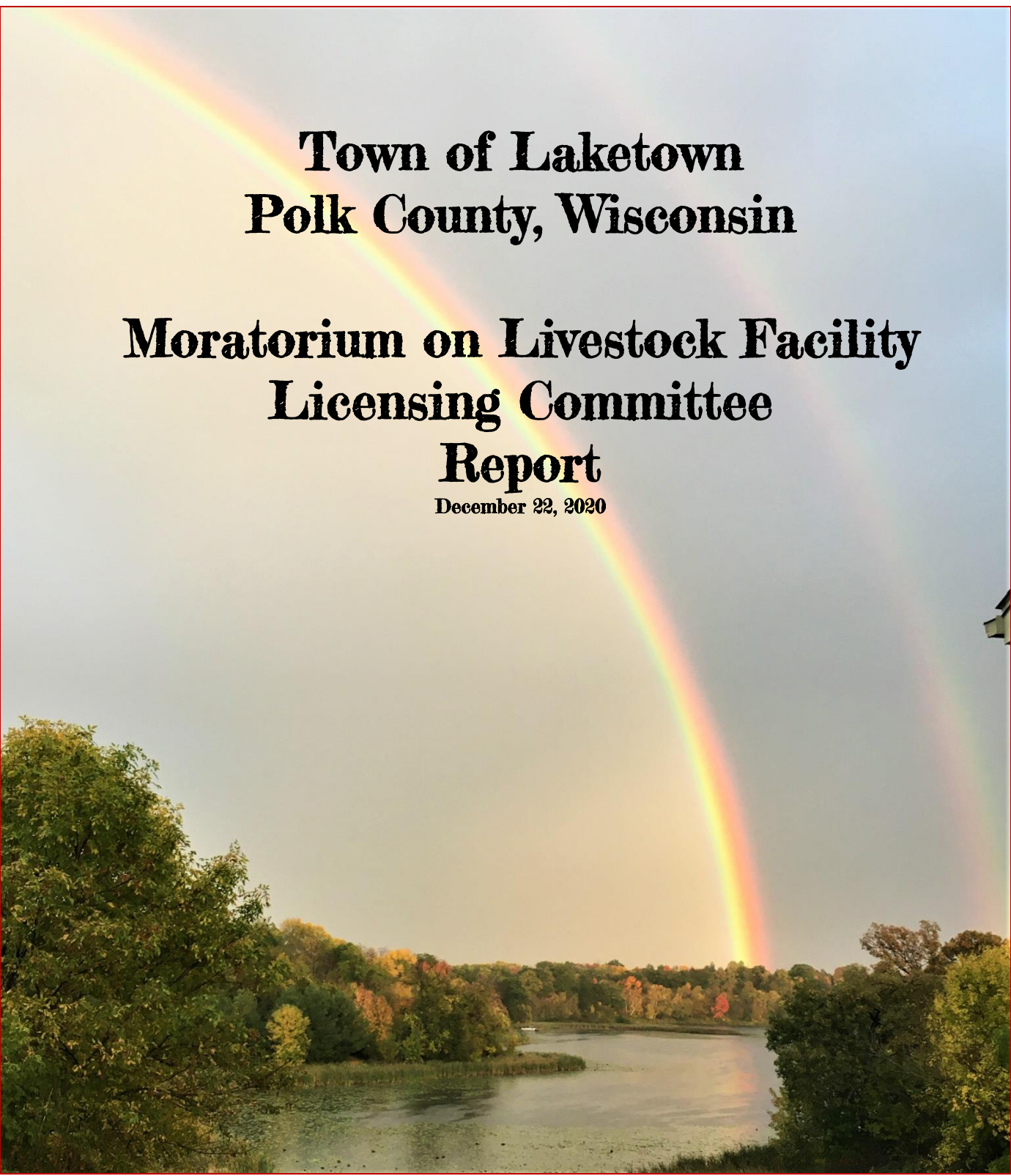


A vibrant rainbow arches across a cloudy sky, its colors reflecting on the surface of a calm lake. The lake is bordered by trees with autumn foliage in shades of green, yellow, and orange. The scene is peaceful and scenic.

Town of Laketown Polk County, Wisconsin

Moratorium on Livestock Facility Licensing Committee Report

December 22, 2020

This report was completed to meet the purpose of the Town of Laketown Ordinance 19-02: Moratorium on Livestock Facilities Licensing. It includes information presented to the Livestock Facility Licensing Committee or researched by its members. The report was compiled by the committee secretary but does not necessarily represent the opinion of the secretary or every member.

**Town of Laketown, Polk County, Wisconsin
Moratorium on Livestock Facility Licensing Committee
Report**

December 22, 2020

Table of Contents

I.	Executive Summary	3
II.	Introduction	5
III.	Purpose	5
IV.	Laws and Regulations	5
	A. Town of Laketown	
	1. Comprehensive Plan	
	2. Large Scale Commercial Activity Ordinance - 2009 & 2011	
	B. United States Federal	
	1. Clean Water Act (CWA)	
	2. Safe Water Drinking Act (SWDA)	
	3. Clean Air Act (CAA)	
	4. Emergency Planning and Community Right-to-Know Act (EPCRA)	
	5. Toxic Air Pollution Regulation	
	C. Wisconsin State	
	1. Wisconsin Department of Natural Resources (DNR)	
	2. Department of Agriculture, Trade and Consumer Protection (DATCP)	
	D. Polk County	
	1. Comprehensive Land Use Ordinance	
	2. Shoreland Protection Zoning Ordinance	
	3. Swine CAFO Amendment	
	4. Manure and Water Quality Management Ordinance	
	5. Storm Water Management and Erosion Control Ordinance	
	6. Summary of Laws and Regulations	
V.	Environmental & Health Impacts	17
	A. Land Use	
	B. Water - Nitrates, Phosphorus, Pathogens	
	1. Groundwater	
	2. Surface Water	
	C. Air	

VI.	<u>Economic Impacts</u>	28
	A. <u>Local Property Values and Economy</u>	
	B. <u>Economics of Agriculture</u>	
	1. <u>China</u>	
	2. <u>Immigrant Labor</u>	
VII.	<u>Safety Impacts</u>	34
	A. <u>Roads</u>	
	B. <u>Fire</u>	
	C. <u>Infectious Disease</u>	
	1. <u>Covid-19</u>	
	2. <u>African Swine Fever</u>	
VIII.	<u>Potential Options for Board Action</u>	37
IX.	<u>Dates and Description of Committee Meetings</u>	38
X.	<u>Committee Minutes</u>	39
XI.	<u>Citations</u>	50
	A. <u>Water - Health Impacts</u>	
	B. <u>Air - Health Impacts</u>	
XII.	<u>Appendices</u>	51
	A. Ordinance 19-02: Moratorium on Livestock Facilities Licensing	
	B. Large Scale Commercial Activity Ordinance - 2009	
	C. Large Scale Commercial Activity Ordinance - 2011	
	D. DATCP/DNR Procedure for Livestock Ordinance Approval and Review Process Under S. 92.15	
	E. DATCP - Opinion on Polk County DRAFT Operations Ordinance	
	F. Wisconsin Towns Associations - Performance Bonds and Application Fees	
	G. Wisconsin County Association - Performance Bonds and Application Fees	
	H. Wisconsin County Association - Response to Venture Dairy , Wisconsin Dairy Alliance	
	I. Wisconsin Dairy Alliance - Comparison of well tests and number of CAFOs	

I. Executive Summary

• Introduction

Early in 2019, word spread through Laketown and neighboring towns that developers were looking to build large swine factory farms. Several Laketown land owners were solicited to sell parcels to Cumberland LLC, a Wisconsin company set up by an Iowa corporation that manages swine operations in Iowa and Minnesota.

In March 2019, Cumberland made a preliminary application for permits to build a farrowing plant with up to 26,000 hogs in the Town of Trade Lake adjacent to Laketown.

Support for and concerns about the pending Trade Lake deal were discussed at Laketown's May 2019 town board meeting. More than 200 people attended the June 2019 Laketown Town Board meeting. Repeated calls were made for the Laketown board to pass a moratorium and study the issue. After consulting with an attorney, the Laketown board voted in July 2019 to pass a 12-month moratorium on large livestock facilities. With Committee meetings shutdown for several months by the covid-19 pandemic, the Laketown town board voted to extend the moratorium until January 2021.

The following report attempts to meet the purpose of the moratorium. This is a compilation of information from committee members but does not represent the opinion of every member. Each section begins with a brief introduction and a description of key concerns.

• Purpose

Study, review, consider and determine whether amendments to the Large Scale Development Ordinance or the creation of a Livestock Facilities Licensing Ordinance or other ordinances are required to protect the environment, public health or safety and property in Laketown Township in light of the unique environment and the key concerns identified in the Town of Laketown Comprehensive Plan. *(Language from Moratorium Ordinance 19-02, July 2019.) See Appendix A.*

• Laws and Regulations - Key Concerns

1. Laketown's Comprehensive Management Plan encourages preservation and expansion of agriculture with a focus on sustainability, appropriate scale and preservation of rural character. The plan specifically discourages development of large factory farms.
2. When Laketown's Large Scale Commercial Activity ordinance was adopted in 2009, large livestock facilities were required to get a permit. However, they were exempted in 2011. This means no town permits are required for an unlimited number of animals.
3. Existing dairies are concerned that they would be required to get a local permit for expansions.
4. A new Laketown livestock ordinance or lack thereof, may cost taxpayers money if challenged.
5. Polk County passed a large livestock ordinance in 2020 that does not cover un-zoned areas in Laketown. While it does not allow large livestock facilities to build in Shoreland areas it allows the manure to be spread in Shoreland areas up to 25 feet of lakes.
6. Two towns adjacent to Laketown - Trade Lake and Eureka - require facilities with more than 1,000 animal units to get an operations permit.
7. Federal, state and county laws oversee how the waste produced by large livestock facilities is stored and spread. Permits are required for high capacity wells. These laws and regulations are meant to minimize the risk of pollution of surface and groundwater resources. However, they are very poorly enforced. In addition, no laws address air quality, odor, noise or traffic. There are also no laws protecting property values or the health impacts of pollution.

• Environmental and Health Impacts - Key Concerns

1. Maintaining agricultural and forest land uses, while limiting large-scale development, is a clearly stated goal of Laketown's Comprehensive Plan.
2. There is a wide body of research identifying the negative environmental health effects of CAFOs.

3. All of Laketown's drinking water comes from private groundwater wells.
4. There is no systematic, long term testing program for private wells or surface water by the state of Wisconsin or Polk County.
5. Public and private wells are already polluted by nitrate, phosphorus and bacteria from sources such as sewer plants, private septic systems and urban and agriculture runoff.
6. Private wells polluted with nitrate only qualify for state cleanup grants if pollution is four times the drinking standard and the water is also used to for livestock.
7. Laketown has a rich supply of surface water lakes, ponds, wetlands, rivers and streams.
8. Phosphorus pollution of surface water already impacts Laketown and the St. Croix River.
9. Large livestock facilities are required to manage waste under nutrient management plans.
10. Enforcement of nutrient management plans is weak and plans often do not meet water quality standards.
11. There is no regulation of the many types of air pollution that CAFOs make.

- **Economic Impacts - Key Concerns**

1. Much of Laketown's tax base of \$1.4 million is paid by residential homes, especially on lakes.
2. Large livestock facilities often lower property values and could impact Laketown's tax base.
3. Large livestock facilities depress economic activity in surrounding communities.
4. Existing farmers may need better economies of scale and don't want their growth to be restricted.
5. Agricultural and trade policies benefit highly capitalized operators instead of small operations.
6. Inadequate enforcement of immigration laws make it hard for family farms to compete.
7. Local taxpayers bear CAFO costs such as permitting, road maintenance and pollution cleanup.

- **Safety & Infrastructure Impacts - Key Concerns**

1. Increased heavy truck traffic could damage local roads.
2. High numbers of semis hauling livestock increases danger of crashes.
3. Large buildings filled with thousands of animals complicate fire response.
4. Semis hauling livestock can damage town roads and increase the chance of crashes.
5. Infectious human and animal diseases make the large livestock system especially vulnerable.

- **Potential Options for Board Action**

1. **Amend Town of Laketown's [Large Scale Commercial Activity Ordinance](#)**

- A. Include new Large Scale Livestock Facilities defined as 500 animal units (357 dairy cows, 1,249 pigs, 27,500 turkeys, 62,500 chickens).
- B. Exclude existing facilities until current species is changed or exceeds 1,000 animal units.
- C. Require the applicant to ensure sufficient funds are available for pollution clean-up, nuisance abatement, and proper closure of the operation if it is abandoned or otherwise ceases to operation.

2. **Adopt Siting Authority Under Wisconsin [Statute 93.90](#) and [ATCP 51 Rule](#)**

- A. Provides authority to require conditional use permit or license.
- B. Applies to new or expanding facilities if they expand by 20% and will have 500 or more animal units.
- C. Sets standards for odor, waste management and storage, runoff and setbacks.

3. **Adopt CAFO Operations Ordinance similar to [Town of Eureka](#) and [Town of Trade Lake](#)**

- A. Regulates operation of the facility instead of siting.
- B. Laketown can partner with neighboring towns to north and south and does not become the target.
- C. Requires applicant to have sufficient funds for pollution clean-up, nuisance abatement, and proper closure of the operation if it is abandoned or otherwise ceases to operation.

II. Introduction

Laketown's had a proud agricultural heritage since its hardwood forests were cleared by colonists shortly after the Civil War. That legacy continues today with a mix of dairy, beef, commodities and specialty crop producers. During the past 50 years, farmers sold much of their lakeshore and most lakes are now surrounded by homes on small lots.

Early in 2019, word spread through Laketown and neighboring towns that developers were looking to build large swine factory farms. Several Laketown land owners were solicited to sell parcels to Cumberland LLC, a Wisconsin company set up by [Suidea](#), an Iowa corporation that manages swine operations in Iowa and Minnesota.

In March 2019, Cumberland made a preliminary application for permits to build a farrowing plant with up to 26,000 hogs just across the county line in the Town of Trade Lake. Jim Melin, Trade Lake's town board chair, agreed to sell Cumberland a 35-acre building site and manage the estimated 9 million gallons of liquid manure produced each year. Support for and concerns about the pending Trade Lake deal were discussed at Laketown's May 2019 town board meeting.

In response to news about Cumberland's plans, more than 200 people attended the June 2019 Laketown Town Board meeting. Dozens expressed concerns during the public discussion about the impact factory farms would have on public health and property values. Repeated calls were made for the Laketown board to pass a moratorium and study the issue.

Others spoke of the need to let investors decide how to compete in the global protein production economy. Concerns were raised that more restrictions could impact smaller farms already operating in Laketown.

After consulting with an attorney, the Laketown board voted in July 2019 to pass a 12-month moratorium on large livestock facilities. As part of the moratorium, the Livestock Facility Licensing Committee (Committee) was appointed to study the issue and submit a report by July 2020. Committee members include:

Monte Tretsven - Laketown Supervisor and Committee Chair
Vicki Breault
Sara Byl
Lisa Doerr - Committee Secretary
Jared Olson

With Committee meetings shutdown for several months by the covid-19 pandemic, the Laketown town board voted to extend the moratorium until January 2021. The following report fulfills the study requirement of the moratorium. This is a compilation of information from committee members but does not represent the opinion of every member. Each section begins with a brief introduction and a description of key concerns.

III. Purpose

Study, review, consider and determine whether amendments to the Large Scale Development Ordinance or the creation of a Livestock Facilities Licensing Ordinance or other ordinances are required to protect the environment, public health or safety and property in Laketown Township in light of the unique environment and the key concerns identified in the Town of Laketown Comprehensive Plan. ***(Language from Moratorium Ordinance 19-02, July 2019.) See Appendix A.***

IV. Laws and Regulations

Laws are passed by elected officials. Once a law is passed, government agencies develop rules that regulate facilities covered by the law. A range of town, federal, state and county laws and regulations can potentially

apply to large livestock facilities. The following section gives a brief overview of existing laws and regulations and how they may (or may not) apply to large livestock facilities in Laketown.

Key Concerns

1. Laketown's Comprehensive Management Plan encourages preservation and expansion of agriculture with a focus on sustainability, appropriate scale and preservation of rural character. The plan specifically discourages development of large factory farms.
2. When Laketown's Large Scale Commercial Activity ordinance was adopted in 2009, large livestock facilities were required to get a permit. However, they were exempted in 2011. This means no town permits are required for an unlimited number of animals.
3. Existing dairies are concerned that they would be required to get a local permit for expansions.
4. A new Laketown livestock ordinance or lack thereof, may cost taxpayers money if challenged.
5. Polk County passed a large livestock ordinance in 2020 that does not cover un-zoned areas in Laketown. While it does not allow large livestock facilities to build in Shoreland areas it allows the manure to be spread in Shoreland areas up to 25 feet of lakes.
6. Two towns adjacent to Laketown - Trade Lake and Eureka - require facilities with more than 1,000 animal units to get an operations permit.
7. Federal, state and county laws oversee how the waste produced by large livestock facilities is stored and spread. Permits are required for high capacity wells. These laws and regulations are meant to minimize the risk of pollution of surface and groundwater resources. However, they are very poorly enforced. In addition, no laws address air quality, odor, noise or traffic. There are also no laws protecting property values or the health impacts of pollution.

A. Town of Laketown

1. [Comprehensive Plan 2009-2029](#) - Created by the Laketown Plan Commission in 2009, the plan's goal "is to guide, in a thoughtful and caring way, future development of the physical environment of the Town of Laketown."

Over the course of two years the commission surveyed residents and compiled a rich body of information from many sources. From this research the plan lays out five Guiding Principles:

1.) Stewardship - Decision making should start by asking, "Is this proposal consistent or inconsistent with the principle of stewardship?"

2.) Sustainability - We must take the long view... Actions that enhance the earth's potential to sustain life must be encouraged, but those that impair it must be reviewed...Development proposals should satisfactorily answer the question, "Will the proposed development deplete non-renewable resources in a way that impairs the earth's potential to sustain life?"

3.) Appropriate scale - One test of appropriate scale is whether the benefits and detriments of a proposed development will be shared equitably. Where significant detriments of a development fall on the Town, but most of the benefits go to people outside the Town, the scale of the development should be questioned. Similarly, where the physical size of a proposed development is not in keeping with the scale of homes, farms, and businesses already in the Town, the scale of the proposed development is probably inappropriate.

4.) Preservation of Rural Character -Development that fosters rural character should be encouraged, and those that impair it should be rejected.

5.) Objectivity - In making decisions about future development, the Town must be objective. The decision making process must be transparent, must not be influenced by personal favor, and should employ the best scientific, economic, and ethical analysis.

