

Local Control

Town Partnership Operations Ordinance

Concentrated Animal Feeding Operations (CAFO)



Polk & Burnett Counties

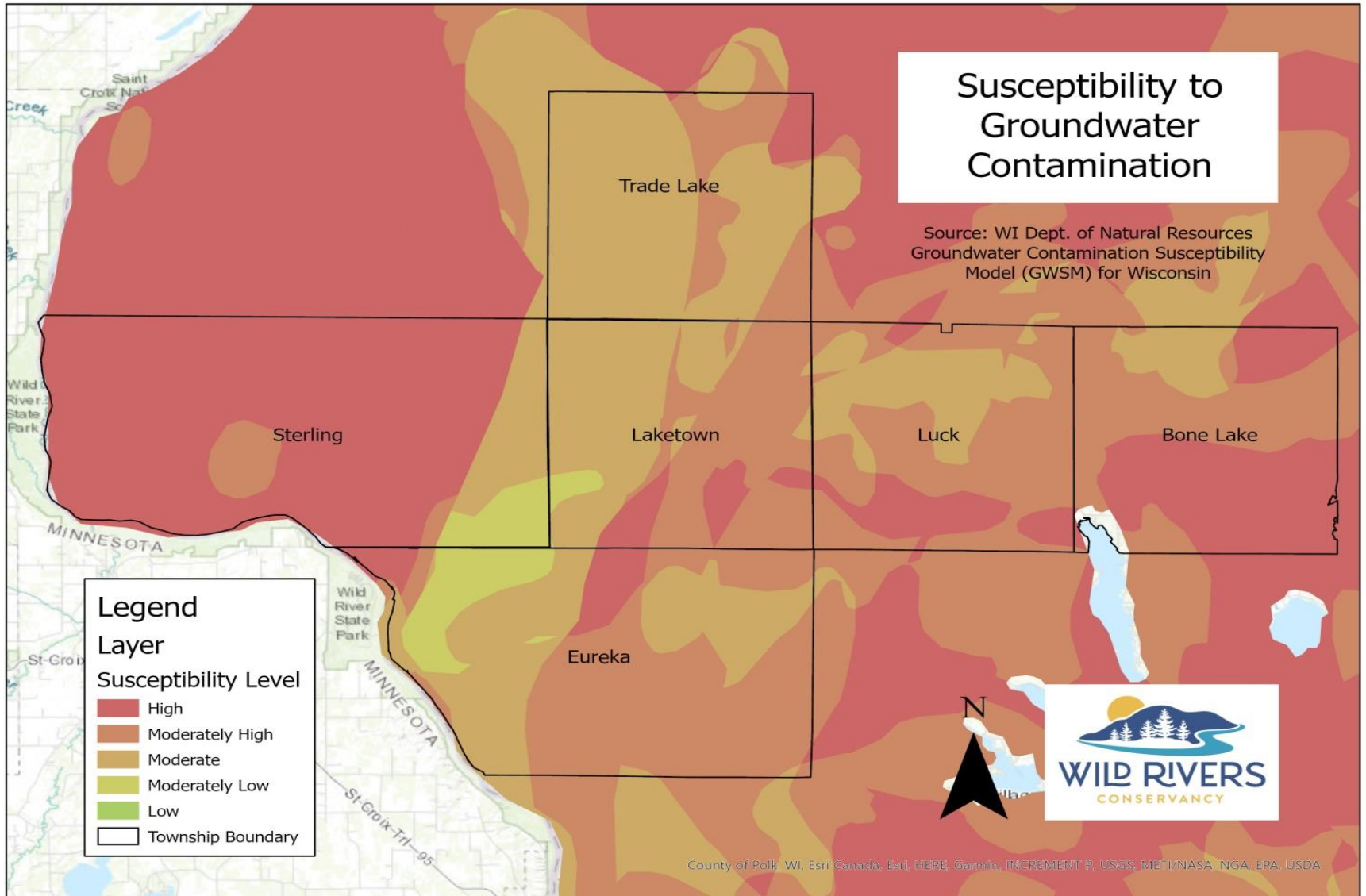


Overview from Polk & Burnett

2019 - 2024

- Word spreads - developer wants to build large swine factories
- Hogs across Iowa & Minnesota killed by viruses
- Cumberland applies to DNR for 26,000 head farrowing plant
- Plans to annually produce 200,000 piglets
- Counties pass or propose ordinances that do not protect property values, health, or water and air quality
- Town Partnership forms – *five towns pass ordinance*
- State Chamber proxies sue town, challenges DNR authority
- One town rescinds ordinance, *four towns stand strong*

