

**From:** Steve Johnson <stpajo@gmail.com>  
**Sent:** Wednesday, July 31, 2019 8:44 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** input

**Categories:** Green Category

Good Morning

I am a retired school teacher, grew up on a dairy farm, and taught school for 43 years. I have lived in Burnett County my entire life and previously served as Town Chair for the Town of Anderson.

Here are considerations for livestock siting. Politics is how Groups of people make decisions that benefit all participants.

- 1) No CAFO within 5 miles of state wildlife/refuge areas.
- 2) No CAFO within 10 miles of federal/scenic riverways.
- 3) There must be a limit on high capacity wells within a given radius.
- 4) All adjacent Towns must be given adequate notice and a chance to respond before permits issued.
- 5) Consideration must be given to local residents that are expanding over big money coming in from other parts of the country.**
- 6) There must be a presumption that all property values will diminish and that the tax base will shrink.
- 7) Negative consideration must be given to geographic locations that are outliers as well as livestock choice.
- 8) For new CAFOs, they must share the costs of exploration.
- 9) Local boards must be given state financial/legal assistance to consider new facilities.
- 10) As the state considers health issues, mental health of its citizens must be contemplated.

Finally, give power to the local board. They represent the people!! Don't allow big money or lobbyists to force their way into smaller communities at the expense of the citizens.

regards, Steve Johnson  
715-220-6983

22267 Hegge Road  
Grantsburg, WI 54840

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Notice my email address has changed.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Friday, September 13, 2019 8:32 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Thursday, September 12, 2019 9:06 PM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** leemikle@outlook.com  
**Subject:** Public comment on CR 19-098

**Name:** Lee Mikle  
**Address:** N8589 Lakeshore Dr, Fond du Lac Wi 54937  
**Email:** leemikle@outlook.com

**Organization:** Wisconsin taxpayer

**Comments:** I will outline my frustrations and why stricter regulations are needed to curtail the rapid expansion of livestock businesses in Wisconsin.

In Nov 2017 construction began on a small farm across from my residence on Lake Winnebago in Fond du Lac county. When I noticed the size of the area being cleared, and the manure storage area 165ft from my property, I contacted the local township officials on my concerns of the expansion being in shore land zoning, and so close to the lake, a stream, our homes, and our wells.

Long story short after wasting 100s of hours of my time and many neighbors time ( over 20 neighbors to be exact), exposing that the operator had not acquired the proper storm water and erosion control runoff permits, no NMP, and is still in violation of the minimum 35 acre minimum size requirement to operate the feedlot per township ordinance.

I can bore you with the details all the way to the Town of Friendship public hearing, the Fond du Lac county committee and board meetings, meeting with Dan Feyen, trips to the DATCP office, trips to the Fond du Lac county code enforcement office, and many more over the last almost "2 years".

Instead I will give a summary of what took place and why these regulations need to be stricter and enforced at a higher level. As the process with local government took place it became glaringly apparent the only thing that was going to get accomplished was to cover Fond du Lac County's ass. Major errors were discovered in the process including zoning , permitting, mapping, and to tell the truth, the only thing the residents received for trying to keep the lake clean and our wells safe was local government using our findings against us. Ha! you probably say, until you hear that 4 County officials and the Town Board that were all present at the public hearing knew about the zoning errors then (March 2018) as noted on building permits dating back to 2014.

Examples like this are hopefully the exception but we cannot let local government make decisions that affect public safety and the environment. As local boards become bias (which could go both ways) a bi-partisan set of set backs and rules need to be set and enforced. In this example very poor judgment was made by the operators to place a feedlot like this within 300 feet of Lake Winnebago, the animals come from the CAFO down the road and i'm sure there were plenty of other options for the placement of this facility. The ag industry is changing to being big business, and as in this case i'm sure profit over common sense was the determining factor on this facilities placement.

I also cannot believe that manure guidelines are not mandatory and only a suggestion. I sat through a Winnebago waters study at the DNR office in Oshkosh in which the lowering of the Phosphorous level in lake was discussed at length. Where it was stated that 82% of the P load going into the Winnebago system is coming from ag but there is no way to enforce it, well now would be a great place to start.

I hear from my local DATCP official that these businesses have strict guidelines to follow, but they do not have the man power to monitor activities, ( quite obvious as we had a completed 60x360 loafing barn constructed before anyone from local government even came out to look at it), and then found that necessary permits that protected public safety and the environment were not acquired. I say that the State needs to have some folks in the field to see what's really going on and enforce what is in the regulations to begin with, Example- The Snap feature of high risk times to spread manure is nothing more than an alert to Ag to get out in the field while they can before the rain comes. Its like clockwork when an inch or more of rain is forecasted as every manure spreader in the township is out spreading the goodies. The process is broke and I am tired of paying for it with my tax dollars. Maybe its time to give enforcement to the DNR and away from the DATCP.

The Livestock Siting rules need to be adopted statewide and with set backs that protect the public.

In closing, I will invite anyone that would like to come visit my piece of heaven on Lake Winnebago to come visit or even a cookout when the wind from the west/sw is blowing and it smells like the north end of a southbound heifer or 400 of them to be more accurate. Bring your swimsuit if its not July or August, because at that time of the year the blue green algae is present.

Thanks for listening to my rant but its the way it is right now and I can only hope for State government to due its elected duty to protect all the citizens of the State.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** ronni monroe <ronnimonroe@gmail.com>  
**Sent:** Monday, July 29, 2019 4:48 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock siting

**Categories:** Green Category

I am submitting a comment on livestock siting.

As a rural resident who lives near several large farms and CAFOs, I just want to say this current siting situation does not offer us any consideration. My nitrate levels 10 years ago were over 22mg/L. That is ridiculous. As a retired public health nurse, I know that could kill an infant under 6 months. We put up with odors and I get it's farming around here and we like our farm neighbors and we can deal with the smell most days. Odor that is reasonable I can accept. I know there are areas near me where it's nauseating to just drive by. It's the huge CAFOs or sub CAFOs by 1 animal unit that are a problem. They are not part of our rural heritage. They are factories. They ruin our rural character. They belong in industrial zones. They are putting up incinerators too which are really hazardous. We are exposed to diseases that are on the human animal interface. What happens to us when there is a major Avian Influenza that humans can contract, such as H5N1, H7N9, H5N6 (which cats can contract and spread to humans?) Rural residents and residents in small towns near these huge farms/CAFOs deserve some input that matters. I want to go to a hearing and have some meaningful input not just limiting us. Right now, the way the siting law is written, it's a waste of time to even go to these hearings. Public health should definitely be an issue added to livestock siting. There needs to be an assessment as to what kind of public health hazards these CAFOs and farms present to the population.

Sincerely,

Ronalee Monroe  
N6081 Ziebell Rd  
Jefferson WI 53549

Town of Aztalan

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Lynn Landberg <vikingr203@sbcglobal.net>  
**Sent:** Tuesday, July 30, 2019 12:40 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Central Sands

**Categories:** Green Category

Please do not site them on sand over the sources of our lake and drinking water. The cumulative effects of spreading so much manure on sand fields is causing e-coli to show up in our lakes and wells.

Sent from my iPhone

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Paul Zahn <cpz999@yahoo.com>  
**Sent:** Wednesday, July 31, 2019 5:58 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** What Large CAFOS are doing to our Area!

**Categories:** Green Category

[Donna Gilson](#), Communication Specialist,

Many of us here in Door & Kewaunee County are very interested & concerned in the growing Dairy Herds & Excessive amount of Manure they create. Kewaunee County has been devastated by this for years & had taken some steps for this. The CAFOS try to give the impression that they care but facts tell otherwise. They have many poisoned wells & polluted waterways & since they now have somewhat stricter rules on Manure, their CAFOS are trucking it by the Hundreds of Manure Haulers constantly into Southern Door County. There was even a Manure Spill right in Downtown Main Street in Forestville, barely contained before it entered the already impaired Ahnapee River, just yards away. Hundreds of these Manure Haulers ruining our roads, smell & spreading it all over our County now & getting into our watershed. The pollution, weeds, Phosphorous, Nitrates, dissolved oxygen levels of the Forestville Flowage/Millpond, was studied & found to almost entirely due to Agricultural Runoff. But because of this, the Door County Soil & Water is planning a 2 Year Draw-down of this County Park/Dam/Recreational Area, which will not solve the problem & destroy all the Wildlife, Fishing for YEARS as well as a large Migratory animal population. Meanwhile Dairy Herd sizes keep increasing, causing more problems, the loss of MANY, MANY small Dairy Farms, & decreasing the price of Milk Farmers can get because of Overproduction! This is crazy & not what Wisconsin is all about.

Please do not allow any more increases in CAFOS, Thousands of Cows are not normal & the land cannot handle this excessive manure.

p.s. My Brother-in-Law, Richard White, had been a small Dairy Farmer in Darlington, WI. his entire life, about 80 Cows & he raised a great family of 3 children with his wife.

Sincerely,  
Paul Zahn, Friends of the Forestville Dam.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** David Genslak <dgenslak@gmail.com>  
**Sent:** Monday, August 5, 2019 9:46 AM  
**To:** DATCP Livestock Siting Comments

**Categories:** Green Category

The main concern I have about large operations is odor control. I would like a ruling that if a manure pit is used it needs to have a cover of some sort or a digester. We have a pit a quarter mile away and it adversely affects our lives.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Peter Truitt <ptruitt@goldengate.net>  
**Sent:** Friday, August 9, 2019 10:17 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Climate Change

**Categories:** Green Category

For the sake of our children, please deny all new cafos given the solid scientific data connecting animal agriculture to climate change.

Peter Truitt  
6720 Hayden Lake Road  
Danbury, WI 54830

*"The test of a morality of a society is what it does for its children."* – Deitrich Bonhoffer

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Marc Booth <mbooth@grantsburgtelcom.net>  
**Sent:** Saturday, August 10, 2019 6:38 PM  
**To:** DATCP Livestock Siting Comments  
**Cc:** Sen.Schachtner - LEGIS; Rep.Magnafici - LEGIS; Tom Schweitzer  
**Subject:** Livestock Siting Concerns  
**Attachments:** datcp hearing concerns 2019.docx

**Categories:** Green Category

Dear DATCP Board,

My name is Marc Booth. My wife Sandy and I live near St. Croix Falls, Polk County Wisconsin. This is a rural area and recently we have had corporate feeding operations (CAFOs) looking at establishing themselves in our area. I have done considerable research on the Industrial Farm Animal Production Issue and I have formulated some definite observations and opinions on the issue of factory farming. Upon hearing of your Board hearings, and request for comment, I have formulated and attached a list of my immediate and long term concerns regarding CAFOs. Please take my concerns into consideration when formulating your siting rules.

Some of the issues I ask to be addressed in my list may be beyond your Boards scope, but please address any points that fall within your capacity to review and have impact on. That being said I have a few comments I would like to submit:


1. In talking to many rural neighbors, almost no one (unless they are being personally enriched) wants a CAFO next to them or even close. For obvious reasons from the smell, lowered property values, pollution of our air and water, and negative health effects.
2. Right to Farm laws were initially passed years ago to protect the family farm. These operations are no longer family farms, but rather major business enterprises that use up local land, water, and social resources and can then move on. They are not (in most cases) good neighbors, and are not committed to local areas. Furthermore, studies have shown that they do recycle dollars back into the community at near the same percentage that local family farms did, or still do, for the few that are left.
3. Please keep in mind that the financial and social costs of health problems (both physical and mental) resulting from such operations are borne by the local residents, state, and local governments.
4. The real costs of land devaluation, pollution mitigation, and many others are borne by the local residents and local governments.
5. The real opinion of most people here is that big companies move into our area, push themselves onto our land, use our water, and profit at our expense. Most rural communities simply do not have the resources to push back for an extended period, and the corporate lawyers know it.
6. Real employment and investment in most local areas these facilities are already located is minimal. And over time, may not even equal the loss in tax base due reduction in adjoining land values.
7. The fact is, that most rural residents are wondering why it should fall on them, and their rural communities, to foster many of the costs and negative consequences of providing food to the large population centers. If you doubt that is a valid point, then ask yourself what would happen if you tried to permit and locate one of these CAFOs in suburban Milwaukee, or Madison.
8. Some may argue that stricter regulation and standards cost too much. To that I reply that it is time for the consumer to pay the real cost for the food we eat. We already have grain subsidies for cheap feed, and many other programs where costs are hidden. If resources are polluted there is a cost. If land values are decreased, there is a cost. If cleanup is required there is a cost. Please attempt to regulate on the front end, and let the true cost of that pound of meat be known up front. Then we are all sharing the costs and being honest about it.

In closing I, and many in my community, ask that you work to require these operations to be better neighbors, better corporate citizens, and better stewards to the land and water we all depend on; and will be left to live with when they are gone. Send recommendations to our legislators that reduce farm size, reduce pollution of land, air, and water. Draft

and ask for regulations that will help with the smell, the pollution, and the many social problems resulting from such facilities. And most of all seek to regulate such facilities so that if one moved in next to you, you and your neighbors could live happily with it.

Regards,

Marc and Sandy Booth  
2748A 290<sup>th</sup> Street  
St. Croix Falls, WI 54024

 Virus-free. [www.avast.com](http://www.avast.com)

CONCERNS DURING UPCOMING HEARINGS ON LIVESTOCK FACILITY SITING RULE BY THE WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION (DATCP)

**#1) SIZE OF LIVESTOCK OPERATIONS**

From recent research I have done, and from sources such as the PEW Commission, U.S. CDC, National Association of Local Boards of Health, and many others the number of animals allowed on one site should be limited. I am not a biologist, but it is obvious that reoccurring problems with animal disease occur when operations get too big. It is nature's way of reducing unnatural high populations. Please limit the size to an acceptable carrying capacity as determined by true unbiased animal husbandry experts. Tens of thousands in one location are too many, and bring such diseases as bird flu, swine flu, and a host of other diseases. In addition the problems with all environmental, social, and practical problems seem to multiply exponentially as the operations grow in size.

**#2) IMPROVE, AND THEN MAINTAIN AIR QUALITY BOTH INSIDE AND OUTSIDE THE FACILITIES**

One central point that has consistently come up in my research is that both inside and outside Concentrated Animal Feeding Operations (CAFOs) the air is tainted and stinks. All animal feeding operations produce several types of air emissions, but CAFOs produce larger amounts due to their size. The most prevalent pollutants are ammonia, hydrogen sulfide, methane, and particulate matter; all of which have negative effects on humans and animals. Please address these problems by:

- Requiring better ventilation both inside the industrial farm building and scrubbers to mitigate gases released to the outside air.
- Require treatment of all manure and other waste products prior to application to fields as fertilizer or release to holding ponds.
- Require all dead animal carcasses be rendered daily in an onsite rendering facility or shipped out daily to an offsite rendering plant. No longer allow composting facilities on site. They produce noxious gases and degrade the air and water on and off site.
- Require regular testing of the air quality both on and off site (surrounding community) by **independent agents** to monitor compliance. Shut down facilities that do not comply with requirements established by independent experts.
- According to the U.S. CDC increases in lung diseases (asthma, bronchitis) are seen near Factory Farm Facilities. EPA has exempted CAFO type facilities from several laws (including the Clean Air Act, The Superfund Act, and others). **Please consider making Wisconsin standards tougher than the Federal standards and hold the CAFOs responsible for their emissions and the harm they cause.**

**#3) IMPROVE, AND THEN MAINTAIN LAND & WATER QUALITY.**

Soil and Water quality standards and requirements should be examined and updated. Laws on the books should be enforced if adequate, or new laws or requirements should be initiated to protect our soil and water resources. **Establish standards that will stop the infiltration of nitrogen-containing pollutants into Wisconsin's ground and surface water.** At the same time the following requirements would help to control the rank odor these facilities most often produce; at times up to 6 miles from the actual site. Please consider including the following in permitting regulations:



- Require all waste holding ponds or facilities shall be permanent structures, which do not allow effluent leaching, migration, or pollution of both soil and water. Better yet, require such waste to go immediately to a treatment facility rather than sit idle and stink.
- Require all waste be treated at an onsite facility prior to transportation or for use as any type of soil enrichment or fertilizer. According to a 2008 PEW Commission study hogs produce 4 times the waste per pound of live weight as compared to humans. Therefore a 25,000 unit hog farm (CAFO) would produce as much waste as a city of 100,000 people. Current laws require human populations of any appreciable size to treat sewage; and yet we now allow huge Industrial Farm Animal producers to store, pump, and spread raw animal sewage on fields without treatment. Treatment of waste would also help control the spread and infiltration of such elements as fecal bacteria, protozoa, giardia, Histoplasma, salmonella, and many more.
- Require establishment of nutrient loading capacities for soils the treated waste is spread on or injected into. Different soil types will be able to handle different nutrient loads. Outside independent experts shall test and establish nutrient loading maximums to areas the treated effluent is injected or spread and disked in. Not exceeding the nutrient load capacity will help control surface and groundwater pollution, and help control the smell of the manure.
- Require that no injection or spreading of waste will be allowed during periods where the ground is frozen. The obvious reason here is to prevent run-off of effluent into surface water ditches, lakes, streams, rivers, etc. Large capacity holding tanks should be considered during winter months to help control odor.
- Require all dead animal carcasses be rendered to useful by products either on or off site. No dead animal carcass shall be stored more than one day in an onsite composting building or other facility. If dead animals are moved to an offsite rendering facility they shall be transported in a sealed, odor free vehicle.
- Require all waste materials moved off site shall be transported in sealed odor free vehicles. No explanation needed.

#### **#4) ESTABLISH MORE RESPONSIBLE SET-BACKS FOR CAFOS AND ANCILLIARY FACILITIES.**

The problem with many current facilities is that there needs to be more distance between the CAFO facility and private land or roads.

- Require a minimum setback of 1500 ft. for any CAFO facility site boundary edge from adjoining private property, or any public road.
- Require there must be a minimum 40 ft. wide tree line established (or left in place) and maintained at the building site edges to block the view of the site, and help break up odor carrying air currents. Said vegetation line must reach and maintain a minimum height of 30 ft. within 5 years of site development.

#### **#5) REQUIRE LIMITED USE OF ROUTINE ANTIBIOTIC FEEDING AND HORMONES.**

According the National Association of Local Boards of Health (NALBOH) "There is strong evidence that the use of antibiotics in animal feed is contributing to an increase in antibiotic-resistant microbes, and causing anti-biotics to be less effective in humans"

- Require elimination of the use of all non-therapeutic antibiotics.
- Require minimal use of hormones as determined by veterinary experts.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** gosling@ntd.net  
**Sent:** Monday, August 12, 2019 10:40 AM  
**To:** DATCP Livestock Siting Comments  
**Cc:** contact@cleanwateractioncouncil.org  
**Subject:** Public comment on cattle / cow raising

**Categories:** Green Category

Dear DATCP and all meat enjoyers across Wisconsin:

We are a family in Appleton who get our meat from a rural relative who raises cattle and swine. Recently you opened up the possibility to adjust the conditions under which animal manure/livestock are governed. For a win-win solution, we hope ALL Wisconsinites gain HEALTHIER meat from situations as we do. There the animals can roam, are NOT near a populace center and are raised humanely. This results in healthier eating and better nutrition.

Since we are in a transition to eat more plants and fruits, we would appreciate your intellectual support for this move as well as to govern existing meat operations so that animals are treated more humanely, all area municipal sites are respected for peaceful co-existence. Please update your manure storage and livestock housing structures to increase respective setbacks.

Thanks for your protection, advocacy and support of a healthier Wisconsin.

Sincerely,

John J. Gosling, MSE LPC  
1102 W. Prospect Ave.  
Appleton, WI 54914  
H (920) 734 2615  
E [gosling@ntd.net](mailto:gosling@ntd.net)

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Tamara Nunziato <tmnunziato@gmail.com>  
**Sent:** Thursday, August 15, 2019 2:56 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51

**Categories:** Green Category

I think we need stricter regulations on inspections for factory farms. I think they should be limited , animal conditions scrutinized and stiff penalties for environmental and cruelty infractions.

Thank you

Tamara Nunziato Garihan

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Friday, August 16, 2019 12:56 PM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Friday, August 16, 2019 11:01 AM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** Lisakallikak@gmail.com  
**Subject:** Public comment on CR 19-098

**Name:** Lisa Knothe  
**Address:** 417 mulberry st, Lake mills Wi 53552  
**Email:** Lisakallikak@gmail.com

**Organization:**

**Comments:** Please allow local decisions on CAFOs - I live in Lake Mills & the odor, pollution & probability of diseases from the huge chicken farms is horrible. I pay high taxes & I deserve a voice on community issues. I don't think 2 million + chickens should be located so close to a family town of 5000 people in case of a repeat outbreak of chicken flu, plus the runoff & odors - it's not responsible government. Our tax base is residential & is based on our location & quality of life. Thank you.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** linda hendrix <halflog@hotmail.com>  
**Sent:** Monday, August 19, 2019 6:42 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Water treatment

**Categories:** Green Category

Patty Schachtner said at one of our last dems meetings....if a town of 1500 people need water treatment, why not CAFOs? So true and so nonpartisan! What if all large CAFOs were required to treat their Water? Gone would be lots of their objections! Great idea...please consider seriously...our groundwater and waterways need protection! Thank you! Linda Hendrix, New Richmond Wi. 651-269-5160.

Sent from my Verizon, Samsung Galaxy smartphone

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** John Hagen <seishinn3@gmail.com>  
**Sent:** Monday, August 19, 2019 9:54 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Live stock facilities

**Categories:** Green Category

Dear sir or Madam,

I am writing this to urge you to implement a moratorium on CAFO's they have been shown to be one of the principal sources of water pollution. They also produce huge quantities of greenhouse gasses. Moreover, they use large quantities of drugs that pose a further threat to public health by engendering drug resistant strains of microbes.

John Hagen  
Monroe, WI.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** bob and linda watson <bobandlinda@civandinc.net>  
**Sent:** Monday, August 19, 2019 11:20 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** input on updates to Livestock Facility Siting Law  
**Attachments:** Unintended 6-22-2019.ppt

**Categories:** Green Category

Technical Committee Members,

The attached powerpoint and the below email text with links to lawsuit documents and studies will be my comments to the Wisconsin Livestock Facility Siting Law.

This information, the lawsuit documents and the 867 peer-reviewed journal studies that justify our positions, will give you a pretty good understanding of what hog confinements actually are, their harmful effects on human health, and why the public has had such a hard time protecting themselves from confinements.

Thanks for taking the time to read this.

Bob

Bob Watson  
2736 Lannon Hill Rd  
Decorah, IA 52101  
563-379-4147  
bobandlinda@civandinc.net  
[http://secure-web.cisco.com/1kl2GIMjAoPz2S0GoYGR2benl-JhucnSgT89L7ukYXESmKHoJ5s1IfIjfpNI327ebHJQE!\\_yW5-uu43IIQ\\_i\\_g57NWFrs76iai1Ach2FF70V644mvhgaMberqDh0gpfno8VceCpNRUZkYRq5tgi-HuiWA8PbyeNDt18GpbTpFk5rm\\_I0X0aJujZDjwP-Ge8LQY4DoPL5hbnHSBHADZgLaSLCqhLQECaT9I7fNUSTXcvjw\\_tXLZpOfok90cc4qphcka5F6r6mnnxnLDTJAibD0zQ/http%3A%2F%2Fwww.civandinc.com](http://secure-web.cisco.com/1kl2GIMjAoPz2S0GoYGR2benl-JhucnSgT89L7ukYXESmKHoJ5s1IfIjfpNI327ebHJQE!_yW5-uu43IIQ_i_g57NWFrs76iai1Ach2FF70V644mvhgaMberqDh0gpfno8VceCpNRUZkYRq5tgi-HuiWA8PbyeNDt18GpbTpFk5rm_I0X0aJujZDjwP-Ge8LQY4DoPL5hbnHSBHADZgLaSLCqhLQECaT9I7fNUSTXcvjw_tXLZpOfok90cc4qphcka5F6r6mnnxnLDTJAibD0zQ/http%3A%2F%2Fwww.civandinc.com)

Between the attached powerpoint and our DNR lawsuit documents at the link below, you can get a pretty good understanding of what hog confinements are, why they produce the human health problems they do, what those health problems are, and why we have had such a hard time getting anything done to protect humans from hog confinement pollutants and toxins.

Read the powerpoint first. The powerpoint explains hog confinement technology, how that technology affects the hog's waste as it breaks down, and what human health harming constituent parts that waste produces as it breaks down in this sewer environment.

Those constituent parts are vented or blown out into the surrounding neighborhood, and larger environment, 24/7/365.

After reading the powerpoint go to the online DNR lawsuit documents at the link below. When you go online, it would be best to start with the media guide pdf. That document has notes in the margin to help understand what we are doing. The last page of the media guide is the template we had to follow in order to make our request of the DNR for a declaratory order. That will explain what we are about in the document when it says "this addresses template number such and such."

These lawsuit documents, along with the Jillian Fry 2014 Johns Hopkins study used in the main document, will let you understand why opponents of hog confinements have had such a hard time making any headway in protecting the public's health; the regulatory scheme leaves out humans, hence there are no laws pertaining to the effects hog confinement waste has on people. And, the state has limited what regulations there are only to the water pollution avenue, which leaves out the other pollution avenue, the air avenue that is vented out into the neighborhood and the larger environment. That is the basis of our lawsuit.

We have changed the lawsuit, but not in any real way. We have simply left out the original step of trying to get the DNR to agree with us and issue a declaratory order using our wording. Instead, we have skipped that step and are asking the DNR in our lawsuit to "retain" all excreta/waste/manure that the code/law says it is supposed to do. This is explained in the main document. Our arguments, and the documents that we use making those arguments, are still the same in this DNR lawsuit as they were original lawsuit.

Our online documents:

<<https://secure-web.cisco.com/1TGpDbvPMuU95v-sty6W7Npo14bOmjk4pT4rh8dejM0jE3lm3o7hQOIFHaVhdLColxRROXXEEX5LsCw7gq1XHC71T1befVlbPj6u8ylulDnT8eDXizfo8esNSV6i7Laa72GsP6zWQ05Uec9CvNtkZSa6iKmfcpwOgSrnJwEFi86Mghi7g7ZzFpTdy5ph1ksu1HOHpnnlpxKgCPaVwdL1SsC7eye-8yMU9lw6R5hqWpwbZwaiOz4pnwyZ-pgamxWIG-sFkhzPpVIJPOnQpteyzdQ/https%3A%2F%2Fdrive.google.com%2Fdrive%2Ffolders%2F16JSVu2yMOKrVjajcmTudqT5eurkbkbDC%3Fusp%3Dsharing>>  
<<https://secure-web.cisco.com/1TGpDbvPMuU95v-sty6W7Npo14bOmjk4pT4rh8dejM0jE3lm3o7hQOIFHaVhdLColxRROXXEEX5LsCw7gq1XHC71T1befVlbPj6u8ylulDnT8eDXizfo8esNSV6i7Laa72GsP6zWQ05Uec9CvNtkZSa6iKmfcpwOgSrnJwEFi86Mghi7g7ZzFpTdy5ph1ksu1HOHpnnlpxKgCPaVwdL1SsC7eye-8yMU9lw6R5hqWpwbZwaiOz4pnwyZ-pgamxWIG-sFkhzPpVIJPOnQpteyzdQ/https%3A%2F%2Fdrive.google.com%2Fdrive%2Ffolders%2F16JSVu2yMOKrVjajcmTudqT5eurkbkbDC%3Fusp%3Dsharing>>

There is an online Decorah Newspaper article which sets the stage from a historical perspective as to why we have sued the DNR.

The link to the local Decorah Newspaper article is:

<[https://secure-web.cisco.com/1DlIutlL7\\_WLXwdAWAlhqs79F1raVxAaYYPWf8Zh2GL4mWwIYvMAgcxzDTSpoy1MbbiTZKXA1enFCgE9mcmC4i-XFoOll4J8aEnfclE3\\_11R-8SI9V6y0WGnP9kmX1OUOLL1UO4nWd2GjxN00Yfsse\\_upXCZqf4GVzsHrZg9EieLLAxfu9CUI\\_jvlfisNPvfnmor341oG914i4rqzBzUzHr0ys8VjEYiwp3weoz0fQvO\\_IDW9C6BYOh2MMIFuVKudfBUZJj7SOg-oTBrSowhQ/https%3A%2F%2Fdecorahnewspapers.com%2FContent%2FNews%2FLocal-News%2FArticle%2FLocal-citizens-petitioning-DNR-to-regulate-hog-confinement-emissions%2F2%2F10%2F44441](https://secure-web.cisco.com/1DlIutlL7_WLXwdAWAlhqs79F1raVxAaYYPWf8Zh2GL4mWwIYvMAgcxzDTSpoy1MbbiTZKXA1enFCgE9mcmC4i-XFoOll4J8aEnfclE3_11R-8SI9V6y0WGnP9kmX1OUOLL1UO4nWd2GjxN00Yfsse_upXCZqf4GVzsHrZg9EieLLAxfu9CUI_jvlfisNPvfnmor341oG914i4rqzBzUzHr0ys8VjEYiwp3weoz0fQvO_IDW9C6BYOh2MMIFuVKudfBUZJj7SOg-oTBrSowhQ/https%3A%2F%2Fdecorahnewspapers.com%2FContent%2FNews%2FLocal-News%2FArticle%2FLocal-citizens-petitioning-DNR-to-regulate-hog-confinement-emissions%2F2%2F10%2F44441)>  
<[https://secure-web.cisco.com/1DlIutlL7\\_WLXwdAWAlhqs79F1raVxAaYYPWf8Zh2GL4mWwIYvMAgcxzDTSpoy1MbbiTZKXA1enFCgE9mcmC4i-XFoOll4J8aEnfclE3\\_11R-8SI9V6y0WGnP9kmX1OUOLL1UO4nWd2GjxN00Yfsse\\_upXCZqf4GVzsHrZg9EieLLAxfu9CUI\\_jvlfisNPvfnmor341oG914i4rqzBzUzHr0ys8VjEYiwp3weoz0fQvO\\_IDW9C6BYOh2MMIFuVKudfBUZJj7SOg-oTBrSowhQ/https%3A%2F%2Fdecorahnewspapers.com%2FContent%2FNews%2FLocal-News%2FArticle%2FLocal-citizens-petitioning-DNR-to-regulate-hog-confinement-emissions%2F2%2F10%2F44441](https://secure-web.cisco.com/1DlIutlL7_WLXwdAWAlhqs79F1raVxAaYYPWf8Zh2GL4mWwIYvMAgcxzDTSpoy1MbbiTZKXA1enFCgE9mcmC4i-XFoOll4J8aEnfclE3_11R-8SI9V6y0WGnP9kmX1OUOLL1UO4nWd2GjxN00Yfsse_upXCZqf4GVzsHrZg9EieLLAxfu9CUI_jvlfisNPvfnmor341oG914i4rqzBzUzHr0ys8VjEYiwp3weoz0fQvO_IDW9C6BYOh2MMIFuVKudfBUZJj7SOg-oTBrSowhQ/https%3A%2F%2Fdecorahnewspapers.com%2FContent%2FNews%2FLocal-News%2FArticle%2FLocal-citizens-petitioning-DNR-to-regulate-hog-confinement-emissions%2F2%2F10%2F44441)>

I had thought I would be doing more presentations of this powerpoint around the state. As that has not been the case, I have decided to send this powerpoint, and the legal documents, out in this form for you to use yourself. As I said before, this powerpoint and the lawsuit documents should give you a pretty good understanding of hog confinements and the danger they pose to human health.



If you belong to a group, or if there are people you know who you think might appreciate this information, please send this email along to them, and use this email text for directions for them.

Contact me with any questions you may have. If you wish to be deleted from receiving emails about this issue from me, please let me know.

Thanks.

Bob

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[http://secure-web.cisco.com/1kl2GiMjAoPz2S0GoYGR2benI-JhucnSgT89L7ukYXESmKH0J5s1IfIjfpNI327ebHJQEI\\_yW5-uu43llQ\\_j\\_g57NWFrJs76iai1Ach2Ff70V644mvhgaMberqDh0gpfnO8VceCpNRUZkYRq5tgl-HuiWA8PbyeNDt18GpbTpFk5rm\\_I0X0aJujZDjwP-Ge8LQY4DoPL5hbnHSBHADZgLaSLCqhLQECaT9I7fNUSTXcvjw\\_tXLZpOfok90cc4qphcka5F6r6mnnxnLDTJAibD0zQ/http%3A%2F%2Fwww.civandinc.com](http://secure-web.cisco.com/1kl2GiMjAoPz2S0GoYGR2benI-JhucnSgT89L7ukYXESmKH0J5s1IfIjfpNI327ebHJQEI_yW5-uu43llQ_j_g57NWFrJs76iai1Ach2Ff70V644mvhgaMberqDh0gpfnO8VceCpNRUZkYRq5tgl-HuiWA8PbyeNDt18GpbTpFk5rm_I0X0aJujZDjwP-Ge8LQY4DoPL5hbnHSBHADZgLaSLCqhLQECaT9I7fNUSTXcvjw_tXLZpOfok90cc4qphcka5F6r6mnnxnLDTJAibD0zQ/http%3A%2F%2Fwww.civandinc.com)

HuiWA8PbyeNDt18GpbTpFk5rm\_I0X0aJujZDjwP-

Ge8LQY4DoPL5hbnHSBHADZgLaSLCqhLQECaT9I7fNUSTXcvjw\_tXLZpOfok90cc4qphcka5F6r6mnnxnLDTJAibD0zQ/http%3A%2F%2Fwww.civandinc.com

# Unintended Health and Environmental Consequences of CAFO Agriculture

Bob Watson and Larry Stone



This presentation will present the perspective that **CAFOs - confinements and feedlots - are wastewater technology** which has been inappropriately transferred to agriculture.

Using this perspective, we will provide a context that will give you a different way to view this CAFO model of agriculture.



## Unintended consequences have occurred:

- because the unregulated sector of agriculture adopted technologies designed for use in **industrial/municipal wastewater treatment**;
- but the training, regulations, public safety, and engineering used in the **wastewater industry** have not been carried over to industrial agriculture.



## **We discuss:**

- the technology,
- its inherent industrial poisons,
- its effects on people's health, and
- how people can be protected.

## **We avoid:**

- emotional arguments about animals,
- the treatment of animals,
- private property, and
- models of agriculture.

We simply address the **interface** between **industrial poisons** and the **public**.



This manure collection technology has produced

**unintended consequences**. Some include:

- creation of an environment suitable for MRSA and other antibiotic-resistant organisms.
- the release of air-borne toxins
  - **hydrogen sulfide** ( $\text{H}_2\text{S}$ ),
  - **methane** ( $\text{CH}_4$ ),
  - **ammonia** ( $\text{NH}_3$ ),
  - **particulates**, and
  - **drug-resistant organisms**;
- explosive conditions inside the confinements; and
- nitric acid rain.



## **This is not a blame game.**

No one originally understood the human health costs, environmental degradation, and pollution that would result from using these technologies in agriculture.

As such, we should all bear the costs of transitioning to a biologically benign agriculture.



Please keep in mind during this presentation that the focus of most individuals, corporations, and government entities is

“you can't regulate poisons coming from agriculture,”  
rather than focusing on the uncomfortable fact that

“people - especially children - are breathing poisons  
from agriculture.”



## This presentation will include:

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An explanation of the **technology** that **creates the same sewer environments** in both **CAFOs** and the **wastewater industry**.

A discussion of the regulations and design that have matured with this technology, but that have not been transferred to agriculture with that technology.

We will proceed to specific examples of unintended consequences:

- Increase of deaths and fires in confinements from foaming problems.
- The new acid rain - **nitric acid rain** - much of which can be traced to agriculture.
- Health impacts on people.

Then we will dispel some common myths.





**Outhouse on a massive scale**

## **Similarities Between CAFOs and Waste Water Treatment:**

- Both are closed spaces.
- Both have untreated fecal waste in them.
- That waste constantly generates antibiotic-resistant organisms, particulates, and poison sewer gases: hydrogen sulfide, ammonia, the explosive and green-house gas methane.
- Inherent in the technology: If you use this technology, these things must happen.
- Causes of diseases and death from those gases are the same.
- Constant ventilation is needed to survive in either.





**Outhouse on a massive scale**

## Differences Between CAFOs and Waste Water Treatment:

- Sewers are designed to contain the poison gases, while confinements are designed to blow poison gases into the surrounding neighborhood.
- The waste in sewers is ultimately treated; confinement waste is not treated. Problems are prior to treatment, and would exist even if waste was treated.
- There are no regulations for confinements that provide for educating and training about, and protections from, a hazardous work place.
- There are no regulations protecting the public from the poisons created in confinements. There ARE such regulations for sewage treatment, and for everywhere else in which there is fecal waste producing hydrogen sulfide, ammonia, and methane gases in a closed structure.



# Hydrogen Sulfide

## High Concentrations

- ❑ respiratory paralysis...may cause coma after a single breath and may be rapidly fatal.
- ❑ convulsions.
- ❑ acute conjunctivitis with pain, lacrimation, and photophobia.
- ❑ keratoconjunctivitis and vesiculation of the corneal epithelium.
- ❑ pulmonary edema.
- ❑ rhinitis, pharyngitis, bronchitis, and pneumonitis.
- ❑ rapid olfactory fatigue.

## Low Concentrations

- ❑ irritates the eyes and respiratory tract.
- ❑ headache, fatigue, irritability, insomnia, and gastrointestinal disturbances.
- ❑ dizziness.



## Summary of toxicology for

# Ammonia

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- Ammonia vapor is a severe irritant of the eyes, especially the cornea, the respiratory tract, and skin.
- Dyspnea, bronchospasm, chest pain and pulmonary edema which may be fatal.
- Bronchitis and pneumonia.
- Asthma.
- Ironically, a 1969 study to set human limits for ammonia was done on pigs.

Stombaugh DP, Teague HS, & Roller WH (1969 June). Effects of atmospheric ammonia on the pig. *Journal of Animal Science*, 28(6): 844-847.



# Health Impacts on People

- **Asthma and Farm Exposures in a Cohort of Rural Iowa Children (2005)**
- *Environmental Health Perspectives*, **113(3): 350-356.**
- James A. Merchant, Allison L. Naleway, Erik R. Svendsen, Kevin M. Kelly, Leon F. Burmeister, Ann M. Stromquist, Craig D. Taylor, Peter S. Thorne, Stephen J. Reynolds, Wayne T. Sanderson, and Elizabeth A. Chrischilles
- **School Proximity to Concentrated Animal Feeding Operations and Prevalence of Asthma in Students (2006)**
- *CHEST*, \* 129(6): 1486-1491.
- Sigurdur T. Sigurdarson and Joel N. Kline

\* = **Journal of the American College of Chest Physicians**



## The Two Studies in Brief

14

Iowa's overall rate of asthma is about **6.7%**.

- To generalize the studies, it has been found that if a rural school has a confinement within 10 miles, **11.7%** of the children exhibit **asthma** health outcomes – nearly **twice the state rate**.
- If a confinement is within  $\frac{1}{2}$  mile of a school, **24.6%** of children exhibit **asthma** health outcomes – **four times the state rate**.
- And if you are a kid unlucky enough to live on a farm with a confinement that adds antibiotics to feed, there is a **55.8%** chance you will experience **asthma** health outcomes – **nine times the state rate**.



## Research Packets Available for Boards of Health

- **192 CAFO Research Studies**
  - Impact of CAFOs on Workers and Farmers (29)
  - Impact of CAFOs on Neighbors & the Environment (62)
  - Impact of Hydrogen Sulfide on Health (32)
  - Problems with CAFO Operations (6)
  - Toxic & Greenhouse Gas Emissions from Agriculture, i.e., CAFOs et al (61)



- **296 MRSA Research Studies**

- Detection of MRSA in Livestock (34)
- Links Between Human Exposure to Pigs and Human MRSA Colonization / Infection (96) (IC VA Study)
- MRSA in Meat Products (12)
- Impact of Pig Fecal Slurry Applications to Ag Fields on Microbial Soil Organisms, on Soil, & on Groundwater (53)
- Spread of Swine MRSA to Wildlife (11)
- Spread of Swine MRSA via Field Applications of Swine Slurry (13)
- Other Antibiotic-resistant Pathogens Resulting from Ag Use of Antibiotics (50)
- Risks to Human Health Posed by MRSA Colonization (27)



# Measures and Precautions You Can Take to Protect Yourself

17

1. Put correct bio-filters in your HVAC system that will filter out hydrogen sulfide and ammonia gases. At least you will be safe in your own home.
2. Cancel, or do not renew, any hog waste application contracts you have signed.
3. Ask neighbors to cancel or to not renew any hog waste application contracts they have signed.
4. Restrictive covenants.



## Measures and Precautions You Can Take to Protect Yourself

4. If you wish to file a nuisance law suit, start keeping a log of times and dates, both inside and outside of your house, when odor is present. Nuisance suits have not shut down confinements, but might get you a fair market buyout if you want to move. Include baseline well testing in your log.
5. Keep your children away from confinements and fields where confinement waste has been applied.



## Measures and Precautions You Can Take to Protect Yourself

6. If hospitalized, make sure you tell your doctor you may be colonized with MRSA due to living in proximity to confinements and/or fields where confinement waste is applied. If you are already colonized with MRSA, your chances of getting a MRSA infection increase.
7. Move.



# Op Ed: Fundamental Problems

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Sept. 2010, by Bob Watson

- Based on conversations with producers at the World Pork Expo, this op-ed concerned the problem of foaming in pits beneath hog confinements, exacerbating the already serious problem of dead **pigs and flash fires** caused by hydrogen-sulfide and methane
- “I wish we had the answer,” said Angela Rieck-Hinz of ISU, writing in August on the Iowa Manure Management Action Group website, “but at this point in time **we still have no answers** as to what is causing the foaming or how best to control or manage the foam. If you have information regarding foaming pits you would like to share please contact me. In the meantime, I urge caution when pumping from manure pits. Be aware of safety concerns regarding manure gases, pit fires and explosions. Not all pit fires and explosions have happened in barns with foaming pits.”



# Op Ed: Fundamental Problems

Sept. 2010, by Bob Watson



David Pressler, Exec. Director, Minnesota Pork Producers Association



## **There may be many causes for the upswing in foaming problems.**

- The wastewater industry understands these causes:
  1. Old fecal seed stock
  2. Volume of waste being deposited into the pit over time versus the total volume that the pit can hold. When the volume of waste increases as a percentage of the total volume of the pit, foaming increases.
  3. The water-manure ratio also impacts foaming.
  4. The amount & kind of ventilation exerts an impact.



5. Increased feeding of DDGs (Dried Distiller Grain) from ethanol plants has two impacts on increased foaming:
  - Undigestible roughage increases the volume of waste;
  - Undigestible roughage increases the organic loading of the waste being deposited by animals;
  - Addition of uncounted antibiotics to pigs and waste.
6. Barn-cleaning chemicals; and
7. Consumption of genetically modified corn or soybeans leads to significant organ disruptions, particularly in liver and kidneys, which affects the quality of the waste.

**There is no ability for confinement operators to control the foaming problem because they can't mix the pit.**



- A 2009 ISU report reviewed literature that cited CAFO fires from as long ago as 1969.
- Thus, it's disturbing that no research questioned the confinement technology that may lead to these explosions.
- Causes of foaming are best understood when you realize that **CAFOs are wastewater technology.**



## Consequences of foaming:

Normally, gases tend to stay in suspension in a liquid; to get out they must break the surface tension

1. Foaming increases surface area.
2. Foaming provides a direct path to the pigs. The gas does not have to disperse and travel through air to get to the pigs.
3. The pigs bite/eat the foam, or the foam breaks, and the pigs die from hydrogen-sulfide.
4. The methane also has a direct path to the confinement area, resulting in higher incidence of methane flash fires.



The **crux of the problem** is that confinement advocates have **inappropriately transferred wastewater technology** from the highly regulated sector of municipal and industrial wastewater to the unregulated – in terms of wastewater – sector of industrial agriculture.

In the wastewater industry, we learned long ago – after workers became ill or died - that we could not put normal workspaces in proximity to areas where fecal waste is decomposing.



The constant production of the **poisonous** and **explosive gases** –

- **hydrogen sulfide** ( $\text{H}_2\text{S}$ ),
- **ammonia** ( $\text{NH}_3$ ), and
- **methane** ( $\text{CH}_4$ )

– was finally taken into account in designing wastewater facilities and technology that would protect both the workers and the surrounding public.

Those protections have been codified in the **regulations** and **design standards** that **control** municipal/industrial **wastewater technology**. But **industrial agriculture** **remains exempt**.



## Op Ed Continued....

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To date, the following entities **deny** that **CAFOs** are a form of **wastewater technology**:

- The **Iowa Legislature**,
- the **Iowa Department of Natural Resources**,  
and
- **corporate industrial agricultural** officials.

Although seeming illogical, in fact a DNR construction permit requires this type of building, resulting in these problems.



## Nitric acid rain: September 2010 Scientific American article “Sour Showers” by Michael Tennesen

- “Acid rain is back – this time triggered by nitrogen emissions. The acid rain scourge of the 1970s and 1980s that killed trees and fish and even dissolved statues on Washington, D.C.’s National Mall has returned with a twist. Rather than being sulfuric acid derived from industrial sulfur emissions, the corrosive liquid is **nitric acid**, which has resulted not just from smokestacks but also from farming.”
- National Problem



# Sour Showers

Sept. 2010 Scientific American, By Michael Tennesen

- People or organizations mentioned include:
  - **Viney P. Aneja**, professor of air quality and environmental technology at North Carolina State University;
  - the Hubbard Brook Experimental Forest in New Hampshire's White Mountain National Forest;
  - **William H. Schlesinger**, president of the Cary Institute for Ecosystems Studies in Millbrook, NY;
  - the 1999 Gothenburg Protocol; and a
  - 2009 paper in Environmental Science & Technology.



# Sour Showers

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Sept. 2010 *Scientific American*, By Michael Tennesen

- The Integrated Nitrogen Committee of the EPA's Science Advisory Board generated a draft report in 2009 followed by a final report in 2011 that lays out the details, including management options for nitric acid rain.

***Reactive nitrogen in the United States: An analysis of inputs, flows, consequences, and management options: A report of the EPA Science Advisory Board.***

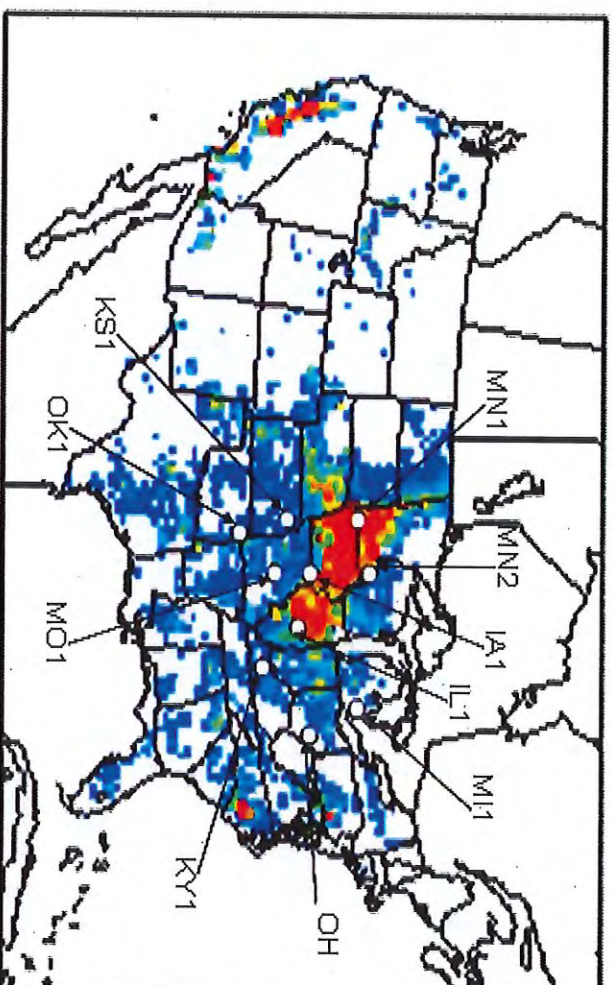
- The report also discusses ways to monitor atmospheric emissions, currently the weak link in the nitrogen-control picture. The report may be accessed at:

<http://permanent.access.gpo.gov/gpo21530/EPA-SAB-11-013-unsigned.pdf>



# Ag ammonia causes nitric acid rain

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MIDWEST WIDE AMMONIA CLOUD

COURTESY OF DONNA KENSKI, Phd.

LAKE MICHIGAN AIR DIRECTORS CONSORTIUM,  
DES PLANES, IL

•Ammonia from confinements, open feedlots, and volatilization of anhydrous ammonia applications drifts east and falls to earth



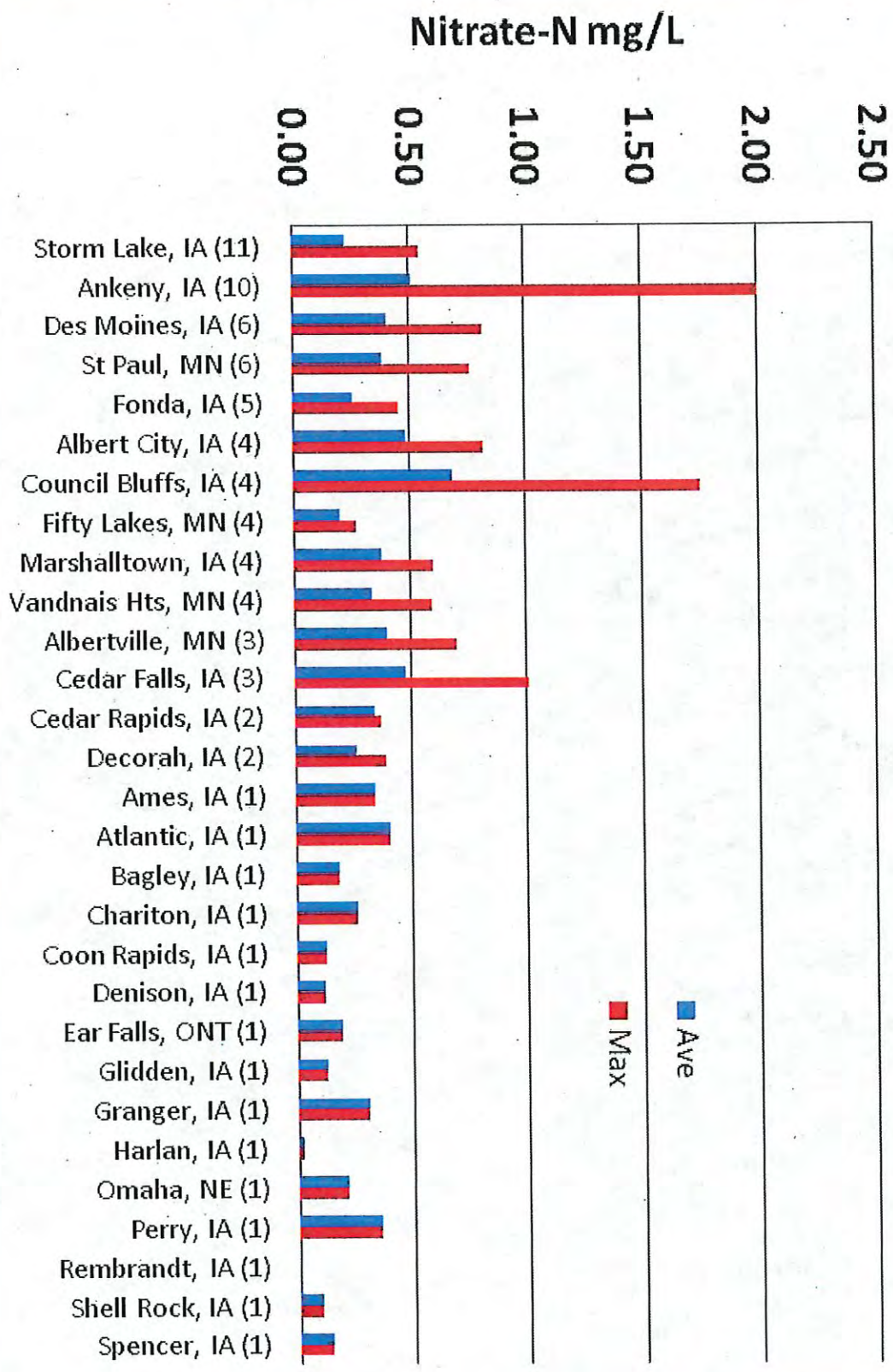








# 2010-2011 Nitrate-N in Melted Snow





# Co-authored Research Papers

by Bill Schlesinger, Cary Institute for  
Ecosystem Studies.

36

- “Effects of Agriculture upon the Air Quality and Climate: Research, Policy, and Regulations” (2009). *Environmental Science & Technology*, 43(12): 4234-4240. Co-authored with VP Aneja & JW Erisman.
- “Farming pollution” (2008). *Nature Geoscience*, 1: 409-411. Co-authored with VP Aneja & JW Erisman.
- “Ammonia assessment from agriculture: U.S. status and needs” (2008). *Journal of Environmental Quality*, 37: 515-520.



## Authored Research Papers by Bill Schlesinger, Cary Institute for Ecosystem Studies.

- “On fertilizer-induced soil carbon sequestration in China’s croplands” (2010). *Global Biology Change*, 16: 849-850.
- “On the fate of anthropogenic nitrogen” (2009). In *Proceedings of the National Academy of Sciences of the United States of America*, 106(1): 203-208.



# Thoughts of Bill Schlesinger:

38

- Schlesinger thinks that national arguments over climate change have allowed the U.S. to ignore the nitrogen problem, which he predicts will be the next big environmental issue.
- “It’s another example of humans upsetting global bio-geochemical cycles with unintended consequences,” he says.



