

OOSC MINUTES, August 19, 2004

The Maiden Rock Town Operations Ordinance Study Committee held its monthly meeting on August 19, 2004 at the Town Hall. Members present: Bruce Thomes, Terry Timm, Cindy Nelson, Maryanne Wise, Kathy Arndt, John Danneker, and Judy Krohn. Also present were Town Chair Jerry Duden and GROW-W (Grass Roots Organizing in Western Wisconsin) representative Danny Akenson. Lisa Doerr (<protectyourtowns.org>) joined the meeting via speaker phone. The meeting was properly posted by Bruce Thomes.

Maryanne called the meeting to order at 6:30 and the Pledge of Allegiance was recited. Motion to approve the June meeting minutes was made by Kathy, seconded by Terry; all voting aye. Motion to approve the minutes of the July meeting was made by Bruce, seconded by Kathy; all voting aye.

Our first presentation was from Terry Timm who spoke about fire/emergency preparedness concerning the Ridge Breeze Dairy expansion. He related that the facility is in the Ellsworth Fire Department and that the department was seemingly unaware and unconcerned about the scope of the building expansion.

Several concerns that should be considered by fire/emergency service to Ridge Breeze include the scale of the animal barn, are there fire doors between milking parlor and free-stall barn, are there hook-ups for fire access at their hi-cap wells, could their ventilation system be shut down, where would cattle disperse in case of fire or building collapse, safety for workers, any containment of fire-suppression run-off, is their fuel source LP or natural gas, do they have generators in case of power outage. Since these buildings are for agricultural use, there are no plans provided to assess their plumbing and electrical systems (as would be required for a home or business building permit). The State Fire Marshall has NO building codes for agricultural structures. The Eureka Township ordinance (which our committee is using for study) does require a submission of such plans.

It was suggested that all local & potential responders request a pre-incident size-up meeting to become aware of the locations of the afore-mentioned concerns, and be sure that on-site staff also receives emergency training.

The next portion of our meeting was a review of the DRAFT Local Findings, some of which were presented in large maps Maryanne provided. These "findings" are the facts upon which we determine our need for and Operations Ordinance. Lisa talked us through the maps of our town's land cover, distance to ground water, fragile soils index, suitability of our Town's soils to accept waste, a listing of existing (and potentially impaired) surface waters in our Town, and property values on random sites throughout the Town and noting the potential loss of those values should a CAFO be located in or near any of those sites. Commission members provided input on the draft Findings which will be added in the coming weeks.

Lisa discussed the history of the Operations Ordinance's development by a coalition of towns in Burnett and Polk counties. Towns passing the ordinance had their lawyers - from Eckberg Lammers and Bakke Norman - review and approve it.

After the adoption of those ordinances, WI Farm Bureau, Venture Dairy and WI Manufacturers and Commerce have taken a series of electoral, legislative and legal actions to stop local ordinances as well as WI DNR regulation. This includes harassing the Town of Eureka with a frivolous lawsuit. Eureka's elected officials are standing firm in support of their Operations Ordinance. The law firms of Bassford Remele and Fredrikson consider the case to be so important that they are defending Eureka at no cost.

Our next presenter, Danny Akenson, gave a summary report of the DNR Public Hearing for the Ridge Breeze WPDES permit on July 11. Over 250 registered to attend the virtual & "public" zoom meetings—the largest response for any similar DNR hearings to date. Subsequent to information shared with the DNR from the attendees, the DNR has now required Ridge Breeze to submit signed agreements with any landowners of fields they intend to use for waste disposal; agreements will be in force through the remainder of the current permit. These agreements will be part of the official DNR records and available to the public. Ridge Breeze plans to have these agreements in place by mid-September. The acreage that is granted for manure spreading through these agreements will determine the extent to which the CAFO can expand its animal units.

The Town's role in this agreement process will be to affirm that Landowners in our Town have signed agreements with Ridge Breeze (or any other significant manure spreading operation), and—perhaps, to contact those landowners via letter or phone call and share our concerns about the potential harmful effects of these applications on fragile or unsuitable soils. Danny may be enlisted to assist in drafting the letter.

Danny also informed us of two upcoming meetings planned by GROW-W to keep members and local officials informed as we monitor this dairy expansion: September 3, 6:00-7:30 p.m. at Vino in the Valley will review any updates from WDNR regarding the Ridge Breeze WPDES permit; October 5, 2:00 p.m. at the Elmwood Auditorium will be a presentation for local Town officials and members of the public interested in creating their own Operating Ordinances.

John Danneker was our next presenter; he intends to follow up with UW Stevens Point to get a map of Town wells that have been tested, and will follow up with those residents who participated in the June well-water testing program to gather their results. One shocking (to me!) point mentioned about well testing results was that the Drinking Water standard for nitrate-nitrogen level is 10 mg/L applies to treated municipal waters; there is no standard determined for private wells.

John next reviewed the draft of a Township Road Damage Ordinance as it applies to heavy trucking on Town roads, particularly during large manure spreading events. John was assisted in preparing the draft by Town Attorney Robert Loberg. The Ordinance asks for advanced notice of manure hauling operations so that Town officials can monitor the operation, as well as notifying law enforcement and emergency responders in case of congestion on some narrower roads. There will be monetary damages/penalties charged to the operators for any road repairs necessary following a spreading operation. The Ordinance will be voted on at a Special Meeting of the Town Board in the coming days; it will then be published in its entirety in the Pierce County Journal and Courier-Wedge newspapers, and will be mailed via registered letter to Ridge Breeze and other large CAFO operators in Pierce County.

We closed with determining the necessity of a site visit to Ridge Breeze Dairy in September; Maryanne will arrange a date with Greg Wolf. Our next meeting is scheduled for September 4, and we will continue to refine the information in the findings and maps.

Motion to adjourn by Terry, seconded by Kathy; all voting aye. Meeting adjourned at 8:20.

Respectfully submitted,
Judy Krohn