With these principles in mind, the plan then sets Goals and Objectives for many different elements. Four of those elements apply directly to the development of large scale livestock facilities:

Element 5: Agriculture, Natural and Cultural Resources

- Goal 1: Expand and enhance recreational opportunities
- Goal 2: Preserve and expand agriculture
- Goal 3: Maintain the rural and agricultural character
- Goal 4: Maintain and enhance the natural resources

Element 6: Economic Development

- Goal 1: Retain the current businesses and promote agriculture-related economic development.
- Goal 2: Restrict economic development...that does not fit with Laketown's small, rural, and agricultural character.
 - Objective 1: Restrict large-scale economic development
 - Objective 3: Prioritize economic development that benefits the local economy
 - Objective 4: Prioritize economic development that is environmentally-friendly

Element 8: Land Use

- Goal 1: Maintain the rural character of the Town of Laketown
 - Objective 2: Discourage and consider prohibiting large-scale development (including, but not limited to: factory farms, large residential subdivision, large mining operations, hazardous materials sites, and landfill/dump sites)
- Goal 3: Protect and conserve the natural resources
 - Objective 2: Protect surface and groundwater quality
 - Objective 6: Protect air quality

Element 9: Implementation

- Task 2: Research tools that limit large-scale development in Laketown
- Task 3: Discuss, weigh, debate, the tools available to maintain Laketown's rural character
- Task 4: Review development proposals for consistency with the Comprehensive Plan

2. Large Scale Commercial Activity Ordinance - 2009 & 2011 (See Appendices B. & C.)

Building on the Comprehensive Plan, "the purpose of this ordinance is to protect and enhance the rural character, environment and cultural heritage of the Town; to protect and promote the health, safety, and quality of life of the Town's inhabitants; and to encourage sustainable commercial activity...."

Businesses engaged in Large Scale Commercial Activity must meet a series of standards consistent with the Comprehensive Plan in order to be granted a permit.

When the ordinance passed in 2009, Large Scale Livestock with 700 animal units (500 dairy cows, 1,750 pigs, 38,500 turkeys, 87,500 chickens) were also required to get a permit. In 2011, the ordinance was amended and Large Scale Livestock facilities were exempted. This was done to address concerns that existing dairy operations may be required to get permits for expansions under the 2009 ordinance.

B. United States Federal Laws & Regulations

1. [Clean Water Act \(CWA\)](#) - Passed in 1972 under President Nixon. While it is a federal law, authority for implementation and enforcement is granted to Wisconsin Department of Natural Resources (DNR).

The goal of CWA is to protect the nation's water by setting standards for water quality and regulating pollution discharges into water. Two of its programs specifically apply to large livestock facilities. These are the WPDES and the TMDL programs.

- a. [WPDES Permit Program](#) - DNR gives WPDES permits to discharge pollution.

A wide range of polluters are required to have a WPDES permit, including sewer, industrial and large livestock plants. DNR is responsible for ensuring that Wisconsin's approximately [319 large livestock plants](#), known as Concentrated Animal Feeding Operations (CAFOs), are complying with the terms of their WPDES permits. CAFOs are defined as operations with [1,000 or more Animal Units](#) which equals 700 dairy cows, 2,500 pigs, 55,000 turkeys or 125,000 chickens. There are four CAFOs in Polk County; two are operating under expired permits. No CAFOs hold permits in the Town of Laketown.

As part of its research, the Committee attended an in-depth briefing by the DNR staff that oversees WPDES permits for CAFOs in our region. Rules for the permits are under [Chapter NR 243](#) of Wisconsin's Administrative Code. DNR staff summarized the program in the following chart.

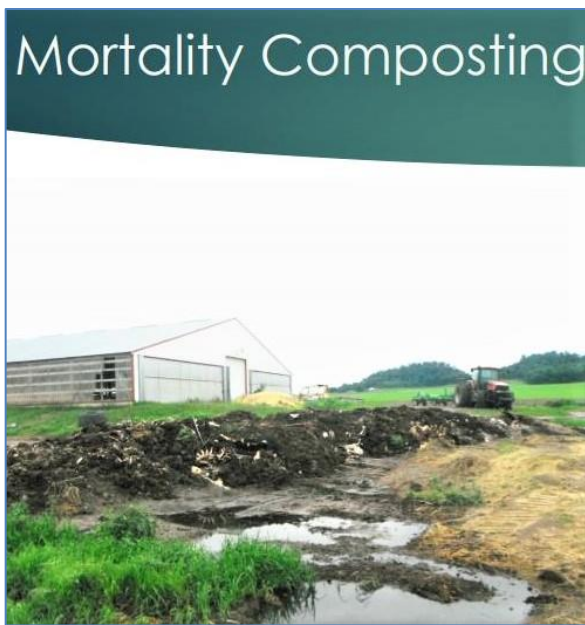
CAFO WPDES Permits

- ▶ Requirements outlined in ch. NR 243, Wis. Adm. Code
- ▶ Water quality protection permits
- ▶ Implementation of EPA Clean Water Act.
- ▶ Regulates CAFO manure and process wastewater handling, storage, and land application
- ▶ Does not regulate air, odor, animal welfare, noise, or traffic issues
- ▶ **NOT** a siting program
- ▶ Does not implement local (town/county) requirements

Ninety percent (90%) of the Wisconsin's CAFO permits are held by dairy operations. These permits:

- Place limits on the type and concentration of water pollutants that may be discharged
- Require ongoing self-monitoring and reporting
- Establish requirements for manure collection and land application procedures
- Are issued for five-year periods

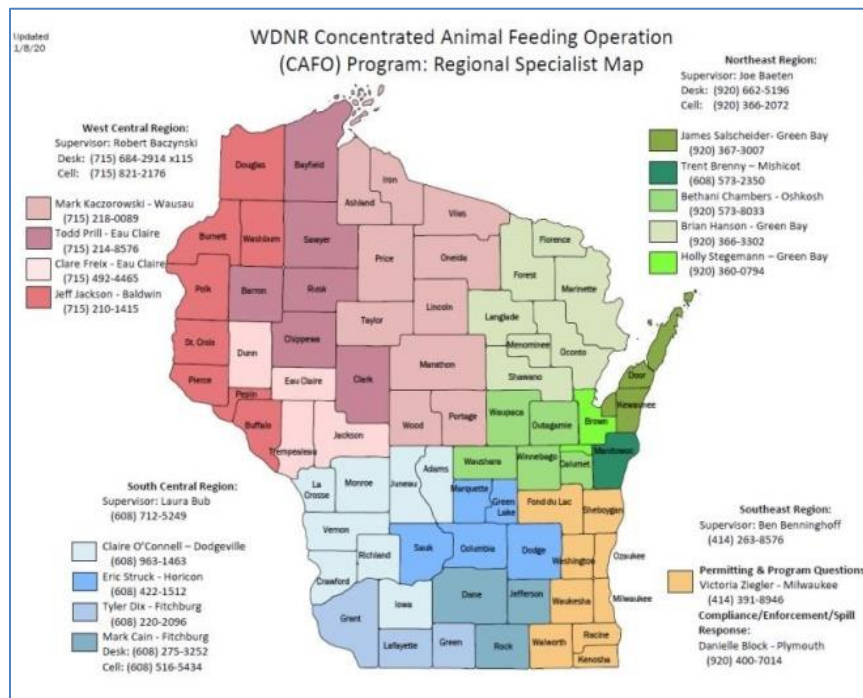




CAFOs are required to make mortality management reports but permits do not prescribe methods used to dispose of corpses and placentas

The DNR struggles to keep up with the growth of CAFOs in Wisconsin from 135 in 2005 to 319 in 2020. For example, a [2016 study](#) by the Legislative Audit Bureau of the WPDES program found that one-third of the CAFOs were operating under expired permits. In 2020, 91 (28%) CAFOs are operating under expired permits. There is an [ongoing debate](#) about who should pay for this regulation; the public through taxes or the permit holders through fees, as documented by the [Legislative Fiscal Bureau](#).

Laketown is in an area serviced by DNR regional specialist, Jeff Jackson. Regional staff are responsible for: drafting permits; public noticing the permit; responding to questions and concerns regarding the permit; and permit issuing or reissuing. Onsite compliance inspections of the production area and/or land application sites are also done by the regional staff.



Located in Baldwin, Jackson covers eight counties running 245 miles from Douglas County on Lake Superior to Buffalo County on the Mississippi River, as seen in the dark salmon on the map at left.

Engineering staff, located in Madison, serve the whole state. They review: engineering evaluations of structures; engineering plans and specifications of proposed structures; and the "days of waste storage calculations."

There are also staff in Madison that review

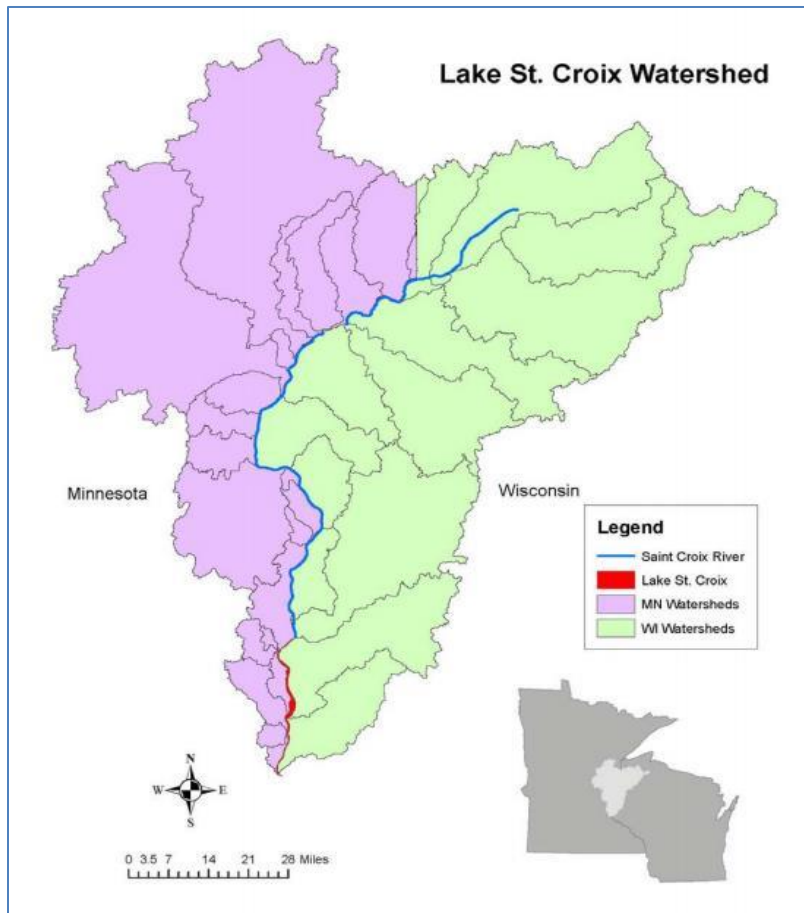
Nutrient Management Plans every five years. This involves determining waste generation and reviewing how the farm plans to manage land application activities. Operations must show crop rotations and planned land applications activities for five years. This helps determine if the operation has an adequate land base for their calculated waste generation.

No case better illustrates the challenges with CAFO enforcement than Emerald Sky Dairy. Located near Baldwin in St. Croix County, Emerald Sky is owned by a Nebraska company. They have had five known manure violations in three years. The worst was a 2017 spill of 275,000 gallons that resulted in only an \$80,000 fine. Even after that, [in November 2019](#), an anonymous call reported manure flowing down a ditch that dumps

into Hutton Creek. DNR staff documented manure flowing into the creek and dead fish. St. Croix County Development Corporation sent a letter to the DNR on [February 20, 2020](#) demanding "full and quick enforcement of manure application rules and statutes for CAFO's located in St. Croix County."

- b. [Lake St. Croix TMDL Program](#) - DNR works to cut phosphorus pollution to St. Croix River.

Laketown is in the 7,760 square mile area that feeds water to the St. Croix River. Under the CWA, states must identify surface waters - lakes, rivers and streams - that are not meeting state water quality standards and put them on the impaired waters list. Lake St. Croix, near Hudson, Wisconsin was placed on the impaired list in 2008 due to excess phosphorus pollution in the St. Croix River.



After listing it as impaired, Wisconsin and Minnesota figured out that the Total Maximum Daily Load (TMDL) of phosphorus that could go into Lake St. Croix is 360 metric tons. That means phosphorus pollution in the Lake St. Croix Watershed will have to be reduced by 127 tons or 27%.

In order to meet this reduction goal, communities and landowners in the St. Croix River watershed need to reduce discharges from sewer plants as well as runoff from urban and agricultural land.

The CWA provides state and local governments with federal resources to meet the goal.

For example, Polk County receives funding for the following three programs that are or could be used in Laketown:

Source: [Lake St. Croix TMDL](#) - page 3

- **Nutrient Management Plans** - County staff review and/or help draft nutrient management plans for CAFOs and smaller farms.
- [Farmer-Led Watershed Councils](#) – Made possible by partnerships between agricultural producers, County Land and Water Conservation Departments, DATCP, and University of Wisconsin–Extension there are four active councils in northwest Wisconsin counties. The goal is to develop farmer leaders on a local watershed scale to increase use of conservation practices that improve water quality and soil health. Figuring out how to keep vegetative cover and living roots on the fields during fall, winter, and spring is a key conservation practice these councils promote. These cover crops help more water infiltrate the soil and less run off the field. Cover crops also take up excess nutrients left after the growing season and keep them in the field, minimizing nutrient loading to surface waters.

The [Horse Creek Farmer-led Watershed Council](#) operates in a [76-square mile watershed](#) located in southern Polk County. The council has been successful in implementing and promoting practices that improve soil health and water quality. They have shared their successes, and failures, statewide with other potential watershed councils. In 2013, the Council was instrumental in helping the state to re-direct \$250,000 of funding within DATCP towards expanding councils statewide. Today, this grant initiative makes \$750,000 available to agriculture producer groups who would like to organize similar programming. Twenty-seven groups statewide were approved for this funding in 2020.

- **Lake Protection Grants** - Several lake associations, including Round Trade Lake Improvement Association, are planning and implementing programs designed to cut phosphorus pollution. Support from a grant secured with Polk County made the [Long Trade Lake Management Plan](#) possible. The planning process included collection of information such as lake levels, precipitation and chemical makeup. Monitoring by volunteers and several workshops were also executed. Based on all this information, an implementation plan with five goals was developed. As the next stage, the association can now secure a Lake Planning grant to cut phosphorus pollution while at the same time addressing algae blooms and enhancing fish habitat.
- 2. [Safe Water Drinking Act \(SWDA\)](#) - Passed in 1974 under President Ford. SWDA sets standards for public drinking water systems. However, these standards do not apply to private wells. No state or federal laws requires existing private wells to be tested for contaminants. All of Laketown's drinking water comes from private wells.

Under the SWDA the safe limit for nitrate in water is defined as [10 parts per million \(PPM\)](#). The 10 ppm limit was set in 1962 and is [based on studies from the 1940s](#). Many question whether a 58-year old limit can still be scientifically justified. Some say new evidence could show that the limit should be [higher](#) others think it should be [lower](#). CAFOs are not covered by the SWDA.

- 3. [Clean Air Act \(CAA\)](#) - Passed in 1990 under President Bush. CAA set air quality standards for just six pollutants from industrial plants. Wisconsin DNR is also granted authority to identify sources of the pollution and give permits to control them. At this time, CAFOs are not considered to be industrial polluters and are not covered by the CAA.
- 4. [Emergency Planning and Community Right-to-Know Act \(EPCRA\)](#) Enacted in 1986 under President Reagan after thousands of people were killed in India by a chemical explosion. The law required CAFOs to report chemical pollution such as ammonia and hydrogen sulfide from animal waste when it was in amounts that could threaten public safety.

In 2008, under President Bush, animal feeding operations were exempted from having to report air pollution from animal waste. After legal action, that exemption was struck down by the U.S. Court in 2017. In 2018, under President Trump, the Fair Agricultural Reporting Method Act again exempted CAFOs. [Final rules were made public in July 2019](#). CAFOS are not required to report.

- 5. [Toxic Air Pollution Regulation](#) There is no toxic air regulation of CAFOs. However, there is an ongoing, 15-year attempt by the US Environmental Protection Agency (EPA) to regulate CAFO air pollution using scientifically sound methods. It is complex because air pollution varies depending on factors such as the number and type of animal confined, type of feed, manure handling and storage practices, barn ventilation methods, and climate. Directly measuring the pollution is expensive.

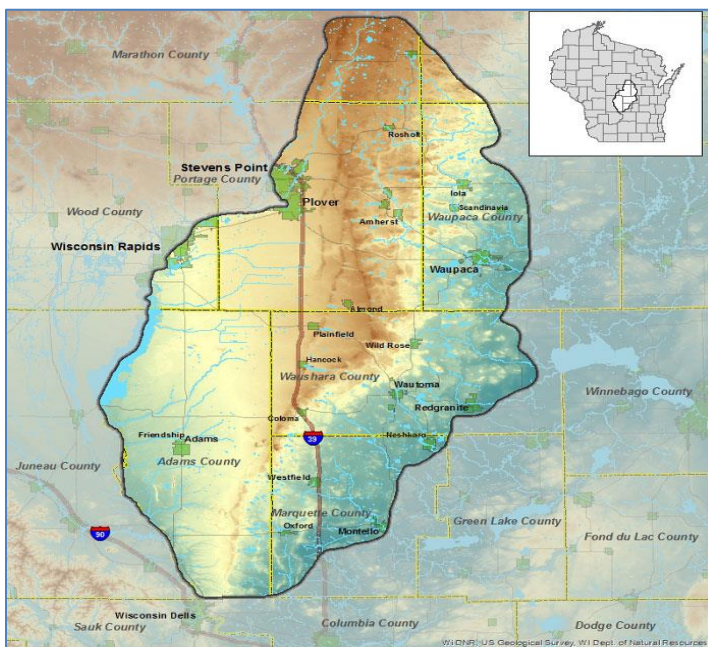
In 2007, dairy, swine and chicken plants participated in a program to monitor pollution at 25 sites in 9 states. The purpose was to collect the data needed to develop scientific models that can estimate pollution and determine how CAFOS should be regulated under CAA and EPCRA. A [DRAFT Report](#) was issued in

2012. Draft models for ammonia, [hydrogen sulfide](#) and particulate matter pollution were due to be completed in 2020 for swine, chicken and dairy plants. The [DRAFT Swine Model](#) was released in August 2020. Models for poultry and dairy are now [scheduled for 2021](#).

In November 2019, the [American Public Health Association](#) called for a nationwide moratorium on new CAFOs due in large part to a lack of air pollution regulation.

C. Wisconsin State

1. **Wisconsin Department of Natural Resources (DNR)** - In addition to the federal laws for which the DNR has authority; there are several state statutes and rules that may or may not be related to CAFOs:
 - a. [Runoff Management Rules NR 151](#) - Regulates use of manure and fertilizer for non-CAFO farms. In December 2019, the [DNR's board voted](#) to begin crafting new rules in an effort to [curb nitrate pollution in drinking water](#). Public hearings are planned for spring 2021.
 - b. [Local Regulation of Livestock Wisconsin Statute 92.15](#) - Used as the basis for the towns of [Trade Lake CAFO Operations Ordinance](#) and [Eureka CAFO Operations Ordinance](#). These ordinances focus on how the plants are operated instead of siting and are based on local government powers instead of siting laws. Includes performance bonds and yearly renewal. These ordinances are based on Bayfield County's ordinance which was challenged by the DNR in 2017 but was upheld by the court. There is a review process of these ordinances by Wisconsin agencies. (See Appendix D.) DATCP reviewed Polk County's DRAFT Operations Ordinance in an October 2020 memo. (See Appendix E.)
 - c. [Air Toxics Rule NR 445](#) - Toxic air pollution from CAFOs are not currently regulated. However, livestock farms may potentially be required to meet air emission standards for hydrogen sulfide and ammonia under the DNR air toxics rule.
 - d. [High Capacity Wells NR812](#) - [DNR approval](#) is required for CAFOs when the combined pumping capacity of all wells on a farm exceeds 100,000 gallons a day or 70 gallons per minute. There are 89 high capacity wells in Polk County. Five of those are on CAFOs and another 27 are used for irrigation and other agricultural activities. There are also two municipal wells in Laketown.



