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801.01 Introduction

- A. Authority – This ordinance is adopted under authority granted by §§ 59.54(6), 59.69(1), 92.15, 92.16, and 281.16 Wisconsin Statutes and Wisconsin Administrative Code provisions ATCP 50.56 and NR 151.07 and 151.096.
- B. Title – This ordinance shall be known as, referred to, and may be cited as the “Wood County Animal Waste Storage, Nutrient Management and Groundwater Protection Ordinance” and is hereinafter known as the Ordinance.
- C. Findings and Declaration of Policy –
1. The Wood County Board of Supervisors finds that storage of animal waste and manure in storage facilities not meeting technical design and construction standards may cause pollution of the surface and groundwater of Wood County, and may have the potential to result in harm to County residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of Wood County.
 2. The Wood County Board of Supervisors finds that improper management of animal waste and manure storage facilities and utilization, including land application of stored animal waste, may cause pollution of the ground and surface waters of Wood County.
 3. The Wood County Board of Supervisors finds that the technical standards developed by the United States Department of Agriculture (USDA) Natural Resources Conservation Service and adopted by the Wood County Conservation, Education & Economic Development Committee provide effective, practical, and environmentally safe methods of storing and utilizing animal waste and manure.
- D. Purpose – The purpose of this ordinance is to regulate the location, design, construction, installation, alteration, closure, and use of animal waste and manure storage facilities and the application of waste and manure from all storage facilities covered by this ordinance; in order to prevent water pollution and thereby protect the health of Wood County residents and transients; prevent the spread of disease; to further the appropriate use and conservation of land and water resources for its communities; promote the prosperity, aesthetics, safety and general welfare of the citizens of Wood County. It is also intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

- E. Applicability – This ordinance applies to all areas of Wood County.
- F. Interpretation – In their interpretation, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Wood County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- G. Severability Clause – If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be rendered ineffective.
- H. Effective Date – This ordinance shall be effective upon review by the Department of Agriculture, Trade and Consumer Protection (DATCP), its adoption by the Wood County Board of Supervisors, and publication.

801.02 Definitions

- A. Agricultural Engineering Practitioner. Any person who has been certified by DATCP or NRCS to design, review, provide construction supervision, and certify construction for various soil and water conservation practices to be constructed under the terms of this ordinance.
- B. Agricultural Waste Management Field Handbook (AWMFH). A manual that provides specific guidance for planning, designing, and managing systems where agricultural wastes are involved as published by the USDA Natural Resources Conservation Service.
- C. Animal Waste and Manure. Livestock excreta, including livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.
- D. Applicant. Any person who applies for a permit under this ordinance.
- E. CAFO. Wisconsin animal feeding operation with 1,000 animal units or more is a large Concentrated Animal Feeding Operation (CAFO). The DNR may designate a smaller-scale animal feeding operation (fewer than 1,000 animal units) as a CAFO if it has pollutant discharges to navigable waters or contaminates a well. These WPDES permits are governed by NR243 Wisconsin Administrative Code.
- F. Closed Storage Facility. A waste and manure storage facility for which:
 - 1) The Conservation, Education & Economic Development Committee (CEED) does not grant an extension of the "Idle Storage Facility" declaration, or
 - 2) The livestock operation on the property ceases to exist and the owner applies for a closure permit.
- G. Contaminated Field Runoff. When nutrient sources such as manure, organic byproducts, and/or fertilizer leaves the application site due to improper management of the amount, source, placement, form, and timing of the application.
- H. Conservation, Education & Economic Development Committee (CEED). A committee made up of members of the Wood County Board of Supervisors and others who, by authority from Chap. 92, Wisconsin Statutes, determine policy and give direction for soil and water conservation activities. The

CEED also provides direction for the LWCD. The CEED shall be the decision making board for purposes of this ordinance.

