

Agenda
Jefferson County Land & Water Conservation Committee (LWCC)
"Working Together to Protect & Enhance the Environment"
Jefferson County Courthouse
311 S Center Ave - ROOM 112
Jefferson, WI 53549-1701
Wednesday, February 19, 2014
8:30 A.M.

Committee Members: Frank Anfang, Sarah Bregant, Walt Christensen, Matthew Foelker, Carlton Zentner

1. Call to Order
2. Roll Call (Establish a Quorum)
3. Certification of Compliance with the Open Meetings Law
4. Introduce New FSA Representative
5. Review of the February Agenda
6. Review and Approval of the December 18, 2013 Meeting Minutes
7. Communications
8. Citizen Comments
9. Non-Metallic Mining Update
10. Final Revisions to the Animal Waste Storage Ordinance
11. Natural Resources Conservation Service Report (NRCS)
12. Notice of Noncompliance - Farmland Preservation Program (FPP)
13. Cancellation of Noncompliance - Farmland Preservation Program (FPP)
14. WLWCA Resolutions
15. 2014 WLWCA Election Ballot - Land & Water Conservation Board
16. Tree Sale Update
17. Annual Vehicle Report
18. Monthly Financial Report
19. Set Next Meeting and Possible Agenda Items
20. Adjournment

Note: If committee members are not able to attend please notify the LWCD

The committee may discuss and/or take action on any item specifically listed on the agenda. Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so appropriate arrangements can be made.

**Land & Water Conservation Committee
Minutes
December 18, 2013**

1. Call to Order:

The monthly meeting was called to order by Walt Christensen at 8:30 a.m. Committee members Sarah Bregant, Walt Christensen, Matthew Foelker, Carlton Zentner, and Scott Zimmerman (@ 8:35) were present. Also in attendance were Mark Watkins, Director, Land & Water Conservation Department (LWCD); Kim Liakopoulos, LWCD; Gerry Kokkonen, LWCD; John Molinaro, County Board Chairman/Supervisor; Dave Terrell, USDA Wildlife Services; and Dennis Vollmer, NRCS.

2. Roll Call (Establish a Quorum):

A quorum was established.

3. Certification of Compliance with the Open Meetings Law:

It was determined that the committee was in compliance with the Open Meetings Law.

4. Review of the December Agenda:

The December agenda was reviewed by the committee members.

5. Review and Approval of the November Meeting Minutes:

Matt Foelker made a motion to approve the November meeting minutes as written, Sarah Bregant seconded. Motion carried 4/0.

6. Communications: Mark Watkins

The Southern Area Association has announced their winter meeting. A draft agenda was circulated.

7. Citizen Comments:

There were no citizen comments.

8. Dave Terrell, United States Department of Agriculture Wildlife Services - 5 Year Cooperative Agreement Update:

The agreement was reviewed and a discussion ensued. Matt Foelker made a motion to accept the agreement, Sarah Bregant seconded. Motion carried 5/0.

9. Non-Metallic Mining Update - Gerry Kokkonen (LWCD):

See attached. Gerry Kokkonen brought the committee up to date on the status of the BR Amon sites.

10. Natural Resources Conservation Service (NRCS) Report:

Dennis Vollmer discussed the NRCS report. See attached

11. Notice of Noncompliance with Soil and Water Conservation Requirements - Farmland Preservation Program (FPP):

Howard & Delores Webb - Scott Zimmerman made a motion to accept the notice, Matt Foelker seconded. Motion carried 5/0.

12.Cancellation of Noncompliance - Farmland Preservation Program:

Rodell & Beverly Mallow, Donald Payne Trust, Claude & Irma Radermacher, Maryela Schelm - Matt Foelker made a motion to accept the notices, Scott Zimmerman seconded. Motion carried 5/0.

