

**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** \_\_\_\_\_ **TUESDAY OCTOBER 30, 2018** \_\_\_\_\_ **TIME: 5:00 P.M.**

**PLACE:** \_\_\_\_\_ **EAU CLAIRE COUNTY COURT HOUSE Room G302** \_\_\_\_\_  
\_\_\_\_\_ **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 September 17, 2018 meeting minutes
5. DNR TRM grant update-Fall Creek HUC-12 sub-watershed
6. Livestock moratorium update
7. Priority Recommendations from the State of Groundwater Report
  - a. Review of available GIS data
  - b. Review of NR-151 "sites susceptible to groundwater contamination"
  - c. Identify potential funding sources
  - d. Assignment of tasks/lead person
8. Wisconsin Think Water School-update
9. Next Meeting Date (Dec \_\_\_\_, 2018)
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 – September 17, 2018  
EAU CLAIRE COUNTY COURTHOUSE, Room 302  
720 – 2<sup>ND</sup> AVENUE, EAU CLAIRE, WI 54701**

**MEMBERS PRESENT:** James Dunning, Nancy Coffey, Anna Mares (arrived at 5:05 pm), Glory Adams, Sham Anderson, Nathan Anderson (arrived at 5:26 pm), Mary Kenosian, Sarah Vitale

**MEMBERS ABSENT:** Jennifer Eddy

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

**OTHERS PRESENT:** (none)

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**1. Call to order by Chair**

The meeting was called to order by Chair Dunning at 5:01 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 July 17, 2018 minutes – Discussion/Action**

**ACTION:** Motion by Adams/Sham Anderson to approve the July 17, 2018 minutes as presented. Motion carried, 6-0-0.

**5. Report on State of Groundwater Report to County Board – Discussion**

Dunning and Boerner provided a brief update on the presentation to the County Board. The report and recommendations were well received.

(Anna Mares arrived)

**6. Proposed Wisconsin Think Water School – Discussion/Action**

Applications for the ThinkWater School were due today. The group submitting applications included Liz Fagen, Matt Steinbach, Jim Dunning, Glory Adams, and Nancy Coffey. The Groundwater Report Education Goals will be the project task the group will work on through the ThinkWater School. The group is expecting a quick turnaround on announcements.

**7. Development of Potential Funding Sources/Health Department – Discussion/Action**

Boerner informed the committee that the Statewide Joint Solicitation for Groundwater Research grant applications are due November 1<sup>st</sup>. This is primarily for academic research with training of students as a large part of the grant. Vitale with UW-Eau Claire is working on an application. This grant opportunity may not fit well for our groundwater flow model. The consensus of the group was this grant opportunity would not be pursued at this time.

**8. Develop Action Items per State of Groundwater Document – Discussion/Action**

How to develop the standards for creating the Groundwater Environmentally Sensitive Areas (GESAs) was discussed. Groundwater quantity is measured by back calculations based on characteristics of the aquifer, water levels, and depth to supposedly impermeable bedrock. For Eau Claire County, depth to igneous rock is important to determine groundwater quantity.

(Nathan Anderson arrived)

To define susceptible sites to groundwater contamination, this is based on ability of the contaminate to get to groundwater, and would it be contaminated or diluted, how does it move through the groundwater system, and is this a natural contaminate. Susceptibility to groundwater depletion is based on depth of the affected well. Acidity of water affects quality. Rain water is naturally acidic, and the pH of groundwater will increase as it interacts with soil and bedrock.

Leonard discussed that for agriculture, the state NR-151 Ag Performance Standards and Prohibitions include a definition of “sites susceptible to groundwater contamination”, and it may be beneficial for the committee to review this at the next meeting. Leonard will provide a presentation on this at the next meeting.

The education goals within the groundwater report are hoped to be worked on with the ThinkWater School group.

**9. Discussion of Items Specific to Temporary Moratorium – Discussion/Action**

The large-scale livestock facility moratorium is on the agenda for the entire County Board, which is scheduled for October 2<sup>nd</sup>.

**10. Next Meeting Date**

The next meeting date was set for Tuesday, October 30, 2018 at 5:00 pm.

