

# **Town Resolution Protects Local Control**

Resolution in Support of Local Control Over Concentrated Animal Feeding Facilities' Operations (CAFOs)

WHEREAS, the State of Wisconsin adopted ATCP 51, Livestock Facility Siting, in 2006; and,

WHEREAS, every four years, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is required to appoint a technical expert committee to review ATCP 51. Despite the committee meeting in 2010, 2014, and 2018, and suggesting multiple revisions to ATCP 51, the rule has remained unchanged since its adoption in 2006; and,

WHEREAS, in 2019, DATCP proposed several rule revisions to ATCP 51, based on

recommendations by the technical expert committee and public comments made by organizations and citizen stakeholders. These rule revisions were never adopted, and ATCP 51 remained unchanged since its adoption in 2006; and,

WHEREAS, the only required permit for CAFOs in Wisconsin is issued and enforced by the Department of Natural Resources (DNR). Funding shortfalls impacting the DNR has limited the agency's ability to regulate CAFO's wastewater discharges; and,

WHEREAS, the nonpartisan State of Wisconsin Legislative Audit Bureau reviewed the DNR's performance implementing the Wisconsin Pollution Discharge Elimination Systems (WPDES) Program and found in Report 16-6, dated June 2016, that the DNR was unable to administer and maintain a WPDES permit program consistent with the requirements established under the Clean Water Act and Chapter 283, Wis. Stats; and,

WHEREAS, permitted CAFOs in Wisconsin have greatly expanded since the adoption of ATCP 51 in 2006. There were 135 permitted CAFOs in 2006 and there are 342 permitted CAFOs in 2024, a 250% increase over 17 years. According to the Department of Natural Resources an average of 15 new CAFO permits are issued each year; and,

WHEREAS, human health and welfare may be impacted by the construction, operation, and expansion of CAFOs in the State of Wisconsin; and,

WHEREAS, despite the multiple impacts CAFOs may cause in a community i.e., road damage, biosecurity, air pollution, property values, and emergency services, the DNR WPDES permit only addresses wastewater discharges; and,

WHEREAS, local units of government have the authority to draft and pass ordinances that protect the public health and safety of residents, as well as protect the financial well-being of the Town; and,

WHEREAS, Eight Towns in Wisconsin have drafted and passed a CAFO Operations Ordinance to address the impacts associated with CAFOs.. Further, this Operations Ordinance has since been adopted by three counties

in Wisconsin;

WHEREAS, local control is a foundational governing concept in Wisconsin. It is designed to place decision-making authority at the level of government closest to the people impacted; and

WHEREAS, Town Board Supervisors are elected by the residents of the Town and as such, are best equipped to draft and pass ordinances that reflect their constituents' values than their counterparts in Madison;

NOW THEREFORE BE IT RESOLVED, that the \_\_\_\_\_ Town Board of Supervisors assembled this \_\_\_\_\_ day of \_\_\_\_\_, hereby requests that the the Wisconsin State Legislature takes no action to preempt local control over the operations of CAFOs.

#### ALTERNATIVE

NOW THEREFORE BE IT RESOLVED, that the \_\_\_\_\_ Town Board of Supervisors assembled this \_\_\_\_\_ day of \_\_\_\_\_, hereby requests that the Wisconsin Towns Association work to support efforts to protect Wisconsin towns' control over the operations of CAFOs.