

Livestock Facility Siting

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Eight years of Livestock Facility Siting



- Local implementation of ATCP 51 since 2006
- Overview of permitting process
- 2014 mandatory rule review
 - Stakeholder input
 - Technical expert committee

Implementation basics

- Local governments have a choice to regulate
- Siting permits are locally issued and enforced
- Local permits are based on uniform state standards and predictable process
- Local governments retain planning and zoning powers to manage land uses
 - Special requirements apply to restricting livestock operations in agricultural zones

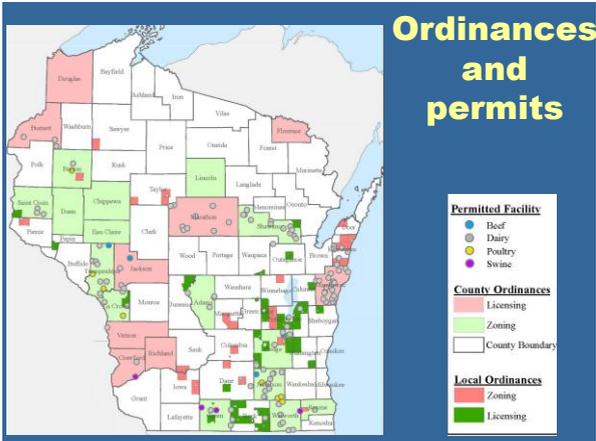
Local regulatory activity 2006-2014

101 Ordinances

- 24 counties, 71 towns, two cities (Berlin and Fitchburg), and four villages (Germantown, Richfield, Rochester and New Glarus)
- 63 zoning and 38 licensing

124 Permits

- 8 < 500 AU
- 64 between 500 and 1,000 AU
- 52 > 1,000 AU



Livestock Facility Review Siting Board



- Review local permit decisions under s.93.90(5) Stats.
- Eight appeals decided since 2006
 - Found no jurisdiction for failure to issue permit or make a completeness determination
 - Invalidated, modified and affirmed 6 permits

Supreme Court review



- LFSRB modified Larson Acres permit to eliminate these local requirements:
 - Restrictions on fall manure spreading
 - Alfalfa required in crop rotation
 - Increased soil testing
 - Access for tile and well monitoring
 - Compliance with all applicable laws
- Supreme Court in *Adams v. Wisconsin LFSRB*, 2012 WI 85 (2012)
 - Affirmed the LFSRB's decision
 - Validated framework created by siting law and the LFSRB's review authority

What's working



- Consistent local regulation
- Predictable process
- Faster permitting
- Odor and water quality protection
- Expedited appeals add certainty

Farmer benefits: Strengthens "right to farm" protection



- Permits fix reference points
- Permits add certainty for future expansions



- Permits are permanent and transferable
- Permits indicate compliance with standards

Worksheet 3: Waste and Nutrient Management

Part A: Waste Generation and Storage Summary

Part B: Land Base for Applying Nutrients

Part C: Nutrient Management Checklist

Part A: Waste Generation Worksheet

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 WPODES 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 WPODES permit with your application.

I enclose a copy of my WPODES 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	4,000,000 gallons	7,000,000 gallons	280 days
		Wastewater	1,000,000 gallons		
		Leachate	2,000,000 gallons		
Unit 1	5,300,000	Animal waste	5,500,000	9,175,000	210
		Wastewater	1,175,000		
		Leachate	2,500,000		
Unit 2					
Unit 3					

Part B: Land Base for Applying Nutrients

Worksheet 3 (continued)

APN: 1101 (Rev. 2006)

Part B – Land Base for Applying Nutrients

- Enter total animal units in proposed livestock facility (from worksheet 1): **876**
- What percentage of the waste from the livestock facility will be:
 - Applied to land: **100** % Attach map showing where waste will be applied to land.
 - Processed and sold as commercial fertilizer, under a fertilizer license: _____ %
 - Disposed of in other ways: _____ % Describe ways: _____
- Multiply the percent in line 2a by the number of animal units in line 1. Result (# of animal units): **876**
- Total acres of cropland currently available for land application (owned, rented, or landspreading agreement): **1000**
- Divide # of acres in line 4 by # of animal units in line 3 to obtain ratio of acres to animal units: **1.14**
- Is the ratio in line 5 equal to or greater than the applicable ratio in Table 1? **No**

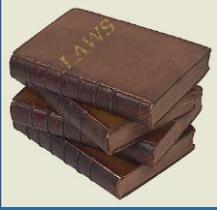
If YES, and if the # of animal units in line 1 is less than 500, you need NOT complete Part C. Otherwise, complete Part C.

