



State of Wisconsin  
Governor Tony Evers

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**Department of Agriculture, Trade and Consumer Protection**  
Secretary Randy Romanski

## **Wisconsin Administrative Code Chapter ATCP 51 Technical Expert Committee Agenda**

**6/14/2023**

The Livestock Facility Siting Technical Expert Committee (TEC) will meet on June 14, 2023. The TEC will hold its official business at 9:00am via ZoomGov. To attend the meeting remotely, you must use the following ZoomGov hyperlink <https://www.zoomgov.com/j/1617693768?pwd=TUJoYmZ4c3U0Qk9TaTBIRGZRUi82Zz09> with meeting ID: 161 769 3768 and passcode 328133, or phone in using 1-551-285-1373. The agenda for the meeting is shown below.

### AGENDA ITEMS AND TENTATIVE SCHEDULE:

- 1 Call the Meeting to Order – **DATCP staff**
  - a. Roll Call
  - b. Open meeting notice
- 2 TEC Final Report Edits
- 3 Acknowledgement and Thank You
- 4 Adjourn

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# **Livestock Facility Siting Technical Expert Committee**

2022 - 2023 Four-Year Review of ATCP 51:  
Report and Recommendations to the DATCP Secretary

**June 8, 2023**

Prepared by Tim Jackson  
Bureau of Land and Water Resources  
Department of Agriculture, Trade and  
Consumer Protection

## **Overview**

The Technical Expert Committee (Committee) was convened as part of the Department of Agriculture Trade, and Consumer Protection's (DATCP) charge under s. 93.90(2)(c), Wis. Stats. to review Ch. ATCP 51, Wis. Admin. Code (ATCP 51) at least once every four years. In December 2022, DATCP Secretary Randy Romanski appointed ten members to serve on the Committee. Composed of members with qualified expertise in nutrient management, runoff management, agricultural engineering, livestock production, local code administration, local governance, and public health, the Committee was tasked with reviewing the standards for local approval in ATCP 51. The committee has offered recommendations for technical, procedural and administrative actions related to the standards in ATCP 51.

Supported by DATCP staff, the Committee met on seven occasions from December 2022 to June 2023. At its first meeting, the Committee was briefed on the content of ATCP 51 as well as the review process and expectations. Advisors to the Committee were selected for each meeting based on that meeting's topical focus and served only to inform the Committee during its discussion. The five subsequent meetings focused on nutrient management, waste storage, runoff management, odor and setbacks, and general standards, respectively. The seventh meeting concluded the review process by finalizing this report. Meeting materials, including the list of discussion items and minutes are located on the Committee's webpage: [DATCP Home Livestock Siting: Technical Expert Committee \(wi.gov\)](#).

The recommendations in this report reflect the Committee's discussion of the items presented for their discussion. Both consensus and non-consensus recommendations are included. The Committee's recommendations are arranged, in chronological order, according to the meeting that they were offered at. Appendices to this report provide a more detailed description of the Committee background and process, a list of all Committee members and a map of all reported livestock facility siting ordinances and permits. As required by law, this report will be forwarded to DATCP Secretary Randy Romanski for consideration.

## **Committee Recommendations**

### January 27, 2023 Meeting on the Nutrient Management Standard

The Committee, as a consensus, recommends updating ATCP 51.16 to require compliance with the 2015 version of the NRCS 590 technical standard for nutrient management.

- The Committee could not identify any other local programs or permits that use the 2005 version of NRCS 590 and suggested its use is outdated. SnapPlus, the software that is used to prepare nutrient management plans is already designed to help users meet the 2015 version of NRCS 590. The Committee also discussed that the standard was updated for a reason in 2015 and that failing to update ATCP 51.16 to match does not meet the obligations of s. 93.90(2)(b)1-7, Wis. Stats.

Part of the Committee recommends that ATCP 51.16 reference another state administrative rule, such as ATCP 50, to keep livestock facility siting requirements for nutrient management consistent with other state rules.

