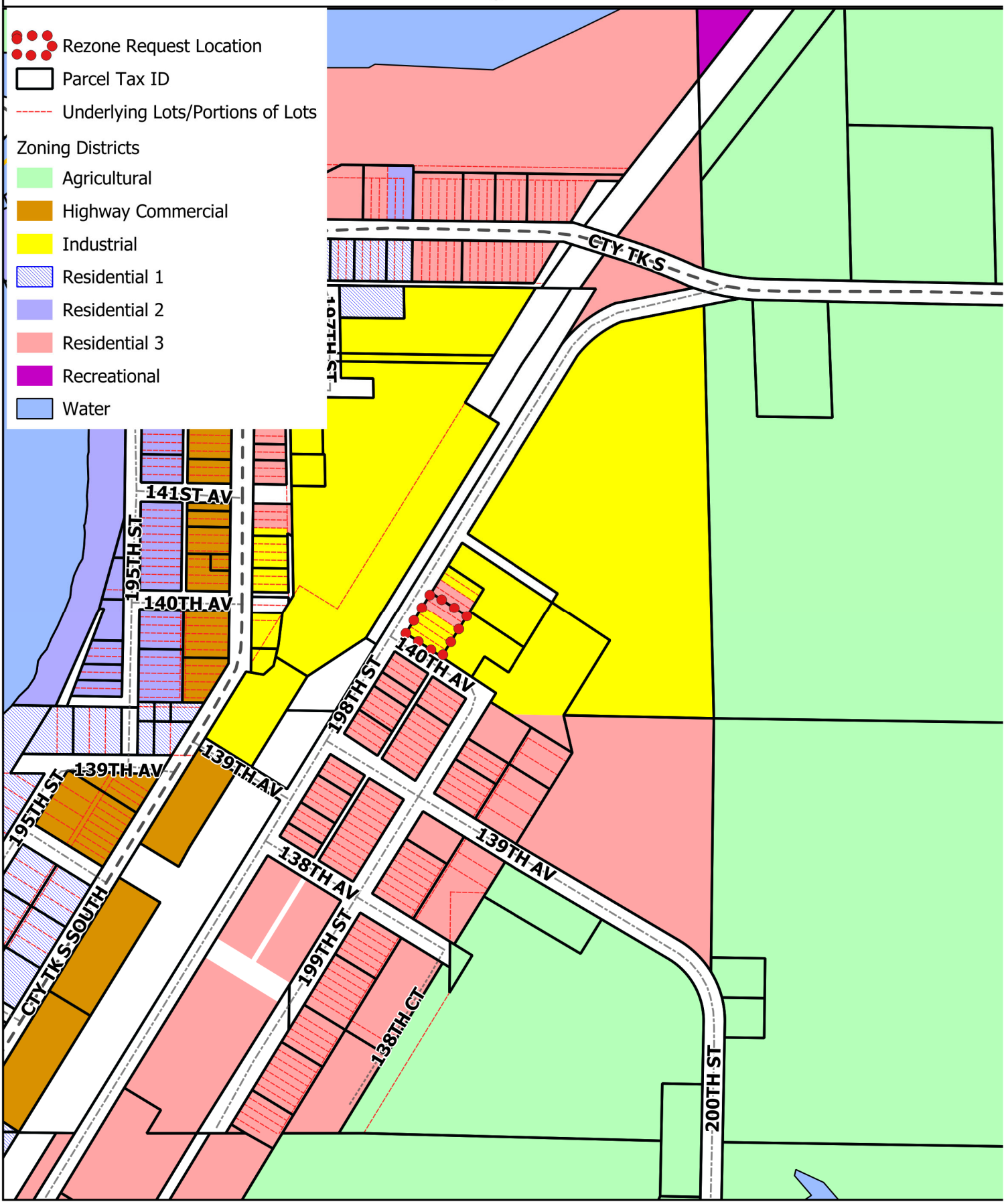
# 2024-1003 Burton Rezone Request
# Location Map




Attachment: 2024-1003 Burton Rezone - Notices & Maps (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

Produced on November 23, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

# 2024-1003 Burton Rezone Request
## Zoning Districts




Attachment: 2024-1003 Burton Rezone - Notices & Maps (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

Produced on November 23, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only

# 2024-1003 Burton Rezone Request
# Aerial (2023)




Attachment: 2024-1003 Burton Rezone - Notices & Maps (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

Produced on November 23, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

CHIPPEWA COUNTY
# DEPARTMENT OF PLANNING & ZONING
• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone:715.726.7940 • Fax:715.726.4596 • www.co.chippewa.wi.us •

## 2024 Rezone Application



Comprehensive zoning consists of written text (commonly referred to as the zoning ordinance) and an official zoning map. The zoning ordinance is a guideline for permitted and conditional uses, which are separated into zoning classifications or districts. The zoning map shows how a town board has designated the particular zoning classifications or districts to parcels of land within their particular jurisdiction. A **REZONE** is where a property owner or other authorized entity seeks to amend the official zoning map, which would allow a use that is currently not permitted on the parcels of land based on the existing zoning classification or district. This is referred to as a zoning map amendment or "rezoning". The requested rezoning change may not be granted if it does not fit with the comprehensive plan and community goals for the respective town and county.

| **SECTION I: Parcel Owner Information** | | | **SECTION II: Agent Information** | | |
|---|---|---|---|---|---|
| **Name:** Brittany Burton | | | **Name:** | | |
| **Mailing Address:** 14059 198th Street | | | **Mailing Address:** | | |
| **City:** Jim Falls | **State:** WI | **Zip:** 54748 | **City:** | **State:** | **Zip:** |
| **Telephone:** 715-313-3338 | | | **Telephone:** | | |
| **Email Address** (Required): bubblesbrit23@icloud.com | | | **Email Address** (Required): | | |
| **SECTION III: Parcel Information** | | | | | |
| **Town of:** Anson | | | **Property Address:** 14059 198th st | | |
| **Parcel Number(s):** 23007-3111-613,1513 | | | **City:** Jim Falls | **State:** WI | **Zip:** 54748 |
| **Existing Zoning District(s):** R3+Ind | | | **Proposed Zoning District(s):** R1 | | |

**GENERAL DIRECTIONS:**

RECEIVED
NOV 20 2024
BY:

1. **Complete** this Application form and the required four (4) parts:
   - ☐ Part 1: General Questions related to the request
   - ☐ Part 2: Planning & Zoning Committee Schedule - 2024
   - ☐ Part 3: General Rezoning Process
   - ☐ Part 4: Applicant Acknowledgement/Signature
2. **Submit** the completed application, all required information and a **$350.00** public hearing fee (Make check payable to: Chippewa County Treasurer) by the deadline (as listed in Part 2) to the Chippewa County Department of Planning & Zoning, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin 54729.
3. **Make arrangements** to attend or have a representative attend any local town plan commission or town board meetings, and the required Planning & Zoning public hearing. This presence is needed so that questions can be answered and concerns addressed.

| **FOR DEPARTMENT OF PLANNING & ZONING STAFF USE:** | | |
|---|---|---|
| **Receipt Number:** | **Appeal Number:** 2024-1003 | **Public Hearing Date:** 12-19-24 |

Attachment: 2024-1003 Burton Rezone - Application (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

Once the completed application is received, the Department will prepare a public hearing notice and publish it within the Chippewa Herald. The public hearing notice will include the location and time of the required public hearing before the Chippewa County Planning & Zoning Committee. In addition, your neighbors, the Town Board and any appropriate county or state agencies will be notified. At the public hearing, any party may appear in person or may be represented by an agent or attorney to present information to the Planning & Zoning Committee in support or opposition of the rezone request.

**PART 1: General Questions. Please use a separate 8.5" x 11" sheet to answer these questions.**

(A) As the applicant, do you have legal title to the parcel(s)? If you **do not** have legal title to the property, please have the property owner sign this application.

(B) Identify the parcel(s) that are or will be part of this rezone request. If needed, an additional sheet listing those parcels can be attached.

(C) Describe the present and, if known, any proposed improvements on each parcel of land.

(D) Explain why you are requesting to rezone of each parcel. Please identify the proposed use of each parcel.

(E) Explain the compatibility of your proposed use(s) with the existing use(s) on adjacent parcels and those in the vicinity of this parcel(s).

(F) Discuss any additional issues you feel that supports the consistency of your proposed use with County ordinances and plans as well as any Town ordinances or plans.

Be prepared to give a detailed presentation when called upon at the public hearing before the Planning and Zoning Committee. Prepare an outline of your proposal, something similar to a "business plan", detailing for the Planning & Zoning Committee your proposal. Include any documentation you feel is necessary as part of your presentation in defining your proposal for the Committee and possibly the County Board. It is vital to your application to consult with professionals you feel may be able to assist with your application (i.e. surveyor, attorney, engineer, etc.)

**PART 2: Planning & Zoning Committee Schedule - 2024**

Applications will not be placed on the appropriate agenda unless they are properly completed and include **ALL** required supporting information or documents **and** payment of the public hearing fee. Applicants are encouraged to consult with staff of the Department of Planning & Zoning prior to the filing of the application. This is an important step to insure that all pertinent issues are identified and to determine what information in addition to the application forms might be necessary in order for the department to accept and process your application. Please CIRCLE or HIGHLIGHT the meeting you intend on attending:

| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Applications Due @ 12:00 Noon | 12-21 | 01-25 | 02-22 | NA | 04-25 | 05-23 | 06-20 | 07-25 | 08-22 | 09-26 | 10-24 | 11-21 |
| Public Hearing/Meeting (Thu) | 01-18 | 02-22 | 03-21 | NA | 05-23 | 06-20 | 07-18 | 08-22 | 09-19 | 10-24 | 11-21 | 12-19 |
| County Board Meeting (Tues) | 02-13 | 03-12 | 04-09 | NA | 06-11 | 07-09 | 08-13 | 09-10 | 10-08 | 11-12 | 12-10 | 01-14 |

*Note: Typically, the Planning & Zoning Committee meetings start at 4:30 PM on the designated dates above.*
*Note: No Committee meeting in April due to the Spring Election.*

**PART 3: General Rezoning Process:**

(A) The rezone application is filed with the Department of Planning & Zoning. This includes the legal description of the parcels to be rezoned, a written statement addressing the questions as listed in Part 1 and any other information your feel will aid in a decision on this request.

(B) The Town Board will be notified of the rezone application. The Town Board can recommend approval or denial of a rezoning request. If the Town Board denies a rezone request, the Planning & Zoning Committee can only recommend an approval with modification to the rezone request or deny the rezone request.

(C) A Class 2 Public Hearing Notice will be published in the Chippewa Herald detailing the request and the date and time of the Public Hearing.



Attachment: 2024-1003 Burton Rezone - Application (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

(D) Property owners of the land and those property owners within 400' (or maybe a greater distance) of the requested rezone change are notified directly by mail as well as the Town Board Chair and Town Clerk. The notice to the property owners will generally contain a portion of the public hearing notice and information pertaining to meetings to be held at the Town level (plan commission, town board, etc) as well as the Public Hearing in front of the Planning & Zoning Committee.

(E) General maps (location map, aerial view and existing zoning districts map) will be prepared for the request by the Department.

(F) A department staff report is prepared and sent to the Planning & Zoning Committee, while comments from the general public are solicited.

(G) Following the Public Hearing, the Planning & Zoning Committee will make a motion to either approve, approve with modification or deny the rezoning request. If the rezone request receives an approval or approval with modification an ordinance amendment will be prepared and placed on the next County Board meeting agenda for their approval.

(H) If the County Board approves the rezone and the town board files an objection to the approval, the town board will then have 45 days to veto the rezone request following the applicable state statutes.

(I) If the rezone request receives County Board approval, the final step is the publication of the amendment in the Chippewa Herald. Once published, the zoning district amendment takes effect. The entire process from application deadline to final publication can take two months or more to complete depending upon the scheduling of hearing dates.

**PART 4: Applicant Acknowledgement/Signature**

This application must be signed by the property owner or in case of an agreement to purchase the property, a letter from the property owner acknowledging the potential buyer is seeking the rezone.

- I certify that the information I have provided in this application is true, accurate and complete.
- I or a representative will have an opportunity to present to the Planning & Zoning Committee information in favor of this request.
- I have the authority to allow the staff of the Department of Planning & Zoning and Planning & Zoning Committee member's access to the property to conduct necessary inspections related to this request.
- I understand that I cannot speak to any member of the Planning & Zoning Committee about this application, except at the public hearing.
- I understand that I cannot direct any written communication about this application to a member of the Planning & Zoning Committee, unless I also file a copy with the Department of Planning & Zoning and direct additional copies to each person who has registered an interest in this application.
- I also understand that if I or my representative fail to appear in front of the Planning & Zoning Committee during the designated public hearing or my failure to observe the above mentioned rules, my request may be **DENIED**.

