

ATCP 51 Hearing Draft: Livestock Facility Siting

Bureau of Land & Water Resources
Division of Agricultural Resource
Management



Presentation objectives

Background on ATCP 51

- Describe the Livestock Facility Siting Law
- Summarize the standards in ATCP 51
- Give an overview of local implementation

ATCP 51 Revisions

- Describe key rule changes
- Next steps in the rule revision process

Livestock Siting Law

Goal is to provide uniform local regulation for siting new and expanding livestock facilities

Directs DATCP to:

- Create the rule specifying standards
- Weigh 8 objectives in making rules
- Review the rules every 4 years

Local governments choose to permit livestock facilities by adopting an ordinance that includes the standards in ATCP 51

Minimum permit threshold is 500 Animal Units, unless a lower permit threshold was 'grandfathered'

Allows the adoption of more stringent local standards "necessary to protect public health or safety"

Sets application review procedures and timelines

ATCP 51

ATCP 51 went into effect in 2006 and has not been updated

Standards in ATCP 51 that permitted facilities must meet

- Setbacks
- Odor management
- Nutrient management
- Waste storage facilities
- Runoff management

Also in ATCP 51

- Sets timelines for application review and approval
- Allows permit modifications
- Allows monitoring of permit compliance

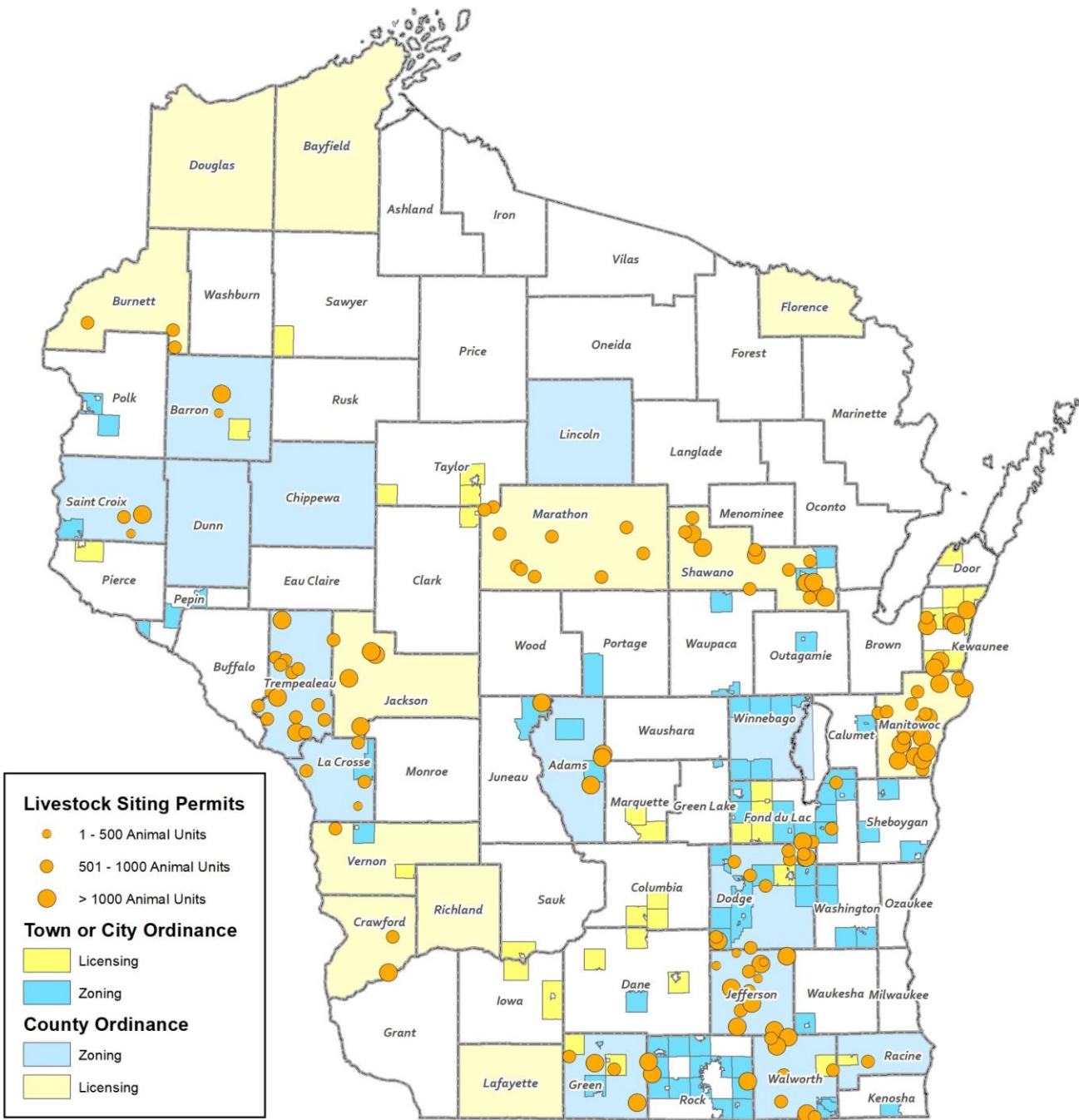
ATCP 51 implementation

134 local ordinances

- 27 counties
- 98 towns
- 2 cities
- 7 villages

186 permits

- 11 at <500 AU
- 43 at 500-899 AU
- 62 at 900-999 AU
- 51 at 1000-3999 AU
- 7 at 4000-5499 AU
- 12 at 5500 or more AU



Four-year review of ATCP 51

Required by the siting law

2010 and 2014 Technical Expert Committee (TEC) focused on updating standards and improving the process for local implementation

TEC recommendations went into the draft rule in 2017

2018-2019 TEC focused on the draft siting rule

ATCP 51 scope statement

Objectives of proposed changes:

1. Ensure consistent technical standards
2. Modify standards in ATCP 51 based on recommendations from the Technical Expert Committee
3. Improve the process for local implementation

ATCP 51: Nutrient management standard

Key Rule Changes

Updates to the nutrient management standard in ATCP 50

Adds the 2011 cropland performance standards in NR 151

- 5-foot tillage setback
- Phosphorus Index standard

ATCP 51: Waste Storage Facilities Standard