The impact of high capacity well usage is a [highly debated issue](#). The Wisconsin Supreme Court has a case coming before it soon on high capacity wells.

In May 2020, [Attorney General Kaul](#) ruled that the DNR must consider the impact to local wells, springs, lakes and rivers when issuing new permits.

In 2017, DNR began studying the impact of these wells in [Wisconsin's Central Sands](#) area after several water bodies were impacted by huge withdrawals of water.

Findings from this study may impact high capacity use throughout Wisconsin.

Source: Wisconsin's Central Sands: [WI DNR](#)

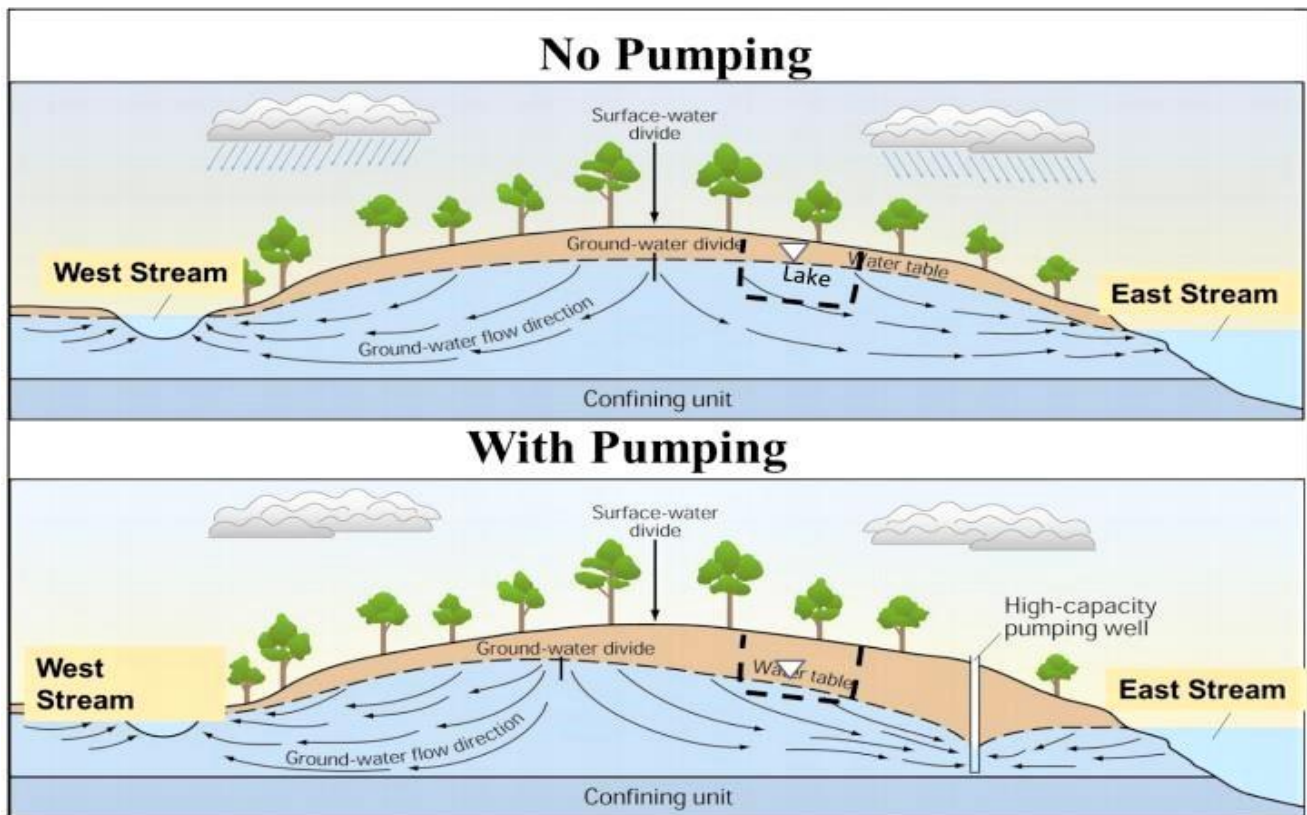


Figure 1. A groundwater flow system under natural (top) and pumping conditions (bottom). Note that the lake is a dip that extends below groundwater levels. The pumping well intercepts water that was going to the East Stream and captures some water from the West Stream as well. Because pumping lowers water levels in the aquifer, lake levels have declined. When wells are located near a stream, the flow of groundwater might be reversed. (Figure modified from Grannemann et al.⁴)

Source: [Wisconsin's Greenfire - High Capacity Well Impacts](#) - page 2

2. Department of Agriculture, Trade and Consumer Protection (DATCP)

- a. [Livestock Facility Siting and Expansion Wisconsin Statute 93.90](#) - Passed in 2006, local governments must adopt authority for siting using either licensing or zoning with conditional use permits. There is no authority in Laketown because Laketown has not adopted the 93.90 statute.
- b. [Livestock Facility Siting Rule ACTP 51](#) - This is the rule for 93.90. It defines the details such as setbacks, air pollution, nutrient and runoff management, and waste storage. An attempt to revise the rule was stopped in November 2019. This rule does not apply to Laketown.

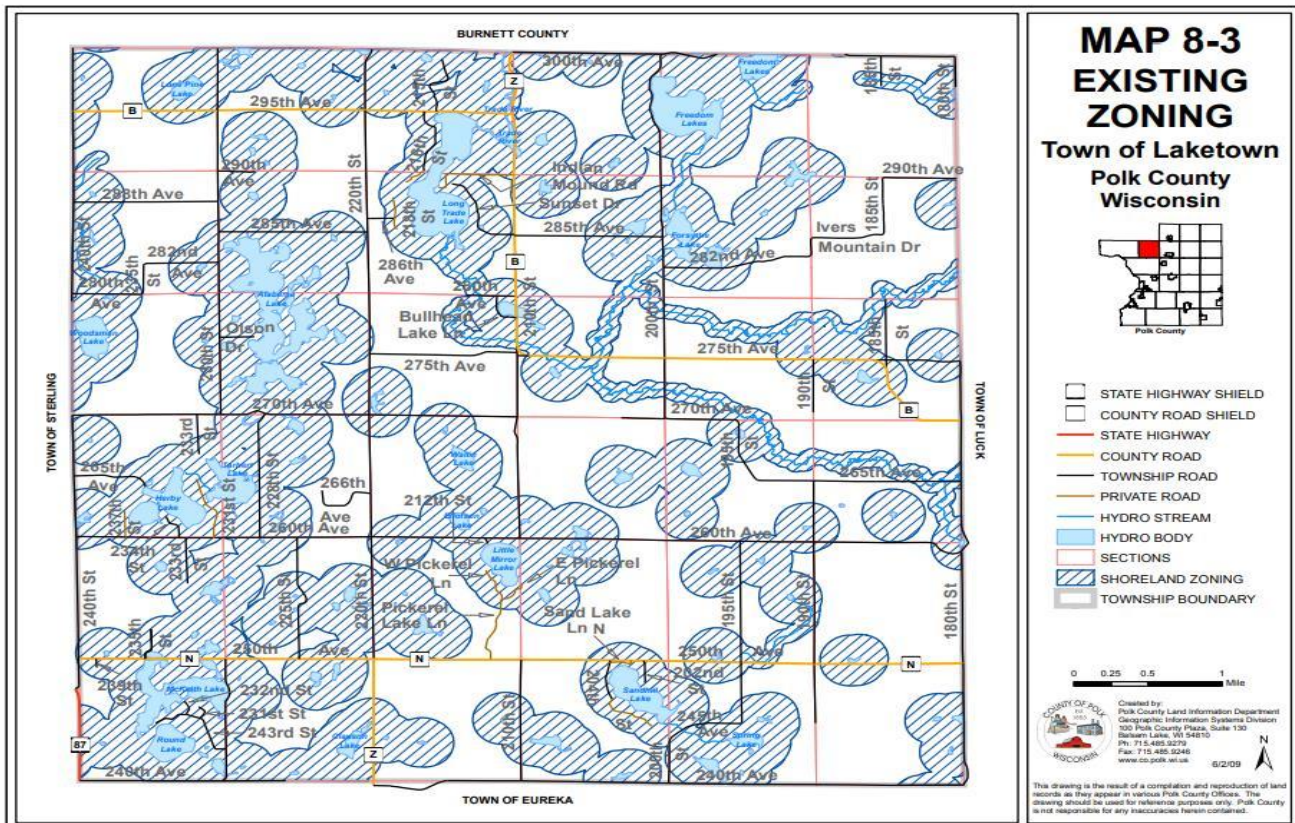
However, DATCP is currently assessing the legality of a \$1,000 limit on application fees and a prohibition on performance bonds in [ATCP 51.30 \(4\)\(a\)&\(b\)](#). As part of Act 21, [Wisconsin Statute 227.10](#), DATCP was required to review all rules and make sure there is authority in the statute to back it up. According to both the Wisconsin Towns Association and County Association, both of these items lack express authority in statute and are unenforceable. (Appendices F. & G.)

D. Polk County

1. [Comprehensive Land Use Ordinance](#) - Polk County has 24 towns. Laketown is one of five Polk County towns that have **not adopted** zoning under this ordinance. This means that this zoning ordinance does not apply here.

2. [Shoreland Protection Zoning Ordinance](#) - While Laketown has not adopted zoning, under Polk County's Comprehensive Land Use Ordinance, 55 percent of the Town is covered under the County's Shoreland Ordinance. These regulations help ensure the proper management and development of the shoreland of all navigable lakes, ponds, rivers, and streams in the unincorporated areas of Polk County.

[Resolution 03-20](#) was passed in February 2020 by Polk County withdrawing swine CAFOs as a potential conditional use in areas. Manure from CAFOs can [still be spread in some shoreland zoned areas](#), but swine CAFO buildings cannot be developed in the cross hatched areas shown in the Map 8-3.



Source: [Laketown Comprehensive Plan](#) - page 93

3. [Polk County Swine CAFO Amendment \(see p. 29\)](#) to Comprehensive Land Use ordinance - Passed September 15, 2020, this amendment focuses on siting and effectively targets development in towns with areas zoned Agriculture-20 and non-shoreland lands in un-zoned towns such as Laketown. CAFO developments with 2,499 hogs or less (1,000 animal units) in zoned towns also have no restrictions. Developers interested in non-shoreland areas of Laketown have no county siting restrictions. Manure from CAFOs in un-zoned areas [can be spread in shoreland areas throughout the county](#).

Developers planning more than 2,499 hogs (1,000 animal units) in zoned towns must be in areas zoned Agriculture-20. In addition, they are required to get a conditional use permit through the county's Environmental Services Committee that will include at least the following provisions:

- a. **Setbacks** - 200' setback for waste storage and housing for an infinite number of hogs. 100' setback for driveway entrance.
- b. **Waste** - Requires nutrient and mortality management plans.
- c. **Overweight Loads** - Requires town approval during spring break-up.

- d. Spills** - Developers shall notify the town and county of spills within 24 hours. The county will publically notice the spill.
- e. Previous livestock violations** - Violations by the owner/parent company must be reported
- f. Suspected hazards** - Environmental or human health hazards must be referred to the county.
- g. Residency** - Owner or operator must live within five (5) miles of the development.
- h. Plans** - Professionally designed and drafted plans required for the main facility.

This swine CAFO ordinance was developed during a 12-month moratorium that required the county to study a wide range of environmental and health issues. This was supposed to be done because Wisconsin law requires ordinances to be based on "reasonable and scientifically defensible findings." However, the county did not do the needed work and provided no findings. As a result, [DATCP staff issued a letter](#) to the county that the ordinance is vulnerable to legal challenge. Three pro-CAFO groups have [threatened legal action](#). However, the Wisconsin County Association pushed back on these threats. (Appendix H.)

- 4. [Manure and Water Quality Management Ordinance](#) - Permits are required for construction, alteration or closure of any animal waste storage structure on non-CAFO farms. Need to meet Natural Resources Conservation Service (NRCS) engineering standards whether in zoned or un-zoned town such as Laketown. Unconfined manure piles are not allowed within: 1,000 feet of navigable lake or pond; 300 feet from a river or stream; 250 feet for a private well, 1,000 feet from a municipal well; 100 feet from downslope to groundwater; shallow soils over groundwater or bedrock. Adequate sod must be maintained in pastures where livestock has access to waters of the state. Manure management plans are required for cost sharing. Plans focus on phosphorus not nitrates, bacteria or other pollutants. Plans don't require land ownership or contracts. County staff does not regularly review plans.
- 5. [Storm Water Management and Erosion Control Ordinance](#) - All construction plans are reviewed. Water must go down into soil not across into surface waters too quickly.

Summary of Laws and Regulations		
Laketown Regulation	Type of Regulation	Regulating Agency
Comprehensive Plan - 2009-2029	Encourages preservation & expansion of agriculture with a focus on sustainability & appropriate scale. Discourages development of large factory farms.	Laketown
Large Scale Commercial Activity Ordinance	Required permits for livestock facilities over 700 animal units (500 dairy cows, 1,750 pigs, 38,500 turkeys, 87,500 chickens) in 2009. Livestock facilities exempted in 2011.	Laketown
US Federal Law or Regulation	Type of Regulation	Regulating Agency
Clean Water Act - 1972	Water pollution (WPDES) permits. NR243 rules. Lake St. Croix TMDL drive nutrient management plans, Farmer-Led Watershed Councils.	Implementation and enforcement authority delegated to the DNR.
Clean Air Act - 1990	Criteria pollutants - carbon monoxide, lead, ground-level ozone, nitrogen dioxide, particulate matter, and sulfur dioxide. Not currently required for CAFOs.	Implementation and enforcement authority delegated to the DNR.
Emergency Planning & Community Right-to-Know Act - 1986	Chemicals released to the air, land or water. Not currently required for CAFOs.	Implementation and enforcement authority delegated to the DNR.
Air Pollution Models - 2007	Ammonia, hydrogen sulfide, particulates and volatile organic compounds. Not currently required for CAFOs.	US EPA
Wisconsin State Law or Regulation	Type of Regulation	Regulating Agency
Runoff Management Rules (NR151)	Manure and fertilizer rules for farms smaller than CAFOs.	DNR
Local Regulation of Livestock Law (92.15)	Local ordinances may exceed state performance standards if shown to protect water quality. Eureka ordinance based on this.	DNR or DATCP
Air Toxics Rule Regulation (NR 445)	Potential regulations of hydrogen sulfide & ammonia. Not currently required for CAFOs.	DNR
High Capacity Wells (NR812)	Required when pumping more than 70 gallons per minute of water.	DNR
Livestock Siting & Expansion Law (93.90)	Local governments can adopt authority for siting. No authority in Laketown.	DATCP
Livestock Facility Siting Rule (ACTP 51)	Rule if 93.90 authority is adopted. Setbacks, air pollution, nutrient and runoff management, and waste storage.	DATCP
Polk County Regulation	Type of Regulation	Regulating Agency
Comprehensive Land Use Ordinance	CAFOs currently allows CAFOs in A-2 zones and 5 un-zoned towns including Laketown.	Polk County Zoning
Shoreland Protection Zoning Ordinance	Covers 55 percent of Laketown. CAFO facilities not allowed but manure can be spread.	Polk County Zoning
Manure & Water Quality Management Ordinance	Manure managed under NRCS cost share for non-CAFO farms.	Polk County Land & Water
Storm Water Management & Erosion Control Ordinance	Construction plans reviewed for water & erosion.	Polk County Land & Water

V. Environmental and Health Impacts

Protecting the quality of the land, lakes, rivers, wells and air is a top priority, according to Laketown's Comprehensive Plan. Scientific research shows that large livestock facilities pose a range of potential vulnerabilities to these natural resources and the public health. This section reviews findings on land, groundwater, surface water and air.

Key Concerns

- 1) Maintaining agricultural and forest land uses, while limiting large-scale development, is a clearly stated goal of Laketown's Comprehensive Plan.
- 2) There is a wide body of research identifying the negative environmental health effects of CAFOs.
- 3) All of Laketown's drinking water comes from private groundwater wells.
- 4) There is no systematic, long term testing program for private wells or surface water by the state of Wisconsin or Polk County.
- 5) Public and private wells are already polluted by nitrate, phosphorus and bacteria from sources such as sewer plants, private septic systems and urban and agriculture runoff.
- 6) Private wells polluted with nitrate only qualify for state cleanup grants if pollution is four times the drinking standard and the water is also used to for livestock.
- 7) Laketown has a rich supply of surface water lakes, ponds, wetlands, rivers and streams.
- 8) Phosphorus pollution of surface water already impacts Laketown and the St. Croix River.
- 9) Large livestock facilities are required to manage waste under nutrient management plans.
- 10) Enforcement of nutrient management plans is weak and plans often do not meet water quality standards.
- 11) There is no regulation of the many types of air pollution that CAFOs make.

A. Land Use

Laketown has had a proud agricultural heritage since its hardwood and tamarack forests were cleared by colonists shortly after the Civil War. That continues today with a mix of dairy, beef, commodities and specialty crop producers. As shown in the table below, 61 percent of Laketown's 17,698 acres are used for agricultural, Maintaining this mix while limiting large-scale development is a clearly stated goal of the Comprehensive Plan.

