

## **CHAPTER 63**

### **ANIMAL MANURE AND NUTRIENT MANAGEMENT**

**63.01 AUTHORITY.** This chapter is adopted under authority granted under Section 59.02, 59.03, 59.69, 59.70, 92.15, and 92.16 of the Wisconsin State Statutes.

**63.02 TITLE.** This chapter shall be known as, referred to, and may be cited as the “Animal Manure and Nutrient Management” and is hereinafter referred to as the chapter. This chapter regulates the design, construction, alteration, maintenance and closure of animal manure storage facilities, manure transfer systems and animal feeding operations; land application of animal manure; and nutrient management.

**63.03 FINDINGS AND DECLARATION OF POLICY.** The Taylor County Board of Supervisors finds that the storage and management of animal manure and animal feeding operations not meeting technical design, construction, maintenance, prohibitions, and closure standards may cause water pollution in the county, and may result in actual or potential harm to the health of county residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of the county. The Taylor County Board also finds improper management of animal manure storage facilities and animal feeding operations, and utilization, including land application, of stored animal manure, may cause pollution of the surface waters and groundwater of Taylor County.

Taylor County permits operation of properly conducted agricultural operations within the county. If the property you are purchasing or own is located near agricultural lands of operation or included within an area zoned for agricultural purposes, you may be subject to outcomes arising from such operations, such as noises, odors, and the operation of machinery. One or more of these outcomes may occur as a result of an agricultural operation that is in conformance with existing laws and regulations and accepted standards and specifications. If you live near an agricultural area, you should be prepared to accept such outcomes as a normal and necessary aspect of living in a county with a strong rural character and active agricultural sector. Taylor County has established the Land Conservation Committee to assist in the resolution of any animal manure and animal-feeding operation disputes which might arise between residents of the county regarding agricultural operations.

The Taylor County Board further finds that the technical standards developed by the USDA-Natural Resources Conservation Service (NRCS) and adopted by the Taylor County Land Conservation Committee provide effective, practical, and environmentally safe methods of applying, managing, and storing animal manure; constructing, maintaining, and managing animal feeding operations; and properly closing idle manure storage facilities.

**63.04 PURPOSE.** The purpose of this chapter is to regulate the management and utilization, including land application, of animal manure; to regulate the location, design, construction, installation, alteration, closure, and use of animal manure storage facilities and animal feeding operations so as to protect the health and safety of residents and transients; to further the appropriate use and conservation of land and water resources for its communities; to protect the groundwater and surface water resources of Taylor County; to prevent the spread of disease; and to promote the prosperity, aesthetics, safety and

general welfare of the citizens of Taylor County. It is also intended to provide for the administration and enforcement of the chapter and to provide penalties for its violation.

**63.05 APPLICABILITY.** This chapter applies to the entire geographical area of Taylor County. Animal manure storage and animal feeding operation requirements apply to all new and existing systems. Closure requirements apply to all new and existing animal manure storage facilities, transfer systems, and feeding operations. Nutrient management plan provisions shall apply to all new and existing animal manure storage facilities and animal feeding operations issued a permit under this chapter. Those receiving permits issued under authority of this chapter shall be required to have an approved nutrient management plan for four years or one rotation, whichever is longer, following issuance of the permit.

History: Amended, Ordinance 563, 4/20/2010

**63.06 INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of Taylor County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**63.07 SEVERABILITY CLAUSE.** If any provision or portion of this chapter is ruled invalid by a court, the remainder of the chapter shall not for that reason be rendered ineffective.

**63.08 EFFECTIVE DATE.** This chapter shall become effective upon its adoption and publication by the Taylor County Board of Supervisors.

**63.09 DEFINITIONS.** Definitions herein are to conform to the provisions set forth in the Wisconsin Administrative Code and Taylor County Code.

(1) "Accepted management practices" means practices, techniques, or measures through which runoff, manure, milking center waste, and other waste streams associated with an animal feeding operation are handled, stored, utilized, or otherwise controlled in a manner which is intended to achieve compliance with livestock performance standards and prohibitions established in Chapter NR 151 and water quality objectives established under Chapters 281 and 283, Wisconsin Statutes. These practices, techniques or measures are in Chapter NR 154 and Chapter ATP 50 and may also include additional practices and procedures as approved by DNR on a case-by-case basis.

(2) "Animal feeding operation" means an open feedlot, other than a pasture, where animals have been, are, or will be fed, confined, maintained, or stabled for 45 consecutive days or more in any 12-month period.

An open feedlot refers to an operation where manure from the animals is not confined within a manure storage facility, a livestock housing facility, or a barnyard runoff control facility; or covered and contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater. Two or more animal feeding operations under common ownership or management constitute a single animal feeding operation if any of the following apply:

(a) The operations are adjacent.

(b) The operations use common plans, acreage, or systems to landspread manure or other wastes.

(c) Manure, barnyard runoff, or other wastes are comingled in a common storage facility prior to landspreading.

(3) "Animal Unit" means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a 1,000 pound steer. Animal units are used to determine who receives a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. Using a 1,000 pound steer as the standard, the United States Environmental Protection Agency calculates the number of other animals which produce an equivalent amount of animal manure: this is one animal unit. A farm with at least 1,000 animal units must have a WPDES permit. The following table illustrates the number of animals needed to equal 1,000 animal units.