- The Committee discussed past updates to NRCS 590 and the effect that future updates might have on producers. If an ATCP 50 reference is recommended rather than waiting for another Committee review to recommend a technical update to ATCP 51.16, would that afford operators enough time to come into compliance? Several members attested to their experience with the 2015 update and explained that there is a natural lag in implementation of updated nutrient management technical standards while SnapPlus<sup>1</sup> is updated, along with conservation staff affording time to producers.

The Committee, as a consensus, recommends adding a requirement to include the WPDES factsheet with a copy of the WPDES permit if an applicant is using the exemption afforded in ATCP 51.16(4) for Worksheet 3 of the application.

- The Committee discussed that substituting a copy of an existing WPDES permit for the same or greater number of animal units in lieu of completing application Worksheet 3 affords operators with the presumption of compliance based on the review for their WPDES permit by the DNR. However, the exemption requires the WPDES permit be for an equal or greater number of animal units than the livestock siting application. There is not an explicit number of animal units included in the WPDES permit copy that is submitted to local livestock siting authorities. Advisors identified that there is also a WPDES permit factsheet produced as part of DNR's approval process. This factsheet contains information such as animal units and is provided ahead of public meetings. The Committee discussed the value of the WPDES factsheet to address questions related to animal units authorized by a permit while keeping the exemption in place as intended.

The Committee, as a consensus, recommends that livestock operators be allowed to prepare their own nutrient management plans and certify their own checklists in Worksheet 3 of the application if they meet the criteria for qualification under ATCP 50.48(2).

- The Committee discussed that there may be potential financial benefits in authorizing qualified producers to write their own plans. Affording this option may make the 2015 version of NRCS 590 more accessible as that is the standard SnapPlus is built to assist users with. There are existing criteria in ATCP 50.48(2), Wis. Admin. Rule to qualify operators to prepare their own plans.

### March 6 and 13, 2023 Meetings on the Waste Storage and Runoff Management Standards (Koles absent on March 13)

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<sup>1</sup> SnapPlus is Wisconsin's nutrient management planning software. For more information, please visit: <https://snapplus.wisc.edu>

The Committee, as a consensus, recommends that DATCP review the definition for “substantially altered” under ATCP 51.01(40) to determine if it properly applies in all scenarios.

- The committee discussed that any updates to the conservation practice standards (CPS) referenced in ATCP 51 would apply to substantially altered waste storage structures as well as new waste storage structures. The definition of “substantially altered”, then, has a considerable effect in determining which existing structures must meet the updated CPS, which may add cost to a project.

The Committee, as a consensus, recommends updating ATCP 51.18 to incorporate the newest conservation practice standards (CPS) for new and substantially altered waste storage facilities. DATCP should consider what the best vehicle for achieving that recommendation is, whether that be through cross-referencing another state rule, such as ATCP 50, or directly referencing dated versions of those conservation practice standards.

- The Committee discussed that most counties which have manure storage ordinances already use the updated CPS. As a result, most livestock siting applicants are likely already meeting the updated CPS in counties where those manure storage ordinances exist. Private engineering consultants are also accustomed to meeting the updated CPS, even in areas where those manure storage ordinances don’t exist. The Committee also noted that livestock facility siting law is intended to set uniform expectations and regulations for livestock facility operators. Using outdated CPS are therefore not meeting the intent of the law.

The Committee expressed that while the updated CPS may have additional costs when compared to the outdated versions currently in rule that most facilities are already being designed to the updated CPS. The committee discussed that the biggest changes between the CPS referenced in ATCP 51 and updated CPS for waste storage facilities are the required separation distances and liner standards, but that only new and substantially altered waste storage structures would need to meet an updated CPS if incorporated into a revision of ATCP 51.

The Committee, as a consensus, recommends adding a requirement to include the WPDES factsheet with a copy of the WPDES permit if an applicant is using the exemption afforded in ATCP 51.18(7) for Worksheet 4 of the application.