# Common Myths

## 1. “This is a valuable manure.” It is not!

- Today waste sits and “cooks” (anaerobic digestion) for months in pits, tanks, or lagoons, constantly generating and sending toxic and poison sewer gases, drug-resistant organisms, and particulates into the surrounding neighborhood and larger environment. And it becomes toxic before being applied to fields.
- For thousands of years, manure used to be deposited directly to the land by animals, or frequently spread by farmers. It broke down into its constituent parts within a few days.

- Relative pollution numbers:

	Treated Human Waste	Raw Human Waste	Confinement Waste
CBOD	25	200	1000
TSS	30	200	1000+
Ammonia/Nitrogen	1-5	15-20	300-400

- **Because** hog manure is five times more polluting than human waste, and **because** we have ~20 million hogs at any one time being raised in the state, **it is like having 100 million people** in Iowa having their waste collected but not treated and spread directly onto the land, and calling it valuable manure.



## Common Myths continued...

40

2. **“The odor is merely a nuisance, with no health problems.”**  
**There ARE health problems.** Studies have shown significant increases in respiratory ailments in neighbors of confinements, including asthma from ammonia exposure, in central nervous and digestive system ailments from hydrogen sulfide exposure, and the drug-resistant organisms problem.

3. **“Separation distances protect the public.” They do not.**

- Required separation distances – usually 1250 & 1875 – but SAFOs have no distance separation. The state recently discovered 5,000 of these SAFOs.
- The Iowa City VA Study showed veterans living within 1 mile of a hog confinement had a 3 times greater chance of being colonized with MRSA versus those who lived outside the 1-mile limit.
- The Joel Kline North Winn Study found that students in rural schools within a half-mile of a hog confinement had a 24% rate of asthma. That is 4 times the state asthma rate of 6%.
- The Nitric Acid Rain Study shows ammonia travels hundreds of miles.



## Common Myths continued...

41

### 4. **“Technology can fix any problem.” No, it can't.**

- Any time there is fecal waste decomposing in a pit, there must be poison gases being produced. If you use this technology, this will happen.
- These problems are prior to and separate from any treatment.
- Because people and animals are in proximity to the pit, there is no technological fix.

### 5. **“Confinements and feedlots are regulated.” Not really.**

- The only rules are about where waste may be spread.
- There are no wastewater regulations.



## Common Myths continued...

42

### 6. “Opponents are urban activists.” They are not.

- In our 20 years going to many counties in Iowa, we’ve learned that most opponents are farmers, farm wives, children and farm widows.
- Rural neighbors of CAFOs are most affected. Many CAFOs are built close to neighbors.
- Most CAFOS are not associated with what we would consider a farmstead.

### 7. “We must keep this model because it gives us cheap food.” It does not.

- Government subsidies and the **externalization** of soil loss, pollution and human health costs make this model cheap.
- A model that poisons and pollutes poses moral/ethical questions, which cannot be reduced to monetary figures.



## In this presentation we have discussed:

- myths,
- the technology,
- inherent industrial poisons,
- explosive conditions in confinements,
- effects on people's health, and
- how people can be protected from this wastewater technology's harmful effects.

## We have avoided:

- emotional arguments about animals,
- the treatment of animals,
- private property, and
- models of agriculture.

We have simply addressed the **interface** between **industrial poisons** and the **public**.







- This is a local problem.
- This is a national problem.
- There is no technological fix.
- To clean up air, water, and soil, put animals back on the land.

# Thank you

## Questions?

Bob Watson

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**From:** skipdive1950@gmail.com  
**Sent:** Tuesday, August 20, 2019 10:29 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** August 15, 2019 public hearing in Oshkosh  
**Attachments:** DATCAP speech.docx

**Categories:** Green Category

Good morning. I was a public speaker at your Livestock Siting (ATCP) hearing in Oshkosh on August 15, 2019. I did not leave a copy of my testimony at the hearing. My public testimony varied a little from this written testimony because I spoke from memory a few times. I made some typographical corrections and added my address in this written testimony which I am sending to you for inclusion in the record.

I want to commend Chris Clayton for his informative background presentation he gave at the beginning of the hearing. I also commend the rest of the DATCAP staff in attendance for keeping each of the public speakers within their allotted 5 minute speaking time. I also want to commend DATCAP for holding this first livestock siting hearing since 2006.

If you have any questions on my written testimony please email me or call my home at 920-787-2029.

I AM RAYMOND "SKIP" HANSEN. I LIVE AT N3299 SHANNAHAN LANE, WAUTOMA, WIS.

I AM THE CHAIRPERSON OF THE CENTRAL SANDS WATER ACTION COALITION

CENTRAL SANDS WATER ACTION COALITION HAS 69 LAKE, RIVER, CONSERVATION AND SPORTS GROUPS AS MEMBERS, WITH 54,322 INDIVIDUALS PLUS THEIR FAMILIES MEMBERS IN OUR 69 GROUPS.

WISCONSIN HAS OVER 300 PERMITTED CAFOs SOME OF WHICH HAVE MULTIPLE LOCATIONS. WHEREVER A CAFO ENDS UP DIRTY, CONTAMINATED AND UNHEALTHY DRINKING WATER SOON FOLLOWS. YOU DO NOT BELIEVE THIS STATEMENT? THEN PLEASE ASK THE NEIGHBORS OF THE CENTRAL SANDS DAIRY IN JUNEAU COUNTY IF YOU CAN DRINK WATER FROM THEIR WELL WITH NITRATE CONTAMINATION OF UP TO 70 MG/L (THE SAFE NITRATE LEVEL IS LESS THAN 10MG/L). GIVEN THIS WHY SHOULD WISCONSIN PERMIT ADDITIONAL CAFOs?

ABOUT 50 MILES WEST OF HERE LIES THE VILLAGE OF COLOMA AND ITS 450 RESIDENTS. THE VILLAGE HAS A SEWAGE TREATMENT PLANT THAT TREATS THE WASTE OF ALL VILLAGE RESIDENTS.

ABOUT 4 MILES WEST OF COLOMA LIES THE BURR OAKS HEIFFER CAFO. THE 3,100 HEIFFERS ON THIS CAFO PRODUCE THE SAME AMOUNT OF WASTE AS A CITY OF 508,000 PEOPLE (THIS IS 84% IF THE POPULATION OF THE CITY OF MILWAUKEE). NONE OF THIS CAFO'S WASTE IS TREATED(1).

DO YOU KNOW OF ANY OTHER FOR-PROFIT BUSINESS THAT IS ALLOWED TO DUMP UNTREATED WASTE INTO THE AIR, OR ONTO OUR LAND OR INTO OUR WATER?

ASK: REQUIRE ANY NEW CAFO TO INSTALL AN ANIMAL WASTE TREATMENT SYSTEM AND REQUIRE EXISTING CAFOs TO INSTALL AN ANIMAL WASTE TREATMENT SYSTEM WITHIN 10 YEARS. MANURE IS NOT LIQUID GOLD AS SOME SUGGEST – IT IS DIRTY AND MAY CONTAIN NITRATES, COLIFORM BACTERIA, PHARMACEUTICALS, PHOSPHATES AND OTHER INGREDIENTS ADVERSE TO HUMAN HEALTH. REMEMBER, 2019 IS THE YEAR OF CLEAN DRINKING WATER IN WISCONSIN.

CAFOs ARE NOT REQUIRED TO POST ANY FINANCIAL GUARANTEE INSTRUMENT THAT WILL CLEAN UP MANURE LAGOONS OR SPILLAGE SHOULD THE CAFO CLOSE OR GO BANKRUPT.

ASK: REQUIRE EVERY CAFO TO POST A FINANCIAL GUARANTEE INSTRUMENT TO PAY FOR COSTS TO CLEAN UP MANURE STORAGE OR LEAKAGE IN THE EVENT THE CAFO CLOSES OR GOES BANKRUPT SO THAT TAXPAYERS DO NOT INCUR THIS EXPENSE.

CAFOs DO NOT PAY FOR THE WATER THEY USE IN THEIR OPERATION. A MICHIGAN STATE UNIVERSITY STUDY CONDUCTED IN 2011 INDICATED A COW CONSUMES 23.6 GALLONS OF WATER PER DAY FOR DRINKING AND 6.3 GALLONS PER DAY FOR WASTE WATER. USING 30 GALLONS OF WATER PER DAY AND 3,100 HEIFFERS, THE BURR OAKS HEIFFER CAFO SHOULD USE ABOUT 33,945,000 GALLONS OF WATER PER YEAR. THIS AMOUNT OF WATER WILL COVER THE PLAYING SURFACE OF LAMBEAU FIELD, INCLUDING THE END ZONES, TO A DEPTH OF ABOUT 79 FEET.



ASK: STATE SHOULD IMPOSE A FEE OF \$0.20 PER 1,000 GALLONS OF WATER USED BY CAFOs. FEES RAISED CAN BE USED TO PAY FOR NEIGHBORS WELLS THAT GO DRY DUE TO EXCESS GROUNDWATER PUMPING OR NEED TO BE CLEANED UP DUE TO CONTAMINATION FROM CAFO WASTE. THESE FUNDS COULD ALSO BE USED TO PARTIALLY SUBSIDIZE EXISTING CAFOs THEIR COSTS TO INSTALL ANIMAL WASTE TREATMENT SYSTEMS.

THANK YOU.

- (1) "CAFO AND CAFO WPDES PERMIT STATISTICS" WISCONSIN DEPARTMENT OF NATURAL RESOURCES WEB PAGE. [HTTP://DNR.WI.GOV/TOPIC/AGBUSINESS/DATA/STATSMAP.HTML](http://DNR.WI.GOV/TOPIC/AGBUSINESS/DATA/STATSMAP.HTML)  
SIERRA CLUB – JOHN MUIR CHAPTER – "CAFOS: A THREAT TO WATER IN WISCONSIN, JUNE, 2017

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Shari Laffredi <slaffredi@yahoo.com>  
**Sent:** Tuesday, August 20, 2019 11:44 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comments on Upcoming Proposal for Livestock Farm Rules

**Categories:** Green Category

Thank you for providing citizens the opportunity to have their voices heard. My comments relate to Odor Management. I live in Wilton, a village of approximately 500 people. There is a farm with an open manure pit on the west side of the village that creates a nauseating stench several times a week. It impacts not only the lives of people who live here year-round, but also visitors and tourists we try to bring to the town to enjoy the Elroy Sparta Bike Trail, the natural beauty of the area and periodic town events like Wood Turtle Days. My husband and I own a small vacation rental home on the Bike Trail, and the toxic odors from this farm have a direct negative impact on our business.

My question is this: How will the proposed rules protect the majority of residents in an area from suffering the ill effects of odors from new or existing farms with poor or non-existent odor management?

My opinion is that that setback requirements are not enough. No open manure pit should be allowed within several miles of a populated village without some kind of proven odor management or mitigation system, and testing should be done on an ongoing basis to ensure that the farm owner maintains his/her odor management system regularly and to minimum odor standards. Complaints to our village board members fall on deaf ears. As a landowner and taxpayer, I have a right to breathable air. Why does the one farmer in this village have more rights than the other 499 people who live here?

This is a long-time frustration for my family and many others who live here. I would appreciate a response as to how this issue will be addressed by the upcoming proposal, and if it will not be addressed, I would appreciate your advice on what avenues I can take to get something done about this problem.

Thank you.

Best regards,  
Shari Laffredi  
262-488-0021



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Andy Nied <satchelburdette77@gmail.com>  
**Sent:** Tuesday, August 20, 2019 12:29 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** CAFO Regulations.

**Categories:** Green Category

Greetings,

As the owner of a small farm within 2 miles of a CAFO, I believe they should adhere to size limits in order to protect the environmental concerns of everyone. Ground water and air quality are directly impacted in a negative way when CAFO citings exceed 300 animals. If we want to preserve and improve our family farm heritage in Wisconsin, we need to avoid the 1000 plus animal operations which are becoming increasingly prevalent in our State. These types of operations are usually backed with financial assistance from large corporations and often ignore the voices of others who live in Wisconsin for the quality of our natural resources.

Thanks!

Andy Niedzwiecki

Thorp, Wi.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Jeanie Carlin <jeaniecarlin@gmail.com>  
**Sent:** Tuesday, August 20, 2019 3:17 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** DACPT

**Categories:** Green Category

I am writing to say how horrible CAFO farming is and how it is ruining our environment and farm life and rural living. I don't believe there is any safe distance that a manure pit is to be established near homes. Ten miles away and The smell is still disgusting and it ruins our ground waters too.

Jean carlin Bickel  
4319 logtown road  
Lena, wi 54139

920-694-3889

Sent from my iPhone



**Heaton-Amrhein, Jennifer A - DATCP**

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**From:** Emilee Martell <emilee.sage.15@gmail.com>  
**Sent:** Wednesday, August 21, 2019 1:33 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51 Comments

**Categories:** Green Category

Hello,

I am writing to comment on the proposed changes to Wisconsin's livestock facility siting rule. I believe that changes in the law should result in greater local control and the ability of local communities to site livestock facilities based on land use and quality of life concerns as well as public health and environmental considerations. Many local communities are opposed to Concentrated Animal Feeding Operations and should wield greater influence over how CAFOs are allowed to operate in their communities. I hope changes to the law will reflect this to better protect our air, water, habitat, property values, and quality of life.

Best,

Emilee Martell

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Richard Swanson <swanson29035@gmail.com>  
**Sent:** Thursday, August 22, 2019 12:39 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Rule changes:

**Categories:** Green Category

I have been very active in our water issue here in Kewaunee County for the last 6 years. I have served on the County Task Force and the DNR workgroups over the last 4+ years. Having traveled across my County testing water and taking muck samples in almost every stream...river or lake, I have seen the damages up close. Let me make one thing very clear...FARMING owns this problem and farming can fix....will they..? I have several ideas that would cost the TAXPAYERS NOTHING and would begin the healing process the very next day.

1. Stop spreading liquid manure on all drain tiled fields...miles of pipes all leading downhill...towards our water system. We apply tons of liquid manure per acre and inject it into the soil...this HELPS move that chemical mixture quicker...drain tiles were used to remove excess rainwater from the fields, we all get that...FARMING created liquid manure and by using millions of gallons of water...now drain tiles are just...SEWER PIPES.

2. Right now, farmers can apply liquid manure within 25 feet of a WETLAND...WHY..? The DNR has already identified 15 Counties as having a Geology issue...the current practice of spreading liquid manure onto and into our fields has created our Statewide WATER ISSUE. How about this...Let's have the DNR declare a WATER EMERGENCY in these 15 counties and increase ALL SETBACKS BY 100%...what we have been doing...is not working.

3. In these 15 Counties, we could limit the amount of liquid manure being applied onto or into the fields...on fields with less than 50 feet to bedrock OR groundwater we should allow NO LIQUID MANURE APPLICATIONS. On fields with over 50 feet, we should limit applications to a maximum of 27 tons per acre...(this is what one semi-tanker would carry). Farming would stop renting shallow fields, and find safer ones...how would this not be a good start..?

4. We do not have reliable information on how much water is being used from the High Capacity Wells...we need electronic reporting to our local Land and Water Departments and the DNR. We need GPS on all tankers for realtime reporting and locations.

5. Testing the spreading fields every 2 years would bring realistic numbers onto the NMP's...this would eliminate a lot of the over-application issues and really make a difference.

6. Installing well-monitoring systems is a MUST...why would the owners of the liquid manure not want to know where it is going and who it could harm...?

One final thought...I want not a single farm to disappear...the cows have done nothing wrong...my issue is with their...OWNERS. Farming created this problem and farming must fix it...why...the next planet that MAYBE could support human life is about 4.2 LIGHT YEARS away...either we fix this one...or we all will be MOVING.

These are just a few ideas, would you like anymore..?



Dick Swanson  
Wisconsin Land Consultants

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Richard Swanson <swanson29035@gmail.com>  
**Sent:** Saturday, August 24, 2019 12:30 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock Siting

**Categories:** Green Category

I have a request for you to review...When a farm goes under...what happens to the manure in the lagoons/pits...who pays for it..? If the clean up is the responsibility of the County, does the taxpayer bear the cost..? Why does the State who issues the Permits not require a performance bond for our protection..? This manure belongs to the Farmer or the Corporation who owns the land...they should pay not the taxpayer. Why should the County, City or Township bear the costs..?

We should change this as soon as possible...you can do it.

Richard Swanson



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Richard Swanson <swanson29035@gmail.com>  
**Sent:** Thursday, September 5, 2019 11:07 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Considerations...

**Categories:** Green Category

Manure lagoons/pits should be restricted to no less than 2 miles from Cities, Town limits...and from any private property to a minimum of 2640 feet.

Stop all liquid manure spreading on DRAIN TILED fields...those pipes are now just sewer lines moving that chemical UNTREATED sludge downhill...towards our water systems. WHY..?

Why do we not have REALTIME GPS REPORTING on the manure haulers...? Our Land and Water Dept's need to know where...when...how often...etc and what fields are being applied. The NMP's should be working better...this would really help..!

Increase all setbacks to a minimum of 100 feet or more, depending on the slope, soil type and locations. Manure applications no less than 500 feet from private wells and 1 mile from municipalities.

Putting more boots on the ground and enforcement has always been the key. Staff the Land and Water Dept's based on the number of farms in the county.

Monitoring wells are a safety issue...plain and simple..! Farming should be behind this 100%...WHY DO THEY RESIST THEM...?

THANK YOU  
Richard Swanson.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Frank Lowry <franklowry23@gmail.com>  
**Sent:** Thursday, August 22, 2019 1:59 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** You are correct, one size does not fit all

**Categories:** Green Category

Live stock siting laws need to be scientifically based. It is very evident that ground and surface waters of the state are being impacted by live stock facilities. And while you're working on these rules, please find a way to not only get the animals out of our lakes and streams, but include set backs that will work. We treat human waste to maintain water quality. Why not animal waste?



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** James Smith <rauschsmith@icloud.com>  
**Sent:** Monday, August 26, 2019 11:06 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Testimony on ATCP 51  
**Attachments:** CleanWatertestimony82619.pdf

**Categories:** Green Category

## **Input on Updates to the Livestock Facility Sitting Law**

**Background:** My wife and I both grew up on farms that had cows. We both have experience with dairy herds and we are both concerned about the state of water in this country and all the other countries of the world. Just last week I heard a water story coming out of Mexico wherein the water was turned off to the poor. This afternoon I read where 9 million people in Chennai, India, are now with dry wells. I literally could list at least five hundred places in the world where water is a major problem. We live where we can see a number of CAFOs out our kitchen window.

**Pure drinking water is slowly becoming the world's gold.**

### **Recommendations:**

1. Above all, think in terms of 100 years and how all decisions will affect the environment and future generations.
2. Large fees need to be placed on any violations that lead to water pollution. Within the last few years I have witnessed very large dairy farms go to petty cash to pay for violations. I have also witnessed large farms hide huge mounds of manure to avoid regulations.
3. Any increase in facilities for dairy farms over 100 head of cattle needs to be registered with the local county Soil and Water Commission and permission needs to be given by that same Soil and Water Commission before the increase can take place.
4. Odor problems need to be considered under the question of "Who was there first?" Farms cannot be victims of urban sprawl.

Thank you for accepting my testimony.

James Smith and Jean Rausch  
6131 County Rd C  
Manitowoc, WI 54220  
1-920-726-4720



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** garry fay <garry.fay@gmail.com>  
**Sent:** Tuesday, August 27, 2019 4:44 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Trade River Association

**Categories:** Green Category

We, the members of the Trade River Association, are lifelong believers in deciding issues based on good science, what is good for the environment and enjoying our pristine waters. We reject any project that would sully the Trade or St Croix. Any ag-biz that is not 100% contained and guaranteed to be safe is unexceptable. Furthermore, we would expect that any biological damages would prevented with the best practices and a security damage deposit. Any abuse of the waters should be considered a crime against humanity and either the board would go to prison and/or the corporation dissolved with all funds, properties, and stocks to be sold to fix all problems. Finally, all jobs created would pay a living wage with full benefits and guaranteed pension. Thank you for your consideration.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Mary A Carlson <marycarlson76@icloud.com>  
**Sent:** Tuesday, August 27, 2019 7:43 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock Facility Siting Law

**Categories:** Green Category

Updated laws need to be enacted to protect neighbors from odors and also from pollution. Setbacks are important. Manure pits should be sited far away from neighboring houses and farms . The whole idea of manure pits and liquid manure should be reconsidered. CAFO's should have water treatment plants, not manure pits.

Mary Carlson  
N4900 Cedar Valley Road  
Kewaunee, WI 54216



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Anita Martin <anitajmartin2014@gmail.com>  
**Sent:** Thursday, August 29, 2019 8:35 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Public hearing testimony Aug. 15 in Oshkosh

**Categories:** Green Category

### **August 15, 2019—DATCP Hearing—Proposed Livestock Siting Standards (Testified at the Oshkosh hearing...majority of verbal comments appear below)**

Thank you for holding this public hearing regarding proposed revisions to ATCP 51, Livestock Siting Standards. Thank you, also, to all the many individuals who've provided technical review expertise over the past decade.

My name is Anita J. Martin, and we live at 261 Pinnacle Drive in Lake Mills, Wisconsin which is in Jefferson County.

Large livestock operations have grown significantly in number, size, density, and complexity since the ATCP Livestock Siting Standards first came into effect. The current operations and present-day practices being used defy definition in the statutes as well as in a lay person sense.

Before the initial ATCP legislation was passed, we didn't have operations this size in Wisconsin. We didn't have fertilizer plants industrially processing tons of animal manure onsite.

We didn't have a fertilizer plant managed by a different company than the farm operator, a business relationship which ultimately led to conflict and confusion for all parties involved, and necessitated considerable attention by state and local regulatory agencies.

To my knowledge, we also didn't have incinerators processing routine mortality at poultry farms in northern Wisconsin as well as in Jefferson County, and possibly in Walworth County and/or Waukesha County right now as well. (Who knows how many of these high temperature units are operating right now in our state; where they are located in relation to livestock, other combustible equipment, buildings and people's homes.) Those carry air quality risks and have the potential to pose odor and also public safety challenges.

A decade ago, we didn't have a Corporate farm with 160 industrial fans so loud, Town of Lake Mills Supervisor Mr. Dave Schroeder recently described them, at a special town meeting, as some days sounding "like an aviation center." A total of 410 fans are planned when construction is complete at this facility.

How do you keep 2,750,000 chickens cool without causing noise pollution for neighbors that live 850 feet away? How do you not impact endangered and protected species that live less than 2 miles in a DNR-designated wildlife area? A decade ago, these challenges simply did not exist.

Before 2007, we didn't have millions of chickens and turkeys lost due to an avian virus outbreak in Wisconsin. A decade ago, zoonotic viruses weren't mutating and morphing nationwide and worldwide to

the extent they are today, becoming potentially more devastating to livestock and even deadly to humans. Likewise, with bacteria.

A decade ago, as a resident living more than 2 miles away from two large chicken farms, I didn't worry about the possibility of breathing harmful zoonotic pathogens. We now know they can become airborne and travel many miles. (Research confirms this.)

The current law says people that live or own land within 2 miles of a proposed livestock facility may appeal the political subdivision's decision to the Wisconsin Livestock Facility Siting Review Board.

Is it time to increase this eligibility-to-appeal distance?

When the avian flu struck Jefferson County in 2015, a 10K surveillance and quarantine zone was implemented. This meant local farmers within 6.1 miles of infected facilities were prohibited from selling their eggs for about two months, resulting in worry, stress, and lost income. This meant that for months, residents worried whether they, their family members and friends, and the birds they own could become ill.

In our community, and our expense, we residents have reliably tracked chemical-causing odors 4.1 miles. We have provided this data to the Wisconsin DNR and DATCP may have it as well.

I support some of the proposed changes, and others I do not. They are not strong enough to balance the rights of other (non-CAFO) farmers and property owners and protect public health and safety.

Additional written comments will follow at a later time.

Thank you for your consideration and commitment.

Sincerely,  
Anita J. Martin  
261 Pinnacle Dr.  
Lake Mills, WI 53551-2003  
[ajmartin@charter.net](mailto:ajmartin@charter.net)



**September 4, 2019—Public comment on proposed Livestock Siting Standards**

Submitted by email (document attachment-6 pages total); Anita J. Martin

Thank you for seeking and considering public comments from all stakeholders regarding proposed revisions to ATCP 51, Livestock Siting Standards.

My name is Anita Martin, and our family lives at 261 Pinnacle Drive in Lake Mills, Wisconsin. We're located in Jefferson County, where three planned poultry expansions are now underway.

For every one person in our county, we will soon have 80 to 100 chickens.

Based on the intent of the Livestock Siting law, lessons learned, current agricultural challenges and realities, and up-to-date research, it's time to take Livestock Siting to the next level.

State Statute 93.90 says proposed Livestock Siting Standards should consider whether they are protective of public health or safety. Please change this to public health **and** safety. Both are equally important, with increasingly-resistant emerging zoonotic diseases as well as potential fire risks posed by industrial equipment. (93.90 (2) Department Duties b.1)

Please consider the following changes to the current draft revision for ATCP 51:

**Odor management/more and more current scientific standards needed**

Worksheet Number 2 in the Livestock Siting Application is based on information which is 13-15 years old. Attorney Bob Selk, a long-time Livestock Facility Siting Review Board (LFSRB) member, pointed out at the June 13, 2018 appeal hearing (Johnson v. Jefferson County, Docket N. 18-LFSRB-01), the current odor standard does not take into account mortality at a large-scale chicken operation.

As Attorney Richard Castelnuovo (recently retired from WDATCP) explained at the June 2018 hearing, current odor standards are based largely on hogs and dairy farms, little on poultry and layer operations. He acknowledged research has not kept up with farming trends, identifying the need for more studies on odor sources and control sources. LFSRB Board discussion followed about available, well-recognized science (Nasal Ranger equipment), which could be applied to new settings for objective data. (Could DATCP help lead the way?)

There is no requirement in siting rules for maximum number of days manure can be held. Is storing manure for longer periods of time (300+ days, as proposed by Daybreak Foods, Inc.) a potential source of increased odors?

If odor scoring is to be used, an overhaul of the odor scoring system is in order. Remove odor control credits altogether since the system lacks sufficient consistency and oversight to ensure reliable results. For example, composting as a manure storage odor practice may or may not be effective, depending on how it is executed. As residents testified at the

Comments by Anita J. Martin (Page 2 of 6)-Sept. 4, 2019

Jefferson County Zoning hearing (and elsewhere), we have not seen good results with composting in Lake Mills at the Daybreak Foods Inc. Creekwood Farm CAFO.

Consider making Odor Management Plans required, not optional, for all facilities with more than 1,000 animal units. Remove providing car wash coupons to neighbors as a strategy on the Odor Management Plan (2006 version) when updating the document; instead, how about suggest facilities provide neighbors a contact number or email address for communicating odor concerns or questions?

Going forward, I implore DATCP to develop a system for residents to report chemical-causing odors—with input from neighbors living near CAFOs.

### **New technologies and practices since law enacted**

A number of practices pertaining to waste storage, waste processing, and animal mortality are not adequately addressed in the current Livestock Siting application process.

Namely, fertilizer production (varying degrees and extents of processing), incinerator usage, composting, and landfill destination of mortality.

“Livestock siting is livestock siting, and really not processing siting,” LFSRB member Mr. Bob Topel stated June 13, 2018. Might now be the time to address this regulatory gap?

Please consider adding a checklist with appropriate detailed prompts, so it is clear to municipal leaders, county land and water conservationists, and residents how all of the liquid waste, solid waste, and altered/processed waste will be stored, handled, and disposed of—including routine mortality. (DATCP may wish to coordinate with DNR on this, so everyone’s on the same page.)

### **Livestock Siting conditional use permit/application—add a 6<sup>th</sup> & 7<sup>th</sup> sheet**

Having 5 worksheets when Livestock Siting Standards were first adopted was a start; now two more sheets are needed.

At the August 15, 2015 DATCP hearing in Oshkosh, Attorney Joe Ruth and Mr. Mike Koles with the Wisconsin Towns Association testified about wear and tear on rural roads resulting from hauling manure. I concur with their recommendation to add a 6<sup>th</sup> worksheet to the Livestock Siting application, addressing roads and infrastructure.

***I would like to propose adding a 7<sup>th</sup> worksheet to the Livestock Siting permit application, addressing public health and safety risks for facilities larger than 1,000 animal units.***

### **Consider clarifying and strengthening language-**

The current system does not appear to properly address what happens when a facility operator splits off part of their agricultural operation and contracts with another business



Comments by Anita J. Martin (Page 3 of 6)-Sept. 4, 2019

to handle, store, and/or process their waste onsite. Can this be looked at, and language changes considered?

### **Distances**

Based on the testimony of citizens, do you think the requirement to notify adjacent neighbors, as currently defined and specified, defined, is truly enough to "balance the economic viability of farm operations with protecting natural resources and other common interests?" (State Statute 93.90)

Is it possible to change the "adjacent neighbor notification" parameter to include all residents (homeowners and renters), business owners, and landowners which are within 2 miles (preferably, 3 or 4 miles)?

Is it possible to increase the eligibility-to-appeal distance to a minimum of 2 miles? Ideally, 3 miles or 4 miles would be better, given the 6.1-mile surveillance and quarantine zone implemented when zoonotic diseases arise.

Currently, inconsistency exists between the requirement for notifying neighbors and the eligibility-to-appeal a Livestock Siting decision distance. At the very least, these distance parameters should be the same, in keeping with right-to-know and fairness to the non-operator stakeholders.

### **Modifying existing permits through an abbreviated process**

The proposed rule creates an abbreviated process for modifying an existing permit, rather than completing the full permitting process. The draft rule provides for use of the modified process for expansions of up to 20%.

Many Wisconsin facilities have greatly increased in size since the enactment of the Livestock Siting legislation. The potential cumulative impact of multiple expansions at 10% or 15%, left unchecked, must not be under-estimated or overlooked.

If a modification procedure is implemented, please keep things safer and simpler by limiting its use to expansions of 200 animal units or less for all facilities with 1,000 animal units or more.

It also appears the use of the abbreviated process for modifying an existing permit may unintentionally allow an agricultural operation to substantially alter what it's doing, without needing to obtain town approval. Is this what was intended? I don't think so...

Recently, Jefferson County approved a permit modification for a Livestock Siting expansion for Dean's Eggs/Nature Link Farm in Lake Mills. The county did not require a new conditional use permit, despite the addition of a rented satellite farm in another municipality (Aztalan township) as well as added technology not known to be used elsewhere in the U.S. for chicken waste process (Gryphon Environmental, LLC chicken

Comments by Anita J. Martin (Page 4 of 6)-Sept. 4, 2019

manure drying system). Additionally, manure from the Aztalan Pullet Farm will be hauled to the main farm on Highway 89 for processing.

It appears this expansion and significant operational changes were not reviewed by Town of Lake Mills nor Town of Aztalan elected officials. Nor does it appear taxpayers in these municipalities were notified. It is uncertain whether adjacent landowners were notified.

Please look at this modification process for existing permitted facilities and flesh things out—especially satellite farms under the same permits which look are on the rise--to avoid scenarios like this.

### **Exempting facilities with WPDES permit from completing worksheets**

Please eliminate this exemption altogether. Require all new livestock facilities, and expanding livestock facilities adding more than 200 animal units, to complete the entire Livestock Siting application, all worksheets. One of the reasons for this is that about 60 out of 309 CAFO facilities in Wisconsin are currently overdue for review and re-issuance of their intended 5-year WPDES wastewater permit.

State law presently deems this practice of current-until-renewed pollution control permit status as acceptable. By the time some DNR 5-year permits are renewed (1, 2, or 3 years later than the intended expiration date), substantial operational changes have already occurred which may impact soil, water, and air resources.

### **Nutrient Management Plans-**

Require all new and expanding facilities to provide nutrient management plans including signed contracts with the landowners verifying they have agreed to receive waste from the facility, prior to the approval of new livestock facilities and expanding ones.

Also, I would ask that plans contain actual postal addresses of the fields and names and postal addresses of all landowners and/or farm operators. This would save the state agencies time, avoiding the need to respond to requests asking for clarification about field locations.

In our Lake Mills community, we have a huge poultry facility currently under construction and partially completed. Now the operators reportedly are not certain what they are going

to do with the manure upon full expansion. Perhaps DATCP should also require new or expanding Livestock Siting facilities to provide signed confirmation from contractual business/businesses which will be receiving their manure.

### **Fees and financial considerations**

The proposed draft revision keeps the current cap of \$1,000 on the permit fee a political subdivision is allowed to charge. If after legal review, permit fees are deemed within the purview of Wisconsin law, please change the fee structure. Increase it to either \$1 per



animal unit, or recovery of reasonable and actual costs the political subdivision incurs in reviewing a permit application.

Remove the language currently in place that prohibits political subdivisions from requiring large livestock facilities to post a bond or other financial security.

### **Hesitancy to public comment**

Why haven't more individuals weighed in on the proposed changes by submitting written comments? I feel the need to comment on some people's reluctance to comment regarding Livestock Siting Standards, odor issues pertaining to large-scale facilities, etc.

The sad truth is, some families living near CAFOs are selling the homes they love, and had planned to stay in for many years, because they can no longer tolerate the noxious odors, associated stress and other health and social impacts. Speaking up can be problematic while trying to sell your home. It's also a problem for Realtors, whose living can be directly impacted by thwarted home sales on high-stink days.

Is Livestock Siting working well for municipalities? Please do not assume or conclude because you do not hear from more elected officials or county government employees (Land and Water Conservationists, Health Department representatives, etc.) that they do not wish to see any changes in Livestock Siting.

A couple of years ago, a department head stated they have to be careful with what they do because the county gets grants and other funding from regulatory agencies such as DNR and DATCP. Is this an isolated situation, or might it represent what others are thinking but not saying, including county board members?

### **Need for education**

Lastly, there is a serious need for more education as to what ATCP 51 allows and does not allow. The sheet DATCP developed identifying local control options is an excellent tool and a great start. However...

A couple years ago, I along with a few other residents met with Jefferson County employees to discuss health risks associated with a facility looking to operate in our area. We provided scientific, well-documented research. We were basically told the County had no choice but to approve the permit due to Livestock Siting law; the intended operator had filled out the 5 worksheets as required, so the state mandates it.

I posed a hypothetical situation, asking what would they do if they were aware an operation interested in coming to our community would be releasing known radioactive material into the environment. But they filled out the 5 worksheets. What would they do? I was told by a long-time department head they would have to approve it.

Comments by Anita J. Martin (Page 6 of 6)-Sept. 4, 2019

Does this make sense to you? Is this what the authors of ATCP 51 really intended? Is this what the DATCP Board intends?

No matter what decisions are made going forward regarding ATCP 51 and proposed Livestock Siting Standards/changes, county and town leaders will still have opportunities and options for local decisions to protect public health and safety of constituents.

Right now, we are witnessing some erroneous comments being made to residents about ATCP 51.

I implore DATCP to do whatever is possible within budgetary and time constraints to launch a campaign, What ATCP is... and what it isn't (or something). Invite the public; elected officials from cities, towns, and counties; county employees in Administration, Health Departments, Land and Water, UW-Extension, and Zoning; and Boards of Health.

Let's make sure ATCP 51 is not being used, intentionally or inadvertently, to avoid taking action or making changes which legally could be made. Changes which morally, ethically, and environmentally, arguably, should be made to help ensure public health and safety for all stakeholders.

Thank you for your consideration and commitment.

Sincerely,  
Anita J. Martin, B.S.  
261 Pinnacle Dr.  
Lake Mills, WI 53551-2003  
[ajmartin@charter.net](mailto:ajmartin@charter.net)



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** KATHARINE H ODELL <khodell@wisc.edu>  
**Sent:** Sunday, September 1, 2019 10:57 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** comments on proposals for livestock siting rule change

**Categories:** Green Category

As a so-called transplant from the East Coast, I have grown to love many many parts of Wisconsin - but especially the Driftless area in SW. The Driftless area provides so many pleasures: I'm a fisher person, I have many friends there whom I love to travel to visit - thru the rolling hills; enjoying the Pecatonia River; canoeing on the Kickappo River - always exciting; eating locally grown foods in small towns such as Viroqua; birding in Yellowstone Park - saw my first rose breasted gros beak there; just enjoying the freshness, the native simplicity of the whole area - all these important pluses in my life - and in the lives of Wisconsin and out of state tourists.

The CAFOs there are, to me, unwelcome blights on this beautiful, often magical landscape., I've counted at least 12 negatives of CAFOs (such as water overuse, management of waste, water pollution in wells and surface and ground water, air pollution, noxious odors; noise pollution from animals and truck traffic, road degradation; over-use of antibiotics, hellish living environments for the animals themselves, devaluation of the land owned by non-CAFO farmers and indeed non-farmers living in towns. Managing just a few of these by any local government entity is a huge expense to taxpayers, at this time not covered by the perpetrators themselves, CAFO owners. Even the Fitzgerald brothers, both in the state legislature, were active in prohibiting a dairy operation near their homes - for all the negatives aspects cited above (CapTimes, March 30-Apr 5, 2011)

DATCP's proposal for a new livestock siting setback system and for odor control from CAFO's are very welcome revisions.

Additional revisions will further improve the environment for citizens living near a CAFO.

- No loopholes in odor management system. As the proposed rule states now, CAFO operators can operate under a more lenient setbacks if he/she complies with a weaker, inexact odor control system.
- Larger setbacks
- Local governments must be able to require additional setbacks if necessary.
- Enable local governments to secure financial assistance to cover costs to said government if a CAFO goes bankrupt, or a major spill happens.

- Full reviews of all CAFOs, even if expansions are deemed “small” (less than 20%).
- Increased funding for DNR staff to both receive, inspect, and monitor the CAFOs over time CAFOs

One suggestion has been to ensure that there is one DNR staff person to monitor 20 CAFOs (ideally 1: 15.). At this time, one estimate indicates that there is one staff position for 30 CAFOs. Thus, there is a large number of CAFOs operating without the required WPDES.

Currently, 98% of funding for staff along comes from general budget (general taxes). The current annual fee for operating a CAFO is \$395; of this annual fee, only \$95.00 is diverted to the DNR for CAFO management. This means that in 1.2% of the cost of DNR regulation is paid by the CAFO operation, the rest by taxpayers, who may not benefit from the CAFO product. Other regulated entities in state pay for their own regulation.

Implement revised funding plans: the governor has proposed an increase of annual fees to \$660.00, with an additional \$3000.00 at renewal. This increase would still only cover 15% of the cost of DNR regulation This is a small amount to CAFO operators whose businesses have yearly incomes of \$5-10 million dollars.

Your attention to further revisions, such as these, will be most welcome.

Sincerely,

Katharine Odell



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Connie Weedman <cweedbrown@hotmail.com>  
**Sent:** Sunday, September 1, 2019 12:58 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51  
  
**Categories:** Green Category

To Whom It May Concern,

I wish to provide input for the public comment portion of efforts to update these rules. I live in a rural area near Sparta WI in Monroe County, and also own property in rural Crawford County. I am very concerned for the lack of local control over CAFOs, not only for health and safety, water and water quality, but also related to the abilities of communities to protect their quality of life and the exercise their values of sensible sustainability.

These issues are complex, and I look to Midwest Environmental Advocates for guidance and education about reasonable changes to existing rules. I am in hopes that we will be also moving towards providing local government's ability to further restrict or prevent the damage created by factory farms.

Sincerely,  
Connie Weedman  
9799 Gavel Avenue  
Sparta, WI 54656

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** John Hermanson <gliding99@gmail.com>  
**Sent:** Sunday, September 1, 2019 10:06 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comments ATCP 51

**Categories:** Green Category

Dear DATCP Committee Members-

I support updating ATCP 51.

As a tax payer and shoreline business and residential property owner I am concerned about the Livestock Siting Rule protecting my interests and rights.

I am concerned about how diminished water quality of the Bay of Green Bay effects my short-term rentals and my residential property value. Excess nutrients add to increased water plant growth that chokes our waterway. Increased water plants wash up on our shore creating an aesthetic and odor nuisance. It creates extra work for me removing vegetation that piles up on my shoreline. My neighbor, that has lived next door for over forty years, states that the problem has significantly worsened over the last ten to fifteen years.

As a tax payer in Door County I am concerned that diminished value of adjacent property to livestock sites will increase my burden of taxes.

I appreciate the work that DATCP technical committee has done by creating the hearing draft and the work that organizations like Wisconsin Farmers Union have done to help address an updated Rule.

Of particular note it makes sense to monitor manure pits more closely beyond waiting for ten years to pass. As comments from the Farmers Union note they can start leaking within months of being constructed. Living on the Bay there is fractured bedrock that is able to be a conduit for such leaks many miles away.

When farms ask for expansions of their livestock operation, I support farmers having to produce signed agreements with other land owners to prove they are able to fulfill their Nutrient Management Plans.



Thank you for reviewing my concerns and suggestions-

John Hermanson

948 Memorial Dr.

Sturgeon Bay, WI. 54235

920-615-5978

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Janet Foust <jjfoust1954@icloud.com>  
**Sent:** Monday, September 2, 2019 5:02 PM  
**To:** Cain, Mark R - DNR  
**Cc:** Bub, Laura A - DNR; Clayton, Christopher R - DATCP; DATCP Livestock Siting Comments  
**Subject:** Fwd: Pictures

**Categories:** Green Category

Monday, September 2, 2019....Jerry's birthday.

We just got back from the ER. Jerry fell off his bike while we were riding in Merton, hit his head, lost consciousness for a short while...ended up with stitches in his eyelid and hand, bandages all over for the "road rash". What a way to spend his birthday. We came home and I got him settled in his recliner. After he fell asleep, about 2:45p.m., I ventured outside thinking my garden would be my sanctuary.

NOT HAPPENING! I stayed outside for a little over an hour. The dog's extended leash had to be moved several times to a new location as he kept barking and running after the manure haulers that were flying past the house....constantly. The smell when they went by traveled up our long farm driveway and was enough to make you sick. I tried to drown out the noise with my radio station on WLUM...loud. Finally, I gave up and came inside.

I sat down to look at my emails from the past few days and found this one. An Ixonia resident had sent this picture of ponding on CW going west just past SC, from Tag Lane manure haulers. And this is okay?

I am a taxpayer. I have a right to enjoy my property without one property owner constantly interfering with my right to do so. I am tired of not having my voice heard...for our property, for the property of those whose lives are impacted by this CAFO. We need more oversight. We need a seat at the table. We need our voices to be heard...NOW.

Thank you for listening and, hopefully, hearing what we are saying!

Very Sincerely,  
Janet Foust  
W993 Gopher Hill Road  
Watertown, Wisconsin 53094

Begin forwarded message:

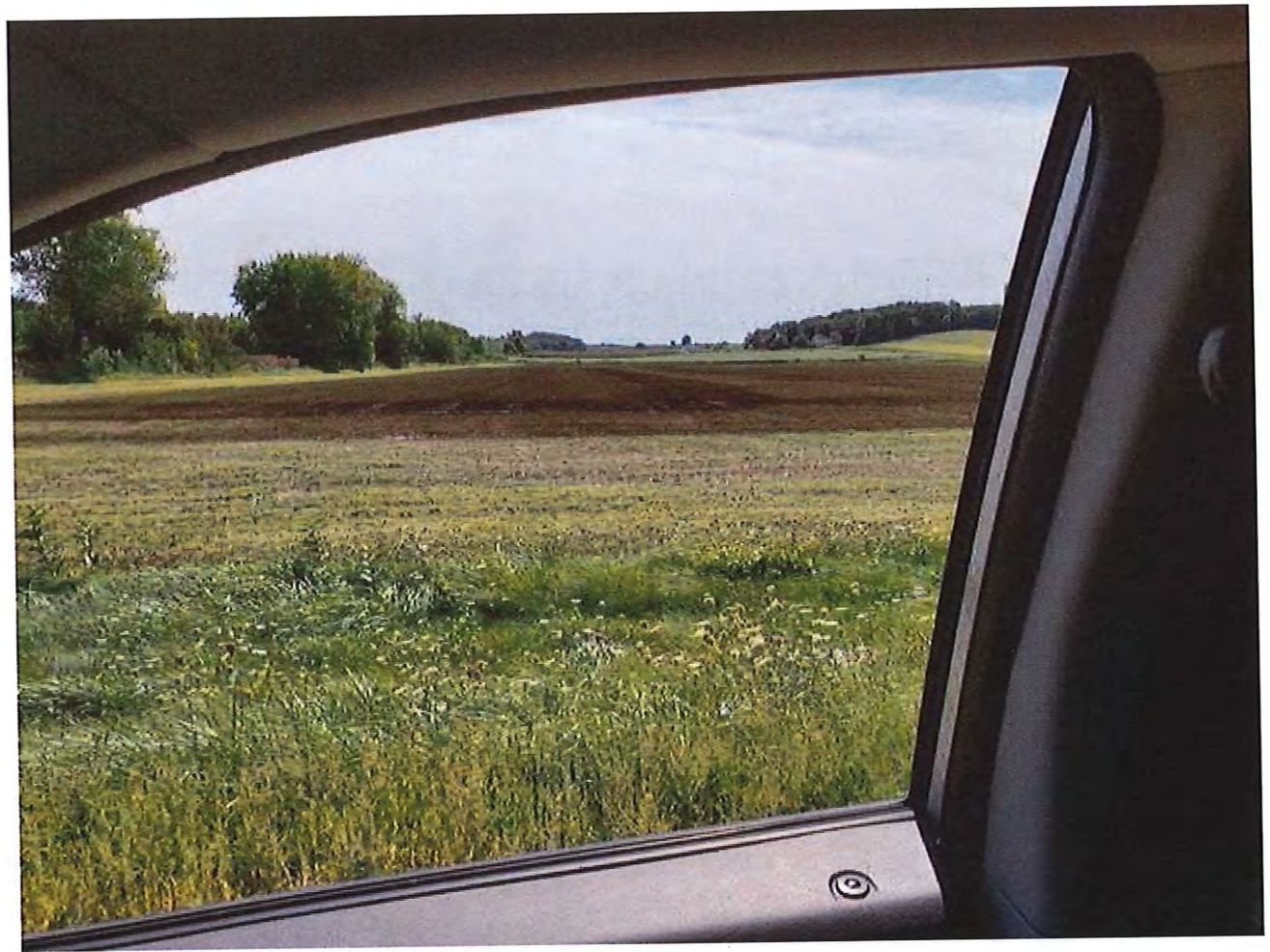
**From:** familyhann <[familyhann@yahoo.com](mailto:familyhann@yahoo.com)>  
**Subject:** Pictures



**Date:** August 30, 2019 at 1:32:21 PM CDT

**To:** Janet <[teach4591@gmail.com](mailto:teach4591@gmail.com)>, Janet Foust <[jjfoust1954@icloud.com](mailto:jjfoust1954@icloud.com)>

Sent from my Samsung Galaxy smartphone.







## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Jean Heinith <JHeinith@defense.oshkoshcorp.com>  
**Sent:** Tuesday, September 3, 2019 6:59 AM  
**To:** Clayton, Christopher R - DATCP  
**Cc:** ron\_johnson@ronjohnson.senate.gov; GOV Info; Peter.bosquez@co.waupaca.wi.us; Joyce.boyer@co.waupaca.wi.us; Patricia.Craig@co.waupaca.wi.us; Bob.Ellis@co.waupaca.wi.us; DuWayne.Federwitz@co.waupaca.wi.us; ob.Flease@co.waupaca.wi.us; Sue.Golding@co.waupaca.wi.us; Darrell.Handrich@co.waupaca.wi.us; David.Johnson@co.waupaca.wi.us; William.Jonely@co.waupaca.wi.us; Dick.Koeppen@co.waupaca.wi.us; Dennis.Kussmann@co.waupaca.wi.us; Janet.Lehrer@co.waupaca.wi.us; Joe.McClone@co.waupaca.wi.us; David.Morack@co.waupaca.wi.us; Lee.Much@co.waupaca.wi.us; Gerald.Murphy@co.waupaca.wi.us; Terry.Murphy@co.waupaca.wi.us; Dave.Neumann@co.waupaca.wi.us; James.Nygaard@co.waupaca.wi.us; MaryKay.Poehlman@co.waupaca.wi.us; Bernie.Ritchie@co.waupaca.wi.us; Dick.Rohan@co.waupaca.wi.us; Jack.Spierings@co.waupaca.wi.us; Kevin.Will@co.waupaca.wi.us; Fred.Zaug@co.waupaca.wi.us; Steve.abel@fdlco.wi.gov; Lisette.aldrich@fdlco.wi.gov; Michael.beer@fdlco.wi.gov; Kenneth.depperman@fdlco.wi.gov; Sarah.everson@fdlco.wi.gov; Martin.farrell@fdlco.wi.gov; Joseph.fenrick@fdlco.wi.gov; Robert.giese@fdlco.wi.gov; Mary.hayes@fdlco.wi.gov; Sam.kaufman@fdlco.wi.gov; Thomas.kitchen@fdlco.wi.gov; Brian.kolstad@fdlco.wi.gov; Karen.madigan@fdlco.wi.gov; Jay.myrechuck@fdlco.wi.gov; John.rickert@fdlco.wi.gov; Martin.ryan@fdlco.wi.gov; Martin.schroeder@fdlco.wi.gov; Robert.simon@fdlco.wi.gov; Dennis.stenz@fdlco.wi.gov; Dean.will@fdlco.wi.gov; Gary.will@fdlco.wi.gov; Michael.will@fdlco.wi.gov; govgeneral@wisconsin.gov  
**Subject:** Public Comment on ATCP 51 Livestock Facility Siting (Draft Changes)  
**Attachments:** Public Comment on ATCP 51 Livestock Facility Siting\_02 September 2019.docx  
**Categories:** Green Category

Oshkosh Corporation Classification - Restricted

*(Also attached is a hard copy of the letter)*

2 September 2019

DATCP-ARM  
ATTN: Chris Clayton  
608-224-4630  
[Christopher.clayton@wisconsin.gov](mailto:Christopher.clayton@wisconsin.gov)  
P.O. Box 8911  
Madison, Wisconsin 53708-8911

**SUBJECT:** Public Comment on ATCP 51 Livestock Facility Siting (Draft Changes)

Mr. Clayton,



We appreciate the opportunity that you have given the public to comment on the recent review process for ATCP 51. The information that was provided to the public and the due diligence you have shown clearly indicate that you are concerned and see a need to provide more uniform local regulations of livestock facility siting and expansions.

We agree with and support the need and the importance of protecting the state of Wisconsin and further implore you to make ATCP 51 more stringent to control the proliferation of corporate farming operations in our towns and counties. The unrestrained growth of Concentrated Animal Feeding Operations (CAFO), left unabated, will unquestionably diminish the quality of our natural resources, especially our lakes, streams and wells, and additionally, will jeopardize the substantial revenues generated by these resources. For example, the Winnebago Waterway system (five county region) generates approximately \$234 million annually from recreational fishing alone and more importantly, provides clean drinking water to greater than 200,000 residents. Once our waterway systems and wells are contaminated by the massive runoffs of manure created by these unregulated CAFO's, there is no going back.

It is disturbing that the state of Wisconsin has not made these regulations mandatory. It would appear that once again, our government officials have been overly influenced by the farm lobbyists. During the hearings, we listened to the concerns expressed by farmers about the proposed changes to ATCP 51, stating that these modifications will prevent them from being able to farm. Citizens spoke of their concerns for the environment and the impact of CAFO's on their communities. All are valid concerns, however, farmer's should direct their displeasure not to the proposed modifications, but rather to the proliferation of corporate farms that are littering this state with CAFO's.

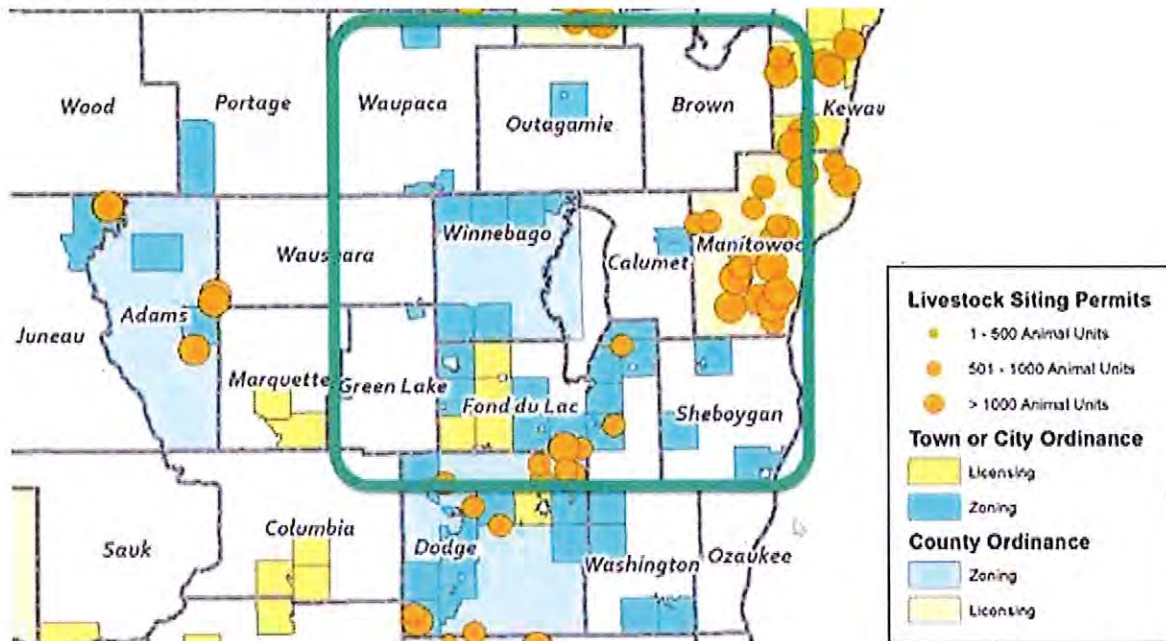
In the state of Wisconsin, gone are the days of the small-time farmer. Allowing corporate farms and CAFO's to infiltrate the lands and proliferate is harming the small-time farmer, our environment and the health of those citizens living in the communities where they exist. These facilities push out the small-time farmer not because of the regulations or licensing requirements, but rather because the small farm is unable to effectively compete with the cost advantages associated with being a large CAFO. ATCP 51 should be a mandatory law across the state of Wisconsin. As proposed, ATCP 51 remains 'voluntary' and thus is ineffective. If the intent is to protect the land, environment and the public health, then make it mandatory.