Signed: _____ Date: 11-19-24
Owner/Agent

**PART 5: Planning & Zoning Department Mailing List**

Applicant
Property Owner Owners within 400'
Planning & Zoning Committee Members
Town Board Chair & Clerk
County Board Supervisor
News Media
Wisconsin DNR
US Army Corp of Engineers
Wisconsin DOT



Attachment: 2024-1003 Burton Rezone - Application (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

| | |
|---|---|
| **PIN:** | 23007-3111-61391513 |
| **Owner Name:** | BRITTANY BURTON |
| **Owner Address:** | 14059 198TH ST |
| **Owner City, State:** | JIM FALLS WI |
| **Owner Zip Code:** | 54748 |
| **Assessed Value:** | 101700 |
| **Fair Market Value:** | 114300 |
| **School Code:** | 1092 |
| **Document Nums:** | 952442, 952441, 897980, 897652, 694991 |
| **Vol-Page:** | 853-233, 837-670 |
| **Description:** | EAU CLAIRE REALTY CO PLAT LOTS 13 THRU 18 BLK 15 LC W/ALLEN C BALSIGER |
| **GIS Acres:** | 0.5 |
| **Location:** | 14059 198TH ST JIM FALLS 54748 |

Tapestry Documents

View Parcel Report

Attachment: 2024-1003 Burton Rezone - Application (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

B) Paper provided

C) Only one parcel has five different lots ~~trying~~ to get into one zone that is residental.

D) We are trying to get lots 15 through 18 the same zone as 13 and 14 to build a garage.

E) We are just trying to have it all zoned all residental.

F) I Feel like A half acre lot zoned residental and indusial should be zoned as one.

Matthew Demars will be present at meeting.

Attachment: 2024-1003 Burton Rezone - Application (8715 : 2024-1003 Burton Rezone Petition - Town of Anson)

**STATEMENT OF EXPLANATION**
**2024-1001 GOUGAR CONDITIONAL USE PERMIT REQUEST - TOWN OF LAFAYETTE**

To operate an in-home daycare in the Residential 1 District in accordance with section 70-108 and 70-115 of the Chippewa County Zoning Ordinance on parcel number 2807-0531-68630081, which is Lot 81 of LeMay II, located in the NE ¼ of the SW ¼, Section 5, Township 28 North, Range 7 West. Town of Lafayette. Physical Address: 20249 64th Avenue.

(Posted on November 27, 2024)
(Chippewa County Website & County Clerk's Bulletin Board)

CHIPPEWA COUNTY PLANNING & ZONING COMMITTEE
NOTICE OF PUBLIC HEARING
STATE OF WISCONSIN

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that public hearings will be held on **December 19, 2024** beginning at **4:30 PM** at the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin relative to the following petitions:

**Rezone Petition: 2024-0016**
**Petitioner:** William & Connie Ryherd
Proposed CSM, which will modify the property lines between parcel number 23008-0323-62530201 and 23008-0323-62530203, which are Lots 1, 2 and 3, Block 2, Hathaway's Cornell Lake, located in the SW ¼ of the NW ¼, Section 3, Township 30 North, Range 08 West. Town of Eagle Point. Physical address: 18615 164th St.
**From:** Residential 3 **To:** Residential 1
***(Note:** At the petitioner's request, this rezone petition was postponed from November 21, 2024 meeting)*

**Rezone Petition: 2024-1002**
**Petitioners:** Inn on Lake Wissota LLC and Randal & Diane Passint
Parcel numbers 22908-2213-70255007, 22908-2213-72042001 and 22908-2213-73979001, which are Lot 7 of CSM 255, Lot 1 of CSM 2042 and Lot 1 of CSM 3979. All parcels are located in the SW ¼ of the NE ¼, Section 22, Township 29 North, Range 08 West. Town of Anson. Property Addresses: 16649 96th Avenue and 9550 167th Street.
**From:** Residential 2 and Residential 1 **To:** Residential 1

**Conditional Use Permit: 2024-1001**
**Petitioner:** Mary Jane Gougar
To operate an in-home daycare in the Residential 1 District in accordance with section 70-108 and 70-115 of the Chippewa County Zoning Ordinance on parcel number 22807-0531-68630081, which is Lot 81 of LeMay II, located in the NE ¼ of the SW ¼, Section 5, Township 28 North, Range 7 West. Town of Lafayette. Physical Address: 20249 64th Avenue.

**Rezone Petition: 2024-1003**
**Petitioner:** Brittany Burton
Parcel number 23007-3111-61391513, which is Lots 13-18, Block 15, Eau Claire Realty Plat, located in the NE ¼ of the NE ¼, Section 31, Township 30 North, Range 07 West. Town of Anson. Property Address: 14059 198th Street.
**From:** Residential 3 and Industrial **To:** Residential 1

Specific information regarding these public hearings can be obtained at the Chippewa County Department of Planning & Zoning. All persons interested are invited to attend this meeting.

Dated this **25th** day of **November**, 2024

Douglas Clary, Director
Department of Planning & Zoning
Chippewa County

Attachment: 2024-1001 Gougar - Conditional Use Permit - Notices & Maps (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of

CHIPPEWA COUNTY
# DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone:715.726.7940 • Fax:715.726.4596 • www.co.chippewa.wi.us •

Land Management | Land Planning | Land Records & G.I.S. | POWTS & Wells

Date: November 25, 2024

To: Property Owner(s)

From: Douglas Clary, Director

Re: Public Meetings & Public Hearing

Dear Property Owner(s):

The Chippewa County Department of Planning & Zoning has received a conditional use petition. You are receiving this notice because your property has been determined to be within the legal public hearing notification distance per county and state requirements. I have enclosed a map identifying the location of the parcel associated with the conditional use petition. If you have any questions regarding this rezone petition, please contact me at (715) 726-7941.

**CONDITIONAL USE PETITION: #2024-1001**
**Petitioner:** Mary Jane Gougar
To operate an in-home daycare in the Residential 1 District in accordance with Section 70-108 and 70-115 of the Chippewa County Zoning Ordinance. Parcel number 22807-0531-68630081, which is Lot 81 of LeMay II, located in the NE ¼ of the SW ¼, Section 05, Township 28 North, Range 07 West. Town of Lafayette. Physical Address: 20249 64th Avenue.

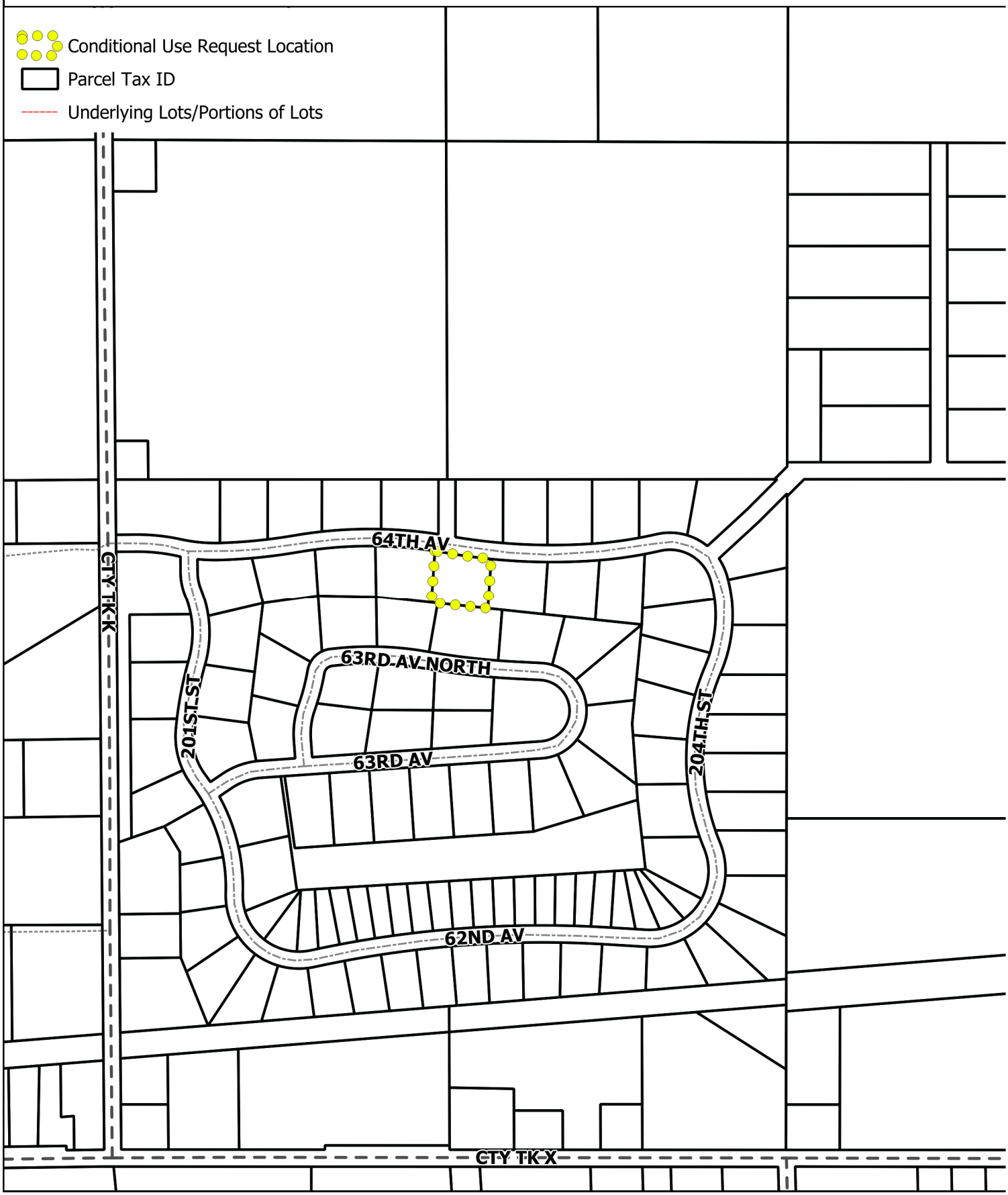
**Lafayette Town Park, Recreation & Land Use Planning Commission (PRLPC):**
The PRLPC will **REVIEW** this request on **December 9, 2024** at approximately **7:00 PM**. The PRLPC will make an **ADVISORY** recommendation to the Lafayette Town Board to approve or disapprove. This meeting will be held at the Lafayette Town Hall, 5765 197th Street, Chippewa Falls, Wisconsin 54729.

**Lafayette Town Board:**
The Town Board will **REVIEW** this request on **December 16, 2024** at approximately **7:00 PM**. The Town Board will forward an **ADVISORY** recommendation to the Chippewa County Planning & Zoning Committee to approve, disapprove or approve with modification(s) and/or condition(s). This meeting will be held at the Lafayette Town Hall, 5765 197th Street, Chippewa Falls, Wisconsin 54729 or via telephone.

**Chippewa County Planning & Zoning Committee:**
The Chippewa County Planning & Zoning Committee will hold a **PUBLIC HEARING** for this petition on **December 19, 2024** at **4:30 PM** in the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin. The Committee will make a determination on the petition to approve, disapprove or approve with modification(s) and/or conditions. .

