

BURNETT COUNTY ANIMAL WASTE MANAGEMENT ORDINANCE

AUTHORITY. This Chapter is adopted under Wis. stat., ss 59.02, 59.03, 59.7(20), 92.10, 92.15, 281.17

TITLE: This Chapter shall be referred to as the **Burnett County Animal Waste Management Ordinance**, and is hereinafter referred to as the chapter.

DECLARATION OF POLICY:

(1) Findings. The Burnett County Board of Supervisors recognizes the importance of our quality ground and surface water resources and the need to maintain these resources for our future generations. The board also recognizes that the proper management of animal waste contributes to the protection of ground and surface water, public health, other animal, and aquatic life.

APPLICABILITY:

This chapter applies to the unincorporated areas of Burnett County for impoundments, mismanaged pastures and unconfined stacks. Feedlots and impoundments within Water Quality Management Area (WQMA) existing prior to the effective date of this chapter shall be construed as being in compliance with this chapter until a site evaluation is made.

(1) Interpretation. In its interpretation and application, the provisions of this chapter shall be minimum requirements, and shall be liberally construed in favor of Burnett County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statute.

(2) Severability Clause.

If any section, provision, or portion of the chapter is ruled invalid by a court, the remainder of the chapter shall not be rendered ineffective

DEFINITIONS

1. "Abandoned Impoundment" means an animal waste impoundment not maintained.
2. "Animal Unit"(A.U.) means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wisconsin Administrative Code, NR- 243, or any amendments thereto, which deal with animal waste management, animal types or equivalency factors. Using a 1,000 lb. steer as a standard, the United States Environmental Protection Agency has calculated the number of animals that produce an equivalent amount of animal waste, which is one animal unit.
3. "Animal Waste" means livestock manure or other materials such as bedding, milk house waste or other water, soil, hair, feathers or debris normally included in animal waste handling operations.
4. "Animal Waste Storage" consists of either:
 - a. "Impoundment" means any earthen, concrete, wooden, steel or otherwise fabricated structure intended to hold an accumulation of animal waste, or
 - b. "Stack" means a stored accumulation of mechanically placed animal waste.
5. "Applicant" means any person who applies for a permit under this Chapter.
6. "Land and Water Conservation Department", referred to as the "LWCD", means the staff for enforcing and providing technical and administrative support for this Chapter.
7. "Direct Runoff" means a visible barnyard or storage flow or evidence of regular flow or discharge that reaches the agriculture shore land corridor.
- 7a. Expansion of existing facilities - any existing facility having 150 A.U. or more which proposes to expand by 20 % animal units as of date of the ordinance adoption will need a permit.
8. "Feedlot" means a lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which animal waste may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of all animals, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

9. "Impoundment" (manure storage structures), see Animal Waste Storage.
10. "Land and Water Conservation Committee", referred to as the "LWCC" means the Committee of the Burnett County Board, which oversees the Land and Water Conservation Department.
11. "County Conservationist" means the Department Head for the Land and Water Conservation Department.
12. "Navigable Waters" means all natural inland lakes, streams, ponds, flowage, and the Wisconsin portion of the St. Croix River and other waters within the corporate limits of Burnett County, which are navigable under the laws of the State of Wisconsin. The definition of "Navigable Waters" or "Navigable Waterway" used by the Wisconsin Department of Natural Resources shall be applicable. (WI Statutes Chapter 30)
- 13 a. "Manure Management Plan" means a written plan and map, approved by the department detailing the amount, form, placement, and timing of applied animal waste.
- 13 b. "Nutrient Management Plan" (NRCS Standard 590) Purpose: managing the amount, form, placement, and timing of applications of plant nutrients to support one of the following purposes:
 - Supply plant nutrients for crop production
 - Minimize entry of nutrients to surface water
 - Minimize entry of nutrients to ground water
14. "New Impoundment or Feedlot" means any impoundment or feedlot constructed after the effective date of this ordinance.
15. "Notice of Noncompliance" means an order under which an activity subject to regulation may continue to operate subject to a time frame for compliance.
16. "Mismanaged Pastures" means those pastures immediately adjacent to or including a lakeshore or stream, where confinement of livestock for the purpose of feeding, browsing or loafing prevents the maintenance of adequate sod cover causing bank erosion.
17. "Ordinary High Water Mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetating, predominance of aquatic vegetation, or other easily recognized characteristics. (As defined by DNR).