13.Monthly Land & Water Conservation Department (LWCD) Financial Report: Mark Watkins

The most recent statements of revenues and expenditures were distributed. See attached. As of the end of November we are at 93.66% of our budget. We don't expect any overages this year and may come in below 100%. Most of our grant money has been received. We are expecting the MALWEG grant soon. All of our 2012 Cost Share Contracts have been paid out. Due to time and weather, all of the 2013 Contracts have been carried over into 2014.

14.Will there be a January Meeting?

The committee decided to forgo a January meeting.

15.Set next meeting and possible agenda items:

It was decided by the members that the next regularly scheduled meeting of the Land & Water Conservation Committee will be held on February 19, 2014 at 8:30 in Room 112 (if available). Possible agenda items include: Annual vehicle report, WLWCA resolutions.

16.Adjournment

Matt Foelker made a motion to adjourn at 9:00 a.m., Sarah Bregant, seconded. Motion carried 5/0.

Non-Metallic Mining Financial Assurance Policy Recommendation

February 2014 - LCC monthly meeting

This document summarizes an amended process, by which Financial Assurance (FA) for Non-Metallic Mining Reclamation would be released to the County for said purposes described in NR 135.40 Wisconsin DNR administrative code and specifically subsection 9, and related County Ordinance.

1. Ninety (90) days prior to document expiration, the permit holder shall be notified of the FA document expiration and specifics of this policy.
2. Sixty (60) days prior to document expiration, the permit holder and FA document holder shall be notified of permit suspension within thirty (30) days if no action is taken.
3. Thirty (30) days prior to the expiration of the FA document the reclamation permit shall be suspended and further subjected to the conditions described in NR135.25 (3), permit revocation.
4. During the thirty (30) day suspension, if the permit holder fails to fulfill the FA obligation the Department shall revoke the permit. The operator shall be notified and a claim notice filed prior to document expiration with the FA document holder.
5. The Department will notify Corporation Counsel concerning any revocation actions.
6. The Land Conservation Committee shall be notified concerning any permit suspensions, revocations and FA forfeiture notices.

****This amended policy shall be used as a guide, which will allow the department to consistently administer and inform permit holders, land-owners, FA document holders and the public.*

Summary of Proposed Revisions to the Animal Waste Storage and Nutrient Management Ordinance

Several changes to the ordinance were made to clarify requirements and to acknowledge the Livestock Siting requirements in the Zoning Ordinance. Other noteworthy changes are highlighted below.

Section 2: Definitions

- Definitions were added and amended to be consistent with definitions in State rules and statutes.

Section 3: Activities Subject To Regulation

- The cost-sharing requirement language was deleted because the State rules on cost sharing have become more complicated. The requirements are related to various dates of operation and do not cover all practices (such as closure of manure storage for structures constructed on or after October 2002). Staff will continue to provide cost-sharing to farms according to the State rules.
- Language was added to require storage facilities that are threatening public health, groundwater, or fish and aquatic life to be upgraded, replaced, or abandoned.

Section 5: Application for and Issuance of Permits

- The fee structure was changed from a flat fee of \$100 to a fee structure based on the size of the structure.
- Current language only requires that a nutrient management plan be submitted as part of the permit application. New language makes it a requirement that farms submit an annual nutrient management plan update to the LWCD.
- The current ordinance does not address setbacks of manure storage structures. Language was added to make the manure storage structure setbacks consistent with the setbacks in the Livestock Siting language in the Zoning Ordinance – 350 feet from public road right-of-ways and property lines. This setback is effective for all new facilities and also the expansion of existing facilities (such that they cannot expand toward road right-of-ways or property lines if the structure is already within the 350 foot setback). It should be noted that there is an existing variance process in the ordinance.

Section: Violations

- The penalty for violations was changed from \$200 to \$500.

Additional Information

- The Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection have both reviewed and provided comments on the proposed revisions. Necessary changes were made as a result of their review.

