

# **Concentrated Animal Feeding Operations (CAFO) Operations Ordinance Study Group**

## **Study Groups Make Recommendations not Final Decisions**

- Your Study Group is not a decision making body.
- Your Town Board is the decision making body.
- Recommendations made to the Town Board by the Study Group are advisory only.

## **Agencies: County, State & Federal**

**DATCP** – Wisconsin Department of Agriculture Trade and Consumer Protection  
**DNR** - WI Department of Natural Resources. CAFOs apply for a water pollution permit from the DNR. In our district of WI there is a single staff person who is tasked with monitoring CAFOs from the shores of Lake Superior to LaCrosse (Jeff Jackson). He is tasked to visit each CAFO once every three years; in practice it is often once every five years  
**EPA**- US Environmental Protection Agency  
**FSA** – US Farm Service Agency (USDA agency)  
**Pierce County Land Conservation Department** - Rod Webb, Pierce County.  
**NFPA** – National Fire Protection Association  
**NRCS** –US Natural Resources Conservation Service (USDA agency)  
**WTA** – Wisconsin Towns Association

## **Organizations working to Protect Your Town & Family Farms**

**GROWW** - [Grassroots Organizing Western Wisconsin](#) (Danny Ackenson)  
**MEA** – Midwest Environmental Advocates ([Adam Voskuil, attorney](#))  
[MEA's CAFO Guide for Wisconsin Communities](#)  
**SRAP** - [Socially Responsible Agriculture Project](#) (Mary Dougherty)  
**SRWN** - [Sustain Rural Wisconsin Network](#) (Lisa Doerr)

## **Industrial Farming Organizations**

**DBA** – [Dairy Business Association](#)  
**VDC** - [Venture Dairy Cooperative](#)  
**WFB** - [Wisconsin Farm Bureau](#)  
**WMC** - [Wisconsin Manufacturers & Commerce](#)

## **CAFO Terms**

**Animal Units** - An animal unit (AU) is a measurement used by DNR to calculate the size of an animal feeding operation. The DNR uses AUs to determine if a farm needs a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. AUs measure equivalencies between different species.  
**CAFO**- Concentrated Animal Feeding Operation permitted by DNR and also works with the county land conservation department. One thousand (1,000) AU is the threshold to be [considered a CAFO](#) which is equivalent to 1,000 beef cattle, 715 milking cows or 200,000 chickens.

**NMP** – Nutrient Management Plan; a plan filed as part of applying for water pollution or manure storage permits (WPDES). NMPs list the fields where manure and waste water will be applied. Large CAFOs often use contractors to develop their NMP. The industry has a poor track record of factual listings and has even been known to list property owned by the DNR on their NMPs. DNR does not have staff capacity to follow up and ensure the accuracy of the plans. DNR may require landowner signatures on a NMP so they are aware that waste will be spread on their property. However, DNR rarely uses that authority and, instead, requires signatures from land renters. Land owners, not their renters, will be held responsible in case of incident.

**WPDES**- WI Pollutant Discharge Elimination System, permit issued to CAFO's to regulate wastewater that is co-mingled with manure.

## **Resources**

- [Pierce County Townships Comprehensive plans](#)
- [Pierce County Waste Storage Ordinance](#)
- [Pierce County Tax and Land information](#)
- [Town of Maiden Rock Road and CAFO ordinances](#)
- [NRCS](#) – soil maps for local findings
- [www.ProtectYourTown.org](http://www.ProtectYourTown.org) - in-depth source of information about Operations Ordinances with examples from towns around Wisconsin

## **Best Practices: Recruiting Members For Your Study Group**

- Speak with the town chair in advance of forming the group: best practices include an elected Town Supervisor to serve on the study group. Review this section with the chair.
- Ensure the authorization to form a study group is documented in the township meeting minutes as a matter of record with a resolution.
- Alert potential study group members of the timeline for volunteer service may be 4-10 months depending on interest in pursuing an in-depth of study or an accelerated process.
- Efforts should be made to recruit 7 members with a *wide mix of backgrounds*, representative of the town's populace. Farmers, life-long residents, those not-born-here, volunteer fire fighters / emergency service volunteers, public health, scientists and other technical experts and more.

