

**COUNTY OF EAU CLAIRE
EAU CLAIRE, WISCONSIN
"NOTICE OF PUBLIC MEETING"**

In Accordance with the provisions of Chapter 19, subchapter IV, Wisconsin Statutes, **NOTICE IS HEREBY GIVEN** of the following public meeting:

THE GROUNDWATER ADVISORY COMMITTEE

WILL MEET ON MONDAY, MAY 20, 2019 **TIME:** 4:00 P.M.

PLACE: EAU CLAIRE COUNTY COURT HOUSE Room 302
721 OXFORD AVENUE EAU CLAIRE, WI 54703

OPEN SESSION

AGENDA

1. Call to order by Chair
2. Confirmation of Compliance with Open Meeting Law
3. Public Comment Period
4. Review/Approval of March 25, 2019 meeting minutes.
5. Election of Vice-Chairperson – Discussion/Action
6. Review File No. 19-20/012 – Agriculture Performance Standards and Manure Storage – Discussion/Action
7. Subgroups items related to State of the Groundwater Report – Discussion/Action
 - a. Technical subgroup
 - b. Education subgroup
8. Staff and Agency Updates-Discussion –Action
 - a. Regional Planning Commission
 - b. Planning and Development
 - c. Land Conservation
 - d. Health Department
9. Next Meeting Date (June? __, 2019)
10. Items for the Next Agenda
11. Adjourn

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.*

RECEIVED _____

POSTED _____

**COUNTY OF EAU CLAIRE
EAU CLAIRE, WISCONSIN
GROUNDWATER ADVISORY COMMITTEE**

**MEETING MINUTES – MARCH 25, 2019
EAU CLAIRE COUNTY COURTHOUSE, Room 302
720 – 2ND AVENUE, EAU CLAIRE, WI 54701**

MEMBERS PRESENT: James Dunning, Mary Kenosian, Anna Mares, Glory Adams, Sham Anderson

MEMBERS ABSENT: Jennifer Eddy, Sarah Vitale Nathan Anderson, Nancy Coffey

STAFF PRESENT: Matt Steinbach (Eau Claire City-County Health Dept.); Liz Fagen and Greg Leonard (Eau Claire County Land Conservation); Jared Grande (Eau Claire County Planning and Development)

OTHERS PRESENT: (none)

1. Call to order by Chair

The meeting was called to order by Chair Dunning at 4:02 pm. A quorum was present.

2. Confirmation of Compliance with Open Meeting Law

Dunning confirmed compliance with the open meetings law.

3. Public Comment Period

None.

4. Review/Approval of February 25, 2019 minutes – Discussion/Action

ACTION: Motion by S. Anderson to approve the February 25, 2019 minutes as presented. Motion carried, 5-0-0.

5. Review of Final ThinkWater School Training Session – Discussion

Steinbach and Fagen reviewed the ThinkWater School mapping summary document.

6. Develop Action Items per State of Groundwater Document and ThinkWater – Discussion/Action

To address the tasks within the State of the Groundwater Report, it is envisioned that 2 sub-groups will be needed: A Technical subgroup and an Education subgroup. Both Adams and Coffey have expressed interest in the Educational subgroup. GIS skills, such as converting the existing well data into an acceptable GIS format, are especially needed.

7. Set up Technical Sub-groups– Discussion/Action

ACTION: Motion by Adams to establish 2 subgroups, one technical and one educational, to address the tasks within the State of the Groundwater Report. Motion carried, 5-0-0.

8. Updates from the WI Land+Water Conference – Discussion/Action

Fagen provided an overview of the many groundwater related topics available at the annual conference. (S Anderson was excused from the meeting at 4:35 pm. A quorum no longer was present.)

9. Discussion of Items Specific to Temporary CAFO Moratorium --Discussion/Action

Leonard provided an update of the Ag Ordinance Review Special Committee's process to date and proposed future tasks with deadlines.

10. Staff and Agency Updates-Discussion /Action

- a. **Regional Planning Commission** – no report
- b. **Planning and Development** – Grande provided update on the Title 18 update process, including planned web page development and future planned meetings.
- c. **Land Conservation** – no additional report was provided.
- d. **Health Department** – no additional report was provided.

11. Additional Tasks for consideration by Groundwater Advisory Committee --Discussion/Action

With the new Governor's pledge for clean water, members should watch for future legislation in relation to groundwater topics.

12. Next Meeting Date

The next meeting date was set for May 13, 2019 at 4:00 pm.

13. Items for the Next Agenda

Technical and Education groups will be on the next meeting agenda.

14. Adjourn

Dunning adjourned the meeting at 5:15 p.m.

Respectfully Submitted,



Greg Leonard
Land Conservation Manager

FACT SHEET

TO FILE NO. 19-20/012

This ordinance repeals Chapter 17.04 Animal Waste Storage and recreates Chapter 17.04 Agricultural Performance Standards and Manure Storage.


This ordinance incorporates the recommendations of the Ag Ordinance Review Special Committee, which was created by the Board of Supervisors and appointed by County Board Chair. The Special Committee included members who represented livestock and cash crop agriculture, environmental and conservation organizations, and representatives of towns, villages, cities, and the Board of Supervisors of Eau Claire County. The Special Committee performed the action items outlined in Section 8 of File No. 18-19/065 Temporary Moratorium on the Expansion and Creation of Large-Scale Livestock Facilities.

This ordinance incorporates the Wisconsin Administrative Code NR 151 – Agricultural Performance Standards and Prohibitions as they apply to Eau Claire County. This ordinance also updates and clarifies the permitting process for construction, modification, or closure of manure storage facilities and associated structures.