- I. County Conservationist. The director of the Land & Water Conservation Department.
- J. Department of Agriculture, Trade and Consumer Protection (DATCP).
- K. Engineering Field Handbook (EFH). A manual of engineering technical data published by the USDA Natural Resources Conservation Service.
- L. Existing Storage Facility. A storage facility which has been installed and placed in use at a livestock operation in Wood County prior to the adoption of this ordinance on January 27, 2000.
- M. Feedlot. 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 poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
- N. Field Office Technical Guide (FOTG) Section IV. The document provided by the USDA Natural Resources Conservation Service which contains technical data, including the standards referenced within this ordinance, to properly and safely locate, construct, install, alter, design, operate, maintain and close a storage facility and or the associated waste transfer system.
- O. Idle Storage Facility. A waste and manure storage facility which:
 - 1. The livestock operation on the property ceases to exist, or
 - 2. Is no longer being used for its intended purpose and no longer having any additional animal waste and manure placed into it, or
 - 3. Has not had any animal waste and manure placed into it for a period of one year, or
 - 4. Will, by all the evidence available, not again be used to store animal waste and manure by an active livestock operation.

- P. Land & Water Conservation Department (LWCD). The department of Wood County government, which is responsible for enforcing, and providing technical and administrative support for this ordinance and soil and water conservation activities in Wood County.
- Q. Malfunctioning Storage Facility. An animal waste and manure storage facility which is no longer functioning as originally intended, as defined by the FOTG, AWMFH, or the EFH, and poses a potential threat to any person, the groundwater, any stream, lake or river, or any other component of the environment. A malfunctioning storage facility includes, but is not limited to the following:
1. A storage facility in which the sidewall(s) or side slope(s) have been damaged or eroded, which may weaken the structure of the storage facility.
 2. A storage facility in which there has been damage, erosion, or deformities that may contribute to environmental or safety hazards.
 3. A storage facility in which the waste and manure is significantly leaking.
 4. A storage facility in which any other serious deformity or activity that is not consistent with the design and function of a storage facility as determined by the FOTG, AWMFH, or the EFH.
- R. Mismanaged Storage Facility. An animal waste and manure storage facility which is not functioning properly due to the neglect or carelessness of the owner or operator, and poses a potential threat to any person or the environment. A mismanaged storage facility includes, but is not limited to the following:
1. A storage facility that is overflowing or is being operated improperly and is inconsistent with the recommended operating methods as defined by the FOTG, AWMFH or the EFH.
 2. A storage facility in which the safety devices are absent or are nonfunctional.
 3. A storage facility that fails to comply with the operation's and maintenance plan.
- S. Natural Resources Conservation Service (NRCS). An agency of the United States Department of Agriculture which, for purposes of this ordinance, provides the Wood County CEED, LWCD, and private landowners with technical assistance and information on the design criteria, size, shape,

engineering strength and other necessary technical data for the proper and safe installation or closure of a storage facility.

- T. NRCS Engineering Job Approval. A complex process of review and certification by qualified NRCS or DATCP engineers to determine the capability and technical competence of subordinate personnel to design, review, provide construction supervision, and certify construction for various soil and water conservation practices to be constructed under the terms of this ordinance and which may be modified from time to time based upon work experience, educational training, employment status, and competence of those subordinates (see USDA-NRCS National Engineering Manual Title 210, Part 500).
- U. Nutrient Management Plan. A plan developed according to most current NRCS Technical Standard 590 that is updated annually outlining the requirements for managing the amount, form, placement, and timing of applications of all sources of nutrients to cropland and pastures. The nutrient management plan also ensures that suitable acreage is available for land application and crop and pasture uptake of manure nutrients.
- V. Pasture. Land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over the grazing area. Pasture may include limited areas of bare soil such as cattle lanes and supplemental feeding areas provided the bare soil areas are not significant sources of pollution to waters of the state.
- W. Permit. The signed, written statement, issued by the County Conservationist under this ordinance authorizing the applicant to construct, install, reconstruct, extend, enlarge, close, substantially alter an animal waste storage facility, or its waste transfer system and to use or dispose of waste from the facility.
- X. Permittee. Any person to whom a permit is issued under this ordinance.
- Y. Person. Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, County or State agency within Wisconsin, the federal government or any combination thereof.
- Y. Routine Maintenance. A non-structural replacement or alteration of a portion of an animal waste storage system which does not change the design or operation of the system.
- Z. Safety Devices, Storage Facility. Devices which are designed to protect people and animals from the hazards associated with a waste storage facility. Safety devices shall be designed and installed as required by NRCS Technical Standard 313. At a minimum, safety devices shall include:

1. Fences, gates, grates, or covers to restrict access of animals or people, and signs where access is possible.
2. Ventilation for covered waste-holding structures to prevent the inhalation of poisonous gases, asphyxiation, or explosion.
3. Safety stops, gates, or both installed at push-off ramps and load-out areas of vertical walled structures to prevent accidental entry of machinery.
4. Ramp slopes designed to be consistent with the equipment intended to be used, with curbs or safety bars installed on access ramps.
5. Other like devices deemed necessary by an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or LWCD agricultural engineering practitioner, the FOTG, AWMFH or EFH.