- The Committee discussed substituting a copy of an existing WPDES permit for same or greater number of animal units in lieu of completing application Worksheet 4. The Committee asked what the WPDES permit evaluation is like for CAFO waste storage and what is reported on the WPDES permit factsheet for waste storage, which was recommended for inclusion in the exemption requirements during the January 27

meeting. WPDES permits are evaluated for approval of new, substantially altered and existing waste storage structures. Advisors reported that CAFOs generally meet the most up-to-date versions of the CPS. The WPDES permit factsheet does include a paragraph about each waste storage facility but does not include engineering details. The Committee discussed the value of requiring copies of waste storage documentation from a WPDES permit up front in a livestock siting application. It may be helpful in some situations, but for town-level review especially, it may be less efficient to increase the technical documents provided for a WPDES exemption.

The Committee, as a consensus, recommends that DATCP review the criteria for evaluating existing waste storage facilities under ATCP 51.18(2), specifically criteria (c).

- The Committee discussed the five listed criteria for evaluating existing waste storage facilities and identified that criteria (c) needs review. The Committee deliberated if DATCP could review all five of the criteria but identified criteria (c) specifically as an area of the rule that may not currently be working. Criteria (c) may need more evaluation requirements outside of a visual inspection for structures greater than 10 years old. Often, the original engineering as-builts are no longer available for those structures.

Part of the Committee recommends that the nutrient management standard should remain the focus of waste management, rather than a size-based or time-based waste storage capacity requirement. Updating the NRCS 590 standards for nutrient management plans would address that.

- The Committee discussed that a time-based storage requirement could qualify less risk for land applications when conditions would promote runoff, such as during winter months, but risks are location dependent. CAFOs currently have 180 days of storage requirement through their WPDES permit. But some operations just below the CAFO threshold may be presenting a higher risk of runoff from land applications without that 180-day requirement. The Committee acknowledged that an updated (2015) NRCS 590 requirement for nutrient management plans would incorporate restrictions for areas and times of high risk for runoff from land applications.

The Committee, as a consensus, recommends that DATCP consider the WPDES permit timeline and aim for better consistency between it and local siting approval, specifically the requirement for submission of engineering designs.

- As part of an application, a livestock facility must provide all documentation to prove compliance with the standards for approval using the maximum number of animals that they apply for. For some expansions, this may require the submission of engineering designs well in advance of construction for future structures. In

contrast, WPDES permits may not require submission of future structure designs until closer to construction. The Committee discussed that some consultants for WPDES permitting facilities will provide thorough documentation to a livestock facility siting regulatory authority up front if they know what staff need to verify compliance. The Committee agreed that the livestock facility siting review process should aim to be consistent with the WPDES permit review process when a WPDES permit is used as an exemption.

The Committee, as a consensus, recommends updating ATCP 51.20 to incorporate the newest conservation practice standards (CPS) for new and substantially altered animal lots and feed storage structures. DATCP should consider what the best vehicle for achieving that recommendation is, whether that be through cross-referencing another state rule, such as ATCP 50, or directly referencing dated versions of those conservation practice standards.

- The Committee expressed that copies of old versions of NRCS CPS can be hard to find and administering them alongside other local ordinances that apply different CPS is difficult. Most livestock facilities are meeting the newer version of CPS as required elsewhere and most private consultants want to use the newest versions. The Committee discussed the effect of applying a newer version of CPS on farms under the CAFO threshold and potential impacts on expansion efforts, as the changes to NRCS CPS 635 in 2012 were substantial compared to the 2002 version. The newer versions address additional areas for runoff risk compared to the older versions. However, application of this standard could incur additional costs or prohibitions on existing facilities with environmentally sensitive areas when expanding.

The Committee also discussed that referencing ATCP 50 may be better for creating consistency across programs and locally adopted regulations. The Committee affirmed its understanding that updated standards in ATCP 51 would only apply to new permits, not those previously approved, and only to new or substantially altered animal lots and storage structures.

The Committee, as a consensus, recommends that existing feed storage structures should be required to be evaluated for risk of discharge or leaching.