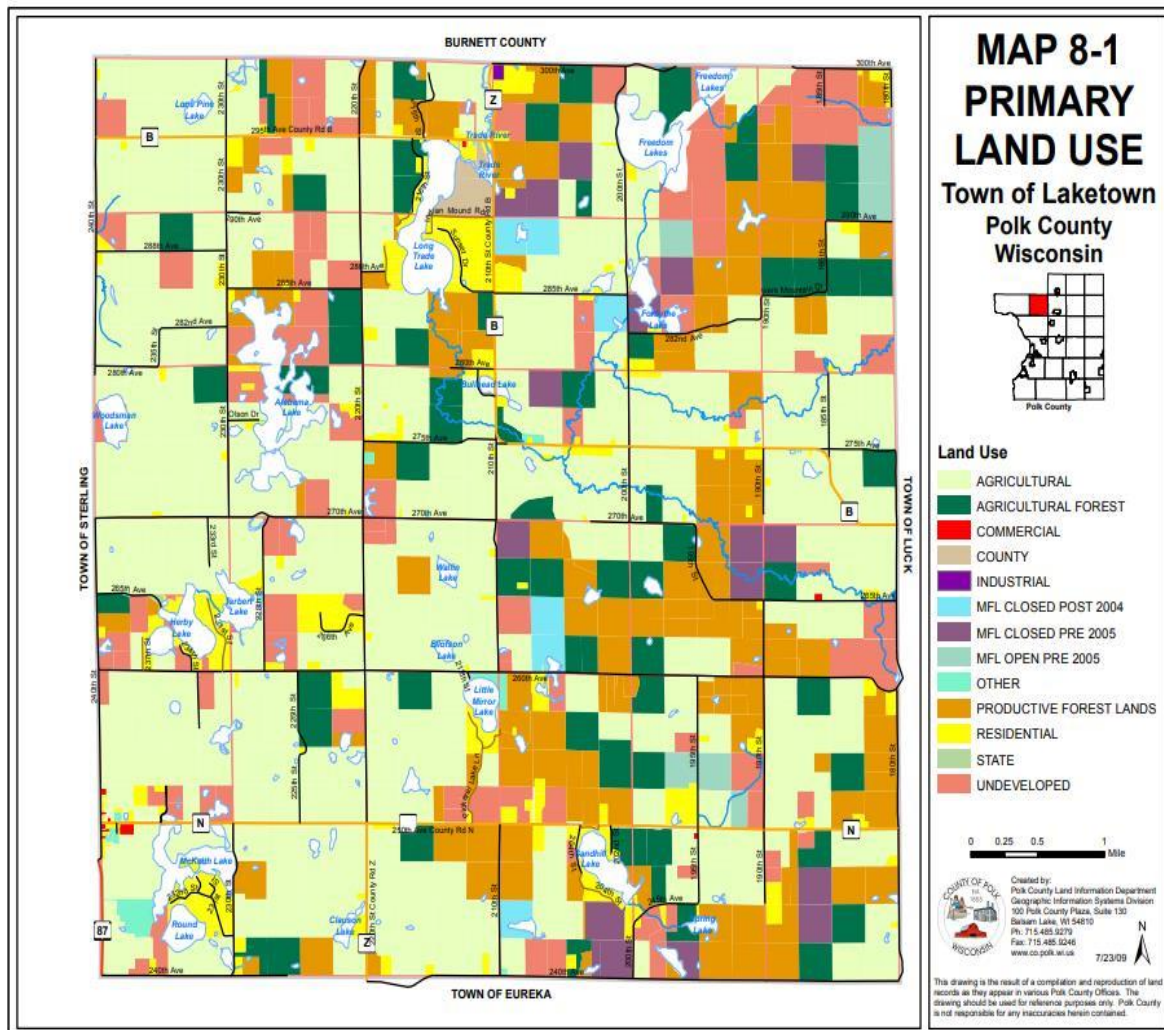
Table 8.2 FUTURE LAND USE PROJECTIONS

	Total Acres					
Laketown	2005*	2010	2015	2020	2025	2030
Residential	1,553*	1,548	1,560	1,570	1,570	1,558
Commercial	29*	29	29	29	29	30
Agricultural	10,800*	10,835	10,754	10,683	10,683	10,765
Forest	5,316*	5,333	5,293	5,259	5,259	5,299
Industrial	0*	1	1	1	1	1
Population Estimates	925	922	929	935	935	928

*** indicates actual assessment figures from 2005**

Source: [Laketown Comprehensive Plan](#) - page 90

While only 1,553 acres are in residential properties, they make up a large portion of the town's real estate values and tax revenue. In the past 50 years, farmers sold much of their lakeshore and many lakes are now surrounded by homes on small lots. These lake home owners are very concerned about the potential impacts of large-scale agricultural development on water quality. The following map provides a visual of land uses within the town.



Source: [Laketown Comprehensive Plan](#) - page 91

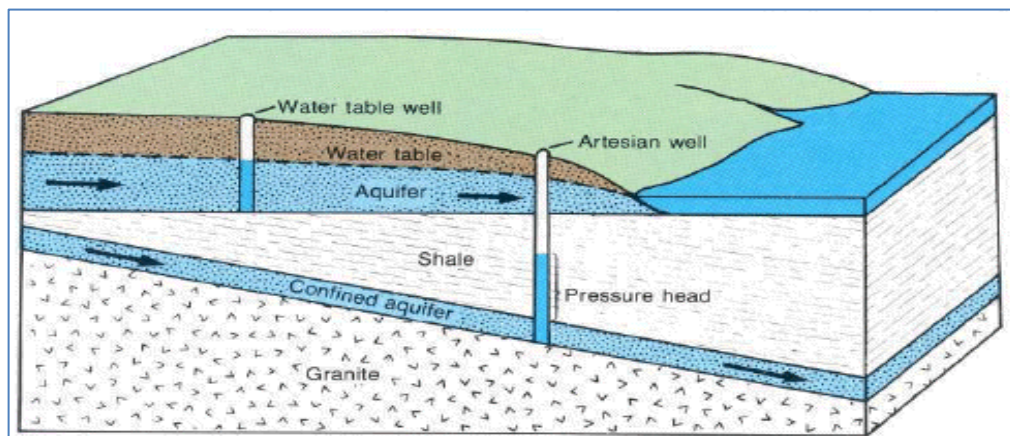
B. Water Resources

1. Groundwater

All of Laketown's human drinking water comes from private wells using groundwater. As shown in Wisconsin's [2020 Ground Water Coordinating Council](#) report, private wells are vulnerable to pollution from nitrates, bacteria and farm chemicals. While some private well owners test their water, there is no systematic, long-term effort by Laketown, Polk County or Wisconsin to test or collect and analyze results.

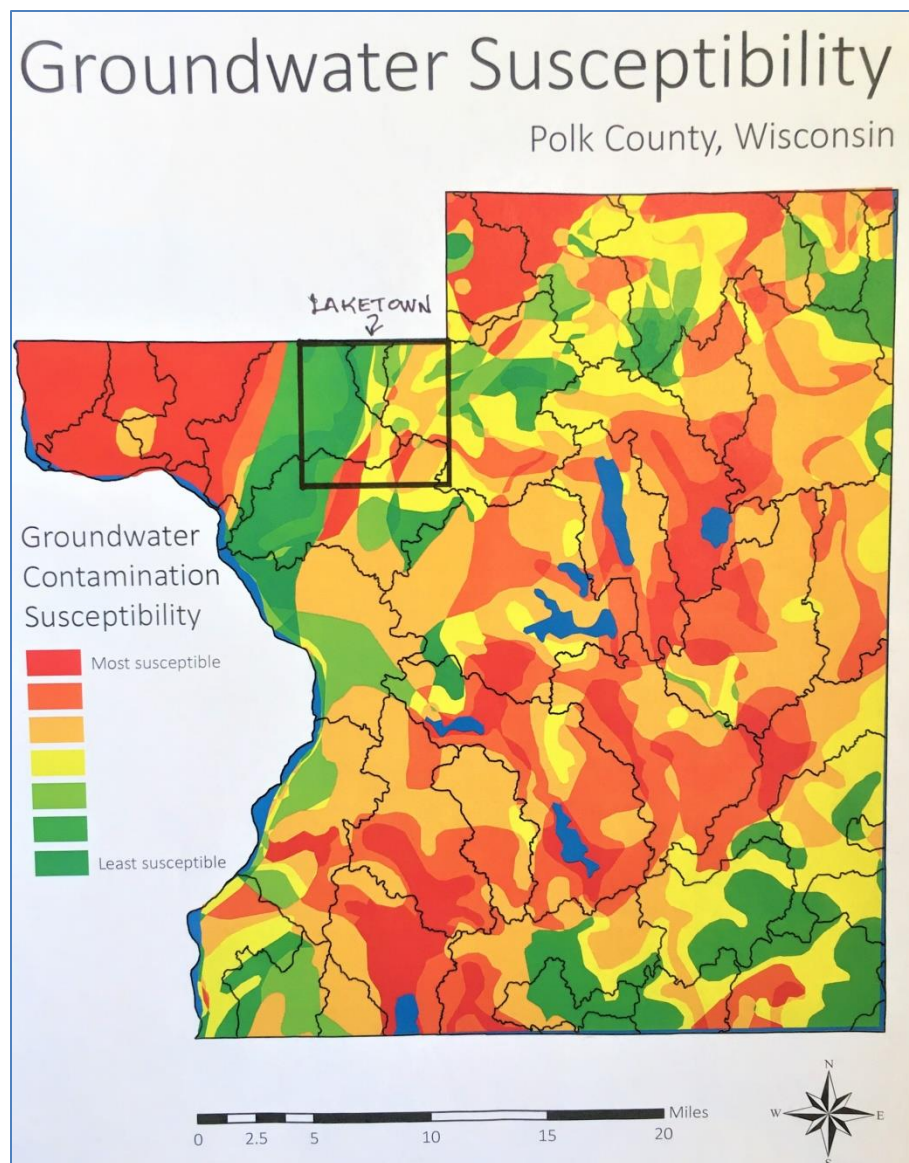
Groundwater exists in saturated zones beneath the land surface. The upper surface of the saturated zone is called the water table. Contrary to popular belief, groundwater does not form underground rivers. It fills the pores and fractures in underground layers of sand, gravel, and other rock, in much the same way that water fills a sponge.

If groundwater can be removed from these layers by pumping or flows naturally out, these rock materials are called aquifers. Groundwater moves slowly, typically at rates of 3 to 25 inches per day. As a result, water can remain in an aquifer for hundreds or thousands of years. As shown in the drawing on the following page, water table wells use pumps and artesian wells tap into confined aquifers that are under pressure and flow naturally.



Source: USGS: [Groundwater and the Rural Homeowner](#) - page 9

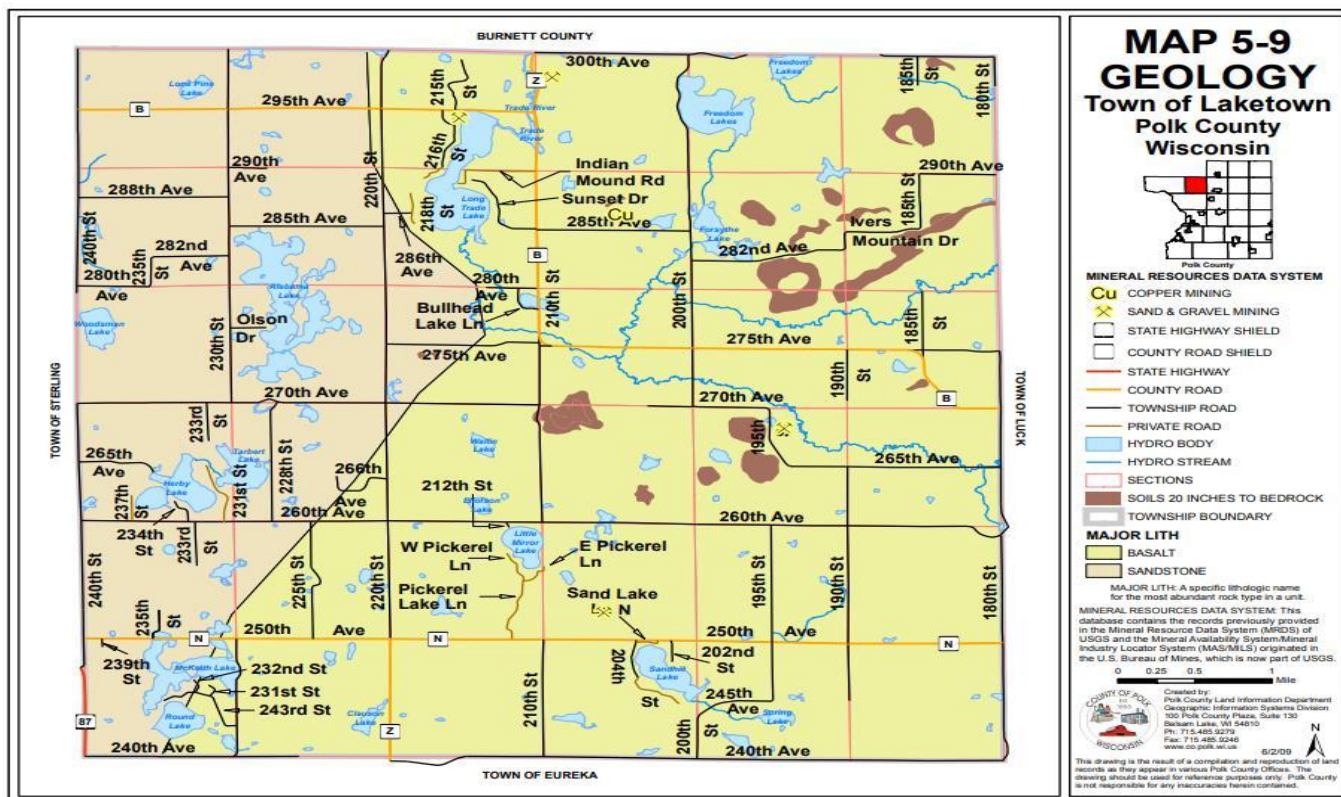
How susceptible an aquifer is to contamination is determined by how easily water can enter and move through. In an effort to identify susceptibility, five factors are used to estimate how easily a contaminant can be carried through the land to groundwater. These factors include: type of soil, bedrock and materials between soil and bedrock; depth to bedrock; and depth to groundwater table.



Based in these five factors, about 60 percent of Laketown has elevated levels of groundwater susceptibility. Polk County staff presented this Groundwater Susceptibility Map to the Committee at the November 2019 meeting. Much of the eastern part of the town as shown in yellow to red shading is susceptible. Most of the western part, as shown in green, is less susceptible.

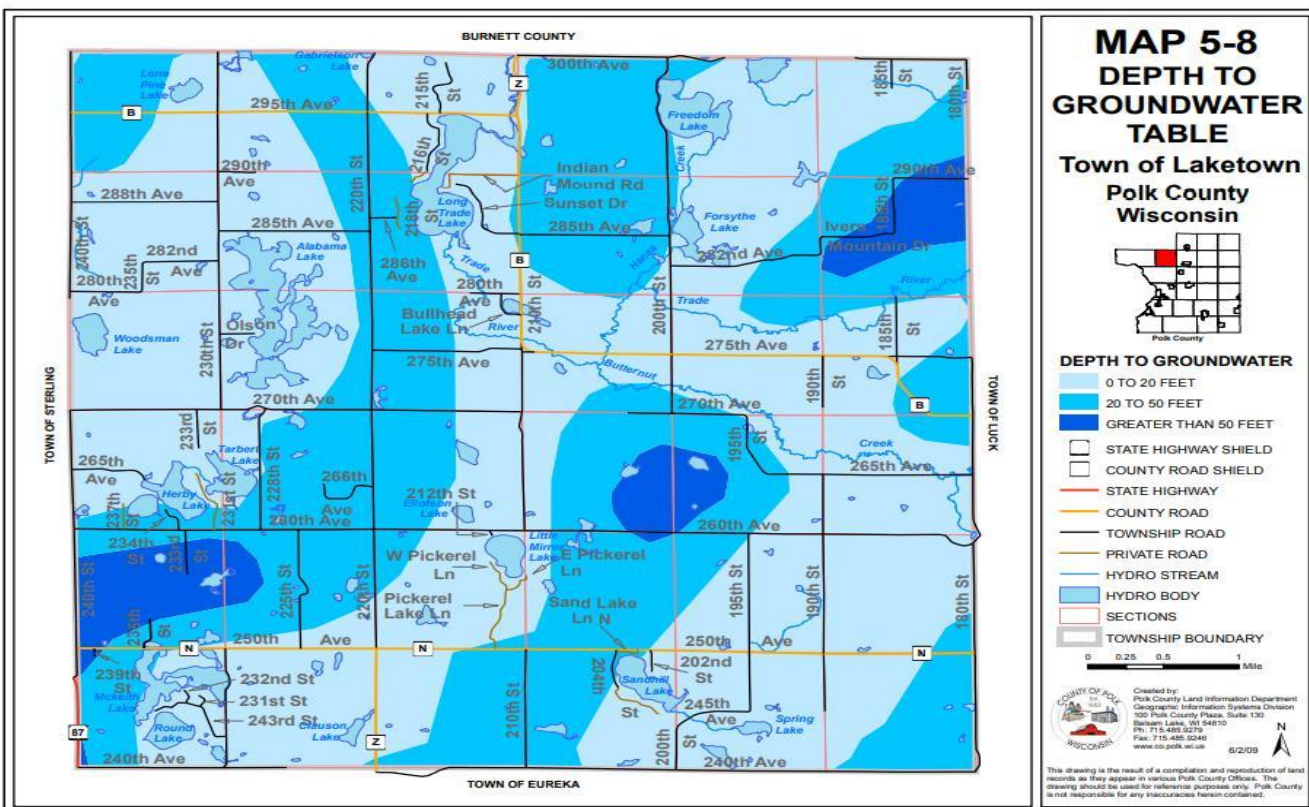
This difference is due, in part, to the type of soils as shown in Map 5-9. Areas with sand and gravel are considered more sensitive to groundwater contamination; areas with silt and clay are considered less susceptible.

There are also varying depths to groundwater as shown in Map 5-8.



Source: [Laketown Comprehensive Plan](#) - page 70

This Depth to Groundwater Table Map below shows that most of Laketown's water tables are between 0-20 feet or 20-50 feet below the surface.



Source: [Laketown Comprehensive Plan](#) - page 67

Nitrate Pollution of Groundwater

Nitrate pollution from CAFOs is an especially big concern based on research done by universities and government agencies. However, advocacy groups for CAFOs do not support this concern. They feel that other sources, not CAFOs, are responsible. For example, private septic systems are not designed to treat nitrogen and people use nitrogen for their yards. As part of the committee's study, the [Wisconsin Dairy Alliance](#), submitted an analysis that contrasts the number of CAFOs with the percentage of polluted wells. (See Appendix I.)

The safe limit for nitrate in water as defined in the federal Safe Drinking Water Act is [10 milligram per liter \(mg/l\)](#). The 10 mg/l limit was set in 1962 and is [based on studies from the 1940s](#). Many people question whether a 58-year old limit can still be scientifically justified. Some say new evidence could show that the limit should be [higher](#) others think it should be [lower](#).

A 2012 survey of municipal water systems cited in the [2018 Wisconsin Groundwater Coordinating Council Report](#) found that 47 of them exceeded nitrate limits, up from 14 in 1999. Exceedances were found in about 10 percent of tested private wells. In another ongoing study, the state Department of Health has results from 55,000 well tests. The percentage of wells exceeding the nitrate limit varies widely from zero in the north, to 20 to 30 percent in the south-central counties. Five to 10 percent of the Polk County wells exceeded the current standard.

However, there is no systematic, long-term testing program for private wells or surface water by the state of Wisconsin or Polk County. Private well testing is done by a very low percentage of well owners in any given year. Those who do test are interested in the current condition of their water, not determining long-term changes. Systematic repeated tests of the same set of wells over time are needed.

The University of Wisconsin-Stevens Point collects private well data that is voluntarily submitted and publishes it on their [Well Water Quality Viewer](#). Samples are listed by town and section with no exact addresses given. However, it is not considered a scientific study and does not represent well water quality information for all known private wells.

Statistics Report

(1 of 1)

[Clear](#)

NITRATE (mg/l as N) for Township 36N R18W

Range	Number	Percent	Summary
None Detected	11	14%	Minimum: No Detect
... 2.0	38	48%	
2.1 - 5.0	22	28%	Median: 1.4
5.1 - 10.0	7	9%	Average: 2.2
10.1 - 20.0	1	1%	
20.1 ...	0	0%	Maximum: 10.5
Total Samples:	79		
> 10mg/l N	1	1%	Exceeds Health Standard

There are only 79 samples listed for the Town of Laketown (36N R18W). This includes samples from just 19 of Laketown's 36 sections. There is one sample exceeding the maximum health standard of 10 mg/l. The average is 2.2 mg/l with a median of 1.4 mg/l. Eleven of the samples showed no nitrates.