Corporate farms have targeted rural open areas to infiltrate and litter the lands with CAFO's. The evidence has proven how these facilities have a negative impact on states – economically and environmentally (air quality, water) not to mention the negative impact of improper management of manure from these facilities. The short term effects of excessive manure runoff have significant environmental and economic consequences. One only has to look at the damage done to Lake Winnebago when a CAFO pipeline broke in Fond du Lac County spilling massive amounts of manure into the lake. The long term effect of these manure runoffs to our aquatic systems, public health and drinking water is irreparable. Given the magnitude of this imposing danger to our environment and water, why would the state of Wisconsin not mandate the regulation and licensing of these corporate farms and CAFO's?

In the 12 years since the implementation of ATCP 51, there have been only a small percentage of municipalities within the state that have taken the necessary steps to protect and preserve the land for future generations. They have taken the necessary steps and see the need to regulate these operations, however the surrounding communities have not taken those same steps. What is the sense of one community implementing ordinances, adoption of ATCP 51 when the surrounding communities do not?

For example, Winnebago County has adopted a livestock facility ordinance that helps to protect the water quality of Lake Winnebago, Fond du Lac County has not. Several years ago, a large farm located in Fond du Lac County caused a massive amount of manure to be dumped into Lake Winnebago. Perhaps this damage to the lake could have been prevented if Fond du Lac County had followed Winnebago County's lead by adopting a Livestock Facility Siting

ordinance. In any event, Winnebago County's efforts to keep the waters of Lake Winnebago clean are clearly hampered by Fond du Lac County's continued inability to adopt a reasonable siting ordinance.



*Waupaca, Outagamie, Brown, Calumet, Fond du Lac Counties have not adopted ATCP 51 Livestock Siting*

The statistics show since the implementation of ATCP 51 in 2006 and an update that you provided as of December 2018, there are 133 siting ordinances that were adopted and the breakdown is listed below:

- 28 counties have adopted siting ordinances
  - 72 total counties in Wisconsin
    - **62% of counties HAVE NOT adopted any ordinance or licensing requirements**
- 96 towns have adopted siting ordinances
- 7 villages have adopted siting ordinances (Germantown, Richfield, Rochester, New Glarus, Bloomfield, Foxing Crossing and Bristol)
  - 1,253 total towns/villages in Wisconsin
    - **88% of towns/villages HAVE NOT adopted any ordinance or licensing requirements**
- 2 cities have adopted siting ordinances (Berlin and Fitchburg)
  - 190 total cities in Wisconsin
    - **99% of cities HAVE NOT adopted any ordinance or licensing requirements**

Because the regulations under ATCP 51 are voluntary, the vast majority of villages, towns, cities, and counties in the state have chosen not to adopt any of these zoning or licensing regulations, thus rendering the intended benefit and purpose of these regulations meaningless. Moreover this inaction negates the positive steps taken by surrounding municipalities who have adopted livestock licensing or zoning ordinances. The majority of the rural communities in the state do not have the revenue or resources to take the necessary steps to restrict or oversee these CAFO's. As exhibited in the high percentage of municipalities that have not taken the necessary steps to protect the environment and the citizens, this should be a mandate that **ALL** counties in the state of Wisconsin adopt ATCP 51 Livestock Facility Siting.



The United States Department of Agriculture (USDA) has defined CAFO's. We understand the need to define parameters of facilities, however, call these types of facilities for what they are - no matter the acreage, location, quantity of Animal Units (AU) - they are ALL CAFO's.

The proliferation of these types of facilities along with the economic and disastrous environmental impacts have severely damaged multiple states – California, Iowa, Ohio, North Carolina and many others. As foreign and domestic corporations embrace this type of 'farming' as the new normal, we are at your mercy to do the right thing.

The proposals you have presented are the right step. We realize this is an extremely complicated process however, we implore you to move forward and take the necessary steps to prevent catastrophic environmental impacts, preserve our economy, and protect the people of the state of Wisconsin by making all ATCP 51 Livestock Facility Siting ordinances, including the proposed regulations, mandatory verses voluntary for **ALL** counties in the state of Wisconsin.

Respectfully,

Eric & Jean Heinith  
2085 S Point Comfort Road  
Oshkosh, WI 54902  
920-267-3003  
[etkmhm@aol.com](mailto:etkmhm@aol.com)

CC:

Fond du Lac County Board Members  
Waupaca County Board Members  
Outagamie County Board Members  
Brown County Board Members  
Calumet County Board Members  
Governor Tony Evers ([govgeneral@wisconsin.gov](mailto:govgeneral@wisconsin.gov))  
Wisconsin Town's Association ([wtowns@wistowns.com](mailto:wtowns@wistowns.com))  
Senator Dan Feyen ([Sen.Feyen@legis.wi.gov](mailto:Sen.Feyen@legis.wi.gov))  
([Tim.Lakin@legis.wisconsin.gov](mailto:Tim.Lakin@legis.wisconsin.gov))  
Representative Michael Schraa ([Rep.Schraa@legis.wisconsin.gov](mailto:Rep.Schraa@legis.wisconsin.gov))  
[Max.Leib@legis.wisconsin.gov](mailto:Max.Leib@legis.wisconsin.gov)  
[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)  
Ron Johnson ([ron\\_johnson@ronjohnson.senate.gov](mailto:ron_johnson@ronjohnson.senate.gov))

Although this e-mail and any attachments are believed to be free of any virus or other defect which might affect any computer system, it is the responsibility of the recipient to check that it is virus-free and the sender accepts no responsibility or liability for any loss, injury, damage, cost or expense arising in any way from receipt or use thereof by the recipient.

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## Heaton-Amrhein, Jennifer A - DATCP

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**From:** linda hendrix <halflog@hotmail.com>  
**Sent:** Tuesday, September 3, 2019 8:07 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** Cafos...

**Categories:** Green Category

I am very concerned about factory farms in Wi....particularly the huge hog farm setting it's sights on No west Wi. This is a huge farm of 26000 animals. My question is why when a community reaches 1500 people do they need sewer/water treatment....and yet spreading huge amts of manure on farm fields is still considered responsible. Good chance ecoli will develop in the watershed, St. Croix etc at some point. This is archaic and should not be a farming practice in 2019.  
Also, I find it interesting all the strict rules we needed to adhere to to build an outhouse at our cabin in Ashland Co. We had to be so far from a floodplain, the Chippewa river....and mostly, it had to be an enclosed vault, to be suctioned out when full by an authorized septic co ! Seems a bit ironic, wouldn't you say? 😊

Sent from my Verizon, Samsung Galaxy smartphone

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Tuesday, September 3, 2019 8:47 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Tuesday, September 3, 2019 6:09 AM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** threshingtablefarm@frontiernet.net  
**Subject:** Public comment on CR 19-098

**Name:** Jody Lenz  
**Address:** 2249 150th St, Star Prairie WI 54026  
**Email:** threshingtablefarm@frontiernet.net

**Organization:**

**Comments:** Hello,

Thank you for looking at these rules. It is long over-due. These large farms are not really farms. They are factories. The economic impact on their local communities is huge. The local communities have extra costs in road repair. The employees of these farms are transient because they don't make enough money to make a decent living and support their families. The local communities have to support these people through food assistance, educating their children in the schools and providing health care. This all costs the state and counties. These are not economically sustainable or thriving pieces of our communities.

These farms also put the smaller farms out of business. It is heart-breaking to see more and more families leaving the land they love, because they are being run out by cheap milk or pork. or poultry. NO ONE is winning this game. Soon, these CAFO's will be unable to continue their farms, due to economics, age and/or health. Only foreign entities will be able to invest in these farms. This sets us up as a state to be owned by China or other countries. We must be prepared to fight this. We must have a plan to break these large tracks of land up and get them back into the hands of Wisconsinites when it is time to sell.

Large CAFO's need to pay the REAL cost of what it takes to be here, not just expect the state and local govt. to pay for their impact.

Environmentally- the current rules we have our failing. I grew up in Kewaunee County. No where have we failed as a state when it comes to CAFO's and the environment than there. The once beautiful county I grew up in stinks. Literally stinks. The school district is shrinking in size and several schools no longer have football teams due to too few kids. Our rural population is heading to the cities. Along with them, are their skills, passions and values- all things that are better used living where many want to live- but are unable to. I now live in Western WI and have had to see the impacts of CAFO's in St. Croix County. My neighbors are hanging on to their small farms by a thread, there is too much milk and the large farms just keep expanding.

The environmental cost is disturbing. My family needs to drink bottled water due to high nitrates. I am not the only one. We must have a way for CAFO's to pay the local community when they have a manure spill or other event that impacts their neighbor's groundwater. We must have a way to get the word out to neighbors when an event happens. We must help people get their water tested and monitored in a timely manner so that they aren't finding out about contaminated



water months after it happens. Then it is too late. CAFO's must take the responsibility, the real cost of what they are doing. The DNR must have more ability to look at the cumulative impact of CAFO's in an area. When the school district of Algoma is providing water to their families because ground water has been so contaminated by manure, and a farm is given the go-ahead for an ADDITIONAL 3,000 cows- miles from Algoma, this system is broken! When the farmer (And I use this term loosely) at Emerald dairy in St. Croix County refuses to report a manure spill that affects their neighbors for months- and the fine is cheaper than doing the right thing- this system is broken.

Please do the right thing by the people of WI. Give us local control to decided where these farms are best situated. Give us real, working, educated rules for the siting of these farms. And make them responsible for the real cost of what it takes to have them. My guess is, that if they had to pay the real cost of what they did- it would no longer be economically feasible. Because they have been stealing from all of us in the name of cheap food. Cheap food is never cheap. I'd much rather pay more for milk and meat and vegetables and less for everything else.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Tuesday, September 3, 2019 8:49 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Friday, August 30, 2019 11:15 AM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** bwood@frontiernet.net  
**Subject:** Public comment on CR 19-098

**Name:** Elizabeth Wood  
**Address:** 2389 Cardinal Drive, New Richmond WI 54017  
**Email:** bwood@frontiernet.net

**Organization:**

**Comments:** I am vehemently opposed to any assault on our access to clean healthy water. Wisconsin citizens need protection from the damage done by CAFOs. Mega factory livestock facilities are harming our local farmers and our natural resources. (see IOWA) Once our watershed has been compromised it will contaminate the water source for all of us, regardless of our proximity to a CAFO. We need a moratorium on the expansion and new CAFOs in our State before more damage is done. As property owners we have a right to protect the value of our property and our healthy wells. These CAFOs are a direct assault on our quality of life and the State of Wisconsin.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Tuesday, September 3, 2019 8:48 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Monday, September 2, 2019 4:45 PM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** sheaessencealpacas@me.com  
**Subject:** Public comment on CR 19-098

**Name:** Melanie Weberg  
**Address:** 1860 Swede Lake Drive, Osceola WI 54020  
**Email:** sheaessencealpacas@me.com

**Organization:** Mrs.

**Comments:** CR 19-098 Livestock Facility Siting Law recommendations

A one-size-fits-all approach to licensing livestock facilities isn't working for rural communities. Communities are struggling w/ many concerns including contamination of drinking wells, degraded streams from manure runoff, decreased air quality, increased truck traffic hauling manure, animals..., fish kills, nitrate and ammonia pollution, antibiotics, hormones, bacterial contamination, algae blooms, water quality impairments, decrease in residential property values, loss of small farm families and consequently a loss of tax base affecting schools and main street. Livestock production is an important contributor to water degradation and goes unchecked in Wisconsin. The following are recommendations to the livestock siting law:

- 1)Local communities need the right to vote, veto/reject the siting of CAFOs; 2)Increased DNR staffing to enforce environmental law. Due to low DNR staffing, self-regulating is required and large livestock operations are not self-reporting in our community.
- 3)Clarify how and when impacts to drinking water, road safety, and air quality are sufficient to establish a local need to protect public health and safety.
- 4)Allow more robust local monitoring of compliance with the siting law either thru the municipalities or the counties
- 5)Define specific conditions that trigger an acceptable, more stringent public health and safety standard.
- 6)Current law is heavily biased in favor of CAFOs forcing local communities to essentially rubber stamp applications and approve plans that may not be protective enough of local needs. In other words, municipalities and counties have their hands tied.
- 7)Communities need broader authority beyond health and safety 8)Standards need to consider diversity of land use and quality of life concerns 9)DATCP and DNR must work together 10)Clarify the process for approving more stringent local regulations

We are LOSING small farms and making it more difficult for them to survive when we allow corporate CAFOs to move in to our local communities not to mention the environmental damage. I rely on my small farms to eat; I do not eat

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Tuesday, September 3, 2019 8:48 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment to CR 19-098 "Livestock Facility Siting Law"

**Categories:** Green Category

**From:** Melanie Weberg <sheaessencealpacas@me.com>  
**Sent:** Monday, September 2, 2019 4:46 PM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Subject:** Public comment to CR 19-098 "Livestock Facility Siting Law"

### CR 19-098 Livestock Facility Siting Law recommendations

A one-size-fits-all approach to licensing livestock facilities isn't working for rural communities. Communities are struggling w/ many concerns including contamination of drinking wells, degraded streams from manure runoff, decreased air quality, increased truck traffic hauling manure, animals..., fish kills, nitrate and ammonia pollution, antibiotics, hormones, bacterial contamination, algae blooms, water quality impairments, decrease in residential property values, loss of small farm families and consequently a loss of tax base affecting schools and main street. Livestock production is an important contributor to water degradation and goes unchecked in Wisconsin. The following are recommendations to the livestock siting law:

1. Local communities need the right to vote, veto/reject the siting of CAFOs;
2. Increased DNR staffing to enforce environmental law. Due to low DNR staffing, self-regulating is required and large livestock operations are not self-reporting in our community.
3. Clarify how and when impacts to drinking water, road safety, and air quality are sufficient to establish a local need to protect public health and safety.
4. Allow more robust local monitoring of compliance with the siting law either thru the municipalities or the counties
5. Define specific conditions that trigger an acceptable, more stringent public health and safety standard.
6. Current law is heavily biased in favor of CAFOs forcing local communities to essentially rubber stamp applications and approve plans that may not be protective enough of local needs. In other words, municipalities and counties have their hands tied.
7. Communities need broader authority beyond health and safety
8. Standards need to consider diversity of land use and quality of life concerns
9. DATCP and DNR must work together
10. Clarify the process for approving more stringent local regulations

We are LOSING small farms and making it more difficult for them to survive when we allow corporate CAFOs to move in to our local communities not to mention the environmental damage. I rely on my small farms to eat; I do not eat soybeans, field corn, dairy cows/milk and pigs living in horrendous conditions. You do NOT have to get BIG to survive as a farmer. Small farms keep families in our communities and keep schools viable, main street, and small businesses as well.



soybeans, field corn, dairy cows/milk and pigs living in horrendous conditions. You do NOT have to get BIG to survive as a farmer. Small farms keep families in our communities and keep schools viable, main street, and small businesses as well.

Thank you for this opportunity to comment and I look forward to changes to the Livestock Siting Law.

Thank you for your time and I look forward to changes in the Livestock Siting laws.

Melanie Weberg  
1860 Swede Lake Drive  
Osceola, WI 54020  
Polk County, WI

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Tuesday, September 3, 2019 8:47 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Monday, September 2, 2019 8:12 PM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** fiddlingnorm@gmail.com  
**Subject:** Public comment on CR 19-098

**Name:** Norman Peterson  
**Address:** 21099 lakewood Drive, Grantsburg Wisconsin 54840  
**Email:** fiddlingnorm@gmail.com

**Organization:** 1944

**Comments:** Hello ATCP folks: My name is Norman Peterson and I live in Trade Lake, WI. My wife and son live about 2 miles from the proposed hog CAFO. I have done a lot of research on these swine factories and am concerned about the health hazards. A report from John's Hopkin's medical center in the book "CAFO" mentions strongly the Hydrogen Sulfide emissions effects on bronchial health issues, especially among children in schools within 10 miles of the factories. this study was done in Iowa. The incidence of bronchial issues was around 3% as a baseline in the state. 10 miles from a swine cafo it doubles to 6.7%. Five mile radius it quadruples to the 12-14%. On site or very close by, it goes above the 60% figure.

Just one issue along with groundwater, methane and ammonia emissions. Now we have run off to the tributaries close in that lead to the St. Croix river. Thanks for your attention.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Altaffer <fmaltaffer@grantsburgtelcom.net>  
**Sent:** Tuesday, September 3, 2019 11:01 AM  
**To:** Clayton, Christopher R - DATCP  
**Cc:** Ramona Moody; 'REID MCFARLANE'  
**Subject:** public input for ATCP 51

**Categories:** Green Category

Dear Mr. Clayton,

I am writing to submit my concerns to you regarding the changes to the administrative rule, formerly referred to as ATCP 51. Thank you for this opportunity to provide input.

My concern that I want to raise with you is that these changes do not allow for site-specific circumstances that are highly relevant to the proposal under consideration. Further, by not providing for such considerations, they may have the effect of actually blocking important issues from being addressed.

In the case of the CAFO proposed for the Trade Lake Township, the site is located close to the Fish Lake Wildlife Area. While the setback requirements would be met by the proposed CAFO, what is not addressed is the slope of the land.

The proposed Trade Lake CAFO would be sited on one of the highest points in the County, and the Fish Lake Wildlife Area is a direct, straight shot downhill. This literally guarantees that an adverse event (i.e., a manure spill) will automatically be an environmental disaster.

A simple visual inspection of the area reveals the risk. I implore you to ensure that the rules allow relevant circumstances, such as basic topographic features of the area, to be considered in the appropriateness of this site or any other proposed site.

Respectfully,

Fred Altaffer  
20528 Range Line Road  
Grantsburg, WI 54840

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Tuesday, September 3, 2019 11:16 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Tuesday, September 3, 2019 10:58 AM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** dnelson@warninglitesmn.com  
**Subject:** Public comment on CR 19-098

**Name:** Dave Nelson  
**Address:** 24810 115th St Nw, Zimmerman MN 55398  
**Email:** dnelson@warninglitesmn.com

**Organization:**

**Comments:** Just want to say that I love a good pork chop as much as anybody, but a farm of the size proposed for Trade Lake Twp. should not be considered...there simply is too much at stake with the abundance of natural water bodies in the area, not to mention movement of that water via rivers and streams, and I feel the volume of animal waste this proposed CAFO will produce annually is way in excess the land and local lakes, rivers, and streams can handle...not to mention the potential therat to residential wells in the vicinity! Sincerely hoping you will take this into consideration, among the many others of respondants and local citizens, as you move forward in making decisions we will be forced to live with. My own personal opinion is there are places better suited to handle pig farms of this size; this area isn't one of them.

Thank you and regards,  
Dave Nelson

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** CenturyLink Customer <jcspiritwind@q.com>  
**Sent:** Tuesday, September 3, 2019 12:15 PM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** Farming vs. CAFO's

**Categories:** Green Category

Greetings Mr. Clayton,

Thank you for taking public comments.

It is our opinion that livestock operations approaching the size of 1000 animal units or more is outside the scope of the 'family agriculture farm' and into the scope of industrial agriculture and thus requires more environmentally protective and preventive regulations.

Therefore we believe new rules need to be established to prevent the expansion of Industrial animal farm practices (CAFO's) in Lake Town Township, Polk County and Wisconsin.

We strongly feel these CAFO's are detrimental to the economy, the air quality, the water quality, the environment, the animals themselves, and our way of life, here at our home in Polk County, Wisconsin.

We sincerely urge you to consider these factors and restructure the rules to limit Industrial animal raising practices (CAFO's)

Thank you, Christy Sundstrom



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Altaffer <fmaltaffer@grantsburgtelcom.net>  
**Sent:** Tuesday, September 3, 2019 12:23 PM  
**To:** Clayton, Christopher R - DATCP  
**Cc:** Ramona Moody; 'REID MCFARLANE'  
**Subject:** Public comments regarding the Department of Agriculture, Trade and Consumer Protection (DATCP) agency is reviewing the Livestock Siting rule.

**Categories:** Green Category

Dear Mr. Clayton,

I am writing to submit my concerns to you regarding the changes to the administrative rule, formerly referred to as ATCP 51. Thank you for allowing citizens of the community to provide input on this rule.

My concerns that I want to raise with you are specific to the CAFO proposed for the Trade Lake Township but I believe apply to all large CAFOs in Wisconsin:

First these are big businesses, not family farms and as the CAFO name implies this is a corporation and the owners do not assume responsibility (LLC at the end of the name). Since there are such large numbers of animals in one place, extra considerations are needed. Such as:

1. Plans, procedures and reports that are available to the public (e.g., via the town meetings).
  - Checklists for routine maintenance (daily, weekly, monthly and as needed maintenances. That cover:
    - water purity checking in the ground water aquifer
    - water run off purity checking at the main site and from fields where manure is spread or injected as many fields have run off ditches that empty directly into wet lands or lakes and rivers. Currently >1000 acres will be fertilized with this CAFO manure.
    - antibiotic contamination testing
    - odors from animal housing sites, manure sites, composting of deceased animals, fields that have manure on or in them, or any other associated activity.

2. There should be disaster plans and procedures available so that any catastrophic event can be dealt with in a timely manner. These events should be reported and made available to public and local officials.

Foul water, foul air and foul soil are all Public Health issues that must be dealt with on the local and state level in a timely manner.

Respectfully,

Marcia Altaffer  
20528 Range Line Road  
Grantsburg WI

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** CenturyLink Customer <jcspiritwind@q.com>  
**Sent:** Tuesday, September 3, 2019 12:29 PM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** Farming vs. CAFO's

**Categories:** Green Category

Dear Mr. Clayton,  
Thank you for listening.

It is my opinion that livestock operations approaching the size of 1,000 animal units or more is outside the scope of the "Family Agriculture Farm" and into the scope of Industrialized Agriculture and thus requires more environmentally protective and preventative regulations.

Therefore I believe new rules need to be established to prevent the expansion of Industrial animal farm practices (CAFO's) in Laketown Township, Polk County, and Wisconsin.

I strongly feel these CAFO's are detrimental to the economy, the air quality, the water quality, the environment, the animals themselves and our way of life, here at our home in Wisconsin.

We sincerely urge you to consider these factors and restructure the rules to limit Industrial animal raising practices (CAFO's)

Thank you,  
Jeff Sundstrom

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Tuesday, September 3, 2019 3:18 PM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Tuesday, September 3, 2019 2:03 PM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** achurch612@gmail.com  
**Subject:** Public comment on CR 19-098

**Name:** Abbie Church  
**Address:** N2956 Pebble Valley Road, Stoddard WI 54658  
**Email:** achurch612@gmail.com

**Organization:**

**Comments:** I support the proposed changes to the Livestock Facility Siting Law to improve setback requirements and address odor issues. My parents home is an awful place to visit because of the stench and quantity of flies in the area due to the presence of concentrated animal feeding operations for both chickens and hogs. While my personal preference would be that any livestock facility limit the number of animal units so that all manure generated can be incorporated into crop fields so as not to necessitate any manure storage lagoons or other facility. But if that is not an option, at least the proposed changes take steps to better protect the water quality and quality of life for all other residents of this great state. Thank you for your consideration.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Kathy Clark <clarkakathy@gmail.com>  
**Sent:** Tuesday, September 3, 2019 3:51 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Proposed Livestock Siting

**Categories:** Green Category

I support the changes to the livestock siting rules that give more voice to local government.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Forest Jahnke <fjahnke@crawfordstewardship.org>  
**Sent:** Tuesday, September 3, 2019 3:54 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Crawford Stewardship Project Comments on Draft Rule ATCP 51  
**Attachments:** DATCP LSL Update CSP Comments 2019.docx

**Categories:** Green Category

Please see attached comments, and share with the DATCP Board.  
Thank you, and see you at the hearing in Onalaska!  
Forest Jahnke



Department of Agriculture, Trade and Consumer Protection Board  
2811 Agriculture Drive PO Box 8911  
Madison, WI 53708

**RE: Wisconsin Livestock Facility Siting – Comments on Draft Rule ATCP 51**

9/4/2019 Public Hearing in Onalaska, WI

Dear Members of the Board,

Thank you for finally hearing the public and considering much-needed revisions to the Livestock Siting Law.

This law has burdened our local communities for thirteen years with an illegitimate and insufficient one-size-fits-all regulatory ceiling. What we need, and which the state has failed to implement, is a regulatory *floor* of enforced basic rules, with the local authority to implement stronger standards as deemed necessary for public health, safety, and general welfare. This floor is needed because our local communities lack the resources to fully regulate these industrial operations, and our local authority of self-governance is both inherent and necessary to consider the diverse settings here in Wisconsin.

Here in the driftless region, for example, we both value and struggle with land uses on our steep slopes and karst geology. This means our surface waters as well as our groundwater are at serious risk from any potentially polluting practice, and in some areas are already severely impaired. Both study and rule-making are needed to implement targeted resource protection standards for SW Wisconsin and our sensitive hydrogeology, similar to those being implemented in Eastern Wisconsin overlying Silurian dolomite.

In general, we support the recommendations, and appreciate the time and study done to come up with these concrete improvements to this deeply flawed law.

Specifically, we support the following changes:

Periodically scheduled visual inspections of emptied manure storage facilities, and not just those over 10 years old, as these facilities have been known to crack and begin to fail in the first couple years of operation.

Require odor management plans and implement increased setbacks based on confined animal units and measured from property lines (not structure to structure), as well as a clear process for neighbors to file an odor complaint. Local government should be authorized to require these plans, not simply request them, from the operators.

Allow local governments to develop livestock siting fees based on animal units that reflect the cost of reviewing and implementing regulations, and require a minimum bond based on animal units and/or potential impacts to cover the costs of clean-up and remediation if a facility should



file for bankruptcy.

Review the impact of CAFOs on local roads and infrastructure, and create a mechanism for these operations to financially compensate the responsible units of government for their impacts to roads, shoulders, culverts, etc.

Require and subsidize well testing of all wells within a half mile of a CAFO, including where the animals are housed, manure is stored and where the manure is spread. Require at least one monitoring well per CAFO, with standard recommendations for more as needed, to track groundwater impacts over time.

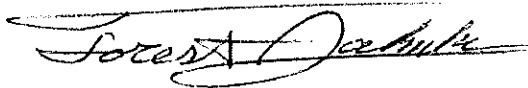
We do not agree with the recommendation that there should be a reduced review process if there is less than a 20% expansion, as this leads to potential for incremental expansion without further serious review.

Additionally, we ask that the state nutrient management standards be revised to be protective of our shared water resources, and not focus strictly on the best agronomic use of nutrients.

Also, as we have seen properties appear on Nutrient Management Plans without the landowners knowledge, we recommend requiring ownership, rental, or written warranted signed contracts with landowners to be included in a NMP. The DNR has discretion to require this, but rarely, if ever, takes this step.

While much more is needed, all of these suggestions would be notable improvements to ATCP 51, a law passed in 2003 and not updated once since, even after mountains of citizen and scientific input was "considered" and as the practice of agriculture in our communities has rapidly changed. We hope you consider our comments with a healthy attitude of collaboration and consideration of what is best for farmers, our rural communities, and the waters we all depend on.

Thank you for your time,



*Forest Jahnke*  
Program Coordinator for Crawford Stewardship Project  
43188 Guthrie Rd, Rolling Ground, Wi, 54631  
608-632-2183  
fjahnke@crawfordstewardship.org

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Edie Ehlert <edieehlert63@gmail.com>  
**Sent:** Wednesday, September 4, 2019 6:23 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock Siting Law review  
**Attachments:** Livestock Siting Law comments 2019 4.docx  
  
**Categories:** Green Category

Please enter my comments in the review of Draft Rule ATCP 51.

Thank you for holding hearings and receiving comments.

Respectfully,

Edie Ehlert  
Crawford Stewardship Project President

Department of Agriculture, Trade, and Consumer Protection Hearing on the Wisconsin Livestock Facility Siting – Draft Rule ATCP 51

Wednesday September 4, 2019  
Onalaska, Wisconsin

Dear Members of the Board,

Thank you for the opportunity to provide testimony/public comment on Draft Rule ATCP 51.

My name is Edie Ehlert, president of Crawford Stewardship Project (CSP). I live in Crawford County in a secluded little hollow, appreciating each day I can enjoy my land and my morning cup of coffee on the porch.

But that's not the simple case for many rural residents. The influx of CAFOs has caused devastating problems for CAFO neighboring residents and farmers. Intense odors and worry about manure run off into our streams, and polluted well water are part of living in the shadow of CAFOs.

While I fully support the measures proposed as brought forward by CSP as well as WFU to improve the law, ultimately, the law is broken. Citizens often spend thousands of hours and thousands of dollars trying to mitigate CAFO permits for little gain. Rural communities are pulled apart. Residential property values are reduced; selling one's home becomes difficult. In simple lay terms, the law allows too much anaerobic liquid manure to be housed and then spread on too little land.

Local control on CAFO siting needs to be returned. The "one size fits all" law and rules in a state of immense diversity of geology, geography, soil types, and groundwater vulnerabilities is causing problems across the state. We need stronger management for the geological karst issues in SW Wisconsin, for example, as shown in well test results. Once our water is polluted, it's polluted forever. And yet we are not allowed by law to fully protect our water and air quality.

I've spent many hours at hearings at DATCP over the years on review of the Livestock Siting Law along with many citizens from across the state. But our rural agricultural communities continue to be forced to accept CAFOs in most agricultural locations. Suggested rule changes are finally being considered. I'm grateful for that. And at the same time, real people are living in our exceptionally beautiful state next to industrial facilities severely reducing their quality of life. Many of us hope one doesn't land next to our own farm and rural home. The stench alone affects daily lives. You can't leave a window open, count on enjoying your yard and garden or plan an outdoor family reunion at your house. Your airspace becomes controlled by the neighboring CAFO.

Please accept the proposed rule changes as a first step in fixing this broken law.

Respectfully,

Edie Ehlert, Crawford Stewardship Project president  
Ferryville, WI



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Ann <ashibler@baycomwi.com>  
**Sent:** Wednesday, September 4, 2019 8:41 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** rules affecting CAFOs

**Categories:** Green Category

Living in southern Brown County for nearly 8 years was peaceful and enjoyable, until a dairy was built that has since expanded to an enormous CAFO. Wiese Brothers Dairy continues to encroach with constant expansion until buildings surround us and even block out the sun. We no longer sleep because of constant truck and tractor traffic 24/7.

But the worst part is that our health and safety and welfare is dictated by what the big farm is doing, what way the wind is from, and if they are hauling manure, which also goes on incessantly. The stench is horrible. We cannot open windows or sit outside in summer. Forget hanging clothes on the line, or sheets, for they will reek of manure. When the weather is damp, the stench is even worse. We could not have our daughter's wedding reception in our beautiful back yard because of this CAFO.

It is very sad that there is no recourse for us – their activities cost us money, as we must use the dryer more often, close windows and put on the AC even then it's not hot outside. Our patio dinner parties are moved indoors, friends decline to visit us.

How can this be a fair and equitable situation?

Please do not let these CAFOs expand to the point where they affect the neighbors' health, safety and welfare, and their pocketbook due to increased expenses. This is not about compensation, it's about PROPERTY RIGHTS. Seems we simply don't have any in Wisconsin's "right to farm" state, as there is no right to clean well water or clean air any more.

Thank you,

Ann Shibler  
6994 Bunker Hill Rd.  
Greenleaf, WI 54126  
920-532-4032

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Jill Bedford <bedfordjill@gmail.com>  
**Sent:** Wednesday, September 4, 2019 2:07 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51

**Categories:** Green Category

Concerning the ATCP 51, Livestock Facility Siting Law,

Below is my public input to the ATCP 51

I was unable to appear in person so please add my words below to the public comments.

"As a citizen of this state working as an Environmental Consultant in the area of Land use and Water quality, I strongly support the revisions to the ATCP 51 rule.

I fully agree with the Midwest Advocates submitted comments.

There is a strong need for the Siting Laws to better address the current public health and water quality issues. The revisions are paramount to align with our most recent technical and current research in Best Management Practices for manure and nutrient control. We need these rules to keep harmful nutrients out of our waters. Aquatic Invasive species problems due to increase P and N have now arrived at levels of serious proportions especially the deadly blue green algae. Drinking water is at risk. Human and Animal health is at risk. Wisconsin is at risk if this is not addressed.

The welfare of our waters and our citizens come first. Our public officials are elected to protect the people first. Then we find solutions to better assist the hardship to the factory owners and added work load to our agencies.

It saddens me to hear the weak testimony objecting to these new revisions. I wonder how they sleep at night. Wisdom is seeing the entire picture. We do not have the luxury of a wait and see approach. "

Respectfully,  
Jill Bedford

Jill Bedford  
W358 S2534 Hunters Lake Road  
Dousman WI 53118

Jill Bedford - Land Use Consultant

<http://tallpinesconservancy.org/>

<https://www.cleanwaterassociation.com/>

262-965-2342

PO Box 180022

Delafield WI 53018

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Tracey Ehret <TEhret@kremerservices.net>  
**Sent:** Wednesday, September 4, 2019 4:38 PM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** Concentrated Animal Feeding Operation Concerns

**Categories:** Green Category

I am writing you today to request your assistance in regulating the siting and operations of Condensed Animal Feeding Operations (CAFOS) in environmentally sensitive areas of our beautiful state. I am specifically concerned about the CAFO that has filed a permit for siting in Trade Lake, Wisconsin. I have never written a politician before but this issue seems so vitally important to residents and property owners that I have been moved to become active in the opposition to this type of industry in our county. The name may suggest farming however the reality of this is INDUSTRIAL.

Here are quality of life and health issues that concern me greatly regarding the CAFO being located in Trade Lake:

- Water contamination due to run off
- Water contamination due to antibiotics reaching drinking water, increase in antibiotic resistant diseases
- Bacterial contamination of aquifers
- Water pollution in area lakes increasing algae
- Contamination of private wells.
- Strain on current aquifer in the proposed area (the huge size of the proposed CAFO of 26,000 may drain the single aquifer in the Trade Lake area – this has happened in areas where CAFOS were much smaller than this proposed CAFO). This will affect private wells as well as the water levels in lakes, rivers and streams surrounding the proposed CAFOS.
- Smells from manure and dead hogs and piglets
- Increased insect vectors
- Increased traffic of heavily loaded tractors and trailers.

The financial issues for us as residents and property owners are as follows:

- Because Cumberland, LLC the proposed CAFO company is headquartered in Iowa, most or all profits go back to Iowa.
- Even though this will be a multi-million dollar INDUSTRIAL operation property it is taxed as agricultural. The costs to the small township of Trade Lake will not be offset by the property taxes it will collect from Cumberland. The intention of agricultural property tax relief is based on the support of small and/or family owned farms. This type of INDUSTRIAL operation should be taxed and regulated like any other industry in Wisconsin.
- Stress on roads. The addition of this feeding operation of 26,000 hogs is about the equivalent of 250,000 people moving into this small community. Feed will have to be delivered and hogs and piglets transported. The increased volume of semi tractors and trailers hauling heavy loads will certainly increase road maintenance costs.
- Decreased property values. There are studies of property values around current CAFOS and mill rates can drop 10-25% depending on how close you are located. This decrease in revenue will have to be addressed with cuts in services or raising of taxes. The burden to make up the revenue should rest solely on the industrial operation.



Ethical issues of the proposed CAFO in Trade Lake, Wisconsin are as follows:

- Companies like Cumberland, LLC target areas like Trade Lake Wisconsin because of the corporate friendly laws in Wisconsin. If a private resident incurs financial loss or medical issues as a result of an industrial farm, it is nearly financially impossible to get legal relief since current laws allow the CAFO to seek legal fees from plaintiffs if they lose but the plaintiffs can't seek legal fees from the multi-million dollar corporations if they win. Most residents, small farmers and landowners could not afford any such risk against these Goliath corporations.
- This CAFO is a WIN/LOSE proposition however. A few farmers that can buy and inject manure will gain, however, the rest of the township as well as small farmers and organic farmers lose.
- The fact the any organic farm within close proximity loses their organic status because of particulates and air and water pollution, by definition means these farms are unsafe.
- In the instance of the Trade Lake proposed CAFO, the town board president repeatedly violated Wisconsin's code of ethics for public officials by entering into an agreement with Cumberland LLC while directing decisions he directly benefits from.
- The town board president retained and directed legal counsel regarding the CAFO subsequent to recusing himself.
- The proposed CAFO is in direct opposition to both the Burnett County Comprehensive plan and the Trade Lake Comprehensive plan.

I understand that the face of farming is forever changing and that we have to accept that, however, I believe it should still be done in a responsible manner. Please consider adopting statewide size limits and moratoriums in environmentally fragile locations.

Thanks for your time, if you have any question, please feel free to contact me at 651-485-0478 or or [Tehret@kremerservices.net](mailto:Tehret@kremerservices.net)

Sincerely,

Tracey Ehret  
21801 White Pine Trail  
Trade Lake, WI

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Carol Pearson <pearson\_einstein@yahoo.com>  
**Sent:** Thursday, September 5, 2019 12:20 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comments on Livestock Facility Siting Rule Changes

**Categories:** Green Category

Dear DATCP Board Members:

I am writing as a Clean Water Action Council board member in support of updated changes to the law. In particular, the need for greater setbacks but without modification to odor modification efforts. Those efforts have not consistently been proven successful. The Council has many rural members that I speak for and I have many family members who live in rural communities. Their living environment needs to be protected.

The other update that I support is to require all facilities to be inspected, not just those that are 10 years or older. Newer equipment can fail too. Letting a problem exist for 6 years before the magic 10 years inspection time is reached and the problem is caught, is a very bad idea.

I encourage you to consider these updates and others that are being put forth.

Sincerely,

Carol Pearson  
Clean Water Action Council Board Member  
3114 East River Drive  
Green Bay, WI 54301

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Jeanie Carlin <jeaniecarlin@gmail.com>  
**Sent:** Thursday, September 5, 2019 12:38 PM  
**To:** DATCP Livestock Siting Comments  
**Cc:** contact@cleanwateractioncouncil.org; jimlukas4@gmail.com  
**Subject:** Regulation changes

**Categories:** Green Category

Please note along with my last email to make the regulation 250 feet from property !  
Jean carlin

Sent from my iPhone



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Doug Anderson <npidouga@lakeland.ws>  
**Sent:** Thursday, September 5, 2019 3:49 PM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** LIVESTOCK SITING RULE (ATCP 51)  
**Attachments:** LIVESTOCK SITING RULE (ATCP 51).docx

**Categories:** Green Category

Sep. 5, 2019

Christopher Clayton, DATCP  
P.O. Box 8911  
Madison, WI 53708-8911  
608-224-4630  
christopher.clayton@wisconsin.gov

Greetings Mr. Clayton,

We understand that now is the time to submit our comments and concerns to address changes to the administrative rule, formerly referred to as ATCP 51. We appreciate that you are allowing public input to make sure the rules are balanced.

It is our opinion that livestock operations approaching the size of 1000 animal units or more is outside the scope of the "family agricultural farm" and into a scope of Industrialized agriculture and thus requires more environmentally protective and preventative regulations. It should not be acceptable to put even one waterway, or groundwater aquifer at risk of potential contamination due to any industrial entity. It should also not be acceptable to put neighboring residents, or communities at risk of contaminated air, or expose them to harmful biological disease or health risks. We understand that agriculture is a necessity but, without protecting our environment and groundwater we will lose it all – our agriculture, our environment and our clean water. That risk is too great and regulations must be stringent on industrialized agricultural operations.

Here is our public input for helping to balance the rules:

- An industrial sized agricultural operation must not be self-regulated.
- We understand that there are currently many industrialized agriculture operations running with expired DNR runoff management CAFO permits. We recommend that you urge the Wisconsin Governor to issue a moratorium on all applications for siting of new or expanding industrial sized agriculture operations.
- Extend the requirement of a political subdivision to respond to a livestock siting application within 6 months (not 45 days), and a potential extension of 6 months in the event of extenuating circumstances such as the absence of key personnel, who are needed to determine whether the completeness criteria have been met, or permittee is running under an expired permit.
- Any industrial sized agriculture operation seeking to expand in animal units. An applicant or permittee must have all documents in good standing for the previous 5 years with no expired permits or incidences during that time period.
- There is currently no cap on the size of animal units an industrial size agriculture operation can expand to which is dangerous to the health of animals and residents. Siting an industrial sized agriculture operation needs to be as custom as the environment it is be placed in. Applications should be submitted to local / county government, not to the state. This includes the WPDES permit and any other permits that may be required. Monitoring needs to be done locally and/or 3rd party monitoring, not by permittee.
- Siting is as unique as the environment that the industrial size agriculture operation is put in. Therefore, an applicant should be required to provide or pay for an independent environmental impact study for each proposed facility, as directed by the permitting authority.
- The current system of renewing permits every 5 years with inadequate oversight of the industrial

agriculture operations needs to be updated to an annual permit renewal with higher fees for renewal to offset the cost of more 3rd party oversight personnel.

- Under a new nutrient management plan, all properties in the NMP and facility site should be required to have monitoring wells at a minimum depth to groundwater to provide for early warning of groundwater contamination monitored by local government or independent 3rd party.
- Allowing a limited liability corporation to establish an industrial agriculture operation is unacceptable due to potential of disastrous environmental impact. Any entity that is seeking a permit to establish an industrial agriculture operation, should be required to put forward a trust or bond, or have other means to rectify the worst-case scenario of an environmental impact incident.
- The "Right to Farm" act needs to be modified, or repealed in such a way that differentiates an established or "Grandfathered" industrial agriculture operation from a newly formed industrial agriculture operation or one that is expanding. For example, the "Right to Farm" laws should not apply to an entity seeking to site a new industrial agriculture operation or expand an existing one in or near any rural town or community.
- Any operation requiring any type of high capacity well should be required to install a water treatment facility to reclaim usable water for the purpose of groundwater conservation and minimize the discharge of contaminated water.
- The nutrient management plan of liquid manure should be injected with a coulter type system that provides light incorporation into the soil. Any spray of liquid manure such as the center pivot, or irrigation style of spreading should be prohibited.
- All open lagoon type manure storage should be prohibited. All existing open lagoon style storage should be upgraded to a closed or covered system.
- Nutrient management planning has historically focused more heavily on surface water quality and phosphorus and much less on groundwater quality and nitrates. Many of the nitrates application rates that are used are designed to produce the best economic yield and are not necessarily designed to be protective of groundwater. Recent studies have indicated that nutrient management plans are questionably effective at reducing nitrate levels to below the maximum contaminate level of 10 parts per million (Wisconsin groundwater coordinating council 2018). Therefore, the nutrient management plan needs to have greater acreage per animal unit.
- Nutrient waste storage capacity should be at least 18 months to mitigate issues with trying to spread manure on overly saturated fields in the spring time, or early freezing in the fall. Although the need for waste storage capacity could be greatly reduced with the incorporation of a waste water treatment facility.
- Any newly designed liquid waste storage tank should be of a double hull design to allow for early detection of any leakage into the secondary hull, which could then alert of impending spill. The requirement should be that the alarm is issued to the operator as well as a 3rd party, authority.
- Order scoring should include animal composting and distribution of byproducts and non-odor causing poisonous or harmful fumes.
- There needs to be greater setbacks from property line for the facility and composting structures, and greater setback in the nutrient management program from neighboring property lines, wetlands, and any type of surface water.
- Greater setbacks from neighboring property lines for animal compost distribution.
- More stringent order score requirements and no credits for order score practices.



In addition to the above public input above, we are also in agreement with the recommendations from the Wisconsin Farmers Union that have been put forth.

Sincerely,

Douglas H Anderson

Merodie K. Anderson

715-648-5484

2346 265<sup>th</sup> Avenue

Cushing, WI 54006

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Rebecka Eichhorn <r\_eichhorn@hotmail.com>  
**Sent:** Thursday, September 5, 2019 6:13 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Citizen Comment on proposed revisions to ATCP 51

**Categories:** Green Category

Hello, my name is Rebecka Eichhorn and I am a board member for the Clean Water Action Council of Northeast Wisconsin. Thank you for this opportunity to share comments on the proposed revisions to ATCP 51, especially during this time of agricultural trends involving rapidly growing livestock units which has, as we all know, brought around significant issues with drinking water contamination here in Wisconsin.

The proposed draft is moving in the right direction with rules geared towards more restrictive setbacks. However, the rule allowing operations to adopt odor control practices to receive more lenient setbacks is not a route I support as these have been found to be difficult to monitor and control. Please consider that under current rules a manure pit can be located 250 ft from a neighboring property line. There is a need for greater setbacks than what is currently proposed as they are not rigid enough to protect the public and property owners from the negative effects of these large operations, specifically the quality of drinking water. Safe drinking water is the most basic of needs and requires far more protection than we are offering for our citizens.

Thank you,  
Rebecka Eichhorn  
2315 Eastman Ave Apt 3  
Green Bay, WI 54302

**Heaton-Amrhein, Jennifer A - DATCP**

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**From:** Caitlin Cravillion <caitlincravillion101@gmail.com>  
**Sent:** Thursday, September 5, 2019 7:18 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock Siting Comment  
**Attachments:** The livestock siting rule comment.docx  
  
**Categories:** Green Category

I have attached my livestock siting comment to this email.

Thank you for reading,

--  
**Caitlin Cravillion**



Attention Chris Clayton of the DATCP,

Being raised in Kewaunee County, I have grown to appreciate the beauty of Wisconsin, I have also realized the many industry hazards that threaten our quality of life. I personally watched farms grow and have experienced the negative effects that growth has had on the community. I am commenting today because I believe that the current Livestock Facility Siting Rule, ATCP 51 is inadequately protecting the people of Wisconsin. In this comment, I will include a few changes that I would like to see from this revision. I would like to see the out of date permit fee cap of \$1000 be raised. I would like to see better financial security measures in place for local governments and taxpayers, as well as see the ability of local governments to protect public health and safety be restored.

The current permit fee cap of \$1000 dollars that political subdivisions can charge for permits is out of date, the cap was effective back when farms were much smaller in size. As the size of the farming operations have grown and continue to grow, the cost to review permit applications requires a more in-depth review, and from varying specialties, thus requiring more money to be properly conducted.

The rule revision needs to incorporate taking the financial burden off local governments and taxpayers. Financial security measures need to be incorporated, this could include a reimbursement provision in cases where local roads and waterways were harmed by the livestock facility. The current subdivisions prohibit the requirement of large livestock facilities to put in place backup financial security measures. Financial security measures put in place by the facility owners ensure that taxpayers are protected from the possibility of a costly cleanup if a manure storage pit overtops or the operation goes out of business. This prohibition needs to be removed to ensure that the financial burden of a facility going under or environmental concern doesn't fall on the taxpayers. This is especially important in an industry as volatile and unpredictable as the dairy industry can be and with the current law restricting the local governments power to enact higher restrictions.

The Livestock Facility Siting Rule was intended to provide consistency in livestock siting rules, which is necessary, but one-size-fits-all approach to licensing livestock facilities isn't working for many of Wisconsin's rural communities. The ability of local governments to enact protective ordinances on their local land use needs to be restored. Communities are facing unique issues, including health threats of decreasing air quality, contamination of drinking wells, degraded natural water systems from manure runoff. Communities should have the right to ask for more restrictions on land use if they so choose. Currently, ATCP 15 only allows objections from those who live or own land within two miles of a proposed facility. In many instances, families outside a two-mile radius are being negatively affected by these large farming facilities so it should be an ability of the local government to apply more stringent standards based on constituent concerns.

Although positive changes to ATCP 51 have been proposed, there are still concerns to be addressed and changes to be made to adequately protect Wisconsin's resident's quality of life.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Kay Winton <kaybwinton@yahoo.com>  
**Sent:** Thursday, September 5, 2019 9:26 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Stronger regulations needed

**Categories:** Green Category

My name is Kay Winton of Hayward, Wi. I was unable to attend the meeting tonight in Spooner, Wi. I agree that we need stronger regulations of these CAPOs to safeguard our natural resources. This area makes it's living on tourism. We need to keep our waters and our air safe from negative effects of these CAPOs. We need stronger revisions to the rules regulating CAPOs. Local governments need to require permits and need to better inspect existing sites. Thank you.

[Sent from Yahoo Mail for iPad](#)

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** George and Marilyn Rock <pklakerocks@gmail.com>  
**Sent:** Friday, September 6, 2019 8:06 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP-51 comments

**Categories:** Green Category

We are retired professional couple who have lived in Wisconsin all our lives and have enjoyed its clean water. We feel that the current rules should be changed so that all large cow yards should be inspected every year. It is a crying shame that residents in their own homes have cow poop (s---) coming out of their kitchen water taps. Local effected communities must be compensated fully for their review of operator permits. Any proposed enlargement for additional cows must be fully investigated anytime additions are made. Farm operators must be required to obtain adequate financial insurance to protect the community's future cost to clean up damage caused by pollution. Again, we feel it is criminal that CAFO operators are polluting their neighbor's wells. Our proposal would be that any future CAFO's be required to set up their facilities on Madison's capital square. Let's let the politicians currently running Wisconsin drink and enjoy the cow poop tainted water (s---).

Marilyn & George Rock  
W6541 Rickey Lane  
Greenville, WI 54942

Sent from my iPad



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** carole vande walle <didjuno2020@gmail.com>  
**Sent:** Friday, September 6, 2019 10:26 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51

**Categories:** Green Category

From: Carole Vande Walle  
PO 581  
Fish Creek, WI 54212

Re: ATCP 51

I understand that the previous governor did not want lawsuits, so when a complaint was filed, he allowed the violator to change the permit so there was no longer a violation. There should be a provision for payment of legal fees to people who file an objection to a violation of ATCP 51.

Corporations cannot ruin the air, water and soil for personal profit. If we do not establish and enforce laws protecting critical resources, the alternative is unthinkable...life on earth at risk. People don't get to harm critical resources causing children swimming in affected waters to land in intensive care. Health cannot be threatened and life spans shortened just to increase profitability. This greed robs our children and their children's children of health. Our constitution and the United Nations ensure every human the inalienable right to health. If we don't make this commitment, it is morally wrong.

I understand that the DATCP's proposed revisions to ATCP 51 are important, such as:

1. Replace flawed odor score calculation with greater setbacks
2. Calculate setbacks from neighbors' property lines from 1000 to 2500 feet, not from neighbors' residences or buildings. It is critical that this element of the draft rules be maintained to protect neighbors' current and future property rights on the entirety of their property, not just their existing buildings
3. Require more frequent inspections
4. Require feed storage leachate control standards apply to all feed
5. Create a process to initiate an odor complaint
6. Delineate a process to clarify application completions
7. Insure the applicant has a nutrient management plan needed to implement the permit

The DATCP's proposed revisions to ATCP 51 could be better. Additional suggestions that I have read about that make sense are:

1. DACP should simply require greater setbacks for new permits, and dispense with credits for odor practices that are difficult to monitor, enforce, and scientifically defend based on the scant and sometimes conflicting research that would provide a loophole.
2. Clustering provisions in the proposed draft should be removed because they can create more odor problems and allow more lenient setbacks under the current draft rule.
3. The proposed rule should create a default setback framework, but the rule should allow local governments to require increased setbacks if local conditions dictate
4. The cap in current draft is \$1000 on the permit fee that a political subdivision can charge. Yet, it can cost \$40,000 to review a single permit application on large operations with complex engineering. Maximum allowable permit fee should be increased per animal unit or recovery of reasonable and actual costs incurred by the political subdivision in the course of the permit review.
5. Financial security, ie a bond must be posted to protect taxpayers when facilities are abandoned.
6. There should be a standard application procedure to apply for modifications or expansions and the expansion should be limited percentage.
7. The time limit for response by a political subdivision must be flexible when there are extenuating circumstances.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Katherine Frisk <chkafrisk@yahoo.com>  
**Sent:** Friday, September 6, 2019 11:54 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock siting rules

**Categories:** Green Category

To Whom It May Concern:

As a citizen who lives in Northeast Wisconsin I am very pleased to see that the Wisconsin Legislature is developing regulations for livestock siting. There are some areas where I would like to see the draft regulations strengthened.

- The present system of odor scoring to determine how far a manure storage facility or barn needs to be from neighboring properties needs to be replaced with designated setbacks.
- Presently only facilities 10 years or older need to be inspected. All facilities should be inspected.
- The current permitting fee of \$1,000 needs to be adjusted to ensure local governments are not losing money in the review process.
- Operators should be required to list owned, rented and contracted acres where they plan to spread manure to protect landowners adjacent to those properties. In Kewaunee County a large percentage of manure is spread on rented or contracted acres.
- The abbreviated review process that allows facilities expanding by less than 20-30% to forgo full reviews needs to be dismantled to prevent the slow, gradual expansion of facilities.

The livestock siting regulations should be made as protective as possible because it may be sometime until they are revisited. These regulations are the best protection that landowners adjacent to CAFOs have to protect their property values. Thank you for taking time to read my suggestions.

Sincerely,

Charlie Frisk

**Heaton-Amrhein, Jennifer A - DATCP**

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**From:** Steve Johnson <stpajo@gmail.com>  
**Sent:** Friday, September 6, 2019 1:11 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** final spooner thoughts

**Categories:** Green Category

Good afternoon.