Attachment: 2024-1001 Gougar - Conditional Use Permit - Notices & Maps (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of

# 2024-1001 Gouger Conditional Use Request
# Location Map




Produced on November 23, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

Attachment: 2024-1001 Gougar - Conditional Use Permit - Notices & Maps (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of

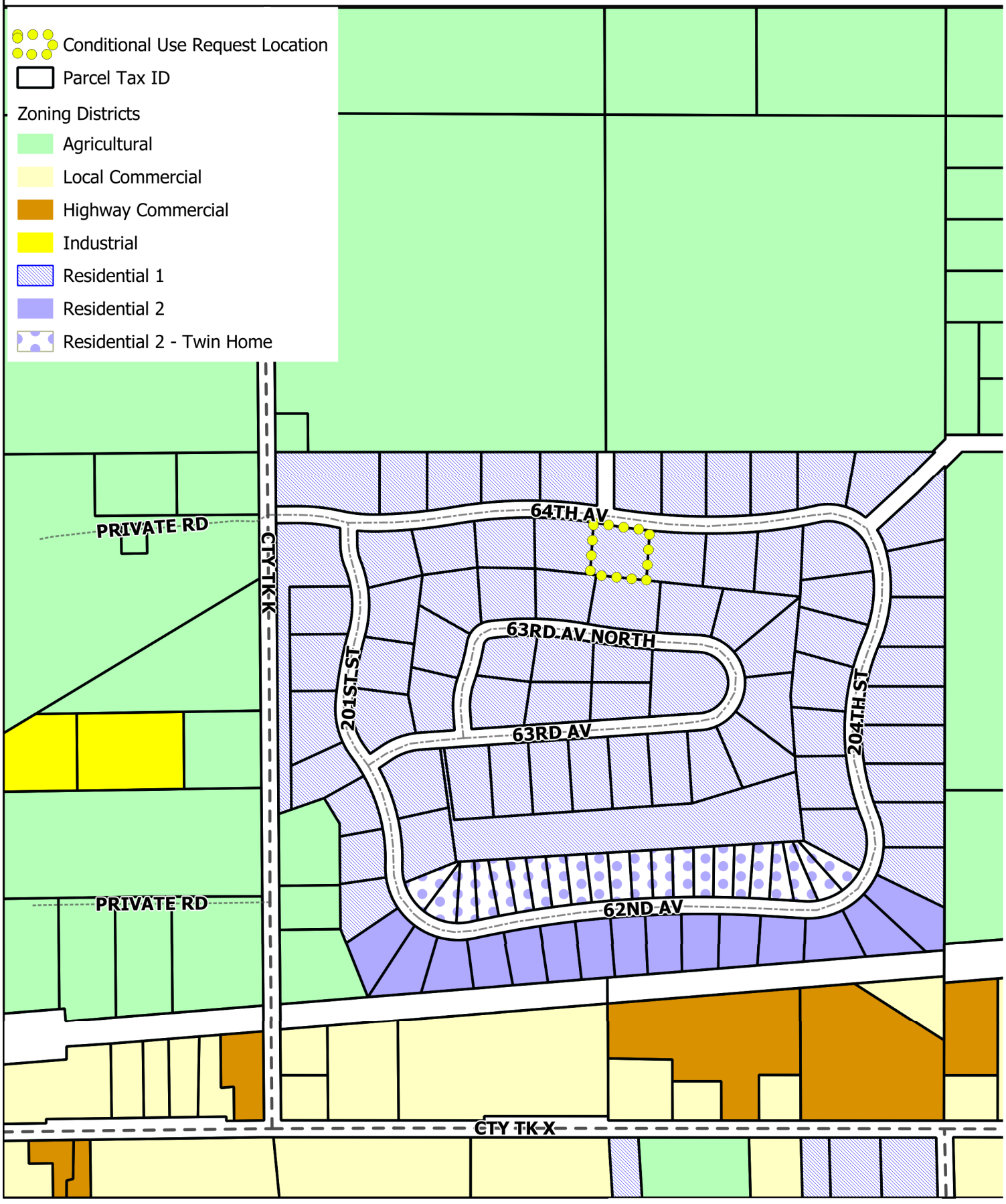
# 2024-1001 Gougar Conditional Use Request
# Aerial (2023)




Produced on November 23, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only.

Attachment: 2024-1001 Gougar - Conditional Use Permit - Notices & Maps (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of

# 2024-1001 Gougar Conditional Use Request
# Zoning Districts




Produced on November 25, 2024 by the Chippewa County Department of Planning & Zoning and is for reference purposes only

Attachment: 2024-1001 Gougar - Conditional Use Permit - Notices & Maps (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of

November 5, 2024

I am applying for a permit for my in-home family daycare which is also being occupied as a single-family dwelling. I am applying for my state license to operate Monday through Friday from 7:15 to 5:00pm. The number of children I am applying for is no more than 5 children at one given time (Max capacity of licensing is 8). My family daycare will be open 12 months out of the year. I have been providing childcare in my home in a different location in Wisconsin for 25 years. There is a huge shortage of childcare in our state as there is all over the country. I want to continue providing care for families so they can continue to go to work to provide for their families.

I will be the only employee on the premises for the daycare. I have a backyard that is entirely fenced in.

I have included the septic system permit. It is sized for 4 bedrooms, though it's 5 bedrooms, which is equivalent to 8 people or 600 gallons of wastewater/day. According to the public facility wastewater flows table from SPS 383, a daycare facility for 8 children would add 192 gal/day.

Also, in the State of Wisconsin in-home family daycares are not generally considered commercial as long as it operates as a "family child care center" and meet the requirements of serving a limit number of children which is 8 or less. And I am going to operate with 5 children or less at any given time. If it operates outside of those guidelines, it would be considered commercial and would be subject to commercial building codes.

Thank you for your consideration of Mamie's Family Daycare able to operate its business at 20249 64th Avenue, Chippewa Falls, WI 54729.

Thank you for your time in this matter

Mary Jane Gougar
Owner/Operator/Home Resident

20249 64th Avenue

Chippewa Falls, WI 54729

715-496-7060

gougarmary@gmail.com

RECEIVED
NOV 19 2024
BY

22807-0531-6863008



Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

300

Industry Services Division
1400 E Washington Ave
P.O. Box 7162
Madison, WI 53707-7162

County: Chippewa

Sanitary Permit Number (to be filled in by Co.): 09-SAN-20230359

# Sanitary Permit Application

In accordance with SPS 383.21(2), Wis. Adm. Code, submission of this form to the appropriate governmental unit is required prior to obtaining a sanitary permit. Note: Application forms for state-owned POWTS are submitted to the Department of Safety and Professional Services. Personal information you provide may be used for secondary purposes in accordance with the Privacy Law, s. 15.04(1)(m), Stats.

State Transaction Number: C

Project Address (if different than mailing address): 64th Ave

RECEIVED NOV 16 2023 RV

## I. Application Information – Please Print All Information

Property Owner's Name: Paul Close

Property Owner's Mailing Address: P.O. Box 14

City, State: Boyd WI

Zip Code: 54726

Phone Number: 715-829-9469

Parcel #: 22807-0531-6863008Z 1

Property Location
Govt. Lot ____ ¼, ~~NW~~ NE ¼, SW ¼, Section 5 (circle one)
T 28 N; R 7 E or W

Subdivision Name: lemay II

Lot #: 81

Block #:

CSM Number:

☐ City of
☐ Village of
☒ Town of lafayette

## II. Type of Building (check all that apply)

☒ 1 or 2 Family Dwelling – Number of Bedrooms 4

☐ Public/Commercial – Describe Use

☐ State Owned – Describe Use

## III. Type of Permit: (Check only one box on line A. Complete line B if applicable)

| | | | | | |
|---|---|---|---|---|---|
| A. | ☒ New System | ☐ Replacement System | ☐ Treatment/Holding Tank Replacement Only | | ☐ Other Modification to Existing System (explain) |
| B. | ☐ Permit Renewal Before Expiration | ☐ Permit Revision | ☐ Change of Plumber | ☐ Permit Transfer to New Owner | List Previous Permit Number and Date Issued |

## IV. Type of POWTS System/Component/Device: (Check all that apply)

☒ Non-Pressurized In-Ground ☐ Pressurized In-Ground ☐ At-Grade ☐ Mound ≥ 24 in. of suitable soil ☐ Mound < 24 in. of suitable soil

☐ Holding Tank ☐ Other Dispersal Component (explain) ☐ Pretreatment Device (explain)

## V. Dispersal/Treatment Area Information:

| Design Flow (gpd) | Design Soil Application Rate(gpdsf) | Dispersal Area Required (sf) | Dispersal Area Proposed (sf) | System Elevation |
|---|---|---|---|---|
| 600 | 0.7 | 857 | 860 | 91' or higher |

## VI. Tank Info

| | Capacity in Gallons: New Tanks | Capacity in Gallons: Existing Tanks | Total Gallons | # of Units | Manufacturer | Prefab Concrete | Site Constructed | Steel | Fiber Glass | Plastic |
|---|---|---|---|---|---|---|---|---|---|---|
| Septic or Holding Tank | x | | 1600 | 2 | hiffcutt inc | x | | | | |
| Dosing Chamber | | | | | | | | | | |

## VII. Responsibility Statement- I, the undersigned, assume responsibility for installation of the POWTS shown on the attached plans.

| Plumber's Name (Print) | Plumber's Signature | MP/MPRS Number | Business Phone Number |
|---|---|---|---|
| David C. Laird | | 221253 | 715-239-6194 |

Plumber's Address (Street, City, State, Zip Code): 20165 Co. Hwy. "Z" Cornell WI 54732

## VIII. County/Department Use Only

| | | Permit Fee | Date Issued | Issuing Agent Signature |
|---|---|---|---|---|
| ☒ Approved | ☐ Disapproved ☐ Owner Given Reason for Denial | $300.00 | 11/17/23 | |

## IX. Conditions of Approval/Reasons for Disapproval

Attach to complete plans for the system and submit to the County only on paper not less than 8 1/2 x 11 inches in size

SBD-6398 (R. 08/14)

Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

Snythetic SAS

EISA Ratings March 1, 2007

# SYSTEM ELEVATION AND SIZING CALCULATIONS

## Below Grade Soil Absorption Systems

Paul Close — Owner's Name

######## — Review Date

Infiltrator Quick 4 Standard-W Chamber — Distribution Cell Media

No Fabric — Unit EISA Modification

| | |
|---|---|
| 1 | Effluent 1 or 2 |
| 3 | ft Vertical Separation Required |

| | |
|---|---|
| 600 | gpd Design Flow |
| 0.7 | gpd/ft$^2$ Wastewater Application Rate |
| 91.00 | ft Proposed Cell Elevation |

| | |
|---|---|
| 8.00 | ft Maximum Cover Depth |
| 1.00 | ft Unit Height |
| 4.00 | ft Laying Length |
| 857.14 | ft$^2$ Min. Aggregate Area |
| 20.00 | Unit EISA ft$^2$ |
| 42.00 | Number of Units |
| 4 | Number of Quick 4 Endcaps |

| Soil Boring Number | Surface Grade Elevation (ft) | Soil Limitation Depth (in) | Distribution Cell Elevation (ft) | | Acceptable System Elevation? | Finished Grade EL (ft) | |
|---|---|---|---|---|---|---|---|
| | | | Lowest | Highest | | Minimum | Maximum |
| | | | | | | 93.00 | 102.00 |
| 1 | 97.81 | 140 | 89.14 | 96.81 | **Yes** | | |
| 2 | 97.12 | 136 | 88.79 | 96.12 | **Yes** | | |
| 3 | 98.42 | 138 | 89.92 | 97.42 | **Yes** | | |
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Version 5.0 (03/07)

Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

# Private Onsite Wastewater Treatment System

## Title and Index Page

Project Name: lot 81 lemay add. II

Owner's Name: Paul Close

Owner's Address: P. O. Box 14

Boyd WI 54726

715-829-9469

Legal Description: NW-SW-5-28N-7W

Municipality: ☒ Town, ☐ Village, ☐ City of Lafayette

County: Chippewa

Subdivision Name: lemay II

Lot Number: 81 Block Number: _____

Parcel I.D. Number: 22807-0531-6863008Z.1


Page 1 Title and Index Page

Page 2 Soil Data (A) & (B)

Page 3 Boring Locations

Page 4 Plot Plan

Page 5 Septic Tank Profile

Page 6 Infiltrator Profile

Page 7 Design Criteria

Page 8 Contingency Plan

Page 9


Name of Designer: Dave Laird Telephone Number: 715-239-6194

License Number: 221253 Date: 11-10-2023

Designed Pursuant To The Following POWTS Component Manuals And Comm 81-85

In-Ground Soil Absorption Component Manual (Version 2.1)(MAY 2022-2027)

N/A



Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

Wisconsin Department of Commerce
Division of Safety and Buildings

# SOIL EVALUATION REPORT



in accordance with Comm 85, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

***Please print all information.***

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04 (1) (m)).

| | |
|---|---|
| County | Chippewa |
| Parcel I.D. | 22807-0531-68630082 1 |
| Reviewed by | Date |

| Property Owner | Property Location |
|---|---|
| Paul Close | Govt. Lot NW 1/4 SW 1/4 S 15 T 28 N R 7 ☐ E (or) ☒ W |
| Property Owner's Mailing Address: P.O. Box 14 | Lot # 81 \| Block # \| Subd. Name or CSM#: Lemay II |
| City: Boyd \| State: Wi \| Zip Code: 54726 \| Phone Number: ( ) 715-929 9469 | ☐ City ☐ Village ☒ Town: Lafayette \| Nearest Road: 64 th ave |