Publishing well data can also become controversial. [In 2019, Lafayette County Supervisor Jack Sauer](#) tried to pass a law making it a criminal offense for the media to publish well data.

Source: [University of Wisconsin - Stevens Point](#), Retrieved 12/2/20

Estimates predict that even under today's best nutrient management plans nearly 20 percent of nitrogen fertilizer is not used by crops. One DATCP study estimated that 200 million pounds of nitrogen were applied in excess of

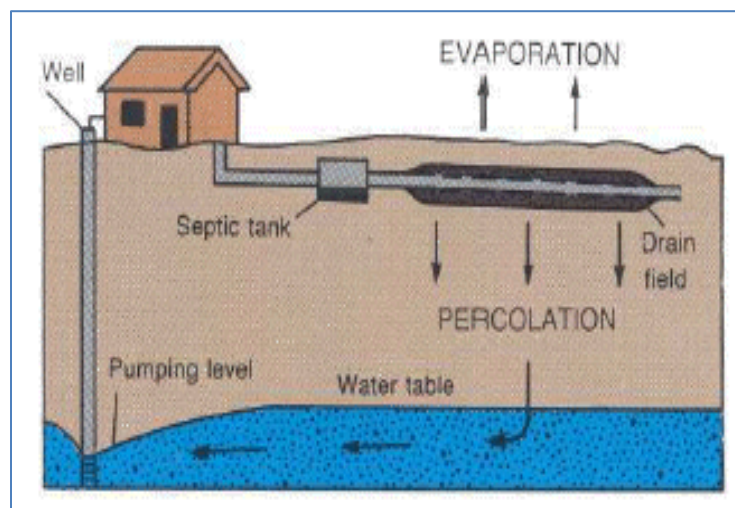
recommendations. CAFOs use very little pasture and a decreasing amount of alfalfa leaving many more acres in row crops with higher nitrogen releases. Past agricultural practices can continue to impact some geologic settings as nitrate works down to deep aquifers.

The 2020 Wisconsin Ground Water Coordinating Council report includes an in-depth section on [Nitrate Pollution](#). That report finds that nutrient application from fertilizers and manure on agricultural fields accounts for 90 percent of nitrate in groundwater. However, nutrient management plans are not designed to assess potential nitrate pollution to groundwater. Numerous studies indicate that these plans do not always reduce nitrate levels to below the 10 ppm standard. This 2020 report and [many other studies](#) summarize health risks from nitrate pollution, including:

- Infants below the age of 6 months are especially at risk and could become seriously ill with a condition called methemoglobinemia or “blue-baby syndrome”
- Growing evidence of a correlation between nitrate and diabetes in children
- Birth defects have been linked to nitrate exposure
- Thyroid disease
- Increased risk of non-Hodgkin’s lymphoma, gastric cancer, colon cancer, bladder and ovarian cancer

Other Types of Groundwater Pollution

While nitrates are considered to be a pervasive threat to groundwater, wells can be vulnerable to other pollution such as arsenic, atrazine, coliform and E.coli bacteria, chloride and lead. While the [Well Water Quality Viewer](#) collects data on these pollutants there are very few samples from Laketown making it difficult to assess the prevalence.



Of these other pollutants, concerns about bacteria are the most common. This is especially true in Wisconsin counties with a [high number of CAFOs](#) such as Kewaunee, Fond du Lac, Grant, Iowa and Lafayette.

However, CAFO advocates point out that, studies done in these counties - using DNA to trace the source of contamination - identified waste from cattle, pigs and humans. Poor septic systems can allow pollution to percolate to the water table contamination wells.

Sewage treatment plants, such as [Cushing's Sanitary District](#), can also be sources of [nitrate pollution](#).

While there is very limited well data available for Laketown, a 2019 study done by Polk County in the Balsam lake watershed found that 15% of the wells exceeded the nitrate health standard. In light of these results the Polk County's Large-Scale Livestock Facility Study Group April 2020 report recommended that:

"The percentage of wells testing positive for nitrates indicates that the County’s groundwater is susceptible to nitrates and other contaminants and should be monitored further." ([April 2020 report](#), Page 9.)

2. Surface Water - Lakes, Wetlands, Rivers and Streams



Our name says it! Laketown is rich in surface water - be it lakes, wetlands, rivers or streams.

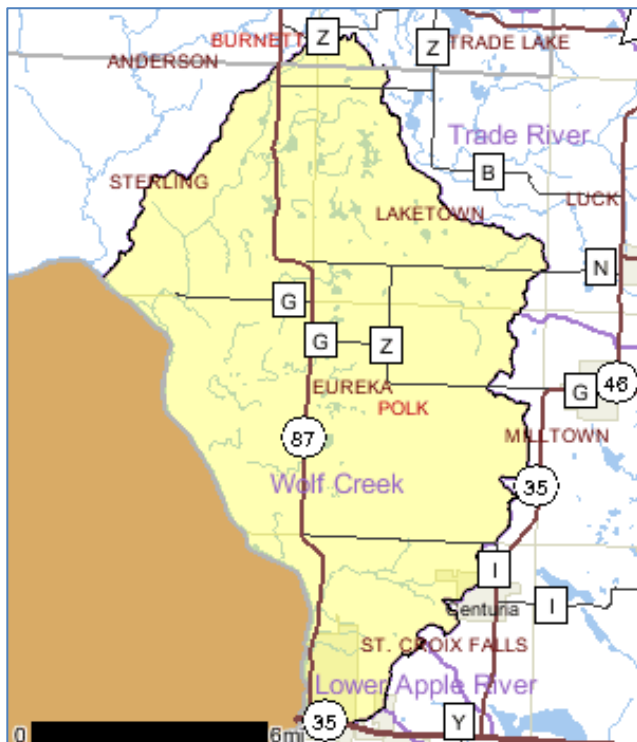
Wisconsin is divided into large river basins as shown in this map. Each river basin is divided into smaller watersheds that include all the land drained by the smaller rivers.

Laketown is part of the [St. Croix River Basin](#). Two watersheds in Laketown - Wolf Creek and Trade River - drain to the St. Croix then to the Mississippi and down to the Gulf of Mexico.

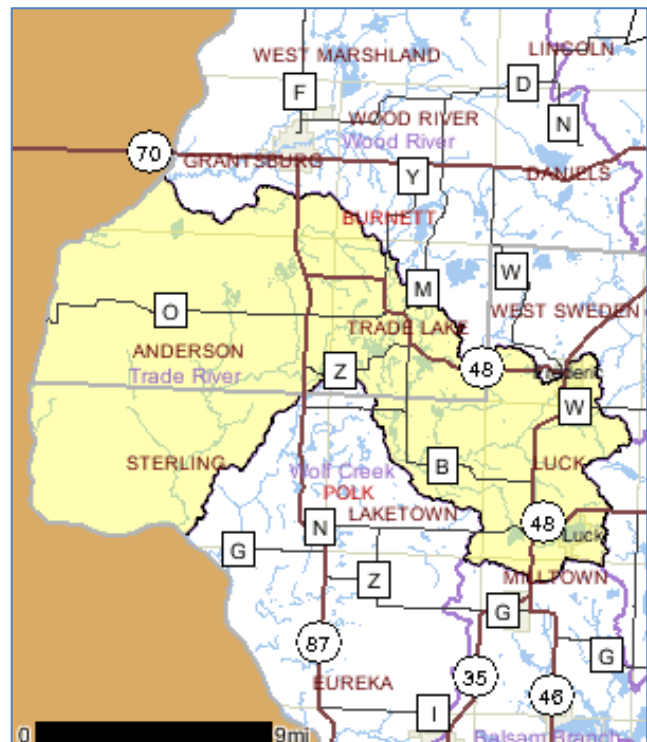
Pollution is a big concern for Laketown's lakes, and all the way down the rivers to the Gulf of Mexico's "dead zone."

This pollution comes from a range of sources. CAFO supporters feel that agricultural fertilizer and chemicals are unfairly singled out for polluting when sewage treatment plants and city streets are also big contributors. [In particular, problems with sewage plants](#) are more common as climate change brings more intense rain.

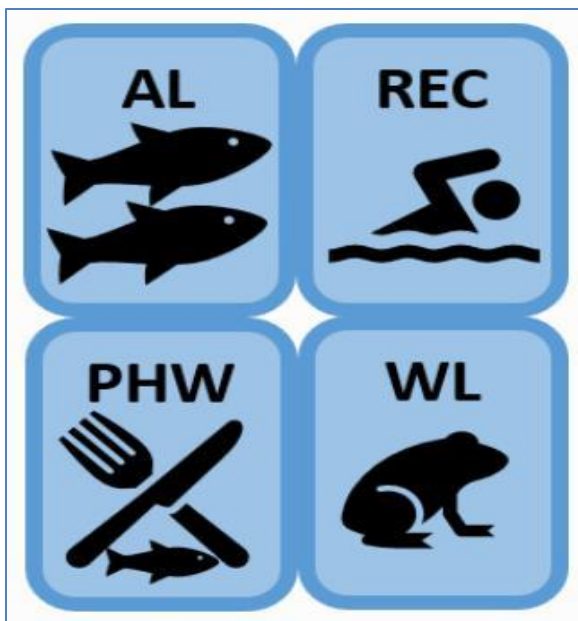
[Gateway to Wisconsin's Basins and Watersheds](#) - WiDNR



[Wolf Creek Watershed](#) - WiDNR



[Trade Lake Watershed](#) - Wi DNR

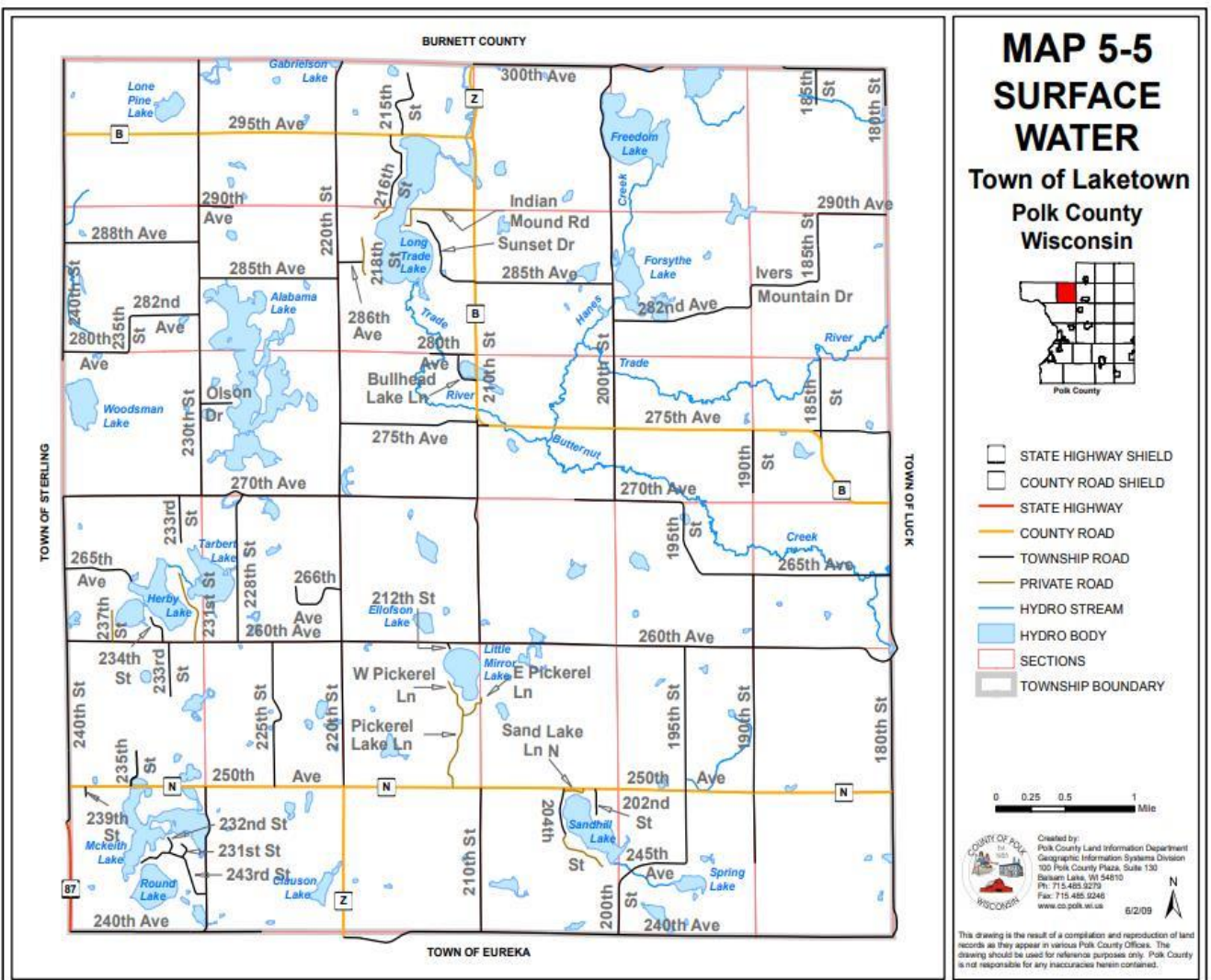


Wisconsin runs a [Surface Water Quality](#) program under the Clean Water Act. Lakes and rivers are monitored and assessed based on what specific use each is expected to support, including:

- **Aquatic Life (AL):** Can aquatic organisms live and reproduce?
- **Recreation (REC):** Can people safely recreate (boat, swim, etc.)
- **Public Health & Welfare (PHW):** Can people safely eat the fish from this water
- **Wildlife (WL):** Can wildlife safely use the waterbody for food or part of their life cycle?

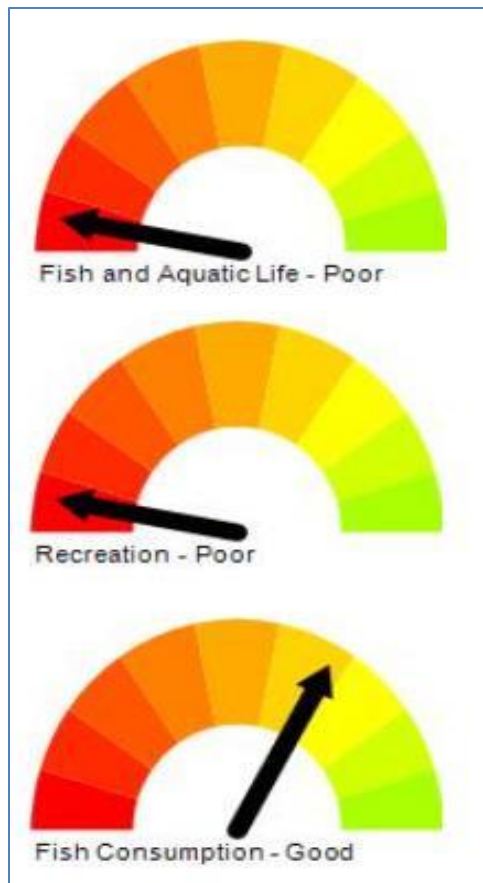
Impaired Waters - [Every two years Wisconsin reports](#) on the health of our surface water. A key part of the report includes a list of lakes and rivers that have been assessed but do not meet water quality standards and have no cleanup plan in place. Not all water bodies have been assessed.

[Herby](#), [McKeith](#) and [Round](#) lakes, as well as sections of the [Trade River](#), are on the impaired waters list.



Source: [Laketown Comprehensive Plan](#) - page 64

Phosphorus and Nitrogen Pollution of Surface Water



[Herby Lake Quality Indicators - DNR](#)

[Wisconsin's regulations](#) set standards for the amount of phosphorus that can safely be in water. All of the Laketown's impaired waterbodies are on the list because they exceed those standards.

Like nitrogen, phosphorus is an essential nutrient for plant growth. They are both major factors behind algae blooms. Small increases in phosphorus fuel these blooms, which in turn reduces recreational use, public health and property values.

Phosphorus comes from point and non-point sources. Point sources are usually sewage treatment plants. The Cushing Sanitary District runs the only treatment plant in Laketown. Discharges from that plant are spread on land instead of going into water. Non-point sources include runoff from farm fields, feedlots, or urban areas that wash down fertilizer, manure, soil, and other phosphorus-containing contaminants. In addition, there are natural sources of phosphorus such as soil erosion and build up in lake-bottom sediments.

Blooms especially thrive in shallow, warm, non-moving bodies of water. High phosphorous and nitrogen levels, warm water temperatures and high light levels stimulate the rapid growth of algae until it forms a bloom. These can vary in appearance and can appear as foam, scum, or mats on the surface of the water. Blooms come in a variety of colors, including blue-green, bright green, brown, or red.

If ingested, the algae can cause flu-like symptoms in people and death in pets. Though not directly toxic to fish and other aquatic life, blooms are deadly because after the algae dies, bacteria breaks it down. During this process, oxygen levels drop in the water leaving "dead zones" where life can't survive.

[Algae blooms](#) in the St. Croix River and area lakes were especially bad during the hot, dry 2012 summer. Monitoring blooms on Wisconsin's more than 15,000 lakes and 12,600 rivers is a challenge. The DNR is now working with [NASA to track algae blooms](#) with satellite imagery.



NASA also tracks the [Gulf of Mexico's 2,116 square mile dead zone](#) where the phosphorus Laketown sends down Wolf Creek and the Trade River eventually comes to rest.

Pathogens

Parasites, bacterium, and viruses capable of causing disease or infection in animals or humans are known as pathogens. Large amounts of manure can become a major source of pathogens. Human health can be affected by some 150 pathogens found in manure.

Pathogen-contaminated water can lead to widespread outbreaks of illness. There is also the possibility that disease-resistant bacteria can emerge in areas surrounding CAFOs. Bacteria that cannot be treated by antibiotics can have very serious effects on human health, potentially even causing death.

Healthy people exposed to pathogens can have severe diarrhea but usually recover. However, those with weakened immune systems are at increased risk for severe illness or death. This group includes about 20% of the people including infants and young children, pregnant women, the elderly, and those who are immunosuppressed, HIV positive, or have had chemotherapy.

Pathogens found in animal manure include the following:

<u>Pathogen</u>	<u>Disease</u>	<u>Symptoms</u>
<i>Bacillus anthracis</i>	Anthrax	Skin sores, headache, fever, chills, nausea, vomiting
<i>Escherichia coli</i>	Colibacillosis, Coliform mastitis-metris	Diarrhea, abdominal gas
<i>Leptospira pomona</i>	Leptospirosis	Abdominal pain, muscle pain, vomiting, fever
<i>Listeria monocytogenes</i>	Listeriosis	Fever, fatigue, nausea, vomiting, diarrhea
<i>Salmonella</i> species	Salmonellosis	Abdominal pain, diarrhea, nausea, chills, fever, headache
<i>Clostridium tetani</i>	Tetanus	Violent muscle spasms, lockjaw, difficulty breathing
<i>Histoplasma capsulatum</i>	Histoplasmosis	Fever, chills, muscle ache, cough rash, joint pain and stiffness
<i>Microsporum</i> and <i>Trichophyton</i>	Ringworm	Itching, rash
<i>Giardia lamblia</i>	Giardiasis	Diarrhea, abdominal pain, abdominal gas, nausea, vomiting, fever
<i>Cryptosporidium</i> species	Cryptosporidiosis	Diarrhea, dehydration, weakness, abdominal cramping

Source: [National Association of Local Boards of Health: Understanding CAFOs](#) - page 9.