Town Partnership - Six Towns



Six Towns in Polk & Burnett County

Bone Lake – Andy Brown, Town Chair

Eureka – Dan Winterhalter, Resident

Laketown – Lisa Doerr, Resident

Luck – Dean Johansen, Town Chair

Sterling – Marcia Marquardt, Town Supervisor

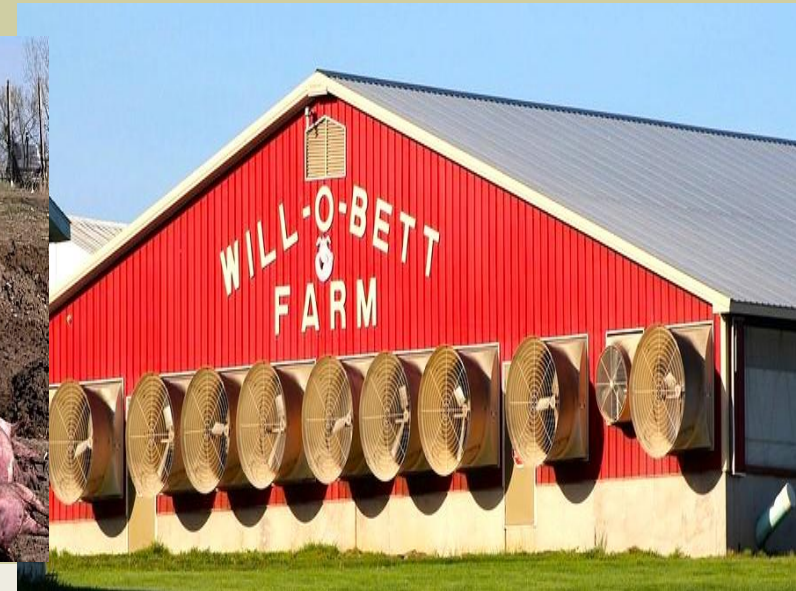
Trade Lake – Ramona Moody, Town Chair

Town Partnership Concerns

State regulations don't address a wide range of concerns

“These permits **apply only to water quality protection**. They do not give the DNR authority to address air, odor, traffic, lighting, land use nor any of the social concerns people may have about large farms.”

Wisconsin Department of Natural Resources CAFO web page



Town Partnership Concerns

Fire & road damage, undocumented workforce, biosecurity



No Limit to Size



Kinnard Dairy
Kewaunee County
11,000+ animals
103 million gallons liquid
2,045 tons solid manure



Town Partnership Concerns

Little to No Enforcement

Polk & Burnett County

- Five of six CAFOS on expired permits

St Croix County - *Emerald Sky Dairy*

- Five known spills in 3 years - 275,000 gallon
- Whistleblower enforcement not DNR
- Emerald Town & residential wells polluted

Emerald Sky Dairy Permitted to Expand

- March 1, 2024 DNR Granted New Permit
- Expand from 1,600 to 3,300 cows
- 17.4 to 42.2 million gallons liquid waste
- 11.7 to 22.8 million pounds solid manure
- 5,371 acres of land



Industry Goal - No Regulation?