☒ New Construction ☐ Replacement
Use: ☒ Residential / Number of bedrooms 4 Code derived design flow rate 600 GPD
☐ Public or commercial - Describe:
Parent material
Flood Plain elevation if applicable na ft.
General comments and recommendations: conventional install elevation 91' or higher

RECEIVED
NOV 16 2023
BY:

1 Boring # ☐ Boring ☒ Pit Ground surface elev. 97.81 ft. Depth to limiting factor >140 in.

| Horizon | Depth in. | Dominant Color Munsell | Redox Description Qu. Sz. Cont. Color | Texture | Structure Gr. Sz. Sh. | Consistence | Boundary | Roots | Soil Application Rat GPD/ft² *Eff#1 | *Eff#2 |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 0-11 | 10yr3/3 | - | ls | 2gr | ml | as | 1f | 0.6 | 1.0 |
| 2 | 11-29 | 7.5yr4/4 | - | s | osg | ml | gs | - | 0.7 | 1.6 |
| 3 | 29-140 | 10yr6/6 | - | s | osg | ml | - | - | 0.7 | 1.6 |
| | | | | | | | | | | |
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2 Boring # ☒ Boring ☐ Pit Ground surface elev. 97.12 ft. Depth to limiting factor >136 in.

| Horizon | Depth in. | Dominant Color Munsell | Redox Description Qu. Sz. Cont. Color | Texture | Structure Gr. Sz. Sh. | Consistence | Boundary | Roots | Soil Application Ra GPD/ft² *Eff#1 | *Eff#2 |
|---|---|---|---|---|---|---|---|---|---|---|
| A | 0-11 | 10yr3/3 | - | sl | 2gr | ml | as | 1f | 0.6 | 1.0 |
| B | 11-28 | 7.5yr4/4 | - | s | osg | ml | gs | - | 0.7 | 1.6 |
| C | 28-136 | 10yr6/4 | - | s | osg | ml | - | - | 0.7 | 1.6 |
| | | | - | | | | | | | |
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* Effluent #1 = $BOD_5$ > 30 ≤ 220 mg/L and TSS >30 ≤ 150 mg/L

* Effluent #2 = $BOD_5$ ≤ 30 mg/L and TSS ≤ 30 mg/L

| CST Name (Please Print) | Signature | CST Number |
|---|---|---|
| David C/. Laird | David C. Laird | 221253 |
| Address | Date Evaluation Conducted | Telephone Number |
| 20165 Co. Hwy. "Z" Cornell WI 54732 | 10-15-2023 | 715-239-6194 |

PC. 2NF8(A)

Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

Property Owner Paul Close Parcel ID # 22807-0531-68630082 1 Page 2 of 2

3 Boring # ☒ Boring ☐ Pit Ground surface elev. 98.42 ft. Depth to limiting factor >138 in.

| Horizon | Depth in. | Dominant Color Munsell | Redox Description Qu. Sz. Cont. Color | Texture | Structure Gr. Sz. Sh. | Consistence | Boundary | Roots | Soil Application Rate GPD/ft² *Eff#1 | *Eff#2 |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 0-12 | 10yr3/3 | - | ls | 2gr | ml | as | 1f | 0.6 | 1.0 |
| 2 | 12-24 | 7.5yr4/4 | - | s | osg | ml | gs | - | 0.7 | 1.6 |
| 3 | 24-138 | 10yr5/6 | - | s | osg | ml | - | - | 0.7 | 1.6 |
| | | | | | | | | | | |
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☐ Boring # ☐ Boring ☐ Pit Ground surface elev. _____ ft. Depth to limiting factor _____ in.

| Horizon | Depth in. | Dominant Color Munsell | Redox Description Qu. Sz. Cont. Color | Texture | Structure Gr. Sz. Sh. | Consistence | Boundary | Roots | Soil Application Rat GPD/ft² *Eff#1 | *Eff#2 |
|---|---|---|---|---|---|---|---|---|---|---|
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☐ Boring # ☐ Boring ☐ Pit Ground surface elev. _____ ft. Depth to limiting factor _____ in.

| Horizon | Depth in. | Dominant Color Munsell | Redox Description Qu. Sz. Cont. Color | Texture | Structure Gr. Sz. Sh. | Consistence | Boundary | Roots | Soil Application Ra GPD/ft² *Eff#1 | *Eff#2 |
|---|---|---|---|---|---|---|---|---|---|---|
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* Effluent #1 = $BOD_5$ > 30 ≤ 220 mg/L and TSS >30 ≤ 150 mg/L

* Effluent #2 = $BOD_5$ ≤ 30 mg/L and TSS ≤ 30 mg/L

The Department of Commerce is an equal opportunity service provider and employer. If you need assistance to access services or need material in an alternate format, please contact the department at 608-266-3151 or TTY 608-264-8777.