Proposed Revisions to ORDINANCE NO. 2004-27

**JEFFERSON COUNTY
ANIMAL WASTE STORAGE AND
NUTRIENT MANAGEMENT ORDINANCE**

The County Board of Supervisors of the County of Jefferson does hereby ordain as follows:

SECTION 1: INTRODUCTION

1.01

Authority

This ordinance is adopted under authority granted by Sections 59.70(1), 92.15, and 92.16 of the Wisconsin Statutes.

1.02

Title

This ordinance shall be known as, referred to and may be cited as the Jefferson County Animal Waste Storage and Nutrient Management Ordinance and is hereinafter referred to as the ordinance.

1.03

Findings and Declaration

The Jefferson County Board of Supervisors finds that animal waste storage facilities may not meet current technical design and construction standards. Pollution of the surface and groundwater of Jefferson County may result in actual or potential harm to the health and safety of county residents and transients, livestock, aquatic life and other animals and plants, and to the property tax base of Jefferson County. The Jefferson County Board of Supervisors also finds that improper management of animal waste storage facilities, including improper land application of stored animal waste, may cause pollution of the groundwater and surface water of Jefferson County. The Jefferson County Board of Supervisors further finds that the technical standards developed by the U.S.D.A. Natural Resources Conservation Service and adopted by the Jefferson County Land and Water Conservation Committee provide effective, practical and environmentally safe standards and specifications of storing and managing animal wastes.

1.04

Purpose

The purpose of this ordinance is to regulate the (a) location, design, construction, and use of all new animal waste storage facilities, (b) modification or closure of all storage facilities, (c) transfer of wastes into storage facilities, and (d) utilization of wastes from storage facilities in order to prevent water pollution, and thereby protect the health and safety of residents and transients, prevent the spread of disease, and promote the prosperity and general welfare of the citizens of Jefferson County. **Additionally, the purpose of this ordinance is to implement state manure management prohibitions and enact setbacks to animal storage facilities.** It also is intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.

1.05 **Applicability**
This ordinance applies to the unincorporated areas of Jefferson County. Facilities constructed prior to the effective date of this ordinance shall be exempt, except as indicated in Subsection 3.02 of this ordinance.

1.06 **Interpretation**
The interpretation and application of the provisions of this ordinance shall be minimum requirements, be liberally construed in favor of Jefferson County, and not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.07 **Severability Clause**
If any section, provision, or portion of this ordinance is ruled invalid by a court, the remainder shall not for that reason be rendered ineffective.

1.08 **Effective Date**
This ordinance shall become effective after a public hearing, and upon its adoption and publication by the Jefferson County Board of Supervisors.

SECTION 2: DEFINITIONS

2.01 **Adequate sod, or self-sustaining vegetative cover** means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

2.02 **Animal waste or manure** means livestock excreta. “Animal waste or manure” includes ~~livestock~~ the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids and process water; and runoff collected from barnyards, animal lots and feed storage areas. ~~and other debris that becomes intermingled with livestock excreta in normal waste handling operations.~~

2.03 **Animal waste storage facility** means a manure storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Manure storage facility” includes stationary equipment and piping used to load or unload a manure storage ~~facility~~ structure if the equipment is specifically designed for that purpose and is an integral part of the facility. “Manure storage facility” includes system components used to transfer milking center waste, barnyard runoff and feed storage leachate to the manure storage. “Manure storage facility” does not include equipment used to apply manure to land.

2.04 **Applicant** means any person applying for a permit under this ordinance.