<b>ANIMAL TYPE</b>	<b>No. Equivalent to 1000 A.U.</b>	<b>Animal Equivalency Factor</b>
<b>DAIRY CATTLE</b>		
Milking and dry cows	700	1.4
Heifers (800 to 1,200 lbs)	910	1.1
Heifers (400 to 800 lbs)	1,670	0.6
Calves (up to 400 lbs)	5,000	0.2
<b>BEEF CATTLE</b>		
Steers or Cows (1,000 lbs to market)	1,000	1.0
Steers or Cows (600 to 1,000 lbs)	1,250	0.8
Calves (under 600 lbs)	2,000	0.5
Bulls	700	1.4
<b>SWINE</b>		
Pigs (55 lbs to market)	2,500	0.4
Pigs (up to 55 lbs)	10,000	0.1
Sows	2,500	0.4
Boars	2,000	0.5
<b>OTHER</b>		
Turkeys	55,000	0.018
Chickens (Layers)	100,000	0.01
Chickens (Broilers)	200,000	0.005
Sheep	10,000	0.1
Horses	500	2.0
Mink (breeder females)	100,000	0.01

(4) "Applicant" means any person who applies for a permit under this chapter.

(5) "Compliance Order" means a document or notification from the Land Conservation Committee, or their designee, outlining the nature of the violation(s) of the provisions of this chapter and corrective measures.

(6) "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 in accordance with Wisconsin Statutes NR 154.04(3).

(7) "Failing or leaking manure storage system" means an animal manure storage facility that is not functioning properly, is leaking, and poses an immediate or imminent threat to public health, surface water quality, fish and aquatic life, or groundwater quality.

(8) "Freeboard" means a protective elevation requirement designed as a safety factor which is usually expressed in terms of a specific number of feet above a storage level or flood level and compensates for the effects of runoff from unexpected storms and other events that may cause a loss of storage volume.

(9) "Idle manure storage facility" means an animal manure storage facility that is:

(a) No longer being used for its intended purpose and no longer having any additional animal manure placed into it,

(b) Has not had any animal manure placed into it for a period of 24 months, and,

(c) Will, by all the evidence available, not again be used to store animal manure by an active livestock operation.

(10) "Land Conservation Committee" means an operating committee of the Taylor County Board of Supervisors and the administrative authority and enforcing authority of this chapter.

(11) "Land Conservation Department" means the department responsible for planning, developing, and administering programs enabled by the Land Conservation Committee.

(12) "Large or concentrated animal feeding operation" means an animal feeding operation that feeds, confines, maintains, or stables 1,000 animal units or more.

(13) "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.

(14) "Livestock producer" means an owner or operator of a livestock operation.

(15) "Livestock operation" means a feedlot or other facility or a pasture where animals are fed, confined, maintained, or stabled.

(16) "Manure" means a material that consists primarily of excreta from livestock, poultry, or other animals.

(17) "Manure storage facility" means an impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural wastes.

(18) "Nutrient Management Plan" means a plan that outlines the management and crediting of nutrients from all nutrient sources including soil reserves, commercial fertilizer, manure, organic byproducts, legume crops, and crop residues. All nutrient sources shall be accounted for and properly utilized. This plan must meet the current NRCS 590 standard, and NR 243 where applicable, and applies to all fields where plant nutrient sources and soil amendments are applied during the course of a rotation. Management includes the rate, method, and timing of the application of all sources of nutrients to minimize the amount of nutrients entering surface water and groundwater. The plan includes manure nutrient testing and routine soil testing and is developed according to USDA –NRCS Technical Standard 590.

History: Amended, Ordinance 563, 4/20/2010

(19) "Operator" means a person responsible for the oversight or management of equipment, facilities or livestock at a livestock operation, or is responsible for land management in the production of crops.

(20) "Pasture" means land with a permanent, uniform cover of grasses or legumes used as forage for livestock. Pastures do not include areas where supplemental forage feeding is provided on a regular basis.

(21) "Permit," also known as "Animal Manure Permit," means the signed, written statement issued by the Taylor County Land Conservation Committee, or their designee, under this chapter authorizing the applicant to construct, install, reconstruct, repair, enlarge, substantially alter, or close an animal manure storage facility or animal feeding operation, and to use or land apply manure from the facility.

(22) "Permittee" means any person to whom a permit is issued under this chapter.

(23) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.

(24) "Site that is susceptible to groundwater contamination" under Section 281.16(1)(g), Wisconsin Statutes, means any one of the following:

- (a) An area within 250 feet of a private well.
- (b) An area within 1000 feet of a municipal well.
- (c) An area where the soil depth to groundwater or bedrock is less than 2 feet.

1. An area where the soil does not exhibit one of the following soil characteristics:

2. At least a 2-foot soils layer with 40% fines or greater above groundwater and bedrock.

3. At least a 3-foot soils layer with 20% fines or greater above groundwater and bedrock.

4. At least a 5-foot soils layer with 10% fines or greater above groundwater and bedrock.

(25) "Storage facility" means an excavated or diked pond, walled structure, or platform designed for containment of manure.