**11. Items for the Next Agenda**

Sites susceptible to groundwater contamination as defined in NR-151 and the process of developing/interpreting these in Eau Claire County and follow up on the ThinkWater School will be on the next meeting agenda.

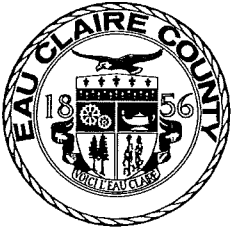
**12. Adjourn**

Dunning adjourned the meeting at 6:20 p.m.

Respectfully Submitted,



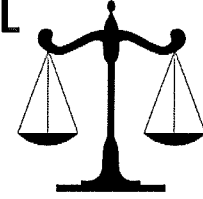
Greg Leonard  
Land Conservation Manager



## OFFICE OF CORPORATION COUNSEL

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**ASSISTANT  
CORPORATION COUNSEL**

*Timothy J. Sullivan  
Sharon G. McIlquham  
Richard A. Eaton*

**CORPORATION COUNSEL**

*Keith R. Zehms*

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### MEMORANDUM

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TO: GREG LEONARD, LAND CONSERVATION  
FROM: RICHARD A. EATON, ASST. CORPORATION COUNSEL  
DATE: October 18, 2018  
SUBJECT: Moratorium

*Richard A. Eaton*

The purpose of the moratorium is clearly outlined in the ordinance, as passed by the Eau Claire County Board on Tuesday, October 2, 2018. Specifically, Section 3 indicates the purpose to investigate the effect of *large-scale livestock facilities* on groundwater, surface water and air quality. Section 3.2 further indicates that the county will review its current ordinances related to large-scale livestock to determine what changes, if any, are needed to better protect the public health, safety and welfare of Eau Claire County residents. This could involve the incorporation of state standards (NR-151, among others).

Any areas of study which go beyond that of large-scale livestock operations are not necessarily appropriate for study during the CAFO moratorium. I understand this might raise questions. Please feel free to contact me if you have any questions.

- AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON THE EXPANSION AND CREATION OF LARGE-SCALE LIVESTOCK FACILITIES PENDING 6-MONTH REVIEW -

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

**SECTION 1. Reasoning.** The Federal Clean Water Act, 33 U.S.C. § 1251 et. seq. (1972), established the law for regulating discharges of pollutants into the waters of the United States.

The Clean Water Act is partially encoded into Wisconsin State law under Wisconsin Administrative Code Chapter NR140, Groundwater Quality, and clearly establishes the levels of pollutants, including nitrates, which must be met before a Wisconsin Pollution Discharge Elimination System (WPDES) permit can be issued.

Chapter NR140 prohibits the issuance of a WPDES permit if groundwater nitrate levels are 10mg/L or greater and health is impacted.

Current Eau Claire County Ordinances regarding large-scale livestock facilities may not adequately protect the health, safety and welfare of Eau Claire County residents. It is critical that necessary and appropriate safeguards be in place before large-scale livestock facilities commence or expand in Eau Claire County.

**SECTION 2. Authority.** This ordinance is adopted pursuant to the powers granted under the Wisconsin Constitution, and Wisconsin Statutes including but not limited to Sections 59.02(2), 59.03(2)(a) and 59.69.

**SECTION 3. Purposes.** The purposes of this ordinance are as follows:

1. To allow Eau Claire County to investigate the impacts of large-scale livestock facilities on groundwater, surface water and air quality, specifically as those issues apply in Eau Claire County.
2. To allow Eau Claire County adequate time to review current ordinances, to study and determine whether amendment of existing ordinances, and/or creation and adoption of other ordinances applicable in all unincorporated areas within Eau Claire County is appropriate. The goal is to protect the public health, safety and welfare of all Eau Claire County residents and the quality of land, air and water resources for generations to come.