The ordinance also amends Section 4.35.165 B, which is in relation to the fees associated with Chapter 17.04.

Fiscal impact: None

Respectfully submitted,



Gregory R. Leonard
Land Conservation Manager
Land Conservation Division – Planning and Development

GRL

AG ORDINANCE REVIEW SPECIAL COMMITTEE

Recommendations

Members: Gary Gibson, Tami Smith-Schroeder, Robin Leary, Derrick Nelson, Ed Gorell, Steve Strey, Roland Fischer, Andy Ferguson, Eleanor Wolf, Paul La Liberte, Jody Wilhelm, Mark Zuber, Dane Zook, Kate Beaton, Todd Meyer, Cynthia Anderegg

Alternates: Tami Schraufnagel, Jon Nicolet

The Ag Ordinance Review Special Committee (AORSC) was appointed by County Board Chair Nick Smiar to proceed with the action items contained within the Large-Scale Livestock Moratorium adopted by the Eau Claire County Board in October of 2018.

The AORSC first met in November 2018 and took tours of local farms. Since the initial meeting, the AORSC has met eight additional times. The AORSC meetings have included educational and background presentations on:

- Local zoning, erosion control, stormwater and shoreland protection ordinances
- Wisconsin's Ag Performance Standards and Prohibitions (NR-151)
- Eau Claire County's Animal Waste Storage Ordinance
- Eau Claire County's State of the Groundwater Report
- Wisconsin's Concentrated Animal Feeding Operations (CAFO) regulations (NR-243)
- Wisconsin's Livestock Facility Siting regulations (ATCP-51)

These presentations are recorded and available at:

<https://www.co.eau-claire.wi.us/government/boards-commissions-and-councils/ag-ordinance-review-committee>

Following the educational and background information process, the AORSC began a comprehensive discussion concerning the above outlined topics. The following is a summary of the action items and recommendations made by the Ag Ordinance Review Special Committee:

ACTION: Motion by Smith-Schroeder/Zuber to recommend incorporation of NR-151 Ag Performance Standards and Prohibitions into County Code. Discussion to clarify how NR-151 would be adopted, such as an operations ordinance, part of livestock siting, or part of the animal waste storage ordinance. The motion is to recommend incorporating NR-151 into County Code only, but the placement and type of ordinance will be part of future meeting recommendations. Motion carried, 9-1-0.

ACTION: Motion by Gibson to incorporate the NRCS 634 Waste Transfer Standard into the ordinance update. Motion carried, 12-0-0.

Consensus by the whole group: in support of updating and changing the definition of "idle facility" in the ordinance, while allowing well-constructed facilities to be retained for emergency situations.

Consensus by the whole group: In support of incorporating the NRCS 360 Waste Facility Closure standard into the ordinance.

Consensus by the whole group: "written proof of land availability" should accompany a Nutrient Management Plan when stored manure will be applied on land not owned by the farm operator.

Eau Claire County

AG ORDINANCE REVIEW SPECIAL COMMITTEE

Recommendations

Zook: the manure storage ordinance should not apply in the incorporated areas of Eau Claire County.

Consensus by the whole group: future updates to NRCS standards referenced in the ordinance are adopted with LCC approval.

Consensus by the whole group: allow double fees for after the fact permits.

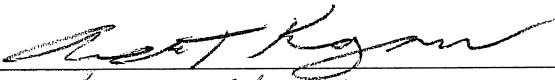
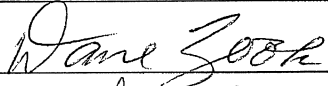
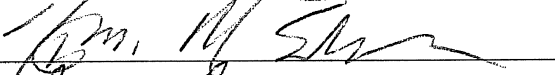

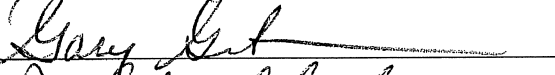
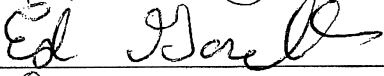

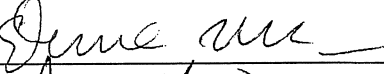

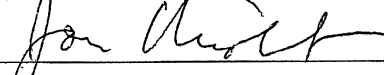
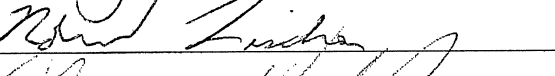

Consensus by the whole group: submittal of a partial nutrient management plan is acceptable during initial manure storage construction permit issuance if a certificate of use will later be granted.

Consensus by the whole group: incorporate a Certificate of Use into the ordinance.

ACTION: Motion by Ed Gorell to recommend not adopting livestock siting into county ordinances. Motion carried, 12-0-0.

ACTION: Motion by Mark Zuber to approve the above action items, consensuses, and recommendations. Motion carried, 12-0-0.

Signatures:

Signed this 26th day of March, 2019.