Key Rule Changes

Updates to the 2017 NRCS 313 technical standard

Requires more effective evaluations of manure storage structures to prevent structural failure and significant leakage

Depending on age and design standard used, may require:

- Visual inspection of an emptied facilities
- Full investigation
- Reevaluation of facilities at different intervals

Allows local governments to request a report on methods and results of evaluation

ATCP 51: Runoff Management Standard

Key Rule Changes

Updates the standards for runoff controls from feed storage structures and animal lots to the 2016 NRCS 635 and 2017 NRCS 629 technical standards, with exceptions:

- Allows use of Vegetated Treatment Areas (VTAs) for existing animal lots
- Allows use of VTAs or other runoff controls for new or expanded feed storage <1 acre in size

Exceptions give flexibility to smaller livestock facilities while meeting the state's requirement of no significant discharge

Existing setbacks

Manure storage structures

- 350 feet from property line

Livestock structures: Including barns, milking parlors, feed storage, feeding facilities, animal lots

< 1,000 AUs

- 100 feet from property line
- 100 feet from public road ROW

1,000 AUs or more

- 200 feet from property line
- 150 feet from public road ROW

Existing odor standard

Based on the OFFSET model and odor research

Models odor from the facility based on predicted odor generation and control effectiveness from housing, manure storage, and lots

Requires a passing odor score of 500 while giving points for required and optional plans

ATCP 51: Odor and Setbacks Standards

Key Rule Changes

Proposes a new system for managing odor based on property line setbacks:

- Establishes setbacks using the OFFSET model
- Focuses on higher odor producing structures
- Allows reductions to setbacks for odor control practices

Maintains basic setbacks from property line and public road right-of-way for other livestock structures and adds a 200-300 foot setback for facilities with 2,500 or more AUs

Chart 4: Minimum Property Line Setbacks for New and Expanded (>20%) Manure Storage

Type of Structure	Animal Unit (AU) Capacity*	Property Line Setback
Earthen or other storage	<1,000 AU	600 feet
	1,000 AU -2,500 AU	1,000 feet
	2,500 AU - <4,000 AU	1,400 feet
	>4,000 AU	1,700 feet, plus 200 feet for every 1,000 AU over 4,000 AU; but no more 2,500 feet total setback