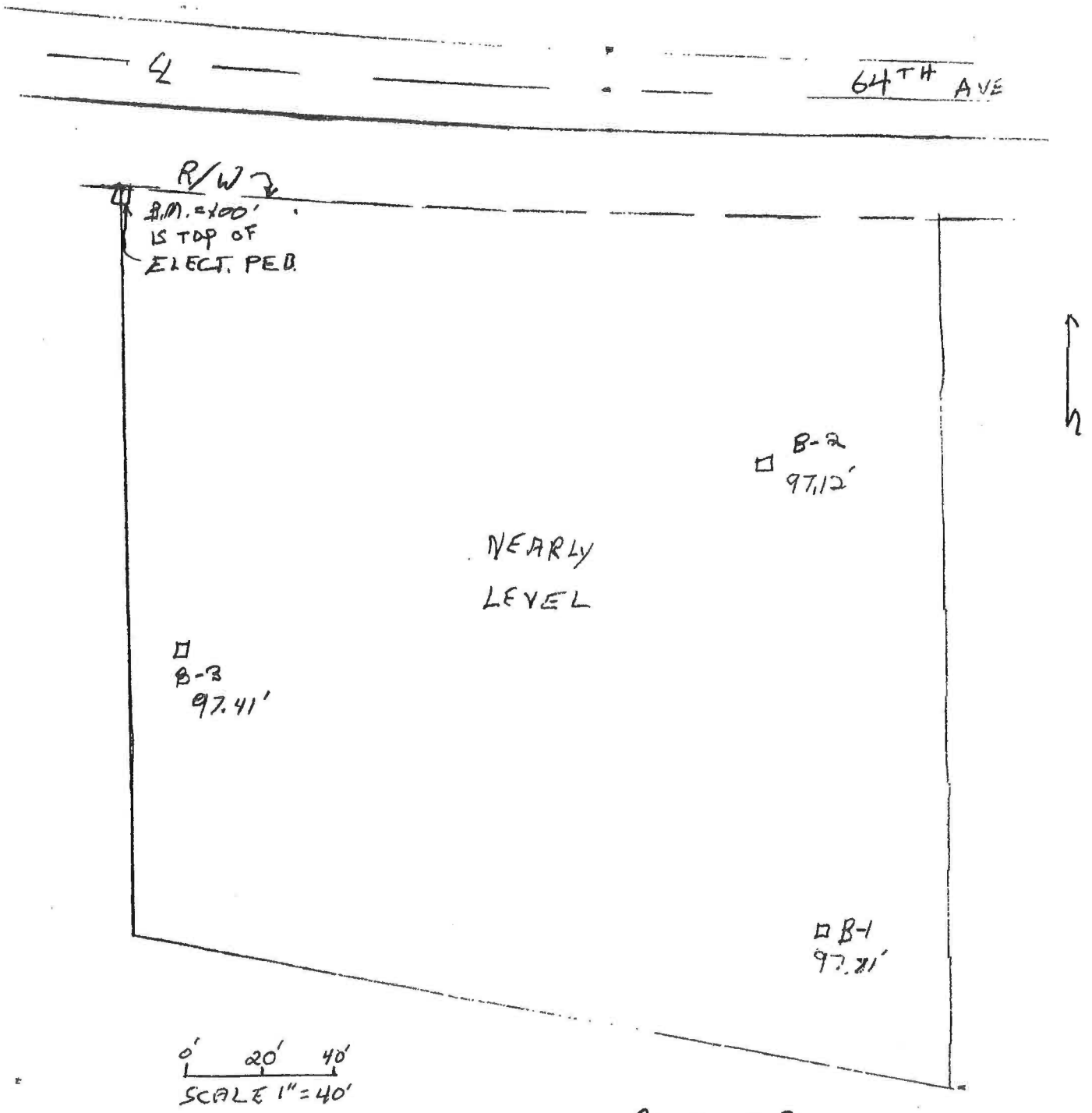


Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

OWNER:
PAUL CLOSE
P.O. Box 14
Boyd WI 54726
715-829-9469

LOCATION:
CO: CHIPPEWA
TN: LAFAYETTE
SUBD. LEMAY
SW-SW-17-38N-8W
LOT # 81
P# 22807-0521-486300 81

SOIL TESTER 221253
David C. Hall
20165 County 'Z'
CORNELL WI 54732
715-239-6194



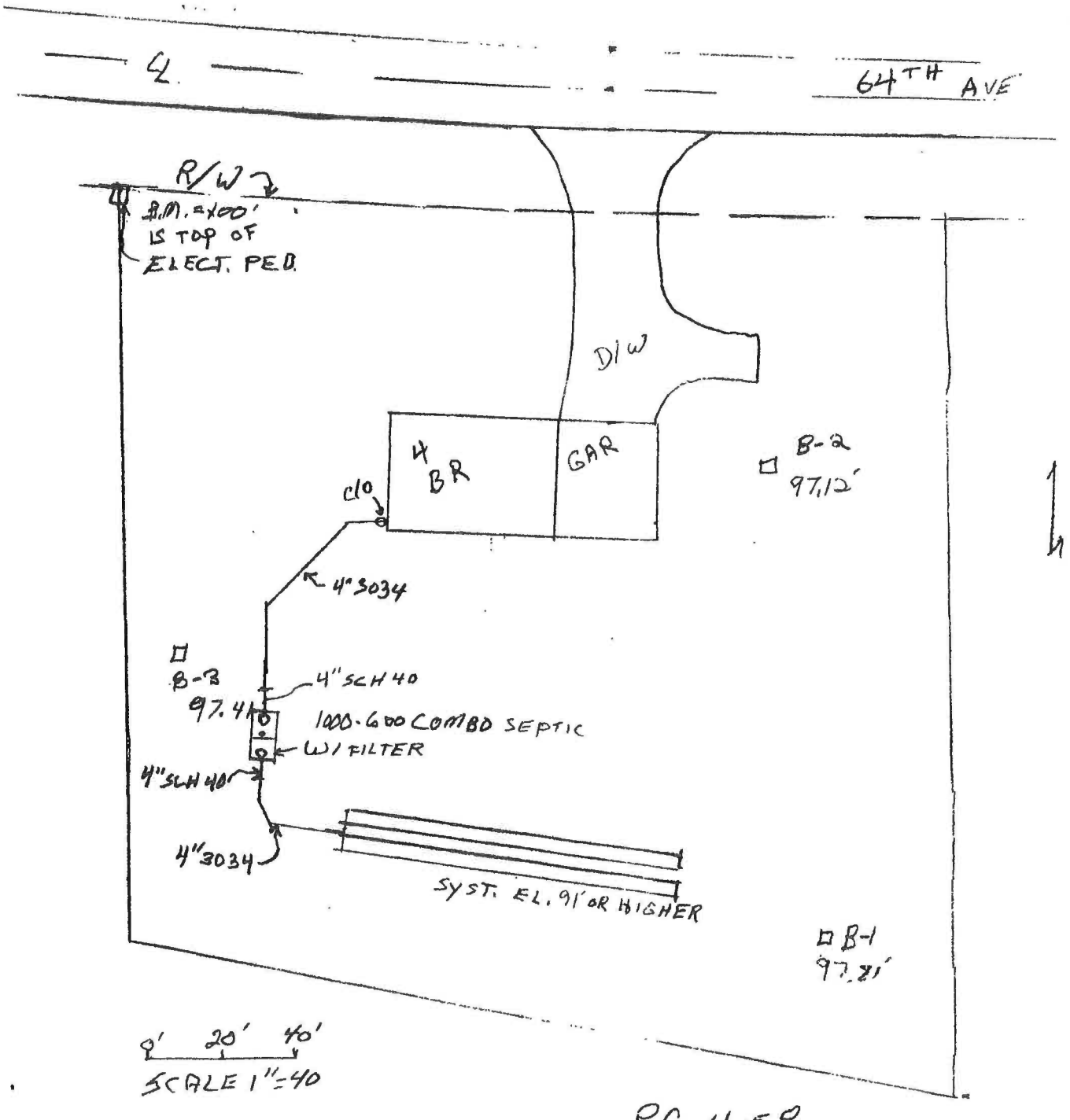



Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

OWNER:
PAUL CLOSE
P.O. Box 14
Boyd WI 54726
715-829-9469

LOCATION:
CO: CHIPPEWA
TN: LAFAYETTE
SUBD. LEMAY
SW-SW-17-28N-8W
LOT # 81
P# 22807-0531-4863008 1/2

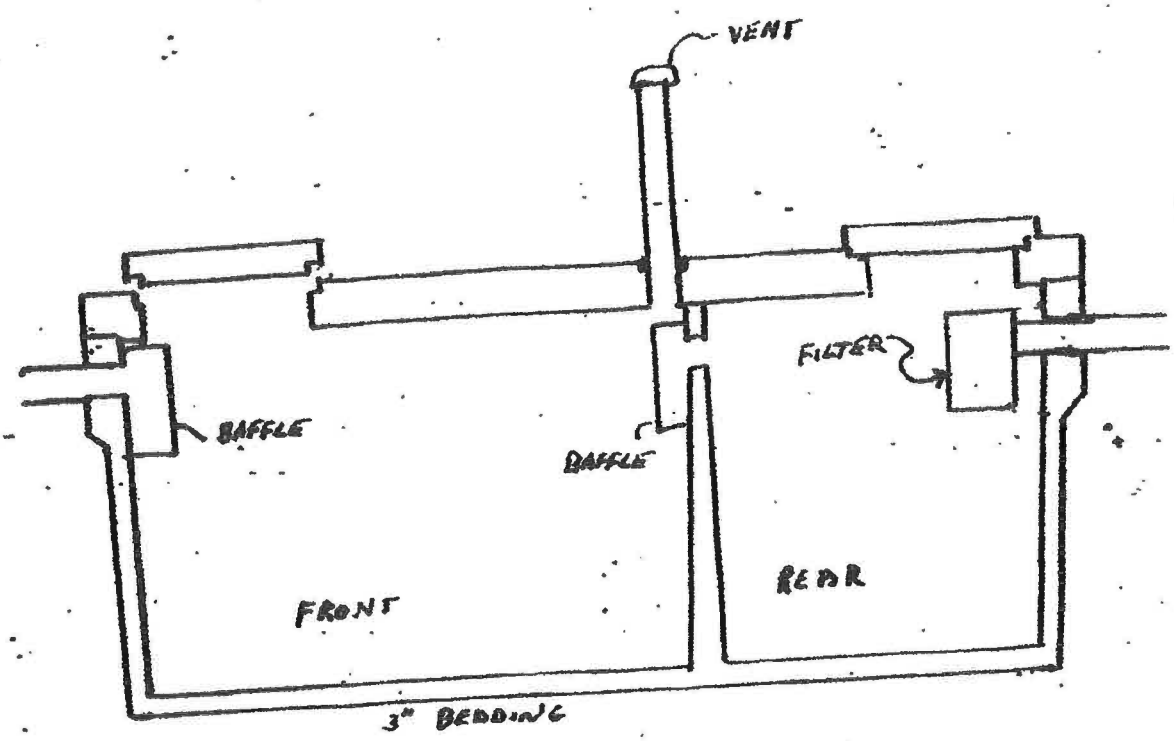
David C. [illegible]
20165 CO Hwy "Z"
CORNELL WI 54732
715-239-6197




PG 4 OF 8

Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

# DOUBLE COMPARTMENT SEPTIC TANK CROSS SECTION




## SPECIFICATIONS

TANK MAN. HUFFCUTT INC

TANK SIZES: FRONT 1000 GAL.
REAR 600 GAL.

OWNER'S NAME PAUL GLOSE

LOCATION: NW-SW-5-28N-7W

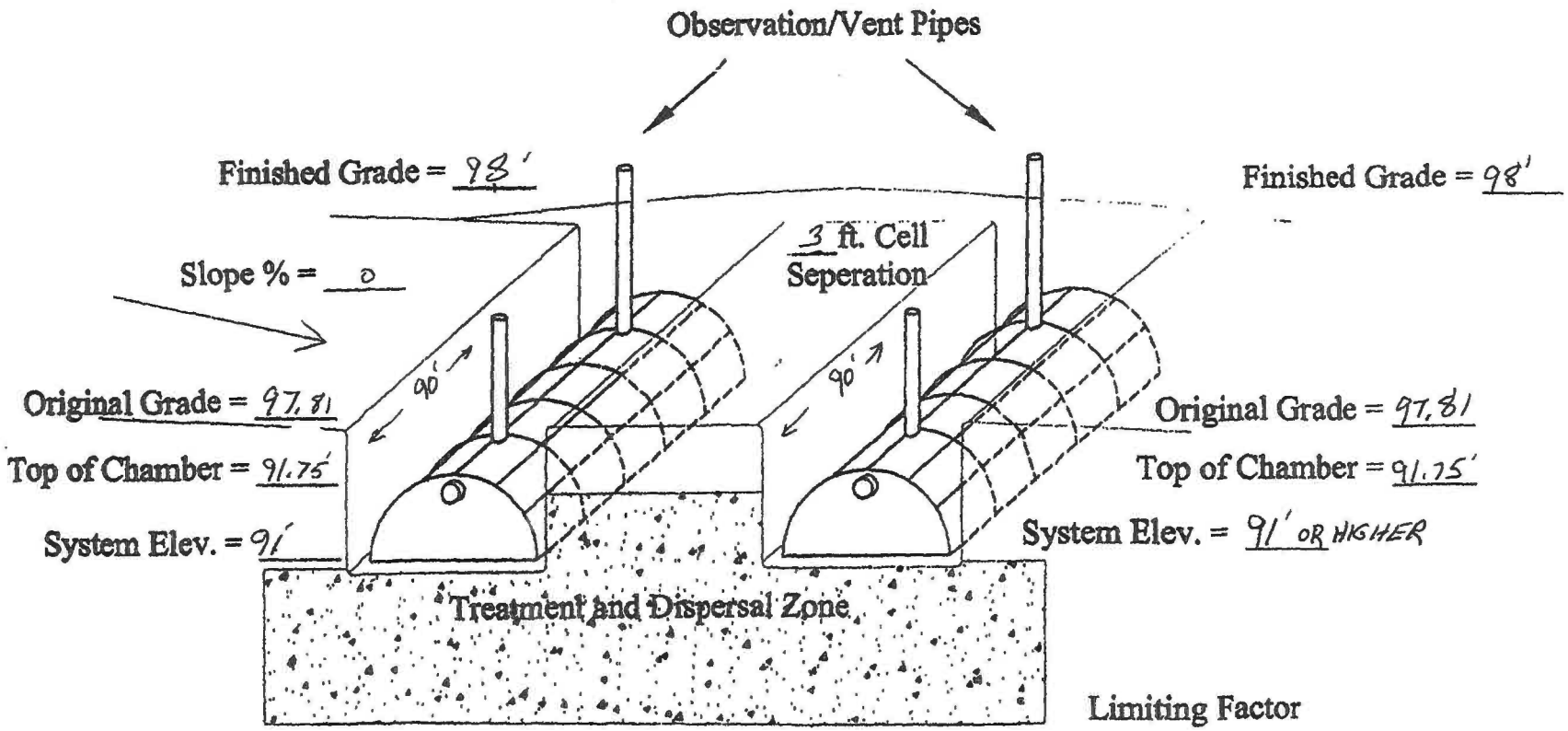
LENGTH 12'4" ; WIDTH 6'6" ; DIA. ____

LIQUID DEPTH 4'3"

PG 5 OF 8

Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

# Cross Section of a Two Cell Inground Component Using Leaching Chambers




Observation/Vent pipes to be constucted and capped with approved materials for the particular use.

Pg. 6 of 8





Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

**SITE INFORMATION**

| | |
|---|---|
| Owner | PAUL CLOSE |
| Permit # | |

**DESIGN PARAMETERS**

| | |
|---|---|
| Number of Bedrooms (100 gpd/bedroom) | 4 |
| Number of Commercial Units | |
| Estimated flow (average) | 400 gal/day |
| Design flow (DWF), estimated x 1.5 | 600 gal/day |
| Soil Application Rate | 0.7 gal/day ft² |
| Minimum Effluent Quality (☐ NA) | Monthly Average |
| Tot. Oil & Grease (FOG) | ≤ 30 mg/L |
| Biochemical Oxygen Demand ($BOD_5$) | ≤ 220 mg/L |
| Total Suspended Solids (TSS) | ≤ 150 mg/L |
| Protected Effluent Quality (☐ NA) | Monthly Average |
| Biochemical Oxygen Demand ($BOD_5$) | ≤ 30 mg/L |
| Total Suspended Solids (TSS) | ≤ 30 mg/L |
| Fecal Coliform (geometric mean) | ≤10 cfu/100ml |
| Maximum Effluent Particle Size | 1/8 inch diameter |

**SYSTEM SPECIFICATIONS**

| | | |
|---|---|---|
| Septic Tank Capacity | 1600 | gal ☐ NA |
| Septic Tank Manufacturer | HUBCSJTTANK | ☐ NA |
| Effluent Filter Manufacturer | BEST | ☐ NA |
| Effluent Filter Model | H10 | ☐ NA |
| Pump Tank Capacity | | gal ☐ NA |
| Pump Tank Manufacturer | | ☐ NA |
| Pump Manufacturer | | ☐ NA |
| Pump Model | | ☐ NA |

Pretreatment Unit (☐ NA)

| | |
|---|---|
| ☐ Sand/Gravel Filter | ☐ Peat Filter |
| ☐ Mechanical Aeration | ☐ Wetland |
| ☐ Disinfection | ☐ Other: |
| Manufacturer: | Model: |

Soil Absorption Component (☐ NA)

| | |
|---|---|
| ☒ In-ground (gravity) | ☐ In-ground (pressurized) |
| ☐ At-grade | ☐ Mound |
| ☐ Drip-line | ☐ Other: |

☒ Dispersal Units — Manufacturer INFILTRATOR

☐ Aggregate Cell(s) Model 24"

**Calculations:**

| Soil Application rate | | Dispersal Area Required | | End Cap EISA | | (Dispersal Unit EISA) or (Trench Width) | | # Units or Total Length of Trench(s) |
|---|---|---|---|---|---|---|---|---|
| 600 ÷ | 0.7 | = 857 | - | 10.20 | ÷ | 20 | = | 44 units 33 inch Trench 4 ends. |

**DESIGN CRITERIA**

- ☐ "Design of Pressure Distribution Networks for Septic Tank-Soil Absorption Systems" Publication 9.6 (SSWMP Manual)
- ☐ "EZflow Mound Component Manual" Version 1.2
- ☐ "EZflow Mound Component Manual" Version 12/15/2017
- ☐ SBD – 10264-P (R.1/12) "At-Grade Component Manual Using Pressure Distribution" Version 2.0
- ☐ SBD – 10705-P (01/01/01) "In Ground Soil Absorption Component Manual" Version 2.0
- ☐ SBD – 10691-P (01/01/01) "Mound Component Manual" Version 2.0
- ☐ SBD – 10697-P (R.6/00) "Drip-line Effluent Dispersal Component Manual"
- ☐ SBD – 10706-P (01/01/01) "Pressure Distribution Component Manual" Version 2.0
- ☐ Other –

**MAINTENANCE MONITORING SCHEDULE - MAINTENANCE AND MANAGEMENT**

| Service Event | Service Frequency |
|---|---|
| Tank, dispersal cell(s), clean filter | At least once every: ☐ 12 months ☒ 3 years ☐ Other – |
| Inspect system & pump controls, alarm, pretreatment unit | At least once every: ☐ months ☐ 3 years ☒ NA |
| Tank and pressure test laterals | At least once every: ☐ months ☐ 3 years ☒ NA |

**START UP AND OPERATION:** For new construction, prior to use of the POWTS check treatment unit(s) for the presence of building materials or other chemicals that may impede the treatment process and/or damage the dispersal cell(s). If high concentrations are detected have the contents of the unit(s) removed by a septage servicing operator prior to use.