4 - TO AMEND SECTION 4.35.165 B. OF THE CODE: LAND CONSERVATION FEES; TO
5 REPEAL AND RECREATE CHAPTER 17.04 OF THE CODE -

6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

7
8 SECTION 1. That Subsection B. of Section 4.35.165 be amended to read:

9
10 B. ~~Animal waste~~ Manure storage permit fees

11 1. ~~Manure storage~~ New or modified permit fee \$540.00

12 a. with a footprint of the liner less
13 than 60,000 square feet \$450.00

14 b. with a foot print of the liner of
15 of 60,00 square feet or greater \$750.00

16 2. ~~Abandonment~~ Closure permit fee \$220.00

17
18 SECTION 2. That Chapter 17.04 be repealed and recreated to read:

19 Chapter 17.04

20
21 AGRICULTURAL PERFORMANCE STANDARDS AND MANURE STORAGE

22
23 Sections:

24
25 SUBCHAPTER I. GENERAL PROVISIONS

- 26 17.04.001 Authority and name.
- 27 17.04.005 Findings and declaration of policy.
- 28 17.04.010 Purpose.
- 29 17.04.020 Interpretation.
- 30 17.04.030 Severability clause.
- 31 17.04.040 Applicability.

32
33 17.04.001 Authority and name. This ordinance is adopted under authority granted by
34 Wis. Stat. §§ 59.70, 59.02, 59.03, 92.15, and 92.16, and Wisconsin Administrative Code (“Wis.
35 Admin. Code”) Wis. Admin. Code ch. ATCP 50.56 and NR 151.05. This ordinance shall be
36 known as, referred to, and may be cited as the “Eau Claire County Agricultural Performance
37 Standards and Manure Storage Ordinance” and is hereinafter referred to as the "ordinance".

38
39 17.04.005 Findings and declaration of policy. The Eau Claire County Board of
40 Supervisors finds that the following conditions may threaten the county’s natural and water
41 resources, cause harm to the health, safety and welfare of people within the county, and
42 adversely impact the property tax base of the county:
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1 b. Nutrient management plans for croplands in watersheds that
2 contain impaired surface waters or in watersheds that contain outstanding or exceptional resource
3 waters shall meet the following criteria:

4 i. unless otherwise provided in this subsection, the plan shall
5 be designed to manage soil nutrient concentrations so as to maintain or reduce delivery of
6 nutrients contributing to the impairment of impaired surface waters and to outstanding or
7 exceptional resources waters.

8 ii. The plan may allow for an increase in soil nutrient
9 concentrations at a site if necessary to meet crop demands

10 iii. For lands in watersheds containing exceptional or
11 outstanding resource waters, the plan may allow an increase in soil nutrient concentrations if the
12 plan documents that any potential nutrient delivery to the exceptional or outstanding resource
13 waters will not alter the background water quality of the exceptional or outstanding resource
14 waters. For lands in watersheds containing impaired waters, the plan may allow an increase in
15 soil nutrient concentrations if a low risk of delivery of nutrients from the land to the impaired
16 water can be demonstrated.

17 4. In this ordinance, impaired surface waters are waters identified as
18 impaired pursuant to 33 U.S.C. § 1313(d)(1)(A) and 40 C.F.R. § 130.7. Outstanding and
19 Exceptional Resource Waters are defined in Wis. Admin. Code Ch. NR 102.

20 5. An updated nutrient management plan and checklist shall be submitted to
21 the land conservation division annually to ensure the plan meets requirements of this section.

22 E. Clean Water Diversion. All livestock producers within a water quality
23 management area shall comply with this section. Runoff shall be diverted away from contacting
24 feedlot, manure storage areas and barnyard areas within water quality management areas except
25 that a diversion to protect a private well under Wis. Admin. Code § NR 151.015 (18) (a) is
26 required only when the feedlot, manure storage area, or barnyard area is located upslope from the
27 private well.

28 F. Manure Management Prohibitions. All livestock producers shall comply with this
29 section as follows:

30 1. A livestock operation shall have no overflow of manure storage structures.

31 2. A livestock operation shall have no unconfined manure piles within a
32 water quality management area.

33 3. A livestock operation shall have no direct runoff from a feedlot or stored
34 manure to waters of the state. Stored manure not contained within a manure storage facility shall
35 meet the standards for stacking or piling manure.

36 4. A livestock operation may not allow unlimited access by livestock to
37 waters of the state in a location where high concentrations of animals prevent the maintenance of
38 adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly
39 designed, installed and maintained livestock or farm equipment crossings.

40 G. Process Wastewater Handling. All livestock producers shall comply with this
41 section.

42 1. There may be no significant discharge of process wastewater to waters of
43 the state.

44 2. The land conservation division shall consider all of the following factors
45 when determining whether a discharge of process wastewater is a significant discharge to waters
46 of the state:

47 a. Volume and frequency of the discharge.

48 b. Location of the source relative to receiving waters.

49 c. Means of process wastewater conveyance to waters of the state.

1 d. Slope, vegetation, rainfall, and other factors affecting the
2 likelihood of process wastewater discharge to waters of the state.

3 e. Available evidence of discharge to a surface water of the state or to
4 a direct conduit to groundwater.

5 f. Whether the process wastewater is discharged to a site that is
6 defined as a site that is susceptible to groundwater contamination.

7 g. Other factors relevant to the impact of the discharge on water
8 quality standards of the receiving water or to groundwater standards.

9 H. Manure Storage Facilities. All livestock producers building new manure storage
10 facilities, substantially altering manure storage facilities, or choosing to abandon their manure
11 storage facilities shall comply with this section.

12 1. New construction and alterations.

13 a. New or substantially altered manure storage facilities shall be
14 designed, constructed, and maintained to minimize the risk of structural failure of the facility and
15 to minimize leakage of the facility in order to comply with groundwater standards. The levels of
16 materials in the storage facility may not exceed the margin of safety level. Storage facilities that
17 are constructed or significantly altered on or after January 1, 2011, shall be designed and
18 operated to contain the additional volume of runoff and direct precipitation entering the facility
19 as a result of a 25-year, 24-hour storm.