(26) "Stored manure" means manure that is kept in a manure storage facility or a confined manure pile.

(27) "Substantially altered" means a change initiated by an owner or operator that results in a relocation of a waste storage structure, animal feeding operation, or facility or significant changes to the size, depth, or configuration of a structure or facility including:

(a) Replacement of a liner in a manure storage structure,

(b) An increase in the volumetric capacity or area of a structure or facility by greater than 20%.

(28) "Technical Guide" means the United States Department of Agriculture (USDA) NRCS Field Office Technical Guide that is currently in effect, and as amended from time to time.

(29) "Tolerable soil loss" or "T" means the maximum rate of erosion, in tons per acre, allowable for particular soils and site conditions that will maintain soil productivity.

(30) “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.

(31) “Unacceptable practice” means a practice that causes or has caused 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 Chapter NR 151.

(32) “Unconfined manure pile” means a quantity of manure that is at least 175 cubic feet in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility, or barnyard runoff control facility or covered and contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

(33) “Waters of the State” means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems, and other surface water and groundwater, natural or artificial, public or private, within the state or its jurisdiction as defined in Section 147.015(20) of the Wisconsin Statutes.

(34) “Water Quality Management Area” or “WQMA” means any 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, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high-water mark of the lake;

(b) The area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream; and,

(c) A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.

### **63.10 GENERAL REQUIREMENT.**

(1) Animal Manure Storage Facility. All livestock producers building new manure storage facilities, substantially altering or repairing existing manure storage facilities, or choosing to abandon their manure storage facilities; or who employs another to do the same, on land subject to this chapter, require a Animal Manure Permit and shall be subject to the provisions of this chapter. New and substantially-altered manure storage facilities shall be designed, constructed, and maintained to minimize the risk of structural failure of the facility, minimize leakage of the facility in order to protect groundwater quality, and maintain one foot of freeboard storage or adequate freeboard storage to the equivalent volume of a 25-year, 24-hour storm, whichever is greater.

(2) Manure Management Prohibitions. All livestock producers shall comply with the following:

(a) A livestock operation shall have no overflow of manure storage structures.

(b) A livestock operation shall have no unconfined manure pile in a water quality management area.

(c) A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.

(d) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

(3) Animal Feeding Operation. Animal feeding operations are open feedlots, other than a pasture, where animals have been, are or will be fed, confined, maintained or stabled for 45 consecutive days or more in any 12-month period. An open feedlot refers to an operation where manure from the animals is not confined within a manure storage facility, a livestock housing facility, or a barnyard runoff control facility; or covered and contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater. All livestock producers who locate, install, move, reconstruct, extend, enlarge, convert, close, alter or change use of an animal feeding operation or parts thereof; or who employs another to do the same, on land subject to this chapter, require a Animal Manure Permit and shall be subject to the provisions of this chapter.

(4) Failing And Leaking Existing Facilities. Existing manure storage facilities that pose an immediate or imminent threat to public health, surface water quality, fish and aquatic life, or groundwater quality due to structural failure or leaking, on land subject to this chapter, require an Animal Manure Permit, and shall be subject to the provisions of this chapter. The facility shall be repaired, upgraded, replaced or abandoned in accordance with the appropriate Technical Standards, including but not limited to, Manure Storage (Standard 313) and Closure of Manure Impoundments (Standard 360). Those issued a permit under this chapter, depending on the severity of the problem, shall develop a construction or closure plan and timetable for repairing, replacing, or properly closing the facility within 30 days of receiving the permit. In cases of a more immediate threat to public health, surface water quality, fish and aquatic life, or groundwater quality due to negligence, intentional, or accidental animal manure spills, leakage, or runoff, the Land Conservation Committee, or their designee, shall be notified within 24 hours of the occurrence. An Emergency Order will be issued by the LCC, or their designee, with a description of the problem and corrective measures. In most cases, the occurrence must cease and be brought into compliance with the provisions of this chapter within 48 hours. If deemed necessary, the LCC, or their designee, shall order the activity to cease and be brought into compliance with this chapter within 24 hours, or as required.

(5) Idle Animal Manure Storage Facility. Idle storage facilities are a potential threat to groundwater and surface water quality of Taylor County and it is in the best interest of the public to close such facilities. Closure of a manure storage facility on land subject to this chapter require a Animal Manure Permit, shall be subject to the provisions of this chapter, and shall occur when an operation where the facility is located ceases operations, or manure has not been added or removed from the facility for a period of 24 months. Manure facilities shall be closed in a manner that will prevent future contamination of groundwater

and surface waters. The owner or operator may retain the facility for a longer period of time by demonstrating to the Land Conservation Committee, or their designee, that all of the following conditions are met:

- (a) The facility is designed, constructed and maintained in accordance with Subchapter 63.10(1).
- (b) The facility is designed to store manure for a period of time longer than 24 months.
- (c) Retention of the facility is warranted based on anticipated future use.

The criteria for designation of an animal manure storage facility as idle is as defined in this chapter. A closure plan shall comply with the criteria outlined in USDA-NRCS Technical Standard 360 – Closure of Manure Impoundments.