- The Committee discussed that updating NRCS CPS 635 would include CPS requirements for feed storage where the 2002 version has none. The Committee affirmed updated standards in ATCP 51 would only apply to new permits, not those previously approved. Additional professional judgement may strengthen the presumption of compliance for existing animal lots and feed storage structures. The

Committee identified that if the required CPS were updated, Worksheet 5 would need to be revised to accommodate it.

Part of the Committee recommends that DATCP review the 70% moisture threshold for feed storage runoff management standards to determine if it is still the appropriate number.

- The changes to NRCS CPS 635 in 2012 were substantial compared to the 2002 version. The newer versions address additional areas for runoff risk compared to the older versions. However, ATCP 51.20 presumes that low-moisture feed storage (<70%) is qualified to have a lower risk of leaching and excludes it from some of the listed requirements, such as collection. Some of the Committee members expressed that this threshold may not be accurate for a lower risk of leaching and therefore not protective enough of surface waters.

#### April 11, 2023 Meeting on the Odor and Setbacks Standards

Part of the Committee recommends the differences in maximum setback requirements for facilities above or below 1,000 AU under ATCP 51.12 be removed.

- The Committee discussed the logistics of requiring different setback standards for facilities below and above 1,000 AU. Sometimes a facility will site or expand below 1,000 AU, then later expand above that threshold with those existing structures now sited closer than would otherwise be authorized under the above 1,000 AU setback requirement. Consistency between setbacks for facilities above and below 1,000 AU may be easier for local administration. However, requiring facilities below 1,000 AU to site structures up to 200 feet from a property line or up to 150 feet from a public road right-of way (as opposed to a max of 100 feet under ATCP 51.12(1)(a), Wis. Admin. Code) may negatively affect those facilities.

Part of the Committee recommends that the department review the odor score model using the newest available research for efficacy in predicting odor.

The Committee, as a consensus, recommends the department gather the newest available research on predictive odor models for use in the next Committee review.

- The Committee discussed that the odor score has varying degrees of success depending on the location and size of the facility using it. Facilities in more rural areas without close residential neighbors have few conflicts, while facilities sited within proximity to more residential neighbors have had more conflicts. The success of the odor score, predicting and measuring odor, is difficult to measure as odor can be a subjective experience. The Committee identified that odor is a common cause of complaints, although these are



often concentrated during a siting/expansion review and less prevalent afterwards. Odor control practices can be very costly, but facility operators do appreciate having proof of compliance for odor concerns as demonstrated by the odor score and worksheet. The Committee expressed that the current odor score is working to act as a middle ground between producers and landowners. The Committee asked if there has been any growth in the research used to create the odor score. Jackson was not aware of anything since 2005. The Committee discussed that updates to the odor score model may be appropriate if newer research is available, such as for control practices or new odor sources. Part of the Committee felt that the review of the odor score model was more appropriately assigned to the Committee rather than the department.

The Committee, as a consensus, recommends that DATCP produce templates for the required incident response and employee training plans, as well as the optional odor management plans and review the odor score credits awarded for each.

- The Committee identified that there is currently minimal content required for incident response, employee training and odor management plans. A well-written incident response and employee training plan can provide great value for the facility, although there may be significant cost in preparing these. Guidance for how to write these plans can be found elsewhere from stakeholder groups but none exists from DATCP. The Committee discussed that improving the detail required in these plans can have broader positive effects on the operation of the facility and may address concerns from adjacent landowners without adjusting setbacks or odor standards. If more detail is given, the associated odor score credits would be more appropriate. The Committee discussed that the odor score credits given for the required incident response and employee training plans may need to be better balanced with the optional odor management plan for their actual effect on odor.

#### May 17, 2023 Meeting on the General Standards (Roth and Heeg absent)

The Committee, as a consensus, recommends the department clarify how local permitting authorities should construct their record of decision, including a template for example.

