

ADDENDUM

Eau Claire County Board of Supervisors
Tuesday, May 21, 2019 / 7 pm
Courthouse, County Boardroom (Room 1277)
721 Oxford Ave. Eau Claire, WI

****6:30-7:00pm Meet & Greet with Information Services / Corporation Counsel / Facilities in
1301/1302****

Eau Claire County Mission Statement:

"To provide quality, innovative and cost-effective services that safeguard
and enhance the well-being of residents and resources"

- (1) Indicates 1st Reading
- (2) Indicates 2nd Reading

8. FIRST READING OF ORDINANCES BY COMMITTEES

Amendment Offered by Supervisor Leary and Supervisor Gibson

File No.

19-20/012 (1)

Amendment to Ordinance – To Amend Section 4.35.165 B. of the Code:
Land conservation Fees; to Repeal and Recreate Chapter 17.04 of the
Code (**Page 10-29**)

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-1669 or 839-4735, tty: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

EAU CLAIRE COUNTY BOARD OF SUPERVISORS

AMENDMENT NO. 1

TO FILE NO. 19-20/012

AMEND THE ORDINANCE, AMENDMENT AS FOLLOWS:

1. On page 13, line 18, insert "C." before "BARNY" and reletter all remaining definitions as follows:

~~C~~D. "Best management practices (BMPs)" mean structural or nonstructural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state.

~~D~~E. "Direct conduit to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, cenotes, or depressional groundwater recharge areas over shallow fractured bedrock.

~~E~~F. "Direct runoff" means any of the following:

1. Runoff of stored manure, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit to ground water.

2. Runoff from a feedlot that can be predicted to discharge a significant amount of pollutants to surface waters of the state or a direct conduit to groundwater.

3. Discharge of a significant amount of leachate from stored manure to waters of the state.

4. Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with Wis. Admin. Code § NR 154.04(3).

~~F~~G. "Footprint of the liner" means the area measured in square feet located beneath the liner of the manure storage facility, including the waste transfer system.

~~G~~H. "Feedlot" means a barnyard, exercise area, or other outdoor area where livestock are concentrated for feeding or other purposes and self-sustaining vegetative cover is not maintained. "Feedlot" does not include a winter grazing area or a bare soil area such as a cattle lane or a supplemental feeding area located within a pasture, provided that the bare soil area is not a significant source of pollution to waters of the state as determined by the BARNY runoff prediction model or an equivalent predictive model for manure runoff utilized by the land conservation division.

~~H~~I. "Land application" means the physical transfer of manure from any animal confinement area or manure storage facility to fields for purposes of fertilization or disposal.

~~I~~J. "Land Conservation Commission" means the Commission which is designated by the county board pursuant to Wis. Stat. § 92.06.

~~J~~K. "Land Conservation Division" means the Eau Claire County Land Conservation Division of the Planning and Development Department.

~~K~~L. "Landowner" means any of the following:

1. A person who owns a parcel of land.

2. A person who rents, controls, or uses a parcel of land for agricultural purposes.

LM. "Livestock" means all domestic animals, including deer, elk, or any fenced-in animals.

MN. "Livestock operation" means a feedlot or other facility or a pasture where animals are fed, confined, maintained, or stabled.

NO. "Livestock producer" means an owner or operator of a livestock operation.

OP. "Manure" means livestock excreta. "Manure" includes the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.

PQ. "Manure storage" means physically transferring manure from the livestock production area, feedlot, or place of origin to another location, manure storage facility, or unconfined manure pile. Manure storage does not include transferring manure for land application.

QR. "Manure storage facility" means an impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural waste.

RS. "Natural Resources Conservation Service (NRCS)" means an agency of the United States Department of Agriculture (USDA) which, for purposes of this chapter, provides the Land Conservation Commission and the land conservation division with technical assistance and information on the design criteria, size, shape, engineering strength, and other necessary technical data for the proper and safe installation of a manure storage facility.

ST. "Navigable waters" means any body of water that is navigable under the laws of the state as defined in Wis. Stat. § 30.01(4m).

TU. "Nutrient management plan" means a plan that balances the nutrient needs of a crop with the nutrients available from legume crops, manure, fertilizer, or other sources. The requirements for a nutrient management plan are as established in Wis. Admin. Code § ATCP 50.04(3).

UV. "Nutrients" means plant nutrients derived from commercial fertilizers, manure, organic wastes, soil reserves, legumes, or other sources.

VW. "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

WX. "Pasture" means land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over the grazing area. Pasture may include limited areas of bare soil such as cattle lanes and supplemental feeding areas provided the bare soil areas are not significant sources of pollution to waters of the state.