**SECTION 4. Definitions.**

1. Livestock facility - A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12 month period. A livestock facility includes all of the tax parcels of land on which the facility is located but does not include the pasture or winter grazing areas. Related livestock

- facilities are collectively treated as a single livestock facility except that an operator may elect to treat a separate species facility as a separate livestock facility.
2. Related livestock facilities - livestock facilities that are owned or managed by the same person, related to each other in at least one of the following ways:
    - a. They are located on the same tax parcel or adjacent tax parcels of land.
    - b. They use one or more of the same livestock structures to collect or store manure.
    - c. At least a portion of their manure is applied to the same land spreading acreage.
  3. Separate species facility - a livestock facility that meets all of the following criteria:
    - a. It has only one of the following types of livestock and that type of livestock is not kept on any other livestock facility to which the different species facility is related under sub.2:  
Cattle, Swine, Poultry, Sheep, Goats, or Mink and other fur-bearing animals
    - b. It has no more than 1,000 animal units
    - c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related under sub. 2.
    - d. It meets one of the following criteria:
      1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage used by a livestock facility to which it is related under sub. 2.
      2. It and the other livestock facilities to which it is related under sub.2 have a combined total of fewer than 1,000 animal units.
  4. Large scale livestock facility – A livestock facility which houses 1,000 animal units or more.
  5. Animal units - measure equivalencies between animal types as established by section NR 243.05, Wis. Adm. Code. For example, 1,000 beef cattle, 715 milking cows, or 200,000 chickens are each equivalent to 1,000 animal units.
  6. Expansion - an increase of 20% or greater in the number of animal units fed, confined, maintained, or stabled.

**SECTION 5. Moratorium Imposed.**

The Eau Claire County Board of Supervisors hereby imposes a moratorium on the establishment of all new large-scale livestock facilities that will have 1,000 or more animal units, and/or the expansion of currently existing livestock facilities if the number of animal units kept at the expanded facility will be 1,000 or more, except as provided in Section 6 of this ordinance.

**SECTION 6. Exception.**

The moratorium imposed herein shall not apply to existing facilities who are not currently expanding, or to applicants who have submitted completed permit applications to establish or expand a livestock facility of 1,000 or more animal units as of the date of adoption of this ordinance. The moratorium imposed herein shall not apply to existing facilities needing to undertake emergency repairs to existing Animal Waste Storage Facilities as allowed under Section 17.04.080 (B) of the Eau Claire County Code of General Ordinances. Any subsequent expansion not included in such applications shall be subject to the moratorium.

**SECTION 7. Duration of Moratorium.**

This moratorium shall be in effect for a period of six (6) months from the date this ordinance is passed by the Eau Claire County Board of Supervisors unless the County Board of Supervisors rescinds this moratorium at an earlier date. This moratorium may be extended for up to six (6) months by a majority vote of the Eau Claire County Board of Supervisors.

**SECTION 8. Action and Review During Moratorium.**

The Eau Claire County Board of Supervisors hereby directs the Eau Claire County Planning and Development Department to:

1. Review and analyze existing state and local regulations and ordinances regarding the impact large-scale livestock facilities of 1,000 animals or more may have on groundwater, surface water, air quality, public health as these issues apply to Eau Claire County.
2. Identify areas where new regulations may be needed, where current regulations need to be modified, and where enforcement of current regulation is inadequate to protect the groundwater, surface water, air quality, public health and safety.
3. Identify who has monitoring and citation authority to ensure applicable regulations are followed.

**SECTION 9. Severability.**

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**SECTION 10. Effective Date.**

This ordinance shall take effect upon passage and publication as provided by law.  
This ordinance shall not be codified.

ENACTED: October 2, 2018

Janet K. Loomis  
County Clerk



**Eau Claire County**  
**LAND CONSERVATION DIVISION**  
 Department Of Planning And Development  
 227 First Street West, Altoona, WI 54720  
 Phone: (715) 839-6226 ♦ Fax: (715) 839-6277  
 www.co.eau-claire.wi.us

Housing & Community Development  
839-6240  
 Emergency Services Management  
839-4736  
 County Surveyor  
839-4742  
 Planning & Development  
839-4743  
 Building Inspection  
839-2944

**State Runoff Rules – NR 151 – Agricultural Performance Standards and Prohibitions** (2012 rules)

Wisconsin's rules to control polluted runoff from farms, as well as other sources, went into effect October 1, 2002. The state Legislature passed the rules to help protect Wisconsin's lakes, streams and groundwater. DNR rule NR 151 sets performance standards and prohibitions for farms. It also sets urban performance standards to control construction site erosion, manage runoff from streets and roads, and manage fertilizer use on large turf areas.

Below is a summary of the Agricultural Performance Standards and Prohibitions portion of the Runoff Rules, which includes the 2012 revisions.