(6) Clean Water Diversions. All livestock producers within a water quality management area shall divert runoff away from contacting feedlots, manure storage areas, and barnyard areas within water quality management areas except that a diversion to protect a private well is required only when the feedlot, manure storage area, or barnyard area is located upslope from the private well.

(7) Animal Manure Management and Utilization. With the exception of the closure of waste storage facilities or impoundments, those receiving permits issued under authority of this chapter shall be required to have an approved nutrient management plan for one year following issuance of the permit.

**63.11 COMPLIANCE WITH PERMIT REQUIREMENTS.** A person is in compliance with this chapter if he or she follows the procedures of this chapter, receives a permit from the Land Conservation Committee, or their designee, before beginning activities subject to regulation under this chapter, and complies with the requirements of the permit.

**63.12 ANIMAL MANURE STORAGE FACILITIES.** The standards and specifications for location, design, construction, installation, alteration, operation, and maintenance of animal manure storage facilities are those identified in USDA-NRCS Technical Standards 313, 382, and 635. The standard and specifications for transfer of animal manure to and from the manure storage facility are those in USDA-NRCS Technical Standard 634 – Manure Transfer. This standard covers the siting, design, operation, and maintenance of conveyance systems to transfer animal manure, manure water, and contaminated runoff to animal manure storage facilities.

(1) Animal Manure Storage Facilities Separation Requirements. All new animal manure storage facilities shall be sited in a manner that will prevent future contamination of groundwater and surface waters. Separation requirements for animal waste storage facilities are shown in Chapter 63.33 (1), Table 1. In general, setback requirements only pertain to new systems. Setback requirements will be reviewed on a case-by-case basis for substantial alteration of an existing facility. Animal manure storage facilities shall not be located within a site that is susceptible to groundwater contamination or within water quality management areas. No animal waste storage facility will be permitted to be built in the 100-

year floodplain of a stream, river, lake, or flowage. No animal waste storage facility will be permitted to be built in a wetland or within 300 feet of its outside boundary. Manure storage facilities shall maintain a separation distance of 300 feet from existing dwellings excluding the landowner's residence and a minimum vertical separation distance to saturation as defined in the USDA-NRCS Technical Standard 313. Reception pits as part of the animal feeding operation and buildings with under-floor storage shall be sited a minimum of 300 feet from existing dwellings excluding the landowner's residence.

**63.13 ANIMAL MANURE STORAGE CLOSURE.** Closure of a manure storage facility shall occur when an operation where the facility is located ceases operations or manure has not been added or removed from the facility for a period of 24 months. Manure facilities shall be closed in a manner that will prevent future contamination of groundwater and surface waters. The standards and specifications for closure of animal manure impoundments are those in USDA-NRCS Technical Standard 360 – Closure of Manure Impoundments. This standard covers the closure of manure impoundments, which are no longer used for their intended purposes, in an environmentally safe manner.

**63.14 ANIMAL FEEDING OPERATIONS.** The standards and specifications for design, construction, operation, and maintenance of areas such as a feedlot or facility, other than a pasture, where animals have been, are, or will be fed, confined, maintained, or stabled, or where animals or vehicle activities require grading, surfacing, roofs, or other protective measures to control erosion, runoff, and reduce water pollution are those identified in Technical Standard 561, USDA-NRCS Technical Guide – Heavy Use Area Protection. This standard does not apply to animal trails and walkways, access roads, feed storage areas; and composting, mixing, or loading areas.

Additional recommendations relating to siting, design, construction, and maintenance of animal feeding operations, which may enhance the use of, or avoid problems with, this practice, include:

(1) Livestock operations cause odor, dust, and noise. Consider separation distances to residents and the landscape in the area.

(2) Consider the health and welfare of the animals, safety of humans and animals, and installation and long-term maintenance cost when choosing the layout, topography, and materials for the animal feeding operations.

(3) Roof construction for barnyards and feedlots may be used to control polluted runoff. Roof construction may be used where other runoff systems will not adequately reduce the pollution potential.

(4) A combination of practices, in addition to heavy use area protection, should be utilized to reduce or minimize soil erosion, minimize surface runoff of animal manure, and reduce surface water and groundwater pollution potential. These practices may include, but are not limited to: Roof Runoff Management (Standard 558), Grassed Waterway (Standard 412), Lined Waterway or Outlet (Standard 468), Diversion (Standard 362), Underground Outlet (Standard 620), Manure Storage Facility (Standard 313), Manure Transfer (Standard 634), Subsurface Drain (Standard 606), Critical Area Planting (Standard 342), Sediment Basin (Standard 350), and Filter Strip (Standard 393).

(a) **Animal Feeding Operation Separation Requirements.** All new animal feeding operations shall be sited in a manner that will prevent future contamination of groundwater and surface waters. Separation requirements for animal feeding operations are shown in Chapter 63.33(1), Table 1, Taylor County Code. In general, setback requirements only pertain to new systems. Setback requirements will be reviewed on a case-by-case basis for substantial alteration of an existing facility. Animal feeding operations shall not be located within a site that is susceptible to groundwater contamination or within water quality management areas. No animal feeding operation will be permitted to be built in the 100 year floodplain of a stream, river, lake, or flowage. No animal feeding operation will be permitted to be built in a wetland or within 100 feet of its outside boundary. Animal feeding operations shall maintain a separation distance of 300 feet from existing dwellings excluding the landowner's residence and meet the minimum vertical separation distance to saturation as defined in the USDA-NRCS Technical Standard 561.