XY. "Permit" means the signed, written statement issued by the land conservation division under this ordinance authorizing the applicant to construct, install, substantially alter, close, or reuse a manure storage facility, and to use or dispose of waste from the facility.

YZ. “Permitted manure storage facility” means a facility that was permitted under this ordinance.

ZAA. “Permittee” means any person to whom a permit is issued under this ordinance.

AABB. “Person” means any individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency, or federal agency pursuant to Wis. Stat. § 283.01(11).

BBCC. “Phosphorus index” or “PI” means the State’s agricultural land management planning tool for assessing the potential of a cropped or grazed field to contribute phosphorus to surface waters.

CCDD. “Pollutant” means any dredged, spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water as defined in Wis. Stat. § 283.01(13).

DD EE. “Pollution” includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

EEFF. “Process wastewater” means wastewater from the production area directly or indirectly used in the operation of animal feeding operation that results from any or all of the following:

1. Spillage or overflow from animal or poultry watering systems.
2. Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities.
3. Direct contact swimming, washing, or spray cooling of animals or dust control.
4. Water that comes into contact with any raw materials or animal byproducts including manure, feed, milk, eggs, or bedding.

FFGG. “Recoverable benchmark” means a readily identifiable, relatively permanent benchmark that is intended to maintain its elevation without change over a long period of time and will not be influenced by disturbing activities.

GGHH. “Runoff” means storm water or precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

HHII. “Safety devices” means constructed measures designed to protect humans and livestock from hazards associated with a manure storage facility.

IJJ. “Site that is susceptible to groundwater contamination” under Wis. Stat. [§ 281.16 \(1\) \(g\)](#) means any one of the following:

1. An area within 250 feet of a private well.
2. An area within 1000 feet of a municipal well.
3. An area within 300 feet upslope or 100 feet downslope of a direct conduit to groundwater.
4. A channel that flows to a direct conduit to groundwater.
5. An area where the soil depth to groundwater or bedrock is less than 2 feet.
6. An area where the soil does not exhibit one of the following soil characteristics:

- a. At least a 2-foot soil layer with 40% fines or greater above groundwater and bedrock.

b. At least a 3-foot soil layer with 20% fines or greater above groundwater and bedrock.

c. At least a 5-foot soil layer with 10% fines, or greater above groundwater and bedrock.

JJKK. "Stored manure" means manure that is kept in a manure storage facility or an unconfined manure pile.

KKLL. "Substantially alter or significantly alter" means a change initiated by a landowner or operator that results in a relocation of a structure or facility or changes to the size, depth or configuration of a structure or facility including any of the following:

1. Replacement of a liner of any type in a manure storage facility.
2. An increase in the volumetric capacity or area of a manure storage facility.
3. A change in a manure storage facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.
4. The addition of a new pipe penetration or waste transfer system that requires an alteration to the manure storage facility.

LLMM. "Surface waters" means all natural and artificial named and unnamed lakes and all naturally flowing streams within the boundaries of the state, but not including cooling lakes, farm ponds and facilities constructed for the treatment of wastewaters.

MMNN. "Tolerable soil loss" or "T" means the maximum average annual rate of soil erosion, in tons per year, allowable for particular soils and site conditions that will maintain soil productivity.

NNOO. "Technical guide" means the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Technical Guide as adopted by the Land Conservation Commission, including subsequent amendments or additions.

OOPP. "Top of the channel" means an edge or point on the landscape landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

PPQQ. "Unconfined manure pile" means a quantity of manure that is at least 175 cubic feet in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

QQRR. "Waste transfer system" means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure, loading area, or treatment area. Waste transfer system may include permanently installed conveyance systems necessary to transfer material from the source to a storage facility, treatment facility or system, loading area, or cropland, and does not include vehicles, temporary surface pipes or hoses.

RRSS. "Water pollution" means any act or condition contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

SSTT. "Water Quality Management Area (WQMA)" means land that includes any of the following: an area within 1,000 feet of the ordinary high-water mark of a navigable lake, pond,

or flowage; an area within 300 feet of the high-water mark of a navigable river or stream; an area that is susceptible to groundwater contamination, or has the potential to be a direct conduit for contamination to reach groundwater.

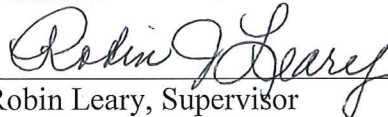
TTUU. "Waters of the state" mean those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

UUVV. "Winter grazing area" means a cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period of October 1 to April 30.

OFFERED BY:



Gary Gibson, Supervisor
District 1



Robin Leary, Supervisor
District 23

GL/yk