- The Committee discussed that an adequate record of decision under ATCP 51.34(3) should be of benefit to both local permitting authorities and livestock producers. An adequate record of decision contains clear statements of how a local decision was made using evidence in the record under ATCP 51.36. Adequate records of decision are particularly important in the event of an appeal. A DATCP template and/or example would assist permitting authorities in crafting their records of decision.

The Committee, as a consensus, recommends the department define “permit modification” and provide both clarity in rule and guidance for processing permit modifications.

- The Committee concluded that permit modifications should be defined and a process by which to implement them locally needs to be clarified in the rule. Currently, permitting authorities must interpret for themselves how to handle modifications to a permit, which can lead to inconsistencies both with other permitting authorities and within a single permitting jurisdiction. Procedurally, the Committee advised that requiring review of entire applications for minor changes to a facility's operation are neither an efficient nor favorable option for permitting authorities or facility operators.

The Committee, as a consensus, recommends the definition of "permit modification" established by the department not include increases in animal units above the previously approved number.

- The Committee discussed previous TEC recommendations which included minor expansions (less than 20% increases in animal units) as permit modifications. Previous TECs cited to minor expansions needing only nutrient management updates and not changes or additions to engineered structures. Previously proposed legislative updates to s. 93.90, Wis. Stats. echoed the need to define and establish a procedure for permit modifications. The Committee also identified that WPDES permitted CAFOs have an allowance for planned expansions during their permit term, which may have factored into previous TEC discussions.

The Committee, as a consensus, recommends the department provide guidance for local permitting authorities to monitor for compliance after a local approval is given.

- The Committee discussed that the language in ATCP 51.34(4)(a) leaves monitoring for compliance with standards as an option for permitting authorities. Establishing monitoring as an option, as opposed to a requirement, accommodates smaller permitting authorities who may not have the capacity to conduct regular monitoring activities. Consequently, this allows for different frequencies of monitoring activities amongst permitting authorities and facilities. The Committee identified that this may lead to some facilities being monitored more often than others, even within the same jurisdiction. However, other factors reflect the need to monitor more frequently such as topography, location and historic compliance. The Committee agreed that the department should provide guidance for local permitting authorities on how to conduct compliance monitoring for permitted facilities.

The Committee, as a consensus, recommends the department follow through with its plans to align ATCP 51 with statute and code as identified in its Biennial Report Reviewing Administrative Rules dated March 31, 2021.

- The Committee discussed the ATCP 51 items identified in the DATCP Biennial Report Reviewing Administrative Rules dated March 31, 2021 for 2017 Wisconsin Act 108

conflicts. The Committee asked when the department intended to act on their identified rulemaking plans. Jackson and Smith were not able to identify of a formalized schedule for acting as stated in the report. The Committee discussed making a recommendation to show support for the department acting on their plans soon.

The Committee, as a consensus, recommends the department revisit and revise model ordinances for both licensing and zoning.

- The Committee discussed the department’s model ordinance which was created shortly after the promulgation of ATCP 51. The model may be outdated as a result of other legislative changes, including but not limited to 2017 Act 67.

The Committee, as a consensus, recommends that the requirement for structure labels on the area map, item #9 in the application, be removed.

- The Committee identified that both the larger area map and smaller site map require labels for all livestock structures. This duplicate requirement to identify those structures on both maps is not necessary and it can be difficult for an operator or consultant to fit the labels legibly on the larger area map.

The Committee, as a consensus, recommends that the department add a required acknowledgement from the applicant that the application complies with all other local ordinances.

- The Committee discussed that the applicant certification which qualifies their application complies with other local ordinances is easily overlooked. It should require an additional acknowledgement, such as a checkbox or initials, so the applicant is more likely to see it and check all other local ordinance requirements. This will also more adequately represent the applicant’s efforts to the local permitting authority.

## **Appendix A**

### ***Technical Expert Committee: Background and Process***

As required by law, Ch. ATCP 51, Wis. Admin. Rules. (ATCP 51), was developed with advice from the Technical Expert Committee (Committee) convened in 2004. In subsequent years, DATCP has convened four Committees in 2010, 2014, 2018 and 2022 to provide advice on updates to the siting rule.