**63.15 ANIMAL MANURE MANAGEMENT AND UTILIZATION.** With the exception of the closure of waste storage facilities or impoundments, those receiving permits issued under authority of this chapter shall be required to have an approved nutrient management plan for four years or one rotation, whichever is longer, following issuance of the permit. All crop producers and livestock producers that apply manure or other nutrients directly or through contract to agricultural fields shall apply manure and other nutrients in accordance with Standard 590, USDA-NRCS Technical Guide. This standard does not apply to industrial waste and byproducts regulated under Chapter NR 214, municipal sludge regulated under Chapter NR 204, septage regulated under Chapter NR 113, or manure directly deposited by pasturing or grazing animals on fields dedicated to pasturing or grazing. Manure, commercial fertilizer, and other nutrients shall be applied in conformance with the nutrient management plan. The nutrient management plan shall be designed to limit or reduce the discharge of nutrients to waters of the state for the purpose of complying with state water quality standards and groundwater standards.

History: Amended, Ordinance 563, 4/20/2010

**63.16 PERMIT REQUIRED.** No person may undertake an activity subject to this chapter without obtaining an Animal Manure Permit from the Taylor County Land Conservation Committee, or their designee, prior to beginning the proposed activity. No existing or proposed animal manure storage facility or animal feeding operation, or parts thereof, may be located, installed, moved, reconstructed, extended, enlarged, converted, substantially-altered, or its use changed, including closure, without an Animal Manure Permit as provided in this chapter, without compliance with the provisions of this chapter, and without compliance with USDA-NRCS Technical Guide as adopted as part of this chapter. The specific conditions under which a permit is required are shown in Chapter 63.33(2), Table 2, Taylor County Code.

With the exception of the closure of animal manure impoundments, those receiving Animal Manure Permits issued under authority of this chapter shall be required to have an approved nutrient management plan for four years or one rotation, whichever is longer, following issuance of the permit. Animal manure facility closures are required to remove and properly dispose of all accumulated manures and contaminated soil in the manure facility in compliance USDA-NRCS Standard 590 – Nutrient Management.

History: Amended, Ordinance 563, 4/20/2010

The requirements of this chapter shall be in addition to any other chapter regulating animal manure and nutrient management, such as Chapter 5, Taylor County Code, Human Health Risks, Chapter 29, Taylor County Code, Floodplain Zoning Chapter, Chapter 31, Taylor County Code, Shoreland Zoning Chapter, and Chapter 32, Taylor County Code, Sanitary Chapter. In the case of conflict, the most stringent provisions shall apply.

**63.17 EXCEPTION TO PERMIT REQUIREMENT.** Minor repairs to systems such as fixing a broken pipe or equipment, or the removal of stoppages may be performed without a permit. If repairs will significantly alter the original design and construction of the manure storage facility or animal feeding operation, a request shall be made to the LCC, or their designee, for a determination on whether a permit will be required for any additional alteration or repair of the facility. The LCC, or their designee, shall consult with the USDA-Natural Resources Conservation Service and Land Conservation Department prior to making this determination, and shall render a decision within 10 working days of receiving the request.

**63.18 FEE.** A non-refundable fee for an Animal Manure Permit under this chapter shall be as established by the Taylor County Land Conservation Committee. Fees for Animal Manure Permits required and issued under authority of this chapter are \$1.00 per proposed animal unit. Permit application packets can be obtained from the Taylor County Land Conservation Department, 925 Donald St., Room 104, Medford, or by calling 715-748-1469.

History: Amended, Ordinance 563, 4/20/2010

### **63.19 PLAN REQUIREMENTS.**

(1) Animal Manure Storage Facility Plan Requirements. Each application for an Animal Manure Permit under this chapter shall include an animal manure storage facility plan. The plan shall address all general and specific criteria within USDA-NRCS Technical Standards 313, 358, 382, 425, 590, and 635. The plan shall include:

(a) The number and kinds of animals for which storage is provided and daily gallons of waste and manure produced.

(b) A scaled drawing of the facility and its location in relation to buildings, homes, property lines, and roads within 300 feet and public or private drainage ditches within 100 feet of the proposed facility. The scaled drawing shall be drawn to a scale no smaller than 1 inch equals 100 feet.

(c) The structural details, including dimensions, cross sections, concrete thickness, and safety features.

(d) The location of any wells within 250 feet of the facility.

(e) The elevations of an adequate number of soil test pits located in the facility area with descriptions of a soils log, including elevation of seasonally high

groundwater or bedrock, if encountered, to a depth of at least five feet below the planned bottom of the animal waste storage facility. Soil sampling/testing should support proposed liner requirements for current USDA-NRCS Technical Standard 313.

History: Amended, Ordinance 563, 4/20/2010

(f) A recoverable benchmark with elevation.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater such as exposed bedrock. If a creek, flowage, river, stream, lake, or wetland lies within 500 feet of the facility, the location and distance to the body of water shall be shown. Boundaries of any 100-year floodplains shall be shown.

(h) The scale of the drawing and the north arrow.