## **Your First Study Group Meeting**

- Informal discussion of members background, concerns, why they are serving.
- Discuss the scope of the work and willingness for in-depth study (6-10 months) or a condensed process that uses existing Industry Findings and adds detailed Local Findings (4-6 months).
- Explain duties of this committee's officers; nominate & elect them:
  - Chairperson creates the agenda, sends the agenda to the Vice-Chair for legal posting, distributes meeting materials (minutes, information on speakers, pertinent study links), runs the meeting including confirmation a quorum is present, keeps the meeting 'on-time,' maintains order.
  - Vice-Chair- steps in when the Chair is unavailable, posts the meeting notices (*minimum* legal notice: 24 hours in advance)

- Scribe- takes minutes. Upon accepting the role, the scribe should now begin taking minutes.
- Create a calendar of regular meeting dates.
- Discuss / take action on the ground rules for decorum.
- Discuss / take action on the decision-making process (Best Practices: recommend actions determined by a *majority of a quorum present*)
- Discuss / take action on the policy of accepting public comments at your meetings (Best Practices: due to the scope or your work we recommend your volunteer committee should *not* accept public comments at your meetings. Visitors are welcome to observe- and direct concerns to the town board).
- Discuss / take action on frequency of reporting findings to the town board (example: MR's study group held their meetings the first Monday of every month. A study group member reported an update summary at every town board meeting held on the 2<sup>nd</sup> Monday of every month as a regular agenda item of the Town Board).
- Drill into the proposed Timeline, discuss scope of work, everyone should attend the next meeting prepared to discuss ideas for speakers, assign a person to report on the Township's Comprehensive Plan required by the state in 2003.
- Briefly refer to how the *local findings* will inform your final recommendation
- If your group is interested in a condensed study, now is the time to distribute the [Operations Ordinance Summary](#) document to be reviewed at the next meeting. This decision will inform your timeline.
- Set the proposed agenda for the 2<sup>nd</sup> meeting.

## **Your Second Study Group Meeting**

- Confirm quorum, confirm the meeting was legally posted, approve minutes, possible additions to the agenda; remind visitors of the public comment policy.
- Move through the agenda: discuss / approve possible speakers; decide on a CAFO site visit; discuss key features from comprehensive plan report and how that may impact your study focus. *Example:* in Maiden Rock township's 2003 Comprehensive Plan 63% of survey respondents approved land use regulations to protect our groundwater.
- Consider organizing future meetings around information on the [Maiden Rock Ordinance Fact Sheet](#) & [Local Findings Tracking Form](#) discuss / take action on process of obtaining local findings as included in [Maiden Rock's Appendix B](#).
- If you are following a condensed study path, assign people to complete tasks on the [Local Findings Tracking Form](#).
- Discuss / approve the timeline.
- Set following meeting agendas based upon discussions and decisions.

## **Presenting Updates To Your Town Board**

- We recommend a member of the study group provide an update to the town board at each regular town meeting. This is an opportunity to educate the *board*; it is *not* a public debate or hearing. The town chair is advised that those opposing ordinances, who often do not live in the town, have attended updates throughout the county and have disrupted meetings. It is the chair's job to set the ground rules for public comment and maintain order.

## **Process For 'Handing Over' the Ordinance To Your Town Board**

- If your study group votes to recommend the town board adopt an Operations Ordinance best practices include following an open procedure to 'hand over' printed copies of the Draft Ordinance and a [Recommended Timeline](#). If the town has a website, we recommend you upload the Ordinance on the site. If the town doesn't have a website, you may be able to post it your town's page on the Pierce County website
- *Prior to the meeting where the Ordinance is handed over, we recommend establishing meeting protocols with the town chair.* The purpose of this meeting is for the study group to present a section-by-section summary of their findings *to the board*: it is *not* a public hearing *or* a debate. The town chair should be prepared to maintain order.

### **At The 'Handing Over' Meeting:**

- report on how the study commission members voted
- present a section by section summary of the ordinance
- present a [Recommended Timeline](#) to include a schedule for posting the ordinance, taking public comment and scheduling a public hearing.
- field questions from the Town Board only
- discuss / take action on a timeline for posting the ordinance, taking public comment and scheduling a public hearing.

\*NOTE: Public hearings are at the discretion of the town board. Public hearings are *not* required for the town to adopt an Operations Ordinance because your town is not assessing a levy. However, we recommend a hearing. If your town does not hold a hearing we recommend providing an opportunity for public comments at a town meeting along with written comments receivable within an established and published time frame.

## **If Your Town Holds A Public Hearing On the Ordinance**

Clarify the objectives with the chair.

- Public hearings are the *town's* responsibility – not your study group.
- Public hearings are held to receive public comments only; explaining the ordinance is at the discretion of the chair. (The Maiden Rock town chair requested the study group present a brief summary by members of the study commission at our public hearing. Afterwards the floor was open to public comments: the chair set a time limit for comments; township residents were invited to speak first.)
- ensure careful note-taking and add the comments as part of the public record.