Under s. 93.90, Wis. Stats., the DATCP Secretary is required to appoint a committee of experts to review the technical standards in ATCP 51. In carrying out this requirement, DATCP committed to a process with a focus on scientific and technical matters, using a committee composed of experts from the public and private sector who were selected based on their

knowledge and experience with the technical and administrative standards covered under ATCP 51.

### ***Previous Committee***

In August 2016, the ATCP Board approved a scope statement for ATCP 51, which expired in February 2020. DATCP staff prepared revisions to ATCP 51, including many of the recommendations identified by 2014-2015 Technical Expert Committee (Committee). At the ATCP Board meeting in July of 2017, board members did not approve the draft rule and directed DATCP to obtain feedback from three stakeholder groups – agricultural groups, environmental organizations, and local governments.

In December 2018, DATCP Secretary Sheila Harsdorf appointed eight members and eight advisors to serve on the 2018-19 Committee, most of whom also served on the 2014-2015 technical expert committee. Chaired by DATCP staff, the committee met on four occasions from December 2018 to March 2019. At its first meeting, the TEC was presented with a list of issues to frame future discussions. Specifically, committee members were asked to consider what changes they would make to their 2014-2015 recommendations based on the department’s 2017 draft siting rule and other developments in the last four years. Following the Committee’s final report in March of 2019, the ATCP Board approved a hearing draft for ATCP 51 in July of 2019. The Department held six public meetings on the 2019 proposed rule revisions between August and September of 2019. The rule ultimately failed to be promulgated prior to the 2016 scope statement expiring.

### ***Committee appointments***

In December 2022, DATCP Secretary Randy Romanski appointed ten members to serve on the 2022-23 Committee, none of whom had previously served as members, and including livestock producers for the first time. The makeup of the Committee was intended to mirror the objectives identified in s. 93.90(2)(b), Wis. Stats. Which authorizes promulgation of ATCP 51. As written, in promulgating rules under par. (a), the department shall consider whether the proposed standards, other than those incorporated by cross-reference, are all of the following:

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

As a result, the Committee’s expertise\* consisted of:

|                      |   |   |
|----------------------|---|---|
| <b>10</b><br>Members | 4 Experts in the NRCS standards referenced in ATCP 51 | 1 County expert in runoff management  |
|                      |   | 1 County expert in nutrient management  |
|                      |   | 1 Private consultant expert in nutrient management  |
|                      |   | 1 Private consultant expert in agricultural engineering                                     |
|                      | 1 Expert in environmental science                     | Representing the public health sector   |
|                      | 2 Livestock producers                                 | Representing 2 different species of livestock operations                                    |
|                      | 3 Representatives from local governments              | 1 county conservation department head who administers a livestock facility siting ordinance |
|                      |   | 1 towns' representative   |
|                      |   | 1 county zoning administrator who administers a livestock facility siting ordinance         |

\*Several of these members' qualified expertise falls into more than one category

The individual details for members and advisors are listed in Appendix B. A livestock facility siting map with member locations is attached as Appendix C.

***Review scope and criteria***

The Committee was charged with reviewing the existing standards for local approval of livestock facilities to ensure that ATCP 51 keeps pace with changing agricultural practices and remains environmentally protective. The Committee's approach to reviewing the technical standards in ATCP 51 was to determine if the standards meet the objectives of the legislature in s. 93.90(2)(b), Wis. Stats.

The questions posed to the Committee involved items for discussion in ATCP 51 identified by both previous Committees and DATCP staff. These items consisted of updates and clarifications to the standards for nutrient management, waste storage and runoff management, the odor score and setbacks, and general procedure within ATCP 51. Discussion of the items focused on the impacts of facility size, Natural Resources Conservation Service (NRCS) updates to standards, developments in research and new technologies, and local implementation experiences.