Table 1: Acreage per Animal Unit

Animal Type	Acres per Animal Unit*
Dairy	1.5
Beef	1.5
Swine	1.0
Chicken/Poultry	0.6

This applicants over 500 AU must complete Part C.

Four year review of ATCP 51 standards



- Completed first review in 2010
 - Delayed ATCP 51 revision until ATCP 50 updated
- Started second review in 2014, the year ATCP 50 revised

2014 Four Year Review

- Submitted implementation report to ATCP Board
<http://datcp.wi.gov/uploads/Environment/pdf/LivestockSitingRuleFourYearReviewFeb2014.pdf>
- Collected input from farm, government and environmental stakeholders



Advice from expert panel



- Required part of four year review
- 18 public & private sector members and advisors
- Assignment focuses on technical aspects of siting standards
 - Engineering
 - Nutrient Management
 - Odor/Setbacks

Standards must strike a balance

- Protect public health and safety
- Be practical and workable
- Be cost effective
- Be objective
- Use peer-reviewed science
- Promote growth of animal agriculture
- Balance farm viability with other interests
- Be useable by local officials





NR 151/ATCP 50 Standards

- Incorporate newest standards related process wastewater discharges, Phosphorus Index, tillage setback, and pastures
- Follow NRCS standards for new and altered feed storage (e.g. bunkers, paved) except in low risk settings that do not necessitate collection systems or vegetative treatment areas

Engineering highlights



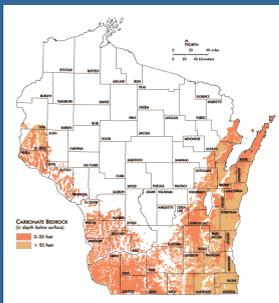
- Allow minor alterations of a animal lots without meeting NRCS 635 with additional accountability measures
- Evaluate existing feed storage should for condition and discharge risks

Nutrient management highlights



- Ensure local government access to NM plan documentation regardless of facility size
- Require that NM plans include owned or rented land adequate to spread manure from “the maximum number of animal units authorized under a facility’s permit.”
 - Clarify permit modification process to facilitate use for expansions

Nutrient management highlights



- Incorporate the revised 590 NM standard to better protect water quality (e.g. winter spreading prohibitions and winter spreading plans)
- Consider whether new NRCS 590 adequately address manure spreading risks in sensitive areas

Odor Highlights Generation Numbers



- Retain numbers for manure storage but base on surface area, not duration of storage
- Change number for dairy and beef flush systems from 10 to 20
- Assign new number for
 - Layers with belt system of 1
 - Sand and Solids Separation Systems of 40 for treatment area and 2 for holding area

Odor Highlights Housing Control Practices



- Retain numbers for diet manipulation, biofilters air dams and windbreaks but make adjustments.
- Refine treatment options for flush systems to eliminate fresh water and add recirculated flush
- Recognize wet scrubber with a credit of 30% (water) and 90% (chemical)

Odor Highlights Storage Control Practices



- Reduce anaerobic digestion credit from 80% to 50%, and modify specification for off-farm feedstock and other issues
- Reduce solids separation and reduction credit from 40% to 20%, and revise specification
- Eliminate pre-set aeration credit, and have applicants obtain innovative practice approval
- Increase geotextile cover credit from 50% to 60%

Expert Committee Timeline

September 2014

- 1st meeting: ATCP 50/NR 151 incorporation

October

- 2nd meeting: Engineering

November

- 3rd meeting: Nutrient management

December and January 2015

- 4th and 5th meetings: Odor/Setbacks

March -- April 2015

- Wrap-up

Livestock Siting and Manitowoc County



- Balancing interests
 - Ag development and natural resource protection
- Experience with Livestock Facility Siting
 - Permits issued
 - Local process
 - Benefits