Litigation - End DNR Regulation

- July 2023 - Lawsuit claims CAFOs should not be regulated by DNR
- October 2023 – Wisconsin Farmers Union intervenes against
- January 2024 – Dismissed from bench in Calumet County
- March 8, 2024 – Appealed Calumet County dismissal

Legislation - Preempt Local Control

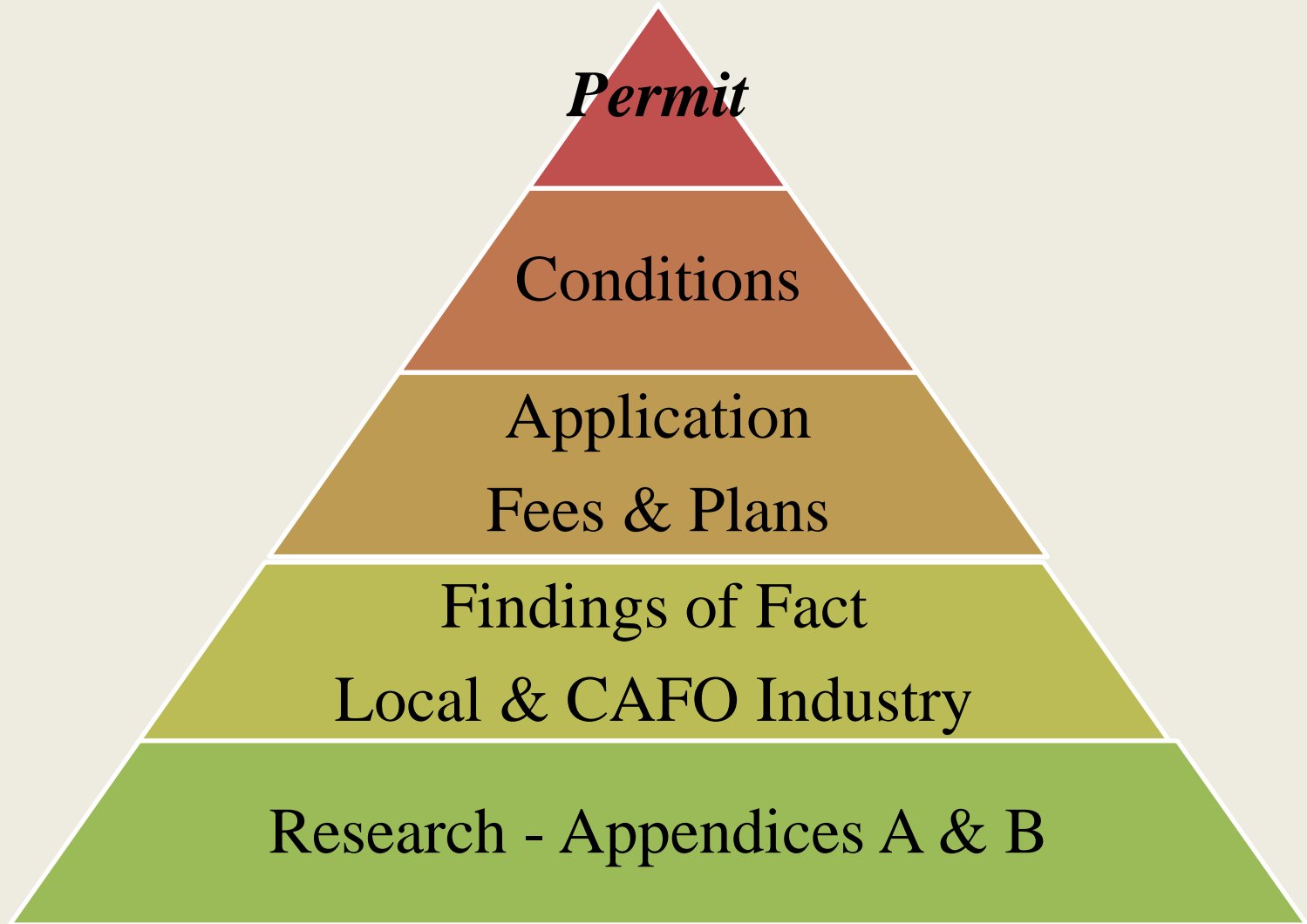
- February 2024 – Assembly Bill 957 & Senate Bill 892 passed
- March 29, 2024 – Governor Evers veto



Town Partnership Goal

- Protect six towns covering 250 square miles with more than **6,000 citizens and property values of more than \$655 million**
- Complete research & legal work needed for each town to develop the **strongest large livestock ordinance possible**