AA. Storage Facility. A waste impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure specifically designed for the purpose of storage or holding of animal waste and manure. This includes any storage facility previously designed and installed meeting the NRCS Technical guidelines current at the time of installation, any commercial-prefabricated storage facility, concrete slabs, earthen dugouts, dikes, or any other waste impoundment intended for the storage of animal manure. For the purposes of this ordinance, a storage area intended to hold an accumulation of manure within an area excavated, or diked for the purpose of storing the manure, no matter how small that accumulation may be or how long the manure is to be stored there, shall be considered a storage facility.

For the purpose of this ordinance, a feedlot or enclosure used for holding livestock is not considered a manure storage facility, except where there is a storage facility constructed below the livestock enclosure.

For the purpose of this ordinance, an unconfined animal manure stacking area where the soil surface has not been disturbed prior to the stacking operation is not considered an animal manure storage facility. Routine soil surface maintenance of the stacking area is allowed.

BB. Stop Work Order. An order to cease any activity in the operation of, or construction of an activity subject to regulation.

CC. Substantial Alteration. Any modification to a storage facility that alters the integrity, capacity, or design requirements of the facility.

- DD. Technical Standard 313. The current practice standard within the FOTG. This standard covers the proper location, design, construction, installation, alteration, operation, maintenance, and closure of a manure storage facility.
- EE. Technical Standard 360. The current practice standard within the FOTG. This standard covers the closure of waste impoundments (treatment lagoons and liquid storage facilities), that are no longer used for their intended purpose, in an environmentally safe manner.
- FF. Technical Standard 590. The current practice standard within the FOTG. This standard covers managing the amount, form, placement and timing of plant nutrients and establishes the minimum acceptable requirements for the application of plant nutrients associated with organic wastes (manure and organic by-products), commercial fertilizer, legume crops and crop residues.
- GG. Technical Standard 629. The current practice standard within the FOTG. This standard covers where the form and characteristics of agricultural waste make it difficult to manage so as to prevent it from becoming a nuisance or hazard or where changing the form or composition provides additional utilization alternatives, and where conventional waste management alternatives are deemed ineffective. This practice applies to:
- The treatment of milking *center wastewater* from milking *centers* producing up to 500 gallons of wastewater per day.
 - Leachate and contaminated runoff generated by livestock feed and *waste feed* storage areas.
 - Liquids and solids that need to be separated for further processing or for effective transport and subsequent utilization.
 - Raw agricultural waste containing excess nutrient concentration too high for direct land application based on crop utilization requirements or nutrient ratios need to be modified to be more consistent with crop utilization requirements.
 - Reducing the potential for leaching or runoff of nutrients and providing an appropriate location for discharge.
 - The reduction of odors and/or gaseous emissions from livestock production facilities and waste storage/treatment system components.

- The production of value-added byproducts which can be produced to offset treatment costs.
 - The reduction of pathogens.
- HH. Technical Standard 634. The current practice standard within the FOTG. This standard covers design, material types and quality, and installation of components such as conduits, pumps, valves, and other structures or devices to transfer animal waste from buildings and yards to a storage and/or loading area for final disposal and establishes the minimum acceptable requirements for design, construction, and operation of waste transfer system components. It includes mechanical pumping or elevation differential (gravity head) systems.
- II. Waste Transfer System. A mechanism designed to transfer the animal waste and manure from a barn or feedlot where livestock are kept to the storage facility and/or the loading location. The transfer system generally consists of, but is not limited to, a pump or gravity flow collection basin and a pipe leading to the storage facility and/or a pump or gravity flow system used to empty the storage facility.
- JJ. Water Pollution. Contaminating or rendering unclean or impure the ground 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.
- KK. Working Day. A calendar day, except Saturdays, Sundays and State and Federal recognized legal holidays, on which weather and other conditions not under the control of the contractor or Wood County, will permit construction operation to proceed with the normal work force.