There is also the possibility of novel viruses developing. Through mutation, these viruses can become capable of efficient human-to-human transmission. CAFOs are not required to test for these novel viruses.

B. Air Resources

One of the biggest concerns about large livestock operations is the impact on public health and property values of toxic air pollution. While science-based regulations for manure spreading attempt to protect water, there is no regulation of air pollution. Pollutants commonly found in air surrounding CAFOs include the following:

CAFO Emissions	Source	Traits	Health Risks
Ammonia	Formed when microbes decompose undigested organic nitrogen compounds in manure	Colorless, sharp pungent odor	Respiratory irritant, chemical burns to the respiratory tract, skin, and eyes, severe cough, chronic lung disease
Hydrogen Sulfide	Anaerobic bacterial decomposition of protein and other sulfur containing organic matter	Odor of rotten eggs	Inflammation of the moist membranes of eye and respiratory tract, olfactory neuron loss, death
Methane	Microbial degradation of organic matter under anaerobic conditions	Colorless, odorless, highly flammable	No health risks. Is a greenhouse gas and contributes to climate change.
Particulate Matter	Feed, bedding materials, dry manure, unpaved soil surfaces, animal dander, poultry feathers	Comprised of fecal matter, feed materials, pollen, bacteria, fungi, skin cells, silicates	Chronic bronchitis, chronic respiratory symptoms, declines in lung function, organic dust toxic syndrome

Source: [National Association of Local Boards of Health: Understanding CAFOs](#) - page 6.

This pollution can cause or exacerbate respiratory conditions including asthma, eye irritation, difficulty breathing, wheezing, sore throat, chest tightness, nausea, bronchitis, and allergic reactions. One Pennsylvania study showed that living in close proximity to poultry operations may increase the risk of community-acquired pneumonia. Another Pennsylvania study linked industrial animal agriculture operations and asthma. [Recent studies](#) from North Carolina show high rates of infant mortality, asthma, low birth weights, kidney disease and tuberculosis in communities near hog factories. See the [Citations](#) section for more studies on air pollution.

Daily activities, social gathering and general quality of life are impaired by the odors associated with hydrogen sulfide and ammonia emissions. This has been shown to contribute to stress and increased blood pressure.

Wisconsin's [2019 Livestock Facility Siting Technical Expert Committee](#) raised concerns about existing setbacks as its top priority. In response, DATCP attempted to address air pollution issues by developing setbacks based on science in [2019 Final Draft ACTP 51 Rule](#) (See pages 12-14.) These setbacks were based on the [OFFSET modeling tool](#). While the OFFSET model is designed to mitigate the impact of odors from hydrogen sulfide and

ammonia air pollution, there are other issues addressed by setbacks, including, but not limited to: particulate, light and noise pollution, and fly infestations.

Under the science-based model, new facilities would have to be set back from neighbors by 1,050 to 1,450 feet. Citizens across Wisconsin attended hearings on the rule raising concerns about air pollution and supporting the proposed setbacks. [Large livestock producers](#) protested that the rule was too costly and it was [dropped by Governor Evers in November 2019](#). [Burnett County](#) (Page 23.) also recommends more stringent setbacks.

VI. Economic Impacts

It is difficult to precisely predict the economic impact that CAFOs will have on a specific location. There are many variables at work and each community has a unique set of economic factors. Making any predictions is also difficult because of the complex global trade and immigration policies these large livestock factories rely on to succeed. While large producers and processors look for economies of scale, their facilities may restrict other types of economic growth and lower property values.

Key Concerns

- 1) Much of Laketown's tax base of \$1.4 million is paid by residential homes, especially on lakes.
- 2) Large livestock facilities often lower property values and could impact Laketown's tax base.
- 3) Large livestock facilities depress economic activity in surrounding communities.
- 4) Existing farmers may need better economies of scale and don't want their growth to be restricted.
- 5) Agricultural and trade policies benefit highly capitalized operators instead of small operations.
- 6) Inadequate enforcement of immigration laws make it hard for family farms to compete.
- 7) Local taxpayers bear CAFO costs such as permitting, road maintenance and pollution cleanup.

Laketown has a proud agricultural heritage. That legacy continues today with a mix of small to mid-size dairy, beef, commodities and specialty crop producers. There are no CAFOs in Laketown. Over the past 50 years, farmers sold much of their lakeshore and most lakes are now surrounded by homes on small lots. These lake homes provide much of Laketown's \$1.4 million tax base.

Early in 2019, word spread that Cumberland LLC had signed a purchase agreement to buy land for a hog CAFO in neighboring Trade Lake. Cumberland said it was looking [to invest \\$20 million](#) to build a farrowing plant in Trade Lake for up to 26,000 hogs. The estimated 9 million gallons of manure produced at the plant would be used by the farmer selling the land. At the same time, representatives from Burnett Dairy Co-op approached Laketown landowners about selling land for plants where the piglets would be finished before shipping to the [Chinese-owned Smithfield](#) kill and processing plant.

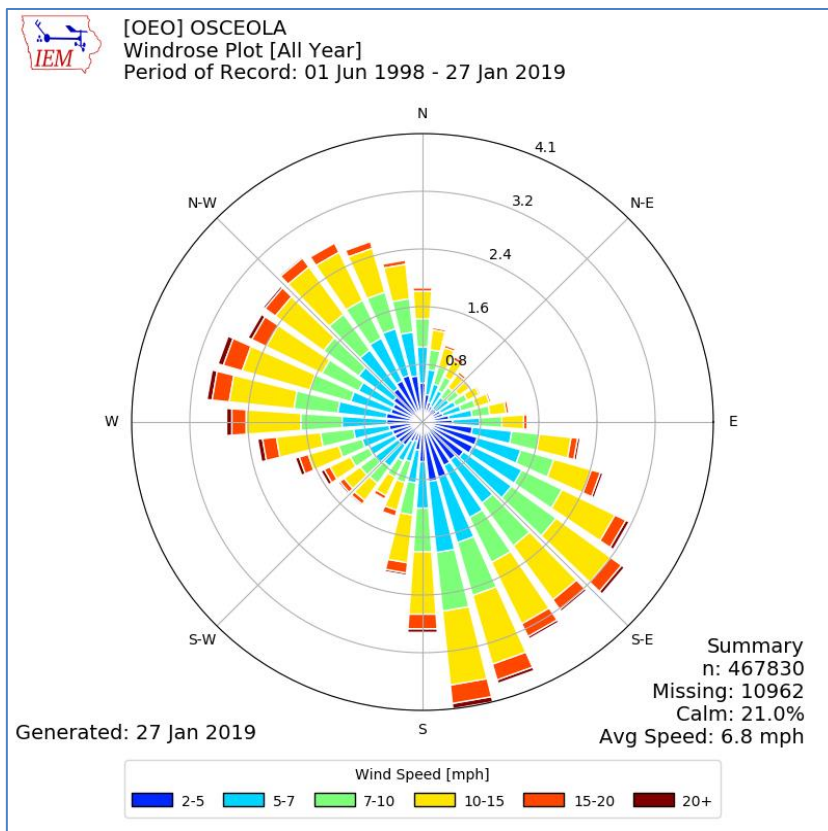
Support for and concerns about the pending Trade Lake deal were discussed at Laketown's May 2019 town board meeting. In June 2019, more than 200 people attended the Laketown Town Board meeting. Dozens expressed concerns during the public discussion about the impact factory farms would have on property values. Others spoke of the need to let investors freely decide how to participate in the global economy. While there are other economic issues, concerns about property values and farmers' ability to globally compete top the list.

A. Property Values and Local Economy

The financial health of Laketown's government and citizens is based in large part on property values. There are 21,495 acres valued at \$88 million with a annual net tax of \$1.43 million. Large livestock facilities could bring new investment while also negatively impacting property values. For example, even a 5 percent drop could cost the town more than \$70,000 in annual tax revenues.

The following table summarizes information from a variety of sources analyzing the impact of CAFOs on property values. This includes cases where Wisconsin property owners [appealed their tax assessments](#) because of nearby livestock facilities, as well as university studies and articles from professional journals for appraisers. Most find a negative impact, while one Minnesota study from 1996 shows a positive impact.

Impact of CAFOs on Property Values	Research Article / Tax Record Citation
- Value of property located more than one mile away from a CAFO not impacted - Property located within any distance from a CAFO smaller than 4,000 not impacted - Value of property located within 1/4 mile of a large CAFO is reduced by 13% - Value of property between ¼ mile and one mile of a large CAFO reduced by 8%	2017 Appeal #2017-81-01, Findings of Fact section D-6 Kewaunee County
Property taxes were lowered by 27% (\$60,000) for a Green County, Wisconsin neighbor to a 2,400-head hog finisher (just under 1000 animal units). This is shown in the Findings of Fact and Order from Todd Knutson's property tax appeal in Green County, Oct 2016.	Case Number: 2016-76-01. Todd Knutson's property tax appeal Green County, WI October 2016.
"Overall, the empirical evidence indicates that residences near Animal Operations are significantly affected, and data seems to suggest a valuation impact of up to 26% for nearby properties, depending on distance, wind direction, and other factors. Further, there has been some suggestion that properties immediately abutting an AO can be diminished as much as 88%. ... Not only are residences affected, but nearby small farms can be impacted by such factors as water degradation and insects."	Animal Operations and Residential Property Values (The Appraisal Journal, Apr. 15, 2015)
"results show price reductions of 23%–32% for residential properties sold within 1.25 miles of the facility, and much larger losses northeast (downwind) of the facility."	The Effect of a Large Hog Barn Operation on Residential Sales Prices in Marshall County, KY (Josre, Dec. 14, 2014)
- Livestock operations in general “have a significant effect on rural residential property values.” Most notable negative effects on property downwind and close. - Individuals downwind within 1/4 mile would experience 11 to 26% reduction - Properties downwind and approximately 1/2 mile experienced or would experience an 8% to 18% reduction - Properties 1½ miles from the property have 0% to 6% reductions.	Living with Hogs in Iowa: The Impact of Livestock Facilities on Rural Residential Property Values (Iowa State University, Aug. 2003).
This study finds a negative and significant impact on property value from hog operations.	Evaluating the Effect of Proximity to Hog Farms on Residential Property Values: A GIS-Based Hedonic Price Model Approach (URISA Journal, 2005).
Large adverse impacts suffered by houses that are within three miles and directly downwind from a CAFO are found. Beyond three miles, CAFOs have a generally decreasing adverse impact on house prices as distance to the CAFO increases.	Analysis of the Impact of Swine CAFOs on the Value of Nearby Houses (U of Northern Iowa, 2008)
This 24-year old study documents a statistically significant positive relationship between feedlots and property values.	Measured Effects of Feedlots on Residential Property Values in Minnesota: A Report to the Legislature (University of Minnesota, College of Agricultural, Food, and Environmental Sciences, July 1996)



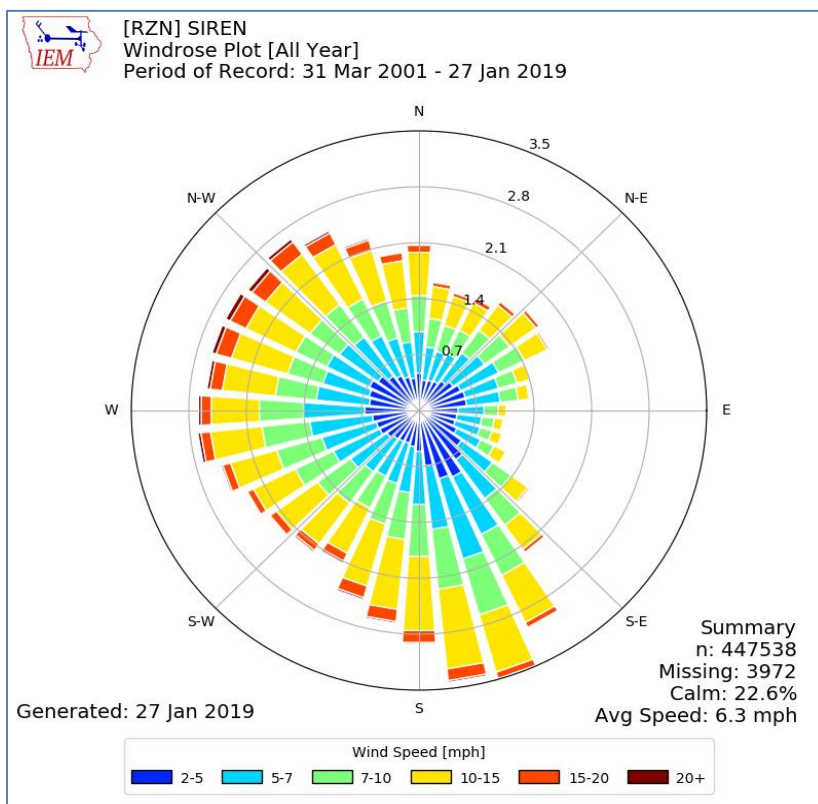
Source: [Iowa State University - Environmental Mesonet](#)

As noted in several of these studies, properties located downwind are most affected.

The following two figures are wind roses based on data taken at the Osceola airport in Polk County and Siren airport in Burnett County. These are the two closest data collection sites for the US Automated Surface Observation Stations. Laketown does not have airport data but is located pretty much in the middle of these two stations.

Wind roses are an information-packed plot providing frequencies of wind direction and speed. They can quickly indicate the dominant wind directions and the direction of strongest wind speeds.

These roses are based on archived data. The Osceola rose has over 20 years of data while Sirens' has nearly 18 years.



Source: [Iowa State University - Environmental Mesonet](#)

While the archive does contain errors, data from airports is good quality and representative of the local surrounding areas.

As both of the windroses show, our dominant winds come from the southeast and northwest. This means that properties northwest and southeast of large livestock facilities could be most affected.

However, the Siren rose also shows significant winds from the southwest and more from the northeast than Osceola

In addition to reducing current property values, the lack of regulations for livestock operations with less than 1,000 animal units (700 dairy cows, 2,500 pigs, 55,000 turkeys or 125,000 chickens) is impacting the ability of rural communities to attract new residents and grow new business.

For example, Iowa is seeing large growth in new hog CAFOs proposed as "999ers." These are usually finishing plants with 2,499 hogs. By staying under 2,500 they are not regulated as CAFOs under the Clean Water Act. Towns that have zoned areas for housing to attract new residents are [unable to stop CAFOs from moving in instead.](#)

CAFOs can also impact property values indirectly by depressing economic activity in surrounding communities. This impact was summarized for real estate appraisers in a [2015 report from the Appraisal Institute.](#)

One of the biggest impacts comes from the shift of purchases. Smaller farms make nearly 95 percent of their expenditures locally, while larger operations spend less than 20 percent locally. A study of 1,106 rural communities found that economic growth rates in communities with conventional farming were 55 percent higher than those with CAFOs. This negative impact was documented by reviewing sales tax receipts. Many CAFO operators contract with huge corporation that supply nearly all the inputs. CAFOs crowd out conventional farmers who buy most or all of their supplies locally, thus stimulating the local economy and real estate market.

Many of the swine CAFOs are on contract with corporations like Smithfield or Cargill. A [2012 University of Missouri](#) analysis found that a 4,000 swine operation will generate an average of \$164,000 from contract payments and \$94,630 of fertilizer value in manure based on a two year corn/soybean rotation. In addition, an estimated \$242,000 in economic activity will be generated annually due to the multiplier effect of expenditures. Most of that economic activity will be generated in the surrounding rural area. There is a one-time economic benefit of \$2,000,000 for the construction of the facility.

[Cumberland LLC's](#) representative, Jeff Sauer, says the facility he plans to build in Trade Lake would cost \$20 million to build, buy as many inputs as possible locally and employ 20 people. It is not known if Cumberland would use local construction crews. However, [other large hog barns](#) built in Wisconsin bring in crews that specialize in this type of construction.

B. Economics of Agriculture

It is impossible to understand large livestock facilities without some understanding of agricultural economics. For decades, national agriculture, trade and immigration policies have benefited large, highly-capitalized operators.

Federal government leaders call for farmers to get big or get out. A few consolidated companies dominate global markets. China needs cheap protein and understands how to navigate US laws and maximize their investments in new CAFOs and giant processing plants. National immigration policy provides cheap labor that makes it hard for independent farms to compete. All of this makes some Laketown farmers wary of any local regulations that could restrict their future growth.

Perhaps no quote better reflects national farm policy than Earl Butz's "Get Big or Get Out." Butz was the US Secretary of Agriculture from 1971 to 1976 under presidents Richard Nixon and Gerald Ford. After decades of federal farm policies that helped support small and middle-sized producers, Butz oversaw the rise of giant agribusiness and encouraged farmers to plan "fencerow to fencerow."

Current Secretary of Agriculture Sonny Perdue, echoed Butz's 50-year old mantra at the 2019 World Dairy Expo in Madison. In a discussion about the current crisis for small and medium-sized Wisconsin dairies, Perdue said ["In America the big get bigger and the small go out."](#) In other words, current policies benefit large producers by promoting massive consolidation along with cheap global exports and immigrant labor.

1. China

One of the biggest drivers of large livestock facilities is demand from the People's Republic of China. With the same amount of farmland and four times more people, food security is a top concern for the Chinese Communist Party. China uses small players like Cumberland and huge corporations like Smithfield Farms to strategically invest billions around the world in farm land, CAFOs, processing plants and transportation systems. The environmental and social impacts to rural America are not China's priority - they need cheap food.

China is not secretive about this strategy. Anyone can read about it in the [13th Five-year Plan for Economic and Social Development of the People's Republic of China \(2016-2020\)](#). The following goals come from Chapter 18, Section 6, Page 52.

"We will:

- *Optimize the mix of sources of imports,*
- *Increase imports of agricultural products that are in short supply at home,*
- *Establish large-scale offshore centers for farm product production, processing, storage, and transportation,*
- *Cultivate internationally competitive multinational agricultural companies."*



Both Republican and Democratic politicians support China's plans while at the same time claiming to oppose their growing global dominance. For example, [China's 2013 purchase of Virginia-based Smithfield Farms](#) had bipartisan support although it required a \$4 billion loan from the Communist government. Smithfield is a huge pork producer and processor. China consumes 50 percent of the world's pork.

Smithfield's CEO, Wan Long, is a long time Chinese Communist Party member and one of the super-rich global elite. He [makes \\$291 million a year](#).

Other support for the Chinese strategy is more subtle. Trade talks often begin with Chinese commitments to buy pork and then move onto computer chips or aluminum. Environmental and immigration laws lack enforcement. State laws attempt to preempt local control.

According to the committee's [October 2, 2019 interview](#) with Jeff Sauer from Cumberland, huge capacity at Smithfield's Sioux Falls, South Dakota kill and processing plant is spurring development of swine farrowing and finishing factories throughout our region. Dairy farmers looking for new opportunities can get the financing needed to start up complete with an annual contract payment. While managers operate the facilities, Smithfield owns the sows and leases them to the operators.