18. "Permittee" means a person to whom a permit is issued under this Chapter.
19. "Person" means any individual, corporation, firm, partnership, joint venture, agency, unincorporated association, or unit of government.
20. "Policy and Procedures for Animal Waste Management" are the implementation guidelines for the Burnett County Animal Waste Ordinance.
21. "Pre-Existing Impoundment or Feedlot" means any impoundment or feedlot existing prior to and after the effective date of this ordinance.
- 21 a. Spilled or Lost Animal Waste - Animal Waste that is temporarily located due to mechanical breakdown or weather conditions.
22. "Stack", see Animal Waste Storage.
23. "Stop Work Order" means an order to cease any activity in the operation of, or construction of an activity subject to regulation.
24. "Substantial Alteration" means any modification to a permitted BMP (Best Management Practice) that alters the integrity of the liner or structure; or the integrity, capacity, or design requirements of a feedlot.
25. "Water Pollution" according to Burnett County Health Ordinance no.91-1 section II sec. C is defined as allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health.
26. "Unconfined Stack" means a stack from which runoff leaves its perimeter, or is not confined to its immediate area.
27. "Water Quality Management Area" (WQMA) means:
 - a. Area within 1,000 feet of the ordinary high water mark of navigable waters that consist of a lake, pond or flowage.
 - b. Area within 300 feet of the ordinary high water mark of the navigable waters of a river or stream.
 - c. Area with potential to be direct conduits for groundwater contamination.
 - d. Area of direct runoff from animal waste to surface water.
28. "Waters of the State" 3947 95-96 Wis Stats. 283.11
 "Waters of the State" means those portions of Lake Michigan, Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its

jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

29. "The 4 prohibitions"

- No overflow of manure storage structures
- No unconfined manure pile (equivalent volume to a 140 bushel manure spreader of 175 cubic feet) in a water quality management area, 1,000 feet up gradient from sinkholes, or less than 3 feet to groundwater or bedrock.
- No direct runoff from a feedlot of stored manure into the waters of the state.
- No unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.

30. Certified Crop Advisor (CCA) is considered qualified if they meet the requirements for evidence of qualifications for Nutrient Management Planner as listed in ATCP 50.952 sub. 3, as recognized by the American Society of Agronomy and the Board of Wisconsin.

31. Site evaluations will be done on request of the office or if a complaint is filed with the department. The landowner will be notified of complaint and will set a time for the department's staff to come out and do an evaluation.

ACTIVITIES SUBJECT TO REGULATION

1. Animal Waste Storage in unincorporated areas of the county
 - a. Unconfined Stacks. See policy and procedures sec VIII
 - b. Impoundments See policy and procedures VII Sub. C.
2. Feedlots. See policy and procedures VII. Sub. b.
3. Mismanaged Pastures. See policy and procedures sec. VIII.
4. Expansions. See policy and procedures sec. VII. Sub. A.

STANDARDS, SPECIFICATIONS AND POLICIES

Compliance with this Chapter shall

be through LWCC approved standards, specifications and policies. Standards and specifications are minimums. Additional standards and specifications may be required in Water Quality Management Areas where shallow soil to bedrock, highly fractured bedrock, drainage to sinkholes or similar conditions exist. The standards or specifications and procedures for this chapter are listed in the **Burnett County Policy and Procedures For Animal Waste Management Manual**, which shall be kept on file with the LWCD.

PERMITS. The LWCD accepts permit applications: Permit fees shall be required for impoundment and new or expanded feedlots over 150 or more animal units that propose to expand by 20% of the animal units as of the date of this ordinance adoption will also need a permit. Permit fees are \$50.00 and are non-refundable. Feedlots of less than 150 animal units will not require a permit. Permits are required for new or expanded impoundments, and expanded feedlots within Water Quality Management Areas. No permits are required outside of the WQMA for a pre-existing feedlot unless there is complaint filed with the LWCD. Requirements of the Chapter shall be in addition to any other rules or provisions regulating animal waste. In the case of conflict, the most stringent provisions shall apply. See policies for permit applications and requirements.

ADMINISTRATION.

(1.) The Land Conservation Director shall administer and enforce this Chapter as stated in policy and procedure manual.

ENFORCEMENT.

(1) Enforcement Authority.

Under this chapter the BCLWCD and staff has the authority to enforce this policies within State statutes (59.1) and the Burnett County Land and Water Conservation Department Animal Waste Policies and Procedures. Citations or other penalties will be issued when found in violation of the ordinance.

APPEALS.

The LWCD director shall act as the initial appeal authority pursuant to Wis. Stat., s.68.09 (2). Any person having a substantial interest, which is adversely affected by the order, requirement, decision or determination made by the LWCD may appeal to the department director. A written appeal shall be submitted to the LWCD director on forms provided within 30 days of the determination. The request to appeal shall specify written evidence and the reasons for the appeal, including which requirements from this chapter are involved. A written decision shall be mailed to the appellant within 30 days of the appeal. The decision will affirm, deny, or modify the initial determination