801.03 Activities Subject to Regulation

- A. General Requirement. Any person who removes, closes, locates, constructs, installs, moves, reconstructs, extends, enlarges, converts, or substantially alters or changes use of an animal waste storage facility or parts thereof, or who employs another person to do the same, on land subject to this ordinance, shall be subject to the provisions of this ordinance.
- B. Malfunctioning and Mismanaged Storage Facility. Malfunctioning or mismanaged storage facilities are a menace to the health and general welfare of the citizens of Wood County; are declared to be nuisances, and shall be subject to forfeiture and injunctive provisions of this ordinance. A storage facility found to be malfunctioning shall be repaired to a condition

meeting the current Technical Standards of Wood County LWCD within a time frame established by the CEED, not to exceed two (2) years of the date that the storage facility is found to be malfunctioning. A storage facility found to be mismanaged shall be brought into compliance with the ordinance within a time frame as determined by the LWCD depending on the potential severity of the problem. The time frame will not exceed one (1) year and compliance may include clean up of the waste as determined by the LWCD. The decision of the LWCD may be appealed to the CEED.

- C. Idle Storage Facilities. Removal of waste and manure and restoration of an idle manure storage facility to a safe and sanitary condition, as determined by the LWCD, is required within one (1) year of the time the storage facility becomes idle. The CEED may extend the Idle Storage Facility declaration for good cause, such extension not to exceed one (1) year increments. After a storage facility has been idle for two years an inspection and report has to be made on it by an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or LWCD agricultural engineering practitioner, reviewed and approved by the CEED, and all deficiencies corrected to current standards, before the storage facility can be put back into use.
- D. Existing Animal Waste Storage Facilities. Any changes to an existing animal waste storage facility such as closing, moving, reconstructing, extending, enlarging, converting, or substantially altering the use of the facility must meet the current requirements of Standard 313, 360,629 and 634 of the FOTG or be brought up to those requirements.
- E. Safety Devices. Certain safety devices, as defined in section 801-02(Z) are required on all storage facilities in Wood County.
- F. Compliance with Permit Requirements. A person is in compliance with this ordinance if he or she follows the procedures and other requirements of this ordinance, receives a permit from the LWCD before beginning activities subject to regulation under this section, complies with the requirements of the permit and receives a final construction inspection certification by the enforcing agency.
- G. Nutrient Management Plans. As specified in the current Technical Standard 590, the amount, form, timing, and placement of nutrient sources shall be done in accordance with an approved nutrient management plan that must be filed annually with the LWCD by March 15th of each growing season. Nutrient Management Plan (590) provisions shall apply to all landowners with a permitted animal waste storage facility and/or waste transfer system under this ordinance regardless of the date of construction. The Nutrient Management Plan provisions also apply to all property of landowners who have received cost share funds.

801.04 Standards

- A. Standards, Specifications and Policies. The standards of the Technical Guide are adopted and by reference made a part of this article as if fully set forth therein. Any future amendment, revision or modification of the standards incorporated herein is made a part of this article, unless otherwise acted upon by the Conservation, Education & Economic Development Committee.

- B. Standard for Animal Waste Storage Facilities. The following components of the USDA Natural Resources Conservation Service's FOTG will be used when a storage facility is to be designed, constructed, installed, moved, reconstructed, extended, enlarged, removed, closed, converted, or substantially altered: 313 - Waste Storage Facility; 360 – Closure of Waste Impoundments; 520 – Pond Sealing or Lining – Compact Soil Treatment; 521 – Pond Sealing or Lining – Geomembrane or Geosynthetic Clay Liner; 522 – Pond Sealing or Lining – Concrete; 590 – Nutrient Management, 634 – Waste Transfer; 629 – Waste Treatment.

- C. Standard for Animal Waste Management and Utilization. The standards for management of animal waste facilities and utilization of animal wastes are those in current standard 590 – Nutrient Management of the FOTG.
 - 1. Contaminated Field Runoff shall be a violation of this ordinance for any Person who owns or leases property to allow Contaminated Field runoff from that property. This means that both the landlord and tenant are responsible to make sure that manures, organic byproducts, and fertilizers do not run off the field site during or immediately after application by following the recommendations of a 590 nutrient management plan.