I attended the siting meeting yesterday at Spooner. I thought you may be there.

The Cumberland LLC obviously has talking points. They have tried to include small farms on their side. After yesterday, I can see that it isn't always true. You can't support the family grocery store and walmart.

Over the weeks, I have drawn my own conclusion to what people are thinking. It appears nobody has too much of an issue with a family farm owner expanding. The people live on the property and will take care of it even though some of the rules are tough.

The siting law must differentiate between family farms and factory farms. There must be laws for new sites and the grandfather clause for existing family farms. Nobody wants foreigners to walk in and threaten our NATURAL RESOURCES.

I think we can win this battle. They are not welcome here. All family farms are welcome.

regards, Steve Johnson

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Notice my email address has changed.

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Notice my email address has changed.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Elli Hunt (elliphu@gmail.com) Sent You a Personal Message  
<automail@knowwho.com>  
**Sent:** Friday, September 6, 2019 1:58 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51: Livestock Facility Siting Administrative Rule Revision Comments

**Categories:** Green Category

Dear Trade and Consumer Protection,

I have traveled over two thousand miles examining freshwater trout streams in the Indianhead region of Wisconsin. I have found that it is the rule that our freshwater streams are and have been completely compromised due to the farming practices in the watershed of this region. We are already beyond the limit of what this region can tolerate. If we don't take immediate action to end this toxification of these watersheds there is an entire population of people, animals, and plants that are at high risk. I don't believe that we have ten years, or five to start the remediation that is essential for our recovery of these systems.

May I also draw to your attention that fact that NOAA has reported an extensive region called The Dead Zone of the Gulf of Mexico as being the most extensive ever recorded back in 2017, (<https://www.noaa.gov/media-release/gulf-of-mexico-dead-zone-is-largest-ever-measured>). They and other scientist have stated that the source of the major toxins contributing to this issue is from the Mississippi River Watershed. A map they provided includes our region as a contributor to this problem as well.

I am writing to voice my support for some of the proposed changes to the Livestock Facility Siting Rule and to urge you to consider the following recommendations to help protect Wisconsin residents from the known impacts of concentrated animal feeding operations (CAFOs) on our land, water, and health.

The proposed shift to a greater use of setbacks will be a major improvement to the current odor scoring system in protecting the property rights and quality of life for landowners neighboring CAFO operations. Though the rule has some important improvements, they need to be stronger. Replacing the previous system of odor scoring with designated setbacks to determine how far a manure storage facility or barn needs to be from neighboring properties is a big improvement, but there are still some outlets in the proposed rule, including more lenient setbacks if an operation complies with weaker, inexact odor control practices. Additionally, the setbacks need to be much larger and neighbors within two miles of the facilities should be notified. Finally, local governments need to be allowed to require additional setbacks if they deem necessary.

I also support the ability for local governments to impose additional manure spreading restrictions consistent with applicable performance standards and prohibitions in ch. NR 151. Additionally, changes to the rule that only facilities 10 year or older need to be inspected will prove beneficial, as we know there have been storage facilities that have leaked within 30 days of installation. I urge you to make sure that these provisions stay in the rule.

While I do support the above adaptations to the current rule, I'm urging you to add stronger and more robust standards for CAFO operations to protect Wisconsin residents from their potential dangers. For example, the abbreviated review process for facilities expanding by less than 20-30% creates a dangerous loophole that could allow for much bigger, gradual expansion of facilities. It's unfair to not require all facilities, new and expansions, to have to be reviewed.

Another area of concern stems from facility operators not being required to list the properties where they intend to spread their manure. Dedicated citizen groups have reviewed nutrient management plans only to discover manure is being spread in areas where landowners are not aware and did not grant permission. Adding this requirement would

create added protection for Wisconsin landowners and would ensure that management plans will be implemented. Permittees should be required to show signed contracts for land for manure spreading for land they are renting.

Wisconsin residents are not the only ones at risk, local governments often end up paying the price for CAFO operations. The current permit fee of \$1,000 only scrapes the surface of the potential thousands that local governments could pay to review permits. Green County paying \$40,000 to review a single application reflects a disappointing example of this issue. Additionally, the current rule does not allow local governments to secure financial security, like a bond,, which can leave local governments to clean up the mess in cases of bankruptcy. Local governments should be allowed to require this if they see fit.

Thank you for your time and attention, I look forward to hearing back from you on this important message.

Sincerely,

Elli Hunt  
3003 Wilson Street Lot 62  
Menomonie, WI 54751  
elliphu@gmail.com  
(715) 309-3794

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Lillian Miller at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500 for more information.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Gail Bolden <3rngbold@att.net>  
**Sent:** Friday, September 6, 2019 4:01 PM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** ATCP-51 (Draft Changes) Public Comment  
**Attachments:** ATCP-51 Public Comment.docx.pdf

**Categories:** Green Category

Good Afternoon, Mr. Clayton,

Please consider the attached comments in your review of ATCP-51 draft changes.

Regards,

Gail Bolden  
N8603 Lakeshore Drive  
Fond du Lac, WI 54937



6 September 2019

DATCP-ARM  
ATTN: Chris Clayton  
P.O. Box 8911  
Madison, Wisconsin 53708-8911

To Whom It May Concern,

Thank you for giving Wisconsin residents the opportunity to provide input on the proposed draft changes for ATCP-51. The agency's due diligence highlights the importance of considering the concerns of residents impacted by livestock operations in their communities. Factory farming is here, but by providing uniform regulations, it will bolster protection of our residents and natural resources during this agricultural shift of rapid consolidation.

We also did our due diligence before we purchased our lake home in late November 2016. We researched the historical background of a small animal feeding operation (AFO) located across the street from the property, in addition to considering the valuable information gathered from neighboring residents. Aside from a couple of barn additions, the property remained relatively unchanged for many years. It was tidy, quiet, and the cattle barns were nowhere close to capacity. There were no applications on file for expansion, so we thought it was safe to put in a contract to purchase. Less than one year later, the AFO grew substantially. The first of the expansion included a 64' x 360' cattle finishing barn, and despite numerous resident queries, the county was only able to inspect after this barn was nearing completion. Construction commenced with no building permits, no nutrient management plan, no stormwater plan, no siltation barriers installed during construction, and even more concerning was that no neighbors were notified of the expansion. Residents did not have the opportunity to voice our concern for our shallow wells, air quality, or the devaluation of property values. The operator got a slap on the wrist for this gross violation, but this expansion has drastically changed our quality of life. We do not open our windows on beautiful days, we do a sniff test before we hang laundry, and on some days, when the stench is strongest, we do not even go outside. Even worse, we hold our breath each time we have our private well tested, wondering if the water is still safe to drink and bathe in. It is not a pleasant way to live, but this is only one story of how these operations affect the lives of regular people just trying to live their life. While we are paying higher taxes to live on a lake, we are unable to enjoy the entirety of our property. Uniform regulations will be a first step to protect our fundamental right to breathe clean air, drink water that is safe, and it will protect our property values.

Wisconsin simply is not doing enough to protect our water. By way of example, the Winnebago Waterway system holds 17% of Wisconsin's surface water, and according to the Fox-Wolf Watershed Alliance, the four Winnebago lakes make up one of the largest

freshwater systems in the United States. This system spans four counties: Fond du Lac, Calumet, Winnebago, and Waushara, yet Winnebago County is the only county in the Winnebago system that has adopted ATCP-51. When over 250,000 residents get their drinking water from Lake Winnebago alone, it seems preposterous that the other three have not taken the necessary steps to protect this natural resource. While it is glaringly apparent that the farm lobby is vocal and robust in Wisconsin, we need to stop advancing the interests of these large-scale operations when it is coming at the expense of hundreds of thousands of taxpaying residents who only want to breathe clean air, drink safe water, and enjoy their properties. ATCP-51, while may not be perfect, it is a step in the right direction. Despite a smattering of towns and villages adopting siting ordinances, counties really need to wake up and get on board.

There are several good things to note in the proposed draft changes; however, ATCP-51 can be more stringent overall. This agricultural shift to produce more with less land has deleterious effects on all Wisconsinites, including the small family farmer.

#### **The Good:**

1. Replacing the odor score calculation with greater setbacks is a start; however, is it enough? The AFO across from our home is not a CAFO, but property line to property line averages <70'. The odor is offensive and present more often than not.
2. Creating a process for neighbors to initiate an odor complaint is helpful. The process needs to be further clarified and extended to include *any* affected individual filing the complaint. The right to file should not be limited to CAFOs only, but to include all verified complaints against any size AFO.
3. Increasing the amount of visual inspections of manure storage facilities is great, but self-regulating inspections seem counterproductive.
4. Requiring permit applicants to have the land base necessary to implement a NMP for the amount of au's requested in the permit. Further, rented parcels mentioned in NMPs should have a signed affidavit from the property owner acknowledging that manure is being spread on same. Municipalities need to know where this manure is going, and landowners need to know if their land is listed on a NMP.

#### **The Bad:**

1. Capping the permit fee to \$1,000. Towns do not have the technical expertise to properly vet these technical permits so it would be a cost born onto taxpayers.
2. Denying local municipalities the authority to require permittees to post a bond in the event of a catastrophic event. This prohibition needlessly exposes taxpayers.
3. Allowing reductions to setbacks for those that implement odor control practices. Minimal setbacks should be set by DATCP; however, local municipalities should be allowed more stringent controls based on local site conditions.
4. Incorporating clusters for more lenient setbacks is a clause that should be removed. Clusters would create more odor issues for neighboring residents rather than fewer.

5. An abbreviated modification process given for expansions up to 20%. This can be quite an expansion, and less than 20% would be better. The 20% expansion request should trigger a requirement to go through the normal permitting process.

**The Ugly:**

1. ATCP-51 is voluntary and not mandatory. If the intent is to establish a rule that protects our natural resources, and public health and safety, make it mandatory.

-Of the 72 counties in Wisconsin, 28 have adopted siting ordinances (38%)  
-Of the 1,253 towns/villages in Wisconsin, 103 towns/villages have siting ordinances (8%).  
-Of the 190 cities in Wisconsin, 2 have adopted siting ordinances (1%).  
While we applaud those that have adopted zoning and/or siting ordinances, these statistics are abysmal.

As we sat through our first public hearing and listened to public testimony on these draft changes, exaggerated statements were made on both sides. We do hope that you can separate the passion from the facts, as there is enough scientific evidence out there that supports that these types of operations negatively affect our natural resources, health, property values, and even our beloved family farms. If ATCP-51 remains voluntary, Wisconsin will suffer catastrophic losses, and it is not a matter of 'if' but 'when.'

Regards,

Glenn and Gail Bolden  
N8603 Lakeshore Drive  
Fond du Lac, WI 54937

CC:

Michael Will, Fond du Lac County Board Member  
Calumet County Board Members  
Winnebago County Board Members  
Waushara County Board Members  
Representative Michael Schraa, Assembly District 53  
Senator Dan Feyen, Senate District 18  
WI Governor Tony Evers  
U.S. Senator Ron Johnson



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** HiD Atan <hidatanasov@gmail.com>  
**Sent:** Saturday, September 7, 2019 8:29 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51

**Categories:** Green Category

From: Heidi Atanasov  
PO 791  
Fish Creek, WI 54212  
Re: ATCP 51  
(Written by Carole Vande Walle)

I understand that the previous governor did not want lawsuits, so when a complaint was filed, he allowed the violator to change the permit so there was no longer a violation. There should be a provision for payment of legal fees to people who file an objection to a violation of ATCP 51. Corporations cannot ruin the air, water and soil for personal profit. If we do not establish and enforce laws protecting critical resources, the alternative is unthinkable...life on earth at risk. People don't get to harm critical resources, causing children swimming in affected waters to land in intensive care. Health cannot be threatened and life spans shortened just to increase profitability. This greed robs our children and their children's children of health. Our constitution and the United Nations ensure every human the inalienable right to health. If we don't make this commitment to preserve our critical resources of water, air and soil, it is morally wrong.

I understand that the DATCP's proposed revisions to ATCP 51 are important, such as:

1. Replace flawed odor score calculation with greater setbacks
2. Calculate setbacks from neighbors' property lines from 1000 to 2500 feet, not from neighbors' residences or buildings. It is critical that this element of the draft rules be maintained to protect neighbors' current and future property rights on the entirety of their property, not just their existing buildings
3. Require more frequent inspections
4. Require feed storage leachate control standards apply to all feed
5. Create a process to initiate an odor complaint
6. Delineate a process to clarify application completions
7. Insure the applicant has a nutrient management plan needed to implement the permit

The DATCP's proposed revisions to ATCP 51 could be better. Additional suggestions that I have read about that make sense are:

1. DACP should simply require greater setbacks for new permits, and dispense with credits for odor practices that are difficult to monitor, enforce, and scientifically defend based on the scant and sometimes conflicting research that would provide a loophole.
2. Clustering provisions in the proposed draft should be removed because they can create more odor problems and allow more lenient setbacks under the current draft rule.
3. The proposed rule should create a default setback framework, but the rule should allow local governments to require increased setbacks if local conditions dictate
4. The cap in current draft is \$1000 on the permit fee that a political subdivision can charge. Yet, it can cost \$40,000 to review a single permit application on large operations with complex engineering. Maximum allowable permit fee should be increased per animal unit or recovery of reasonable and actual costs incurred by the political subdivision in the course of the permit review.
5. Financial security, ie a bond must be posted to protect taxpayers when facilities are abandoned.

6. There should be a standard application procedure to apply for modifications or expansions and the expansion should be limited percentage.
7. The time limit for response by a political subdivision must be flexible when there are extenuating circumstances.

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From Heidi's phone

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Shelley karl <pupresq@yahoo.com>  
**Sent:** Saturday, September 7, 2019 2:14 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comments on hog CAFO siting rules

**Categories:** Green Category

I am very concerned about the siting rules pertaining to the over 1000 au CAFO's. I live 1.5 miles away from a possible 26,000 au hog factory which would impact my family in so many ways. Regulations that you are proposing to change do not protect us residents from water and air contamination or devaluing our properties and homes. Once the agricultural zoning allows these corporate animal factories into our local neighborhoods residents like myself have no rights to our air quality being first safe and second, unbearable to smell. Our water quality is degraded to possibly an undrinkable and toxic state, only to be monitored as the intoxication rises. Once this happens, we as community members have no choice but to leave our homes at a huge financial loss and relocate. If you check the facts about these Iowa hog factories in other states you will find that the water eventually becomes undrinkable, our health is impacted greatly, our quality of life due to the landscape being degraded is permanent and our rights as Wisconsin citizens become second to huge corporate financial gains. When do people's health and welfare become the issue and who is going to be there to protect our rights for a decent quality of life? Hopefully your department will consider the changes needed to be there for us.

Thank you, Shelley Giswold, Laketown township, WI. resident



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Mike Mulhern <driftersifter21@gmail.com>  
**Sent:** Sunday, September 8, 2019 6:09 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** proposed livestock changes

**Categories:** Green Category

I support the new proposed livestock siting rules that give local government more voice.

Mike mulhern

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Mark Robarge <hoelrobarge@gmail.com>  
**Sent:** Sunday, September 8, 2019 9:26 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51 Hearing Comments  
**Attachments:** ATCP51 Notes.docx

**Categories:** Green Category

These comments have also been sent to the Department by regular mail.

Mark Robarge  
Cornell WI 54732  
(715) 239-3391

Mark Robarge  
21341 Highway 64  
PO Box 804  
Cornell WI 54732  
[hoelrobarge@gmail.com](mailto:hoelrobarge@gmail.com)

I live in rural northern Wisconsin and I'm no stranger to the sounds and smells coming from the farms that surround my home. I have no problem with any of that. However, I don't think the wants or needs of one individual or one business should outweigh the wants or needs of a community. And that, I would argue, is the problem with CAFO's. During the Department's hearing in Eau Claire on August 19, 2019, there was a great deal of talk about fairness. It seems to me that it's grossly unfair for a single business to put the health of an entire community at risk because doing so is more profitable for that business. Even accepting there are some CAFO's which operate as good conscientious neighbors, the possibility of air and water contamination exist. It's a little like living next to a nuclear power plant—everything may be fine until something happens—then, suddenly, it's not. Therefore, I support the proposed changes to ATCP 51, although I would contend they don't go far enough—but, as they say, if wishes were horses, beggars would ride.

I am aware that agricultural producers are experiencing a difficult time. I would note though that the economic troubles go across the farming spectrum. In other words, the depressed prices being experienced by dairy, beef and pork producers is also being felt by crop farmers. Despite what some of the draft rule change opponents suggested at the August 19 hearing, this would indicate that policies directed at CAFO's are not solely responsible for the agriculture industries economic woes. Those problems have to do with a myriad of factors outside the control of the Department.

Several rule change opponents spoke to having a "fair and predictable framework" (or words to that effect) for future producers. (As an aside, I find it interesting that many used almost exactly the same verbiage--as if it came from a set of widely distributed talking points.) This contention doesn't hold up for a couple of reasons. First, it is my understanding that Wisconsin's Livestock Siting Law requires ATCP 51 to be reviewed every four years. Theoretically, that means the rule could change every four years. Given that four years is not much time for an operator adapt to changes in any rule affecting his/her business, it would seem the enabling statute itself does not offer a "fair and predictable framework" for CAFO operators. That ATCP 51 has not changed in 12 years is not a substantial basis for an argument that it shouldn't change. Second, it's an indisputable fact that statutes and administrative rules change for any number of reasons. When the rules governing businesses change, businesses need to adapt and most do. It seems to me that agribusinesses need to do the same. Considering that farm operators already adapt to ever-changing influences like markets and weather, the "fair and predictable framework" argument is difficult to accept.

Opponents of the rule change also talked about "stakeholders" not having a voice in the process. While they did not define who those stakeholders are, the implication seemed to be



the stakeholders in question are those who own and operate CAFO's. I would maintain that the process used to change administrative rules (public hearings, administrative and legislative review and approval, etc.) provide ample opportunities for these particular stakeholders to offer their views. In fact, considering these agriculturally related trade associations are better organized and funded than their citizen neighbors, I am not overly concerned they will not be heard. I expect these groups will be represented at every public hearing. They will have agents speaking to the staff in the governor's office. And, most notably, they will likely have (paid) advocates expressing their position to legislators. Making sure these stakeholders get heard should be the least of the Department's concerns.

CAFO owner and operators are not the only people with a stake in regulation of their businesses. I don't think there is any dispute that CAFO's—even the most compliant and well managed CAFO's—have an impact on the environment and present the potential for serious water and air quality damage. Is it not also fair to allow the other stakeholders, namely those who live near or who may find themselves living near CAFO's an equal voice in the process? Fairness would dictate their concerns be given as much weight as those in the agriculture industry.

One speaker opposing the ATCP 51 changes remarked that now is not the time to reconfigure the rules, given that Wisconsin's dairy industry is experiencing difficulty-- largely due to low milk prices. But if we are going to be completely honest, low milk prices are not new. Dairy farmers have been complaining about low prices and an unfair pricing system for many years. And while no one seems to be willing to say it out loud, dairy farmers themselves are as much to blame for the situation as any other factor. For years, dairy farmers have sought to produce themselves out of their economic troubles. The result has been an oversupply of milk which has helped to keep the market depressed. Given that low milk prices have been an issue for quite some time, it's not likely the problem is going to be solved any time soon. Furthermore, let's face it, very few people like change. In my experience the "now is not the time to change" position is commonly used when people are facing change, particularly change they don't like. The argument is specious and simply an attempt to maintain the status quo. Given the historic persistence of low milk prices as well as the milk pricing system, the current situation is likely to continue regardless of what the Department does to further regulate CAFO's.

Finally, in the comments of several opponents to the changes in ATCP 51, I detected veiled threats not unlike those from major league sports franchises which threaten to move elsewhere if a municipality doesn't build them new stadiums or offer up some other types of concessions. True, agriculture generates a great deal of money for Wisconsin's economy but that position strikes me as a lot of bluff and bluster. In addition, it makes no sense on its face. If regulatory conditions in Wisconsin are of have been that damaging, those agricultural enterprises would likely not be here. Unlike major league sports franchises, which often have municipalities lining up to incentivize their defections, virtually no one is lining up to adopt a CAFO. Nevertheless, if these operators believe they can get a better deal in North Dakota or South Dakota or Minnesota, Wisconsin has no rules I'm aware of to stop them from relocating.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Monday, September 9, 2019 7:22 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Saturday, September 7, 2019 10:12 PM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** rsrogers9@charter.net  
**Subject:** Public comment on CR 19-098

**Name:** Rick Rogers  
**Address:** 308 S 12th Avenue, Sturgeon Bay WI 54235  
**Email:** rsrogers9@charter.net

**Organization:** Individual

**Comments:** This is a public health issue. Any CAFO to receive a permit or renewal must furnish an independent expert study that demonstrates safe ways to treat all waste streams to protect ground and surface waters and public health. Monitoring is needed with the CAFO having full liability for all spills and pollution. Options to include agricultural spreading, sewage treatment plants, methane digesters, and value-added products but only if pollution is controlled. Regulations to be more strict on fragile soils/karst bedrock. Small farms to be exempt/reduced requirements depending on soil, aquifer, surface water and public health protection. Need to control noisome odors including consideration of frozen soil conditions and weather conditions. These orders are reducing economic prosperity for others. Costs should be borne by the CAFO business, not by taxpayers or neighbors.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Monday, September 9, 2019 7:23 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Friday, September 6, 2019 9:45 AM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** jflesher@mhtc.net  
**Subject:** Public comment on CR 19-098

**Name:** john flesher  
**Address:** n1679 mt hope rd, brodhead wi 53520  
**Email:** jflesher@mhtc.net

**Organization:**

**Comments:** Regarding proposed changes to the CAFO regulations. I have lived within 1/2 mile of a CAFO dairy for 13 years. I have witnessed first hand the spreading of millions of gallons of waste. The current regulations are not effective. I see no monitors of the waste operations. Waste sits pooled on the ground for several days. Local communities need to have more control of these operations. The proposed changes are needed. Other changes should follow. These operations are driving down the price of milk for all producers, contributing to poor water quality and threatening our environment. Small dairy operations cannot compete with these large corporates. CAFO operations are no good for Wisconsin, it's people, environment, animals, economy or quality of life.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** lkriemer7 <lkriemer7@gmail.com>  
**Sent:** Monday, September 9, 2019 9:06 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Sitting rules

**Categories:** Green Category

The following are just 3 important rules for consideration for site permits.

1. require covered manure storage. The stench from the 5-6000 cows within a quarter mile from us comes right through our air conditioner. Can never open a window.

2. Local government should be considered in making decisions on limiting the number of animals in a CAFO. They know the local economy and road/traffic conditions. Size and number of vehicles has already caused horrible road damage in one year's time.

3. No CAFO should be constructed on a wetland or beside a creek. Before the hundreds of loads of gravel were hauled in, the area flooded every year. Heavy rains and runoff continue to rush to the creek through the ditches.

Decisions should not be based on pressure from big business or out of state owners. We have learned that self regulation doesn't exist. So, I ask that you consider these problems before putting any other Wisconsin citizens into the conditions that we existing.

Thank you,

Kathie Riemer  
Riemer road  
Brodhead

Sent from my Galaxy Tab® A

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** randekersten@centurytel.net  
**Sent:** Monday, September 9, 2019 9:07 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock Operations

**Categories:** Green Category

I am so sick and tired of large animal operations polluting water ways and private well waters. Any operation over 1,000 animals should have an on site manure digester. Liquid manure should be plowed into the soil, and not spread on the soil surface.

Dairy farmers wonder why the price of milk is down; it is due to large farm over production. Senator Baldwin blames President Trump, for the loss of many family farms. She is mistaken! It's the corporate farms! We need water quality laws to be enforced! Bob Kersten, 1523 Hollister Ave., Tomah, WI 54660

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Sheri Scott <sherscott@earthlink.net>  
**Sent:** Monday, September 9, 2019 4:30 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Public comment - Improve ATCP 51 Livestock Facility Siting Rule update to protect public health and safety  
**Attachments:** DATCP Livestock Siting Comment.docx  
**Categories:** Green Category

September 9, 2019

Greetings DATCP Board,

I'm contacting you with a strong request to improve the ATCP 51 Livestock Facility Siting Rule for public health and safety. As a public health professional and lifelong rural Wisconsin resident, I see the great need to have updated rules to protect the health of Wisconsin citizens. I know the importance of agriculture and livestock in our state, but the toll that CAFO operations take on the health of the people, as well as animals, can no longer be ignored.

Our karst geology in the Driftless region leaves us at high risk for water quality issues from agriculture, as we have heard so much about this year when poor water quality issues are headline news. There is no reason to continue to put our residents at risk for the sole purpose to allow higher profits for large animal operations that are not in the spirit of our Wisconsin heritage and put out our smaller family farms.

I drive by a CAFO on Highway 14 almost each day, and the smell is unbearable when the wind is blowing south or west. I can't imagine what it would be like to live near one without better regulations to take care of the smell, which isn't just a nuisance, but can cause major sinus and respiratory problems.

***The rules need to clearly delineate the conditions that constitute threats to public health and safety – we have many local and regional experts in health and safety that can provide guidance, such as that setbacks from permitted farms must be bigger to avoid the risks to people and waterways. Periodic inspection of all manure pits should be required, and localities should be allowed to require farms to post bond, in case of costly pit leaks, cleanups, or farm failures. Our local governments should be allowed to charge sufficient fees to recover our costs of assessing applications of these large farms. And all expanding farms should be expected to meet new setback and other standards, to avoid creeping incremental expansions.***

Thank you to the committee who has worked hard to review and revise the rules over the past several years. Please do your utmost to use their expertise, and protect the health of our communities in Wisconsin by improving ATCP 51 Livestock Facility Siting Rules.

Sincerely,



Sheri Scott  
21850 Rosses Rd  
Richland Center, WI 53581

[electronic copy of letter attached]



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Sheri Scott, MPH (she/her)  
Scott Consulting Partners  
608-647-0015  
internet home: [communityresearchworks.com](http://communityresearchworks.com)

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Criste Greening <cristeads@gmail.com>  
**Sent:** Tuesday, September 10, 2019 10:09 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Public comment submission

**Categories:** Green Category

Although I publicly spoke at the Wausau public hearing I was unable to submit my comments via paper copy at that time. Please accept this copy of my testimony for public record. Thank You.



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*Criste Greening*

6451 Oak St  
Wisc. Rapids, WI 54494  
715-570-8760

I'm here today to urge members of this board to pass the recommended ACTP-51 revisions.

ACT 235 which passed in 2003 was a bipartisan compromise between Republicans, Democrats, and other key players to strike a **FAIR** and **BALANCED** agreement between Wisconsin agriculture's push to maintain its position as the Dairy State and local governments concern that they had available the tools necessary to oversee Concentrated Animal Feeding Operations (CAFOs) entering their communities. Local governing bodies wanted assurance CAFOs operated in an environmentally friendly and safe manner to protect the health, safety, and welfare of its residents. The first Livestock Siting Standards were implemented in 2006 with the knowledge and scientific information that was available to members and experts at the time. Fast forward over a decade, and even though we have had significant advances in science and even more significant advances in technology, livestock citing standards have remained unchanged. **ACTP 51 no longer represents a FAIR or BALANCED compromise** between the agricultural industry and the governing bodies attempting to protect their impacted communities from out-dated and inefficient standards.

I stand before you today with a glimmer of hope and sincere appreciation for members of the Department of Agriculture and Trade, and Consumer Protection (DATCP) board for voting unanimously to send committee recommendations forward to public hearings. In previous years, specifically 2010 & 2014 DATCP did not have an acting board of directors with a backbone or the strength of character to resist the pressure and intimidation from both our own State Legislature and large agricultural interest, instead they bent to the will of those in opposition and refused to bring ACTP-51 recommendations to the public for a hearing. I commend the members of DATCP here today for your commitment to the citizens of the state of Wisconsin to hear our concerns and I encourage you to continue this process with a high level of integrity and fortitude.

It is with great gratitude that I am able to stand and speak here today on testify on proposed recommendations.

I am fully aware that members of the DATCP board and the Secretary Pfaff have already received significant pressure from Assembly Speaker Vos and Senate Majority Leader Fitzgerald instructing them to NOT bring these recommended revisions to the public. I have read their statement and am fully aware they have indeed already instructed Agricultural Committee Chairman Howard Marklein and Gary Tauchen “**to reject the current revisions and to send them back to DATCP**” Once again crooked politics at its best playing out in our Wisconsin government. I believe now more than ever, it is extremely important that DATCP support and trust the credibility of the Technical Expert Committee who advised members on these suggested revisions. To act in any other manner would send a clear message to Wisconsin residents that not only your department, but ACT 235 in general, is inefficient and a complete waste of our taxpayer dollars and other state resources which are allocated for the sole purpose of convening this technical committee and keeping our standards current.

I have also read statements provided by the Dairy Business Association, Wisconsin Farm Bureau, Wisconsin Dairy Alliance, Wisconsin Cattleman, Wisconsin Cheese Makers Association, and the list goes on and on. All have joined together to flex their collective might in the hopes of strongly persuade and intimidate members of DATCP to also ignore necessary recommendations and leave the current standards in place. I again applaud your strength of character and integrity and hope you and the DATCP board have the fortitude to do what is right for the state of WI and its residents which your predecessors in 2010 & 2014 did not have the courage to do.

I fully support the proposed revisions to ACTP 51. I am one of the few (and at times the only) citizen that attended the Livestock Siting Technical Expert Committee Meetings. I can say with complete confidence decisions for recommendations where not made



lightly nor did they lack a thorough and in depth conversation and discussion by all parties involved. At times the experts openly stated recommendations being made *did not go far enough* but they were able to reach a FAIR and BALANCED compromise in most areas of discussion. It was also interesting to note that all members were in agreement the **ACTP 51 standards originally designed in 2006 were NEVER intended for livestock facilities the size of current CAFOs dotting the WI landscape today.** In 2006 standards were created with CAFO facilities expecting to ranging from 1000-2500 animal units, no one at that time envisioned CAFO facilities would be housing in excess of 8-10 thousand animals. The shift in our agricultural industry from small family run farms, which is what many envision when we think of our great WI farming heritage, to the modern day industrial sized mega facilities require a completely different approach to managing, regulating, and monitoring. Farming has changed in the state of Wisconsin and so must our standards and expectations of greater environmental protections.

As an individual who is not new to the rodeo of public hearings and testimony, I imagine testimony has already been presented by the Wisconsin Dairy Alliance, Dairy Business Association, perhaps the Wisconsin Farmers Bureau, all complaining that they did not have a seat at the table to discuss the suggested changes and recommendations. I would like to emphasize clearly, citizens did not have a seat at the table either even though tens of thousands of citizens across this state are impacted by the practices currently allowed under ACTP 51. As a citizen I chose to attend DATCPs Technical Expert Committee meetings, they were publicly noticed and ample time was given to alert anyone who wanted to attend. I was able to speak and chat with members of this committee both during break and during lunch, all individuals on this committee were open to conversation. Nobody denied access to any agricultural group or community organization that wanted to be a part of this process, they simply chose not to attend. I am hearing this common complaint and reading it in various testimonies. This is the

same excuse industry parties used in 2010 and 2014 and open records request have this documented, it is the same game being played, same excuses being made.

I have also heard numerous times CAFO operators complaining about the sleepless nights trying to figure out existing regulations and Nutrient Management Planning. I have many farmer friends and I know this concern to be valid and true. But what about the flip side? What about the sleepless nights from of the local residents due to the noise and odor, worrying about if they should stay or if they should move, or if they could even sell their home. Is there water safe for their families to drink? How is this pollution and contamination impacting our children? Science and technology has improved significantly since 2006 with the documented cases of extreme water contamination and other issues associated with CAFO facilities it is undeniable that our current standards are unacceptable and unsafe for the citizens of Wisconsin.

I also hear often how agriculture is already over regulated by the WDNR and Clean Water Act and how the proposed changes to ACTP 51 are unfair. We all know CAFOs currently are self-monitoring and self-reporting entities, how is this fair? Is any facility actually going to volunteer information about breaking their contract or the law? No where in current nutrient management plans (NMPs) is there any reference, regulation, or standard to protect ground or surface waters. Current NMP are for the sole purpose of maximizing crop yield and nothing more, there are no safe included for guards of water protection. Nutrient management plans are not working and need to be improved. A one size fits all approach to agriculture no longer works and ACTP 51 in its current state does NOT reflect current agricultural livestock practices such as addressing the sheer size and scope of the facilities impacting our environment today. It is time our regulations, standards, and expectations change along with the impact from the industry.

In closing as an individual who attended the Technical Expert Committee meetings, I support the recommendations made as a first step to improvement and know full well

the amount of thought and consideration that went into each decision. I encourage the members of DATCP and its acting board to maintain its strength of character and accept these recommendations as solid and justified changes.

Criste Greening

6451 Oak St

Wisconsin Rapids, WI 54494

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Sandy Collins <scollins@mwt.net>  
**Sent:** Tuesday, September 10, 2019 3:48 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Our comments on ATCP S1 Rule revisions - from Sandy + Dave Collins - Wauzeka WI  
**Attachments:** Sandys comments ATCP 51 Livestock Facility Siting.pdf  
  
**Categories:** Green Category

Chris Clayton,

Please see attached PDF file for our comments on the ATCP 51 Rule Revision.

Thanks YOU!

--

Sandy Collins  
Harvest Lane  
Wauzeka WI  
608-476-2241  
MWNews.Net

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This email has been checked for viruses by AVG.  
<https://www.avg.com>



**Dave & Sandy Collins**  
**49659 Harvest Lane**  
**Wauzeka, WI 53826 - 608-476-2241**

**Re: Our comments on ATCP 51: Livestock Facility Siting Administrative Rule Revision**

9/10/19 We live on Harvest Ln in Marietta Township, Crawford County, near the beautiful Kickapoo Valley with its steep, rolling hills, rivers, wetlands and scenic twisty roads. This unglaciated Driftless Area is said to be unique in all of the world, according to geologists, biologists and ecologists, a one of a kind environmental jewel for farmers, residents, sportsmen, outdoor lovers, and tourists!

In June 2019, local farmers and area residents were alarmed to learn of a 10,000 hog CAFO was to be installed on a geologically porous ridge, overlooking the Kickapoo River, with a community directly below and another community just across the river, over 150 families in a 2 mile radius.

Through a strong grassroots, community effort, a 1 year Moratorium was thankfully passed by Marietta Township in August 2019. Since then the community has been busy contacting State and County agencies to learn what else can be done. During this process we began reviewing the WI DNR siting laws and CAFO statutes. We learned just how few rights a normal citizen has to stop a threat to their families health, safety and overall livelihood.

ATCP51 'Right to Farm' was written in part by Corporate American lobbyists for big business interests, then adopted at great cost and detriment to our "Traditional Wisconsin family farmers", individual citizens and their families.

Apparently, ATCP 51 gives one sole CAFO owner the 'Right to Harm' the health and welfare of our 100 – 200 Marietta families as long as he follows required CAFO rules. ATCP 51 has effectively hog-tied local citizens and communities. Our Constitutional right to 'pursue happiness' and keep our quality life, is being ripped away.

We found solid data on the negative effects of CAFOs prove:

- Clean Water tables polluted with manure pathogens, cannot be unpolluted.
- Fresh Air polluted with particulates and stench of rotting hog carcasses, cause illness.
- Family Health is at high risk of diseases spread by increase of insect and varmint infestations
- Peace and quiet is lost by the constant drone of fans, squeals and heavy commercial traffic.
- Property Values plummet.
- Outdoor Quality of Life is greatly degraded.
- Rural township, county and state roads become less safe and more costly to maintain with heavy trafficking of tons of manure, feed and cattle trucks.
- Tourism drops, negatively affecting local economies that depend on it.

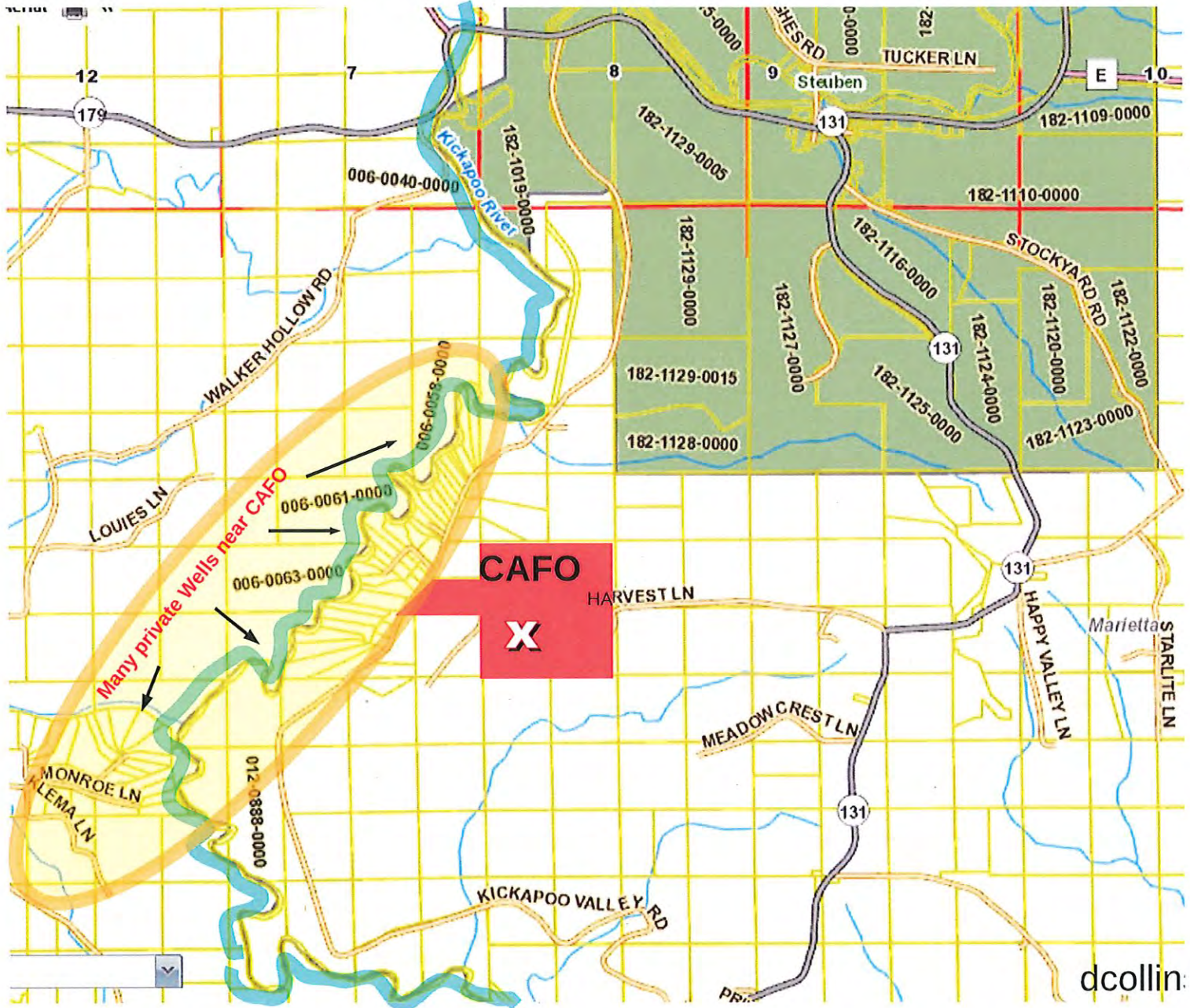
Overall the rule should give back Quality of Life to citizens. Some suggested changes:

- Much Stricter CAFO laws are needed to protect citizens health safety and welfare.
- Give citizens more room and a solid avenue to protest a new or existing installation.
- Restore Townships Local Control ability for residents health safety and welfare.
- Drop one size fits all placement. Instead consider karst geology, wetlands, ridgetops, etc.
- Exempt Wisconsin's Karst geology from CAFOs, to keep Driftless Area water tables pristine.
- Make CAFO owners responsible for polluted well water.
- Make CAFO owners responsible for loss of property values.
- Place Statewide Moretorium on new CAFOs, to protect livelihood of "Traditional Farmers", residents, and local economic development.
- Test water throughout state for baseline data, before and regularly after CAFO is installed.
- New CAFOs should never be allowed within a 5 mile radius to an existing community of people.

Dave & Sandy Collins  
49659 Harvest Lane  
Wauzeka, WI 53826 - 608-476-2241

# Help Protect Our Vulnerable Water Table

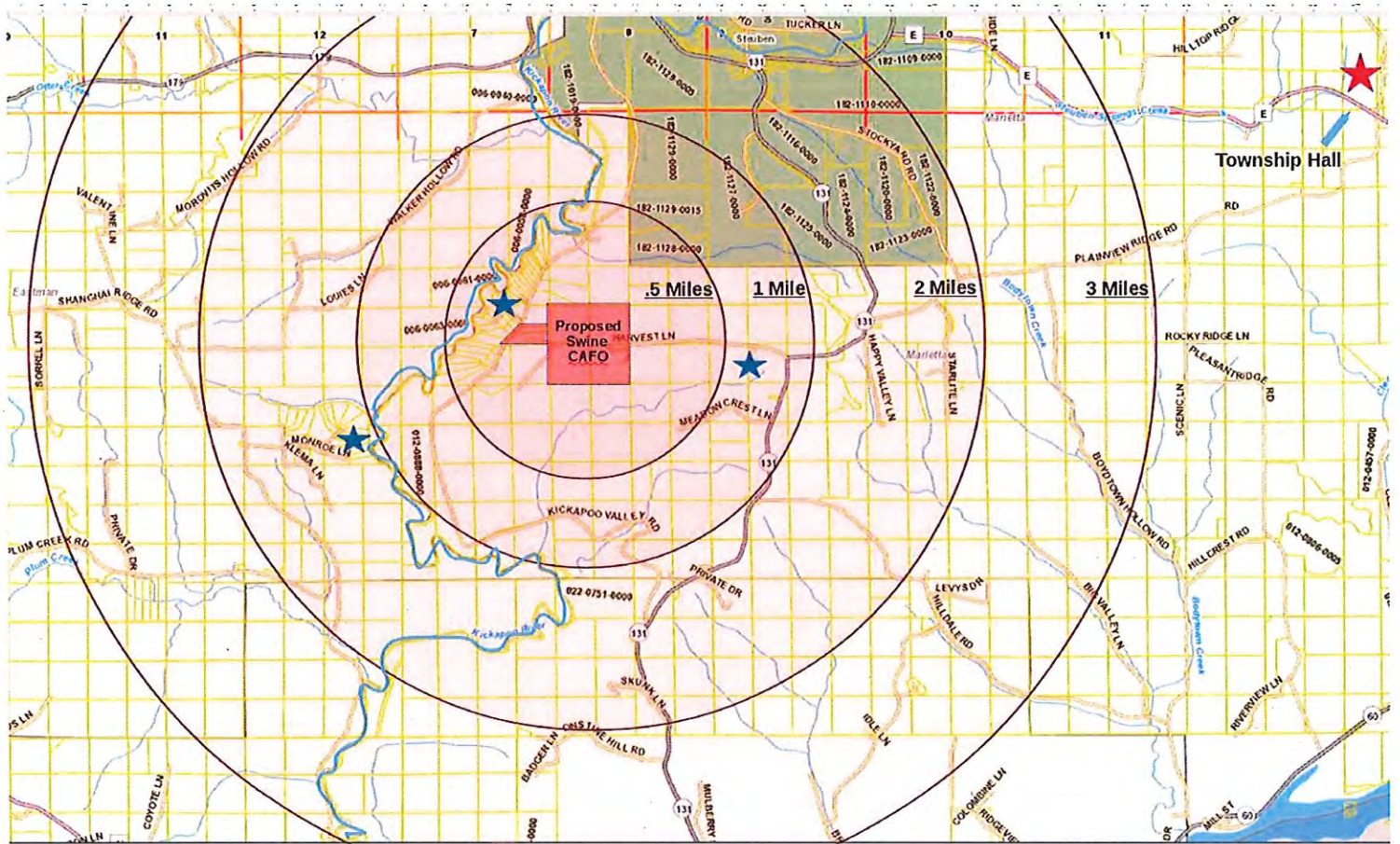
From Concentrated Animal Feeding Operations - Marietta Township, Crawford, WI



dcollin



Dave & Sandy Collins  
49659 Harvest Lane  
Wauzeka, WI 53826 - 608-476-2241



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Lori Schultz <ljeanschultz@gmail.com>  
**Sent:** Tuesday, September 10, 2019 8:04 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Support for Proposed Changes to ATCP 51

**Categories:** Green Category

I am in support of the proposed revisions to ATCP 51. The rule revisions will update some important technical and performance standards based on best practices. The revisions will provide for set-backs and improved odor management provisions that are mindful of community health and safety needs. Allowing local government entities, with a vested interest in short- and long-term community health, human health, water, air, infrastructure, etc. costs versus benefits of farms of all sizes and a keen and ready eye observing land-use activities, are a welcome source of monitoring permit compliance. The weight of compliance now is primarily self-reporting by operators. Although self-evaluation is an important tool in any organization or business, an additional set of eyes using DATCP approved checklists will be useful for the community government, community members, local taxpayers, other local land/water/air/infrastructure users and the farm operators.

Sincerely,  
Lori J. Schultz  
N10771 Lakeland Rd  
Fox Lake, WI. 53933



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Nancy Janczak <nancyjanczak56@gmail.com>  
**Sent:** Wednesday, September 11, 2019 12:47 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Live Stock Siting Comments

**Categories:** Green Category

I as a resident of Wisconsin:

- **Support - Replacing the currently flawed odor score calculation practice with greater setbacks to individual property line and not measure from location of specific buildings or residences on property.**
  - It is essential that this piece of the draft remain intact
  - Wisconsin residents have a right to protect their current and future property rights on their ENTIRE property from odor issues from neighboring large scale agriculture
  - To ensure a property owners rights to use their property to the fullest extent possible odor standards must be measured from the existing property lines NOT current building existence
  - To measure odor from current building/resident location within a property infringes on the property owner's right to enhance or expand their property making acreage unusable do to odor infringement
- **Support - creating a process for Neighbors of large livestock facilities to initiate order complaints**
  - It is essential that Wisconsin residents have a clear and reasonable pathway to address and have rectified significant odor infringement to their property
- **Support - Requiring more frequent visual inspections of manure storage facilities to ensure their integrity**
- **Support - Requiring permit applicants to have, at the time of application, the land base necessary to implement a nutrient management plan for the maximum number of animal units requested in the application.**
  - Proof of current spreading contracts with local farmers should be required YEARLY to ensure land mass needed is adequate for manure being stored/spread
  - Specifically list owned and rented acres where manure will be spread
  - Increased oversight is essential to ensure all aspects of current Nutrient Management Plans (NMP) are being implemented correctly
  - All CAFOs must have an updated and current NMP in order to continue operation of manure spreading and application

**Also:**

- All CAFO facilities should be required to post a bond or other fiscal option to address environmental issues in the event of a spill or other contamination event
- Permit fees should be assessed on a sliding scale to reflect accurate amount of department administrative effort. The larger the CAFO the larger the permitting fee with ALL funds going solely to the CAFO fund.
- The rule should allow local governments to require increased setbacks if local conditions so dictate.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Elizabeth Feil <feilea738@gmail.com>  
**Sent:** Wednesday, September 11, 2019 5:38 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comments on proposed changes to rule 51  
**Attachments:** Feil DATCP testimony 9-4-19.docx

**Categories:** Green Category

Please accept my comments/testimony on the proposed Rule 51 changes

Elizabeth Feil  
Eleva, WI  
Comments/Written Testimony  
WI Livestock Facility Siting, Ch. ATCP 51 Proposed Rule Changes

### Controlling Phosphorus Pollution with More Rigorous Regulation of Livestock Facilities

I am an attorney and a rural landowner in Trempealeau County. I live at N48181 Thompson Road in Eleva, Wisconsin. I would like to encourage the Department of Agriculture, Trade and Consumer Protection to increase the stringency of its nutrient management regulations for livestock facilities and to allow local governments to promulgate regulations that are more stringent than those currently required under state law.

In many ways, the water pollution-control mechanisms of the Clean Water Act (CWA)<sup>1</sup> have been successful. Each year the Act's pollution regulations keep more than 700 billion pounds of pollutants out of U.S. waters.<sup>2</sup> However, the CWA has not yet accomplished its goal to make U.S. surface waters safe for fishing and recreation.<sup>3</sup> In fact, more than 70 percent of the U.S. lakes, rivers and ponds that have been assessed for pollutants are impaired because they fail to meet at least one water quality standard.<sup>4</sup> One of the CWA's major failures is its failure to eliminate phosphorus pollution in lakes and rivers.<sup>5</sup>

#### The Pervasive and Persistent Problem with Phosphorus

Phosphorus is required for plants to be able to use and store energy, and it helps plants grow and develop normally.<sup>6</sup> Phosphorus is applied to crops by using chemical fertilizer or by the application

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<sup>1</sup> Water Pollution Prevention and Control Act, 33 U.S.C. section 1251 et seq. (2011).

<sup>2</sup> Devine, J. Clean Water Act at 45: Despite Success, It's Under Attack. National Resource Defense Council, <https://www.nrdc.org/experts/jon-devine/clean-water-act-45-despite-success-its-under-attack> (October 18, 2017).

<sup>3</sup> 33 U.S.C. section 1251.

<sup>4</sup> Devine, supra.

<sup>5</sup> Richard Mertens, Clean Water Act at 40: Is it failing to meet new pollution challenges? Christian Science Monitor, <https://www.csmonitor.com/Environment/2012/1018/Clean-Water-Act-at-40-Is-it-failing-to-meet-new-pollution-challenges> (October 18, 2012).

<sup>6</sup> Fertilizer 101: The Big Three—Nitrogen, Phosphorus and Potassium. The Fertilizer Institute, <https://www.tfi.org/the-feed/fertilizer-101-big-3-nitrogen-phosphorus-and-potassium> (May 7, 2014).

of livestock manure. Manure is commonly used as a fertilizer by farmers, because it is readily available, often free, and high in two important plant nutrients: nitrogen and phosphorus.<sup>7</sup> However, plants typically use more nitrogen than phosphorus. As a result, if manure is used as a fertilizer, it can cause phosphorus to accumulate in soils. Farmland which is fertilized with manure can—and often does—contain more phosphorus than plants can use, causing phosphorus runoff into lakes and rivers.<sup>8</sup>

Phosphorus runoff into surface water causes increased growth of aquatic plants, including algae. The overproduction of algae and other plants reduces water quality, kills fish, and makes waterbodies unsuitable for recreation. In the worst cases, it can cause the growth of blue-green algae that can be toxic to humans and animals.<sup>9</sup>

The discharge of phosphorus and nitrogen from manure and chemical fertilizers has seriously degraded water bodies in many parts of the United States. At the delta of the Mississippi River in the Gulf of Mexico, there is a dead zone that covers 6,000 to 7,000 square miles.<sup>10</sup> The dead zone, which has caused massive fish kills, was caused by phosphorus and nitrogen in agricultural runoff from states along the Mississippi River basin.<sup>11</sup>

The problem of phosphorus pollution is pervasive in Wisconsin. In Wisconsin, 954 waterways<sup>12</sup> are listed as impaired due to total phosphorus loads.<sup>13</sup> Phosphorus is the number one cause of impairment of Wisconsin waterways; it is the cause of impairment for 62 percent of Wisconsin's 1533 impaired waterways.

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<sup>7</sup> Lory, J. Managing Manure Phosphorus to Protect Water Quality. University of Missouri Extension, <https://extension2.missouri.edu/g9182> (2019).

<sup>8</sup> Managing Phosphorus for Agriculture and the Environment. Penn State College of Agricultural Sciences Agricultural Research and Cooperative Extension, p. 6 (2001).

<sup>9</sup> Id.

<sup>10</sup> Bruckner, M. The Gulf of Mexico Dead Zone. Microbial Life Educational Resources, Science Education Resource Center at Carleton College, <https://serc.carleton.edu/microbelife/topics/deadzone/index.html> (2018).

<sup>11</sup> Id.

<sup>12</sup> Waterways include lakes and segments of rivers. One river may be listed multiple times, depending on how many segments it has been divided into.

<sup>13</sup> Impaired waters tool. Wisconsin Department of Natural Resources, <https://dnr.wi.gov/water/impairedSearch.aspx>.



## Reducing Phosphorus Pollution by Limiting Manure Emissions from Livestock Facilities

To date, the U.S. Environmental Protection Agency has not acted to require phosphorus limits on discharges from either livestock operations or municipal wastewater treatment plants although the EPA does encourage states to limit phosphorus discharges from municipal wastewater treatment facilities.<sup>14</sup>

While states are beginning to act to require reductions in phosphorus emissions from wastewater treatment plants, they are not taking similar action to limit agricultural phosphorus emissions. The EPA and the Wisconsin DNR do not place limits on the amounts of manure that are released from livestock operations, generally requiring only the largest operations to develop manure management plans that the DNR does not enforce.

Wisconsin's dairy industry, and its phosphorus emissions, illustrates the size and scope of the problem of phosphorus emissions from livestock manure. Wisconsin currently has 1.27 million dairy cows.<sup>15</sup> One dairy cow produces about 115 pounds of manure per day, while the average person produces about one pound of human manure per day.<sup>16, 17</sup> Therefore, in Wisconsin the amount of dairy manure is very roughly equivalent to the amount of manure produced by 146 million people, and most of this is applied onto crop land without any pretreatment.<sup>18</sup> Imagine allowing untreated manure from 146 million people to be spread across Wisconsin farmland. That's the size of the manure discharge problem we're looking at when we look at Wisconsin livestock operations.