20 b. A new manure storage facility means a facility constructed after
21 October 1, 2002.

22 c. A substantially altered manure storage facility is a manure storage
23 facility that is substantially altered after October 1, 2002.

24 2. Closure.

25 a. Closure of a manure storage facility shall occur when an operation
26 where the facility is located ceases operations or manure has not been added or removed from
27 that facility for a period of 24 months. Manure facilities shall be closed in a manner that will
28 prevent future contamination of groundwater and surface waters.

29 b. The owner or operator may retain the facility for a longer period of
30 time by demonstrating to the land conservation division that all of the following conditions are
31 met:

32 i. The facility is designed, constructed and maintained in
33 accordance with 17.04.080 (H)(1)a of this ordinance.

34 ii. Retention of the facility is warranted based on anticipated
35 future use.

36 3. Existing Facilities. Manure storage facilities in existence as of October 1,
37 2002, that pose an imminent threat to public health or fish and aquatic life, or are causing a
38 violation of groundwater standards, shall be upgraded, replaced, or abandoned in accordance
39 with this section. Levels of materials in manure storage facilities may not exceed the margin of
40 safety level.

41 I. Human Household Wastewater Prohibited. Human household wastewater shall
42 not be discharged into manure storage facilities.

43
44 17.04.090 Standards.

45 A Standards for Evaluating Sheet, Rill, and Wind Erosion. The standards for
46 evaluating sheet, rill, and wind erosion shall be the Revised Universal Soil Loss Equation II
47 (RUSLE2) equation or the Wind Erosion Prediction System (WEPS) models published by
48 NRCS. Copies of RUSLE2 and the WEPS models are on file with the land conservation
49 division.

1 B. Standards for Design and Construction of Manure Storage Facilities. The
2 standards for design and construction of manure storage facilities shall be the current standards
3 in the NRCS Technical Guide, including but not limited to 313 Waste Storage Facility; 367
4 Roofs and Covers; 520 Pond Sealing or Lining, Compacted Soil Treatment; 521 Pond Sealing or
5 Lining, Geomembrane or Geosynthetic Clay Liner; 522 Pond Sealing or Lining, Concrete; 558
6 Roof Runoff Structure; 634 Waste Transfer; and 629 Waste Treatment and any amendments to
7 these standards.

8 C. Standards for Nutrient Management. The standards for management of manure
9 and nutrients applied to cropland and pastures shall be the current standards in the NRCS
10 Technical Guide, including 590 Nutrient Management and any amendments.

11 D. Standards for Closure of Manure Storage Facility. The standards for closure of an
12 unused manure storage facility shall be the current standards in the NRCS Technical Guide,
13 including 360 Waste Facility Closure and any amendments.

14 E. Standards for Stacking or Piling Manure. The standards for stacking or piling
15 manure shall be the current standards in the NRCS Technical Guide, including 318 Short Term
16 Storage of Animal Waste and By-Products and 313 Waste Storage Facility, and any
17 amendments.

18 F. Standards for Determination of Significant Discharge and Direct Runoff. The
19 standards for determination of direct runoff shall be the "BARNY runoff prediction model"
20 which is the NRCS "Evaluation System to Rate Feedlot Pollution Potential," ARM-NC-17 (April
21 1982 version with modifications as of August 2005, or an equivalent predictive model for
22 manure runoff as approved by the land conservation division. An Excel computer spreadsheet
23 version of the BARNY model is available at
24 <https://datcp.wi.gov/Documents/BARNYSpreadsheet.xls>.

25 G. Standards for the Determination of Adequate Sod or Self-Sustaining Vegetative
26 Cover. Standards for determination of adequate sod or self-sustaining vegetative cover shall be
27 the standards outlined in the NRCS Technical Guide 528 Prescribed Grazing, and any
28 amendments, or vegetative measurement by grid sample shall show at least 70 percent living
29 plant material cover.

30 H. Subsequent Modification of Standards. The standards of the NRCS Technical
31 Guide are adopted and by reference made a part of this chapter as if fully set forth herein. Any
32 future amendment, revision or modification of the standards incorporated herein are made a part
33 of this chapter upon adoption by the Eau Claire County Land Conservation Commission. Copies
34 of the current standards are available at the land conservation division.

35
36 17.04.100 Cost share required. An owner or operator of an agricultural facility or
37 practice that is in existence before October 1, 2002, may not be required to comply with the
38 performance standards, prohibitions, conservation practices or technical standards under this
39 subchapter unless cost-sharing is available from any source, to the owner or operator. A
40 determination that cost-sharing is available to meet the performance standards, prohibitions,
41 conservation practices or technical standards under this subchapter will be determined in
42 accordance with Wis. Admin. Code § NR 151.09(4)(d) or § NR 151.095(5)(d) when funding is
43 provided under Wis. Stat. § 281.65, and will be determined in accordance with Wis. Admin.
44 Code ch. ATP 50 when funds are from any other source. Cost sharing under this subchapter is
45 only required for the minimum practice necessary to meet the performance standards and
46 prohibitions.

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1 SUBCHAPTER IV. MANURE STORAGE FACILITY PERMIT, USE
2 AND SPECIFICATIONS
3
4

- 5 17.04.110 Application for issuance of permits.
6 17.04.120 Certificate of use.
7
8

9 17.04.110 Application for Issuance of Permits.

10 A. Permit Required. No person may do any of the following without first obtaining a
11 permit in accordance with this Subchapter:

12 1. Construct a new manure storage facility or substantially alter an existing
13 manure storage facility, including the construction or substantial alteration of waste transfer
14 systems connected to a manure storage facility.