801.05 Application For and Issuance of Permits.

- A. Permit Required. No person may undertake an activity subject to this ordinance without obtaining a permit from the County Conservationist prior to beginning the proposed activity. If activity takes place without a permit, an "After the Fact Permit" will be required with the entire original requirements in full force. Permits are required for any new storage facilities, existing storage facilities that are closed, substantially altered, malfunctioning or mismanaged and idle storage facilities that are put into use after two years. Requirements of this ordinance shall be in addition to any other rules or provisions regulating animal waste. In case of conflicts, the most stringent provisions shall apply. See also Addendum F.

- B. Exception to Permit Requirement. The following constitute exceptions to the requirement under paragraph A to obtain a permit.
1. Pre-existing storage facility, except where substantially altered, malfunctioning or mismanaged.
 2. Routine maintenance on a storage facility.
 3. Emergency equipment repairs on a storage facility.
 4. Emergency repairs such as repairing a broken pipe, or equipment, leaking dikes, or the removal of stoppages may be performed without an animal waste storage facility permit. If repairs will significantly alter the original design and construction of the facility, a report shall be made to the LWCD within one (1) working day of the emergency for a determination by the LWCD on whether a permit will be required for any additional alteration or repair to the facility. The LWCD's determination shall be rendered within two (2) working days of the reporting. The LWCD may consult with the CEED prior to making this determination.
- C. Fee. Any person who by this ordinance is required to obtain a permit, shall pay a fee for such permit to help defray the cost of administration, inspection, and processing of permits. The amount of the fee shall be established from time to time by the CEED. If an "After the Fact " permit is required by the LWCD, the fees will be doubled.
- D. Animal Waste Storage Facility Plan Required. Each application for a permit under this ordinance shall include an animal waste storage facility plan. The plan shall be in accordance with the current Technical Standard 313, 520, 521, 522, 634 and 629. The following is a partial list of plan components:
1. A management assessment is required. As part of this assessment an initial determination will be conducted to demonstrate that suitable land base is available for utilization of waste.
 2. The number and kinds of animals for which waste storage is provided, the duration for which storage is to be provided, or daily gallons and/or cubic feet of waste and manure produced.
 3. A plan view of the facility and its location in relation to waste transfer inlet, all buildings, roads, wells, lot lines, and other features within three hundred (300) feet of the proposed facility. The plan view shall be drawn to scale, with a scale no smaller than 1 inch = 100 feet.

4. The structural details, including but not limited to dimensions, cross-sections, and concrete thickness, concrete joint design and placement, design loads, design computations, reinforcement schedules, thickness and placement of groundwater protection liners, and all material specifications.
 5. The soil test pit locations and soil descriptions to a depth of at least five feet below the planned bottom of the facility.
 6. The elevation of seasonally high groundwater or bedrock if encountered in the soil profile and date of any such determination.
 7. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. If a navigable body of water lies within 500' of the facility, the location and distance to the body of water shall be shown. Any flood plains and/or wetlands shall be located also.
 8. The scale of the drawing and a north arrow.
 9. A time schedule for construction of the facility.
 10. A description and construction plan of the method *to be used* in transferring animal waste into and from the facility.
 11. A current 590 Nutrient Management Plan: which specifies the utilization of the animal waste, including the amount of land available for application of waste, identification of the areas where the waste will be used, crops, crop rotation, pastures, application rates, soil types and any limitation on waste application due to soil limitations, type and proximity of bedrock or water table, slope of land, and proximity of surface water.
 12. A plan agreement (Addendum B) shall be completed by the landowner. The agreement states that the plan shall be submitted to the LWCD no later than March 15th of the year following installation of the animal waste storage facility and that the plan shall be updated annually for the life of the waste storage or as long as the cropland and/or pasture are receiving sources of nutrients.
 13. Any other additional information required by Technical Standard 313 to determine compliance with this ordinance.
- E. Closure Plan Required. Each application for a closure permit under this section shall include a closure plan. The plan shall be in accordance with

the current Technical Standard 360, Closure of Waste Impoundments, and specify:

1. A description of the type and size of the manure storage facility and an estimate of the amount of manure in the facility.
2. A description of how and where the manure and soil saturated with manure will be land applied in accordance with the current Technical Standard 590.
3. A description of how the liner, if any, will be disposed of.
4. A description of how the waste transfer system will be removed or permanently plugged.
5. A description of how the excavated area will be filled in and where the clean fill will come from.
6. A plan view showing the final grade, the area to be reseeded, and how rain and runoff will be diverted away from the site.
7. Other additional information required by Technical Standard 360 to comply with this ordinance.