*May use clusters to determine AU capacity

Chart 5: Manure Storage Odor Control Practices

Control Practice	Effectiveness	Level
Wastewater Treatment	High	1
Impermeable cover	High	1
Compost	High	1
Natural crust	Medium	2
Bio cover	Medium	2
Geotextile cover	Medium	2
Anaerobic digestion	Medium	2
Manure Solids Separation and Reduction (Higher efficiency)	Medium	2

Chart 6: Manure Storage Setback Reductions

Type of Structure & Facility Size	Practice Effectiveness in Chart 5	Level 1 reduction distance	Level 2 reduction distance
Uncovered earthen or other open manure storage structure for facility less than 4,000 AU*	Level 1, may combine with Level 2	500 feet	150 feet
	Level 2		300 feet
Uncovered earthen or other open manure storage structure for facility 4,000 or more AU*	Level 1, may combine with Level 2	1,000 feet	300 feet
	Level 2		600 feet

* Setbacks may not be reduced below 350 feet for facilities under 1,000 AUs; for facilities 1,000 to <2,500 AUs, setbacks may not be reduced below 500 feet; and for facilities over 2,500 AUs, setbacks may not be reduced below 750 feet.

**Chart 1: Minimum Property Line Setbacks for New and Expanded (>20%)
Category 1 and 2 Livestock Housing**

Type of Structure	Animal Unit (AU) Capacity	Property Line Setback
Category 1 livestock housing: <ul style="list-style-type: none"> ▪ Pork gestation/farrow/nursery with slatted floor (includes floor and pit below) ▪ Pork finishing with slatted floor (includes floor and pit below) 	<1,000 AU	600 feet
	1,000 AU - <2,500 AU	1,000 feet
	2,500 AU - <4,000 AU	1,450 feet
	4,000 AU or more	1,700 feet
Class 2 livestock housing: <ul style="list-style-type: none"> ▪ Dairy housing with Alley Flush ▪ Beef Housing with slatted floor ▪ Pork Finishing scrape systems to storage and pull plug to storage ▪ Poultry Layers ▪ Ducks (liquid) 	<1,000 AU	400 feet
	1,000 AU - <2,500 AU	700 feet
	2,500 AU - <4,000 AU	1,000 feet
	4,000 AU or more	1,200 feet

*May use clusters to determine AU capacity

Chart 2: Category 1 and 2 Livestock Housing Odor Control Practices

Control Practice	Effectiveness	Level
Bio-filter / Bioscrubbers	High	1
Wet Scrubber with bleach or other chemicals	High	1
Vegetable oil sprinkling (for swine only)	High	1
Wet Scrubber with water	Medium	2
Recirculated flush water	Medium	2
Treated water flush	Medium	2
Poultry Dryer Belt System	Medium	2
Air Dam (for swine only)	Medium	2

Chart 3: Category 1 and 2 Livestock Housing Setback Reductions

Type of Structure	Practice Effectiveness in Chart 2	Level 1 reduction distance	Level 2 reduction distance
Category 1 livestock housing:* <ul style="list-style-type: none"> • Pork gestation/farrow/nursery with slatted floor (includes floor and pit below) • Pork finishing with slatted floor (includes floor and pit below) 	Level 1, may combine with Level 2	250 feet	150 feet
	Level 2		200 feet
Category 2 livestock housing:* <ul style="list-style-type: none"> • Dairy housing with alley flush • Beef housing with slatted floor • Pork finishing scrape systems to storage, and pull plug to storage • Poultry Layers • Ducks (liquid) 	Level 1, may combine with Level 2	175 feet	100 feet
	Level 2		125 feet

* Setbacks may not be reduced below the maximum allowable setback distances that apply to all livestock housing by a local ordinance (e.g. <1,000 AU = 100 feet; 1,000 AU - <2,500 AU = 200 feet; 2,500 AU or more = 300 feet).

ATCP 51: Processes for Local Implementation

Key Rule Changes

When substituting a WPDES permit, requires specific documentation to ensure it is in compliance and is for:

- The same proposed facility
- The same number of AUs or more

Allows permit modifications in two situations and defines the procedures for permit modifications:

- Constructing or altering one or more livestock structures
- Increasing AUs above permitted maximum, only once and not more than 20 percent or 1,000 AUs, whichever is less

Allows local governments to monitor permit compliance through:

- Self-certification using a DATCP-approved checklist
- Inspections using a DATCP-approved checklist

Next steps