(i) A time schedule for construction of the facility.

(j) Appropriate soils test data required in Technical Standards 425, 358, and 313.

(k) Show the applicable transfer pipe classification and size per Technical Standard 358.

(l) Plans for utilization of the animal manure, including the amount of land available for application of the manure, identification of areas where the manure will be used, soil types, and any limitations on manure application due to soil limitations, type, and proximity of bedrock or water table, slope of land, and proximity to surface water. A preliminary Nutrient Management Plan Checklist, verifying the ability of the applicant to comply with Standard 590, will be completed by the applicant and Taylor County LCD staff for this purpose. Updated nutrient management plans for the facility permitted under authority of this chapter must be submitted by March 31<sup>st</sup> each year to be considered in compliance.

History: Amended, Ordinance 563, 4/20/2010

(2) Animal Feeding Operation Plan Requirements. Each application for an Animal Manure Permit under this chapter shall include an animal feeding operation facility plan. The plan shall address specific criteria within USDA-NRCS Technical Standard 561, and additional Technical Standards, including, but not limited to, Roof Runoff Management (Standard 558), Grassed Waterway (Standard 412), Lined Waterway or Outlet (Standard 468), Diversion (Standard 362), Underground Outlet (Standard 620), Subsurface Drain (Standard 606), Critical Area Planting (Standard 342), Sediment Basin (Standard 350), and Filter Strip (Standard 393), where they apply. The plan shall include:

(a) The number and kinds of animals for which the facility is provided and daily gallons of waste and manure produced.

(b) A scaled drawing of the facility and its location in relation to buildings, homes, property lines, and roads within 300 feet and public or private drainage ditches

within 100 feet of the proposed facility. The scaled drawing shall be drawn to a scale no smaller than 1 inch equals 100 feet.

(c) The structural details, including dimensions, cross sections, concrete thickness, and safety features.

(d) The location of any wells within 250 feet of the facility.

(e) The elevations of an adequate number of soil test pits located in the facility area with descriptions of a soils log, including elevation of seasonally high groundwater or bedrock, if encountered, to a depth of at least five feet below the planned bottom of the animal waste storage facility. Soil sampling/testing should support proposed liner requirements for current USDA-NRCS Technical Standard 313.

History: Amended, Ordinance 563, 4/20/2010

(f) A recoverable benchmark with elevation.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater such as exposed bedrock. If a creek, flowage, river, stream, lake, or wetland lies within 500 feet of the facility, the location and distance to the body of water shall be shown. Boundaries of any 100-year floodplains shall be shown.

(h) The scale of the drawing and the north arrow.

(i) A time schedule for construction of the facility.

(j) Appropriate soils test data required in Technical Standards 425, 358, and 313.

(k) Plans for utilization of the animal manure, including the amount of land available for application of the manure, identification of areas where the manure will be used, soil types, and any limitations on manure application due to soil limitations, type, and proximity of bedrock or water table, slope of land, and proximity to surface water. A preliminary Nutrient Management Plan Checklist, verifying the ability of the applicant to comply with Standard 590, will be completed by the applicant and Taylor County Land Conservation Department staff for this purpose. Updated nutrient management plans for the facility permitted under authority of this chapter must be submitted by March 31<sup>st</sup> each year to be considered in compliance.

History: Amended, Ordinance 563, 4/20/2010

(3) Animal Manure Storage Facility Closure Plan Requirements. Each application for an Animal Manure Permit under this chapter shall include a manure storage closure plan to be submitted with the permit application. Plan requirements and provisions shall be in compliance and consistent with USDA-NRCS Technical Standard 360 – Closure of Manure Impoundments. These include, but are not limited to:

(a) Provisions to remove and properly dispose of all accumulated manures in the manure facility in compliance USDA-NRCS Standard 590 – Nutrient Management.

(b) Provisions to remove and properly dispose of any concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner as clean fill at the site.

(c) Provisions to remove and properly dispose of any soils, to the depth of significant manure saturation or two feet whichever is less, from the bottom and sides of a facility without a constructed liner.

(d) Provision to remove or permanently plug the manure transfer system serving the manure storage facility.

(e) Covering all disturbed area with topsoil, seeding the areas with a grass mixture, and mulching the seeded area. This does not apply if an alternative use of the site is authorized under a closure plan approved by the county or town as part of the permit.

**63.20 REVIEW OF APPLICATION.** Prior to approval or disapproval of the permit application, the applicant shall submit a copy of the proposed plan(s) to the Land Conservation Committee, or their designee, for review and/or approval if appropriate. The Taylor County Land Conservation Committee, or their designee, shall receive and review all permit applications. The Taylor County Land Conservation Committee, or their designee, shall determine if the proposed facility meets the required standards set forth in Chapters 63.10, 63.11, 63.12, 63.13, 63.14, and 63.15, Taylor County Code. Within 28 calendar days after receiving the completed application and the appropriate permit application fee, the Taylor County Land Conservation Committee, or their designee, shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Taylor County Land Conservation Committee, or their designee, has an additional 28 calendar days from receipt of the additional information in which to approve or disapprove the permit application. If after the additional 28 calendar days the application is still incomplete, the permit applicant is required to submit a new application.