15 2. Upgrade, repair or replace a manure storage facility that has been
16 identified as posing an imminent threat to public health, fish and aquatic life, or groundwater
17 under 17.04.080(H)(3).

18 3. Close an existing manure storage facility, including conversion of its use,
19 regardless of whether the facility must be closed in accordance with 17.04.080(H)(3).

20 B. No Permit Required. Manure storage facilities in place as of the date of passage
21 of this ordinance shall be determined to be existing storage facilities subject to the rules in place
22 at the time of construction and shall not be required to obtain a permit unless they are being
23 substantially altered or closed after the date of passage. Owners of existing storage facilities
24 may, at their discretion, apply for a Certificate of Use.

25 C. Exception to Permit Requirement. Emergency repairs such as repairing a broken
26 pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a
27 permit. A report shall be made to the land conservation division within 2 work days of the
28 emergency for a determination by the land conservation division on whether a permit will be
29 required for any additional alteration or repair to the facility.

30 D. Onsite Investigation Required. Each application for a permit under this section
31 shall require an onsite inspection prior to permit issuance and include a summary report on site
32 conditions. The site inspection shall be conducted by the land conservation division staff.

33 E. Fees. The nonrefundable fees for a permit under this ordinance shall be based
34 upon the footprint of the liner(s) and as listed in 4.35.165. A double permit fee shall be charged
35 by the land conservation division if activity requiring approval under 17.04.110(A) commences
36 prior to obtaining a permit. Such double fee shall not release the responsible party from full
37 compliance with this chapter nor from prosecution for violation of this chapter.

38 F. Manure Storage Facility Plan Requirements. Each application for a manure
39 storage permit under this section shall include the completion of the county permit application
40 and a detailed manure storage facility construction plan. The applicant can employ the services
41 of a private design consultant or a registered professional engineer to prepare the plan. Technical
42 assistance for plan development may be made available to applicants upon request through the
43 land conservation division, as available staff time will allow.

44 G. Manure Storage Construction Plan Requirements. A complete permit application
45 for a new or modified storage facility shall meet or exceed the minimum established limits and
46 specific criteria within NRCS Technical Standard 313 Waste Storage Facility, and additional
47 Technical Standards, including, but not limited to; 367 Roofs and Covers; 520 Pond Sealing or
48 Lining, Compacted Soil Treatment; 521 Pond Sealing or Lining, Geomembrane or Geosynthetic

1 Clay Liner; 522 Pond Sealing or Lining, Concrete; 558 Roof Runoff Structure; 634 Waste
2 Transfer; and 629 Waste Treatment where they apply. The plan shall include all the following:

3 1. The number, type, and size of animals for which storage is provided and
4 the duration for which storage is to be provided.

5 2. The type and amount of bedding to be used in the operation and all aspects
6 of handling and recovery of this bedding material.

7 3. The type and quantity of flush water, milk house waste, or other additives
8 which will be added to the manure storage facility.

9 4. A general location map drawing of the site which shall include the
10 location of structures in relation to buildings, homes, property lines, roads, wells, karst features,
11 public or private drainage ditches and creeks, flowages, rivers, streams, lakes, floodplains, or
12 wetlands within one thousand (1,000) feet of the proposed facility or system. The map will
13 include the scale of the drawing, a north arrow, and the date the general location map was
14 prepared.

15 5. The soil test pit locations, elevations, and soil descriptions to a depth as
16 required for the planned structure according to the NRCS Technical Standard 313 Waste Storage
17 Facility. Soil test pits must be verified by land conservation division staff at the time of
18 investigation.

19 6. The elevation of groundwater, bedrock or seasonally saturated conditions
20 if encountered in the soil profile and the date of any such determinations.

21 7. Engineering design drawings of the manure storage facility or waste
22 transfer system which shall include:

23 a. Specific design components that shall comply with NRCS
24 Technical Standard 313 Waste Storage Facility, and additional applicable NRCS Technical
25 Standards such as 634 Waste Transfer.

26 b. A recoverable benchmark(s) including elevation(s) expressed in
27 feet and tenths.

28 c. The scale of the drawings and the north arrow. The engineering
29 design drawing shall be drawn to a scale no smaller than one (1) inch equals one hundred (100)
30 feet.

31 d. The date the engineering design drawings were prepared.

32 8. The structural details, including but not limited to dimensions, cross-
33 sections, concrete thickness, concrete joint design and placement, design loads, design
34 computations, reinforcement schedules, thickness and placement of groundwater protection
35 liners, and all material specifications.

36 9. Provisions for adequate drainage and control of runoff to prevent
37 pollution of surface water and groundwater.

38 10. An erosion control and/or storm water management plan as defined in
39 Chapter 17.05 and 17.06.

40 11. Estimated start of construction and construction schedule.

41 12. A safety plan that identifies hazards to animals and people in the
42 production area, and design features to minimize those hazards.

43 13. An operation and maintenance plan for installed practices.

44 14. An emergency response plan identifying the names and phone numbers of
45 individuals or others to be notified in the event of any leaks, spills or other system failures that
46 could discharge manure.