Standard	In compliance	Comments	Does not apply
<b><i>Cropland and Pasture</i></b>			
Conservation Plan for crop fields and pastures to meet tolerable soil loss ("T"). (NR151.02)	<input type="checkbox"/>	_____	<input type="checkbox"/>
A Nutrient Management Plan has been developed and implemented according to NRCS 590 standard. (Establish waterways in all areas of concentrated flow resulting in reoccurring gullies) (NR151.07(3))	<input type="checkbox"/>	_____	<input type="checkbox"/>
For cropland, pastures and winter grazing areas, an average Phosphorus Index (PI) will not exceed 6, and will not exceed 12 in any individual year. (NR151.04)	<input type="checkbox"/>	_____	<input type="checkbox"/>
No tillage within 20 feet of the top of channel of surface water. (NR151.03)	<input type="checkbox"/>	_____	<input type="checkbox"/>
<b><i>Livestock: Manure Storage Facilities</i></b>			
All facilities constructed or substantially altered after 2002 meet the NRCS 313 standard (NR151.05(2))	<input type="checkbox"/>	_____	<input type="checkbox"/>
All facilities have no visible signs of leakage or failure (NR151.05(4))	<input type="checkbox"/>	_____	<input type="checkbox"/>
All facilities are maintained to prevent overflow (NR151.08(2))	<input type="checkbox"/>	_____	<input type="checkbox"/>
For storage facility that has not had manure added or removed within 24 months, it has been closed according to standards or its continued use has been approved (NR151.05(3))	<input type="checkbox"/>	_____	<input type="checkbox"/>
<b><i>Livestock: Clean Water Diversion</i></b>			
Runoff is diverted away from all feedlots, manure storage areas, and barnyards within <b>Water Quality Management Areas (WQMA)</b> (NR151.06)	<input type="checkbox"/>	_____	<input type="checkbox"/>
<b><i>Livestock: Manure Management Prohibitions</i></b>			
There are no unconfined manure piles in the WQMA (NR151.08(3))	<input type="checkbox"/>	_____	<input type="checkbox"/>
There are no channels or other indicators of significant discharge from a feedlot or stored manure into waters of the state (NR151.08(4))	<input type="checkbox"/>	_____	<input type="checkbox"/>
There is self-sustaining sod or vegetative cover adequate to preserve streambank or lakeshore integrity in areas where livestock have access (NR151.08(5))	<input type="checkbox"/>	_____	<input type="checkbox"/>
<b><i>Livestock: Process Wastewater Handling</i></b>			
There may be no significant discharge of process wastewater to waters of the state. (NR151.055)	<input type="checkbox"/>	_____	<input type="checkbox"/>

Landowner \_\_\_\_\_

Location \_\_\_\_\_

Date of Review \_\_\_\_\_

Reviewer \_\_\_\_\_



## Agricultural Performance Standards and Prohibitions (selected definitions)

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

**“Direct runoff”** includes any of the following:

- (a) Runoff from a feedlot that can be predicted to discharge a significant amount of pollutants to surface waters of the state or to a direct conduit to ground water.
- (b) 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.
- (c) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with s. NR 154.04 (3).
- (d) Discharge of a significant amount of leachate from stored manure to waters of the state.

**“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.

**“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.

**“Water quality management area”** or **“WQMA”** means the area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

**“Site that is susceptible to groundwater contamination”** under s. 281.16 (1) (g), Stats., means any one of the following:

- (a) An area within 250 feet of a private well.
- (b) An area within 1000 feet of a municipal well.
- (c) An area within 300 feet upslope or 100 feet downslope of a direct conduit to groundwater.
- (d) A channel that flows to a direct conduit to groundwater.
- (e) An area where the soil depth to groundwater or bedrock is less than 2 feet.
- (f) An area where the soil does not exhibit one of the following soil characteristics:
  1. At least a 2-foot soil layer with 40% fines or greater above groundwater and bedrock.
  2. At least a 3-foot soil layer with 20% fines or greater above groundwater and bedrock.
  3. At least a 5-foot soil layer with 10% fines, or greater above groundwater and bedrock

**\*\*PLEASE REVIEW THE ABOVE SECTION**