- 2.05 **Bedrock** means the solid or consolidated rock formation typically underlying loose surficial material such as soil, alluvium or glacial drift. Bedrock includes but is not limited to limestone, dolomite, sandstone, shale and igneous and metamorphic rock.
- 2.065 **Closure** means removal and proper disposal of accumulated wastes and proper abandonment of a storage facility as in NRCS Technical Standard 360.
- 2.076 **DATCP** means the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- 2.087 **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 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 s. NR 154.04 (3).
- 2.098 **DNR** means the Wisconsin Department of Natural Resources.
- 2.10 **Groundwater** means any of the waters of the state occurring in a saturated subsurface geological formation of rock or soil.
- 2.1109 **Idle Storage Facility** means an animal waste storage facility where the operations cease or manure has not been added or removed for 24 months.
- 2.120 **Land and Water Conservation Committee** means the committee of Jefferson County Board members and others, who by authority of Chapter 92, Wisconsin Statutes, guides soil and water conservation activities of the Jefferson County Land and Water Conservation Department.
- 2.131 **Land and Water Conservation Department** means the department of Jefferson County government which is responsible for administering and enforcing this ordinance.
- 2.142 **Livestock** means domestic animals such as cattle, horses, sheep, hogs, poultry, fish, etc., or exotic animals such as llamas, ostriches, etc.
- 2.153 **Livestock Operation** means a feedlot or other facility or pasture where animals are fed, confined, maintained, or stabled.
- 2.164 **Milking Center Waste** means all wastewater, cleaning ingredients, and waste milk that is discharged from a milkhouse or milking parlor.

- 2.175 **Modification** means enlargement or reduction to the facility, change in the facility's configuration, addition to the facility (such as ramps, push-off walls, etc.), or repairs that change the facility's configuration or capacity.
- 2.186 **Nutrient Management Plan** Means any of the following:
 (a) A plan required under s. ATCP 50.04 (3) or 50.62 (5) (f).
 (b) A farm nutrient plan prepared or approved for a landowner by a qualified nutrient management planner.
 Note: A nutrient management plan must comply with s. ATCP 50.04 (3).
- 2.19 **Overflow** means discharge of manure to the environment resulting from flow over the brim of a facility or from flow directed onto the ground through a man-made device including a pump or pipe.
- 2.2017 **Permit** means the signed, written statement issued by the Jefferson County Land and Water Conservation Department under this ordinance authorizing the applicant to construct, install, reconstruct, modify, or close an animal waste storage facility.
- 2.2148 **Permittee** means any person to whom a permit is issued under this ordinance.
- 2.2249 **Person** means any individual, corporation, partnership, joint venture, trust, limited liability corporation, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government or any combination thereof that owns, rents, leases, or has other interest in land being regulated under this ordinance.
- 2.230 **Repair** means to restore to sound condition after damage or malfunction of storage facility.
- 2.24 **Site that is susceptible to groundwater contamination** means any one 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 direct conduit to groundwater.
(d) A channel that flows to a direct conduit to groundwater.
(e) An area where the soil depth to groundwater or bedrock is less than 2 feet.
(f) An area where the soil does not exhibit one of the following soil characteristics:
1. At least a 2-foot soil layer with 40% fines or greater above groundwater and bedrock.
2. At least a 3-foot soil layer with 20% fines or greater above groundwater and bedrock.
3. At least a 5-foot soil later with 10% fines or greater above groundwater and bedrock.
- 2.251 **Standards** mean guidelines that have been adopted by the Natural Resources Conservation Service.

- 2.262 **Substantially altered** means a change initiated by an owner or operator that results in a relocation of a facility or significant changes to the size, depth or configuration of a facility including:
- (a) Replacement of a liner in a manure storage facility.
 - (b) An increase in the volumetric capacity or area of a facility by greater than 20%.
 - (c) A change in a facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.
- 2.273 **Technical Guide** means the current Wisconsin version of the United States Department of Agriculture Natural Resources Conservation Service Technical Guide as adopted by the Jefferson County Land and Water Conservation Committee.
- 2.28 **Unconfined manure pile** means a quantity of manure that is at least 175 ft³ 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 or contained in a manner that prevents storm water access and direct runoff to surface water or leaching to pollutants to groundwater.
- 2.294 **USDA - NRCS** means the Natural Resources Conservation Service, an agency of the United States Department of Agriculture.
- 2.3025 **Water pollution** means contaminating or rendering unclean or impure the groundwater or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.
- 2.3126 **Water Quality Management Area** means any of the following:
- (a) The area within 1,000 feet from the ordinary high water mark of a navigable lake, pond, or flowage other than a glacial pothole.
 - (b) The area within 1,000 feet from the high water mark of a glacial pothole lake.
 - (c) The area within 300 feet from the ordinary high water mark of a navigable river or stream.
 - (d) An area that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.
- 2.327 **Working day** means a calendar day, except Saturdays, Sundays and County, State, and Federal recognized legal holidays.