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<sup>14</sup> Status of Nutrient Requirements for NPDES-Permitted Facilities. National Pollutant Discharge Elimination System (NPDES). U.S. Environmental Protection Agency, <https://www.epa.gov/npdes/status-nutrient-requirements-npdes-permitted-facilities>.

<sup>15</sup> Farm & Dairy Statistics. Wisconsincheese.com, <https://www.wisconsincheese.com/media/facts-stats/farm-dairy-statistics> (June 2019).

<sup>16</sup> Fischer, D. Energy Aspects of Manure Management. Dairy Cattle, Illinois Livestock Trail, <http://livestocktrail.illinois.edu/dairynet/paperDisplay.cfm?ContentID=274> (August 6, 1998).

<sup>17</sup> Weisberger, M. How much do you poop in your lifetime? LiveScience, <https://www.livescience.com/61966-how-much-you-poop-in-lifetime.html> (March 21, 2018).

<sup>18</sup> If each of the 1.27 dairy cows produces 115 pounds of manure per day, that is 146 million pounds, or the equivalent material produced by 146 million humans.

To dispose of the large amounts of manure that they generate, livestock operations often spread large amounts of animal manure on agricultural fields near their livestock facilities, and this manure usually contains more phosphorus than can be absorbed by the land.<sup>19</sup> Over application of manure harms public waterways, imposing pollution-related costs on everyone who uses or lives nearby waterways impaired by excessive phosphorus loads.<sup>20</sup> These costs include decreased values of properties near polluted lakes and rivers, decreased tourism and recreation, reduced commercial fishing, adverse human health effects, drinking water treatment, pollution mitigation and waterbody restoration costs.<sup>21</sup> In 2008, researchers estimated the externalized costs of U.S. surface water pollution caused by phosphorus and nitrogen at \$43 billion annually, and they emphasized that this figure was almost certainly an underestimate.<sup>22</sup>

Limiting manure emissions from large livestock operations, or at least requiring phosphorus to be removed from manure before it is discharged—would not only internalize the cost of phosphorus pollution, but it would also internalize the cost of other types of pollution caused by excess manure application and runoff. In addition to phosphorus pollution, over application of manure on farm fields can also cause groundwater and surface water contamination from bacteria, fecal matter, antibiotics and veterinary pharmaceuticals.<sup>23</sup> It is past time for the EPA, the DNR and the DATCP to take decisive action to limit the unsustainable discharge of animal manure in Wisconsin. Increasing regulation of large livestock operations is a critical first step.

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<sup>19</sup> Managing Phosphorus for Agriculture and the Environment. Penn State College of Agricultural Sciences Agricultural Research and Cooperative Extension, p. 6 (2001).

<sup>20</sup> Tietenberg, T., & Lewis, L. (2015). *Environmental & Natural Resource Economics*. Boston, MA: Pearson, p 25.

<sup>21</sup> A Compilation of Cost Data Associated with the Impacts and Control of Nutrient Pollution. U.S. Environmental Protection Agency Office of Water, EPA 820-F-15-096 (May 2015), p. ES2-ES3.

<sup>22</sup> Kansas State University. Freshwater Pollution Costs US at Least \$4.3 Billion a Year. Science Daily. 17 November 2008.

<sup>23</sup> CAFO regulations. What Works for Health: Policies and Programs to Improve Wisconsin's Health, <http://whatworksforhealth.wisc.edu/program.php?t1=109&t2=7&t3=129&id=650>, April 21, 2017.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Barb Nelson <bjnels@gmail.com>  
**Sent:** Wednesday, September 11, 2019 9:30 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51

**Categories:** Green Category

I appreciate the opportunity to submit written comment regarding ATCP 51. Clean water and air are vital to life and should be protected. I doubt anyone would argue that. How to accomplish that is another matter.

One of the means to accomplish this protection is by restoring local control to livestock siting. One size does not fit all nor does one siting law fit all livestock operations in all regions of the state. I don't disagree that it is appropriate for there to be statewide minimum standards for CAFOs but local governments should have the authority to pass more stringent standards when there is clear evidence in it's relation to protecting water, air and public health. As it stands now, that isn't a possibility.

Local governments have a vested interest in what is best for their community and are responsible to develop and implement plans that insure that. The St. Croix County Surface and Groundwater Quality Protection Study in 2016-17 identified eight core recommendations, one of which is in regards to regulation of livestock operations and licensing for facility siting related to protecting water resources.

Lifting the preemption of local control in ATCP 51 is needed now.  
This should not be a political issue....it should be a health protection issue!!

Thank you.  
Barbara Nelson  
2568 County Road G  
Emerald, WI 54013

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Thursday, September 12, 2019 7:12 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Thursday, September 12, 2019 6:55 AM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** brongstad@gmail.com  
**Subject:** Public comment on CR 19-098

**Name:** Bobbi Rongstad  
**Address:** 14363 N Heffner Rd, Saxon Wisconsin 54559  
**Email:** brongstad@gmail.com

**Organization:**

**Comments:** I live near a CAFO in Northern WI and I grew up in a rural farm community. Agriculture is important to the state of WI. But factory farms are different from the family farms of the past and require more stringent regulation to prevent them from polluting the landscape and from infringing on the rights of their neighbors and communities around them. Wisconsin residents have a right to protect current and future property rights on their ENTIRE property from odor issues. We live on our land, not only in our houses. Odor standards must be measured from the existing property lines NOT only to occupied buildings. Residents must have a clear and reasonable pathway to address and have rectified significant odor infringement to their property. If I am unable to dry my laundry on outdoor lines because of the stink of manure, my rights have been violated.

Nutrient management plans - Require permit applicants to have, at the time of application, the land base necessary to implement a nutrient management plan for the maximum number of animal units requested in the application. Oversight is necessary. Contracts with rented lands should be presented and evaluated. We've seen falsified NMPs. CAFOs generate more manure than entire large cities. As they take up more and more of our landscape, they must be forced to deal with the waste in a safe and long-term manner. The health and future of our state depends on it. Wastewater treatment facilities are mandatory for cities. They should also be for large-scale farming. If that adds to the cost of dairy products, so be it.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Thursday, September 12, 2019 8:00 AM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

**From:** Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
**Sent:** Thursday, September 12, 2019 7:54 AM  
**To:** DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
**Cc:** kickapooviking@gmail.com  
**Subject:** Public comment on CR 19-098

**Name:** Dave Wennlund  
**Address:** E9114 Lyster Rd., Readstown WI 54652  
**Email:** kickapooviking@gmail.com

**Organization:**

Comments: Support - creating a process for Neighbors of large livestock facilities to initiate order complaints It is essential that Wisconsin residents have a clear and reasonable pathway to address and have rectified significant odor infringement to their property Support - Requiring more frequent visual inspections of manure storage facilities to ensure their integrity Support - Requiring permit applicants to have, at the time of application, the land base necessary to implement a nutrient management plan for the maximum number of animal units requested in the application. Proof of current spreading contracts with local farmers should be required YEARLY to ensure land mass needed is adequate for manure being stored/spread Specifically list owned and rented acres where manure will be spread Increased oversight is essential to ensure all aspects of current Nutrient Management Plans (NMP) are being implemented correctly All CAFOs must have an updated and current NMP in order to continue operation of manure spreading and application

All CAFO facilities should be required to post a bond or other fiscal option to address environmental issues in the event of a spill or other contamination event Permit fees should be assessed on a sliding scale to reflect accurate amount of department administrative effort. The larger the CAFO the larger the permitting fee with ALL funds going solely to the CAFO fund.

The rule should allow local governments to require increased setbacks if local conditions so dictate.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Nancy Oleson <nan\_oleson@yahoo.com>  
**Sent:** Thursday, September 12, 2019 8:53 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** DATCP

**Categories:** Green Category

Please move forward with the Saratoga committee suggestions on Livestock rules.  
That's a group that has worked well with our residents of Saratoga and are trying to protect us.

Thanks

Greg and Nancy Oleson  
1122 Blue Ridge Lane  
Wisconsin Rapids, WI 54494

[Sent from Yahoo Mail on Android](#)

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Rebecca McDowell <rebecca.mcdowell5@gmail.com>  
**Sent:** Thursday, September 12, 2019 9:01 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Department of Agriculture Trade and Consumer Protection (DATCP) Livestock Siting Facility Law (ACTP 51) Revisions

**Categories:** Green Category

I am writing to urge approval of the proposed changes in the Livestock Siting Facility Law (ACTP 51) Revisions. It is essential that the law is followed in terms of technical reviews by experts and that those recommendations carry more weight than political considerations. Wisconsin's water, land, and air quality must be preserved.

Rebecca McDowell  
Bayfield WI



Virus-free. [www.avg.com](http://www.avg.com)

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Melodi Oray <melodioray@yahoo.com>  
**Sent:** Thursday, September 12, 2019 10:02 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** I own a farm in Jefferson County, WI

**Categories:** Green Category

Hello,  
I own a 113 acre farm in the town of Hebron, WI ..... our land is certified organic, as I believe in doing no harm to the land/water and its animal/human inhabitants. A 15,000 head CAFO has taken residence 2 miles down the road. Since the arrival of the CAFO, we have had to move out of the house located on our farm because of the awful manure smell. We attempted to rent the house out, but the odor was too powerful during the spring/summer months and the renters didn't last but a few weeks.

I want to show my SUPPORT for replacing the current odor score calculation with greater setbacks to individual property lines.

I SUPPORT the creation of a process for neighbors of large livestock facilities to initiate odor complaints.

I SUPPORT more frequent visual inspection of manure storage facilities.

I SUPPORT requiring permit applicants to have, at the time of application, the amount of land necessary to implement a true nutrient management plan for the MAXIMUM number of animal units required for the application.

I feel the law also needs to allow for the possibility of additional setbacks if local conditions so dictate. I am currently living near a class 5 trout stream which has flooded several times in the past year. There are crops growing (and manure & chemicals applied) within 30 inches of the waterway! The last DNR test showed a large number of trout dying in the stream, curious.

Thank you for your time,  
Melodi Luko  
4830 State Rd 78  
Black Earth, WI 53515  
(608)588-6065

Farm located at:  
N2145 Gilliland Lane  
Ft. Atkinson, WI 53538



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** alison barazani <alisonbarazani@gmail.com>  
**Sent:** Thursday, September 12, 2019 10:43 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** CAFO blight  
  
**Categories:** Green Category

My name is Alison Barazani ( 47618 Painter Lane, Steuben, Wi.) and I am forwarding this very well written letter by Sandy Collins. This letter succinctly expresses my concerns about CAFO placement and management..

**Dave & Sandy Collins 49659 Harvest Lane  
Wauzeka, WI 53826 - 608-476-2241**

### **Re: Our comments on ATCP 51: Livestock Facility Siting Administrative Rule Revision**

9/10/19 We live on Harvest Ln in Marietta Township, Crawford County, near the beautiful Kickapoo Valley with its steep, rolling hills, rivers, wetlands and scenic twisty roads. This unglaciated Driftless Area is said to be unique in all of the world, according to geologists, biologists and ecologists, a one of a kind environmental jewel for farmers, residents, sportsmen, outdoor lovers, and tourists!

In June 2019, local farmers and area residents were alarmed to learn of a 10,000 hog CAFO was to be installed on a geologically porous ridge, overlooking the Kickapoo River, with a community directly below and another community just across the river, over 150 families in a 2 mile radius.

Through a strong grassroots, community effort, a 1 year Moratorium was thankfully passed by Marietta Township in August 2019. Since then the community has been busy contacting State and County agencies to learn what else can be done. During this process we began reviewing the WI DNR siting laws and CAFO statutes. We learned just how few rights a normal citizen has to stop a threat to their families health, safety and overall livelihood.

ATCP51 'Right to Farm' was written in part by Corporate American lobbyists for big business interests, then adopted at great cost and detriment to our "Traditional Wisconsin family farmers", individual citizens and their families.

Apparently, ATCP 51 gives one sole CAFO owner the 'Right to Harm' the health and welfare of our 100 – 200 Marietta families as long as he follows required CAFO rules. ATCP 51 has effectively hog-tied local citizens and communities. Our Constitutional right to 'pursue happiness' and keep our quality life, is being ripped away.

We found solid data on the negative effects of CAFOs prove:

- Clean Water tables polluted with manure pathogens, cannot be unpolluted.
- Fresh Air polluted with particulates and stench of rotting hog carcasses, cause illness.
- Family Health is at high risk of diseases spread by increase of insect and varmint infestations
- Peace and quiet is lost by the constant drone of fans, squeals and heavy commercial traffic.
- Property Values plummet.
- Outdoor Quality of Life is greatly degraded.

- Rural township, county and state roads become less safe and more costly to maintain with heavy trafficking of tons of manure, feed and cattle trucks.
- Tourism drops, negatively affecting local economies that depend on it.

Overall the rule should give back Quality of Life to citizens. Some suggested changes:

- Much Stricter CAFO laws are needed to protect citizens health safety and welfare.
  - Give citizens more room and a solid avenue to protest a new or existing installation.
  - Restore Townships Local Control ability for residents health safety and welfare.
  - Drop one size fits all placement. Instead consider karst geology, wetlands, ridgetops, etc.
  - Exempt Wisconsin's Karst geology from CAFOs, to keep Driftless Area water tables pristine.
  - Make CAFO owners responsible for polluted well water.
  - Make CAFO owners responsible for loss of property values.
- 
- Place Statewide Moretorium on new CAFOs, to protect livelihood of "Traditional Farmers", residents, and local economic development.
- 
- Test water throughout state for baseline data, before and regularly after CAFO is installed.
  - New CAFOs should never be allowed within a 5 mile radius to an existing community of people.

# ***Help Protect Our Vulnerable Water Tables! Help Protect Our Vulnerable Water Tables!***

From **Concentrated Animal Feeding Operations** - Marietta Township, Crawford, WI

**Dave & Sandy Collins 49659 Harvest Lane  
Wauzeka, WI 53826 - 608-476-2241**

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Jennifer Zienty <jenniferzienty@yahoo.com>  
**Sent:** Thursday, September 12, 2019 11:09 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** CAFO siting proposed regulation changes

**Categories:** Green Category

I am writing to encourage you to adopt the proposed changes. I grew up on a progressive dairy farm in the 1950s. My father instituted strip cropping and crop rotation cycles on our hillside farm. He built a new silo, put in a silage feeding system for this, and built a loafing shed for winter shelter of the cows. Of course all that shed waste matter was spread on the hillside crop areas in the spring and that season was rather smelly for a while. But that waste was solid and enriched and improved the soil, too. Years later my brother put in a liquid manure system with holding pond that never worked properly, according to him.

Our agricultural system needs to return to regenerative practices that improve our soils and do not pollute our groundwater resources. We need to decrease our reliance on chemicals (fertilizers, herbicides, and pesticides) to produce food. Not every new practice is better. We need to carefully consider what giant agribusiness is pushing us to do. Is it really better?

Sincerely,

Jennifer Zienty  
30150 S. Niemisto Rd.  
Washburn, WI 54891

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Judy Preston <judy.preston@hotmail.com>  
**Sent:** Thursday, September 12, 2019 11:27 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Proposed revisions ATCP 51

**Categories:** Green Category

We are in support of the proposed revisions to ATCP 51. This is important for the environmental safety and water quality in Wisconsin.

David & Judy Preston  
N14467 Clearview Road  
Necedah, WI. 54646

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## Heaton-Amrhein, Jennifer A - DATCP

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**From:** DATCP Admin Rules  
**Sent:** Thursday, September 12, 2019 12:17 PM  
**To:** Clayton, Christopher R - DATCP  
**Subject:** FW: Public comment on CR 19-098

**Categories:** Green Category

-----Original Message-----

From: Software-Notification@legis.wisconsin.gov <Software-Notification@legis.wisconsin.gov>  
Sent: Thursday, September 12, 2019 11:34 AM  
To: DATCP Admin Rules <datcpadminrules@wisconsin.gov>  
Cc: mbfcom@execpc.com  
Subject: Public comment on CR 19-098

Name: Maureen Blaney Flietner  
Address: W4068 Faro Sprigns Road, Hilbert WI 54129  
Email: mbfcom@execpc.com

Organization:

Comments: I understand that the public is finally being allowed to comment on proposed revisions to ATCP 51. As a rural resident who has had several concerns about the siting of factory farms for many years, I would like to note that I support the recommended revisions and strongly encourage the DATCP Board to move forward with the adoption of proposed revisions.

I support greater setbacks to individual property lines -- not current building existence -- and replacing the currently flawed odor score calculation practice.

I support creating a process for neighbors of large livestock facilities to initiate order complaints. Residents must have a clear, reasonable path to address and have rectified significant odor infringement to their property

I support more frequent visual inspections of manure storage facilities to ensure their integrity.

I support requiring permit applicants to have, at the time of application, the land base necessary to implement a nutrient management plan for the maximum number of animal units requested in the application. It should be an annual requirement to provide proof of current spreading contracts with local farmers to ensure land mass needed is adequate for manure being stored/spread. Owned and rented acres where manure will be spread should be specifically listed.

Increased oversight is needed to ensure all aspects of current Nutrient Management Plans are being implemented correctly. All CAFOs should have an updated, current NMP to be able to continue manure spreading and application operations.

I also recommend that all CAFO facilities should be required to post a bond or other financial assurance to address environmental issues in the event of a spill or other contamination event.

I recommend that permit fees should be assessed on a sliding scale to reflect accurately the amount of department administrative effort. All funds should go to the CAFO fund.

I recommend that the rule should allow local governments to require increased setbacks if local conditions so dictate.

Thank you for your consideration.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** bhostak@centurytel.net  
**Sent:** Thursday, September 12, 2019 12:55 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Factory Farm Comments

**Categories:** Green Category

To who it may concern;  
Where will all these huge factory farms stop ?  
Maybe after they 'Muck up the ground water ' ?  
Put efforts towards the small farms like it use to be !  
Thank you for your time.

Brian Hostak  
Colfax, Wisconsin

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** John Hagen <seishinn3@gmail.com>  
**Sent:** Thursday, September 12, 2019 1:01 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** CAFO

**Categories:** Green Category

I am urging you to:

1. replace odor source calculation with greater setbacks that originate from the property line,
2. create a means for people to initiate odor complaints,
3. require more frequent and thorough inspection of manure storage,
4. require adequate bonds that are based upon independent sources to cover potential disaster costs.

John Hagen  
800 13th Ave.  
Monroe, WI.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Bill Warner WOODLAKE <wli@wctc.net>  
**Sent:** Thursday, September 12, 2019 1:06 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP-51

**Categories:** Green Category

WOW, after reading some of the comments written by our elected officials it makes me wonder how deeply they are working for one side, Ag! Then one has to ask, Who is lining Whos pockets? I'm sure everything is transparent, or is it? Who in their right mind would expand or start a new business to break even? It is evident the CAFO's are the large companies in ag business, they are also getting HUGE subsidies to keep them in business. Which begs the question, WHY are we subsidizing the industry?

Big Ag has ruined the family farm. If being a responsible business owner costs too much to operate, get out of the business, don't buy your "elected officials" to sway the environmental laws to make it cheaper to operate in return for degrading the earth.

I SUPPORT CHANGES TO ATCP-51

Bill Warner  
Town of Rome Resident

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BILL WARNER Woodlake  
office/fax: 715-886-4090 cell/text: 715-572-0962

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Roger Hanson <2dangdogs@gmail.com>  
**Sent:** Thursday, September 12, 2019 1:26 PM  
**To:** DATCP Livestock Siting Comments  
**Cc:** 2dangdogs@gmail.com  
**Subject:** ACTP 51 Livestock Siting Law COMMENTS

**Categories:** Green Category

To Whom It May Concern

I am writing to you to support long overdue revisions to ACTP 51 rules. My husband and I own a small farm in Marietta Township about a mile from the proposed Roth Feeder Pigs expansion. We have owned property here since 2002 and have lived and worked in the township for the past ten years. We moved here specifically because we wanted to be in the Driftless Area, and we are concerned that CAFOs in this area greatly endanger the long-term health and welfare of ourselves, our neighbors, and the land.

- I support replacing the current odor calculation with greater setbacks to individual property line. We are accustomed to neighbors hauling manure, but the odor from CAFOs is too often beyond acceptable. We have the right to use our property and be outside year around without being subjected to offensive odors from factory farms.
- I support creation of a process by which neighbors of large CAFOs can officially complain and have suitable action taken to reduce and prevent future issues -- without having complaints ignored.
- I support requiring regular visual inspections of manure storage facilities. As a home owner with a septic system having a large drain field but used by a small handful of people, why am I held to a higher standard of inspection than a CAFO with thousands of animals producing significantly larger amounts of waste per animal? This situation itself is outrageous and needs to be rectified.
- I support requiring applicants to have the land base for handling manure ready prior to permitting. This means an annual review of signed contracts with landowners that become part of the permit. Also, landowners need to be informed of, agree to, and be held accountable for the requirements in NRCS Standard Code 590.
- I support dropping the one-size-fits-all, CAFOs-have-the-right-to-exist-anywhere attitude of current DNR and DATCP regulations. The Driftless is an area unique on the planet, and it needs to be protected. The karst in this area hides too many unknown, unseen direct conduits to ground water that could conceivably not be found before ground water contamination has occurred.
- I support giving as much weight to the rights of small landowners as currently given to large factory farms. No one in this area is opposed to farming. Many of us who were not born here moved here because of the unique beauty of the Driftless, which includes the small, family operated farms. Factory farms will help destroy those farms and the tourism that this area is becoming known for.
- I support local control of CAFOs. Points CAFO operators like to make include employing many people while paying good wages with benefits and paying increased taxes. Given such benefits, locals should have the opportunity to decide how to balance those positives with the negatives and not be forced to accept CAFOs profiting while other landowners pay a price for something they most certainly do not want.

- I support making CAFOs more responsible for the costs communities incur and for making their operations much more transparent.

Best regards

Janet Widder  
49194 Hilldale Road  
Wauzeka WI 53326

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** La\_Mer Riehle <La\_Mer5@hotmail.com>  
**Sent:** Thursday, September 12, 2019 1:52 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** PUBLIC COMMENT re: CAFO PERMITTING RULES

**Categories:** Green Category

Dear DATCP,

I support the recommended revisions and strongly encourage the DATCP Board to move forward with the adoption of revisions to ATCP 51, specifically, the administrative rule that regulates local government approval of new or expanding livestock facilities in Wisconsin.

Sincerely,

Mary Ellen Riehle  
P.O. Box 143  
Ashland, WI 54806



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Aaron Colson <cols0015@umn.edu>  
**Sent:** Thursday, September 12, 2019 2:02 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comments on the proposed Livestock Siting Facility Law (ACTP 51) Revisions  
**Attachments:** ATCP 51 Comment\_Colson.pdf  
  
**Categories:** Green Category

Dear Sir/Madam,

Attached please find my comments on the proposed Livestock Siting Facility Law (ACTP 51) revisions. Please feel free to contact me if you have any questions. Thanks for the consideration.

Best regards,

Aaron

Date: September 12, 2019

TO: Board of Agriculture Trade and Consumer Protection  
Department of Agriculture, Trade, and Consumer Protection  
2811 Agriculture Drive  
Madison, Wisconsin 53708

From: Aaron Colson, Crawford County Wisconsin Landowner  
Parcel IDs 02207510000, 02207480000, 02207490005

RE: Comment on Proposed ATCP 51: Livestock Facility Siting Administrative Rule Revision

Dear Members of the Board,

First, thank you for the opportunity to comment on the proposed rule. I grew up on my parents' family owned small dairy farm in Crawford County Wisconsin in the beautiful Driftless Area with the farm property bordering the winding Kickapoo River. I now own a portion of that farm but without the buildings or other structures. This is important because I now live out of the state of Wisconsin employed as an Environmental Risk Assessor for a medium-sized city in Ohio. I had begun to make plans to build a house on the property, start a business there and move back to Crawford County Wisconsin. However, I recently found out that a CAFO is being proposed in Marietta Township less than one mile from my property in Crawford County. My plans of moving back to build a home on the land I use to play and work on is now on hold. This will be a loss of potential tax revenue for the County if I decide to not build a home and carry out my plans. The land I own is the highest elevation in southwest Wisconsin and overlooks the very beautiful and scenic Kickapoo River Valley and is also adjacent to Husher Park. The proposed CAFO will be located upon a neighboring ridge directly above the Kickapoo River. The CAFO will ruin this beautiful and scenic place.

I am in support of the proposed rule revisions and all for improving rules to better protect the environment and public health. However, the Livestock Facility Siting Law is far from achieving that goal. It takes the control away from the local community to decide if allowing CAFOs is in the best interest of the community or not. Furthermore, the siting of any CAFO increases the likelihood of environmental contamination and adverse public health impacts in the community where the CAFO is located. The facts show without a doubt that CAFOs are potential sources of environmental contamination with almost certain likelihood of polluting the environment. By taking the approach if the permit applicant can show they will be capable of meeting all the requirements (not implying they will be), a permit is usually issued which guarantees the increased risk of environmental contamination and negative human health impacts. Anybody who has enforced environmental permits, knows how problematic permit enforcement can be and that permit requirements are often exceeded on a regular basis. The polluter often can continue their business, degrading the environment in between inspections (inspections occur once a year or once every several years), warning letters, and notice of violations, and maybe paying a few fines without having to stop their practices. If the local government can shut down CAFO operations upon any violation with no recourse

for the CAFO operator to restart operations, and local government recoups all expenses incurred related to the damage the CAFO caused, that would be a step in the right direction.

The Livestock Facility Siting Law and the rules to enforce the law have been flawed from the beginning with trying to establish uniformed goals for livestock facility siting without fully considering local specificity and taking away local decision making. The law favors CAFO owners over property owners and other business owners that depend on land, water, and other natural resources for income. The landscape, ecology, and environmental conditions vary widely over Wisconsin. A uniformed set of goals and consistent technical standards to implement the Livestock Facility Siting Law do not protect the very environment and natural resources the law is supposed to be designed to protect, especially in these days of a changing climate. Goals and standards need to be integrated to consider other environmental impacts and adaptive to various landscape conditions, and now more than ever to increasing extreme weather events. The Precautionary Principle and "No Regret" policy should be included in this law to prevent any threats of serious or irreversible damage to the environment and the natural resources we all depend on, not just CAFO business owners. The law should also specify who will pay the economic and societal cost if such damages do occur. Local government and the communities should not be the ones that bear such burdens. These local communities not only lose the natural resource capital, property values, and health benefits, but they also use taxpayers' money to clean up the contamination and degraded sites caused by the CAFOs.

Engineering and structural controls fail. CAFOs have been a source of severe environmental pollution in every state in the United States which have been documented throughout scientific literature and regulation monitoring systems. When controls fail at CAFOs, consequences can be catastrophic and irreversible. The CAFO owner/operator should be responsible for all clean up of environmental contaminant release from the CAFO. The previous practice of the Crawford County CAFO owner, who is proposing an even larger operation in Marietta Township, has a history non-compliance almost every year since 2009. Yet, the practice was never suspended or stopped, and the violation has been ongoing. The existing permit regulation has not been able to protect the local environment. The proposed rule revision in the Livestock Facility Siting Law does not correct the ineffectiveness of the previous regulation. Such operation and violation history should trigger the automatic rejection in new or current CAFO expansions. The proposed rule does not fix the flawed law and continues to make the situation worse because the local government and communities cannot fully react to prevent future violations and the unified rules overlook other environmental impacts.

The Livestock Facility Siting Law should also include the environmental and societal cost or replacement values in the CAFO siting. The replacement environmental values include lost vegetation and animal species, water quality deterioration (both surface water and groundwater), reclamation of disturbed land of facility and highway construction, fate and effects of stressors in the environment, increased local municipal wastewater treatment cost, elevated downstream eutrophication potential, lost recreational values, and lost property values. The replacement societal value includes increased traffic flow, increased noise, increased health risks (i.e., increased antimicrobial resistant gene, aerosol carrying microbial cells, endotoxins, and allergens) and spread of disease.

Regarding odor control, do not give credits on setback for the installation of odor control practices without any consistent and reliable monitoring data to validate the control outcomes. The setbacks should be increased and odor control practices should be mandatory. Even with approved setbacks and odor controls practices I heard testimony from homeowners that live next to CAFOs in Wisconsin say that they can no longer enjoy the fresh smell of air, and these homeowners must leave their windows closed almost year-round. Depending on the local meteorological condition, aerosols can travel far beyond the setbacks. In the early 2000s, I was an Environmental Specialist for the State of Georgia Environmental Protection Division and conducted inspections of construction practices of CAFOs. I experienced firsthand the environmental devastation and the devastation of families whose neighboring property values declined, and they could not sell their properties to move away from the CAFOs. Also, where I lived in northeast Georgia was several miles away from the nearest CAFO. When my home was downgradient of wind direction from the CAFO, we had to shut our windows and we did not want to be outside because of the awful odors. The potential health risks have been documented in scientific peer-reviewed studies.

Finally, a prohibition on developing and siting CAFOs and other large industrial livestock operations should be enacted in the ecologically rich and environmentally sensitive Driftless Area. A comprehensive environmental assessment of any CAFO siting should be required to carefully evaluate the potential risks and impacts to the local communities and environmental sensitive areas. Renewal of permits of existing CAFOs in the Driftless Area should be denied, and if the CAFO has no permit violations, an effort could be made to compensate these existing CAFOs. The CAFOs and industrialized agricultural operations should have never been allowed to be established in the Driftless Area, and other environmentally sensitive areas in the first place.

Again, I am in support of the rule revisions, but the revisions do not go far enough to fix the flawed Livestock Facility Siting Law. Please do not hesitate to contact me with any questions you may have. My contact information is provided below. Again, thank you for the opportunity to comment.

Respectfully,

*Aaron Colson*

Aaron Colson

Address: 7900 Buckeye Crescent  
Cincinnati, OH 45243

Phone: 608 217 9916  
Email: cols0015@umn.edu



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Glory Adams <gloryaec@att.net>  
**Sent:** Thursday, September 12, 2019 2:50 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock Siting  
  
**Categories:** Green Category

To whom it may concern,

I strongly favor proposed changes to the Livestock Siting Act. While large farms consistently say it costs too much, they cannot do it, etc., it is obvious by the quality of water in the state that changes must be made. There is also plenty of evidence to show that proximity to large farms creates economic and health hazards. Right to farm laws have already stifled neighbors to a large degree, forcing them to accept extra costs and cope with significant consequences that they did not create. Large farms need to be made accountable for what they do, including compensating neighbors for contamination and loss of property values. Extra set backs will actually help CAFOs to avoid some of the problems they cause neighbors.

There also needs to be increased costs to permits based upon the time that government officials spend evaluating such permits. Taxpayers should not have to pay the costs incurred by this select group. Other industries, such as sand mines, pay significantly more for permits. The large CAFOs also receive the largest federal/state subsidy monies.

Since the standards put forth were developed by a group of 16 professionals, I do believe they are fair and do need to be incorporated in the Livestock Siting Act.

Glory Adams  
1216 S Farwell St  
Eau Claire, WI 54701  
715-834-8796

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Raven <elaineseverin@yahoo.com>  
**Sent:** Thursday, September 12, 2019 3:46 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comments ATCP 51, Livestock Siting Rules  
**Attachments:** Comments on Livestock Siting Rule.pages; Addendum Testimony LSR 09-11-2019.pages  
**Categories:** Green Category

I am herewith submitting my comments presented at the Oshkosh public hearing so that an electronic copy is also on record. In addition, I have prepared an addendum to my original statement. That addendum is also included in this email.

Thank you for acknowledging having received these comments.  
Elaine Swanson

### Comments on Revisions to ATCP 51, Livestock Siting Rule

I'm here today speaking for my family - but also for my rural community and the citizens who formed our grassroots group, PEPL of Rosendale. (People Empowered Protect the Land)

Thank you for accepting comments on what I consider a matter of grave consequence - the finite nature of our groundwater. Gordon Stevenson, former run-off chief at the WI Department of Natural Resources, has predicted that it is just a matter of time before we have large scale contamination of our groundwater.

I'm very concerned at the lack of urgency I see over a comprehensive review and revision of the laws that now regulate livestock operations in Wisconsin. It's clear to me that we need some major changes to rules which currently tip the scales in favor of CAFOs.

Our family moved to rural Pickett, town of Rosendale, over 30 years ago, not to farm the land but to plant trees, prairie, ponds - and eventually create a wildlife sanctuary. I feel a deep connection to the land.

In 2008, a proposed CAFO that would become one of the largest in the state, began construction in the Town of Rosendale, even before the DNR had issued final building permits. The operation was built in an area of Karst sinkholes, wetlands, and a high water table.

There are well-chosen labels designed to create a sense of trust - Best Management Practices, Odor Plan, Proud Member of the Community. In reality - and in the absence of our state agency's active presence, it was our rural community who began monitoring the CAFO, identifying drain tiles, and documenting violations.

Phase I of the operation permitted 4,000 cows; Phase II allowed for 4,000 more. In a short time, this CAFO was producing over 100 million gallons of untreated manure - year after year.

Some of my neighbors described new symptoms of asthma, migraines, and chronic stress. Odor does not respect a measured boundary, and toxic air can be transported by way of wind currents - drift. The pathogens can move rapidly with the wind and violate our breathing space.

The odor of liquid manure from uncovered pits when spread on fields trespasses across our yards and greatly reduces our quality of life. **No odor emissions test or complaint form can adequately protect the people from this injustice.**

The location of CAFOs and their setbacks need to be carefully reviewed before finalising siting rules. We need enforced regulation that puts a stop to the practice of spreading too much toxic manure on too little land.

More of my neighbors are reporting high nitrates in their wells. University of Wisconsin researchers have determined that 90% of high nitrate levels in private wells comes from agricultural practices. **Nutrient Management Practices have failed to protect the people from contamination of their drinking water.**

Local communities have a sense of responsibility to protect their natural resources. We live on land we cherish which has been violated due to insufficient enforcement by the very agency charged with protecting environmental life. This is a travesty of the worst kind.

The people should have the right to approve or reject the siting of a factory farm. Waters of the State belong not to the industry or the legislature - but to the people of Wisconsin.

Five years ago, in a contested case hearing, Administrative Law Judge Jeffrey Boldt confirmed that the widespread contamination of private wells in Kewaunee **“represents a massive regulatory failure to protect groundwater”**.

Please take the time to understand the profound implications if no action is taken following these hearings. We need to use the precautionary principle and act with urgency. Our current system of food production is only serving the giants of agriculture. **I feel the land itself deserves equal consideration.**  
Thank you for listening to my comments.

Elaine Swanson  
People Empowered Protect the Land (PEPL) of Rosendale  
W10732 Triangle Road  
Pickett, WI 54964  
August 15, 2019

**Comments on Revisions to ATCP 51, Livestock Siting Rule -  
Addendum to Public Testimony, August 15, 2019, Oshkosh WI**

Please refer to the letter from The John Hopkins Center for a Livable Future addressed to Kewaunee CARES, dated March 27, 2014.

This 12-page report documents the risks and uncertainties posed by intensive livestock operations, particularly as they affect the health of Wisconsin citizens. These health and environmental factors include the spread of infectious disease from contaminated groundwater, surface water, and air.

I have a personal reason for asking that you take the time to read the research documented in this report. Please consider the scientific evidence that suggests that residents living near CAFOs (confined animal feeding operations) are at greater risk of infectious disease, antibiotic resistance, depression.

A friend of mine was diagnosed last year with ALS. This is a devastating, neurodegenerative disease. Bill is now living the last stage of his life not in retirement with his wife but as a patient at a VA Hospital in St. Cloud, Minnesota. Bill's home is in Kewaunee County, which has a population of 22,500 - and over 100,000 cattle.

This rural community must live with the spreading of manure from livestock that is equivalent to the human waste of 2 million people. In more visual terms, **we are applying the equivalent human waste from the cities of Detroit, Minneapolis, St. Louis, and Milwaukee to this land every day.**

Do you see the irresponsibility, the immorality - the insanity in managing food production this way?

Is there any wonder that Kewaunee County has become a harbor for infectious disease, antibiotic resistance, depression?

Please take the time to carefully consider the profound consequences if Wisconsin does not declare a moratorium on further industrial farming operations.

Thank you.

Elaine and Severin Swanson  
W10732 Triangle Road  
Pickett, WI 54964  
September 11, 2019



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Susan Turner <tsuzfam7@gmail.com>  
**Sent:** Thursday, September 12, 2019 5:03 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** DATCP ACTP 51 Revision Support

**Categories:** Green Category

Dear Department of Agriculture and Consumer Protection,

I strongly support the recommended revisions and encourage the DATCP Board to move forward and adopt the proposed revisions and suggested rule changes to ATCP 51.

After 13 years of approving new or expanding livestock facilities in Wisconsin, citizens finally have a chance to comment on the much needed updates and address public health and water quality concerns.

I support the following:

- \* Replacing currently flawed odor score calculation practice with greater setbacks to individual property line and not measure from location of specific buildings or residences on property.
- \* Creating a process for Neighbors of large livestock facilities to initiate order complaints.
- \* Require more frequent visual inspections of manure storage facilities to ensure their integrity.
- \* Requiring permit applicants to have, at the time of application, the land base necessary to implement a nutrient management plan for the maximum number of animal units requested in the application.
- \* All CAFO facilities should be required to post a bond or other fiscal option to address environmental issues in the event of a spill or other contamination event.
- \* Permit fees should be assessed on a sliding scale to reflect accurate amount of department administrative effort. The larger the CAFO, the larger the permitting fee with ALL funds going solely to the CAFO fund.
- \* The rule should allow local governments to require increased setbacks if local conditions so dictate.

Thank you for allowing me the opportunity to comment and support the recommended revisions to ATCP 51.

Most sincerely,

Susan Turner  
P.O. Box #628  
LaPointe, Wisconsin  
54850-4400

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** lois morrison <morrisonlois9@gmail.com>  
**Sent:** Thursday, September 12, 2019 5:45 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock siting law

**Categories:** Green Category

Dear DATCP,

I have read the "talking points" and find them specific suggestions that I support.

I, however, want to speak from a personal point of view. I live on a small farm a few miles from the proposed CAFO site near Trade Lake in Burnett County.

Here are my comments and concerns and questions:

1. How can we feel secure that our drinking water will be safe? Will there be daily testing of the ground water and will the reports be emailed daily to the governing agency? If the ground water is compromised how will the facility be closed down so that the problem will be stopped immediately? And how will we know that the reporting will be honest?
2. Regarding the odor of the operation, is it really true that neighbors won't be subjected to the odor of pigs when literally thousands of pigs are living next door? What happens when a pig dies? How is it disposed of?
3. Will there be a market for all these pigs? After polluting their own country, China is now encouraging their small farmers to raise pigs as a means of reducing swine fever. Also, China is suggesting to their population to eat less pork. Also, if the trade disagreements aren't settled who will want all the pork a CAFO produces?
4. I support all sizes of farms and a CAFO of over 1000 animals is not a farm. It is factory. Is it fair to an animal to be treated as a CAFO treats 3000 pigs?
5. Why are we so greedy for money that we are willing to pollute our beautiful state for the sake of a few dollars that China will send us?
6. How about encouraging local businesses that will support FARMERS not factory operations?

Thank you for reading my comments. I hope you will consider my thoughts.

Lois Morrison  
20469 Range Line Road  
Grantsburg, WI 54840

715-556-0043

morrisonlois9@gmail.com

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** tom galazyn <tomgalazyn@hotmail.com>  
**Sent:** Thursday, September 12, 2019 8:51 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** cafo rules

**Categories:** Green Category

I urge the adoption of proposed rule changes that would limit and/or contract the growth of CAFOs in WI. Tom Galazen, Bayfield Township

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Mark Hoffman <pro.performance@gmail.com>  
**Sent:** Friday, September 13, 2019 4:50 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Poor air quality

**Categories:** Green Category

I live 1 mile as the crow fly from a big industrial farm. The air quality I breath is so bad I can't breath. As soon as the sun goes down at night I would like to open my windows and let the house cool off and let in some fresh air but that is when the poor quality air goes across the land and contaminates the air in my neighborhood. My air should be free of pathogens. The air should be tested to see what I am breathing.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Deanne White <deannewhite523@yahoo.com>  
**Sent:** Friday, September 13, 2019 7:46 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** CAFO siting rule changes - comments

**Categories:** Green Category

To Whom It May Concern:

I reside in rural Albany, WI, Green County. I strongly support the proposed CAFO siting rule changes in regard to nutrient and runoff management; waste storage, odor and setback standards; and improved processes for local implementation.

I have been especially alarmed by the recent findings of fecal contamination of wells in southern Wisconsin. Up to this point in time, I have taken clean water in my area of Wisconsin for granted. This contamination has conclusively been linked to large cattle operations, as well as ineffective septic systems. It has been reported that a CAFO of 2,500 cows may generate the same waste as a city of 41,000, yet such a CAFO does not have an effective sewage system especially in periods of heavy rain.

I am concerned about noxious odors I have detected when passing area CAFO operations as well as the delayed or lack of inspections of manure storage facilities which may begin leaking soon after construction.

Improved setback requirements for manure storage facilities and barns are essential for citizens who have the great misfortune to be located near any CAFO.

Thank you,  
Deanne White  
N6904 Norwegian Rd.  
Albany, WI 53502

[Sent from Yahoo Mail for iPad](#)

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Gene Lemmenes <glemmenes@cheqnet.net>  
**Sent:** Friday, September 13, 2019 8:53 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** support for proposed revisions to ACTP 51

**Categories:** Green Category

To the Department of Agriculture, Trade, and Consumer Protection Board

Please include my name in support of the proposed revisions to the Livestock Siting Law, ACTP 51.

In the 13 years since the passage of the law, there has been no opportunity for citizens to officially comment on proposed revisions, despite hundreds of new factory farms having been built, threats to the health of facility workers and neighbors, universal degradation of air, groundwater, and/or surface water quality, reduction of property values and quality of life for neighbors, decline of recreational opportunities in receiving waters, and continuous use of antibiotics as growth enhancing agents, without regard to the known degradation of their efficacy in treating illness in people and livestock alike. The proposed revisions are merely a first step for the citizens of Wisconsin to finally voice their concerns about CAFOs and other factory farms, but they are essential.

Thanks in advance for passing all of the proposed revisions to ACTP 51.

Sincerely,

Gene Lemmenes

17100 Bark Bay Road

Herbster, WI. 54844

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Jenelle Ludwig Krause <ludjen@hotmail.com>  
**Sent:** Friday, September 13, 2019 9:13 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Input to the Livestock Facility Siting Law

**Categories:** Green Category

Dear DATCP,

Given I live in rural Wisconsin, I am directly impacted by the Livestock Facility Siting Law, therefore I strongly support the updates proposed by the technical expert committee. Please make the changes needed to protect my health, my neighbors' health as well as our environment and property values.

I have experienced first hand the negative effects of this law not being updated. We have 2 CAFOs within a few miles from our home which has had an impact on where I walk and ride my bike as the smell is very strong. It's even far more impactful for my neighbors who live closer to the CAFOs. We've also had a manure spill in our beloved Rush River where I go kayaking and my husband loves to fish for trout. Being able to enjoy nature is a large part of why we live in rural WI and we wish to fully enjoy our environment.

Thank you for taking decisive action to improve our state and keep it beautiful for us and for generations to come.

Sincerely,

Jenelle

Jenelle Ludwig Krause  
2240 10th Ave W  
Baldwin, WI 54002  
715-410-1566



Virus-free. [www.avg.com](http://www.avg.com)

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Jeff Kittelsen <Expo70@live.com>  
**Sent:** Friday, September 13, 2019 9:49 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comment on CAFO Siting Rule Changes

**Categories:** Green Category

TO: DATCP

I am a landowner in Albany Township, Green County, WI. I request that you please consider my comments in favor of reviewing and revising regulations on CAFOs in Wisconsin. My land is just a short distance from at least 2 CAFO operations, Pinnacle Dairies reportedly having over 5,000 confined cattle in Sylvester Twp and another of several thousand at the intersection of ST Highways 59 and 104 north of Albany. Additionally, I see a number of other operations which may not be quite as large, but certainly large enough to impact the surrounding environment in terms of water and air quality and excessive noise and traffic due to haulage to and from the facilities. The haulage undoubtedly impacts the deterioration of public road surfaces as well.

Personally, whenever I drive near one of these facilities, the odor is horrendous and, and, although I can keep the car windows closed, the people living in proximity have no such option to avoid the air quality deterioration.

On a more life-threatening level, the staggering amount of waste which these facilities produce inevitably seeps into the groundwater and eventually will affect negatively the water quality in the aquifers around the county. Since there are reports of leakages in these facilities with almost no monitoring, inspections or non-compliance penalty enforcement, everyone living here is at risk. The local governments, including municipalities and townships should have the right and power to regulate these facilities, and to ban them if they are considered a risk to the health and well being of the residents. That's the way democracy works, but it seems in Wisconsin the state, including the DNR, has taken over the regulation, and done so in a most negligent manner to the detriment of the environment in which we all live and work.

I urge a complete revamping of the regulations and permit procedures be undertaken, as well as restoring local government control. Are the lawmakers and bureaucracy in the pocket of the CAFO lobbyists and their money? Come on, do the right thing!!!

Thank you,

James E. Kittelsen  
Albany Township  
Albany, WI



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Don Nelson <donalddhlppc@gmail.com>  
**Sent:** Friday, September 13, 2019 9:52 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Siting Regulations: As a retired veterinarian, I have thoughts on manure. The state of Wisconsin

**Categories:** Green Category

Wisconsin must look at low cost loan to large farms for the construction of manure digesters. These destroy odor, these produce power all day every day, the organic material coming out of them is totally inert. The loan should be paid back the power produced. The farm owner must keep the digester functioning at least by 90% on a yearly basis. Lets not make the problem worse. Lets fix it forever. Don Nelson DVM retired



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## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Dan \_\_\_ <drwegs@live.com>  
**Sent:** Friday, September 13, 2019 10:07 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) Board on proposed revisions to the state's Livestock Siting Standards

**Categories:** Green Category

Hello,

My wife and I moved to the country a couple years ago for fresh air, quiet and beauty. All we have now are high decibel fans, Chicken feathers and stench the likes of we've never encountered, all from Daybreak Foods Chicken Factory.

The "right to farm law" should protect mom and pop farms as they are struggling to survive. Large corporation factory farms are currently taking advantage of this law, raping our land, water, and air.

The Daybreak Foods Chicken operation has expanded from 800k birds to 2.2 million, drilled high velocity wells, currently operating over 640 large scale fans that reach well in excess of 80 decibels from 1/4 mile away to our backyard.

The plan to install and over the road feed conveyor system has been approved freely by our town board and truck traffic, lighting, and noise has reduced our beautiful country home to a living nightmare.

PLEASE PLEASE PLEASE set these large corporate factory farms apart from small operations and restrict what they can do regarding noise, air, and water exponentially or we will have none for our future.

Regards,

Daniel & Stacy Weger  
N5255 Crossman Rd.  
Lake Mills, WI. 53551

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Thomas Spellman <tmspell@execpc.com>  
**Sent:** Friday, September 13, 2019 10:39 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** FW: ATCP 51: Livestock Facility Siting Administrative Rule Revision Public Comments  
**Attachments:** ATCP 51 TESTIMONY IDEAS.docx; Highlighted Ordinance for ATCP 51 Testimony.pdf  
  
**Categories:** Green Category

Dear Committee,

As a woman who grew up on a Wisconsin farm that my brother is still running, I ask you please to include my agreement with the attached comments. I am also a retired Wisconsin teacher. For the safety of the water of my former students, their children and my grandchildren I ask you to respect science and depend upon scientific findings to ensure the health of our water.

Expecting your honest open minded consideration of the facts uninfluenced by financial gain, I say thank you,  
Dona Palmer

Dear DATCP Board:

Please register this page of comments and the additional, attached 67 pages of the ***Proposed Ordinance for Licensing the Siting, Expansion and or Operation of Livestock Facilities in Pepin County, Wisconsin*** as my public comment regarding the hearing draft of the proposed changes to ATCP 51, Livestock Facility Siting Administrative Rule.

- 1) ATCP 51 requires that nutrient management be implemented according to NRCS Standard 590. The more stringent standard in the attached ordinance regarding spreadable compost, page 59, f), should be mandatory in a livestock facility 590. The nutrients in mature compost are not subject to leaching or runoff.
- 2) It is a known fact that much of the inorganic nitrogen applied under a 590 plan is not used by the crop, instead, leaching to groundwater or running off as surface water. Pages 59 and 60, f) and g), of the attached ordinance should be implemented as a mandatory practice because mature compost stores and warehouses nitrogen until the crop calls for it regardless of what the crop rotation is. Stop emphasizing 590's; start promoting, incentivizing and requiring composting.
- 3) Any shred of a requirement for water testing is completely absent from ATCP 51! The only real barometer to indicate whether a nutrient management plan is working for \*nitrates\* is by testing and monitoring groundwater. Mandatory water testing as a requirement to obtain a siting permit is logical protocol. More stringent standard b) on page 57 of the attached ordinance requires mandatory water testing for \*nitrates\* with ongoing monitoring. In the case of \*nitrates\*; stop emphasizing soil testing and start requiring water testing.
- 4) ATCP 51's definition of Livestock Facility is truncated and minimizes the damage done to groundwater from concentrated livestock waste. This definition should be reworked to comply with the definition of a Livestock Facility on page 47 of the attached ordinance which extends the definition from the area where livestock or feedstuffs are stabled, stored, or confined to the outermost "boundary at which waste from the facility, practice, or activity has been stored, applied, or disposed of," which is congruent with the DNR's definition in NR 140.22(3)(a).
- 5) ATCP 51 does not require manure spreading maps to be submitted with the application for a siting permit if the Livestock Facility operates under a WPDES permit. At present, ATCP 51 allows the manure spreading acreage maps to be sequestered, hidden, and concealed from the public in DNR vaults. Change ATCP 51 to bring the manure spreading maps into the light of day. Please see page 56, a), paragraph 2, for the applicable more stringent standard of the attached ordinance.



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Joan Elias <jeelias@centurylink.net>  
**Sent:** Friday, September 13, 2019 10:59 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** comments on ATCP 51  
**Attachments:** Comments on DATCP ACTP 51.docx

**Categories:** Green Category

Please accept the attached comments on the proposed revisions to ATCP 51.  
Thank you.  
Joan Elias

Comments on DATCP ACTP 51  
September 13, 2019

Thank you for the opportunity to comment on the recommended revisions to the Livestock siting Law (ACTP 51).

I support the proposed revision to measure setbacks from property lines rather than homes or other specific buildings. I live near a large dairy farm in northern Wisconsin and I am confronted with strong manure odors on a regular basis. The farm was not in existence when my husband and I built our home. I support creating a process through which I could initiate complaints about odors.

Frequent inspections of manure storage facilities are crucial to ensure they are functioning properly and not leaking. It is also crucial that the permit applicants have the necessary amount of land available for their nutrient management plan (NMP) at the time of their application. I personally know land owners whose land was included in a NMP yet they had never been contacted by the CAFO owner. It is wrong that land can be included in a NMP without the approval of the land owners. Oversight of the NMP process must be strengthened.

I'm concerned that some of the lands included in NMPs are not suitable for the amount of manure being spread. In my area I've seen the same fields used over and over, and I know from consulting soils maps that these fields have thin soils. Additionally, the fields are long and narrow, bordered by streams flowing into Lake Superior. We need increased monitoring of water quality surrounding manure spreading locations.

The amount of manure generated by CAFOs is on a par with that of many cities, yet CAFOs are not required to treat their waste. This issue is not currently addressed in the proposed revisions but it should be. Wastewater treatment facilities should be part of every CAFO. Protecting our water resources may cost more up-front but will be worth it in the long run.

Thank you.  
Joan Elias  
11140W Edwards Rd.  
Saxon, WI 54559

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Ed Ludwig-Krause <edkrse@yahoo.com>  
**Sent:** Friday, September 13, 2019 11:08 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Fw: Input to the Livestock Facility Siting Law

**Categories:** Green Category

Dear DATCP,

I live in rural Wisconsin and am directly impacted by the Livestock Facility Siting Law. I strongly support the updates proposed by the technical expert committee. Please make the changes needed to protect our families health, our neighbors' health as well as our environment and property values.

I have experienced first hand the negative effects of this law not being updated. We have 2 CAFOs within a few miles from our home which has had an impact on where I walk and ride my bike as the smell is very strong. It's even far more impactful for my neighbors who live closer to the CAFOs. We've also had a manure spill in our beloved Rush River where I go kayaking and trout fishing. Being able to enjoy nature is a large part of why we live in rural WI and we wish to fully enjoy our environment.

Thank you for taking decisive action to improve our state and keep it beautiful for us and for generations to come.

Sincerely,  
Ed

Ed Ludwig Krause  
2240 10th Ave W  
Baldwin, WI 54002  
715 684-3852



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## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Harvey Halvorsen <harveyhh@frontiernet.net>  
**Sent:** Friday, September 13, 2019 11:22 AM  
**To:** DATCP Livestock Siting Comments; Clayton, Christopher R - DATCP  
**Subject:** DATCP CAFO revision comment  
**Attachments:** DATCP CAFO.htm

**Categories:** Green Category

Hi Chris

Attached is my written comments to be included in the revision process. Thank you.

Harvey Halvorsen  
New Richmond, WI



TO: Chris Clayton, Livestock Facility Siting Program Manager Bureau of Land and Water Resources  
Department of Agriculture, Trade and Consumer Protection P.O. Box 8911 Madison, WI 53708-8911

FROM: Harvey Halvorsen – New Richmond, WI

DATE: September 12, 2019

Good day. Please accept these comments regarding the proposed revision of ATCP 51 to implement Wisconsin's Livestock Facility Siting Law (s. 93.90, Stats.). My comments are suggestions to help improve the local environment for humans where the facilities are located (current/future) and where waste products are land spread. The CAFOs provide important jobs for our communities and are important for food production. However, CAFOs create environmentally offensive by-products; these can easily be mitigated through adoption of improved technology and thoughtful implementation guidelines.