System start up shall not occur when soil conditions are frozen at the infiltrative surface.

The property owner is responsible for the operation and maintenance of the POWTS and submission of required reports. The quantity and quality of the wastewater stream will affect the performance and longevity of your POWTS. The installation of water saving appliances and fixtures along with prompt repair of leaks reduces the wastewater volume. Also the brine or waste from water softeners, iron removal units, other clear water treatment devices and foundation drains should be discharged to the ground surface wherever possible. Note: this does not include laundry waste, showers, dishwater, etc.

This system is designed to handle domestic strength wastewater, however the disposal of food based greases and oils, vegetable/fruit peels and seeds, leaves, and food solids such as those produced by a garbage disposal should be minimized. Toilet tissue is the only paper that should be discharged into the system. Other non-biodegradable items such as baby wipes, tampons, sanitary napkins, condoms, cigarette butts, dental floss, and cotton swabs should not enter the system. Chemicals such as petroleum products, paint,



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Maintain a regular steady flow by spreading laundry washing throughout the week. Avoid vehicle traffic over all system components. Compaction of snow over the disposal unit may cause it to freeze up.

**INSPECTIONS & MAINTENANCE:** Inspection shall be made by an individual carrying one of the following licenses or certifications: Master Plumber, Master Plumber Restricted Sewer, POWTS Maintainer or Septage Servicing Operator (per the attached Maintenance Schedule). Tank inspections must include a visual inspection of the tank to identify any missing or broken hardware, identify any cracks or leaks, measure the volume of combined sludge and scum and check for any backup or ponding of effluent to the ground surface and test all electrical equipment such as pumps and alarms. Any defects shall be promptly corrected. Exposed openings greater than 8 inches in diameter shall be secured with effective locking devices to prevent accidental or unauthorized entry the tanks.

When the combination of sludge and scum in any tank exceeds one-third (1/3) or more of the tank volume, the entire contents of the tank shall be removed by a Septage Servicing Operator and disposed of in accordance with Chapter NR113, Wisconsin Administrative Code.

The outlet filter(s) shall be inspected and cleaned to remove any accumulated solids according to manufacturer's specifications. Solids washed from the filter shall be retained in the tank. Filter cleaning may be necessary at more frequent intervals than stated in the maintenance schedule to keep the system operating.

Alarms should be tested on a regular basis by the home owner. If an alarm sounds, contact an individual licensed to service POWTS. There is normally a 1 day reserve under regular operating conditions, however water should be conserved until any problems with the system are corrected to prevent back-up of sewage into the dwelling or surfacing.

**ABANDONMENT:** When the POWTS fails and/or is permanently taken out of service the following steps shall be taken to ensure that the system is properly and safely abandoned in compliance with Ch. SPS 383.33, Wisconsin Administrative Code.

- All piping to tanks and pits shall be disconnected and the abandoned pipe openings sealed.
- The contents of all tanks and pits shall be removed and properly disposed of by a Septage Servicing Operator.
- After pumping, all tanks and pits shall be excavated and removed or their covers removed and the void space filled with soil, gravel or other inert solid material.

**CONTINGENCY PLAN:** If the POWTS fails and cannot be repaired the following measures have been, or must be taken, to provide a code compliant replacement system:

- ☒ A suitable replacement area has been evaluated and may be utilized for the location of a replacement soil absorption system. The replacement area should be protected from disturbance and compaction and should not be infringed upon by required setbacks from existing and proposed structure, lot lines and wells. Failure to protect the replacement area render it unusable. Replacement systems must comply with the rules in effect at the time of replacement.
- ☐ A suitable replacement area is not available due to setback and/or soil limitations. Barring advances in POWTS technology a holding tank may be installed as a last resort to replace the failed POWTS.
- ☐ The site has not been evaluated to identify a suitable replacement area. Upon failure of the POWTS a soil and site evaluation must be performed to locate a suitable replacement area. If no replacement area is available a holding tank may be installed as a last resort to replace the failed POWTS.
- ☐ Mound and at-grade soil absorption systems may be reconstructed in place following removal of the biomat at the infiltrative surface. Reconstructions of such systems must comply with the rules in effect at that time.

**<<WARNING>>**

**SEPTIC, PUMP AND OTHER TREATMENT TANKS MAY CONTIAN LETHAL GASSES AND/OR INSUFFICIENT OXYGEN. DO NOT ENTER A SEPTIC, PUMP OR OTHER TREATMENT TANK UNDER ANY CIRCUMSTANCES. DEATH MAY RESULT. RESCUE OF A PERSON FROM THE INTERIOR OF A TANK MAY BE DIFFICULT OR IMPOSSIBLE.**

**ADDITIONAL COMMENTS** _____

**POWTS INSTALLER**
Name DAVE LAIRD
Phone 715-239-6194

**SEPTAGE SERVICING OPERATOR (Pumper)**
Name
Phone

**POWTS MAINTAINER**
Name Bob ZWEIFEL HAFFER
Phone 715-829-3100

**LOCAL REGULATORY AUTHORITY**
Agency CHIPPEW CO. ZONING
Phone 715-726-7940



Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

CHIPPEWA COUNTY ISSUE NO. SAN 20230399

# STATE SANITARY PERMIT

## TRANSFER/RENEWAL PREVIOUS NO. _____

**OWNER** N & P PROPERTIES LLC
Parcel Owner

**SYSTEM TYPE** CONVENTIONAL

**PLUMBER** David Laird **LIC.#** 221253

**TOWN OF** TOWN OF LAFAYETTE

**SEC** 05 **, T** 28 **N, R** 07 **W**

**AND/OR LOT** 81 **BLOCK** _____

LEMAY II **SUBDIVISION**

**CHAPTER 145.135 (2) WISCONSIN STATUTES**

(a) The purpose of the sanitary permit is to allow installation of the private sewage system described in the permit.
(b) The approval of the sanitary permit is based on regulations in force on the date of approval.
(c) The sanitary permit is valid and may be renewed for a specified period.
(d) Changed regulations will not impair the validity of a sanitary permit.
(e) Renewal of the sanitary permit will be based on regulations in force at the time renewal is sought, and that changed regulations may impede renewal.
(f) The sanitary permit is transferable.
History: 1977 c.168; 1979 c.34,221; 1981 c.314

Note: If you wish to renew the permit, or transfer ownership of the permit, please contact the county authority.

Kirsten Lee **AUTHORIZED ISSUING OFFICER - DATE** 11/17/2023

**THIS PERMIT EXPIRES** 11/17/2025 **UNLESS RENEWED BEFORE THAT DATE**

# POST IN PLAIN VIEW

## VISIBLE FROM THE ROAD FRONTING THE LOT DURING CONSTRUCTION

BD-



Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

d. Fences shall be allowed within the floodplain district provided that they are open fences.

e. Barbed wire fencing or electrically charged fencing shall not be allowed within any district, except the commercial and industrial districts or in the agricultural district for grazing animals.

(3) Agricultural Districts. Fences in agricultural districts shall be allowed as provided in Wis. Stat. Chapter 90.

(4) Residential Districts.

a. Open and solid fences shall not exceed six (6) feet in height on side yards and the rear yard, nor exceed forty-two (42) inches in height in the front yard except as provided in subsection b.

b. Open and solid fences may exceed forty-two (42) inches in height in the front yard under the following conditions:

1. The fence is for an in-ground patio.

2. The fence is limited to forty (40) lineal feet.

3. The fence shall not exceed six (6) feet in height.

4. The fence is not located within the visual clearance triangle.

5. The fence is set back at least twenty (20) feet from the road right-of-way.

6. The fence shall not have any type of roof system, canopy or cover.

(5) Commercial and Industrial Districts. Fences in commercial and industrial districts shall be allowed as provided in section 70-113 of this ordinance.

(Code 1980, § 17.34)

**Sec. 70-108 Conditional Use Permits**

(a) *Purpose.* The Committee may approve a conditional use permit for the conditional uses of any given district in section 70-64 through 70-76 and 70-104 when the location of each such use has been approved by the Committee in written form after a public hearing. Such approval shall be consistent with the general purpose an intent of this ordinance and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability or undesirability of specific proposed locations for a specific proposed use from the standpoint of the public interest because of such factors as, without limitation because of enumeration, the creation of stormwater runoff and nonpoint source pollutants, smoke, dust, noxious or toxic gases and odors, noise, vibration, operation of heavy machinery, heavy vehicles, traffic and increased traffic on public streets. Such uses shall also be required to meet the specific conditions set out in this ordinance.

Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

(b) *Procedure.* Applications for a conditional use shall be submitted in to the Administrator on forms provided. The Administrator shall establish a fee to defray administrative costs, including publication of the public hearing notice and the public hearing.

(1) The conditional use application shall be accompanied by the fee and necessary information as determined by the Administrator for proper evaluation of the conditional use application.

(2) The Committee shall schedule the matter for public hearing as soon as practical. A Class 2 public hearing notice shall be published in the official newspaper of the County, which describes the property and the proposed conditional use. Prior to the public hearing, a notice shall be sent by mail to the following:

a. All property owners within 400' of the exterior boundaries of the parcel or parcels on which the conditional use permit is being requested.

b. The Town Board Chair wherein the subject parcel is located.

(3) The Committee shall make a decision within 60 calendar days after the public hearing and render the decision in written form. The decision shall include an exact legal description of the property and all of the conditions imposed; or, if disapproved, shall specifically state the reasons for disapproval.

(c) *Conditions.* The Committee may impose such conditions as it deems necessary to protect the public health, welfare and safety and may include the following:

(1) General description and size of the existing and proposed structures.

(2) Setback requirements.

(3) Road access.

(4) Required screening.

(5) Concise description of the permitted use.

(6) Term and duration.

(7) Allowed expansions.

(8) Parking considerations.

(9) Drainage and sanitary disposal standards.

(10) Controls to eliminate noise, dust, odor, smoke, noxious or toxic gases, operation of heavy machinery, heavy vehicles, increased traffic on public streets and other potentially objectionable operating conditions.

(11) Days and hours of operation.

Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

(12) Any other conditions determined necessary by the Committee.

(d) *Termination and revocation.* The conditional use permit shall lapse and is void:

(1) Twelve (12) months after approval by the Committee unless the use is fully established and improvement to the property described in the permit is implemented.

(2) On the date of expiration set forth in the conditional use permit.

(3) At such time as the conditional use for which the permit was granted shall cease or be abandoned for twelve (12) consecutive months.

(4) If any condition of the permit is violated or if the conditional use is substantially detrimental to persons or property in the neighborhood, the Committee, following notice to all parties listed in 70-108(b)(2), shall hold a public hearing on the revocation of the conditional use permit. If, upon finding of facts, any material condition of the conditional use permit has been violated or if the character and quality of the area has been substantially and adversely affected by the continuation of the conditional use permit, the Committee may revoke or modify the conditional use. The Committee may thereafter direct counsel for the county to initiate such legal actions as are necessary to ensure compliance with this chapter.

(e) *Effect of revocation.* In the event of revocation or termination, the conditional use is void and the property shall be governed thereafter by the rules of the zoning district to which the property is zoned at the time of the termination.

(f) *Binding effect.* The applicant shall acknowledge in their application and the conditional use permit shall recite that the use is conditional and binding upon the applicant, his successors, assigns and personal representatives and is a restriction that runs with the land.

(Code 1980, § 17.35)

**Sec. 70-109 Setbacks from Highway**

(a) *Lots that abut on public highways.* For the purpose of determining the distance that buildings and other structures shall be setback from streets and highways, the highways of the county are divided into the following classes:

(1) *Class A highways.* All state and federal highways are designated as Class A highways.

a. The setback from Class A highways shall be 50 feet from the right-of-way line.

(2) *Class B highways.* All county trunks are designated as Class B highways. For the purpose of this chapter, any road shall be considered a county trunk after it has been placed on the county trunk system by the County Board and approved by the Chippewa County Highway Department.

a. The setback from Class B highways shall be 40 feet from the right-of-way line.

Attachment: 2024-1001 Gougar - Conditional Use Permit - Submitted Information (8716 : 2024-1001 Gougar Conditional Use Permit Request -

(d) Search lights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel or at their direction.

(e) Outdoor athletic fields, courts, tracks, or ranges, and airports are exempt from all lighting requirements.

(f) All outdoor flood light projection above the horizontal is prohibited.

(g) Temporary lighting, which does not conform to the provisions of this section, may be allowed for a total period of no longer than 30 days within a year.

**Sec. 70-115 Home Occupations**

It is the intent of this section to set standards under which home occupations may be conducted so that such home occupations do not undermine the purpose of the ordinance.