China has also developed excess processing capacity at home, in part with technology gained from the Smithfield acquisition. To supply their own processors, China is now [converting their US Smithfield processing plants](#) into kill plants. Carcasses are shipped to China for value-added processing and sale in the home market.

Higher skilled jobs such as engineering and marketing are also being moved to China. In fact, after Smithfield warned of looming pork shortages due to widespread Covid-19 worker illness in Sioux Falls on [April 12, 2020](#), they [exported three times more pork to China](#) in April 2020 than 2019.



Source: Reuters, [December 7, 2020](#)

However, China's current high levels of pork purchases may well drop as the government [encourages development of mega hog facilities](#) after losing half of their herd to African Swine Fever.

Muyuan Foods is building what will be the world's largest plant in Henan province. The factory will house 80,000 sows. Plants like this have driven soybean prices close to \$12/bushel as hogs [are fed grain instead of table scraps by small farms.](#)

In contrast to the industrial model, Laketown already has many independent producers of high quality protein. Clear Lake, Amery, St. Croix Falls, Luck and Frederic all have independent meat processors supplied by these producers are thriving. Local livestock producers and meat processors could lose out as corporate CAFOs take control of farmland and send all their animals to huge processors such as Smithfield.

2. Immigrant Labor

Dairy, swine and chicken CAFO operators as well as the giant processing plants they feed all rely on cheap immigrant labor. An estimated five percent of the US workforce is unauthorized immigrants, [according to 2014 data](#). An estimated 570,000 work in animal production with another 510,000 in slaughter houses.



Source: Wisconsin Watch, [March 19, 2017](#)

According to a 2015 survey sponsored by [the National Milk Producers Federation](#) more than half of dairy workers are immigrants. While the survey did not report how many of these are unauthorized, more than 78 percent of the dairies surveyed reported having medium or high concerns about raids from the US Immigration and Customs Enforcement (ICE).

Although there is not specific data on the percentage of unauthorized versus legal, foreign workers, are the backbone of [Wisconsin's dairy CAFO business.](#)

The committee interviewed a Polk County dairy CAFO with 1,500 cows that is operated by four family members and about two dozen immigrants.

[Immigration policy changes](#) under President Trump have made it difficult for some dairies to keep immigrant workers. CAFOs are not allowed to bring immigrants in under a seasonal guest worker visa for year-round jobs, such as milking cows, and collecting and spreading manure. Sponsoring immigrants for a green card is expensive and can take a long time.

One approach taken by the CAFO dairies is to apply for Trade NAFTA (TN) visas. Under this program Mexican veterinarians can be easily hired. A recent report by the [Milwaukee Journal Sentinel](#) found that the number of TN visas granted went from 3,300 in 2010 to more than 21,000 today. However, once they are here, the veterinarians find that their real job is milking cows and cleaning manure.

Two big factors are driving a similar move to immigrant labor by swine CAFOs, according to a 2018 study by the [National Pork Producers Council](#). The first is a dramatic change to capital intensive production from operations based on family labor. The second is the accompanying decline in a quality labor force as populations dwindle in large swaths of rural America facing the industrialization of agriculture.

The majority of these workers are from Spanish speaking countries. This can be challenging. In response, Pork industry consultants provide instructions on managing cultural differences, communication and basic life needs of [Latino workers in hog CAFOs](#).

The National Pork Producers Council supports passage of [a new immigration law](#). The legislation would let 450,000 immigrants work legally but only as agricultural workers or in meat packing plants. Part of the workers' pay would be deferred as an incentive to go back home after three years.

VII. Safety Impacts

Key Concerns

- 1) Increased heavy truck traffic could damage local roads.
- 2) High numbers of semis hauling livestock increases danger of crashes.
- 3) Large buildings filled with thousands of animals complicate fire response.
- 4) Semis hauling livestock can damage town roads and increase the chance of crashes.
- 5) Infectious human and animal diseases makes the large livestock system especially vulnerable.

A. Roads

Two potential issues arise in regards to local roads and large livestock facilities - damage and crashes. The Wisconsin Towns Association (WTA) made the following recommendation to DTACP as part of their comments on new livestock siting rules:

"The WTA feels strongly that a sixth worksheet must be added that at least considers:

- a) the transportation infrastructure needs associated with a new or expanded facility;*
- b) the current state of the transportation infrastructure proposed to be used;*
- c) the gap between needs and current status;*
- d) a process for identifying both short term damage and long term physical degradation of infrastructure resulting from the operation; and,*
- e) a method for the operation to fund road damage and life cycle costs accruing to the operation at the owner's expense."*

The WTA goes on to estimate that a CAFO that spreads:

"7 million gallons of manure annually will prematurely decrease the life of a road that witnesses every trip by 30 years of the original 50 year life, if the road was built with 3 inches of asphalt over 5 inches of gravel on fair base soils. Similarly, if the road is built with 5.5 inches of asphalt over 9 inches of gravel, this same combination would result in no premature aging of the road."



Source: AP - [January 17, 2020](#)

Burnett County's [December 2020 Large Scale Livestock Study Recommendations](#) (page 27) include asking the county board to seek state tax payer dollars to mitigate expected impacts on local road infrastructure.

In addition to damaging roads, high numbers of livestock vehicles can lead to an increase in tragic crashes. These crashes require special resources and preparedness to capture loose animals or dispose of any mortalities.

B. Fire



Source: WEAU - [March 13, 2019](#)

We all dread a tragic barn fire. The sheer numbers of animals involved make large livestock facility fires even more onerous. A [March 2019](#) fire in Mondovi, WI killed an estimated 4,000 hogs. Hazardous winter condition made the scene very dangerous sending one of the fire fighter's trucks into the ditch. Authorities put the cost of the fire at \$10 million. Animals killed in the blaze had to be trucked to a sanitary landfill as part of the cleanup.

C. Infectious Disease

Two major infectious disease outbreaks - Covid-19 in humans and African Swine Fever in hogs - illustrate how vulnerable towns like Laketown could be to large livestock facilities.

1. Covid-19

Corporate-owned processing plants across the nation and Wisconsin saw Covid-19 infection rates among workers as [high as 25%](#) early in the 2020 pandemic. These high rates forced more than 100 plants to close, according to a [May 8, 2020 Centers for Disease Control \(CDC\) report](#).

This especially caused problems for swine CAFOs which cannot ship animals over 280 pounds to slaughter. The [Chinese-owned Smithfield](#) hog processing plant in Sioux Falls, SD was one of the first to close. There are 1,300 infections tied to the plant. During a committee interview on [October 2, 2019](#) Jeff Sauer, Cumberland LLC, said this is the plant investors plan to supply with hog farrowing and finishing facilities.



Source: Daily Mail - [May 15, 2020](#)

The closure of so many processors meant that factory farms had nowhere to ship their animals. In fact, National Pork Producers Council president, Howard Roth said on [April 29, 2020](#) that "millions of pigs can't enter the food chain" and will have to be killed and disposed of. The Brazilian-owned JBS plant in Worthington, MN reopened to euthanize, not process, [up to 13,000 hogs a day](#) saying that the "carcasses will be rendered, sent to landfills, composted or buried."

Another shutdown caused by pandemics would leave Laketown vulnerable when the hog factories have to dispose of tens of thousands of hogs. While the US Department of Agriculture has [recommended procedures for mass depopulation](#), it is very challenging and presents many disposal issues.

2. African Swine Fever Virus

[Millions of hogs have died or been killed](#) globally due to African Swine Fever (ASF), commonly known called, hog Ebola. Experts predict 25 percent of the global herd will perish. The disease is 100% fatal and the pathogen is especially hardy. Asian countries such as China, Vietnam and Korea have been hit hard - [Aporkalypse Now. Germany is building a wall](#) along its Polish front to stop the invasion. China has now started rebuilding its hog herd and has [banned imports from parts of Germany](#) with an ASF outbreak.

In response, the [USDA held simulated exercises](#) with 14 states in September 2019 to test our nation's ability to control an outbreak. While the [exercises themselves](#) were covered by industry press, there has been almost no coverage of the potential problems identified. Most of the focus is on how much tax payers will have to reimburse these CAFO companies for dead animals.

While Wisconsin was not one of the 14 states that did simulations, DATCP staff observed the Minnesota exercise. In addition, DATCP has published a 1-1/2 page [African Swine fever factsheet](#).

October 2019 interviews with the Wisconsin Department of Agriculture Trade and Consumer Protection's Rebecca Slater, Emergency Response Coordinator and Dr. Julie McGwin, Veterinarian Specialist, identified multiple issues, including:

- 1.) In the event of an outbreak, thousands of trucks hauling up to a million hogs would be required to comply with a stop movement order for up to 72 hours. Standstills such as this are very hard to enforce. After 72 hours the animals - many of them weanlings - start to die.
- 2.) A 10km quarantine ring would be put around any infected factory, heavily impacting locals.
- 3.) Procedures for handling effluent from the washing of infected trucks and factories are not clear.
- 4.) Procedures for killing tens of thousands of hogs in a factory are not clear.
- 5.) Composting and incineration are the recommended disposal techniques for carcasses once herds are killed. Wisconsin lacks sufficient capacity for either method. In addition, the robust pathogen, types of infected materials (metal cages, feeds, etc.) and Polk County's high water table make the efficacy of composting questionable. Impact of compost leachate on ground water is unclear. [Landfills](#) did not want avian flu carcasses and concerns about taking so many dead hogs are expected to be even higher.
- 6.) USDA's [Disease Response Strategy - African Swine Fever](#) raises many issues about disposal, including this quote from page 15:

"Due to the persistent nature of ASFV (African Swine Fever Virus), options for disposal are limited. For example, composting may not be feasible when there are large amounts of biomass; resources for rendering are currently limited. Burial poses significant challenges with environmental contamination and the ability of the ASFV to persist in the environment. Each option has its own environmental, logistical, and managerial challenges. APHIS and State officials and subject matter experts will collaborate to determine best approaches. "

VIII. Potential Options for Board Action

1. **Amend Town of Laketown's [Large Scale Commercial Activity Ordinance](#)**
 - A. Include new Large Scale Livestock Facilities defined as 500 animal units (357 dairy cows, 1,249 pigs, 27,500 turkeys, 62,500 chickens).
 - B. Exclude existing facilities until species is changed or exceeds 1,000 animal units.
 - C. Require the applicant to ensure sufficient funds are available for pollution clean-up, nuisance abatement, and proper closure of the operation if it is abandoned or otherwise ceases to operation.
2. **Adopt Siting Authority Under Wisconsin [Statute 93.90](#) and [ATCP 51 Rule](#)**
 - A. Provides authority to require conditional use permit or license.
 - B. Applies to new or expanding facilities if they expand by 20% and will have 500 or more animal units.
 - C. Sets standards for odor, waste management and storage, runoff and setbacks.
3. **Adopt CAFO Operations Ordinance similar to [Town of Eureka](#) and [Town of Trade Lake](#)**
 - A. Regulates operation of the facility instead of siting.
 - B. Laketown can partner with neighboring towns to north and south and does not become the target.
 - C. Requires applicant to have sufficient funds for pollution clean-up, nuisance abatement, and proper closure of the operation if it is abandoned or otherwise ceases to operation.

IX. Dates and Description of Meetings

September 4, 2019

Appoint Chair & Clerk, Committee Ground Rules, Open Meeting Policies & Procedures
Review DRAFT Work Plan

September 17, 2019

Polk County Committee of the Whole
Chris Clayton - WI DTACP
Jeff Jackson - WI DNR Wastewater Specialist

October 2, 2019

Jeff Sauer, CAFO Developer, Cumberland, LLC
http://www.saynocaf.com/private/10-02-2019_Laketown_caf_study.mp3

November 14, 2019

Jason Kjeseth - Polk County Zoning Administrator
Tim Ritten - Polk County Land & Water

December 18, 2019

Review of Draft Report - Committee member Lisa Doerr
Section I. Purpose
Section II. Laws & Regulations

January 9, 2020

Attorney Richard Ihrig - Laketown's Large Scale Development Ordinance

January 29, 2020

Review of Research - Committee Member Sarah Byl

February 5, 2020 - Canceled

Brian Kaczmariski- Polk County Public Health, Director
Prohibited from speaking by county corporate counsel. No reason given.

February 19, 2020 - Finalize work plan

September 29, 2020

Review of Laketown Comprehensive Plan, Committee Member Vicki Breault

October 21, 2020

Review of 1st Draft of Moratorium on Large Scale Livestock Study

November 4, 2020 - Tour of the Minglewood Dairy in the Town of Deer Park

December 17, 2020

Discuss Potential Options for the Board

X. Committee Minutes

TOWN OF LAKETOWN

LARGE SCALE LIVESTOCK STUDY COMMITTEE - CUSHING COMMUNITY CENTER

SEPTEMBER 4, 2019 MINUTES

1. Meeting was called to order by Monte Tretsven at 6:04 pm.
2. **Roll Call** - Committee Members Present - Vicki Breault, Sara Byl, Lisa Doerr, Jared Olson, Monte Tretsven. Also present - Jeffery Sauer, Cumberland LLC
3. **Appointment of Chair** - Byl nominated Tretsven to chair the committee. Doerr seconded the nomination. Nomination passed with all committee members present voting affirmative.
4. **Appointment of Clerk** - Tretsven nominated Doerr to serve as clerk. Breault seconded the nomination. Nomination passed with all committee members present voting affirmative.
5. **Discussion of plans** - A range of topics that could be studied by the committee during the moratorium was discussed. These included:
 - a) Laws and Regulations
 - b) Health & Safety Issues
 - c) Infrastructure & Property Issues
 - d) Committee Process, Public Participation and Communications
 - e) Timeline
6. **Organizing of Actions** - Committee members agreed to take the following actions;
 - a) Laws and Regulations
 - a. All members will attend the Polk County Board briefing from WiDNR and DATCP about Laws & Regulations on Sept 17, 2019
 - b. Breault will contact Polk County staff about relevant county laws & regulations
 - c. Doerr will contact Richard Ihrig about Laketown's Commercial Activity Ordinance and other local town boards about ordinances
 - b) Health Issues
 - a. Byl will contact Jeffery Sauer to brief on Cumberland LLC proposals
 - b. Doerr will research water quality issues
 - c) Safety issues (no actions were identified)
 - d) Infrastructure & Property Issues
 - a. Tretsven will research impact on roads and real estate
 - e) Committee Process, Public Participation and Communications
 - a. Committee agreed that members can talk with media.
 - b. Meetings are open to the public. No public comments taken.
 - f) Timeline
 - a. Final report due in July 2020
7. **Adjourn** - Breault moved to adjourn, Olson seconded. Motion passed with all committee members present voting affirmative. Tretsven adjourned meeting at 7:55 pm

NEXT COMMITTEE MEETING - OCTOBER 2, 2019 - 6:00 PM - CUSHING COMMUNITY CENTER

This meeting is open to the public. No public comments taken.

TOWN OF LAKETOWN

LARGE SCALE LIVESTOCK STUDY COMMITTEE - CUSHING COMMUNITY CENTER OCTOBER 2, 2019 MINUTES

- 1.) Meeting was called to order by Monte Tretsvan at 6:04 pm.
- 2.) **Roll Call** - Committee Members Present - Vicki Breault, Sara Byl, Lisa Doerr, Jared Olson, Monte Tretsvan. Also present - Jeffery Sauer, Cumberland LLC
- 3.) **Minutes** - Breault moved to accept the September 4, 2019 minutes. Olson seconded. Motion passed with all committee members present voting affirmative.
- 4.) **Presentation** - Sauer gave an overview of Cumberland LLC's plans for the proposed Trade Lake farrowing facility in Burnett County. That plant would ship weanlings twice a week to finishing plants and take in grain five days a week for a total of seven truck trips a week. Also discussed the interest of investors looking to expand out of Iowa who view Wisconsin's dairy farmers an excellent source of skilled labor and grain. Offers a great opportunity to feed the world.

Sauer then answered a range of questions from the committee:

- A.) **Odor Control** - Several potential control techniques were outlined including: using wood chips, water curtains or scrubbers; and making sure there is a crust on the manure and that it is bio active so the nitrogen is encapsulated.
 - B.) **Manure Management** - Stored under the barn with pigs on slats. Looking at having 420 days of storage. No bedding except if they are raising for sale to Whole Foods. Wisconsin suggests incorporating into soil. Spread using a pipeline system operated by contractors who have the liability for spills. Estimate value of manure at \$100,000 per year.
 - C.) **Mortality Management** - Compost in 40' x 60' enclosed building with 180 days of storage. Combination of mortality, stillborns and placentas. Death rate 2-3%. Land spread with manure. Catastrophic losses are managed differently. The 4,000 pigs lost in the Eleva, Wisconsin fire went to the Seven Mile Sanitary Landfill. Large disease outbreak would be managed by the federal and state government.
 - D.) **Financing & Management** - Hopes to sell shares to investors. Investors looking for green field sites not upgrades to older operations. No bonds or insurance are required by law but creditors require insurance for loss of income and replacement.
- 5.) **Reports from Committee Members** - Breault reported that if Polk County passes a moratorium it would apply to Laketown. However, if the County adopts ordinances for Comprehensive and Shoreland Zoned areas, only Laketown's Shoreland areas would be covered. Breault also recommended that the committee invite Jason Kjeseth from the County to present at next meeting. The committee agreed. Finally, Breault reported that neighbors of a CAFO find the ventilation systems very noisy and the committee should look at noise pollution issues. Doerr reported that because neither Polk county or Laketown have adopted siting authority under Wi Statute 93.90 there are no siting permits or licenses required.

NEXT COMMITTEE MEETING - NOVEMBER 14, 2019 - 4:00 PM - CUSHING COMMUNITY CENTER
This meeting is open to the public. No public comments taken.

TOWN OF LAKETOWN

LARGE SCALE LIVESTOCK STUDY COMMITTEE - CUSHING COMMUNITY CENTER NOVEMBER 14, 2019 MINUTES

Meeting was called to order by Monte Tretsven at 4:04 pm.

Roll Call - Committee Members Present - Vicki Breault, Sara Byl, Lisa Doerr, Jared Olson, Monte Tretsven. Also present - Jason Kjeseth & Tim Ritten, Polk County Staff

Minutes - Byl moved to accept the October 2, 2019 minutes. Olson seconded. Motion passed with all committee members present voting affirmative.

Presentation - Jason Kjeseth from Polk County Zoning gave an overview of the county's Swine CAFO moratorium, current Shoreland and Comprehensive Zoning ordinances, potential conditional criteria for CAFO siting and Bayfield County ordinance.

Polk County Swine CAFO Moratorium - passed October 2019 for six (6) months with potential six (6) month extension.

Current CAFO zoning - For zoned towns CAFOs allowed in all Ag districts: Residential-Agricultural 5 (RA-5), Agriculture 10 (A-1), Agriculture 20 (A-2), Farmland Preservation (A-3).

Shoreland Zoning - Two (2) zoning districts: General Purpose and Wetland within 1,000' of lake or pond, 300' of river or stream. Possible new ordinance could allow CAFOs >300'.

Comprehensive Zoning - Twelve (12) zoning districts. Four (4) uses: allowed, permitted, prohibited or conditional. Conditional use criteria include preventing water pollution, compatibility with adjacent uses.

Potential Conditions for CAFOs in Shoreland or Comprehensive zoning based on [WI Statute 93.90](#)

Setbacks - 300' setback for waste storage, 75' setback for animal buildings with <1,000 animal units and 150' for >1,000, 100' setback for entrance.