1. **Manure management at existing and future turkey CAFO's** – Proper manure storage must include restricting wildlife access to waste grain and facility byproducts to reduce the potential transmission of deadly pathogens to our free-ranging wild animals. The confined turkeys receive medicated feeds, wild animals do not and are susceptible to domestic diseases.
  - a. As an example, I've witnessed 50+ wild turkey vultures roosting and feeding on the waste manure piles at the New Richmond Turkey CAFOS on County Hwy A.
  - b. I've witnessed 50+ wild turkeys (with broods) feeding on the turkey CAFO property as well as wild pheasants too.
  - c. Over the past 8 years, I've frequently heard wild coyotes howling at both of the turkey CAFO facilities in New Richmond. I hope these animals are not attracted to domestic turkey carcasses that were removed and piled outside of the CAFO facilities.
2. **Manure management** – require detailed listing of toxins and antibiotics in Turkey manure that is land spread. Specifically identify: arsenic, fumigants, antibiotics, etc. Please post in local papers, and on site where the turkey manure is land spread. Limit the reapplication of these manures to no more than 1x.
3. **Odor management** – at existing and future Turkey CAFOS.: Please consider adding mandatory ventilation guidelines to greatly restrict turkey manure odors escaping CAFOS located within city limits, or within a 5 mile radius of city/village limits. Turkey odors emanating from facilities are offensive at all times, especially so when people are downwind of the facilities. Note: On calm evenings, within a ½ mile radius of turkey CAFO's, the air inversions create a blanket of choking nauseating turkey manure odor.
4. **Local government Control:** Organize, allow and encourage CAFO owners to implement additional ("voluntary") environmental mitigation standards at the request of local communities and neighbors. Provide cost-sharing to the CAFO operators if such is needed to implement non-required standards. **Retrofitting improved technology on existing CAFO operations must be considered.**

Thank you for taking my comments.

Harvey Halvorsen, New Richmond, WI

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Brad Henderson <bhenderson@wisconsinfarmersunion.com>  
**Sent:** Friday, September 13, 2019 11:41 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comments on ATCP 51: Livestock Facility Siting Administrative Rule Revision

**Categories:** Green Category

Dear Members of the Committee,

From 1995 to 2015 I worked as an engineer with the Department of Natural Resources in West-Central Wisconsin. My job included approving sites for land application of industrial wastewater and oversight of municipal sludge operations. Since 2015 I have been employed by Wisconsin Farmers Union and have considered the impacts of large animal feed operations on agricultural lands.

I appreciate the opportunity to offer comments on the proposed rule changes and will offer my insights as both a former DNR employee and a current Wisconsin Farmers Union staff member.

### **Waste and Nutrient Management - Land Application**

Land application serves a vital part of nutrient management but the capacity for waste to be applied can vary greatly from county to county and in fact, from acre to acre. When approving sites for industrial waste at DNR, I gave consideration to soil type, grade and separation to waterways and structures before granting approvals. Will local governments have the resources to do the same? Local governments may be allowed to develop more stringent local standards but with the requirement to meet certain legal criteria it is unlikely to do so. In updating the rule, the responsibility for identifying adequate land for application of manure needs to lie clearly with the livestock producer. Adequate acreage for land application needs to be clearly identified through written agreements with landowners but furthermore, adherence with the nutrient management plan should be periodically reviewed and certified by the livestock waste generator.

### **Waste Storage Facilities – Inspection**

The proposed revision does include a requirement to update to the 2017 NRCS 313 technical standard for manure handling - this is a necessary inclusion that I wholly support. However, beyond their initial construction, storage facilities need regular operational maintenance to perform without failing. Therefore, periodic visual inspections should be conducted on all manure pits, not just ones over 10 years old. The risks associated with leaky manure storage facilities to aquatic habitats and groundwater are too great. Recently constructed storage pits that may be operated improperly (e.g. agitation mishaps) or modified without applying the proper guidelines will not be identified and may contribute to public health risks and environmental degradation. The proposed revision requires the operator to close an existing pit that cannot be certified as safe but, unless an inspection is conducted, this correction cannot be made.

Wisconsin Farmers Union supports the revisions to ATCP 51 but further improvements to verify that large animal operators are adhering to the rules should be incorporated into the process. Wisconsin Towns and County governments need flexibility and guidance in recognizing their capacity for managing expansion requests and means for enforcement should be included in siting approvals for land application and manure storage. ATCP 51 can provide accountability to livestock operations for potential damages caused to our land and water. With these additional considerations we would increase the probability that local government and the residents they represent can be assured of this.

Brad Henderson  
Wisconsin Farmers Union

**Brad Henderson**  
*Facilities Manager*  
***Wisconsin Farmers Union***  
Phone: [715.214.7244](tel:715.214.7244)  
19161 79th Ave. | Chippewa Falls, WI

*United to Grow Family Agriculture.*

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Katherine Stahl <stahland@centurytel.net>  
**Sent:** Friday, September 13, 2019 11:50 AM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock siting comments

**Categories:** Green Category

Dear Members of the DATCP Board,

Thank you for taking public comments about the Wisconsin Livestock Siting draft ATCP 51. I would like to support the changes with the following comments and exceptions.

Currently the fees for permit administration do not adequately cover the actual cost of permitting. I recommend that necessary changes be made to cover the actual costs for processing each application for livestock siting. Setting a specific fee may overcharge or undercharge the farmer. We need to have fees that represent the reality of the administrative costs. This is not to impose a hardship for farmers however the current application fee can pose a financial hardship for the agencies processing the applications.

I am pleased that setbacks are being established based on property boundaries rather than structure to structure. Recognizing this may pose a complication for some farmers' future building, it does protect the neighbors' future use of their properties. Assuming that farmers have more rights to use of property than do neighbors hardly seems like a democratic process. Having lived next to a hog operation in another state, I am pleased efforts are being made to address odor management. It became literally impossible to enjoy being outdoors on most days of the year. Since our family farm existed before the hog farm developed, it seemed like a huge infringement on our property rights. Relative to the current ATCP 51 changes I would encourage you to include language assuring that farms permitted prior to the setback changes have to include all prior odor control practices to the extent previously practiced. The language for the livestock siting rules need to assure adequate odor management. This is again not to pose a hardship for farmers. Rather it is to assure protection for all property owners surrounding a livestock operation.

Neighborly odor management practices should be encouraged in any way possible to promote good farm/residential relationships. Living in the country, we all expect the short term odor issues surrounding manure spreading. However the spreading in an area where there is a known outdoor event on a neighbor's property seems counterproductive to the farmer's relationship with neighbors. Consideration needs to be given by the neighbors for the farmers and the farmers for the residential neighbors.

ATCP 51.16 (4) indicates manure spreading restrictions be "based on reasonable and scientifically defensible findings of facts that clearly show that such requirements are necessary to protect public health or safety". In Dunn County, we have above the state average of wells with unacceptable levels of nitrate which is obviously public health related. This gets to be a catch 22 as those spreading manure can blame neighbors' septic systems or the fertilizers used by crop farmers or residential use. Since there is inadequate funding to cover the testing of wells for specific causality of contamination,



we are stuck in how to prove who is responsible. Please adjust the language of the 51.16 (4) to have those who spread manure to prove they are not contributing to the nitrate and other contaminants found in the ground water. If we can fund adequate testing of ground water to ascertain specific causes at the local level then we will be further ahead in determining who is responsible at the local level. In the meantime, we need to solve the ground water contamination issues and all of us need to take responsibility for the removal of drinking water contamination whether they be septic owners, livestock operators, crop farmers and/or residential citizens.

Thank you for considering my comments.

Respectfully submitted,  
Katherine Stahl  
N7607 1010 St.  
Elk Mound, WI 54739  
715-962-4010

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Judy Clarin <judyclarin@gmail.com>  
**Sent:** Friday, September 13, 2019 11:56 AM  
**To:** Heaton-Amrhein, Jennifer A - DATCP  
**Subject:** Trade Lake Township proposed livestock facility- please read

**Categories:** Green Category

I see on the DNR website that both Little Trade Lake and Big Trade Lake are on the proposed list for impaired waters. This alone is justification for the denial of the proposed 28,000 hog CAFO in Trade Lake township and its waste disposal permits. It would be irresponsible to allow that size of facility to come in that close to an eco system that is already fragile and would be negatively impacted by such a large facility. The water and air contamination impact would also hurt the county and state as the nearby lakes and rivers bring in substantial amounts of revenue from recreation each year. The proximity of this CAFO to our single aquifer will have a devastating impact on the surrounding lakes and rivers as well as our drinking water. Many of us have artisan wells that are very close to the surface and easily contaminated. All of us in Trade Lake township rely on ground water/wells for our drinking water.

The research I have done on these mega CAFOs shows they are neither sustainable nor do they take responsibility for their spills or the damage and cost to our health and environment. I urge you to honor your mission statement and protect our limited natural resources by regulating the size and location of these largely unregulated CAFOs. Take a stand and say no. There are other areas less vulnerable for them to set up shop.

Sincerely,

Judi Clarin  
Concerned resident of Trade Lake Township

Sent from my iPhone

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Lee Boland <duffer.boland@gmail.com>  
**Sent:** Friday, September 13, 2019 12:10 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock Siting Comments

**Categories:** Green Category

Dear DATCP Board Members,

Thank you for conducting the public hearings on proposed revisions to Administrative Rule ATCP 51. I attended the Eau Claire session on August 19, 2019. I endorse the changes proposed.

I watched and listened to the usual parade of corporate farmers and their enabler organization representatives while they presented yet another round of "poor me" opposition.

I assume you understand that in some respects farmers are their own worst enemies: they have always over-produced and they're still doing that in what they demand (with their votes) as "free market" capitalism. The notable exception to their anti-government, anti-regulation mantra is the matter of subsidies. They have successfully lobbied for dozens of direct and indirect handouts that most of us tax-payers have absolutely no access to:

- various commodity and crop price supports
- sales tax exemption on nearly everything
- fuel tax exemptions
- vehicle license exemptions
- massive property tax exemptions
- capital improvement cost sharing
- acreage set-aside payments
- highway overload permission
- right to farm statute

The list could go on. And I've never known a farmer who has paid any significant income tax--in fact, we have a whole industry of "December financial consultants" whose main enterprise relates to advising farmers about end of tax year equipment or supply purchases best fitted to income tax deductions.

My advice is to examine that "poor me" rhetoric carefully. It's time to better balance environmental concerns that affect all of us -- not just the 3% who farm.

Thank you,  
Leon B. Boland P.E.  
N7607 1010 St.  
Elk Mound, WI 54739

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Elizabeth Lange <auldlangesigns@gmail.com>  
**Sent:** Friday, September 13, 2019 1:17 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Livestock siting law

**Categories:** Green Category

Sent from my iPhone

I support the proposed changes to the livestock siting law as described by the Midwest Environmental Advocates organization. Control needs to be returned to the people who live in rural areas directly affected by cafos.

Elizabeth Lange  
Westby, WI



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Darlene Severson <dcrseverson@gmail.com>  
**Sent:** Friday, September 13, 2019 3:26 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Tighter restrictions

**Categories:** Green Category

I am in favor of local control over CAFOs, and aggressive, consistent monitoring of wells in an area within 5 miles of CAFOs, and a ban on CAFOs in Karst areas in all parts of the state. The Wisconsin agencies responsible for this law have only listened to farmers and their powers have been stripped by greedy politicians and the farm and dairy lobbyists who feed politician coffers. I live in Crawford County. CAFOs are unsustainable businesses that expect local citizens to pay for problems that arise when there are manure spills into our water and when there are pathogens and excess nitrates in our drinking waters. CAFOs are not wanted by me or my neighbors. Listen to the people who aren't CAFO owners and operators.

Darlene Severson  
Scott Township  
Crawford County

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Roger Hanson <2dangdogs@gmail.com>  
**Sent:** Friday, September 13, 2019 4:13 PM  
**To:** DATCP Livestock Siting Comments  
**Cc:** 'Sandy Collins'; 'Dave Collins'; 'Aaron Colson'; 'Kathleen Tigerman'; 'Carl Schlecht'; 'Jill Hurwitz'; 'Eric Pauer'; 'Gary Porter'; 'Jeff Robinson'; 'Susan Robinson'; 'Jeanne Ruchti'; 'Cynthia Smith'; 'Bob + Rosa Hendrickx-Samuels'; 'John Rosenheim'; 'Ken + Jean Cornish'; 'Xin Ma'; 'Keith Peterson'; 'Deanna Shimpach'; 'Alison Paterson'; 'Alison'; 'Nancy Lu Rosenheim'; 'Audrey Roesenheim'; 'Elia Basurto-Colson'; 'Kevin Colson'; 'Merle Lewis'; 'Doug Kloss'; 'Doug Spany'; 'Janet Widder'; 'Janet Widder'; 'Devon Bump'; 'Gina Holz'; 'Jude & Sue Hartwick'; 'Edie Ehlert'  
**Subject:** Revisions to DATCP 51.  
**Categories:** Green Category

I previously sent comments on ATCP 51 revisions, but having just read the proposed revisions, I wanted to add additional.

Under definition (39). I DO NOT support rewriting the definition of "site that is susceptible to groundwater contamination" to have the meaning given in NR 151.015 (18). The definition NR 151.015 (18) excludes: (c) An area within 300 feet upslope or 100 feet downslope of a karst feature, and (d) A channel with a cross-sectional area equal to or greater than 3 square feet that flows to a karst feature. These items – (c) and (d) – are currently part of the definition of a site that is susceptible to groundwater contamination and most definitely need to be included in any revision to ATCP 51.

A new definition (44m) is being added for "Waste transfer systems." More needs to be written into the rules to govern such transfer systems. For instance, what materials are the transfer conduits allowed to be made of; how far from the storage facility may such transfer conduits run; conditions of system requiring repair or replacement; if the transfer system is being used to transport to cropland, specify systems allowed for spreading; what precautions are to be taken to protect the course through which such transfer conduits run in case of accidental release of waste. These examples are not inclusive of what needs to be covered.

Under STCP 51.14 the proposed item (2) ODOR MANAGEMENT, item (b) states "... The plan should incorporate odor control practices which the operator agreed to implement as part of rule (LRB inserts) unless the operator provides a financial or other justification for discontinuation of the practice." This allows the operator to stop odor control because there is a cost to such control, which very obviously will exist, or for any other justification. Adding this line is so outrageous that I really don't know what to say. Why bother writing the entire section if the operator can opt out at will?

The revised Note just below the item above states: "The plan may include practices to reduce dust, practices to reduce odor from nearby livestock structures such as animal lots, practices used to reduce odor from dead animals, activities to reduce community conflict, and water conservation practiced that control odor." I support replacing the word "may" with the word "shall."

Being considered under (3) NEW ODOR MANAGEMENT STANDARD: "(b) 1. Existing livestock structures located within a setback area may be expanded, without the need for odor control practices." I support a requirement that any expansion must adhere to rules in force at the time of expansion.

Janet Widder

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** billandjane@solarus.biz  
**Sent:** Friday, September 13, 2019 4:14 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ACTP51 Revisions

**Importance:** High

**Categories:** Green Category

The proposed revisions to ACTP51 are absolutely needed. Without legal protection, CAFOs have the ability to accommodate their own set of rules. As we live in an area where a CAFO is proposed, we understand the many environmental risks associated with such an enterprise. Specifically the water quality soil quality and air quality suffer when there is a lack of restrictions to the CAFO. Not only those of us whose property is near the offending business is affected but the entire surrounding community suffers as well.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Ellen Braddock <ellenmbraddock@gmail.com>  
**Sent:** Friday, September 13, 2019 4:15 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Support of Recommended Revisions to ATCP 51

**Categories:** Green Category

To whom it may concern,

I am a public health nurse in Washburn, Wisconsin and I support the recommended revisions of ATCP 51 rule and strongly urge the DATCP Board to move forward with the proposed revisions.

My primary concerns with the current lack of regulation and current lack of allotted funding to enforce regulations are related to how pollution to the air and water around CAFOs creates illness and decreased quality of life for local and regional citizens. When I became a nurse, I took an oath to serve and protect the public health. I am especially concerned for the most vulnerable people of any community—the infants, children, elderly, and ill and disabled—who are more severely affected by pollution from CAFOs and whom at the same time, their voices are not heard in the institutions of power.

The pollution of ground water, surface water and the air leads to public health problems such as increased asthma and respiratory distress, especially in children and infants, blue baby syndrome from contaminated well water, increased risk of infection, especially in infants, children, the elderly, pregnant women, and people who are already ill (i.e. people with cancer and autoimmune disorders, etc.).

There has not been a single CAFO in existence in our county that has proven that it does not pollute the air and water.

- **Regulations should require permit applicants to have, at the time of application, the land base necessary to implement a nutrient management plan for the maximum number of animal units requested in the application.**
- - Proof of current spreading contracts with local farmers should be required YEARLY to ensure land mass needed is adequate for manure being stored/spread
  - Specifically list owned and rented acres where manure will be spread
  - Increased oversight is essential to ensure all aspects of current Nutrient Management Plans (NMP) are being implemented correctly
  - All CAFOs must have an updated and current NMP in order to continue operation of manure spreading and application
- All CAFO facilities should be required to post a bond or other fiscal option to address environmental issues in the event of a spill or other contamination event.
- Permit fees should be assessed on a sliding scale to reflect accurate amount of department administrative effort. The larger the CAFO, the larger the permitting fee with all funds going solely to the CAFO fund.
- The rule should allow local governments to require increased setbacks if local conditions so dictate.



Our state is rich in clean water and clean air and a beautiful countryside. Wisconsin should be promoting small, organic farms run by families who live there. We should also be promoting economic growth in Wisconsin that values and enhances the clean air and water that we have (i.e. green tourism, canoeing, kayaking, skiing, mountain biking, hunting, fishing, and camping. Once our clean resources are gone, it is not likely that we can ever get them back. Think about the future, our grandchildren's grandchildren, and not just the monetary profit that's to be made by subsidizing factory farms and selling cheap food. Nothing comes for free and by letting CAFOs go with minimal regulations, we are selling off our public health and access to a clean, healthy environment.

Thank you sincerely for taking the time to consider my perspective.

Best regards,

Ellen M. Braddock, RN, PHN

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Rif@countrysspeed.com  
**Sent:** Friday, September 13, 2019 5:02 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Local control

**Categories:** Green Category

All laws must be a floor not a ceiling for allowed pollution Local residents must be able to determine siting with full authority Please allow us to manage our resources as we see fit, not as large CAFO's or outside business dictates.

Ilana Pestcoe  
Crawford County resident  
43188 Guthrie rd  
Gays Mills, 54631

Sent from my iPad

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Susan Robinson <oakwood.sr@gmail.com>  
**Sent:** Friday, September 13, 2019 6:41 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** ATCP 51 Rule Revision

**Categories:** Green Category

Hello,

I attended the hearing in Onalaska, WI. I had signed the form that said that I agreed to all of the revisions for ATCP 51. Now that I have read all the revisions again I do not agree with all of them. I feel that the wording in some of the proposals is very tricky and can be interpreted in different ways. I live in Crawford County and am located about 1 mile from the area of a proposed 10,000 hog CAFO. This is heart breaking that there is no care or concern for the environment and quality of life for the neighbors of this CAFO. I agree 100% with the comments of my neighbor Janet that I have added here.

Under definition (39). I DO NOT support rewriting the definition of "site that is susceptible to groundwater contamination" to have the meaning given in NR 151.015 (18). The definition NR 151.015 (18) excludes: (c) An area within 300 feet upslope or 100 feet downslope of a karst feature, and (d) A channel with a cross-sectional area equal to or greater than 3 square feet that flows to a karst feature. These items – (c) and (d) – are currently part of the definition of a site that is susceptible to groundwater contamination and most definitely need to be included in any revision to ATCP 51.

A new definition (44m) is being added for "Waste transfer systems." More needs to be written into the rules to govern such transfer systems. For instance, what materials are the transfer conduits allowed to be made of; how far from the storage facility may such transfer conduits run; conditions of system requiring repair or replacement; if the transfer system is being used to transport to cropland, specify systems allowed for spreading; what precautions are to be taken to protect the course through which such transfer conduits run in case of accidental release of waste. These examples are not inclusive of what needs to be covered.

Under STCP 51.14 the proposed item (2) ODOR MANAGEMENT, item (b) states "... The plan should incorporate odor control practices which the operator agreed to implement as part of rule (LRB inserts) unless the operator provides a financial or other justification for discontinuation of the practice." This allows the operator to stop odor control because there is a cost to such control, which very obviously will exist, or for any other justification. Adding this line is so outrageous that I really don't know what to say. Why bother writing the entire section if the operator can opt out at will?

The revised Note just below the item above states: "The plan may include practices to reduce dust, practices to reduce odor from nearby livestock structures such as animal lots, practices used to reduce odor from dead animals, activities to reduce community conflict, and water conservation practiced that control odor." I support replacing the word "may" with the word "shall."

Being considered under (3) NEW ODOR MANAGEMENT STANDARD: "(b) 1. Existing livestock structures located within a setback area may be expanded, without the need for odor control practices." I support a requirement that any expansion must adhere to rules in force at the time of expansion.

Thank you for the opportunity to comment. CAFO's are industrialized farms that have no regard for their surroundings and the quality of life of all the people they affect. They do not belong on any Karst ground. Our water is our most important natural resource and any CAFO allowed to locate on any Karst ground is endangering so much without even caring about the long term results that changes the lives of so many innocent people.

Sincerely,  
Susan Robinson



## Heaton-Amrhein, Jennifer A - DATCP

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**From:** carl schlecht <7schlecht@gmail.com>  
**Sent:** Friday, September 13, 2019 7:11 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Comments on Draft Rule ATCP 51

**Categories:** Green Category

Dear Members of the Board,

Changes in ATCP 51 are long over due since it passed in 2003. Multitudes of empirical science has been provided in support of recommendations for changes to the law in the sixteen intervening years. Now the power of your decision might correctly restore a more unified public sense of local control of resource protection standards.

I do not agree with the recommendation that would allow less review of a CAFO expansion if it is less than 20%. Reviews are essential to safety.

Please revise nutrient management standards, to reflect the value of water resources including federal waterways.

My residential property on the Kickapoo River lies in the impact zone of a proposed CAFO expansion. The property would be quantifiably reduced in value, along with many of my neighbors'.

If the expansion proceeds, it will also predictably destroy our commonly shared water table, because our fragile KARST hydrogeology is neither charted, nor capable of bearing the tremendous weight of the proposed industrial facility.

Please remove any language that might nullify significant protections for KARST geology.

Thank you,

Carl Schlecht  
28065 Kickapoo Valley Rd, Steuben, WI, 54657  
608-476-222

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Richard Swanson <swanson29035@gmail.com>  
**Sent:** Friday, September 13, 2019 8:44 PM  
**To:** Heaton-Amrhein, Jennifer A - DATCP  
**Subject:** DATCP SITING

OREToday is the 13th...the last day for input...I would like to add a request/recommendation that we include these into the changes: 1. All spreading fields must have a written and signed land contract.. BEFORE it is allowed into a NMP. The new fields must be inspected and tested by the Land and Water Departments and the DNR for soil depth..type..and water depth.

2. All drain tiled fields can no longer except spreading of liquid manure.

## Heaton-Amrhein, Jennifer A - DATCP

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**From:** Juliet Tomkins <juliettomkins@gmail.com>  
**Sent:** Friday, September 13, 2019 9:12 PM  
**To:** DATCP Livestock Siting Comments  
**Subject:** Proposed changes to livestock siting laws

**Categories:** Green Category

To whom it may concern:

I am a farmer in Martell Township, Pierce County, who lives next to one of the many fields where our local CAFO spreads their manure slurry.

A couple of years ago the CAFO excessively spread the slurry on a neighboring field. The pipes leaked and left pools of slurry sitting on the ground in many places. Within a short time our well water turned up tainted with excessive amounts of nitrates such that our soon to be born grandchild and his mother will not be able to drink the water out of our tap!!!!

We have incurred an **initial cost of \$400 to install under counter reverse osmosis systems and now pay \$200/year to replace the filters** JUST SO THAT WE CAN HAVE WATER THAT IS SAFE TO DRINK!!! This is a TAX on us which should be born by the CAFO for their infringement of our legal right to the enjoyment of our own land.

I firmly believe that 1) there has been too little regulation of these CAFOS for the protection of the local community and the environment and 2) that the local community, who has to live next to the CAFOS, MUST have a say in where they are sited or if they are enlarged. Any regulations that go toward these two ends I WHOLLY support and any changes that are contrary to these ends I VEHEMENTLY OPPOSE.

Thank you in advance for your consideration of my concerns!

Sincerely,  
Juliet Tomkins  
N8806 600th St  
River Falls, WI 54022  
715-821-2323

8-14-2019

DATC-ARM

P.O. Box 8911

Madison, WI 53708

To whom it may concern,

We live on County A just East of the manure pit. We are 1260 feet from the pit. The field all around us has natural Springs in Spring when we get all the rain the water would just stand on the fields.

When the wind comes out of the East and Southeast we can't sit out side because you can't stand the Ammonia and the Methane gas it is enough to make you sick.

When they spread the manure on those fields we are worried about the manure getting into our wells. We use to live on a farm we would composte the manure. If they have to have that many cows and have to water the manure down which they use a lot of water to do. It would be nice if they could do something about The Smell and watch so they don't spread to much in places where it can get into ~~our~~ our creeks and Rivers. We should of had a say on it but they kept it quit so we couldn't have anything to do to stop it



The big farm we are talking  
about is D+B Dairy of pound, WI  
Hope you can help us.

Thank you  
John + Margaret Larmay  
3447 Cty A  
Dconto, WI. 54153  
920-373-7177

John Larmay  
Margaret Larmay

CAFO - Lepiantka, Brian B + D Dairy

Satellite pit Near House

Low site:

Challenge Co Zoning

Co Storage Ordinance

# Testimony to the Department of Agriculture, Trade and Consumer Protection

Livestock Facility Siting Hearing – August 15, 2019

Presented by Frankie Fuller

N3063 Buena Vista Rd, Ft. Atkinson, WI 53538, [frankiefuller10@gmail.com](mailto:frankiefuller10@gmail.com) 608.445.0809

First, let me say “thank you” for holding these hearings. It is refreshing to be in front of a committee that welcomes public input so thank you for your time and this opportunity.

Second, I am not a farmer. I am an average citizen who likes to eat healthy food that is grown by farmers. I am an environmental advocate (Master Gardener and Master Naturalist volunteer) who wants to live in a world that produces food while protecting the environment so that others may share not only the food bounty but the health and well-being of a planet that has been thoughtfully nurtured.

I am a believer of science that tells me that this is something we can do but we need to do it quickly, sooner rather than later.

Third, I ask that you not make your decisions in a vacuum. The decisions that you have to make affect the financial interests of the CAFO monopolies as well as small family farms, the people who purchase the products, all of which contributes to the local and national economies. These decisions will affect the future of farming itself.

In a utopian world, I would envision a farm economy that is supported by local and national markets, benevolent financiers, large and small markets and profits that provide an adequate, comfortable living. In return, purchasers would receive food that is safe to eat and grow, and nutritious for people who eat it and the land on which it is grown.

I hope that you will be able to see your way clear to developing rules that limit CAFO expansions perhaps by

- 1) inspiring them to incorporate grazing practices into their operations,
- 2) limiting the size of the CAFO operation either by the amount of land that they use, the number of animals that they house or requiring a ratio of crops to animals or a limit on the amount of manure that they produce,
- 3) improving opportunities for small family farms with subsidized interest rates on loans or bonuses for using organic practices, and
- 4) offering free continuing education that leads to more organic, pesticide-free farming.

I believe that you should further consider allowing counties to limit the size and regulation of CAFOs because not all counties have the same land-use space and topology to accommodate large-scale farming. I also believe that smaller farms add greater diversity and opportunity for food production and husbandry that would further strengthen our land use policy to mitigate climate change as well as strengthening our communities and reducing the likelihood of creating food deserts.

Small family farms are also currently being enticed to turn their land over to energy companies looking for land on which to produce solar energy. This is not necessarily a bad thing but it does tie up

land for a long period of time that, while it might be nutritionally improved at the end of the agreement period with the energy provider who fed it native plantings, it becomes unavailable for food production for a number of years. What impact on the local, national and international economies might this produce?

With the ill effects of climate change weighing heavily on those who depend on some consistency in weather patterns and the time we have to make constructive and productive change limited, I urge you to be brave, bold and visionary in your recommendations and use the resources of the many individuals, nonprofit organizations and people like me who have shown up today and will show up at future hearings to galvanize support for these proposals.

Again, I sincerely appreciate this opportunity and thank you again for listening.



Keith Bancroft  
E1870 Pine Grove Rd  
Kewaunee, WI 54216  
[kdbancroft@gmail.com](mailto:kdbancroft@gmail.com)  
08/15/2019

Wisconsin DATCP  
2811 Agriculture Dr  
Madison, WI 53718

Subject: Comments for Livestock Siting Rule, ATCP 51

I grew up on my Grandfathers dairy farm, I have raised animals most of my 70 years and am pro-farming. I am also anti-pollution of our air and water and the destruction of our soils. The right to farm is not the right to pollute everyone's water nor the right to harm one's community.

The current legislation, siting rules, nutrient management plans and best management practices over the years have allowed private wells to become contaminated and our rivers to lose aquatic life to the point that once class A trout streams in Kewaunee County are now impaired waterways. In 1996, 30% of 258 Kewaunee County tested wells were unsafe for human consumption. In 2007 the Northeast Wisconsin Karst Task Force Final Report identified liquid manure on less than 5 feet to bedrock as an extreme danger to contamination. The 2017 DNR Study on the East Twin River identified pollution problems getting worse than 2011 numbers. Water pollution and soil erosion are getting worse.

The ATCP 51 siting rules for "susceptibility to groundwater contamination" still reference things like "A soil layer at least 2 feet deep that has at least 40% fine soil particles" or "A soil layer at least 3 feet deep that has at least 20% fine soil particles." Science studies from the USDA and UW Oshkosh indicate NO liquid manure should be applied on soils of less than 20 feet to bedrock and to reduce the risk of contaminating the water requires 50 feet of topsoil. New rules must incorporate the soil science to measuring things like soil biology and water infiltration rates to better define susceptibility to groundwater contamination. Soil science not rocket science, it is way more complicated than that. 20% or 30% fine soil particles says nothing about the complex community of life in the ground. One handful of soil contains more living organisms than all the people on earth. Today's nutrient management plans and best management plans incorporate application of chemical fertilizers, herbicides, pesticides and insecticides with no understanding of the effects to nematodes, protozoa, bacteria, fungi and other organisms that do the work in living soils to give plants the food they need. Synthetic fertilizers are killing the soil life. Regenerative agriculture practices can rebuild soil to purify and store water and prevent soil erosion.

We need a moratorium on new or expanding CAFO's in Kewaunee County. We have too much liquid manure polluting the water and soil erosion. Rules and standards must be in place, monitored and enforced that protect the water and the soils if we are going to sustain life..... or just use it up. Its time to make regenerative agriculture practices the norm in Wisconsin!

Sincerely,  
Keith Bancroft



## **Comments on Revisions to ATCP 51, Livestock Siting Rule**

I'm here today speaking for my family - but also for my rural community and the citizens who formed our grassroots group, PEPL of Rosendale. (People Empowered Protect the Land)

Thank you for accepting comments on what I consider a matter of grave consequence - the finite nature of our groundwater. Gordon Stevenson, former run-off chief at the WI Department of Natural Resources, has predicted that it is just a matter of time before we have large scale contamination of our groundwater.

I'm very concerned at the lack of urgency I see over a comprehensive review and revision of the laws that now regulate livestock operations in Wisconsin. It's clear to me that we need some major changes to rules which currently tip the scales in favor of CAFOs.

Our family moved to rural Pickett, town of Rosendale, over 30 years ago, not to farm the land but to plant trees, prairie, ponds - and eventually create a wildlife sanctuary. I feel a deep connection to the land.

In 2008, a proposed CAFO that would become one of the largest in the state, began construction in the Town of Rosendale, even before the DNR had issued final building permits. The operation was built in an area of Karst sinkholes, wetlands, and a high water table.

There are well-chosen labels designed to create a sense of trust - Best Management Practices, Odor Plan, Proud Member of the Community. In reality - and in the absence of our state agency's active presence, it was our rural community who began monitoring the CAFO, identifying drain tiles, and documenting violations.

Phase I of the operation permitted 4,000 cows; Phase II allowed for 4,000 more. In a short time, this CAFO was producing over 100 million gallons of untreated manure - year after year.

Some of my neighbors described new symptoms of asthma, migraines, and chronic stress. Odor does not respect a measured boundary, and toxic air can be transported by way of wind currents - drift. The pathogens can move rapidly with the wind and violate our breathing space.

The odor of liquid manure from uncovered pits when spread on fields trespasses across our yards and greatly reduces our quality of life. **No odor emissions test or complaint form can adequately protect the people from this injustice.**

The location of CAFOs and their setbacks need to be carefully reviewed before finalising siting rules. We need enforced regulation that puts a stop to the practice of spreading too much toxic manure on too little land.

More of my neighbors are reporting high nitrates in their wells. University of Wisconsin researchers have determined that 90% of high nitrate levels in private wells comes from agricultural practices. **Nutrient Management Practices have failed to protect the people from contamination of their drinking water.**

Local communities have a sense of responsibility to protect their natural resources. We live on land we cherish which has been violated due to insufficient enforcement by the very agency charged with protecting environmental life. This is a travesty of the worst kind.

The people should have the right to approve or reject the siting of a factory farm. Waters of the State belong not to the industry or the legislature - but to the people of Wisconsin.

Five years ago, in a contested case hearing, Administrative Law Judge Jeffrey Boldt confirmed that the widespread contamination of private wells in Kewaunee **“represents a massive regulatory failure to protect groundwater”**.

Please take the time to understand the profound implications if no action is taken following these hearings. We need to use the precautionary principle and act with urgency. Our current system of food production is only serving the giants of agriculture. **I feel the land itself deserves equal consideration.**

Thank you for listening to my comments.

Elaine Swanson  
People Empowered Protect the Land (PEPL) of Rosendale  
W10732 Triangle Road  
Pickett, WI 54964  
August 15, 2019

## **Proposed Revisions to ATCP 51 Livestock Siting Standards**

August 19, 2019

To: The Technical Committee Reviewing ATCP 51

Thank you for being here and listening to feedback regarding ATCP 51 revisions. My name is Gloria (Glory) Adams. I reside in Eau Claire, WI. Currently I am a citizen member of the Eau Claire County Land Conservation Committee, the Groundwater Advisory Committee and the Stewardship Committee.

I wish to state here that Livestock Siting needs to be returned to local control due to the many local variables in the state which a state wide law cannot take into consideration. I do realize this is a legislative issue.

The current cap of \$1,000 on a permit fee for a political subdivision is inadequate. Large operations are becoming the norm and that increases the complexities involved. For instance, sand mine reclamation permit fees are set by counties and based on the hours county personnel devote to the permit. The hours that state and local professionals give to examining a large farm permit must be considered in the costs of the permit fee so taxpayers are not left footing the bill.

CAFO operations need to be required to post a bond or other financial security for the political subdivision to protect taxpayers from costly cleanups if the operator goes out of business or a manure storage pit overflows. This assurance is required of other industrial operations, such as sand mining.

When nutrient management standards are developed by a CAFO there must be written permission from the operator of land where manure is to be spread. Hearings I have attended revealed the CAFO claimed farm land acreage without a land operator's permission. Inspection is also required to ensure that manure is spread where the NMP indicated it would be to avoid overspreading on land close to the CAFO.



I applaud the proposal to allow a political subdivision to fine or revoke a permit due to the operator's failure to comply with an odor management plan. Please expand this to include not just adjacent property owners, but others such as renters, owners of business and users of public amenities within 2 miles of the permitted site.

I do believe that local governments should be allowed to require increased setbacks from property lines if local conditions warrant it. Setbacks are critical for neighbors to maintain their property values.

Since the Livestock Siting Act became law, CAFOs have increased both in number and size. It is only rational that regulations must be updated. However, without adequate inspections and follow-up additional rules mean nothing.

Victoria (Glory) Adams  
1216 S Farwell St  
Eau Claire, WI 54701  
715-834-8796

ATCP 51 Public Hearing, Eau Claire, WI – August 19, 2019

I was a 20 year resident of Emerald, WI in St. Croix County. For over 15 of those years, I lived in a rural residential zoned township (not ag-zoned)....1.5 miles from Emerald Sky Dairy .....which started out at as a Conditional Use Permit for ~700 cows and now houses over 2,000.

I am a farm girl, raised in central Iowa on a hog farm. It's a life I loved and one I returned to when we moved from MN to Emerald. I hoped after my retirement 3 years ago to expand my garden, sell at Farmer's Markets, and maybe raise some chickens. My dream was to have a horse again someday.

That all changed when Emerald Sky Dairy was sold to producers from Nebraska who wanted to expand the farm to over 6,000 cows.

I'm here to advocate today on behalf of all the other former farm kids who return to live in the country, seeking that rural way of life we loved when we were young and want to bring some of that to our own children and grandchildren. We are use to "country smells," slow tractors on the roads, and the excitement in the air at harvest time. It is what we enjoy.

However, when an industrial producer moves in next door, those sights, smells, and sounds are amplified 1000 fold and are much less acceptable.

I advocate for increased setbacks from the actual property line (not from buildings) as that ensures people like me have the opportunity to do with our land as we hoped....maybe sell a spot for a child to build a house, or construct an ag-tourism business.

I also believe odor complaints should be extended to non-land owners.....such as renters or businesses....again....I might have rented my farm house out after moving to town or my ag-tourism business would be affected by odors from industrial producers.

I believe this odor control issue should also be extended to the spreading fields and not just the facility itself. I lived 1.5 miles west from Emerald Sky Dairy, but still could smell that ammonia stench during evenings when the air was still or wind coming from the East. Since I didn't have air conditioning in my home, I couldn't leave the windows open some nights.....resulting in fitful sleep even with fans. When spreading started in a hay field across the road from me.....family coming for Thanksgiving dinner were nearly knocked off their feet from the odor trying to get in the door as fast as possible.

A couple of my neighbors had rented out to a local farmer.....and that local farmer (as the renter) gave permission to the industrial producer to spread on the fields he was renting.....and that did not sit well with my neighbor land owners. Thus, I would also advocate that industrial producers should be required to have a contractual agreement with the land owner themselves....not the third party farmer renting the ground.

Each of us have the right to do as we wish on our property, but when a neighbor has an overwhelming negative affect on my right to exercise my liberty or severely restricts my use of my property, they have overstepped their constitutional rights.

I hope this board will consider the property rights of ALL rural families.....and not treat rural residents living in the vicinity of an industrial producer as though they are sacrificial lambs.

Kim Dupre

Former resident of Emerald, WI (20 years)

Currently residing at 17835 Norell Ave N, Marine on St. Croix, MN 55047

ATCP 51 Public Hearings  
Eau Claire, WI  
August 19, 2019

## How Government Failed Us

We take our clean drinking water for granted, especially in rural areas. But for residents of Emerald Township in St. Croix County, many think twice before turning on their faucets.

In March 2017, an anonymous tip led authorities to a massive manure spill at Emerald Sky Dairy, a 1,700 head industrial dairy complex, recently purchased by producers from Nebraska. This massive spill was not reported immediately by the owners as required; instead it took over 90 days before the DNR was notified, and only after local authorities confronted the owners.

Two years later, we finally have details. A DNR Open Records Request revealed the spill was 275,000 gallons, filling wetlands and contaminating a storm water pond. The cleanup entailed 3,455 tons of manure solids being removed from wetlands and eight (8) million gallons of contaminated water being spread on area fields. To our knowledge, this is the largest cleanup of its kind in State history.

According to DNR Open Records request, a cluster of homes downstream from the spill reported E.coli contamination in their drinking water shortly after the cleanup was finished. DNR was contacted by these homeowners, but did not do any advanced testing to verify the source of this contamination. One homeowner had tested their well water every year for 20 years and never had a problem with E.coli until June 2017. DNR simply instructed homeowners to bleach their wells and contact them if other issues resurfaced.

This spill occurred in a Rural Residential zoned area with 90 families in a two mile radius; pregnant women, those undergoing cancer treatments, and small children were potential victims of E.coli poisoning.

And to add insult to injury, the penalty paid for such an negligent, egregious act and putting public health at risk.....\$80,000. Per the Civil Complaint filed in May 2019, potential fines could have been over \$1 million. That is what a good Madison lawyer can do.....reduce penalties by 95%!

I use to think my government would "have my back" concerning public health....and protect my drinking water. However – that was not our experience in Emerald and this factored into our decision to relocate to another state.

Kim Dupre  
Former resident of Emerald, WI (20 years)  
Currently residing at 17835 Norell Ave N, Marine on St. Croix, MN 55047

Good Afternoon. My name is Virginia Drath <sup>(1)</sup>  
and I live at 1541 County Rd. O Emerald, W. St. Croix Co.  
which by the way is also on Forest Geology.

I became more concerned about water and air  
quality issues when the Emerald Sky Dairy which  
is 1 1/2 miles from me planned to expand to 8804  
animal units. Folks in my township were already  
talking about brown water coming from their faucets  
and large areas of manure being spread for days at  
a time. I started spending Saturday morning  
and Wed. evenings at the town dump handing  
out information about the dairy's expansion plans  
how to take care of you well info from the Co.  
Extension Office and from Washington. I also was  
able to ~~pass~~ <sup>give</sup> out over 175 water test kits that

would go to a lake in Colfax. I was able to visit with 30-50 folks in the 4 hrs I was there. I mentored a high school senior who was writing his Sr. paper on Water Quality. He said he learned as much in the time spent there <sup>at the dump</sup> as he did in school regarding how much people were concerned about their water. One older gentleman told us he was told by a CAFO owner that he would rather pay the fine than fix the problem. In the past 5 years I have gone to 8 different counties and listened to 11 hearings given either by DNR, the Co. itself or by a CAFO owner or engineer that want to build or expand. I've heard all about "State of the Art" equipment that won't fail and is monitored, yet we read 3-4 x's a year



about spills. I've heard about all the regulations they already have and were "burdensome". I've heard from the folks in my township what "burdensome" really is; in that they have to buy bottled water just to live. At all the hearings the public comments are the same, concerns about their water & air quality, their grand children's future water and property values. Last Thursday I took my Great Grandson to a Day Camp at Lake Wissota. He was looking forward to swimming but the kids couldn't go into the lake because when they tested the water there was too much algae. I was glad Gov. Evers was there for our Farmers Union meeting and he was aware the water was unsafe to swim in.

The public comments I hear at the town dumps are the same as at all the hearings, except for one more. Many times I hear "I don't have the money to fix my well or buy a water treatment so I don't want to test the water so I just have to buy it."

My faucets say hot and cold - not Democrat or Republican. Water should not be a commodity. I'll close with this thought - when you turn on the faucet to brush your teeth tonight, pause for a minute and think about the folks in Emerald Township and Wis that can't do that without getting a bottle of water first.

Thank You

Virginia Drath

1541 Co. Rd 0

Emerald, WI 54013

vjdrath@gmail.com

## **Livestock Siting Standards (ATCP 51) Revisions**

Eau Claire Public Hearing: August 19, 2019

My name is Eleanor Wolf and I live at 1810 Birch Street, Eau Claire. I served on Eau Claire County's Ag Ordinance Review Special Committee that resulted in the County adopting our recommended *Agricultural Performance Standards and Manure Storage Ordinance*. Our committee discussed adopting a Livestock Siting Ordinance, but our County Conservationist, Greg Leonard, said that his office would not be able to handle the added responsibilities with current staffing and budgets. So, I am asking that DATCP 51's current permit cap of \$1000 be increased to allow for the recovery of reasonable and actual costs incurred by a county or town in the course of the permit review. As an example, Green County spent over \$40,000 reviewing a single permit application. I am providing the Committee with a copy of the December 13, 2017 Brodhead and Green County *Independent-Register* article entitled "A timeline marking the relationship between Pinnacle, Green Co. Conservation officials" . This article was prepared by Green County's Conservationist, Todd Jenson and describes his department's excessive time required by the Pinnacle Dairy permit.....mostly due to a large livestock operation building on a low, wet site. Local governments want to protect their water and their citizen's health.....but the current \$1000 permit cap is grossly inadequate and discourages local adoption of Livestock Facility Siting Ordinances.

Eleanor Wolf  
1810 Birch St.  
Eau Claire, WI 54703  
(715) 835-4829  
ellewolf1@hotmail.com





Bruce G. Hanson  
661 Park View Drive  
New Richmond, WI 54017

**August 19, 2019 Meeting – Department of Agriculture,  
Trade and Consumer Protection**

*My name is Bruce Hanson. I am a retired family physician from New Richmond. I greatly appreciate the chance to speak at this hearing.*

*Both my wife, Mary Ann, and I grew up on dairy farms in Burnett County. We are very pro-agriculture. My grandpa, John Hanson, was the Wisconsin "Farmer of the Year" in 1954 and my brother still operates a dairy farm.*

*I have read your draft word-for-word twice. Since the ATCP rules and statute 93.90 are quite confusing, I'm hoping you will just let me refer to them as "right to farm" legislation.*

*I'm sure the intention of "right to farm" legislation in 2006 to provide uniform regulation of livestock facilities in Wisconsin was a good one. My understanding is that it takes the authority away from local governments to deviate from state "right to farm laws" and protect farmers from nuisance complaints by neighbors.*

*I'm not sure the authors of the law could see the future of farming in Wisconsin being 26,000-hog Iowa-based CAFOs being proposed for lake districts in northern Wisconsin.*

*Getting back to your draft. In general it appears on paper to be well-researched and appropriate. There are some parts like "nonpoint source pollution" that I didn't understand. Also, I'm assuming "nutrient management" means manure.*

*I am glad your recommendations had input from agronomists, farmers, U.W. scientists and agency staff.*



*I do have concerns about how the various regulations will be enforced. One page 7, paragraph 5, local governments **may** require CAFO operators to submit documentation of nutrient application rates. Is there any on-site inspection? If so, who does it and who pays? It appears that local governments can't stop CAFOs but they are left to monitor them.*

*Is the DNR involved after a CAFO receives a WPDES permit? Do they test neighboring lake water and ground water on a regular basis to be sure the CAFO is not polluting ?*

*The reason I ask is that an increasing number of Wisconsin wells are testing positive for pollution. Most recently was a report just released August 1 of 91% of wells in southwestern Wisconsin being contaminated. In Kewaunee County with 16 CAFOs, 60% of the tested wells have unsafe levels of bacteria or nitrates.*

*To quote Mark Borchardt, "As a researcher of groundwater for 25 years now, I continue to be amazed by the level of contamination in Wisconsin groundwater". Mark Borchardt is a research microbiologist for the U.S. Agricultural Research Service.*

*Finally, I don't think the "right to farm" laws were intended to put Townships and counties at financial risk. In 2015 Bayfield County spent one year and tens of thousands of dollars to establish common sense regulations when faced with a CAFO. Beginning in April of this year Trade Lake Township and Burnett County are spending tens of thousands of dollars on legal fees and for hiring experts to make sure a 26,000 hog facility doesn't destroy its' natural resources.*

*Wisconsin has 15,000 lakes. It's hard to be farther than a mile away from a lake or river in northern Wisconsin. 6-15 millions of gallons of manure per year will be injected into local fields in Burnett County.*

*Agriculture is about 10% of Burnett County's economy. I would love your draft to include a reasonable limit on the number of animals in a CAFO. As far as I can tell, there is no absolute limit.*

*When Mary Ann and I grew up 80 head of cattle would have been considered a big farm. Now 26,000 animals in one location!*

*Imagine building an apartment building that would hold 40% of Eau Claire's population. It would be located within one mile of a lake. The sewage would be stored for months before being injected into neighboring fields. And there would be no required planning for surrounding infrastructure such as roads and water sources. That is why I'm here today. I'm glad you've given me this chance to voice my concerns.*

*Thank you.*

*Bruce G. Hanson, M.D.  
661 Park View Dr.  
New Richmond, WI 54017*

*715-246-4754*

*brucemaryann@hotmail.com*

Robert Bauer, E 8399 110th Ave 54755  
Mondovi WI.

I have several points to make.

- Noise, it is sometimes hard to sleep at night and work outside during the day due to the large fans that keep the cows cool. The steady humming of what sounds like a jet coming over but never passes.
- Ground water, our nitrates have double since the large factory farm has moved in. I have lived on my place for 40 years and have not had any problems with water until the last couple of years. I have had the water tested and it was at 8 and has been up to 20. The farm is also located on a creek, it's only a matter of time before there is a breach and contaminate the water that goes into the Chippewa River.
- Odor, We like to sleep with the window open, but sometimes at night the odor is so bad you can't stand it. Other times in the early morning it is so bad they make your eyes water. You can never hang clothes outside to dry anymore. And we live 1/2 to 3/4 mile away. People with allergies such as my wife can't take the smell.
- Traffic, during planting and harvest time you don't dare go for a walk or bike ride. We like to ride bike with our grandkids but when the trucks are on the road it isn't safe at all. We have some Amish that use the roads with their horses and a lot of the time walk from farm to farm. They are speeding, pull stop signs, don't like to move over when they approach you and they tear up the roads. With them being tax exempt and don't pay gas tax, the roads are up the tax payers to repair or replace.
- We are losing thousands of small family farms each year due to the large corporate farms that flood the market. Any farm that has over 2000 units and owned by investors should not be considered farms but considered a corporation or business and not receive federal subsidies. Due away with subsidies and they would not be able to exist.

My name is Ty Fisher, and I live outside of the Elmwood area, within ¼ mile of two dairy CAFOs, (please see maps on back page). The farm to the west includes a two large open manure pits and a cow incinerator/crematorium. The farm to the southwest includes a manure treatment facility and open manure pits. I purchased my farm in 1982, and these large farms were small family dairy farms at that time. Over the last 20 years, these farms have grown into large CAFO operations.

Last September (2018), I was walking from one of my pole sheds to the house at around 10/10:30 PM, with my headlight on, and it looked like it was snowing out. I couldn't understand at first what it was, but eventually determined that it was ash coming from the cow incinerator/crematorium. Veterinarians and funeral home have crematoriums within town, and I am sure there is a lot of equipment to help contain particulate matter and smell; why aren't CAFO farms required to do so?

First of all, I can't have any family over for outdoor family events, without the smell bothering us. I am more concerned about the cow crematorium/incinerator than the liquid manure smell from the manure pit. I am planning to have a family event in mid-September, and I am very worried about our event being affected by the cow incinerator/crematorium or the manure pit.

At 10:00 PM, I can't have my house windows open, because one of the two places is pumping their manure pit. I have to close the windows and turn on the air conditioning.

I used to be able hang clothes outside to dry at any time, and now I can't do it because I never know when the cow incinerator will be run or something will happen with manure pit.