(a) Home occupations shall be allowed without permit in all residential and the agricultural districts, provided they conform to the following performance standards:

(1) The home occupation shall be conducted entirely within a dwelling unit or entirely within an accessory building. A home occupation may be allowed within a dwelling unit and an accessory structure as a conditional use permit issued under section 70-108.

(2) The home occupation is incidental to the residential use of the property and does not involve any external alterations that would effect a substantial change in the residential character of the dwelling unit or accessory building.

(3) The floor area devoted to the home occupation shall not exceed 25% of the habitable floor area of the dwelling unit, except as a conditional use permit issued under section 70-108.

(4) No person other than a resident of the dwelling unit shall be employed therein; except that additional non-resident employees may be approved as a conditional use under section 70-108.

(5) No inventory of a commodity shall be sold on a regular basis on the premises except as a conditional use permit under section 70-108.

(6) The home occupation shall not be objectionable to neighboring uses due to noise, dust, odors, and hours of operation, traffic generation or electrical interference.

(7) There shall be one (1) sign allowed, which cannot exceed six (6) square feet in the residential district or thirty-two (32) square feet in the agriculture district.

(8) There shall be no outside storage or display of products, materials, or equipment except for seasonal products such as Christmas trees, which do not exceed 8 weeks.

(b) The following home occupations may be allowed, but only after a conditional use permit is approved under section 70-108:

Attachment: 70-115_Zoning Ordinance (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of Lafayette)

(1) Professional Offices, including but not limited to physicians, chiropractors, dentists, lawyers, real estate brokers, insurance agents and contractors;

(2) Beauty and barber shops;

(3) Repair of motor vehicles and small engines including the construction and operation of racing machines such as stock cars, snowmobiles and tractors.

(4) Storage of motor vehicles and recreational vehicles in accessory structures that were existing at the time of adoption of the zoning code (1974).

(5) CNC Machining; allowed only within the Agriculture District.

(6) Wedding Venues; allowed only within the Agriculture District.

(Ord. 02-18, 06-12-2018; Ord. No. 08-22, 10-11-2022)

**Cross references:** Traffic and vehicles, ch. 58.

**Sec. 70-116 Tourist Rooming House**

It is the intent of this section to set standards and clear expectations under which an existing single-family dwelling may be used as a tourist rooming house after receiving a zoning permit from the Administrator. In the event property owners or the occupants of a tourist rooming house do not comply with the terms of this section, additional conditions shall be placed on the zoning permit.

(a) A zoning permit shall be issued to the existing property owner of an existing single-family dwelling for use as a tourist rooming house upon meeting the following conditions, which shall continue and remain in effect throughout the life of the permit:

(1) The property owner must obtain a tourist rooming house license from the State of Wisconsin to maintain, manage or operate a tourist rooming house. A copy of the state approved license shall accompany the zoning permit application.

(2) The number of occupants allowed within the tourist rooming house shall be dependent upon the size of the septic system. The property owner shall provide written evidence to the Department that demonstrates the septic system is code compliant, and of the septic system size and location.

(3) The property owner and occupants of a property permitted for use as a tourist rooming house shall comply with the terms of the zoning permit and all other applicable permits and licenses, and all laws, ordinances and regulations that arise out of or relate to the maintenance, management, operation and occupancy of the tourist rooming house.

(4) Accessory structures or buildings located on a property that has a tourist rooming house shall not contain habitable living spaces such as, but not limited to: bathrooms, sleeping accommodations, kitchens, and offices.

(5) Tents and recreational vehicles, including, but not limited to: pop-up campers, motor homes or other means of overnight stay are prohibited.

Attachment: 70-115_Zoning Ordinance (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of Lafayette)

(2) General Requirements:

a. Open and solid fences shall have the finished surface facing the exterior of the lot upon which the fence is located.

b. Open and solid fences shall be exempt from side yard and rear yard setback requirements and from permit and fee requirements, except in the shoreland and floodplain districts.

c. Fences shall be allowed within the shoreland district provided that within 75' of the ordinary high-water mark they are an open fence.

d. Fences shall be allowed within the floodplain district provided that they are open fences.

e. Barbed wire fencing or electrically charged fencing shall not be allowed within any district, except the commercial and industrial districts or in the agricultural district for grazing animals.

(3) Agricultural Districts. Fences in agricultural districts shall be allowed as provided in Wis. Stat. Chapter 90.

(4) Residential Districts.

a. Open and solid fences shall not exceed six (6) feet in height on side yards and the rear yard, nor exceed forty-two (42) inches in height in the front yard except as provided in subsection b.

b. Open and solid fences may exceed forty-two (42) inches in height in the front yard under the following conditions:

1. The fence is for an in-ground patio.

2. The fence is limited to forty (40) lineal feet.

3. The fence shall not exceed six (6) feet in height.

4. The fence is not located within the visual clearance triangle.

5. The fence is set back at least twenty (20) feet from the road right-of-way.

6. The fence shall not have any type of roof system, canopy or cover.

(5) Commercial and Industrial Districts. Fences in commercial and industrial districts shall be allowed as provided in section 70-113 of this ordinance.

(Code 1980, § 17.34)

**Sec. 70-108 Conditional Use Permits**

Attachment: 70-108_Zoning Ordinance (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of Lafayette)

(a) *Purpose.* The Committee may approve a conditional use permit for the conditional uses of any given district in section 70-64 through 70-76 and 70-104 when the location of each such use has been approved by the Committee in written form after a public hearing. Such approval shall be consistent with the general purpose an intent of this ordinance and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability or undesirability of specific proposed locations for a specific proposed use from the standpoint of the public interest because of such factors as, without limitation because of enumeration, the creation of stormwater runoff and nonpoint source pollutants, smoke, dust, noxious or toxic gases and odors, noise, vibration, operation of heavy machinery, heavy vehicles, traffic and increased traffic on public streets. Such uses shall also be required to meet the specific conditions set out in this ordinance.

(b) *Procedure.* Applications for a conditional use shall be submitted in to the Administrator on forms provided. The Administrator shall establish a fee to defray administrative costs, including publication of the public hearing notice and the public hearing.

(1) The conditional use application shall be accompanied by the fee and necessary information as determined by the Administrator for proper evaluation of the conditional use application.

(2) The Committee shall schedule the matter for public hearing as soon as practical. A Class 2 public hearing notice shall be published in the official newspaper of the County, which describes the property and the proposed conditional use. Prior to the public hearing, a notice shall be sent by mail to the following:

a. All property owners within 400’ of the exterior boundaries of the parcel or parcels on which the conditional use permit is being requested.

b. The Town Board Chair wherein the subject parcel is located.

(3) The Committee shall make a decision within 60 calendar days after the public hearing and render the decision in written form. The decision shall include an exact legal description of the property and all of the conditions imposed; or, if disapproved, shall specifically state the reasons for disapproval.

(c) *Conditions.* The Committee may impose such conditions as it deems necessary to protect the public health, welfare and safety and may include the following:

(1) General description and size of the existing and proposed structures.

(2) Setback requirements.

(3) Road access.

(4) Required screening.

(5) Concise description of the permitted use.

(6) Term and duration.

Attachment: 70-108_Zoning Ordinance (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of Lafayette)

(7) Allowed expansions.

(8) Parking considerations.

(9) Drainage and sanitary disposal standards.

(10) Controls to eliminate noise, dust, odor, smoke, noxious or toxic gases, operation of heavy machinery, heavy vehicles, increased traffic on public streets and other potentially objectionable operating conditions.

(11) Days and hours of operation.

(12) Any other conditions determined necessary by the Committee.

(d) *Termination and revocation.* The conditional use permit shall lapse and is void:

(1) Twelve (12) months after approval by the Committee unless the use is fully established and improvement to the property described in the permit is implemented.

(2) On the date of expiration set forth in the conditional use permit.

(3) At such time as the conditional use for which the permit was granted shall cease or be abandoned for twelve (12) consecutive months.

(4) If any condition of the permit is violated or if the conditional use is substantially detrimental to persons or property in the neighborhood, the Committee, following notice to all parties listed in 70-108(b)(2), shall hold a public hearing on the revocation of the conditional use permit. If, upon finding of facts, any material condition of the conditional use permit has been violated or if the character and quality of the area has been substantially and adversely affected by the continuation of the conditional use permit, the Committee may revoke or modify the conditional use. The Committee may thereafter direct counsel for the county to initiate such legal actions as are necessary to ensure compliance with this chapter.

(e) *Effect of revocation.* In the event of revocation or termination, the conditional use is void and the property shall be governed thereafter by the rules of the zoning district to which the property is zoned at the time of the termination.

(f) *Binding effect.* The applicant shall acknowledge in their application and the conditional use permit shall recite that the use is conditional and binding upon the applicant, his successors, assigns and personal representatives and is a restriction that runs with the land.

(Code 1980, § 17.35)

**Sec. 70-109 Setbacks from Highway**

(a) *Lots that abut on public highways.* For the purpose of determining the distance that buildings and other structures shall be setback from streets and highways, the highways of the county are divided into the following classes:

Attachment: 70-108_Zoning Ordinance (8716 : 2024-1001 Gougar Conditional Use Permit Request - Town of Lafayette)

**STATEMENT OF EXPLANATION**
**WISSOTA MEADOWS FIRST ADDITION - PRELIMINARY STATE PLAT REVIEW - TOWN OF LAFAYETTE**

**Chippewa County Land Division Ordinance:**

**38-5(a)(4):** State Plat: State Plat: Any land division that creates five (5) or more lots, parcels, tracts or remnants, which are less than one-and-one-half (1 ½) each within a five-year period, requires the submittal to the county of a state plat for review and approval.

**38-37(c):** Preliminary Plat Approval. After the committee has reviewed the preliminary plat, the report of the Planning and Zoning Administrator, any municipal recommendations, any technical staff reports and exhibits; the committee shall approve conditionally approve, or disapprove the preliminary plat within 45 days from the official submission date.

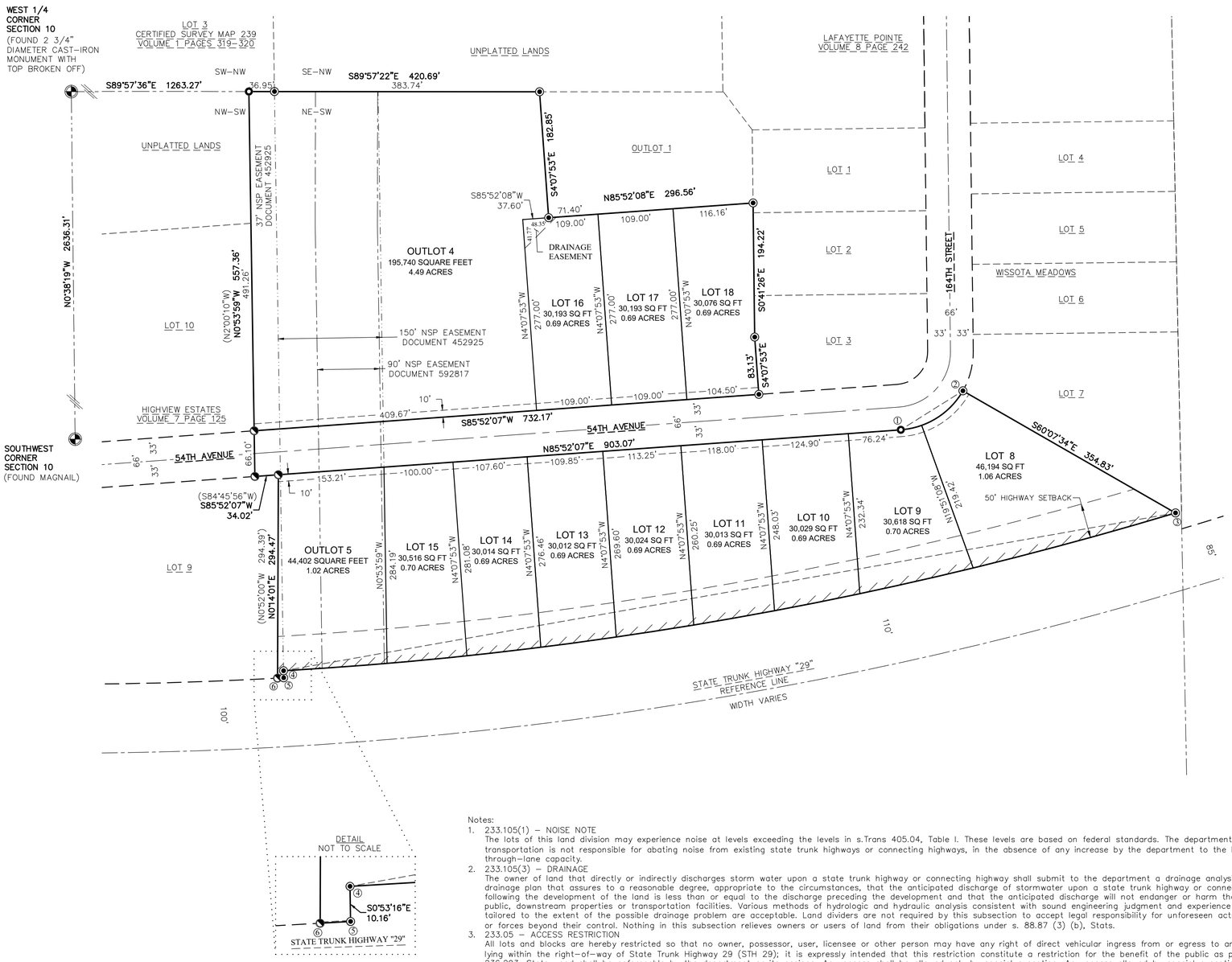
**38-38(d):** Final plat approval. After the committee has reviewed the final plat along with the report of the Planning and Zoning Administrator, any municipal recommendations, any technical staff reports and exhibits; the committee shall approve, conditionally approve, or disapprove the final plat within 45 days from the official submission date.