### ***Meeting framework and deliberative process***

Following the introductory meeting on December 22, 2022, Committee meetings took place on January 27, March 6, March 13, April 11, and May 17, 2023. During these meetings, the Committee answered all discussion questions, then reviewed and vetted all recommendations for inclusion in this report. A final meeting was had on June 14, 2023 to finalize edits to this report.

To ensure a transparent and public process related to the Committee's deliberations, DATCP committed to the following:

- Publicly notice and conduct each meeting according to the open meetings law
- Prepare minutes for each meeting
- Maintain a website to share critical documents and information, such as the committee assignment, meeting agendas, and minutes for each committee meeting: [https://datcp.wi.gov/Pages/Programs\\_Services/LSTechExpertCom.aspx](https://datcp.wi.gov/Pages/Programs_Services/LSTechExpertCom.aspx)

The Committee followed ground rules intended to create an environment conducive to the free exchange of information and thoughtful deliberation on discussion items. Though the public could attend committee meetings in accordance with state law, there were no presentations by the public. This structure recognized that there will be an occasion for the public to comment and share their ideas during rulemaking related to the Committee's recommendations.

The Committee did not strictly utilize a consensus process to develop their recommendations. Because of the diverse nature of the Committee, DATCP aimed to include all parties' comments after discussion. This process allowed the Committee to complete its work in achieving final recommendations which address the items discussed.

## **Appendix B**

### ***Livestock Siting Technical Expert Committee 2022-2023***

#### Members

Scott Frank – Shawano County Land Conservation Department

Travis Drier – Dunn County Land and Water Conservation Department

Nikki Wagner – Rock River Laboratory, Inc.

Emily Micolichek, PE – Miller Engineers & Scientists

Curtis Hedman, Ph.D. – Wisconsin Department of Health Services

Jay Heeg – Heeg Brother's Dairy, LLC

AV Roth – Roth Feeder Pig, Inc.