CAFO Operations Ordinance



CAFO Operations Ordinance

- *Not a Ban*
- *Not a Siting or Zoning Ordinance*
- Operations Ordinance Permit
- Requires Plans for Operation that Protect
 - Public health
 - Water & air quality
 - Property values



CAFO Operations Ordinance

I. CAFO Ordinance

19 Local Findings & 95 Industry Findings of Facts

18 Sections - Authority, Definitions, Plans, Fees, etc.

II. CAFO Ordinance – Appendix A

199 references document industry Findings

Scientific Journals

University Programs

Regulatory & Court Documents

Media Articles

III. CAFO Ordinance – Appendix B

9 Maps of Local Findings







19 Local Findings of Fact

- *All 741 residents* rely on groundwater for drinking, cooking, bathing, irrigating and watering livestock.
- Some well owners test their water but there is no systematic or scientific effort by Bone Lake, Polk County or Wisconsin.
- All of Bone Lake is in the St. Croix River watershed. Lake St. Croix is classified as an impaired water due to phosphorous pollution.
- Two premier lakes – Ward and Bone Lake – are listed as impaired waters under the federal Clean Water Act for high levels of phosphorus.
- ***\$104,812,300*** total property value - ***\$41,191,500 (31%)*** in land and ***\$63,620,800 (69%)*** in homes and buildings.

Bone Lake Susceptibility to Groundwater Contamination

Source: WI Dept. of Natural
Resources Groundwater
Contamination Susceptibility Model
(GWSM) for Wisconsin

Legend

-  Bone Lake Boundary
- Groundwater Susceptibility Ranking**
-  High
-  Moderately High
-  Moderate
-  Moderately Low
-  Low