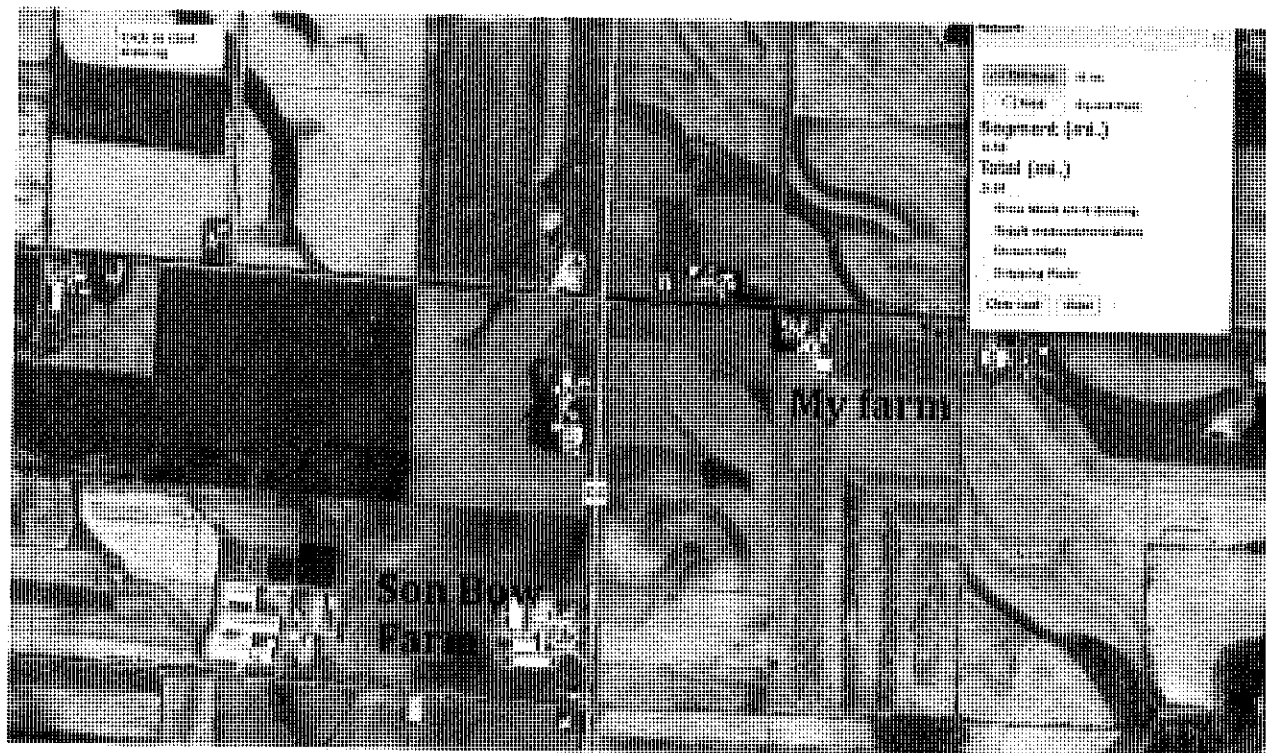
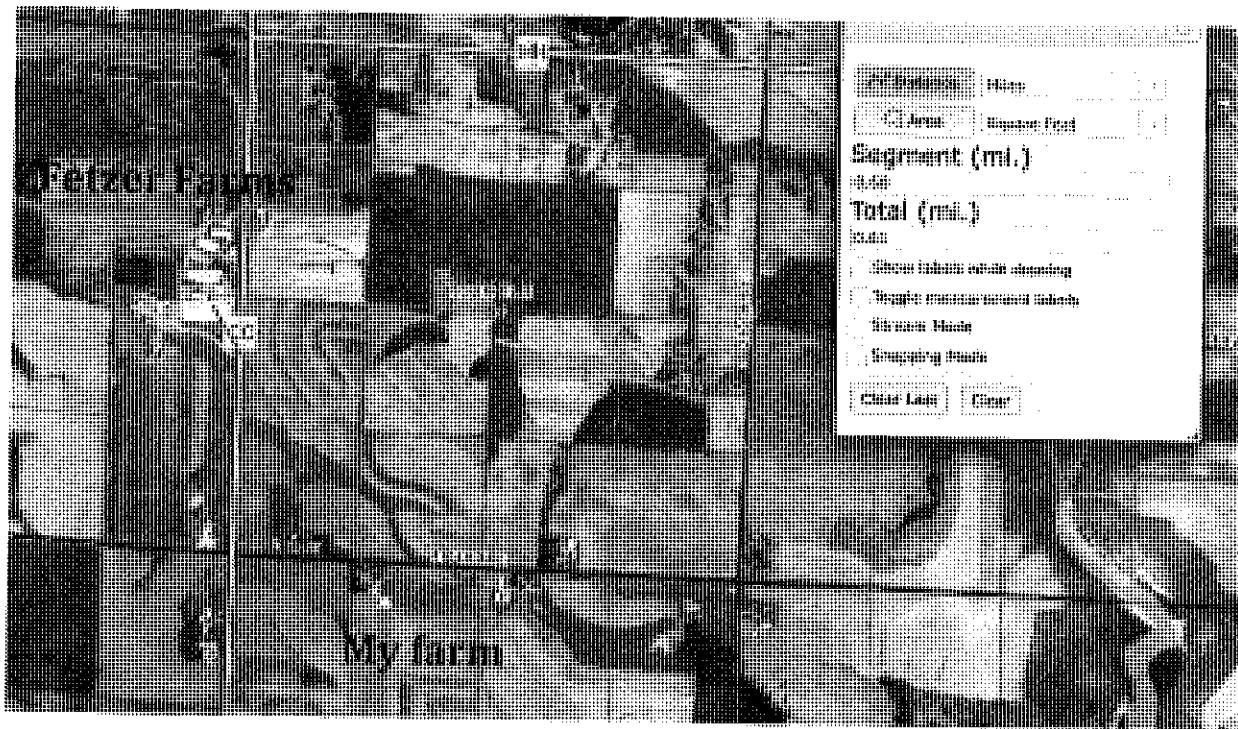
I worked all my life to improve my farm, and my value keeps decreasing while my taxes keep increasing. If my farm ever comes up for sale, how will I have the best opportunity to sell it? The trend in our area is for folks closer to the city to move to our area, since we are within driving distance of both Eau Claire and Minneapolis/St. Paul. How will my farm be attractive to these types of buyers if they are not used to strong manure and burning cow smells? I feel I may miss out on a potential strong sale of my farm in the future.

Their manure hauling trucks do not have to have a CDL, they use farm fuel in their fuel tanks to run on county and town roads, and they more than likely run overweight, due to the spillage occurring at local interjections. I encourage more enforcement for drivers licensing and vehicle safety/road readiness. I am concerned as a taxpayer with these trucks wearing out our roads. I haul grain for my farm, and I have to do everything legally. I must be DOT inspected, hold a CDL license, only put taxed fuel in my tanks, and my driving is enforced.

I urge you to implement CAFO air quality controls and odor controls. I also request that neighbors can have the ability to submit odor and air quality control complaints and have those complaints followed up on and enforced with new standards as applicable. I should

be able to host family events at my farm without the worry of being driven inside due to the odor and poor air quality from my neighbors' CAFOs.

Thank you for the opportunity to share my experience.





Good evening, and thank you for the opportunity to allow those of us affected by CAFOs share our experiences. My name is Teresa Brunner Davis, and I am speaking about my own experiences and what I observe from my family. I grew up on a small 198-acre family dairy farm in Pierce County, between Plum City and Ellsworth. For about half my life, small family dairy farms were my neighbors. After that time, things changed, and two neighboring farms grew and grew.

My parents farm is affected by these two CAFOs. There is a CAFO to the east and one to the south. The distance between the close edge of the eastern CAFO's manure pit and my parents' property line is 0.29 miles. The distance between the close edge of the southern CAFO's manure pit and my parents' property line is 0.73 miles. (Please see maps on the back page). The distance from these two property lines is shorter. My parents' farm contains low spots and waterways, creating a topographical nightmare when odors settle with heavy air. To experience this smell, I encourage you to take a drive on CTH CC from Waverly (STH 72) to Grange Hall (US 10) around 10:00 PM any night of the week.

Most times when I visit my parents, their place smells terrible. Yes, my brother still milks cows and my dad raises hogs, but this is a bad dairy smell. Having grown up on the farm, I know the difference in smell between cow manure, pig manure, and my family farm smell versus another farm. There are many times when we visit that we must leave our vehicle windows rolled up for fear of the interior smelling like CAFO manure.

My parents are now 81 and 82 have lived on their farm since 1962. Their house is not tight enough to keep out odors, so there are many times that you can smell the manure strongly in the house in the house, especially at night. Mom and Dad for most of their time on the farm were able to open up the house on hot nights for cool air, especially from the south. They do not have whole-house air conditioning, just one window unit in their dining room, so this the only way most of the house to cool down. Most nights they don't dare open the windows for fear of overwhelming manure and cow incinerator/crematorium smells. Mom and dad are unable to afford whole-house air conditioning, so they are suffering during these hot summers.

My mom also would hang out her laundry to save money and have fresh-smelling clothes. She has had to reduce this practice due to the odors coming from both farms.

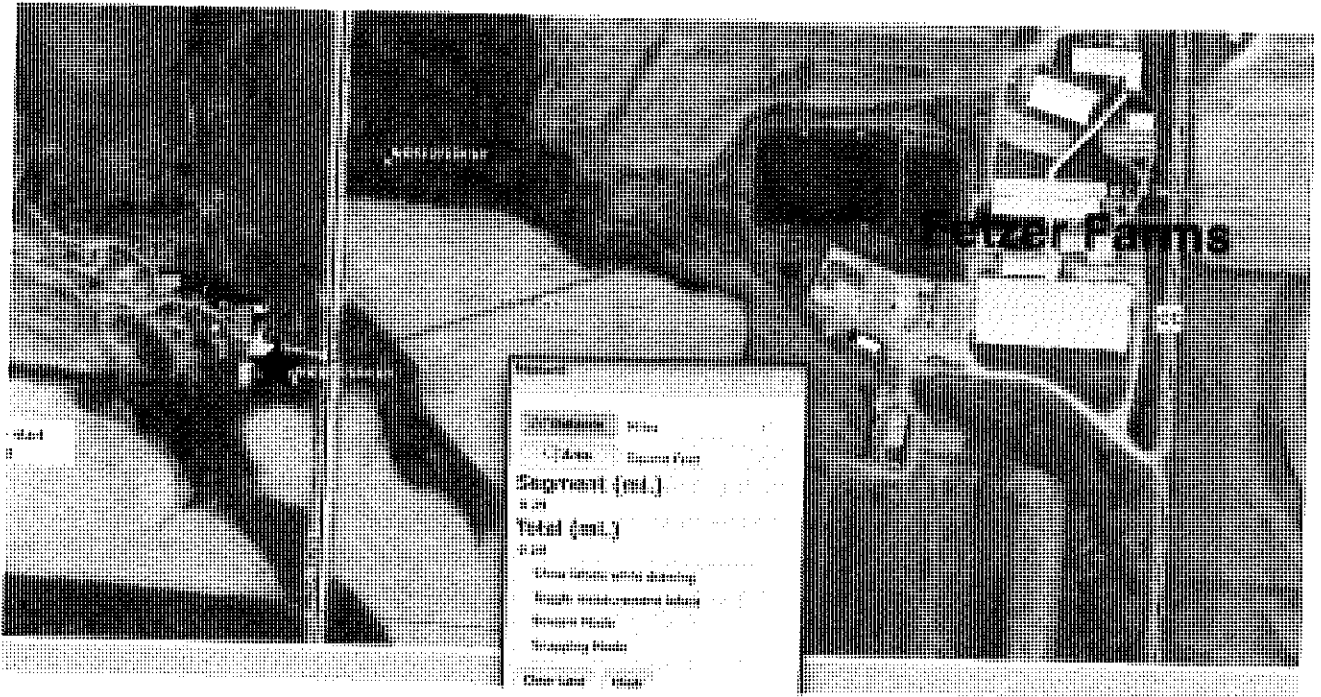
Our family farm is downstream hydraulically from the eastern CAFO. The runoff in the spring and rain events is disgusting. My brother is worried his cows may get sick from drinking it.

I urge you add topographical considerations when going through CAFO siting and expansions. We have to deal with disgusting runoff and/or putrid manure and burnt cow odors.

I also urge you to tighten regulations on odor, allow neighbors to be able to file formal complaints that are checked out, and ultimately help us to be able to enjoy our farms again. It is so sad that the whole neighborhood has to suffer.

I urge you to require greater setbacks from neighboring property lines. Neighbors must be able to preserve the little value of their farms they have left.

Thank you again for the opportunity to share my experience.



# ATCP 51

Additions, ideas, and concerns

- **Financial:** Taxpayer expenses that should be covered by a permit fee or facility bond.
  - Concentrated heavy traffic on township and county roads
  - Costs incurred during permitting process
  - Cost of site inspections required by the permit
  
- **Procedural:** Limit a single facility to one permit application per year.
  - A permit denied due to incomplete or inaccurate information would be considered a new permit when corrections are made and would have to wait 1 year to reapply.
  
- **Reporting process:**
  - Create a *user friendly* process to initiate an odor complaint.

Steven and Kathryn Dahl  
E7954 State Rd 85  
Mondovi, WI 54755

To: Members of the DATCP Board

Date: August 20, 2019

Re: ATCP 51 Livestock Siting

My husband, two children and I live and own our home in the historic village of Nelsonville along the banks of the Tomorrow River, in Portage County. In Nelsonville we are experiencing widespread water contamination; recent testing by the county has revealed that 47% of residential wells in the village exceed the drinking water safety standard for Nitrate. These wells were source-tested and every one tested positive for agricultural tracers.

This comes as no surprise when you consider the fact that a poorly-sited and under-regulated CAFO is our very close neighbor. This CAFO has been permitted to store 500,000 gallons of liquid manure, tons of plastic and tire covered silage, calves, their hutches, and heavy machinery within the boundaries of our tiny village. Just outside the village, less than a mile away sit the confinement barns and liquid manure lagoon. Our residential community lies downhill, downwind and quite literally within a "stones throw" of this offensive factory farm.

In Nelsonville, not only is our water being poisoned, but the very air we are breathing is toxic. The winds carry the noxious odors and gases, not to mention the sounds of calves bawling for their mothers, into our yards where our children play, and into our open windows. We endure the noise, exhaust and debris generated by the massive trucks and tractors cruising through the village streets carrying corn and manure. As this CAFO gets bigger and as we see more climate-change related precipitation, the worse our situation gets. We are not sure we can remain in our homes. We know that our and our children's health is compromised by this continual exposure and we want to know who is to be accountable for this violation of our basic right to clean air and water. We are hard-working American families and we are suffering; physically, emotionally and financially, as we bear the cost of this abomination while the CAFO receives bail-outs and subsidies to produce the supposed "food" that we never even see in our local community.

The current livestock siting rule has failed to protect my community from this atrocity. CAFOs are not the type of farming Wisconsin should ever permit. A CAFO is not a good neighbor. On behalf of my family, my community, the land, the water and the exploited animals, I implore regulators and legislators to deny new CAFOS entry into our beautiful, bountiful state, and to severely tighten the reins on existing operations and stop their expansions. You can choose the Hero's Path by encouraging and incentivizing smaller Family Farms, Community Supported Agriculture, Organics and localized food distribution systems. It is time to act with foresight and impeccable ethics so our children and generations to come will be able to continue to call Wisconsin home.

Stacy O 'Carroll, Nelsonville, WI



Gordondale Farms, Inc. Nelsonville, WI Taken from Oak St.





Rudy Cardin 835 Commons Circle Apt. 1 Plover WI 54467

My wife and I own 4 acres of land zoned residential within the Nelsonville village limits. Our plan was to build a retirement home on this land. Given the spreading contamination of the ground water source due to extraordinary and deadly high nitrate levels and potential pesticide contamination as well as the putrid air quality in the village we have abandoned this plan.

Please come to Nelsonville and spend a week. Drink the high nitrate water and take some deep breaths. When your eyes stop watering and your nose stops stinging we can talk.

A quote from the Wisconsin Dairy Business **Association** Legislative Priorities for 2019-2020: "Nobody is happy with the CAFO program. It is a letdown to farmers, environmental activists and many with the DNR." It does not mention the lack happiness, or should I say sadness, of those living next to a CAFO.

A quote from a website notice to DBA members regarding this meeting from Licensed Lobbyist John Holevoet, Director of government affairs for the DBA Regarding changes to the livestock siting rule, ATCP 51 :  
"It expands the power of local governments to cause problems for farms during the permitting process and as they monitor for compliance."

There is no mention of problems consumers face when self monitored CAFO's fail to comply with regulations. Who better to monitor compliance then the citizens who reside near the CAFO's?

The Wisconsin Department of Agriculture, Trade and Consumer Protection claims to be the state's primary consumer protection agency.

Who can the public turn to if this agency abandons those consumers who cannot afford high priced representation or don't have the influence of large lobbying groups? Perhaps local government?

Good Afternoon,

My name is Cécile Stelzer Johnson and I am a Representative of the Town of Grant in Portage County on the Citizen Groundwater Advisory committee.

- ❖ ATCP51 must be revised every 4 years. That has not been done since 2006, and we must make sure it gets done regularly from now on.
- ❖ The changes to setback are positive: the setback should be calculated from my property line, not from a dwelling on the property: Since I pay property taxes on my whole property, it is only fair that I should have the enjoyment of the full property.
- ❖ Manure storage facilities must be inspected empty more often.
- ❖ Permit applicants should show that they have the land to spread the manure on at the time the permit is requested. [Manure has been pumped from other counties to ours-].
- ❖ The maximum permit fee of \$1000 is grossly inadequate as often for large sites, the cost to review complex sites is much more costly than that.

- ❖ When manure dumping causes groundwater pollution, the harm done is so large that a farmer cannot compensate for the damages he caused. The permit request should be accompanied by a sum held in escrow. The escrow could go up or down each year according to the number of complaints received and how the farmer follows the best management practices such as cover crops, no till etc..
- ❖ I do not want a “streamline process” for expansion of large facilities: Let’s do the job right.
- ❖ It should be possible to monitor the amount of commercial fertilizer bought by a farmer: The ATF could help, as you know that fertilizer can be used in making bombs. A farmer benefits from a non-taxable status, so it should be possible to monitor how much they put on the land yearly when they purchase fertilizer tax exempt.
- ❖ Finally, we have a manure disposal problem: Often, farmers empty their barns and other containments of manure in expectation of a long winter, so in the fall, when there are no crops on the fields, the honey wagons go out.

❖ My suggestion is to create some sort of manure co-ops with the help of the government via loans that will be repaid when the co-op goes on line and starts making a profit: Excess manure should be treated and resold to farmers and non farmers alike for their gardens and crops.

Thank you for allowing me the opportunity to speak.

Cécile Stelzer-Johnson  
11831, 80<sup>th</sup> St. South  
Wisconsin Rapids, WI 54494  
frenchieonspyder@gmail.com

My name is Edward Cohen and I have resided at 1018 N. Breunig Bay Rd, Oconomowoc in the Village of Summit for the past 37 years. I grew up in the Bronx in New York City, moving to Wisconsin in 1976 to pursue higher education. My B.A. is in Biology and I am a Licensed Clinical Social Worker with an M.S.W. from UW Madison. I love Wisconsin!

I participated in the State Cow Chip Throwing Championship in Sauk City in 1976 and placed 3rd in the Regional Competition. Not bad for a city boy. From 1978-1982 I co-owned a small farm in Waunakee where a large dairy farmer kept some of his cows in our barn and spread manure on our fields. I've learned a lot about poop along the way, as well as the differential impacts of good and bad farms on our lives.



2

In particular, I've learned from personal observation and the reports of friends living in the town of Ixonia, adjacent to a dairy C.A.F.O. with approximately 3,000 cows that produce enough liquid waste to fill 20 Olympic size swimming pools annually, now devastating poor farming and waste management practices can be on the lives of innocent people. People, who have seen their dreams for a family gathering place in beautiful surroundings disappear due to no longer being able to breathe clean air free of noxious fumes from what was once a good farm and neighbor, who are no longer able to drive safely without nearly being run off the road by manure haulers, who are no longer able to enjoy a pond free from toxic algae that



may have contributed to the death of a family dog that would frolic in that pond, and who have seen the peace of living in a once idyllic country setting replaced by the sounds of trucks all hours of the day and night heading to and from destinations in the surrounding communities where they have caused further harm. On route the trucks have spilled manure slime on the road which in one incident reported by the Sheriff's Department resulted in a serious injury to a motorcyclist. Haulers have overspread beyond carrying capacity resulting in pooling and at least one malfunction that caused a spill affecting hundreds of people in Delacield and Nashotah. This C.A.F.O has also leached effluent into a wetland area that



feeds the Rock River and sits atop a recharge aquifer that provides water for thousands of people. Will Jefferson and Waukesha Counties be the next to have drinking water that is no longer drinkable due to fecal matter and coliform bacteria?

The DNR and EPA have failed my friends and their families as well as the people of the surrounding communities in their oversight of our water and air respectively. The municipalities of Dconomoc and Nashotah, however have acted to protect their residents by passing an ordinance that prohibits the spreading of manure from outside their jurisdiction.

I therefore present you with a resolution that is being circulated among



state and local elected officials. This copy is accompanied by the signatures of my friends and neighbors of all political stripes that support granting local authorities the ability to create reasonable and scientifically defensible standards and procedures that exceed the statewide minimums outlined in the current and ammended ATCP51 resulting from the invaluable work of this committee. By incorporating this into the improved ATCP51, municipalities will have the authority to complement state law based on their knowledge of the unique geography and needs of their communities.

My friends, neighbors and the people throughout our wonderful state deserve clean air and water, good public health and safety. Thank you for listening and for acting!



## RESOLUTION

RE: RESOLUTION SUPPORTING LOCAL CONTROL FOR LIVESTOCK SITING

**WHEREAS**, the number of Concentrated Livestock Feeding Operations (CAFOs) in Wisconsin is increasing (between 2015 and 2016, the number of CAFOs nearly doubled from 146 to 295); and

**WHEREAS**, State law preempts local governments from regulating CAFOs more stringently than required the Livestock Facility Siting Law (ATCP 51); and

**WHEREAS**, opportunity for stronger local siting standards based on "reasonable and scientifically defensible findings of fact" that "clearly show that the standards are needed to protect the public health or safety." remains very limited; and

**WHEREAS**, the Department of Natural Resources (DNR) issues water pollution permits to CAFOs, and more stringent local regulation of issues related to water quality may also prove difficult; and

**WHEREAS**, the unique geographic features throughout Wisconsin make it necessary to assess the environmental impacts of CAFO's on a county-by-county basis; and

**WHEREAS**, the Department of Revenue adjusted downward a Kewaunee County landowner's property taxes because of the property's proximity to a large CAFO and in 2016 the Department of Revenue did the same for a property in Green County; and

**WHEREAS**, in addition to affecting landowners this impacts local governments, which are seeing a deterioration of their property tax base because existing state siting standards are insufficient to protect neighboring properties; and

**WHEREAS**, per state statute 93.90(2)(a) Department of Agriculture, Trade and Consumer Protection (DATCP) shall appoint a Technical Committee to review ATCP 51 and make recommendations at least every four years; and

**WHEREAS**, DATCP convened the first Technical Committees in 2010, 2014, and 2018 but has made no changes to ATCP 51 despite the committee's work or summary reports; and

**WHEREAS**, state statute 93.90 fails to provide guidance for implementation of the Technical Committee's recommendations;

**THEREFORE, BE IT RESOLVED** that we the under signer recognizes the authority of ATCP 51 to set statewide, minimum standards and procedures for CAFOs but supports lifting the preemption of local control in ATCP 51 and allowing local governments to pass more stringent standards and procedures that are based on reasonable and scientifically defensible findings of fact that clearly show that the standards are needed to protect water and air quality and public health or safety without seeking DATCP or DNR approval; and

**BE IT FUTHER RESOLVED** that we the under signer urges the legislature to amend the statute to require that the findings of the Technical Committee must be presented in writing to the Dept of Agriculture, Trade and Consumer Protection (DATCP), and that the Board of DATCP must present a scope statement to the Wisconsin Secretary of Agriculture within 90 days, and if DATCP fails to take action on the scope statement with 6 months, the scope statement must be sent to the Joint Committee for Review of Administrative Rules and scheduled for a public hearing; and

**BE IT FURTHER RESOLVED** that we the under signer direct our elected officials to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all the members of the state legislature, and to each Wisconsin County.

Dated this 14<sup>th</sup> day of July, 2019.



# RESOLUTION, con't

SIGNATURE	NAME	ADDRESS
1. Carol Vandenberg	Carol Vandenberg	1018 N. Breen's Bay Rd, Ocon, W
2. James Eberlein	James Eberlein	1015 N Breen's Bay Rd Ocon 53066
3. Teresa Schmeling	Teresa Schmeling	1024 N. Breens Bay Ocon W 53066
4. Lisa Mellone	Lisa Mellone	34910 N. Breezeland Ocon W 53066
5. Stephen Mellone	Stephen Mellone	34910 N. Breezeland Ocon W 53066
6. Judith Carlson	Judith Carlson	1102 N. Breen's Bay Rd Ocon W 53066
7. Nick Cohen	Nick Cohen	1018 N. Breen's Bay Rd Ocon W 53066
8. Mary Gallagher	Mary Gallagher	11143 33578 Abitz Rd Ocon W 53066
9. Bernadette McEachern	BERNADETTE McEACHERN	2109 N. 86th MILW. WI 53226
10. Joan Gucciardi	JOAN GUCCIARDI	1134 N. BREENS BAY OCON W 53066
11. Shirley T. Mark	Shirley T. Mark	1119 Browns Bay Rd Ocon W 53066
12. Amanda Mark	Amanda Mark	2155 N 71st Wauwatosa WI 53213
13. T.O. Mark	T.O. Mark	1119 N. Breen's Bay Rd Ocon W 53066
14. Beth Miller	Beth Miller	623 Dundee Lane, Hartland WI 53029
15. Mary Ellen Miller	Mary Ellen Miller	7985 Hwy K Cross Plains WI 53528
16. Sie James	Sie James	1050 N Breen's Bay Rd Ocon W 53066
17. Julian Martinet	Julian Martinet	1101 N. Breen's Bay Rd Ocon W 53066
18. Michael Wells	Michael Wells	1108 N Breen's Bay Rd Ocon W 53066
19. Julie A Wells	Julie A Wells	1108 N Breen's Bay Rd Ocon W 53066
20. Brendan Wells	Brendan Wells	1168 N Breen's Bay Rd Ocon W 53066
21. Charlotte Voigt	Charlotte Voigt	1142 N. Breen's Bay Ocon W 53066
22. MARY MASELTER	MARY MASELTER	1142 N BREENS BAY OCON W 53066
23. Barbara Gaffney	Barbara Gaffney	2337 LYNWOOD DR. Sun Prairie WI 53591
24. Barbara Reinhardt	Barbara Reinhardt	W359 S2870 Hwy 67 Downers Grove IL 60518
25. MICHAEL C. NICOL	Michael C. Nicol	W 355 S3369 HAWKS HOLLOW OCON W 53066
26. PAUL ALANE	Paul Alane	S 33, W 3517 MEADOW TR. DOWNS GROVE IL 60518
27. JILL REDFORD	Jill Redford	W358 S2531 KROBENUS LAKE RD OCON W 53066
28. Jan Parrott	JANICE PARROTT	W367 S2526 Mill Pond Rd. Ocon W 53066

**DATCP Public Hearing**  
**Proposed Rule Revisions to Ch. ATCP 51 – Livestock Facility Siting**  
**August 22, 2019**

My name is Dyan Pasono. I live in southeast Wisconsin and live within a half mile of a CAFO that operates using TWO, OPEN, NON-CRUSTED, FERMENTING feces slurry pits. My husband and I are exposed to the horrendous odors emanating from these slurry pits on a daily basis – 365 days a year. We purchased our 30-acre parcel of land 21 years ago and built our home there with the intention of enjoying the natural environment and fresh air that comes with living in the country. We looked forward to living on a quiet country road with minimal traffic and developing relationships with our neighbors – most of whom were farmers.

About 10 years ago, one of the small farms near us decided to increase in size and is now an industrial sized farm – a CAFO. This farm's growth has dramatically changed our lives and the lives of our neighbors for the worse.

We are forced to live indoors most of the year and are impeded from enjoying Wisconsin's wonderful spring, summer and autumn weather. Our doors and windows must be kept closed, with air conditioning running always. Even then my sleep is disrupted when I am awakened in the middle of the night by the stench that seeps into our home. So far this summer, we have been able to open our windows and enjoy summer breezes exactly 3 times – but then only for 1-2 hours before the stench again permeates the air we breathe. We are unable to plan family picnics in our yard or hang laundry outside to dry. We are forced to use an unnecessary amount of energy to continually air condition our home and dry our clothes. We are impeded from enjoying the naturalness of our property due to the smells, walk the country roads due to CAFO related semi-truck traffic, and to simply live our lives. All this as a result of one farm deciding to expand massively with no concern for the impact their growth would have on local residents.

Sadly, my story is not unique. All over Wisconsin farms are either growing to massive size or dying out. As a result of the increasing number of industrial sized farms, we see the same negative impacts on many rural communities and families throughout our state. Industrial sized farms create massive amounts of animal waste in a very concentrated area. Before the rotted manure is land spread, it is liquified, moved to massive holding storage pits where it sits, cooks, ferments, and turns into a slurry of the most nauseating material with an odor that causes humans to choke and gag or even worse become ill. This massive amount of rotting liquified feces is land applied and often runs off into our rivers, streams and lakes resulting in unprecedented algae growth which is often toxic to humans. At other times and locations, the massive amounts of land applied manure seeps into our aquifers and groundwater, resulting in contaminated drinking water.

Industrial sized farming is an experiment gone drastically wrong and must be contained for the sake of our state's future. Industrial sized farms are ruining our state's farming tradition and heritage, ruining our state's environment and ruining the human livability factor. Federal and state subsidies should be used to support SMALL family farms and to help REDUCE the size of factory farms. This is an experiment gone horribly wrong and we must do what we can to rectify this terrible mistake.

My wise 90-year-old father has a saying he lives by– everything in moderation. Moderation is the key to a long and happy life. Doing anything in excess results in negative outcomes. Industrial farming, with massive amounts of resulting manure, in concentrated locations, is farming in excess. Let's return to and support farming in moderation. Farming in moderation includes insuring livable wages for small farmers using principles of a balanced supply to meet demands and let's use government subsidies to support these practices.

As a result of my personal experiences and the experiences of all rural residents faced with the horrendous negative and life changing impacts from large-scale farming – at a minimum, I support or would like to see the following changes in ATCP 51 Livestock Facility Siting Regulations:

1. Increasing livestock siting setback requirements of farm buildings that house animals or animal waste to a **minimum of 2000 feet of property lines with no exception for odor management plans, etc.** The large-scale farm I live within a half mile of has 3000 confined milking cows on 33 acres. This clearly isn't nearly enough land to keep the odors, noises and barn dust away from area residents. If a large scale industrial sized farming business is going to house thousands of animals, they must have sufficient land to support the infrastructure needed, while at the same time keeping it a significant distance from other people's property lines. Farm dust, odors and noise associated with an industrial sized business travel well beyond the limited setbacks in the current draft proposal. What is a 100 acre corn field today may be someone's back yard months from now.
2. I support odor management language which allows citizens a transparent and meaningful process of filing official complaints. The agency overseeing farm odor complaints must have responsibility to investigate, communicate with all parties and possess the needed authority to insure effective odor reducing steps are implemented, if deemed appropriate.
3. I support all language which allows for greater local government control over livestock facility siting. Local governments understand the local land topography, soil conditions, water conditions, and local economic needs, far better than any state agency. Local governments must also be allowed to consider possible negative environmental impacts a farm may have when it applies for a siting permit, in addition to the health and safety issues of residents.
4. I support language which allows local governments to recoup all costs associated with implementing local livestock facility siting permit processes. The business – not the taxpayers – should be paying for these costs.
5. I support the concept of grandfathering current farming entities into setback regulations they were originally permitted under. However, any current farms that do not meet the new setback requirements must implement an approved and effective odor management plan.
6. I do NOT support the concept of grandfathering when a farm expands, to any degree, or makes structure changes/expansion to the farm. This is to prevent "growth creep". At the time of any expansion or structure change/expansion, the farm must come into compliance with all current siting regulations. This is similar to other businesses having to comply with ADA requirements when they make structural changes. Farms should be no exception to moving toward compliance with current regulatory expectations.
7. I do NOT support the concept of continued grandfathering when an ownership change occurs. At the time of ownership change, the business should be expected to come into compliance with all current livestock siting requirements. This is equivalent to when a person sells their home. The septic system, radon remediation, etc. must be brought into compliance with current regulatory requirements. Again, farming businesses should be no exception to moving toward compliance with regulatory expectations.

**Testimony Submitted by:**

Dyan Pasono  
N9071 Ridge Lane  
Watertown, WI 53094

**DATCP Public Hearing**  
**Proposed Rule Revisions to Ch. ATCP 51 – Livestock Facility Siting**  
**August 22, 2019**

My name is Steve Pasono, we live in a rural Wisconsin setting between Milwaukee and Madison. I am here to provide testimony as to the result of government failure to provide follow-up review of the livestock siting law passed in 2004.

We purchased an approximate 30-acre parcel of rural land 20 years ago and built our home in this beautiful rolling hill rural setting, dotted with many small Wisconsin farms. We were living the beautiful Wisconsin rural life, with so much nature, blue skies, clean water, and abundant clean air.

That life took a dramatic and horrific turn a number of years ago when a small nearby farm of approximately 250 head of cattle turned into a mega-farm of 3,000+ cows, which now operates two, open, non-crusts, fermenting feces slurry pits, which in turn turned our air putrid, our water table compromised, and our immediate area into a threat risk to public health and safety.

During this time, when we raised concerns to our local government, we were told they had no authority to protect citizens against these mega farm's environmental or public health and safety issues. When we took our concerns forward to the county, WI DNR, state, and federal governmental units, we received the same response. The total lack of our governmental bodies having the power to protect its own citizenry has been completely demoralizing and depressing!

As we researched these growing WI mega farms, we discovered the extremely depressing path Kewaunee County (to our northeast) had taken before us, resulting in the contamination of its well water, increasingly putrid air quality for its neighbors, and potential significant health issues for its citizenry in the coming years.

Our dream of living the picturesque WI rural life in our current home has been shattered, and coupled with our local, state, and federal government bodies complete unresponsiveness in protecting its citizens most basic rights, has devastated our current home life as we know it.

We have come to understand, as a result of the putrid manure smells in our air, we will never again be able to enjoy outdoor living in our current home, never again be able to invite family and friends to our home for outdoor visiting and cookouts, have our windows open for a wonderful Wisconsin afternoon or evening, or no longer be able to enjoy the splendor of a dark evening Wisconsin sky.

While we understand and fully support the right to farm in Wisconsin, **shouldn't those rights end at their neighbor's property lines**, where they so significantly impact the lives of everyone around them?

Under the regulations passed in the livestock facility siting law of 2004, I recognize our current living with putrid air will not change in the near future. But I implore this committee to take the following necessary steps, expounded upon by Margaret Krome (Madison, WI) and others, to set state standards for permitting large farms to stop this from happening to future citizens living near these farms:

1. Clarify and improve language related to local government options to refuse siting permits if the proposed farm could be shown to threaten the health and safety of its neighbors and citizenry
2. Provide strict "Odor Standards" to reduce offensive odors from large farms which would contain odor management language, allowing local residents a meaningful process of filing official complaints. If a farm receives several odor complaints, an odor remediation plan must be developed, implemented, and closely monitored for real life results.
3. Provide for mandatory periodic inspection of all manure pits, regardless of age
4. Establish very significant setback increases regarding livestock and manure holding facilities
5. Allow local governments to require farms to post bonds in the likely event of costly pit leaks, cleanups, or farm failures
6. Any expansion of current farms (i.e., farms being passed down to children, any expansion of the farm) being subjected to meet new setback and other standards
7. Provide technical review of the law's impact and relevance, with updating of technical standards as science and technology advance

This is an extremely significant time when our government can correct the extremely flawed livestock siting law of 2004, which never addressed protecting its citizenry against environmental health and safety issues. Please aggressively correct these mistakes for all families living near future farm expansions!

Thank you for this opportunity to provide this testimony.

**Testimony Submitted by:**

**Steven D. Pasono, Ed.S**  
N9071 Ridge Lane  
Watertown, WI 53094



RE: DATCP's proposed revisions to ATCP 51, Livestock Siting Standards

Thank you for reviewing ATCP 51 and for holding these public hearings. It feels good to be heard.

My name is Bethany Storm. I am a resident of the Town of York in Green County; Postville to be specific. I followed a CAFO from the time they first approached neighbors about manure contracts to present day when they are a fully functioning, 5800 cow dairy CAFO. I watched as a former government employee. I watched as a new resident in Wisconsin. I watched as a scientist. I watched as a mother, as a farmer, as a neighbor and as a member of my rural community.

My little Town of York recently spent \$5,000 drafting an ordinance to try to better protect themselves from the effects of large farms. That was my Town's reaction to the 5800 cow dairy sited in nearby Sylvester Township. My Town realized that a large scale farm on our thin soils would be risky for all of our residents who rely on the safety of our groundwater. We realized that Green County's hands were tied and that Wisconsin State Statutes rule everyone. Wisconsin has a vast and varied landscape. You cannot take a broad-strokes approach to this issue. You need to give back control to my local government. My local County Land and Water Conservation staff know the landscape in Green County. They know that 95% of my Township is built over karst rock with little topsoil. They know that the barnyards that are built straddling our trout streams have caused problems in the past. The Conservation staff knows the fields that flood so badly each year that every farmer who tries to grow crops there loses much of their harvest to flooding annually.

Wisconsin needs local control back or at the very least my Town and County should be able to ask a corporate farmer to pay more than a \$1000 permit fee. That fee does not cover the \$40,000 in staff time that Green County paid for the 5800 cow dairy siting in Sylvester Township. That fee does not begin to cover the time and attention that I want my local agencies to put towards something as resource intensive and risky as a large livestock facility.

My asks today are;

- 1) That the maximum allowable permit fee should be increased to recover reasonable and actual expenses incurred by the Town and County in the course of the permit review much like the provisions in the Non-Metallic Mining Law.
- 2) That Towns and Counties should be able to require large farms to post bonds or other financial securities in order to protect taxpayers from costly cleanup if the corporation moves on before proper cleanup of a large livestock facility. Bonds are currently prohibited. (Remember the barnyard in a trout stream? Trout fishing makes a \$1.6 billion impact on the annual economy in the Driftless. That economic opportunity should be preserved.)
- 3) That you consider my children, my neighbors, my Township and my County when you make your final decisions about ATCP 51.

I thank you again for your time and attention to this very important matter.

Sincerely,

Bethany Emond Storm, W8095 County Road H, Blanchardville, Wisconsin 53516

*I*  
*Support Changes To ATCP51*

Kevin Colson

**OBJECTION TO WISCONSIN LIVESTOCK SITING LAW**

Kevin Colson

Thu, Aug 22, 2019 at 11:48 AM

*support changes To ATCP51*

**I AM FROM THE CRAWFORD COUNTY AND OPPOSE THE LIVESTOCK SITING LAW AND SUPPORT LOCAL GOVERNMENT CONTROL**

**A. ENVIRONMENTAL IMPACT OF THE DRIFTLESS REGION—KICKAPOO RIVER VALLEY**

Unique Area in Entire Country That Requires Special Designation.

Tremendous Water use of the aquifers

Runoff of Manure—500 year floods

Well contamination

Air Quality Issue—Supposedly an EPA Study was done on The Roth Farm

Neighbors Don't complain because they want to be good neighbors---The neighbors are awoken at night due to the stink from the CAFO

**B. ECONOMIC IMPACT OF AN AREA**

Increased cost to the infrastructure to maintain roads.

When there are spills who will cover the cost of cleanup.

Land Values decrease—Potential buyers of the Scheckel family farm next to the Roth farm have lost potential buyers

The CAFOs typically reduce their local trade thus have a negative economic impact

CAFOs ARE NOT ECONOMIC EFFICIENT---

Most economist do not take into account those costs that the community has to pay, For example, subsidies, runoffs, emergency responders,

CAFOs receive subsidies from Federal Programs that TAX PAYERS must PAY

**RURAL ECONOMIC DEVELOPMENT--ECOTOURISM IS THE FUTURE WITH GRAZING AND SMALL SCALE AGRICULTURE**

ECO-TOURISM FOR THE DRIFTLESS REGION--ESPECIALLY THE KICKAPOO RIVER VALLEY--IS THE FUTURE FOR ECONOMIC DEVELOPMENT

WHAT ABOUT MY ECONOMIC RIGHTS TO UTILIZE MY LAND FOR ITS BEST POSSIBLE USE?

**C. SOCIAL IMPACT**

The community does not want the CAFO

The CAFOs are dividing the Community Social Structure—This is detrimental to the health, safety and welfare of the community.

**D. WISCONSIN LIVESTOCK SITING LAW**

**CEILING:** The law is structured as a ceiling over the the local governments—that are not permitted to institute their own restrictions that are pertinent to their area

**FLOOR:** The Law needs to be the floor and return authority to local control to make the best decision for the community

**E. RADICALS**

**WHO ARE THE RADICALS IN THE LEGISLATURE THAT HAVE IMPOSED THIS ONTO LOCAL COMMUNITIES? THIS LAW SHOULD BE CONTRARY TO CONSERVATIVE VALUES — THAT REPUBLICANS PURPORT TO BE.**

Kevin Colson

Landowner, Crawford County, Wisconsin

8/22/19

**Does the board know what the economic impact will be?**

Has the town of Marietta done an economic cost/benefit analysis of comparing the growth of CAFOs to other economic opportunities such as a growth in EcoTourism that undoubtedly will contribute more to the local economy and in a sustainable way.

Tourism is only going to grow and God only knows we need to produce more quality food, without antibiotics, growth hormones, and many other chemicals. The government needs to focus on quality food production, and perhaps provide subsidies for that, but if you're like me, you don't like big government, but BIG Government is providing subsidies to BIG INDUSTRIALIZED AGRICULTURE, and Av has gotten some of those government subsidies. [Over the past few years to tune of over \$130,000, according USDA reporting} Who pays for that? We do.

But, I have ~~several~~ pertinent questions, and need some answers. Does the Town Board have the answers to my questions? Not at this point, and that is why a moratorium is needed.

We need those answers first before it's too late.

These are some of the economic concerns.

- 1) When there is a manure spill, and we know there will be, then who pays the clean up?  
If you tell me federal agency will, then who is paying that agency? I'll tell you who, we the tax payers.
- 2) When someone collides with a liquid manure tanker, a livestock semi, or a semi truck bringing in feed for 5500 sows and tens of thousands of pigs. Where does all the feed come from? It must be Hauled in. The hauling of all that feed presents a problem for wear and tear on the road, potential for more accidents. More chance for accidents and needed road repair.  
Who pays for the damage, and for the first responders?  
**Everyone from this area knows that sharp blind corner at 131 and Harvest Lane is simply an ACCIDENT waiting to happen.**
- 3) If a manure pipeline is used and it burst, a tree falls across it, lighting strike, or even disgruntled folks deciding they don't like it, and damage it  
Then who pays for the clean up and any environmental damage?
- 4) When there has to be more road repair, because of all the heavy trucks rolling over these narrow roads, who pays the added cost of road repair?
- 5) When the neighbors want to sell there homestead and their property value has gone down and along with property tax taxes, who picks up the decline in tax revenue? Does AV?
- 6) Or when a pipeline of manure breaks and here is a filthy manure contamination, then who pays?
- 7) When folks nearby start to get sick from the decline in air quality, then who pays for their health expenses?
- 8) What happens when legal law suits start, how will that negatively impact the township, community and the county?  
Who pays for it?
- 9) And what about those federal subsidies associated with the CAFO? Don't we want to know? So we know true costs to us all.
- 10) What about the Extraction of the water for high Capacity wells that will be needed, how will this affect the ground water supply for the community? Will neighbors have to drill new wells?
- 11) What is the economic loss to the area from the loss in potential investments for ecotourism? What tourists want to smell a CAFO?
- 12) What about the buy back of excess pork on the market by the federal government. The tax payer is footing the bill. We don't need more subsidized pork production.

These operations receive subsidies for not only their livestock but also the feed, and they can use the Futures Market to their advantage, that smaller farmers can not.

If this CAFO gets the go ahead without fully researching and understanding the economic and social consequences of these issues, will the town board know how to respond, again who will pay, who will be affected? It will be chaos and disaster. It is absolutely essential to know all the economic costs involved. That is why we need a moratorium right now, and before a permit is given.

if this CAFO is permitted then what will be the response when the next CAFO is proposed, following this one? For sure in less than 3 years there will be another, then another, and another.  
Where will it stop?

If this CAFO is permitted without these issues being fully addressed, then it opens the doors for more CAFOs to follow. It spearheads a migration of huge CAFOs out of Iowa where the costs have become prohibited to maintain a healthy swine population, (ref. Greg). Think about how this will impact the township and county budgets. Who pays? Even AV admits he raises hogs here because there is more space and fewer animals.

A fair time period is needed to accurately and fairly evaluate the impact of this CAFO, and fully research it. And researching the benefits of a healthy economic alternative for the benefit of the entire community.

Personally, my brother and I have our economic rights too, as do other people. If the community wants to develop a business better suited to the natural beauty and uniqueness of this area, such as ecotourism, then the CAFO's will destroy our economic opportunity.

**A moratorium is needed now before the permit is given, so not to stifle economic opportunities for the entire community.**

**Is Roth going to pay when people's land values drop and township revenues decline? You see, Mr Roth is not earning his wealth from the land his CAFO would set on. His profits come from the CAFO operation, and doesn't even have to cover the external costs both economic and social. But the community has to endure these external costs caused by the CAFO. While there is more profit for the CAFO, at the community's expense. Clearly, the community will be subsidizing the CAFO.**

**So what's the benefit of the CAFO? Maybe a handful of hired hands, and even then, those hired hands may not even be from the community. Maybe there will be a few more tax dollars from the improvements from THE specific CAFO, but at a tax loss to community in general. A cost benefit analysis could show all those probable costs and benefits and that could be compared to the value and benefits associated with small farmers, ecotourism or other kinds of sustainable development.**

I know from my own professional work that these CAFOs, and large scale industrialized operations have a negative economic impact a local trade area, such as Boscobel.

When all the external costs, such as health, economic, environmental, etc. associated with CAFO's and along with Big Government subsidies, these operations are not even close to be economically efficient or sustainable. Direct subsidies as mentioned, indirect subsidies through the subsidized crop industry, and the use of the Future's market that borders on market manipulation, just for starters that allows them to continue at our expense.

**Unfortunately, When most agricultural economist from our major universities talk about efficiencies of scale, and point out how efficient these operations are, they are simply talking in terms of dollar in and dollar out. And not all the all the other external cost they create for a community.**

Everything from smells, ground water pollution, nitrate poisoning, increased road repair, spills, hazardous waste, air born pathogens, lower land values, and the cost due to the lost of economic opportunities for other kinds of investments that will create a broader based economic growth in a community.

Thus, with such a critical economic impact to the community, the Town board needs to pass a moratorium before it is too late. Let's have a moratorium and do an intensive and fair study for everyone, for both sides, and let the evidence demonstrate what is best. An honest to god Cost/ Benefit analysis that includes all the costs, including those that Roth will not pay, but the community will have to pay or the government will have to pay, thus the taxpayers.

I find it interesting that if these CAFOs are so great for the community, then why are so many people all over the State so opposed to their existence, except those few who are receiving some kind of economic benefit? **I grew up here and I've made it clear my roots go back a long ways. And I want to see the RIGHT economic development for this unbelievably beautiful and unique area.**

Thank you,  
Kevin Colson  
8/5/19



# OPPOSE CAFO

The Scheckel Farm is located next to and West of the Roth CAFO. Our buildings are less than  $\frac{1}{2}$  mile from the CAFO barns. This Farm has been in our family for approx. 70 years. I grew up there and knew Harry McKinley, AV's grandfather, who owned that farm back then.

In the newspaper articles of last week AV's comments minimize and dismiss the odor problems with his CAFO. My mother, who recently died, would be awakened at times from her sleep because of the odor. She endured it without complaint because that's the way she was brought up. The EPA spot check of Roth's CAFO was brought up to minimize the odor problem. When the atmospheric conditions are right the odor can be intense and it happens with some regularity and that's on the windward side.

Recently a friend in Chicago inquired about buying our farm since he is looking to buy land in this area. After I told him we are next to a CAFO he was uninterested.

I don't need a study to know that our land has been devalued for anyone <sup>who</sup> would ~~would~~ want to buy it in order ~~to~~ to live here.

Jim Scheckel, Wauzeka, WI

8-5-19

The effects of a CAFO go beyond what can be measured and observed. It divides families, neighborhoods and communities.

My name is Jen Riemer and my husband and I are 3<sup>rd</sup> generation farmers in Green county. We manage a 280 acre regenerative and diverse livestock operation with cattle, poultry, sheep and hogs. Thank you for moving the discussion of ATCP 51 on to public comment despite pressure from big ag. lobby groups.

Over four years ago we learned of a proposed 6,000 cow dairy, with plans to build about a half mile from our home and adjacent to our perennial pastures. We quickly learned that about 99% of our neighbors (primarily farmers) were very concerned about the proposed out of state factory farm. Concerns included: water quality and quantity, odor, traffic and roads, soil runoff, setbacks and most of all manure spills and oversaturation of manure on spreading fields. So far we have experienced minor manure spills, traffic and road issues and massive odor problems.

I would ask the committee to consider stricter setbacks based on property lines and not structures. We have three children who could potentially decide to remain on the farm and establish their own households on our farm. The way our land is situated their only options would be to build closer to the current factory farm. This is not an option for our family. If setbacks were set in a common-sense way based on property lines and not structures we would have options for our children to have their own homes on our property. As the CAFO is located now, our children will not be staying on our farm now because of the terrible odors especially late at night and early in the morning when the air is very still and the heavy manure smell sits in the air.

I realize that odor is hard to measure, however, I believe there are actions that can be taken to reduce the degree to which odor disrupts the daily life of neighbors.

1. Require that all manure pits be covered or that the manure be further processed in a digester, pelletized or processed with microbes. Any of these options have been shown to drastically reduce odor.
2. Increase setbacks to property lines from manure lagoons.
3. Allow municipalities to limit the animal number of CAFO's based on local geography and population densities.

Finally, I would request that the state require all fields to be used in the NMP to be detailed with signed contracts before the approval of the NMP. Our neighboring CAFO included farmer acres in their plans that were not actually approved by the landowner. For instance, a family member of ours in the area had not given permission to the CAFO to spread liquid manure on their land, but that land showed up in their NMP anyway. Only through citizen action were these false reports pointed out and corrected. All land should be accounted for with signed contracts prior to any animals being allowed on the property and all land spreading needs to be monitored in order to protect groundwater and surface water. The CAFO owners need to have enough land to support the maximum amount of animal units before being approved for those animals. For example, if a CAFO is planning to start with 3,000 AU but has a maximum capacity of 8,000 AU, that operator needs to have signed contracts for land that can support waste from 8,000AU.

It has been our experience that the fields closest to the factory farm are receiving massive amounts of liquid manure and the fields further away receive little to no manure. The factory farm owners will take all actions to reduce their cost as the expense of the land and water. This is especially true when the CAFO owners or managers do not own the land on which they spread the manure.

We are farmers, we are stewards of the land. Please help preserve family farms in Wisconsin by considering and implementing the requests outlined above.

Thank you for your consideration,

Jen Riemer

227 Jeanette Road  
Belleville, WI 53508  
Thursday, August 22, 2019

Chris Clayton  
Department of Ag, Trade, and Consumer Protection  
P.O. Box 8911  
Madison, WI  
53708-8911

Dear Chris:

I'm a resident of the Town of Primrose, in Dane County.

I am in favor of updating the Livestock Siting Law to allow the greatest possible setback from the property line of a proposed CAFO to neighboring properties. I am also in favor of allowing local governments to require greater setbacks to account for local conditions.

I am in favor of allowing local governments to charge more than one thousand dollars for a CAFO permit fee, and I am also in favor of requiring CAFOs to post a bond or other financial security. If a CAFO wants to move into a town, the CAFO owners should be responsible for paying for unexpected manure cleanups.

I am also in favor of requiring an annual visual inspection of all manure storage facilities when the storage facilities are empty.

Finally, I am in favor of requiring CAFO operators to provide copies of written agreements with the landowners of the property where manure will be spread.

Sincerely,



Patricia Peltekos



## Testimony on State Livestock Facility Siting

Aug. 22, 2019 – Madison, DATCP

Tony Ends, 17310 Footville-Brodhead Road, Brodhead, WI 53520

I live on the edge of the Sugar River Watershed on the Green-Rock County line. I've operated a small farm here with my wife Dela for 25 years. I've worked in journalism, sustainable agriculture research and farm advocacy for farm families since I came back to Wisconsin in 1992. I earned a master's in journalism at Marquette in Milwaukee and worked in journalism and briefly a state senate district office over 12 years in other states.

Wisconsin has 330 watersheds like the Sugar River, feeding waters and streams, recharging wells and drinking water supply for all plant, animal and human life. Even our micro-biotic soil life cannot exist without moisture. Yet as direct result of this law and administrative code our state also now has more than 300 Concentrated Animal Feeding Operations – with your agency and the DNR permitting more CAFO constructions, operation and waste concentration of 100s of millions of gallons of manure every year.

**Watersheds** are vital to all of us. Nothing can live without clean, safe, secure water. Attached to this testimony are citations and copies of studies related to water health and safety significantly damaged and threatened from industrialized agriculture, especially large-scale livestock confinement, concentration and spreading of liquid manure.

The most recent study – just now being published – cites data from 25 water sampling sites along the Sugar River between 2000 and 2017. Its scientists analyzed total phosphorus concentration and loads related to day of the year, stream position, discharge volume and proximity to three CAFOs expanding in our watershed since 2012. While total phosphorus loading declined until 2012, it has spiked upward 39 percent and 91 percent downstream of two CAFOs relative to upstream sampling.

After the study cited <sup>in sampling reports</sup> in 2017, a fourth CAFO dwarfing existing CAFOs studied in our watershed, was permitted and constructed for 5,800 dairy cows on a former wetland. It is spreading waste on 7,000 acres with liquid and some solid manure annually. Thick, water-bearing layers of soil – as much as 7 to 23 feet thick – were found at many locations on the 127 acres of cropland, where Pinnacle Dairy is now constructed in eastern Green County. These wet conditions made the DNR and the county cautious about considering shallow water saturation there a perched geological condition, something Pinnacle's engineer who has built scores if not hundreds of CAFOs asserted he could remediate.

Surrounding rural residents and their Town of Sylvester also raised concerns from late 2015 forward. At issue was how to protect the public's water from nearly 95.2 million gallons of liquid manure the dairy now generates and applies to thousands of acres annually. A dairy operation with 2,500 cows produces as much waste as a city of 411,000 people, according to the U.S. EPA. By that calculation, Pinnacle Dairy's 4,000-cow milking herd (plus heifers and maternity cows) on a single farm now exceeds human waste generation for Green County's 36,000 residents more than 20-fold.

Pinnacle Dairy stores, handles and discharges manure in Searles Creek drainage atop the Lower Sugar River Watershed. The 10-mile Searles Creek flows into Decatur Lake, a long-time residential and recreational feature adjacent Brodhead and Pearl Island Recreational Corridor. Brodhead has been striving for years to meet state phosphorus levels in this water supply to its people. Yet this law and its administrative rules allow unlimited growth, construction and permitting of CAFO operations here and everywhere in Wisconsin. *We need changes greatly. We need reform of the rules greatly.*

Manure spills are now a growing problem, too. Please, please read my article in a long-time Wisconsin dairy publication about the spill on another wetland CAFO property in St. Croix County. The same family



of 5 CAFOs now permitted to operate an industrial dairy in our Sugar River Watershed settled violations for the manure spill this past spring.