SECTION 3: ACTIVITIES SUBJECT TO REGULATION

3.01

General Requirement

Any person who constructs, installs, substantially alters, or closes an animal waste storage facility, or possesses an idle storage facility; or who employs another person to do the same on land subject to this ordinance shall be subject to the provisions of this ordinance.

3.02

Compliance with Permit Requirements

A person is in compliance with this ordinance if he or she follows the procedures of this ordinance, receives a permit from the Jefferson County Land and Water Conservation Department before beginning activities subject to regulation under this ordinance, and complies with the requirements of the permit. Modification or closure of preexisting facilities requires a permit, subject to all terms of ordinance.

3.03

Manure Management Prohibitions

~~1.~~ All Livestock Operations shall comply with the following:

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

~~2.~~ **Cost Sharing Requirement**

~~Pursuant to Section 281.16 (3) of the Wisconsin Statutes, a livestock operation that is in existence prior to October 1, 2002 shall not be required to comply with the manure management prohibitions unless cost-sharing is made available.~~

3.04

Existing Animal Waste Storage Facilities

- ~~1. Manure storage facilities that pose an imminent threat to public health, fish and aquatic life, or groundwater shall be upgraded, replaced, or abandoned in accordance with this ordinance.~~
- ~~2. Levels of materials in storage facilities may not exceed the margin of safety level.~~

3.05.

Livestock Siting

~~Facilities that hold a Conditional Use Permit issued by the Jefferson County Planning and Zoning Committee shall follow additional requirements under Jefferson County Zoning Ordinance 11.05(d).~~

SECTION 4: STANDARDS

4.01 Animal Waste Storage Facilities

Standards and specifications for design, construction and management of animal waste storage facilities are those in Standard 313 (Waste Storage Facility), and Standard 634 (Waste Transfer) of the Technical Guide. Construction specifications referenced within the above listed standards shall be included.

4.02 Nutrient Management

The standards for nutrient management of land-applied animal wastes are those in Standard 590 of the Technical Guide. Livestock operations subject to regulations under Chapter NR 234 of the Wisconsin Administrative Code shall also adhere to requirements contained in NR 243.14.

4.03 Amendments to Standards

If approved by the DATCP or DNR, future amendments to Standards 313, 634, and 590 or the current standards for waste management systems, waste storage facilities, waste transfer, and nutrient management of the Technical Guide are incorporated by reference in the ordinance and made part of this ordinance, unless otherwise acted upon by the Jefferson County Board of Supervisors.

4.04 Variances

Variations from these standards and Chapter NR 151 of the Wisconsin Administrative Code agricultural performance standards can only be granted through an appeal by the applicant in accordance with Section 8 of this ordinance unless otherwise acted upon by the Land and Water Conservation Committee.

4.05 Human Wastewater

Human wastewater shall not be discharged into animal waste storage facilities unless permitted by applicable federal, state, or local regulations for the disposal of human wastewater.

4.06 Animal Waste Storage Facility Closure

Standards for closure of an idle storage facility are those in Standard 360 of the Technical Guide.

SECTION 5: APPLICATION FOR AND ISSUANCE OF PERMITS

5.01 Permit Required

Except as hereinafter provided, no person shall undertake an activity subject to this ordinance without first obtaining an **ANIMAL WASTE STORAGE FACILITY PERMIT** or **ANIMAL WASTE STORAGE FACILITY CLOSURE PERMIT** from the Jefferson County Land and Water Conservation Department. The requirement of this ordinance shall be in addition to any other ordinance or administrative rule regulating

animal waste storage or applicable technical standards. In the case of conflict, the most restrictive provision shall apply.