Waste - Require nutrient and mortality management plans.

Overweight Loads - require town approval during spring break-up.

Swine CAFO - >750 animal units

Agriculture 20 (A-2) zoning - may be best fit for CAFOs, allows town input.

Bayfield County Ordinances - possible alternative based on general county powers [WI Statute 92.15](#). Some unique ideas with performance guarantees, bonds, yearly permits, etc.

Presentation - Tim Ritten from Polk County Land and Water Resources gave an overview of:

Nutrient Management - Plans required for cost sharing. Need to meet NRCS engineering standards whether in zoned or un-zoned area. Don't require land ownership or contracts. County staff does not regularly review plans.

Storm & Erosion - All construction plans are reviewed. Water must go down into soil not across into surface waters too quickly.

Countywide maps - Presented preliminary maps of Prime Farm Lands, Land Use, General Soil Associations and Ground Water Susceptibility.

Adjourn - Olson moved to adjourn. Tretsvan seconded. Tretsvan adjourned meeting at 6:24 pm

NEXT COMMITTEE MEETING - DECEMBER 18, 2019 - 4:00 PM - CUSHING COMMUNITY CENTER
This meeting is open to the public. No public comments taken.

TOWN OF LAKETOWN

LARGE SCALE LIVESTOCK STUDY COMMITTEE - CUSHING COMMUNITY CENTER DECEMBER 18, 2019 MINUTES

Meeting was called to order by Monte Tretsvan at 4:12 pm.

Roll Call - Committee Members Present - Vicki Breault, Sara Byl, Lisa Doerr, Jared Olson, Monte Tretsvan.

Minutes - Byl moved to accept the November 14, 2019 minutes. Olson seconded. Motion passed with all committee members present voting affirmative.

Review of DRAFT Moratorium on Livestock Facility Licensing Committee Report

Committee reviewed Section II - Laws and Regulations. This covered the federal, state and county levels. Information on Laketown's Comprehensive Plan and Large Scale Commercial Activity Ordinance is not completed yet.

Timeline - The committee set the following three meetings:

January 9, 2020 - Attorney Richard Ihrig, presentation on Laketown's Large Scale Development Ordinance

January 29, 2020 - Agenda to be determined

February 5, 2020 - Polk County Public Health Director, Brian Kaczmariski, presentation on research done as part of the Polk County moratorium.

All meetings are at 4:00 pm in the Cushing Community Center.

Reports from Committee Members

Doerr suggested that the committee setup a website for agendas, minutes and other documents. She will report back with details.

Adjourn - Doerr moved to adjourn. Breault seconded. Tretsven adjourned meeting at 5:37 pm

NEXT COMMITTEE MEETING - JANUARY 9, 2020 - 4:00 PM - CUSHING COMMUNITY CENTER
This meeting is open to the public. No public comments taken.

TOWN OF LAKETOWN

LARGE SCALE LIVESTOCK STUDY COMMITTEE - CUSHING COMMUNITY CENTER

January 29, 2020 MINUTES

Meeting was called to order by Monte Tretsven at 4:04 pm.

Roll Call - Committee Members Present - Vicki Breault, Sara Byl, Lisa Doerr, Jared Olson, Tretsven.

Minutes - Olson moved to accept the January 9, 2020 minutes. Byl seconded. Motion passed with all committee members present voting affirmative.

Presentation by Attorney Richard Ihrig - Laketown's Large Scale Development Ordinance

Ihrig represented people opposed to the Iver's Mountain mining proposal in 2009.

Large Scale ordinance written as part of legal negotiations with the town and mining company.

Laketown is unzoned (except for shoreland districts) so the ordinance is built on the goals, standards and principles included in the town's Comprehensive Plan.

The ordinance doesn't prohibit siting a large scale operation but it requires a permit.

Permit process requires public participation.

Ordinance amendment excluding Large Scale Livestock Facilities from definition of Large Scale Commercial Activity means ordinance does not apply to a Concentrated Animal Feeding Operation (CAFO).

Byl asked if Ihrig was concerned that Section 4.13's definition of Large Scale Livestock Facility as more than 700 animal units was stricter than the state definition. Ihrig said that this section could be challenged but even if it was overturned it would not overturn the entire ordinance.

Byl asked how Section 4.8 addressing odor could be enforced. Ihrig said it would be addressed on a case by case basis with costs being included in a permit.

Olson asked if local governments can have any stricter rules than the state. Ihrig said that is a very lively political issue. For example, state Rep. Adam Jarchow's legislation weakened the state's shoreland standards and made them the ceiling instead of the floor.

Byl asked why Section 4.9 had set the definition of "Excess Noise" at 30 decibels. Ihrig did not recall why that level was used.

Doerr asked if the Section 7 application fee could include enforcement costs or if that would need a separate condition. Ihrig thought it could be a separate condition.

Breault asked when a town should add an ordinance, Ihrig said it is better to have an ordinance in place before an issue arises.

Reports from Committee Members

Doerr said that the Town of Trade Lake was going to vote today on their Concentrated Animal Feeding Operation Ordinance. If passed, she will send members electronic version.

Adjourn - Breault moved to adjourn. Byl seconded. Olson adjourned meeting at 5:33 pm

NEXT COMMITTEE MEETING - JANUARY 29, 2020 4:00 PM - CUSHING COMMUNITY CENTER
This meeting is open to the public. No public comments taken.

TOWN OF LAKETOWN

LARGE SCALE LIVESTOCK STUDY COMMITTEE - CUSHING COMMUNITY CENTER **January 29, 2020 MINUTES**

Meeting was called to order by Monte Tretsvan at 4:04 pm.

Roll Call - Committee Members Present - Vicki Breault, Sara Byl, Lisa Doerr, Jared Olson, Tretsvan.

Minutes - Breault requested that the following language be added to the January 9, 2020 minutes: Breault asked when a town should add an ordinance; Ihrig said it is better to have an ordinance in place before an issue arises. Olson moved to accept the addition and the January 9, 2020 minutes. Byl seconded. Motion passed with all committee members present voting affirmative.

Report from Committee Member Sara Byl

Byl presented on a very interesting range of issues from different sources:

New Clean water Act rules may impact CAFOs and the committee should look into them.

Wisconsin is one of the few states with rules on both surface and ground water.

Drinking water standards for nitrates have been debated since the 1940s. The current level is 10 mg/L or 10 ppm. Potential health risks are hard to predict so, in general, the more uncertainty there is the more margin of safety is built into the standard. The current standard is based on studies back decades and there is an urgent need to study whether the limit is scientifically justified. Byl included several study references for committee members to review.

Wisconsin Dairy Association has analyzed testing data from private wells in 14 counties and found no correlation between the number of CAFOs and elevated nitrate levels.

2018 Wisconsin Groundwater Coordinating Council Report: A 2012 survey of municipal water systems found that 47 of them exceeded nitrate limits, up from 14 in 1999. Exceedances were

found in about 10% of tested private wells. In another ongoing study, the Department of Health has results from 55,000 well tests. The percentage of wells exceeding the nitrate limit varies widely from 0% in the north to 20% to 30% in the south-central counties. Five to ten percent of the Polk County wells exceeded the current standard. Even with improved nutrient management plans, historical agricultural practices will continue to impact some geologic settings as nitrate works down to deep aquifers. Even with the best systems, nearly 20% of nitrogen fertilizer bypasses plants. One study estimates that 200 million pounds of nitrogen were applied in excess of recommendations.

Polk County Manure and Water Quality Ordinance: Permits required for construction, alteration or closure of any animal waste storage structure. Unconfined manure piles are not allowed within: 1,000 feet of navigable lake or pond; 300 feet from a river or stream; 250 for a private well, 1,000 feet from a municipal well; 100 feet from downslope to groundwater; shallow soils over groundwater or bedrock. Adequate sod must be maintained in pastures where livestock has access to waters of the state.

Beyl Farm Well Testing - tests done in January 2020 found nitrate levels close to zero and very far below the of 10mg/L.

Rain surges can cause treatment plants to release raw sewage to lakes.

Long Trade Lake Study - Found Laketown soils have higher natural phosphorus levels than others. Leaking septic systems and lawn fertilizer also contribute poor water quality.

Wisconsin Statute 92.15 - The law Bayfield County and the Town of Trade Lake base their operations ordinance on. Local governments must show a need for strict conditional uses. There was a legal challenge of the South Fish Creek ordinance. Need to add to the committee's draft report under Section B.1(b).

High capacity Wells - there are 93 permitted high capacity wells in Polk County.

Reports from Committee Members

Breault said that the Long Trade Lake study also found that the lake is not self-loading phosphorus and that efforts should be made to work with land owners to cut runoff. Byl suggested that the committee could recommend a watershed project to address that.

Doerr said that the Town of Trade Lake had passed their Concentrated Animal Feeding Operation (CAFO) ordinance and a one year moratorium on January 9, 2020. The committee discussed having Trade Lake's lawyer, Nick Vivian, brief the committee and town board on the ordinance in May.

Doerr reported on Polk County's draft CAFO ordinance. More than 120 people attended a stakeholder meeting held on January 21, 2020 to give input on the draft ordinance. Results were reported the next morning to the Environmental Services Committee and attempts were made to modify the ordinance based on the input. However, the process was tabled after about an hour. The current draft would kick in at 1,000 animal units. It would not apply to Laketown's unzoned areas but might apply to shoreland zones.

Tretsvan said that it might be possible to consider a different number of animal units.

Byl suggested that the committee visit a dairy and hog CAFO in April. She will research details and report back to the committee.

Adjourn - Breault moved to adjourn. Olson seconded. Tretsven adjourned meeting at 5:42 pm

**NEXT COMMITTEE MEETING - FEBRUARY 5, 2020 4:00 PM
CUSHING COMMUNITY CENTER**

This meeting was canceled because Brian Kaczmarek, Polk County Public Health Director, was prohibited from presenting his research on the public health impacts of CAFOs by the county's corporate counsel. No reason was given for the prohibition.

**NEXT COMMITTEE MEETING - FEBRUARY 19, 2020 4:00 PM
CUSHING COMMUNITY CENTER**

This meeting is open to the public. No public comments taken.

TOWN OF LAKETOWN

**LARGE SCALE LIVESTOCK STUDY COMMITTEE - CUSHING COMMUNITY CENTER
February 19, 2020 MINUTES**

Meeting was called to order by Monte Tretsven at 4:06 pm.

Roll Call - Committee Members Present - Vicki Breault, Sara Byl, Lisa Doerr, Tretsven. Jared Olson was not present.

Minutes - Byl requested that the following language be added to the January 29, 2020 minutes:

Well testing results from the Byl Farm taken January 6, 2020 showed nitrate levels at .55 ppm. The drinking water standard for concern is 10 ppm. This is a historic well for more than 60 years in the same place and depth. Breault moved to accept the addition and the January 29, 2020 minutes. Byl seconded. Motion passed with all committee members present voting affirmative.

Concentrated Animal Feeding Operation (CAFO) Tour planning - Byl said that a tour of the Owen Farm is scheduled for April 2, 2020 from 12:00 to 2:00 pm. Brandon Owen will take questions from the committee. A tour of a swine CAFO is possible for late April but not finalized yet.

Finalize Committee Timeline - Goals

April 2020 - Tour dairy and swine CAFOs

May 2020 - Meet with attorney Paul Mahler - Tretsven will check with Mahler

June 2020 - Finalize draft report. Report would include multiple recommendations if the committee can't reach consensus on one.

July 2020 - Draft report and all the minutes to the town board.

Reports from Committee Members

Doerr said that the Town of Eureka passed an Operations Permit ordinance on February 9, 2020 and she would like to have the committee consider that.

Byl said that towns are required to have the state Department of Agriculture Trade and Consumer Protection (DATCP) review an ordinance like Eureka's that is based on Wisconsin Statute 92.15.

Doerr said that there is no law requiring DATCP to review town ordinances but it would be a good point to clarify with an attorney.

Breault said she had reviewed the Eureka ordinance and felt it is designed to protect us based on problems that have come up in other places.

Adjourn - Doerr moved to adjourn. Breault seconded. Tretsvan adjourned meeting at 5:36 pm

NEXT COMMITTEE MEETING - APRIL 2, 2020 - 12:00 PM - OWEN FARM

This meeting is open to the public. No public comments taken.

TOWN OF LAKETOWN

LARGE SCALE LIVESTOCK STUDY COMMITTEE - CUSHING COMMUNITY CENTER

September 29, 2020 Minutes

Meeting was called to order by Monte Tretsvan at 6:06 pm.

Roll Call - Committee Members Present - Vicki Breault, Sara Byl, Lisa Doerr, Tretsvan, Jared Olson.

Minutes - Byl moved to strike Roger and insert Brandon in the Tour Planning section and strike Byle and insert Byl in the Reports section of the February 19, 2020 minutes. Breault moved to accept the additions and the February 19, 2020 minutes. Olson seconded. Motion passed with all committee members present voting affirmative.

Reports from Committee Members

Breault reviewed Laketown's Comprehensive Plan 2009-2029

- Written in from 2007 to 2009 by a committee of five

- Lays the foundation for Town's future development ordinances

- Conducted a community survey as part of the process

- Guiding Principles

 - Take the long view

 - Protect quality and quantity of surface and groundwater

 - Build on sustainability

 - Appropriate scale

 - Preservation of rural character

- Farming and tourism are the top drivers of Laketown's economy

- Restrict large scale development - benefit locals not outside

- Consensus was that large-scale development is in conflict with long term goals

Byl expressed concerns that if we go too far with these principles there would be no new homes, businesses, etc.

Doerr reported that Polk County's moratorium ends on October 15. In addition, three big CAFO advocacy groups - Venture Dairy Cooperative, Wisconsin Dairy Alliance and Wisconsin Manufacturers and Commerce - wrote a letter to county supervisors falsely saying that if they

extended the moratorium or passed a conditional use permit amendment to the zoning ordinance it would be a criminal felony act.

Committee Timeline

Committee agreed that Doerr should set up a meeting with Attorney Paul Mahler to review Laketown's Large-Scale Commercial Ordinance and the Town of Eureka's Concentrated Animal Feeding Operations ordinance.

Monte suggested that we review Eureka's ordinance together and consider changing the number of animal units.

Committee set goal of completing report done November 24, 2020 Laketown Board meeting.

Adjourn - Doerr moved to adjourn. Breault seconded. Tretsven adjourned meeting at 5:36 pm

NEXT COMMITTEE MEETING - October 21, 2020 - 6:00 PM

Cushing Community Center

This meeting is open to the public. No public comments taken.

TOWN OF LAKETOWN

LARGE SCALE LIVESTOCK STUDY COMMITTEE - CUSHING COMMUNITY CENTER

DRAFT December 17, 2020 Minutes

Meeting was called to order by Monte Tretsven at 4:04 pm.

Roll Call - Committee Members Present - Vicki Breault, Sara Byl, Lisa Doerr, Tretsven, Jared Olson.

Minutes - Byl moved to add that she reported on the letter from Tim Jackson at DATCP to Polk County corporate counsel, Malia Malone, critiquing the county's DRAFT Operations Ordinance. Olson moved to accept the minutes as amended. Doerr seconded. Motion passed with all committee members present voting affirmative.

Review information for the report from committee members

Tretsven reminded the committee that this is probably our last meeting and asked that all members be civil in their comments and responses about the report.

Doerr explained the basics and structure of the committee report. Also said that she realized after sending this version that she had forgotten to put in information on the REI study of Trade Lake. She asked if any committee member has additional information or comments for the report.

Tretsven made a motion to send the report to the board for them to review with a statement saying it was written by the secretary but not every member supported everything in it. Breault seconded the motion. Byl did not support sending the report as being from the whole committee. She felt that the report is biased against CAFOs. She did not want to have anything to do with the report and suggested it be sent with people signing on only if they support it. Doerr said the report was written to meet the purpose of the moratorium and there were many things in the report she didn't support but

she had included them because committee members wanted them. Breault called the question. The motion passed on a voice vote.

Discuss possible recommendations for Town Board Supervisors

Large Scale Commercial Ordinance

Olson suggested adding agriculture facilities back into the existing ordinance. The committee discussed several possible ways to amend the ordinance including bringing in new facilities at 500 animal units and existing facilities at 1,000. Doerr pointed out that the existing ordinance does not require facilities to have performance bonds. Byl said there are concerns about the Town being liable if a bond isn't big enough to cover all the costs. Doerr asked for a specific statutory reference to back up the point because Polk County Supervisor Brad Olson made the same argument the day before with no basis. Byl felt that the banks would not let buildings sit empty. Doerr said gravel and frack sand mines have to post bonds. Byl passed out a letter from DATCP pointing out several issues needing to be addressed in the existing ordinance.

Town of Eureka Operations Ordinance

Breault suggested adopting an operations permit ordinance like the Town of Eureka has with new facilities covered at 500 animal units and existing at 1,000. Byl questioned the legal basis of the Eureka ordinance citing the October 15, 2020 DATCP memo from Tim Jackson about Polk County's DRAFT operations ordinance. Doerr pointed out that Polk County stripped out all of the scientific citations that Eureka used before sending their draft to DATCP for review.

Siting Authority under Wisconsin Statute 93.90

Byl suggested that Laketown adopt local authority under Wisconsin Statute 93.90 and passed out information on how that system works. She felt the worksheets required under this law were not too hard for the facilities to handle. Doerr felt that the state has too much power under 93.90 and the setbacks were too narrow to protect public health and property values from air pollution. Byl said Garfield and St. Croix Falls have this authority already.

The committee decided to include each of the three possible options in the report. In addition, committee members are encouraged to speak to the board on December 22, 2020 on which options they support.

Tretsven said he thought the meeting was very productive and thanked the committee for their work over the last 15 months.

Adjourn - Doerr moved to adjourn. Tretsven seconded. Tretsven adjourned meeting at 5:49 pm.

XI. Citations

Water Health Impacts

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Air Health Impacts

- Cambra-Lopez M, Aarnink AJ, Zhao Y, Calvet S, Tones AG. Environmental Pollution. 2010;158(1):1-17. Link: [Airborne particulate matter from livestock production systems: a review of an air pollution problem](#)

Donham KJ, Wing S, Osterberg D, et al. Environmental Health Perspective. 2007;317-320. Link: [Community Health and Socioeconomic Issues Surrounding Concentrated Animal Feeding Operations](#)

Heederik D, Sigsgaard T, Thorne PS, et al. Environ Health Perspect. 2007;298-302. Link: [Health Effects of Airborne Exposures from Concentrated Animal Feeding Operations](#)

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XII. Appendices

- A. Ordinance 19-02: Moratorium on Livestock Facilities Licensing
- B. Large Scale Commercial Activity Ordinance - 2009
- C. Large Scale Commercial Activity Ordinance - 2011
- D. DATCP/DNR Procedure for Livestock Ordinance Approval and Review Process Under S. 92.15
- E. DATCP - Opinion on Polk County DRAFT Operations Ordinance
- F. Wisconsin Towns Associations - Performance Bonds and Application Fees
- G. Wisconsin County Association - Performance Bonds and Application Fees
- H. Wisconsin County Association - Response to Venture Dairy , Wisconsin Dairy Alliance
- I. Wisconsin Dairy Alliance - Comparison of well tests and number of CAFOs