47 15. A certification by a professional engineer registered in the State of
48 Wisconsin, or an engineering practitioner certified by the Wisconsin Department of Agriculture,

1 Trade and Consumer Protection (DATCP) or the NRCS that the plans meet technical and
2 ordinance standards.

3 16. A nutrient management plan that complies with Wis. Admin. Code §
4 ATCP 50.04. The nutrient management plan must be prepared by a nutrient management planner
5 qualified under Wis. Admin. Code § ATCP 50.04 (3)(c) and submitted prior to issuance of the
6 permit. If the nutrient management plan indicates manure will be applied to land not owned by
7 the applicant, the nutrient management plan must include a copy of a lease, manure spreading
8 agreement, or written proof of land availability. The nutrient management plan must be based on
9 current soil analyses that comply with Wis. Admin. Code § ATCP 50.04. If current soil analyses
10 are not available due to frozen soils or other conditions beyond the control of the applicant, the
11 land conservation division may accept, at its discretion, an incomplete nutrient management plan
12 at permit submission. A complete nutrient management plan that complies with Wis. Admin.
13 Code § ATCP 50.04 (3) (d) must be submitted and a Certificate of Use must be issued prior to
14 use of the manure storage facility.

15 17. Any other additional information required by the land conservation
16 division to protect water quality and determine compliance with this section.

17 H. Safety Devices. Safety devices as outlined within NRCS Technical Standard 313
18 Waste Storage Facility or related standards will be installed prior to issuance of the Certificate of
19 Use.

20 I. Manure Storage Facility Closure Application Requirements. A complete permit
21 application for waste storage facility closure shall meet all standards as outlined in NRCS
22 Technical Standard 360 Waste Facility Closure and shall specify:

23 1. Provisions to remove and properly dispose of all accumulated wastes in
24 the manure storage facility.

25 2. Provisions to remove any concrete or synthetic liner, or properly use
26 pieces of the concrete or synthetic liner as clean fill at the site.

27 3. Provisions to remove and properly dispose of any soil saturated with waste
28 from the manure storage facility.

29 4. Provisions to remove any soils to the depth of significant manure
30 saturation. When contaminated soils are found, they must be removed to the extent necessary
31 with a minimum depth of 6 inches.

32 5. Provision to remove or permanently plug the waste transfer system serving
33 the manure storage facility.

34 6. Covering all disturbed area with topsoil, seeding the areas with a grass
35 mixture, and mulching the seeded area. This section does not apply if an alternative use of the
36 site is authorized under a closure plan approved by the county as part of the permit.

37 7. Any other additional information required by the land conservation
38 division to protect water quality and determine compliance with this section.

39 J. Review of Application. The land conservation division shall receive and review
40 all permit applications. The land conservation division shall determine if the proposed facility
41 meets required standards set forth in 17.04. Within 30 business days after receiving the
42 completed application and fee, the land conservation division shall inform the applicant in
43 writing whether the permit application is approved or disapproved. If additional information is
44 required, the land conservation division shall so notify the permit applicant. The land
45 conservation division has 14 business days from the receipt of the additional information in
46 which to approve or disapprove the application. No construction may commence without the
47 final approval form being executed by the land conservation division.

48 K. Permit Conditions. All permits issued under this ordinance shall be issued
49 subject to the following conditions and requirements:

1 1. Manure storage facility design, construction, closure, management and
2 utilization activities shall be carried out in accordance with the manure facility plan and
3 applicable standards specified in 17.04.

4 2. The permittee shall give 5 working days' notice to the land conservation
5 division before starting any construction or closure activity authorized by the permit.

6 3. Written approval from the land conservation division must be obtained
7 prior to any modifications to the permitted plans.

8 4. Activities authorized by permit must be completed within 2 years from the
9 date of issuance, after which the permit shall be void. Permits may be extended upon written
10 request of the applicant, subject to the corresponding fee, with approval from the land
11 conservation division.

12 5. Following completion of construction and prior to issuance of a Certificate
13 of Use, an agricultural or civil engineer registered in the State of Wisconsin or a DATCP, NRCS,
14 or land conservation division engineering practitioner and the permittee, and, if applicable, the
15 contractor shall certify in writing that all facilities and systems were installed as planned,
16 including as-built drawings and authorized changes or modifications made during construction.

17 6. The permittee, engineer and contractor shall participate in a pre-
18 construction conference with land conservation division staff before initiating construction of a
19 new facility to outline the requirements and responsibilities of all the involved parties.

20 7. The land conservation division shall provide onsite inspection prior to
21 issuance of the Certificate of Use. To receive a Certificate of Use, a manure storage facility must
22 be fully constructed as designed, including the marking of the maximum operating level and
23 implementation of all safety devices.

24 8. No permitted manure storage facilities may receive manure until the land
25 conservation division provides its final approval. No manure may be emptied from a permitted
26 manure storage facility until the land conservation division approves the nutrient management
27 plan submitted by the applicant.

28
29 17.04.120 Certificate of use.

30 A. Certificate requirement. No person may operate or use a manure storage facility
31 or any portion of a manure storage facility that was constructed after the effective date of this
32 ordinance unless the person has a valid Certificate of Use for the storage facility or portion of the
33 manure storage facility that is being operated or used.

34 B. Issuance. The land conservation division will issue a Certificate of Use upon
35 receipt of the written certification required by 17.04.110(K)(5). The Certificate of Use will not
36 be subject to fees.

37 C. Operating requirements. The operator of a manure storage facility is in
38 compliance with the Certificate of Use if the person does all the following:

39 1. Updates and follows an annual nutrient management plan that complies
40 with requirements in this ordinance and includes all manure land applied from the manure
41 storage facility covered by the certification of use.

42 2. Provides a nutrient management plan, including the Nutrient Management
43 Checklist, annually to the land conservation division by April 15th to document compliance with
44 ordinance requirements. The land conservation division may take appropriate action authorized
45 by this chapter if the submitted nutrient management plan does not reasonably substantiate a
46 checklist answer.