BEARINGS ARE REFERENCED TO THE WEST LINE OF THE SW 1/4 OF SECTION 10 ASSUMED TO BEAR N00°38'19"W.

NORTH
0 50 100
1"=100'

# PRELIMINARY PLAT OF WISSOTA MEADOWS FIRST ADDITION

Outlot 2 and Outlot 3, Wissota Meadows recorded in Volume xx of Plats on Page xxx-xxx, as Document Number xxxxxxx, located in part of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 10, Township 28 North, Range 8 West, Town of Lafayette, Chippewa County, Wisconsin.




DETAIL
NOT TO SCALE



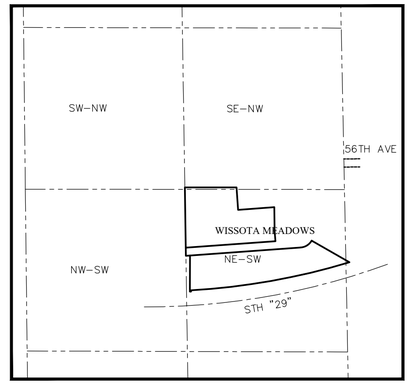

Notes:

1. 233.105(1) – NOISE NOTE
   The lots of this land division may experience noise at levels exceeding the levels in s.Trans 405.04, Table I. These levels are based on federal standards. The department of transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through-lane capacity.
2. 233.105(3) – DRAINAGE
   The owner of land that directly or indirectly discharges storm water upon a state trunk highway or connecting highway shall submit to the department a drainage analysis and drainage plan that assures to a reasonable degree, appropriate to the circumstances, that the anticipated discharge of stormwater upon a state trunk highway or connecting highway following the development of the land is less than or equal to the discharge preceding the development and that the anticipated discharge will not endanger or harm the traveling public, downstream properties or transportation facilities. Various methods of hydrologic and hydraulic analysis consistent with sound engineering judgment and experience and suitably tailored to the extent of the possible drainage problem are acceptable. Land dividers are not required by this subsection to accept legal responsibility for unforeseen acts of nature or forces beyond their control. Nothing in this subsection relieves owners or users of land from their obligations under s. 88.87 (3) (b), Stats.
3. 233.05 – ACCESS RESTRICTION
   All lots and blocks are hereby restricted so that no owner, possessor, user, licensee or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of State Trunk Highway 29 (STH 29); it is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in s. 236.293, Stats., and shall be enforceable by the department or its assigns. Any access shall be allowed only by special exception. Any access allowed by special exception shall be confirmed and granted only through the driveway permitting process and all permits are revocable.
4. 233.08 – SETBACK REQUIREMENTS
   No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department.

Owner:
Wissota Straits, LLC
9796 20th Street
Colfax, WI 54730

## VICINITY MAP

Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 10, Township 28 North, Range 8 West.




NORTH
NOT TO SCALE

LEGEND
- FOUND MONUMENT AS NOTED
- FOUND 1" OUTSIDE DIAMETER IRON PIPE
- FOUND 1 1/4" OUTSIDE DIAMETER IRON PIPE
- FOUND 1 1/4" IRON BAR
- SET 1 1/4" X 24" IRON BAR, 4.30 POUNDS / LINEAL FOOT
  SET 1" OUTSIDE DIAMETER BY 18" IRON PIPE, 1.13 POUNDS / LINEAR FOOT AT ALL OTHER LOT / OUTLOT CORNERS
- ( ) RECORD INFORMATION
- FENCE
- UTILITY EASEMENT (10')
- NO ACCESS

## CURVE TABLE

| CURVE | LOT | RADIUS | CHORD BEARING | CHORD | ARC | DELTA | TANGENT IN | TANGENT OUT |
|---|---|---|---|---|---|---|---|---|
| 1-2 | | 113.00' | S57°52'17"W | 106.09' | 110.43' | 55°59'41" | S29°52'26"W | S85°52'07"W |
| | LOT 9 | 113.00' | N78°00'30"E | 30.91' | 31.00' | 15°43'15" | | |
| | LOT 8 | 113.00' | N50°00'39"E | 77.80' | 79.43' | 40°16'26" | | |
| 3-4 | | 5592.11' | S79°57'34"W | 1310.88' | 1313.90' | 13°27'43" | S73°13'43"W | S86°41'26"W |
| | LOT 8 | 5592.11' | S74°46'59"W | 303.42' | 303.45' | 03°06'33" | | |
| | LOT 9 | 5592.11' | S77°11'58"W | 168.23' | 168.24' | 01°43'25" | | |
| | LOT 10 | 5592.11' | S78°42'23"W | 125.88' | 125.88' | 01°17'23" | | |
| | LOT 11 | 5592.11' | S79°57'32"W | 118.63' | 118.63' | 01°12'56" | | |
| | LOT 12 | 5592.11' | S81°08'56"W | 113.64' | 113.64' | 01°09'52" | | |
| | LOT 13 | 5592.11' | S82°17'41"W | 110.06' | 110.07' | 01°07'40" | | |
| | LOT 14 | 5592.11' | S83°24'38"W | 107.70' | 107.70' | 01°06'13" | | |
| | LOT 15 | 5592.11' | N84°33'24"E | 116.05' | 116.06' | 01°11'21" | N85°09'05"E | N83°57'44"E |
| | OUTLOT 5 | 5592.11' | N85°55'15"E | 150.23' | 150.24' | 01°32'21" | N86°41'26"E | N85°09'05"E |
| 5-6 | | 5602.41' | S86°44'12"W | 8.81' | 8.81' | 00°05'24" | N86°46'54"E | N86°41'30"E |

EVERYDAY SURVEYING & ENGINEERING
711 S HILLCREST PARKWAY
ALTOONA, WI 54720
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Attachment: 21008 Wissota Meadows First Addition - Pages 1-2 (6675 : Wissota Meadows First Addition)

# PRELIMINARY PLAT
# OF
# WISSOTA MEADOWS FIRST ADDITION

Outlot 2 and Outlot 3, Wissota Meadows recorded in Volume xx of Plats on Page xxx-xxx, as Document Number xxxxxxx, located in part of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 10, Township 28 North, Range 8 West, Town of Lafayette, Chippewa County, Wisconsin.

## SURVEYOR'S CERTIFICATE

I, Jeffrey C. Stockburger, Professional Land Surveyor, do hereby certify that I have surveyed, divided, and mapped the plat of Wissota Meadows First Addition. Said land being part of the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 10, Township 28 North, Range 8 West, Town of Lafayette, Chippewa County, Wisconsin. The land is more particularly described as follows:

Outlot 2 and Outlot 3, Wissota Meadows recorded in Volume xx of Plats on Page xxx-xxx, as Document Number xxxxxxx.

Said parcel contains 588,027 square feet or 13.50 acres, more or less.

That I have made such survey, land division and plat by the direction of Wissota Straits, LLC, owner of said lands.
That such plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.
That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes, Chapter AE-7 of the Wisconsin Administrative Code, the Land Division Ordinance of Chippewa County, and the Town of Lafayette Subdivision Ordinance, in surveying, dividing and mapping the same.

On this_____day of _____, 2024.

_____
Jeffrey C. Stockburger S-2708

## OWNER'S CERTIFICATE OF DEDICATION

Wissota Straits, LLC , a corporation organized and existing under and by virtue of the laws of the State of Wisconsin, as owners do hereby certify that said company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. Wissota Straits, LLC does further certify that this plat is required by S.236.10 or 236.12 to be submitted to the following for approval or objection.

------- Town of Lafayette
------- Chippewa County
------- City of Chippewa Falls
------- Department of Administration
------- Department of Transportation

In witness hereof, said Wissota Straits, LLC has caused this document to be signed by David Christoffel it's member.

On this _____day of _____, 2024.

_____.
David Christoffel, Member
Wissota Straits, LLC

State of Wisconsin

County of _____ SS

Personally came before me, this _____day of _____, 2024. The above named David Christoffel. To me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____.
Notary Public

My commission expires _____.

## COUNTY TREASURERS CERTIFICATE

State of Wisconsin

County of _____ SS

I, Patricia Schimmel, being the duly elected, qualified, and acting treasurer of the County of Chippewa, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments on any of the land included in this plat of Wissota Meadows First Addition.

Dated this _____day of _____, 2024.

_____.
Patricia Schimmel, County Treasurer

## TOWN TREASURERS CERTIFICATE

State of Wisconsin
SS
Chippewa County

I, Lori Hanson, Town Treasurer, being the duly qualified and acting town treasurer of the Town of Lafayette, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments on any of the land included in this plat of Wissota Meadows First Addition.

Dated this _____day of _____, 2024.

_____.
Lori Hanson, Town Treasurer

## TOWN BOARD RESOLUTION

Resolved that the plat of Wissota Meadows First Addition, located in the Town of Lafayette is hereby approved by the Town Board of Lafayette.

Approved this _____day of _____, 2024.

_____.
Dave Staber, Chairman

I hereby certify that the foregoing is a copy of a resolution adopted by the Town of Lafayette.

_____.
Laura Konwinski, Town Clerk

## COMMON COUNCIL RESOLUTION

Resolved that the plat of Wissota Meadows First Addition located in the Extraterritorial Jurisdiction of the City of Chippewa Falls is hereby approved by the Common Council of the City of Chippewa Falls.

Approved:_____ Signed: _____
Date Gregory S. Hoffman, Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Chippewa Falls.

_____
Bridget Givens , City Clerk

## CONSENT OF MORTGAGEE

_____, a corporation duly organized and existing under and by virtue of the laws of the State of _____, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the above certificate of Wissota Straits, LLC.

IN WITNESS WHEREOF, the said_____, has caused these presents to be signed by

_____, its _____,

and countersigned by _____, its

_____, at _____, and its corporate seal to be

hereunto affixed this____day of_____, 2024.

State of Wisconsin

County of _____ SS

Personally came before me, this _____day of _____, 2024. The above named corporation to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____.
Notary Public

My commission expires _____.

## CERTIFICATE OF CHIPPEWA COUNTY DEPARTMENT OF PLANNING AND ZONING:

This plat of Wissota Meadows First Addition was approved by the Chippewa County Planning and Zoning

Committee on this____day of_____, 2024.

Certified This____day of_____, 2024

_____
Douglas Clary, Director of Planning & Zoning

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Attachment: 21008 Wissota Meadows First Addition - Pages 1-2 (8675 : Wissota Meadows First Addition)

**STATEMENT OF EXPLANATION**
**DISCUSSION ON FUTURE PLANNING & ZONING COMMITTEE MEETING DATES & TIMES**

At November's PZC meeting, Supervisor Shoebridge asked for a future discussion on moving the start time of the PZC. The proposal is to move the start time to 5:00pm, which will allow for additional time between the end of the work day and the meeting for travel purposes.

Also, at the January meeting, the West Central Wisconsin Regional Plan Commission on Comprehensive Planning will give a presentation on the Comprehensive Plan Update process within Chippewa County. This presentation is estimated to be around 2 hours.