5.02 **Exception to Permit Requirements**

Emergency repairs for broken pipes or equipment, leaking dikes or removal of obstructions may be performed without an Animal Waste Storage Facility Permit. Emergency repairs shall not result in increased capacity to the animal waste storage facility. The responsible person (owner or tenant) shall contact the Jefferson County Land and Water Conservation Department on the first working day following emergency repairs for a determination by the Department on whether a permit will be required for any additional modification or repair to the facility.

5.03 **Fee**

All applicants, except those applying for an Animal Waste Storage Facility Closure Permit, shall be required to pay a non-refundable fee at the time of permit application, [see Table 1](#). Application fees may be waived by the Land and Water Conservation Committee upon finding of economic hardship.

TABLE 1

<u>Gallons of Storage</u>	<u>Fee</u>
<u>Closure</u>	<u>\$0</u>
<u>1 - 1,000,000</u>	<u>\$150</u>
<u>1,000,001 – 3,000,000</u>	<u>\$200</u>
<u>3,000,001 and greater</u>	<u>\$300</u>

If the application is submitted after the commencement of activities requiring a permit, then the fee will be doubled. All applicable federal, state, and local standards and ordinance provisions still apply. Applications received after the commencement of activities requiring a permit do not preclude the Land and Water Conservation Department from taking enforcement action.

5.04 **Permit Application**

An application for an Animal Waste Storage Facility Permit or Animal Waste Storage Facility Closure Permit shall be filed with the Land and Water Conservation Department on forms supplied by the Land and Water Conservation Department. The Land and Water Conservation Department shall mail a copy of the approved permit application to the appropriate Town Board. In addition the Land and Water Conservation Department may mail a copy of the approved permit to other agencies or units of government that may have jurisdiction over the proposed activity.

Each application for an Animal Waste Storage Facility Permit under this ordinance shall include an Animal Waste Storage Facility Plan and a Nutrient Management Plan.

1. All Animal Waste Storage Facility Plans shall include the following:

- (a) A plan map showing location of the facility with regard to buildings, roads, lot lines, and homes within ~~three-five~~ hundred (300 500) feet of the proposed facility. The map shall be drawn to scale no smaller than one (1) inch equals one hundred (100) feet. The plan map shall include a north arrow.
- (b) A complete set of detailed construction plans, including but not limited to facility dimensions, cross-section views, profile views, storage facility liners, concrete thickness of floors and/or walls, steel reinforcement plans, water stops and expansion joints, material specifications, and fencing. Preparation of detailed construction plans may likely require the applicant to hire a registered professional engineer or be designed by federal, state, or local agency staff with appropriate NRCS job approval.
- (c) Worksheet 1 (Animal Units) of Chapter ATCP 51 of the Wisconsin Administrative Code will be included. If the type of animal that the facility is to be used for is not on Worksheet 1, then ~~T~~the number and kinds of animals for which waste storage is to be provided.
- (d) Planned duration of storage, expressed in days and/or months, and volume of storage, expressed in cubic feet or gallons.
- (e) The location of any wells within three hundred (300) feet of the facility.
- (f) The location and elevation of all soil tests pits, including a detailed soil description of each pit, to a depth of at least three (3) feet below the planned bottom elevation of the facility. Soil test pits, which are acceptable to the Jefferson County Land and Water Conservation Department, shall be dug within the outermost boundaries of planned waste storage facility bottom area and shall consist of a minimum of 4 pits located in 4 different quadrants of the planned facility.
- (g) The location of drain tiles, sink holes, and drainage ditches.
- (h) The elevation of seasonably high groundwater or bedrock if encountered in the soil profile and the date of any such determination.
- (i) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. This shall include plans for erosion control of disturbed areas and soil stockpiles if the site is in a water quality management area.
- (j) The location of and distance to any navigable body of water within three hundred (300) feet of the proposed facility must be shown.