F. Review of Application. The LWCD shall receive and review all permit applications and shall determine if the proposed facility meets required standards set forth in section 801.04 of this ordinance. Within 30 working days for non CAFO facilities and 60 working days for CAFO facilities after receiving the completed application and fee, the LWCD shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the LWCD shall notify the permit applicant. The LWCD has 30 working days for non CAFO facilities and 60 working days for CAFO facilities from the receipt of the additional information in which to approve or disapprove the application. If the LWCD fails to approve or disapprove the permit application in writing within 60 working days of the receipt of the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

G. Permit Conditions. All permits issued under this ordinance shall be issued subject to the following conditions and requirements. Activities authorized by permit shall be completed within two (2) years from the date of issuance after which such permit shall be void.

1. Animal waste storage facility and its waste transfer system design, construction, management and utilization activities shall be carried out in

accordance with the animal waste facility plan and applicable standards specified in Section 801.04 of this ordinance. The plan shall be certified as meeting the requirements of this ordinance by an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or LWCD agricultural engineering practitioner.

2. Animal waste storage facility removal or closure shall be carried out in accordance with the animal waste storage facility closure plan and applicable standards specified in Section 801.04 of this ordinance. The plan shall be certified as meeting the requirements of this ordinance by an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or LWCD agricultural engineering practitioner.
3. The permittee shall give five (5) working days written notice to the LWCD before starting any construction activity authorized by the permit.
4. Approval in writing must be obtained from the LWCD prior to any changes or modifications to the approved animal waste facility plan.
5. Prior to use, an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or LWCD agricultural engineering practitioner and the permittee and if applicable, the contractor, shall certify in writing on forms provided by the LWCD that the storage facility was installed as planned, including as-built dimensions and changes or modifications as authorized per 801.05(G) (4) made during construction.
6. The LWCD and/or NRCS shall provide on site inspection. Final approval signature for all projects under this ordinance shall be provided by the LWCD.

H. Permit Revocation. The County Conservationist or that person's representative may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application, animal waste facility plan or nutrient management plan, or if the holder of the permit violates any of the conditions of the permit.

I. Review by Conservation, Education & Economic Development Committee. Any person aggrieved by any action of the County Conservationist or that person's representative, in denying, approving, or revoking a permit under this ordinance may seek review of that action by the CEED by submitting a written request for such review to the LWCD. If the CEED takes no action within 15 working days after a request for review has been submitted, the request for review shall be deemed denied. Any decision by the CEED with respect to a request for review is subject to further appeal as set forth in Section 801.08.

801.06 Administration

- A. Delegation of Authority. Wood County hereby designates the County Conservationist, or that person's representative to administer and enforce this ordinance.
- B. Administrative Duties. In the administration and enforcement of this ordinance, the County Conservationist or that person's representative shall:
1. Keep an accurate record of all permit applications, animal waste facility plans, nutrient management plans, permits issued, inspections made, and other official actions.
 2. Review permit applications and issue permits in accordance with Section (801.05) of this ordinance.
 3. Inspect animal waste facility construction to insure the facility is being constructed according to plan specifications.
 4. Investigate complaints relating to compliance with the ordinance.
 5. Perform other duties as specified in this ordinance.
 6. The County Conservationist or their representative shall work with the Health Department in taking water samples from wells as needed to verify there is not a significant discharge of process wastewater to groundwater or other waters of the state.
- C. Inspection Authority. Pursuant to authority granted by Section 92.07(14) Wisconsin Statutes, the County Conservationist, or that person's representative is authorized to enter upon any lands affected by this ordinance to inspect the land to verify compliance with a nutrient management plan as well as prior to or after permit issuance to determine compliance with this ordinance. If permission cannot be received from the applicant or permittee, entry by the County Conservationist or that person's representative, shall be according to § 66.0119 Wisconsin Statutes. Refusal to grant permission to enter lands affected by this ordinance for purposes of inspection shall be grounds for permit denial or revocation.
- D. Enforcement Authority.
1. The County Conservationist, or that person's representative is authorized to post an order stopping work upon land which has had a permit revoked or is currently undergoing activity in violation of this ordinance. Notice shall be given by both: posting, upon the land where the violation occurs, one or more copies of a poster stating the

violation; and, by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity shall cease or be brought into compliance within a specified time period.