Ag benefits county

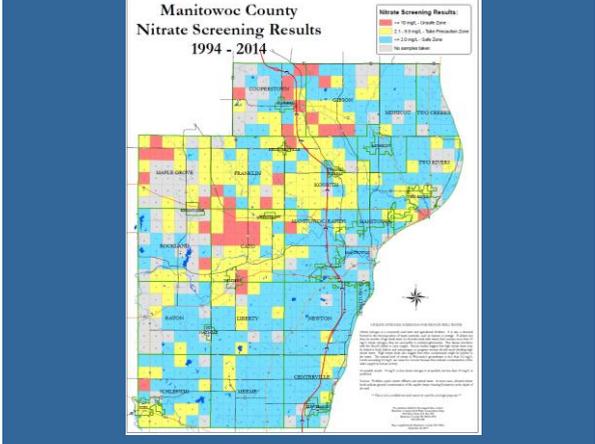


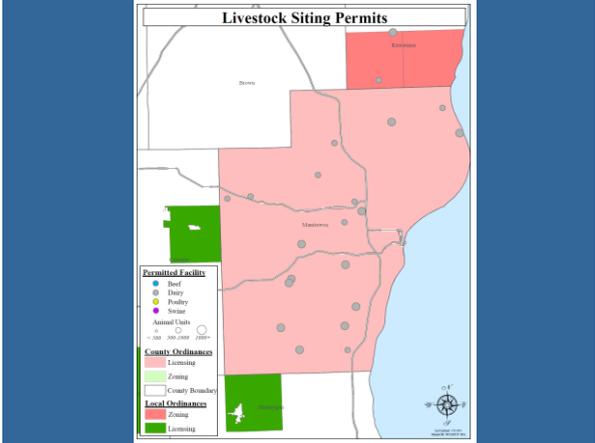
- Ranks in top five WI counties for dairy, corn silage, hay, and winter wheat
 - Top 25 U.S. counties for dairy production.

- Supports 5,105 jobs
- Generates \$1.5 billion in economic activity
- Contributes \$360 million to county's income.
- Pays \$16.3 million in taxes.

Beach advisories and closings







Manitowoc County Licensed Facilities

FARM OPERATION	MILKING & DRY COWS	HEIFERS	CALVES	OTHER BILLS OR STEERS	TOTAL ANIMALS
1	850	525	200		1,575
2	800	400	200		1,400
3	5,300	1,968	950		8,218
4	628	150	70		848
5	1,100	0	0		1,100
6	950	42	11	3	994
7	1,260	200	305	110	1,875
8	250	150	0		400
9	984	644	0		1,628
10	1,000	0	0		1,000
11	900	560	350	10	1,790
12	4,870	3,525	1,005		9,400
13	1,525	350	270		2,145
14	480	400	75		955
15	1,400	0	150		1,550
16	950	245	90		1,285
17	670	0	100		770
18	524	256	93		873
19	482	400	60		942
20-22 In Process	2510	370	72		2952
Totals	27,312	10,213	3,921	123	41,569

Local permitting procedures



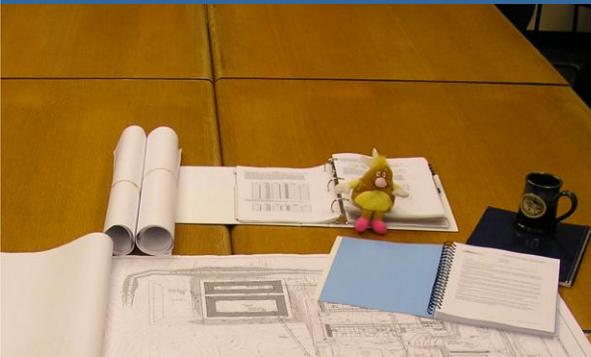
- Pre-permitting meeting(s)
- Neighbor information sessions
 - No public hearings
- Resolving concerns through negotiation

Pre-permitting meetings



- Livestock operator meets with LCD, UWEX and NRCS staff
- Requirements outlined
- Challenges identified
 - Beyond regulatory requirements
- Solutions discussed

Application Review



Neighbor meetings



- Project described
- Questions answered
- Issues identified
- Solutions discussed

Successes

- Communication prior to construction
- Neighbors are made aware of standards to be met and have opportunity for input
- County involvement in livestock facility growth
- Reduced neighborhood conflict
- Supported by agricultural community

Challenges

- Process takes time
- Obtain license prior to construction
- Knowledgeable staff to administer



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