- (k) A description of how waste will be delivered to and removed from the facility.
- (l) A proposed time schedule for construction of the facility.
- (m) A Chapter NR 151 of the Wisconsin Administrative Code Evaluation Form completed by the Land and Water Conservation Department.
- (n) Any other additional information required by the Jefferson County Land and Water Conservation Department to determine compliance with this ordinance.

2. **Nutrient Management Plans will be required at the time of permit application for an Animal Waste Storage Facility Permit. All nutrient management plans shall conform to the NRCS standards and specifications for nutrient management (590) and if applicable NR 243.14 as specified in Subsection 4.02. All nutrient management plans shall comply with ATP 50.04 (3) as amended from time to time and the following:**

When the livestock operation that is applying for a permit is proposing to spreading animal waste on another landowner's fields, and that other landowner also spreads animal waste ~~from their own operation~~, then a nutrient management plan accounting for nutrients from all sources for both operations must be provided to the Land and Water Conservation Department.

3. **All applicants' land must be in compliance with the agricultural performance standards and manure management prohibitions contained in NR 151. located in Section 3.03 of this ordinance.**

4. **Animal Waste Storage Facility Closure Requirements**

- (a) Closure of an animal waste 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.
- (b) The owner or operator may retain the facility for a longer period of time by demonstrating to the department that all of the following conditions are met: 1. The facility is designed, constructed and maintained in accordance with the applicable standards. 2. The facility is designed to store manure for a period of time longer than 24 months. 3. Retention of the facility is warranted based on anticipated future use.
- (c) Each application for an Animal Waste Storage Facility Closure Permit under this ordinance shall include a site-specific design for closure as specified in Standard 360.

5.05

Review of Application

The Jefferson County Land and Water Conservation Department shall receive and review all permit applications; including the Animal Waste Storage Facility Construction Plans and the Nutrient Management Plan, or the Animal Waste Storage Facility Closure Design; and shall determine if the proposed facility or closure will comply with ordinance requirements. In making this determination, the department may require a site inspection and/or may consult with an outside agency. Prior to issuance of a permit, the NRCS or DATCP engineer or designee, or a registered professional engineer shall verify that plans meet the applicable standards. Within 30 working days after receiving the completed application and fee, the Jefferson County Land and Water Conservation Department shall inform the applicant in writing whether the permit application is approved, disapproved, or if more information is needed. If additional information is required, the Jefferson County Land and Water Conservation Department shall so notify the permit applicant. The Jefferson County Land and Water Conservation Department has 30 working days from the receipt of the additional information to approve or disapprove the application. If, in addition to the applicant's information, the department required comment from an outside agency, the department has 15 working days from receipt of the comments from the referral agency to approve or disapprove the application. If the Land and Water Conservation Department fails to approve or disapprove the permit application in writing within 30 working days of the receipt of the permit application, within 30 working days of receipt of additional applicant information, or within 15 working days of receipt of referral agency comments, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued. Nothing herein shall authorize construction, maintenance, or closure of a facility that does not meet ordinance and technical guide standards.

5.06

Permit Conditions

All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

- (a) Animal waste storage facility design, construction, modification, closure, and application shall be carried out in accordance with the construction plan or closure plan and applicable standards specified in Section 4 of this ordinance.
- (b) Any person applying for an Animal Waste Storage Facility Permit under this ordinance must develop a Nutrient Management Plan as part of the application process to demonstrate their ability to utilize the animal waste in an environmentally safe manner. This condition may require the applicant to hire a crop consultant to prepare the Nutrient Management Plan. ~~Although not required,~~ **a**All recipients of Animal Waste Storage Facility Permits are ~~encouraged~~ **required** to provide annual updates of their Nutrient Management Plans to the Jefferson County Land and Water Conservation Department.