47 3. Properly operates the storage facility in accordance with performance
48 standards in 17.04.080 (H) and consistent with the recommended operating methods as defined

1 by the Technical Guide, NRCS-Agricultural Waste Management Field Handbook and NRCS-
2 Engineering Field Handbook.

3 4. Properly maintains the storage facility free from visible and serious
4 damage, erosion, or deformities that would impair the facility's safety or function as determined
5 by the Technical Guide, NRCS-Agricultural Waste Management Field Handbook, and the
6 NRCS-Engineering Field Handbook.

7 5. Properly maintains the safety devices for a manure storage facility.

8 6. Provides the land conservation division proof of compliance with the
9 requirements in 17.04 upon request and submits to periodic inspections of the storage facility
10 with 2 business days advance notice from the land conservation division.

11 7. Develops and implements a plan for closure of the manure storage facility
12 when the operator ceases use of the facility or closure is required based on conditions specified
13 in this ordinance.

14 D. Certificate Revocation. The land conservation division may revoke a certificate
15 of use if there is a misrepresentation of any material fact in the permit application, a
16 misrepresentation of any material fact in the manure storage facility plan, a misrepresentation of
17 any material fact in the nutrient management plan, a failure to comply with the nutrient
18 management plan requirement, a failure to provide the land conservation division with a copy of
19 the nutrient management plan upon request, or for multiple or repeat violations of this ordinance.
20 The land conservation division will immediately provide written notice of the revocation, the
21 reason for the revocation, and corrective actions required.

22 E. Permit Revocation. The land conservation division may revoke the permit issued
23 under this ordinance if the holder of the permit has misrepresented any material fact in the permit
24 application or manure facility plan, or if the holder of the permit violates any of the conditions of
25 the permit.

26 27 28 SUBCHAPTER V. ADMINISTRATION, VIOLATIONS AND 29 APPEALS

30
31
32 17.04.130 Administration.

33 17.04.140 Violations.

34 17.04.150 Appeals.
35
36

37 17.04.130 Administration.

38 A. Delegation of Authority. Eau Claire County hereby designates the Eau Claire
39 County Land Conservation Division to administer and enforce this ordinance.

40 B. Administrative Duties. In the administration of this ordinance, the land
41 conservation division shall:

42 1. Keep an accurate record of all permit applications, animal waste facility
43 plans, permits issued, inspections made, and other official actions.

44 2. Review permit applications and issue permits in accordance with
45 17.04.110.

46 3. Inspect animal waste facility construction to insure the facility is being
47 constructed according to plan standards and specifications.

48 4. Investigate complaints relating to compliance with the ordinance.

49 5. Perform other duties as specified in this ordinance.

1 C. Inspection Authority. The land conservation division is authorized to enter upon
2 any lands affected by this ordinance to inspect the land prior to or after permit issuance to
3 determine compliance with this ordinance. If permission cannot be received from the applicant
4 or permittee, the permit may be denied or entry by the land conservation division shall be
5 according to Wis. Stat. § 66.0119.

6 D. Enforcement Authority. The land conservation division is authorized to post an
7 order stopping work upon land which has had a permit revoked or on land currently undergoing
8 activity in violation of this ordinance. Notice is given by both posting upon the land where the
9 violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the
10 order by certified mail to the person whose activity is in violation of this ordinance. The order
11 shall specify that the activity must cease immediately and be brought into compliance within 5
12 working days. Any permit revocation or order stopping work shall remain in effect unless
13 retracted by the board of land use appeals, the land conservation division, or by a court of
14 general jurisdiction; or until the activity is brought into compliance with the ordinance. The land
15 conservation division is authorized to refer any violation of this ordinance or of an order
16 stopping work issued pursuant to this ordinance to the corporation counsel for commencement of
17 further legal proceedings.

18
19 17.04.140 Violations.

20 A. Penalties. Any person who violates, neglects, or refuses to comply with or resists
21 the enforcement of any of the provisions of this ordinance shall be subject to a forfeiture of up to
22 \$200.00 plus costs of prosecution for each violation. An unlawful violation includes failure to
23 comply with any standard of this ordinance or with any condition or qualification attached to the
24 permit. Each day that a violation exists shall be a separate offense.

25 B. Enforcement of injunction. As a substitute for or as an addition to forfeiture
26 actions, Eau Claire County may seek enforcement of any part of this ordinance by court actions
27 seeking injunctions or restraining orders.

28
29 17.04.150 Appeals.

30 A. Authority. Under authority of Wis. Stat. Ch. 68, the Eau Claire County Board of
31 Land Use Appeals, created under Wis. Stat. § 59.694, and under 18.31.020 and acting as an
32 appeal authority under Wis. Stat. § 59.694, is authorized to hear and decide appeals where it is
33 alleged that there is error in any order, requirement, decision or determination by the land
34 conservation division in administering this ordinance.

35 B. Procedure. The rules, procedures, duties and powers of the board of land use
36 appeals and Wis. Stat. Ch. 68, shall apply to this ordinance.

37 C. Who May Appeal. Appeals may be taken by any person having a substantial
38 interest which is adversely affected by the order, requirement, decision or determination made by
39 the land conservation division.

40
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42 SUBCHAPTER VI. DEFINITIONS

43
44
45 17.04.160 Purpose.

46 17.04.170 Word usage.

47 17.04.180 Definitions.

48
49

1 17.04.160 Purpose. To define words, terms, and phrases contained in this chapter that are
2 essential to the understanding, administration, and enforcement of this chapter.