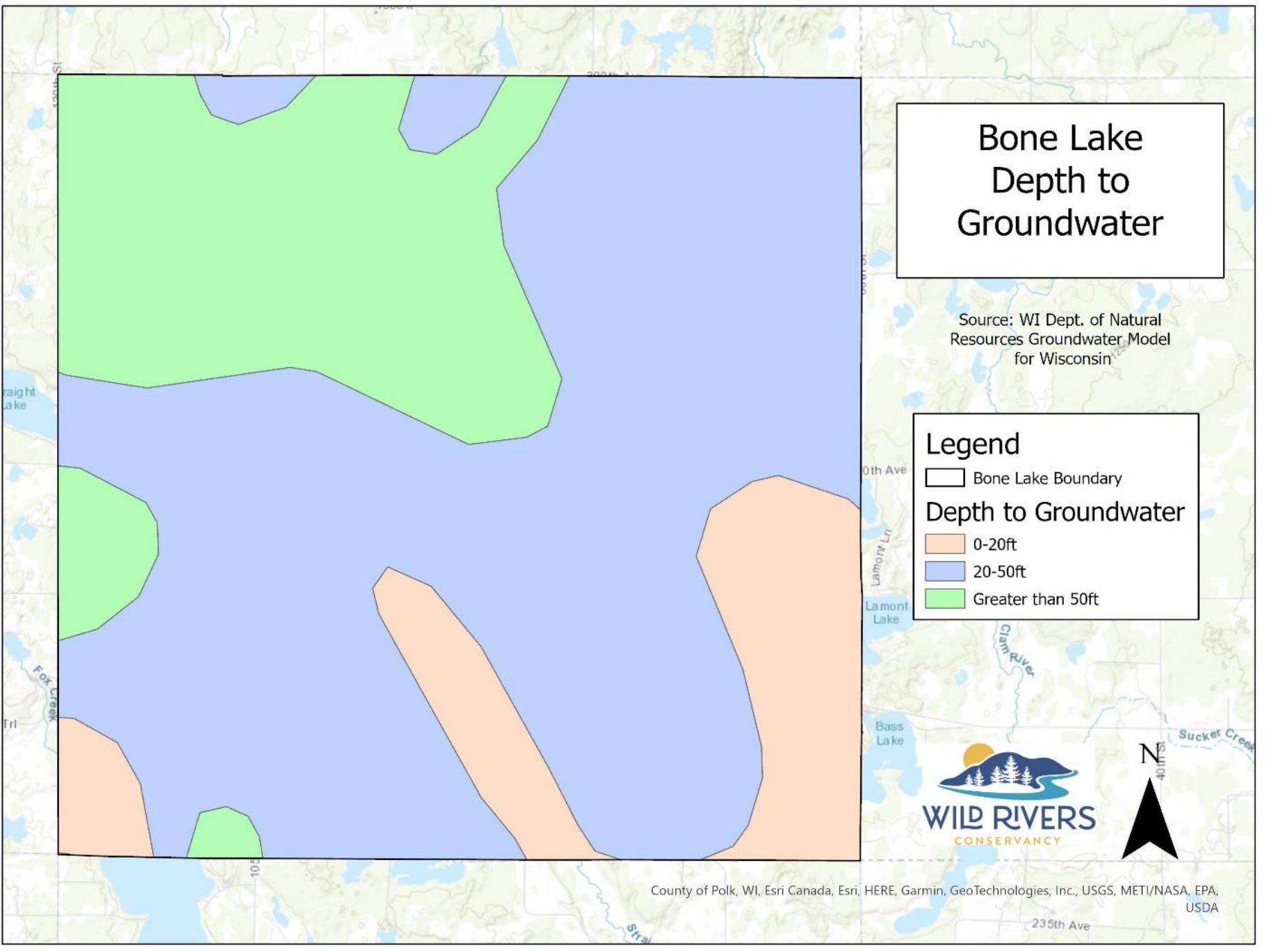


Bone Lake Depth to Groundwater

Source: WI Dept. of Natural
Resources Groundwater Model
for Wisconsin

Legend

-  Bone Lake Boundary
- Depth to Groundwater**
 -  0-20ft
 -  20-50ft
 -  Greater than 50ft



Bone Lake Property Values within 1 Mile Radius (Random Samples)

Source: Polk County 2020 Tax Data

Legend

-  Bone Lake Boundary
-  Parcels 1 Mile Radius

Property Value:
\$2,981,200

Property Value:
\$1,719,500

Property Value:
\$955,800

Property Value:
\$4,503,200

Property Value:
\$8,135,800

Property Value:
\$14,641,500

Property Value:
\$20,658,300

Property Value:
\$2,209,600



CAFO Operations Ordinance

18 Sections

Section 1 - Authority

Section 2 - Purpose

Section 3- Definitions

Section 4 -License Required

Section 5 - License Administration

Section 6 - License Application

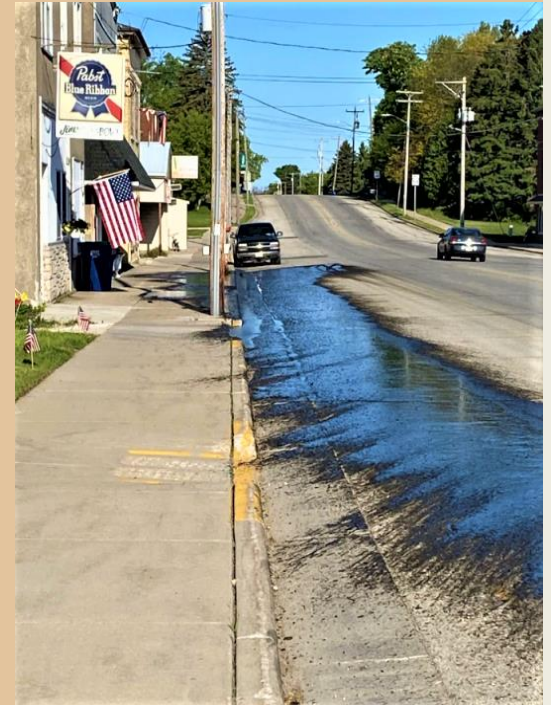
Section 7 - License Application Fee

Section 8 - Application Procedure

Section 9 - Financial Surety

Section 10 - Conditions

Sections 11 to 18 - Administrative details



Section 1- Authority

Authority includes but not limited to

- Wisconsin Constitution
- WI Statute 92.15 – Water quality protection
- WI Statute 66.0415 – Towns may regulate “any industry, thing or place where any nauseous, offensive or unwholesome business is carried on.”