History: Amended, Ordinance 563, 4/20/2010

**63.21 PERMIT CONDITIONS.** All permits issued under this chapter shall be issued subject to the following conditions and requirements:

(1) Design, construction, and management shall be carried out in accordance with the animal manure storage facility, animal feeding operation, or animal manure storage closure plan and applicable standards specified in Chapters 63.10, 63.11, 63.12, 63.13, 63.14, and 63.15, Taylor County Code.

(2) The permittee shall give seven (7) calendar days notice to the Taylor County Land Conservation Committee, or their designee, before starting any construction activity authorized by the permit.

History: Amended, Ordinance 563, 4/20/2010

(3) Approval in writing must be obtained from the Taylor County Land Conservation Committee, or their designee, prior to any modifications to the approved animal manure facility, animal feeding operation, or closure plan.

(4) The permittee and, if applicable, the contractor, shall certify in writing by signing the certification sheet that the facility was installed as planned and designed. A copy of the signed certification sheet shall be mailed to the County Land Conservation Committee, or their designee, within thirty days of completion of installation.

(5) Activities authorized by permit must be completed within one (1) year from the date of issuance after which such permit shall be void.

**63.22 PERMIT REVOCATION.** The County Land Conservation Committee, or their designee, may revoke any permit issued under this chapter if the holder of the permit has misrepresented any material fact in the permit application or animal manure storage, animal feeding operation facility plan, or closure plans, or if the holder of the permit violates any of the conditions of the permit.

### **63.23 VARIANCES TO SETBACK REQUIREMENTS.**

(1) Requests. Requests for a variance to setback requirements for animal manure storage systems and animal feeding operations shall be made in writing to the Land Conservation Committee, or their designee. Requests shall be reviewed by the LCC on a case-by-case basis and shall include:

- (a) Clearly-stated rationale and justification for requesting the variance.
- (b) Animal Manure Permit Application.
- (c) Manure Storage Facility Plan or Animal Feeding Operation Plan.

(2) Manure Storage Facility and Animal Feeding Operation Plans. Each request for a variance to setback requirements for animal manure storage systems and animal feeding operations under this chapter shall include an animal manure storage facility plan or animal feeding operation plan. The plan shall address all general and specific USDA-NRCS Technical Standard criteria, as they apply, outlined in Chapters 63.10, 63.11, 63.12, 63.13, 63.14, and 63.15, Taylor County Code, and include:

- (a) The number and kinds of animals for which storage is provided and daily gallons of waste and manure produced.
- (b) A scaled drawing of the facility and its location in relation to buildings, homes, property lines, and roads within 300 feet and public or private drainage ditches within 100 feet of the proposed facility. The scaled drawing shall be drawn to a scale no smaller than 1 inch equals 100 feet.
- (c) The structural details, including dimensions, cross sections, concrete thickness, and safety features.

(d) The location of any wells within 250 feet of the facility.

(e) The elevations of an adequate number of soil test pits located in the facility area with descriptions of a soils log, including elevation of seasonally high groundwater or bedrock, if encountered, to a depth of at least five feet below the planned bottom of the facility.

(f) A recoverable benchmark with elevation.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater such as exposed bedrock. If a creek, flowage, river, stream, lake, or wetland lies within 500 feet of the facility, the location and distance to the body of water shall be shown. Boundaries of any 100-year floodplains shall be shown.

(h) The scale of the drawing and the north arrow.

(i) A time schedule for alteration of the facility.

(j) Appropriate soils test data required in Technical Standards 313, 382, 425, 561, 635.

(k) Show the applicable transfer pipe classification and size per Technical Standard 358.

(l) Plans for utilization of the animal manure, including the amount of land available for application of the manure, identification of areas where the manure will be used, soil types, and any limitations on manure application due to soil limitations, type, and proximity of bedrock or water table, slope of land, and proximity to surface water. A preliminary Nutrient Management Plan Checklist, verifying the ability of the applicant to comply with Standard 590, will be completed by the applicant and Taylor County LCD staff for this purpose.

(3) Review and Decision. Prior to approval or disapproval of the variance request, the applicant shall submit the request, the Animal Manure Permit Application, and proposed facility plans to the Land Conservation Committee for review. The LCC shall review the application and shall consult with Land Conservation Department staff, the USDA-Natural Resources Conservation Service, the Animal Waste Advisory Group/Review Board, and other appropriate agencies/individuals prior to making a determination. Written notice shall be mailed to the applicant with any special exceptions, conditional uses, or extenuating factors following LCC review and approval or disapproval within 45 days of receiving the variance request and supporting documents.

**63.24 DELEGATION OF AUTHORITY.** Taylor County hereby designates the Taylor County Land Conservation Committee, or their designee, to administer and enforce this chapter. The Taylor County Land Conservation Committee shall seek the technical advice of the Land Conservation Department, Zoning Committee/Department, USDA-NRCS staff, and the Animal Waste Advisory Group/Review Board in the administration and enforcement of this chapter. The Animal Waste Advisory Group/Review Board shall be appointed by the

LCC and shall assist in reviewing and providing recommendations in cases involving animal manure violations or variances.