2. Any permit revocation or order stopping work shall remain in effect unless retracted by the CEED, the County Conservationist or that person's representative, by a court of general jurisdiction; or until the activity is brought into compliance with this ordinance. The County Conservationist is authorized to refer any violation of this ordinance or of an order stopping work issued pursuant to this ordinance to the Corporation Counsel or District Attorney for commencement of further legal proceedings.

801.07 Violations

Penalties. Any person, who violates, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this ordinance, shall be subject to forfeiture between \$500.00 - \$1,000.00 and cost of prosecution for each violation. The forfeiture will be based on the nature and severity of the offense. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit or a nutrient management plan. Each day that a violation exists shall be a separate offense. Upon receipt of a verified report and request from the LWCD, the Sheriff shall issue a citation to a violator pursuant to law for violations of this ordinance.

- A. Enforcement of Injunction. As a substitute for, or in addition to, forfeiture actions, the County may seek enforcement of any part of this section by court actions seeking injunctions or restraining orders.

801.08 Appeals

- A. Authority. Under authority of Chapter 68, Wisconsin Statutes, the CEED shall develop and maintain an appeal process for those persons alleging there is an error in any order, requirement, decision, or determination by the LWCD in administering this ordinance.

Note: Along with the ordinance recodification, changes were made to the language and/or definitions in this ordinance. USDA NRCS Technical Standard 360 – Closure of Storage Facilities was also included in this ordinance.

Note: July 2014 changes were made to be consistent with Wisconsin Administrative Code ATCP 50 and with Chapter NR151 Wisconsin Statutes. Land & Water Conservation Committee was changed to Conservation, Education and Economic Committee.

Note: December 2014 changes were made to be consistent with Administration Code ATCP 50 and with NR151 Wisconsin Statutes. Changes were made to the language and/or definitions in this ordinance. USDA NRCS Technical Standard 629 – Waste Treatment was also included in this ordinance. Section 801.05(F) Review of Application changed to reflect longer period of time to review permit application.

Note: August 2015 changes were made to this Ordinance, formerly known as the Animal Waste and Manure Management Ordinance and now retitled: Animal Waste Storage, Nutrient Management and Groundwater Protection Ordinance.

This Ordinance was changed to reflect additional legal authority it is based upon, to allow the County's Land & Water Conservation Department to promote and enforce nutrient management plans (NMPs). These NMPs are prepared for farmers to more efficiently utilize the application of manure and commercial fertilizers thereby protecting the environment in general and groundwater in particular from contamination. Changes were made to this ordinance to the 801.01 Introduction (A). Authority - adding 59.16 (1), 92.15, and 281.16 Wisconsin Statutes and Wisconsin Administrative Code provisions NR 151.07 and 151.096. Section 801.06 Administration (B.6.) a statement about testing wells as needed for the verification of discharge to ground or surface waters of the state. Sub (C.) Inspection Authority – added language to authorize the inspection of land to verify compliance with a nutrient plan. Section 801.07 Violations (Penalties) – added nutrient management plan to the enforcement section to read that a failure to comply will be considered a violation.

Note: (Enter date changes were approved) Update to Ordinance includes:

Changed Land Conservation to Land & Water Conservation,
Changed LCD to LWCD

Updated the Department's address from 400 Market Street to River Block, 111 West Jackson Street.

Added WPDES permits are governed by NR243 under 801.02 (E) - CAFO

Added Definition G – Contaminated Field Runoff to 801.02

Added date of adoption under 801.02 (L) – Existing Storage Facility.

Added “most current” to 801.02 (U) - Nutrient Management Plan

Added more specific wording to 801.03 (G) – Nutrient Management Plans.

Added components of 520, 521, 522, and 590 to 801.04 (B) Standard for Animal Waste Storage Facilities.

Added Under 801.04 (C) Standard for Animal Waste Management and Utilization added paragraph # 1.

Added “After the Fact Permit information” to 801-05 (A) – Permit Required

Added “After the Fact Permit” fees will be double to 801.05 (C) – Fee.

Added “520, 521, 522, and 629 to 801.05 (D) Animal Waste Storage Facility Plan Required.

Added “current” and “which specifies” to 801.05 (D) (11)

Added “Addendum B” to 801.05 (D) (12)

Changed forfeiture amount in 801.07 Violations - Penalties to “between \$500.00 - \$1000.00” and added “The forfeiture will be based on the nature and severity of the offence”.