Section 3- Definitions

Concentrated Animal Feeding Operations (CAFO)

- 700 or more animal units
 - 87,500 Chickens
 - 38,500 Turkeys
 - 1,750 Swine
 - 700 Cattle
 - 500 Dairy cows



- Any facility using land in Town to manage waste

Section 4 – Permit Required

New Factory

700 animal units (Each town chooses number)

Existing Livestock Facilities

Does not apply to operations in Town on the Effective Date, provided no change in owner, operator or species or an expansion to exceed 1,000 animal units

Section 7 – Application Fee

- \$1 per animal unit
- Accompany application
- Offsets processing costs



Section 8 – Application Procedure

- Owner or officer must sign application
- Property owner must sign & agree to same standards as the owner or officer
- Professional licensed third party engineers or geoscientists must sign and attest & certify they prepared or reviewed plans

Section 8 – Application Procedure

Application must include 11 plans:

- a) Prevent the Spread of Infectious Diseases
- b) Waste Management
- c) Animal Population & Depopulation
- d) Biosecurity & Animal Health
- e) Animal Transportation
- f) Water Use
- g) Odor & Toxic Air Pollution Prevention
- h) Community Economic, Land Use & Property Value Assessment
- i) Construction, Fire & Roads
- j) Compliance Testing, Sampling & Monitoring
- k) Compliance Assurance for all Plans

Who Pays to Review & Enforce Plans?

Review

Applicant compensates Town for all reasonably incurred legal and expert services needed to review and approve plans

Enforcement

Applicant compensates all reasonably incurred legal and expert services needed to verify and enforce compliance with terms of the permit

Section 8.2



Section 9 – Financial Surety

- Prove financial ability of applicant, contractors, subcontractors, agents & representatives
- Ensure funds available for pollution clean-up, nuisance abatement & proper closure
- Closure, Cleanup, Site Restoration Plans by licensed engineer based on cost estimates
- Town may adjust amount on an annual basis

Section 10 - Specific Conditions

Waste Management Plan includes

- Scientifically significant data on water quality of human drinking & agricultural wells
- Amount of land used to spread waste based on spreadable acres, not total acres
- Manure Land Application Agreements, with a minimum contract period of 5 years

Section 10 - Specific Conditions

Fire Safety Needs Analysis Plan based on National Fire Protection Association (NFPA)

- Standard for Fire Protection in Wildland, Rural & Suburban Areas - NFPA 1141& 1144
- Standard on Water Supplies for Suburban and Rural Fire Fighting - NFPA 1142
- Fire and Life Safety in Animal Housing Facilities Code - NFPA 150



CAFO Operations Ordinance vs Wisconsin Laws & Regulations

	Existing Laws & Regulation	Operations Ordinance
Enforcement	Taxpayers pay costs. Inspections only done every 5 years.	Permittee pays all costs for regular enforcement
Manure Storage Plan	Permittee self-reporting	Permittee pays all costs for regular enforcement
Manure Spreading Plan	Permittee self-reporting	Permittee pays all costs for regular enforcement
Air Pollution Controls	Not required	Required
Infectious Disease Plan	Not required	Required
Carcass Disposal plan	Not required	Required
Biosecurity Plan	Not required	Required
Road Plan	Not required	Required
Water Use Plan	Not required	Required
Impact on Property Value Analysis	Not required	Required
Fire Response Plan	Not required	Required
Financial Bond if Factory Closes	Not required	Required


www.ProtectYourTown.org

PROTECT YOUR TOWN

[Home](#)

[Learn About Ordinance](#)

[In the News](#)

[More](#) 

OPERATIONS ORDINANCES PROTECT WISCONSIN TOWNS FROM CAFOS

Concentrated Animal Feeding Operations (CAFO) can be locally controlled with an Operations Ordinance.

[Learn About Operations Ordinance For Yourself](#)

[CAFOs Work to End State & Local Regulations](#)