**63.25 ADMINISTRATIVE DUTIES.** In the administration and enforcement of this chapter, the Taylor County Land Conservation Committee, or their designee, shall:

(1) Keep an accurate record of all permit applications, animal manure facility plans; animal feeding operation plans; failing, leaking, and idle manure facilities; nutrient management plans; animal manure storage facility closure plans; permits issued; inspections made; and other official actions.

(2) Review permit applications and issue permits in accordance with Chapters 63.16, 63.17, 63.18, 63.19, 63.20, 63.21, 63.22 and 63.23, Taylor County Code.

(3) Inspect animal manure facility and animal feeding operation alteration or construction and animal manure facility closure to ensure the facility is being altered, constructed, or closed according to plan specifications.

(4) Investigate complaints relating to compliance with the chapter.

(5) Monitor the adequacy of manure storage systems and feeding operations including compliance with nutrient management plans.

(6) Perform other duties as specified in this chapter.

**63.26 INSPECTION AUTHORITY.** The Taylor County Land Conservation Committee, or their designee, is authorized to enter upon any lands affected by this chapter to inspect the land prior to or after permit issuance to determine compliance with this chapter in accordance with Chapters 66 and 92, Wisconsin State Statutes. Refusal to grant permission to enter lands affected by this chapter for purposes of inspection shall be grounds for permit denial or revocation.

History: Amended, Ordinance 563, 4/20/2010

**63.27 ENFORCEMENT AUTHORITY.** The Taylor County Land Conservation Committee, or their designee, is authorized to post an order stopping work upon land which has had a permit revoked or on land on which an activity is taking place in violation of this chapter. Following an on-site investigation and determination of the status of the operation and any violations to this chapter, a notice is given by mailing a copy of a Compliance Order by certified mail to the person whose activity is in violation of this chapter. The Compliance Order shall specify the nature of the problem and corrective measures.

In cases where there is an imminent threat to public health, surface water quality, fish or aquatic life, and groundwater quality, the activity will be directed to cease and be brought into compliance within 60 days after receipt of the Order. A construction or closure plan and timetable for repairing, replacing, or properly closing the facility shall be developed within 30 days of receiving the Order. In cases of a more immediate threat to public health, surface water quality, fish and aquatic life, or groundwater quality due to negligence, intentional, or accidental animal manure spills, leakage, or runoff, the Land Conservation

Committee, or their designee, shall be notified within 24 hours of the occurrence. Following an on-site investigation and determination of the status of the operation, an Emergency Order will be issued by the LCC, or their designee, with a description of the problem and corrective measures. In most cases, the occurrence must cease and be brought into compliance with the provisions of this chapter within 48 hours. If deemed necessary, the LCC, or their designee, shall order the activity to cease and be brought into compliance with this chapter within 24 hours, or as required.

Any permit revocation or order stopping work shall remain in effect unless retracted by the Taylor County Land Conservation Committee, or their designee, or by a court of general jurisdiction; or until the activity is brought into compliance with the chapter. The Land Conservation Committee, or their designee, is authorized to refer any violation of this chapter or of any order stopping work issued pursuant to this chapter to the District Attorney or Corporation Counsel for commencement of further legal proceedings.

**63.28 PENALTIES.** Any person who violates, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall be subject to a forfeiture of not more than \$100.00 each day the violation exists, plus costs of prosecution for each violation. Minor violations will not be subject to an immediate fine and will receive a warning with a time limit and appropriate measures for correcting the violation. An unlawful violation includes failure to comply with any standard or prohibition in this chapter or with any condition or qualification attached to the permit. Failure to obtain proper permit is considered a violation. Each day a violation exists shall be a separate offense.

**63.29 ENFORCEMENT BY INJUNCTION.** As a substitute for, or in addition to forfeiture actions, Taylor County may seek enforcement of any part of this chapter by court actions seeking injunctions or restraining orders.

**63.30 AUTHORITY.** Under authority of Chapter 2, Taylor County Code, the Taylor County Board of Adjustments, created pursuant to Section 59.99, Wis. Stats., is authorized to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination by the Land Conservation Committee, or their designee, in administering or enforcing this chapter.

**63.31 PROCEDURE.** The rules, procedures, duties and powers of the Board of Adjustments and Chapter 68, Wisconsin Statutes, shall apply to this chapter.

**63.32 WHO MAY APPEAL.** Appeals may be taken from any person having a substantial interest which is adversely affected by the order, requirement, decision, or determination made by the Taylor County Land Conservation Committee, or their designee.

**63.33 TABLES.**

(1) Table 1. Setbacks for New Animal Waste Storage Facilities and Animal Feeding Operations.

Category	Setback Required
Public Parks	1000 feet
Existing dwellings excluding landowner's residence	300 feet

Road right-of-way and property lines	75 feet
Wetlands	300 feet
Navigable streams, rivers, and flowages	300 feet
Lakes	1000 feet
100 Year Floodplain	Not Permitted
Private wells	250 feet
Municipal wells	1000 feet

(2) Table 2. Permit required.

New	All construction of manure storage systems and animal feeding operations as of the effective date of this chapter.
Existing	All substantial alteration of existing manure storage systems and animal feeding operations.  All closure, repair, or replacement of failing and leaking manure storage systems.  All closure of idle manure storage systems.

History: Created, Ordinance 501, 10/29/2003