3
4 17.04.170 Word usage. For the purposes of this chapter, certain words and terms are
5 used as follows:

- 6 • Words used in the present tense include the future.
- 7 • Words in the singular include the plural.
- 8 • Words in the plural include the singular.
- 9 • The word “shall” is mandatory and not permissive.

10
11 17.04.180 Definitions. For the purposes of this chapter, certain words and terms are
12 defined as follows:

13 A. “Adequate sod, or self-sustaining vegetative cover” means maintenance of
14 sufficient vegetation types and densities that provide 70% coverage such that the physical
15 integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes
16 grasses, forbs, sedges and duff layers of fallen leaves, and woody debris.

17 B. “Applicant” means any person who applies for a permit under this ordinance.
18 “BARNY” means the BARNY runoff prediction model which is the NRCS “Evaluation System
19 to Rate Feedlot Pollution Potential,” ARM-NC-17 (April 1982 version with modifications as of
20 August 2005. An Excel computer spreadsheet version of the BARNY model is available at
21 <https://datcp.wi.gov/Documents/BARNYSpreadsheet.xls>.

22 C. “Best management practices (BMPs)” mean structural or nonstructural measures,
23 practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants
24 carried in runoff to waters of the state.

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

28 E. “Direct runoff” means any of the following:

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

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

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

36 4. Construction of a manure storage facility in permeable soils or over
37 fractured bedrock without a liner designed in accordance with Wis. Admin. Code § NR
38 154.04(3).

39 F. “Footprint of the liner” means the area measured in square feet located beneath
40 the liner of the manure storage facility, including the waste transfer system.

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

48 H. “Land application” means the physical transfer of manure from any animal
49 confinement area or manure storage facility to fields for purposes of fertilization or disposal.

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

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

5 K. "Landowner" means any of the following:

6 1. A person who owns a parcel of land.

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

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

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

13 N. "Livestock producer" means an owner or operator of a livestock operation.

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

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

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

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

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

33 T. "Nutrient management plan" means a plan that balances the nutrient needs of a
34 crop with the nutrients available from legume crops, manure, fertilizer, or other sources. The
35 requirements for a nutrient management plan are as established in Wis. Admin. Code § ATCP
36 50.04(3).

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

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

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

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

4 Y. "Permitted manure storage facility" means a facility that was permitted under this
5 ordinance.

6 Z. "Permittee" means any person to whom a permit is issued under this ordinance.

7 AA. "Person" means any individual, owner, operator, corporation, limited liability
8 company, partnership, association, municipality, interstate agency, state agency, or federal
9 agency pursuant to Wis. Stat. § 283.01(11).

10 BB. "Phosphorus index" or "PI" means the State's agricultural land management
11 planning tool for assessing the potential of a cropped or grazed field to contribute phosphorus to
12 surface waters.

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

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

20 EE. "Process wastewater" means wastewater from the production area directly or
21 indirectly used in the operation of animal feeding operation that results from any or all of the
22 following:

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

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

33 GG. "Runoff" means storm water or precipitation including rain, snow, ice melt or
34 similar water that moves on the land surface via sheet or channelized flow.

35 HH. "Safety devices" means constructed measures designed to protect humans and
36 livestock from hazards associated with a manure storage facility.

37 II. "Site that is susceptible to groundwater contamination" under Wis. Stat. § 281.16
38 (1) (g) means any one of the following:

- 39 1. An area within 250 feet of a private well.
- 40 2. An area within 1000 feet of a municipal well.
- 41 3. An area within 300 feet upslope or 100 feet downslope of a direct conduit
42 to groundwater.
- 43 4. A channel that flows to a direct conduit to groundwater.
- 44 5. An area where the soil depth to groundwater or bedrock is less than 2 feet.
- 45 6. An area where the soil does not exhibit one of the following soil
46 characteristics:
 - 47 a. At least a 2-foot soil layer with 40% fines or greater above
48 groundwater and bedrock.

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

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

5 JJ. “Stored manure” means manure that is kept in a manure storage facility or an
6 unconfined manure pile.

7 KK. “Substantially alter or significantly alter” means a change initiated by a
8 landowner or operator that results in a relocation of a structure or facility or changes to the size,
9 depth or configuration of a structure or facility including any of the following:

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

16 LL. “Surface waters” means all natural and artificial named and unnamed lakes and all
17 naturally flowing streams within the boundaries of the state, but not including cooling lakes,
18 farm ponds and facilities constructed for the treatment of wastewaters.

19 MM. “Tolerable soil loss” or “T” means the maximum average annual rate of soil
20 erosion, in tons per year, allowable for particular soils and site conditions that will maintain soil
21 productivity.

22 NN. “Technical guide” means the United States Department of Agriculture (USDA)
23 Natural Resources Conservation Service (NRCS) Technical Guide as adopted by the Land
24 Conservation Commission, including subsequent amendments or additions.

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

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

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

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

45 SS. “Water Quality Management Area (WQMA)” means land that includes any of the
46 following: an area within 1,000 feet of the ordinary high-water mark of a navigable lake, pond,
47 or flowage; an area within 300 feet of the high-water mark of a navigable river or stream; an area
48 that is susceptible to groundwater contamination, or has the potential to be a direct conduit for
49 contamination to reach groundwater.

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

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

10 SECTION 3. This ordinance is effective upon adoption.

11 ENACTED:

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23 Committee on Planning & Development

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39 Land Conservation Commission

40 GL/yk

41
42 Dated this 14th day of May, 2019.

43 ORDINANCE/19-20/012