Gaylord Olson – Jackson County Land Conservation Department

Mike Koles – Wisconsin Towns Association

Matt Zangl – Jefferson County Planning & Zoning Department

#### Advisors

Cody Calkins – DATCP, Nutrient Management

Andrea Topper – DATCP, Nutrient Management

Tyler Dix – DNR, CAFO WPDES Permit Administration

Aaron O'Rourke – DNR, CAFO Nutrient Management

Bernie Michaud, P.E. – DNR, CAFO Conservation Engineering

Matt Woodrow, P.E. – DATCP, Conservation Engineering

Dennis Marquardt, P.E. – DATCP, Conservation Engineering

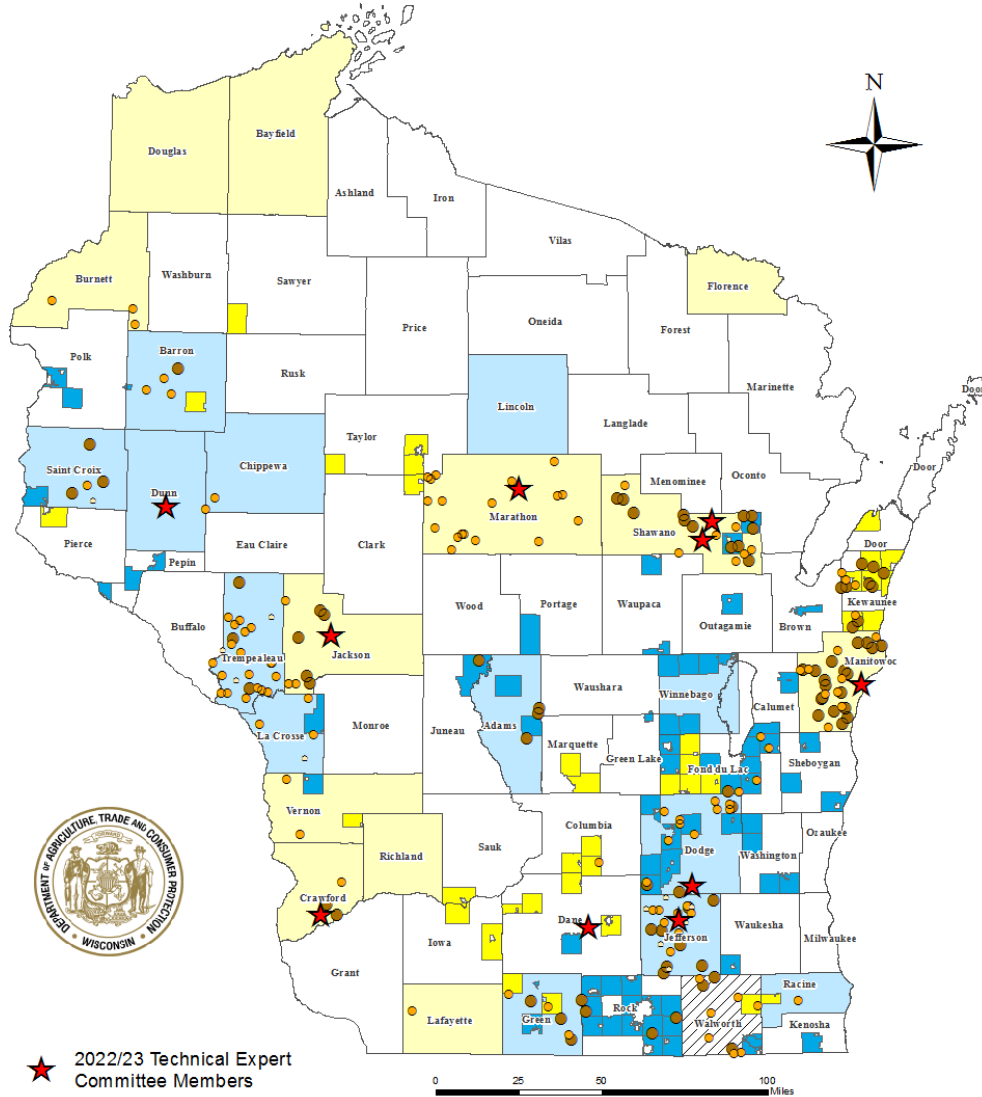
Beth Peterson, P.E. – NRCS, Conservation Engineering

Steve Becker, P.E. – NRCS, Conservation Engineering

# Appendix C

## Wisconsin Livestock Facility Siting Permits and Permitting Authorities

Through March 2023



★ 2022/23 Technical Expert Committee Members

County Livestock Facility Siting Ordinances

- Licensing
- Zoning
- Repealed

City, Village and Town Livestock Facility Siting Ordinances

- Licensing
- Zoning

Livestock Facility Siting Permits

- 1 - 499 Animal Units
- 500 - 999 Animal Units
- 1000 or more Animal Units

Under Wisconsin's livestock facility siting law, local governments do not have to require permits for new or expanding livestock operations. However, if they choose to require conditional use or other permits for such operations, the livestock siting law (s. 93.90 Wis Stats.) sets standards and procedures that they must use. The standards address property line and road setbacks, management and training plans, odor management, nutrient management, manure storage facilities and runoff management. The law does not affect other local ordinances such as shoreland and floodplain zoning. It limits exclusion of livestock facilities from agricultural zones.

*This map shows the approximate boundaries and status of 1) permitting authorities that have adopted livestock facility siting 2) generalized locations of approved livestock facility siting permits. It is intended for general reference, rather than site-specific uses. Livestock facility siting permitting authority and permit data was compiled by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and is updated for May 2023. This dataset is not an authoritative source of information about legal land ownership, parcel boundaries, or public access. DATCP does not guarantee the accuracy, applicability for a particular use, completeness, or legality of data provided by other sources. No warranty, expressed or implied, is made regarding the accuracy or utility of this data.*

For more information, please visit [livestocksiting.wi.gov](http://livestocksiting.wi.gov) or call 608.224.4630.

Date: 5/15/2023