Animal waste contamination in drinking water is now a growing problem in Wisconsin, too. Please, please read the recent studies in our southern Wisconsin region, also in the CAFO-saturated Keweenaw County of Wisconsin. They show disturbing evidence of widespread well water contamination with animal waste in our region.

*I believe we should ask you to today*  
Please, please also recommend to our lawmakers that they rescind the state livestock facility siting law and restore to Wisconsin's 1,250 town boards local siting, permitting, oversight and regulation of these CAFOs, ~~that~~ *which* our state agencies obviously cannot possibly evaluate, review, inspect, monitor with respect to health and safety of our watersheds all across a vast area *of Wisconsin.*

Nothing about our terrain, sand deposits, fractured bedrock, hydrology, Karst topography is uniform <sup>o</sup> under this law ~~that~~ *that* dictates uniform permits to ever-bigger, more concentrated and dangerous manure concentrations in Wisconsin over the wisdom, experience, and just right of 1.5 million rural residents to protect health and safety of their water.

*And* if you will not protect our people in such a recommendation to our lawmakers, please exercise the one opportunity the law grants us ~~all~~ *all* to condition CAFOs: strengthen by every means possible with the science, research and data non-biased scientists with volunteer citizens are gathering across the state, recommended health and safety protections of our watersheds. There is not any amount of money, which any industry generates, more vital a legacy to our children and the rural land where we live. I beg you to serve it and protect it with stronger input and voice than this law requires only once every 4 years. Get solid, ongoing input from the people who live where these CAFOs generate, store, apply and far too frequently spill and over-spread waste.

This is not a personal attack on anyone. I respect and have complete empathy for the over-worked, under-funded, public service scientists and professional staff serving Wisconsin's DNR and DATCP. I know many of them work very hard to protect our resources, industries and people. They do this despite pressures from both politics and the public. I respect hard-working farmers of all scales of production, also, for doing their best to practice the work they love and <sup>to</sup> feed their families.

*Yes* Weather records show that our state's rainfall has been adding about half an inch a year for at least a decade. Temperatures being recorded show worrisome changes upward, too. Every degree rise in temperature puts 7 percent more moisture in the atmosphere. Flooding from more frequent and intense rain events is taxing even cover crop practices in Wisconsin. That means excess phosphorus, fecal matter and nitrate in our agricultural practices is an ever-more intense problem for health and safety, <sup>to</sup> drinking water, surface water and wells.

We need uniform safety and protection measures for clean water as much as we need uniform CAFO permitting from the state. Unlimited license to generate unsafe levels of liquid manure waste is not smart growth. Work to repeal this law now or condition it with uniform safety and health protections.

### In works Cited

Study: 32 of 35 wells in rural southwestern Wisconsin had fecal contamination. The results from Grant, Iowa and Lafayette counties are the latest in a series of tests showing an array of problems with well water in the three counties. These findings, and test results elsewhere, highlight the potential vulnerability of Wisconsin groundwater from agricultural practices and defective septic



systems. About one-quarter of the state's residents get their water from more than 800,000 private wells, according to state figures. "As a researcher of groundwater for 25 years now, I continue to be amazed by the level of fecal contamination in Wisconsin groundwater," said Mark Borchardt, a research microbiologist for the U.S. Agricultural Research Service. Another study by Borchardt in cattle-intensive Kewaunee County in the northeast in 2016 and 2017 also showed widespread well contamination. The sources came from cattle — especially during wet conditions when water was flowing into aquifers — and from ineffective septic systems. Story by [Lee Bergquist](#), Milwaukee Journal Sentinel. Published 12:38 p.m. CT Aug. 1, 2019 | Updated 2:54 p.m. CT Aug. 1, 2019. <https://www.jsonline.com/story/news/2019/08/01/water-quality-study-finds-fecal-matter-rural-wisconsin-wells/1883120001/>

"Environmental Human Health & Safety Risk: To Water Quality, Air Quality, Soil Quality, and Natural Areas From Concentrated Animal Feeding Operations (CAFOs)1" – Town of Sylvester, Green County, Wisconsin. Science Team Report and Recommendations (Findings of Fact) – makes strong recommendations to protect health and safety based on 129-page report, including many, many citations, use of maps, overlays, research and data reviewed in 2016 in Green County. <https://drive.google.com/file/d/1OLy1nNzqewF9Ek9H2K4TeDb3HEnMtQlh/view>

"Shifts in precipitation, hydrology, and land use affect phosphorus concentrations and loads in an agricultural watershed" by Steven I. Apfelbaum<sup>2</sup>, Sophia Heimerl<sup>1</sup>, and Donald M. Waller<sup>1\*</sup>  
Corresponding author: [dmwaller@wisc.edu](mailto:dmwaller@wisc.edu) Department of Botany, University of Wisconsin – Madison. (*copy attached to this testimony*)

Story in The Milkweed attached to this testimony  
<https://www.themilkweed.com/The%20Milkweed%20Archives.htm>

1  
2 **Shifts in precipitation, hydrology, and land use affect phosphorus**  
3 **concentrations and loads in an agricultural watershed**

4  
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23 **Abstract**

24 Fertilizers and animal manures applied to increase crop yields are often lost via surface erosion,  
25 soil leaching, and runoff, increasing nitrogen and phosphorus nutrient loads in surface and sub-  
26 surface waters, degrading local water quality and worsening the 'dead zone' in the Gulf of  
27 Mexico. We analyzed spatial and temporal variation in stream total phosphorus (P)  
28 concentrations and loads in relation to rain events and agricultural land-use practices in a  
29 Midwestern watershed. Our data derive from water samples collected between 2001 and 2017 at  
30 25 sites along the Sugar River (Wisconsin), recently listed as impaired. Since 2012, three dairy  
31 farms expanded to become concentrated animal feeding operations (CAFOs). We analyzed TP  
32 concentrations and loads in relation to day of the year, stream position, discharge volume, and  
33 proximity to the CAFOs. Mainstem TP concentrations ranged from 0.025 to 0.748 mg/L  
34 (standard: 0.075 mg/L) and increased with stream discharge. Total daily phosphorus loads  
35 (concentration x discharge) ranged from 12.6 to 4801 kg (median: 94.5 kg). Phosphorus  
36 concentrations peak in early Spring to mid-summer. Maximum TP loads coincided with extreme  
37 rainfall events. Although TP concentrations and loads declined until 2012, they have increased  
38 since then. Below two CAFOs, TP concentrations increased by 0.043 and 0.077 mg/L (39% and  
39 91%) relative to upstream of the CAFOs. Standards should focus on loads rather than  
40 concentrations. Monitoring efforts should include peak events as these contribute heavily to total  
41 loads. As extreme rainfall events become more frequent and agriculture intensifies, efforts to  
42 limit soil and TP runoff from manure and fertilizer must improve, focusing particularly on  
43 Spring and early Summer farming practices in proximity to CAFOs.

44 **Key words:** Nutrient loads; total Phosphorus; CAFO; surface water impairment; watershed;  
45 water quality.



## 46 1. Introduction

47 Nutrients applied to boost agricultural production become pollutants when they run off  
48 into groundwater and streams. Rivers in many agricultural areas of the Midwest are experiencing  
49 increases in phosphorus (P) and nitrogen (N) nutrient loads, impairing surface and ground-water  
50 quality and eutrophying local streams and lakes (Cooke et al 1993, WIDNR 2016, 2017). These  
51 nutrient loads generate harmful cyanobacterial blooms that deplete oxygen levels, kill fish,  
52 impair the growth of aquatic vegetation, and reduce biodiversity (Carpenter et al. 1998).  
53 Nutrients derive from both large-scale confined animal feeding operations (CAFOs) and  
54 associated local manure spreading and more dispersed activities. CAFOs are now managed as  
55 point sources of pollution in most U.S. states whereas less intensive agriculture are considered  
56 non-point sources. Both may be difficult to monitor and manage. Following passage of the 1972  
57 Clean Water Act, sewage treatment was improved to the point that non-point sources became the  
58 source for many impairments of water quality standards. More recently, CAFO expansions have  
59 begun to again increase point sources of water pollution. To improve water quality and reduce  
60 nutrient and sediment loads from both kinds of sources, watershed management programs have  
61 begun to implement agricultural best management practices (BMPs - Bishop et al. 2005); Smith  
62 and Porter 2010). To assess well these programs are meeting their goals, we can monitor water  
63 quality and compare how nutrient loads differ among sub-watersheds employing different modes  
64 and intensities of agricultural land management. Many regions and federal Farm Bill programs  
65 now require Nutrient Management Plans for particular types of farming (e.g., grain and dairy).  
66 Modes of agricultural production continue to intensify and now routinely apply high  
67 loads of fertilizer to boost yields. Farms producing milk and meat are growing in size and  
68 involve more feedlot production including CAFOs (Hufane 2015). In Wisconsin, smaller family

69 farms with pasture-grazed dairy cows continue to decline or transition to larger operations  
70 including CAFO-scale farms. Manure, long used as a source of fertilizer, has now become a  
71 disposal problem for CAFOs which must capture manure, urine, wasted feed, and spilled water  
72 in large pits or tanks for storage until they can be can applied to cropland as fertilizer. The  
73 spreading of manure and other fertilizers poses a particular risk in areas with sandy, high  
74 permeability soils or karst geology where surface water quickly percolates down to affect  
75 ground-water. Such areas have seen significant increases in the contamination of wells used for  
76 drinking water (Berquist 2018, Dukehart 2017, Wang et al 2017). Heavier applications of  
77 manure and fertilizers, particularly at times when soils cannot readily absorb them, combined  
78 with increases in frequency and intensity of storm events, now threaten the quality of both  
79 surface and ground water even in areas with deeper soils (Gerbs and Smith 2004, Hufane 2015,  
80 Wang et al. 2017). Controlling nutrient pollution in the Midwest to protect rural economies and  
81 qualities of life involves changing social, political, and institutional goals and legacy behaviors  
82 (Carpenter et al. 1998).

83 Here, we examine how agricultural practices and changes in stream flow are affecting  
84 surface water quality in south-central Wisconsin. We focus on the Sugar River watershed which  
85 faces threats from all the changes outlined above. Given that phosphorus (P) tends to be a  
86 limiting nutrient in most freshwater environments (Correll 1999), we analyze how this nutrient  
87 responds to variation in stream discharge and agricultural practices. The Sugar River is  
88 considered an “Exceptional Resource Water”, a designation that warrants special protection (WI  
89 DNR 2016). Nevertheless, the Sugar River is now listed among Wisconsin’s 303(d) list of  
90 impaired waters as total phosphorus levels exceed the criteria for fish and aquatic life use (WI  
91 DNR 2017). CAFOs that generate and apply large amounts of manure waste are considered a

92 likely source of the heavy nutrient loads that are impairing water quality in the Sugar River and  
93 throughout the Midwest, yet CAFOs are still being approved even in areas with known threats to  
94 drinking water quality (Buffo 2017). Three CAFOs began operation adjacent to the Sugar and  
95 Little Sugar Rivers starting in 2012 (Fig. 1). All produce large amounts of manure and apply it to  
96 surrounding areas, potentially affecting nutrient runoff and loads into nearby streams and rivers.

97 We first use hydrological records to document long-term trends in discharge for the  
98 Sugar River. We then analyze how total phosphorus (P) concentrations in the river between 2001  
99 and 2017 covary with stream discharge, day of the year, and over this period. These water  
100 quality data derive from a program that coupled water samples collected by citizen-scientists  
101 with analyses by the Wisconsin DNR. We then use the TP concentration and discharge data to  
102 estimate total TP loads and analyze how these covary with stream discharge and position relative  
103 to the CAFOs established after 2012. Finally, we discuss the implications of these results for  
104 monitoring and managing TP in this and similar watersheds.

105

## 106 **2. Study Area**

107 The Lower Sugar River watershed occurs in the Southeast Glacial Plains of Wisconsin, a  
108 region dominated by glacial till plains and moraines deposited during the Wisconsin Ice Age.  
109 The underlying shallow bedrock is highly fractured Silurian age limestone with moderate to high  
110 groundwater infiltration rates resulting in moderate to high base flows from spring-fed streams.  
111 Well drained silt loam soils of high mineral and low organic matter content now cover most of  
112 the rolling hills, steep ridges and narrow valleys that characterize this watershed (WI DNR  
113 2005). This topography makes the river susceptible to fast runoff and flash floods as steep  
114 gradient feeder streams rapidly deliver runoff to the river (WI DNR 2005). The river flows 149

115 km southeast through Green and Rock Counties from headwaters in Dane County, draining a  
116 total watershed of 554 km<sup>2</sup> (Amrhein 2015). Near Shirland, IL, the Sugar River joins the  
117 Pecatonica which then joins the Rock River which flows into the Mississippi which empties into  
118 the Gulf of Mexico (Fig. 1).

119 Historically, hardwood forests, prairies, savannas, and wetlands occupied the lower Sugar  
120 River watershed. Today, the river flows through highly productive agricultural land (Fig. 1).  
121 Most tillable land is intensively farmed for dairy and cash-crop grains and vegetables with ~60%  
122 of the watershed in row crops, 20% in pastures, and ~6% in forest (WI DNR 2005). The  
123 watershed supports some of the largest floodplain forest, wet prairie, and oak savanna remnants  
124 left in the region including the Avon Bottoms State Wildlife and Natural Area (WI DNR 2005;  
125 Amrhein 2015). Although many wetlands have been drained, others remain along stream and  
126 river margins. Remaining natural habitats support many rare terrestrial and aquatic plants,  
127 insects, and grassland birds, justifying the Sugar River's designation as an "Exceptional  
128 Resource Water."

129

### 130 **3. Methods**

#### 131 *3.1 Discharge Data*

132 Our study focuses on the period 2002-2017. We collected stream discharge data for  
133 USGS gage station #05436500 on the Sugar River in Brodhead, WI, downloading data on daily  
134 mean discharge levels (cubic feet per second) from the USGS Water Science Center, National  
135 Water Information System Web Interface (USGS 2017). Stream discharge ( $Q$ ) is defined as the  
136 volume of water passing a gage station in a river channel of known (surveyed) cross sectional  
137 area. Stream discharge reflects inputs from precipitation, both as direct runoff and as base-flow



138 from ground water (Leopold et al. 1964). Direct runoff responds quickly to storm events (Bras  
139 1990). Groundwater sources provide most of the baseline flow. The USGS gage data for  
140 discharge are continuous. In contrast, the water quality samples we use here reflect particular  
141 sampling events by volunteer “citizen scientists.” These samples surely missed particular storm  
142 events, likely inflating sampling variance.

### 143 3.2 Phosphorus concentration data

144 We obtained data on total phosphorus (TP) concentrations from 490 samples collected  
145 from the Brodhead gage station and at 25 sites in the Sugar River watershed between 2001 and  
146 2017 (Appendix Table A1). Total P concentrations include orthophosphate, condensed  
147 phosphate, organic phosphate, and dissolved reactive phosphorus. Earlier data (before 2012)  
148 mostly (112 of 132) reflect samples collected by the Wisconsin DNR (WDNR), US Geological  
149 Survey and other agencies. The 20 other pre-2012 TP samples and all 358 samples from 2012 on  
150 derive from USEPA’s STORET database collected by the USGS using both regular interval and  
151 storm-event sampling. The USGS sampled water at the Brodhead gage station to measure TP  
152 concentrations and compute loads for each sampling period using the USGS FLUX procedure  
153 (USGS 2005). Regular interval sampling is required under Wisconsin’s Quality Standards for  
154 Surface Water. These standards stipulate that streams in the Lower Sugar River Watershed  
155 should have TP concentrations of 75 ug/L (0.075 mg/L) or less based on the median of 6+  
156 samples taken monthly from May-Oct. Streams that exceed 0.075 mg/L are considered impaired.

### 157 3.3 Sub-watershed analyses

158 Dairy operations and the total number (hence density) of animals increased in the  
159 watershed over the period of this study. Three dairy farms became CAFOs in Green County  
160 starting in 2012. We obtained sizes and locations of these from the Wisconsin DNR database of

161 CAFO Wisconsin Pollutant Discharge Elimination System (WPDES) permits (Bauman 2017).  
162 Sizes of CAFOs are measured in Animal Units (AU) which estimate the potential impacts (in  
163 terms of grazing and manure production) for different species of livestock. One animal unit is  
164 defined as a 1000-pound beef cow with a daily dry matter forage requirement of 26 pounds  
165 (Minnesota Department of Agriculture 2017). According to WPDES permits: Plainview Stock  
166 Farm managed approximately 1000 AU (August 2008 to May 2013) before expanding to 1600  
167 AU (June 2013 to present), Spring Grove Farm managed 1000 AU (July 2004 - February 2013)  
168 and 2574 AU (March 2013 -present), and Valley Mead Farm managed 1758 (March 2011 -  
169 present). Here, we estimate that these farms had, on average, 350 AU before the earliest WPDES  
170 permit date. Permits are only required for farms above 1000 AU and must be renewed every 5  
171 years. We used Google Earth to classify the monitoring stations as up- or downstream of the  
172 CAFOs and to measure distances between each CAFO and the river (never greater than 6.5 km).  
173 Tracking trends in livestock numbers across the watershed was impossible as neither the Country  
174 nor the state collect and track such data. We consulted CAFO permit documents (see DATCP  
175 web site) and summed the permitted number of cows over 5-year intervals up- and downstream  
176 of each sub-drainageways (Fig. 2). Although we tried to find a “control” sub-watershed lacking  
177 CAFOs with similar soils, land use, depth to bedrock, etc., this proved to be impractical.

#### 178 *3.4 Statistical analyses*

179 To examine long-term trends in mean and minimum flows over the last century, we  
180 plotted variation in historical USGS discharge for the Sugar River since 1912. We then used the  
181 490 estimates of stream TP concentrations to examine how TP concentrations and loads varied in  
182 response to several factors between 2001 and 2017. In particular, we assessed how TP  
183 concentrations covaried with discharge, time of the year, and year, initially using graphical and

184 univariate approaches. To reduce skew and normalize residuals, we then log transformed stream  
185 discharge, TP concentrations, and TP loads for analysis. Because a discontinuity in TP trends  
186 exists between 2001-2012 (when TP concentrations were flat to declining) and 2012-2017 (when  
187 TP levels increased), we use a binary variable (“period”) to distinguish these. Because the TP  
188 values are autocorrelated and not fully independent, we adjust our statistical tests to focus on key  
189 variables significant at high ( $p < 0.01$ ) levels. We used JMP Pro 14 (2018) for all analyses.

190 We then applied multivariate general linear models to analyze how TP concentrations and  
191 loads over the 16-year period varied in relation to discharge, time of year, and period, testing for  
192 trends among years within each period. We began with full models including all interaction  
193 terms then sequentially eliminated those that lacked significance. Finally, we extended our model  
194 for the 2012-2017 period to include the three individual CAFOs, and sampling position relative  
195 to the CAFO (up or downstream of the CAFO, nested within CAFO). Because they were only  
196 three CAFOs, we treat CAFO as a fixed rather than a random effect and test the effects of each.  
197

## 198 **4. Results**

### 199 *4.1 Changes in the hydrology of the Sugar River*

200 Both mean and minimum water discharge levels on the Sugar River increased over the  
201 last century reflecting changes in both climate (WICCI 2011 Chap. 3) and agricultural land use.  
202 Mean discharge levels of 11.3 m<sup>3</sup>/sec in the 1920s decreased to about 8.5 m<sup>3</sup>/sec by the 1950s  
203 and 60s then increased to ~17 m<sup>3</sup>/sec after 2010 (Fig. 2a). Recent mean discharge levels hit a  
204 minimum in 2012 when a drought occurred. Minimum discharge levels increased dramatically  
205 throughout the last 100 years from ~2.5 m<sup>3</sup>/sec around 1920 to 7.6 m<sup>3</sup>/sec recently (Fig. 2b).

206 These increases in mean and minimum discharge are relevant as TP concentrations and loads  
207 increase with stream discharge (see below).

#### 208 4.2 Variation in TP concentrations and load

209 Phosphorus concentrations and total loads in the lower Sugar River fluctuated widely  
210 over the 15-year interval. In the mainstem of the river, TP concentrations ranged from 0.025 to  
211 0.748 mg/L (~10x the TP standard of 0.075 mg/L) with a mean of 0.12 and a median of 0.099  
212 mg/L (Fig. 3a). These means and median TP concentrations both exceed the standard. Mean  
213 stream discharge also varied greatly, ranging from 11.41 to 122.3 m<sup>3</sup>/sec during this period (Fig.  
214 3b). Daily total TP loads (reflecting concentration x discharge) increase sharply with stream  
215 discharge (see log-log relationships in Fig 4b and 4e) reflecting, in part, the correlation between  
216 TP concentration and discharge ( $r = 0.54$  in our data). Phosphorus concentrations in the Sugar  
217 River also show strong seasonality, peaking in Spring or mid-summer (Fig 4a and 4c). This  
218 coincides with when fields are tilled and heavy rain events occur. Mean TP concentrations and  
219 loads declined between 2002 and 2012 but increased thereafter (Fig. 4c vs. 4f). This recent  
220 increase in TP concentrations is statistically significant and occurred during both low and high  
221 flows (no interaction with discharge:  $F = 0.28$ ,  $p = 0.60$ ). Total P loads ranged from 12.6 to 4801  
222 kg per day with a mean of 156 kg and a median of 94.5 kg (Fig. 3c). The lowest load occurred on  
223 June 28, 2017, but most low TP loads occurred in winter when manure spreading is rare and  
224 frozen ground and low precipitation limit erosion and runoff. Peak TP loads coincided with  
225 extreme rainfall events usually between mid-May and mid-July. The highest daily load of 4801  
226 kg (over two metric tons) occurred on May 25, 2004 (during the period of volunteer WAV  
227 sampling) and was more than twice as high as any other day.

#### 228 4.3 Multivariate models



229 Results from the multivariate models confirmed that TP concentrations and loads peak  
230 in mid-summer and increase strongly with stream discharge (Fig. 4, Table 1). Applying separate  
231 models to the two periods revealed that these effects of day of year and discharge were more  
232 consistent before 2012 than after with the coefficient of determination for TP concentration  
233 falling by 78% (from 0.54 to 0.12 - Table 1). These distinct models further show that TP  
234 concentrations and loads that fell significantly until 2011 have since increased significantly.  
235 These trends are independent of discharge (i.e., there were no significant year x discharge  
236 interactions). These recent increases in TP load coincide with both CAFO expansions and  
237 increases in precipitation and runoff.

#### 238 *4.4 Effects of CAFOs*

239 We analyzed effects of the CAFOs in more detail by comparing TP concentrations up  
240 and downstream of each of the three CAFOs since 2012. During this period, all 18 of the  
241 maximum TP loads occurred downstream from the CAFOs. The multivariate model reveals that  
242 TP concentrations increased significantly below two of these (Spring Grove Dairy and Valley  
243 Mead Farm, by 0.043 and 0.068 mg/L, respectively,  $F = 6.$ ,  $p < 0.0004$ ; Table 2). These local  
244 increases alone represent 57% and 91% of the total TP concentration allowed in the river under  
245 the state standard (0.075 mg/L).

246

## 247 **5. Discussion**

248 The Sugar River watershed, representative of agricultural watersheds throughout the  
249 Midwest, has experienced significant increases in peak and minimum discharge and phosphorus  
250 concentrations and loads over the past 16 years. These, in turn, reflect substantial changes in land  
251 use, climate, and hydrology through the 20<sup>th</sup> and early 21<sup>st</sup> centuries. As agriculture developed

252 and intensified in southern Wisconsin, row crops replaced pastures and low-lying fields were  
253 tilled and drained. Declines in the total discharge of the Sugar River through 1950 reversed to  
254 become substantial increases by the 2000s. Minimum discharge levels increased even more.  
255 Increases in mean and low-flow discharge also characterize other midwestern rivers and  
256 watersheds (Apfelbaum 1993), perhaps reflecting increases in precipitation over the last half  
257 century in southern Wisconsin (WICCI 2011; Mallakpour and Villarini 2015). They also reflect  
258 increases in tile drainage, expansions in annual row crops, and/or losses of wetlands (Apfelbaum  
259 et al. 2012). By the 1950's most of the land that could be ditched, tilled or plowed was.

260         Although total phosphorus (TP) concentrations and loads decreased between 2001 and  
261 2011, they increased significantly thereafter. These increases could reflect observed increases in  
262 minimum and peak discharge. They also coincide with increases in animal production and  
263 manure spreading in the watershed, including three new CAFOs. Concentrations of TP in the  
264 Sugar River now fluctuate widely and regularly exceed the state standard of 0.075 mg/L  
265 particularly in late spring and early summer when snowmelt and intense rains increase erosion  
266 and runoff. Could the reversal from declines to increases in TP possibly reflect differences in  
267 how TP was sampled or recent increases in discharge? We think not. While it is true that  
268 discharge levels were lower before 2012 and samples were more evenly spread through the year,  
269 the models corrected for differences in discharge and day of sampling. Discharge and year  
270 affected TP levels independently (i.e., there were no significant discharge x year interactions),  
271 both before and after 2012. When data source is included as a factor, it has no effect ( $F=0.01$ ,  
272  $p=0.91$ , analysis not shown). Thus, all the trends we report, including the recent increase in TP  
273 concentrations and loads, are robust.

274 It is difficult to separate effects of shifts in climate from those due to changes in the types  
275 and intensities of agriculture which have affected both hydrology and phosphorus loads in the  
276 Sugar River. Nevertheless, TP measurements up- and downstream of the three CAFOs confirm  
277 that two of these measurably increase TP concentrations in the Sugar River. Further increases in  
278 the frequency and intensity of extreme precipitation events will amplify TP loads by increasing  
279 both TP concentrations and discharge. Historically, peak events occurred once per year during  
280 either snowmelt or in Spring / early Summer in this watershed. In 2018 and 2019, however, the  
281 Sugar River experienced three to four bank-full discharges, an increase that matches predictions  
282 that peak events will become more frequent.

283 Phosphorus concentrations in the Sugar River now consistently exceed the state standard  
284 and continue to increase. Given increases in discharge as well, total TP loads are increasing even  
285 faster. Thus, even if median concentrations met Wisconsin's stream standards, the watershed  
286 would be releasing increasing TP loads. Most of the annual phosphorus load from a watershed  
287 moves during a few high flow events (Carpenter et al 1998). The highest (>90th percentile)  
288 discharges account for >80% of TP export, so reducing in-stream nutrient loads even by 50% at  
289 low discharge does little to reduce annual nutrient exports (Royer et al. 2006).

290 Dispersed non-point sources of nutrient pollution are inherently difficult to identify,  
291 measure, and control, especially as such sources proliferate. Concentrations and loads of TP in  
292 the Sugar River have increased since 2012, coincident with intensification of agriculture in the  
293 watershed. In addition to the three CAFOs, several dairy farms enlarged to just below regulated  
294 CAFO size (1000 AU). Together, these have increased amounts of manure being produced and  
295 applied to surrounding fields. Approved manure nutrient applications now surpass the ability of  
296 the watershed to absorb and assimilate TP. Additional CAFOs, including a newly proposed

297 6000-cow dairy (more than double the size of the current largest dairy), would further threaten  
298 water quality, the health of fish and wildlife, and human health.

299 State of Wisconsin water quality standards are based on median TP concentrations.  
300 Because median measurements under-weight peak discharge events when much of the TP is  
301 released, this standard is ineffectual for reducing total phosphorus loads. Regulations are not  
302 evolving in pace with rapidly intensifying agricultural practices. A recent lawsuit failed to  
303 resolve issues related to how manure applications impair waters of the State (Wisconsin Dairy  
304 Business Association vs. DNR, settled Jan. 11, 2017). Large CAFOs that generate and apply  
305 large amounts of manure can thus continue to be approved even in areas where they threaten  
306 drinking water (Buffo 2017). Regulations to prevent feedlot-associated water pollution clearly  
307 remain inadequate (Verburg 2017). Some 37% of cropland and 75% of tilled croplands in  
308 Wisconsin do not provide enough land to recycle local manure-sourced TP (Saam et al 2005).

309 Focusing on mean TP concentrations (or failing to measure TP during peak events) may  
310 lead us to inappropriately focus on practices that do little to address runoff during peak-flow  
311 events with the heaviest TP loads. This threatens downstream habitats including the Sugar  
312 River's several lakes, 144 km of mainstem river, and associated tributaries. Several invasive  
313 plant species thrive in the presence of high TP levels, threatening downstream wetlands. These  
314 include Reed canary grass (*Phalaris arundinacea*, Apfelbaum and Sams 1987), giant reed grass  
315 (*Phragmites communis*), and aggressive hybrid cattails (*Typha glauca—latifolium x*  
316 *angustifolium*). These species favor hydraulically volatile waterways and floodplains where  
317 frequent floods deposit nutrient-rich sediments (Apfelbaum 1985). High TP loads also contribute  
318 to eutrophication and harmful algal blooms in rivers, wetlands, and lakes, threatening fish and  
319 wildlife as well as drinking water supplies. Aside from the nutrients they deliver, manure

320 applications reduce stream water quality by introducing pathogens and antibiotics, affecting  
321 drinking water, fisheries, and human health, triggering litigation (Gerba and Smith 2005).  
322 Nutrients from Midwestern agricultural lands eventually reach the mouth of the Mississippi  
323 River where they elevate N and TP levels, supporting algal blooms whose decay deoxygenates  
324 surface waters creating the notorious ‘dead zone.’

325 To effectively reduce TP loads, we must reduce runoff and soil erosion during peak  
326 events like spring snowmelt and early-summer rains. To do this, farmers need to adopt effective  
327 Best Management Practices (BMPs). These include no-till cropping, over-crop and after-harvest  
328 diverse cover crops, maintaining > 90% crop residue levels, and planting riparian buffer zones.  
329 Converting even 10% of a field to diverse, native perennial vegetation can reduce sediment  
330 movement by 95% and TP and nitrogen lost via runoff by 90% and 85%, respectively (Schulte et  
331 al. 2017). BMPs also adjust the timing of manure spreading (e.g., banning manure spreading on  
332 frozen ground or during snowmelt) or limit the amount of manure applied per acre. To reduce  
333 dissolved reactive phosphorus loads during low-flows, farmers might apply stabilized  
334 phosphorus fertilizers that do not break down under anaerobic or acidifying soil conditions.  
335 BMPs remain inadequately adopted and unenforced. We must also empirically measure the  
336 effectiveness of using various BMPs so that we do not assume benefits that may not exist and  
337 persuade more farmers to adopt them. To improve BMPs, we should experiment and test them  
338 using experimental and demonstration projects to apply various BMPs across control and  
339 comparison sub-watersheds, monitored to accurately gauge their effects. Replicating these efforts  
340 over watersheds with different topography and hydrology might further allow us to design BMPs  
341 for particular conditions while implementing them across whole watersheds. Once particular  
342 BMPs are shown to work, we can then design incentives to promote their adoption by farmers.



343 Monitoring data from farms following particular BMPs could then be used to adjust their  
344 implementation via repeated cycles of adaptive management. We suggest implementing proved  
345 BMPs to 85% of crop acreage in the Sugar River watershed to restrict manure applications to  
346 periods with active crop growth and replace shallow-rooted ryegrass (*Lolium multiflorum*) with  
347 deep-rooted diverse cover-crop mixes better able to absorb nutrients. Without adequate BMPs  
348 and regulations, it would also be prudent to restrict permitting of new CAFOs.

349 We also need to improve monitoring of TP and other nutrients. Measuring discharge and  
350 TP concentrations during peak events is difficult but will be necessary if we are to adequately  
351 estimate total loads which can vary >200-fold. Automated samplers or sensors would be  
352 particularly useful. Deploying edge-of-field sensors (e.g. up- and down-stream of CAFOs) would  
353 improve our ability to assess localized effects and seasonal impacts of particular agricultural  
354 practices. These monitoring efforts should also involve farmers, e.g., by letting them directly  
355 observe how their practices affect nutrient levels and participate in redesigning BMPs. Some  
356 community organizations (e.g., Yahara Pride Farms, a farmer-led, non-profit organization)  
357 already work to reward farmers for their conservation practices. The Lower Sugar Watershed  
358 Association is working with landowners and farmers to improve water quality and enhance  
359 biodiversity. Without the interest and support of local farmers, nonpoint source pollution will  
360 continue to threaten water quality.

361

## 362 **6. Conclusions**

363 Current regulations have yet to effectively control or reduce TP loads in the Sugar River.  
364 Their effectiveness will likely decline further as CAFOs proliferate unless regulations related to  
365 CAFO size, number and density are coupled to effective BMPs that respect limits on what

366 amounts of manure the land can assimilate. Although we now recognize CAFOs and manure  
367 detention ponds as point sources of pollution, we have yet to implement effective controls on the  
368 pollution they generate. Dispersing manure via spreading should not allow CAFOs to avoid  
369 regulations that apply to point sources. We can redesign regulatory tools to improve how we  
370 manage TP and other nutrients from CAFOs and farms with similar manure management  
371 systems. We can also recruit farmers as allies and engineers to assist with this effort. Scientists  
372 and resource agencies should equip farmers with the tools they need to understand and monitor  
373 the effects of their practices.

374

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516 **Table 1.** Results from general linear models analyzing variation in total phosphorus  
 517 concentrations and loads in the Sugar River. No interactions among these predictor variables  
 518 were significant and so were removed from the models. Note that highly significant negative  
 519 effects of year from 2001-2012 reverse to become positive after 2012. DF – degrees of freedom.  
 520 P-values: \*\*\*  $p < 0.001$ , \*  $p < 0.05$ . Results from these models of TP load appear in Fig. 4.  
 521

Source of variation	DF	F-ratios		(log) Total TP loads	
		(log) Total TP concentration			
		2001-2012	2012-2017	2001-2012	2012-2017
Day of Year	1	0.32	1.78	0.32	1.78
Day of Year * Day of Year	1	93.7 ***	26.7 ***	93.7 ***	26.7 ***
Log (Discharge)	1	40.3 ***	6.32 *	388.4 ***	251.2 ***
Year	1	15.2 ***	6.02 *	15.2 ***	6.02 *
Overall adjusted $r^2$ values:		0.54	0.12	0.80	0.51

522

523

524 **Table 2.** Comparisons of estimated stream total phosphorus concentrations up and down stream  
525 of each of three CAFOs in the lower Sugar River watershed between 2012 and 2017. Mean TP  
526 concentrations shown are calculated using the least square means from the general linear model  
527 of log TP, back-converted to concentration, adjusted for all other predictor variables and  
528 interaction effects. The model is similar to the one in Table I but includes two additional  
529 predictor variables: CAFO ( $p = 0.06$ ) and up/down-stream location relative to CAFO, nested  
530 within CAFO ( $p=0.0004$ ). Individual down vs. up differences in TP concentration are highly  
531 significant for two of the three CAFOs, reflecting mean increases of 39.2 and 90.8%.

532

<b>Location</b>	<b>Mean TP concentration (mg/L)</b>	<b>Difference in TP concentration (down – up)</b>
Plainview Stock Farm, Down	0.10632	-
Plainview Stock Farm, Up	0.10638	-0.00006
Spring Grove Dairy, Down	0.15270	-
Spring Grove Dairy, Up	0.10973	0.043 **
Valley Mead Farm, Down	0.16108	-
Valley Mead Farm, Up	0.08441	0.077 **

533

534 **Figure legends**

535 **Figure 1.** Location of the Sugar and Little Sugar Rivers in relation to the surrounding region in  
536 south central Wisconsin and three major confined animal feeding operations (CAFOs). Sampling  
537 locations appear in Appendix, Table A1.

538

539 **Figure 2.** Increases in discharge volume on the Sugar River over the past century from USGS  
540 data. a) Mean discharge and quadratic regression ( $r^2 = 0.27$ , both terms TP < 0.001). b)  
541 Minimum discharge and regression ( $r^2 = 0.58$ , linear term TP < 0.001, quadratic term TP =  
542 0.036).

543

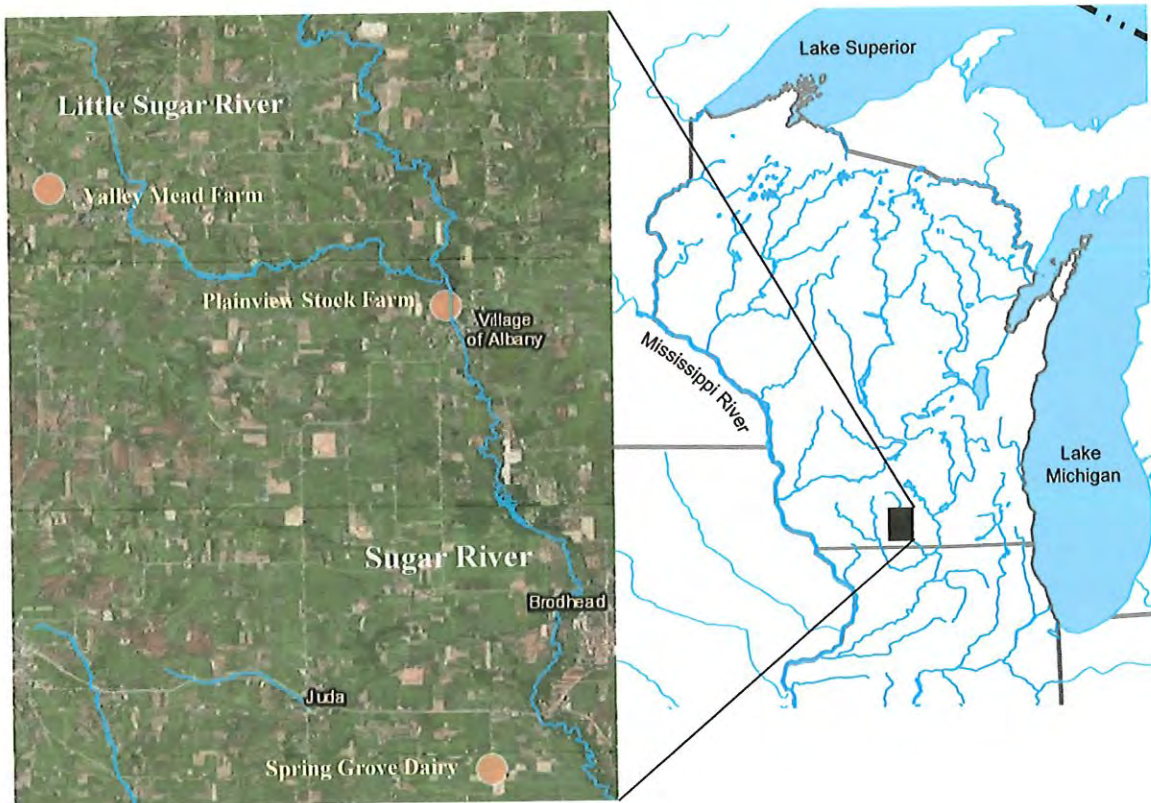
544 **Figure 3.** Distributions of TP concentrations (a), stream discharge (b), and total TP load (c)  
545 observed on the Sugar River between 2001 and 2017. All distributions are highly skewed and  
546 thus shown on a log scale. Vertical arrow in a) shows the established standard for TP  
547 concentration (0.075 mg/L). The maximum load measured occurred on May 25, 2004.

548

549 **Figure 4.** Results of multivariate analyses of total phosphorus (P) loads analyzed separately for  
550 each of the two periods: 2001-2011 (a-c, top) and 2012-2017 (d-f, bottom). Although TP  
551 concentrations and loads declined with year before 2012 ( $F=15.24$ ,  $p=0.0002$ ), they increased  
552 with year after 2012 ( $F=6.02$ ,  $p=0.015$ ). Plots show effects of the predictor variables on least-  
553 square mean TP loads and associated standard errors, adjusted for other predictor variables in the  
554 models from Table 1. Patterns for total TP concentration are similar.

555 **Figure 1.** Location of the Sugar and Little Sugar Rivers in relation to the surrounding region in  
556 south central Wisconsin and three major confined animal feeding operations (CAFOs). Sampling  
557 locations appear in Appendix, Table A1. << only color figure >>

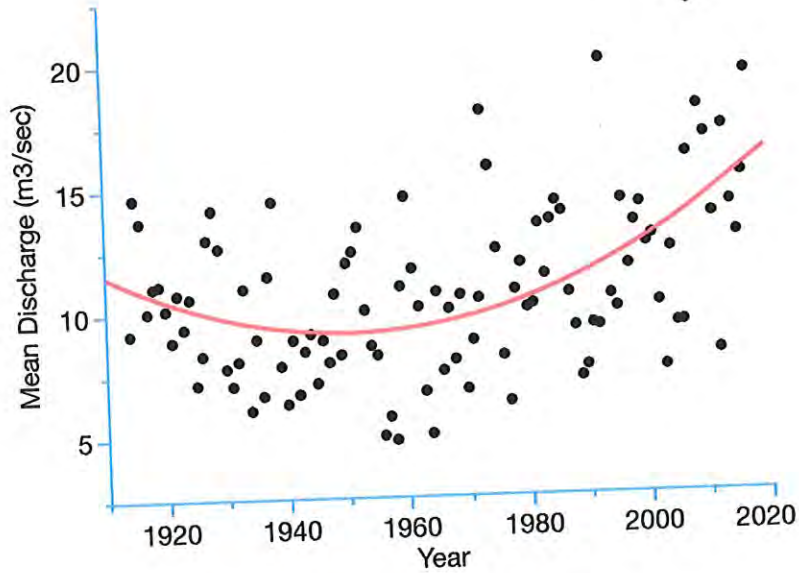
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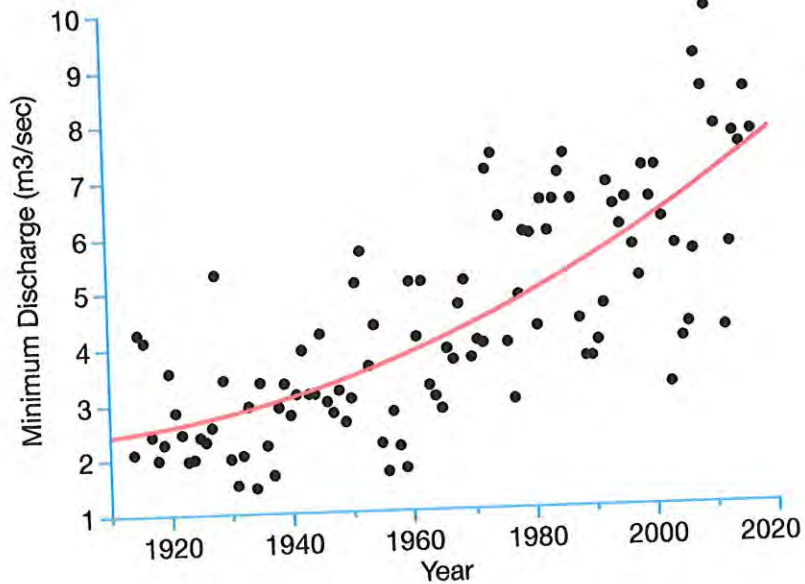
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560 **Figure 2.** Increases in discharge volume on the Sugar River over the past century from USGS  
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562 Minimum discharge and regression ( $r^2 = 0.58$ , linear term TP < 0.001, quadratic term TP =  
563 0.036).

564 a)



565  
566 b)  
567  
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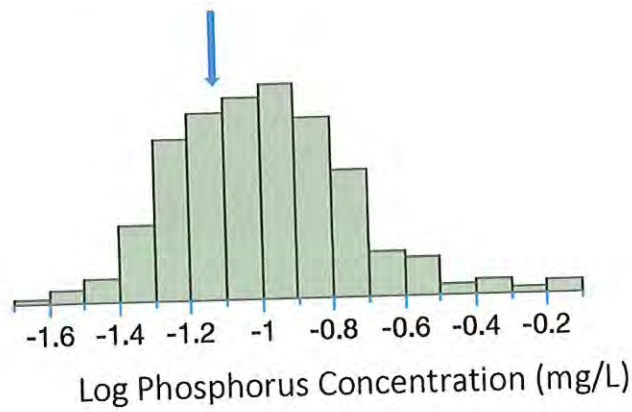
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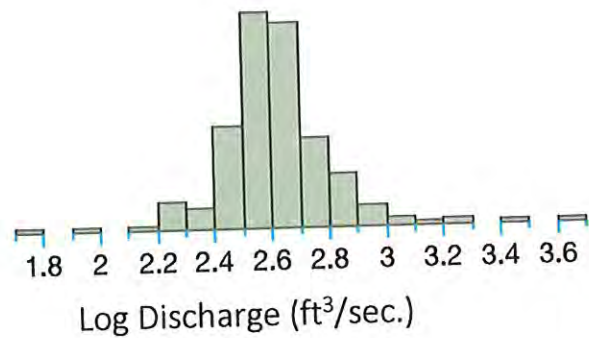
570 **Figure 3.** Distributions of TP concentrations (a), stream discharge (b), and total TP load (c)  
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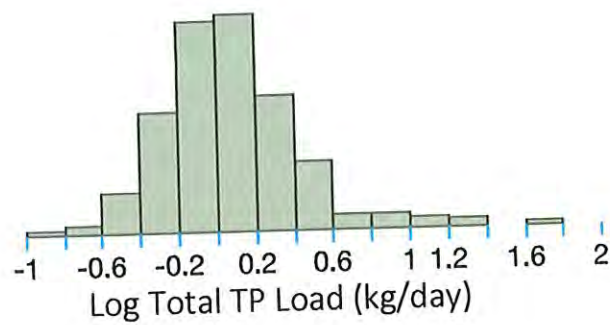
a)



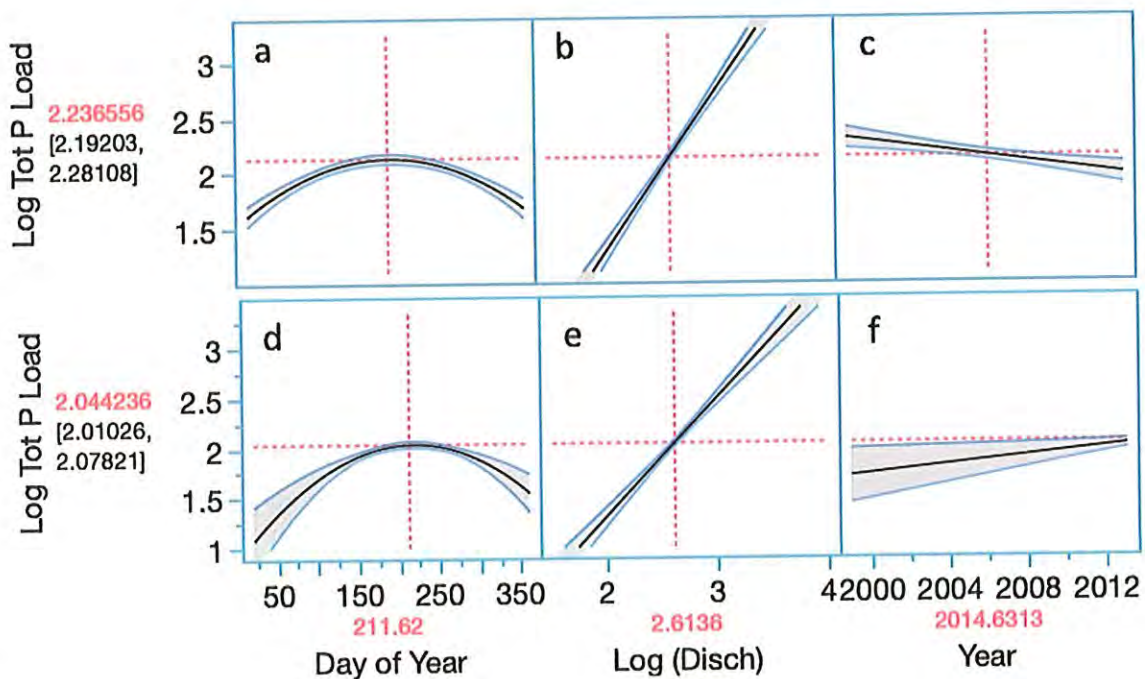
b)



c)



590 **Figure 4.** Results of multivariate analyses of total phosphorus (P) loads analyzed separately for  
 591 each of the two periods: 2001-2011 (a-c, top) and 2012-2017 (d-f, bottom). Although TP  
 592 concentrations and loads declined with year before 2012 ( $F=15.24$ ,  $p=0.0002$ ), they increased  
 593 with year after 2012 ( $F=6.02$ ,  $p=0.015$ ). Plots show effects of the predictor variables on least-  
 594 square mean TP loads and associated standard errors, adjusted for other predictor variables in the  
 595 models from Table 1. Patterns for total TP concentration are similar.  
 596



597  
598

599 **Appendix – Table A1.** Water monitoring locations along the Sugar and Little Sugar Rivers, with  
600 WIDNR station ID, latitude and longitude, and name of the nearest CAFO.

Location	Station ID	Latitude	Longitude	Name of CAFO
SUGAR RIVER @ TEN EYCK RD, BRODHEAD WI	233001	42.61	-89.39	Spring Grove Dairy
Little Sugar River at Tin Can Road	10029191	42.786285	-89.588615	Valley Mead Farm
Juda Branch N Fork at CTH S	10007870	42.602573	-89.41692	Spring Grove Dairy
Sugar River -- Albany Park	10018047	42.710057	-89.439666	Plainview Stock Farm
Riley School Br at Bagley Rd	10020957	42.58736	-89.4846	Spring Grove Dairy
Marsh Creek Upstream Cth E Bridge	10009334	42.697556	-89.42865	Plainview Stock Farm
Little Sugar River at Exeter Crossing Road	10033798	42.786285	-89.588615	Valley Mead Farm
Sugar River at Decatur Albany Rd	233013	42.683117	-89.424835	Plainview Stock Farm
SYLVESTER CREEK - SYLVESTER CREEK AT TEN EYCK RD	10010908	42.602573	-89.41692	Spring Grove Dairy
LEGLER SCHOOL BR - UPSTREAM OF SECOND ST. BRIDGE	10012076	42.803734	-89.635284	Valley Mead Farm
Sugar River at Cth Ee	10012600	42.734158	-89.44218	Plainview Stock Farm
Juda Branch-US of CTH OK	10014241	42.6032	-89.4625	Spring Grove Dairy
Spring Creek -Us Cth G 226 M To End Gps	10014328	42.5523	-89.42592	Spring Grove Dairy
Searles Creek at Park Rd	10029048	42.652416	-89.42633	Plainview Stock Farm
Little Sugar River at Exeter Crossing Road	10033798	42.786285	-89.588615	Valley Mead Farm
Sylvester Creek at CTH OK	10038073	42.61601	-89.46054	Spring Grove Dairy
Decatur Lake 0.85 mi NW of Park Rd and Decatur Rd	10039881	42.6463	-89.4139	Plainview Stock Farm
Norwegian Creek at Golf Course Rd	10039842	42.64773	-89.39752	Spring Grove Dairy
OK Creek at Mt Hope Rd	10039915	42.565773	-89.39661	Spring Grove Dairy
Unnamed Tributary to Searles Creek at Decatur-Sylvester Rd	10044733	42.650686	-89.48569	Spring Grove Dairy
Allen Creek at STH 104 (ROCK)	10040402	42.746	-89.3681	Plainview Stock Farm
Sugar River - A Sth 59 Brg At Albany	233011	42.707314	-89.438446	Plainview Stock Farm
Sugar River -- Albany Wildlife Area	10017963	42.73372	-89.44284	Plainview Stock Farm
Little Sugar River West Branch - Lake St, Abv Monticello Stp	233027	42.745182	-89.583759	Valley Mead Farm
Sugar River at Cth Ee	10009476	42.972992	-89.56625	Plainview Stock Farm



N4596 Dutch Hollow Road, Monroe, WI 53566

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August 22, 2019

Wisconsin Department of Agriculture, Trade, and Consumer Protection - ARM  
2811 Agriculture Drive  
PO Box 8911  
Madison, WI 53708

RE: Citizen Comments ATCP 51 Livestock Siting Proposed Revisions

Dear Members of the DATCP Livestock Siting Board,

I am writing this letter to you as a Wisconsin citizen, registered voter, and resident of Sylvester Township, Green County, Wisconsin, in response to your invitation to comment about the proposed revisions to ATCP 51 Livestock Siting Wisconsin Administrative Code regulations.

My family and I own and operate a diversified small family farm in Sylvester Township, focusing on Certified Organic vegetable production and not far from the site of Pinnacle Dairy, a CAFO which currently manages 5,800 animals. This particular site, one of 5 large scale CAFO's currently operating in Green County, is projected to produce 95,200,000 gallons of liquid manure each year. The Pinnacle mega dairy is located on just 125 acres of low lying agricultural land within the Sugar River Watershed. Just where do you go with 95,200,000 gallons of liquid waste? Certainly, it cannot be environmentally or economically contained and treated on site. Instead, day and night, good weather and bad, manure, both liquid and solid, is spread layer after layer on nearby agricultural lands under contract to receive the waste, tearing up our rural township roads and leading to a saturation of mega nutrients in our soils, leaching to the water table.

One of the things I have learned as a hard-working farmer on a diversified family farm is to anticipate and head off trouble using common sense and practical experience. I have read the plain language summary of the proposed revisions to ATCP 51.

Frankly, there does not appear any place in that summary or in the other DATCP materials available to me on the DATCP website, that contains language addressing the possibility of non-compliance (neither the existing rule nor the proposed revised rule) and subsequent remediation, including costs.

To my knowledge, environmentalists, water scientists, soil scientists, and agricultural technology have not advanced to the point of being able to reverse (remediate) the effects of even one manure spill, let alone the cumulative effect of flinging liquid and solid manure over the same rented acreage for an undetermined number of years.

When, as part of a citizen group here in Sylvester Township, I explored the process of how an establishment of the size of the Pinnacle Dairy was approved either locally or by DATCP, I was appalled to find out that the local Town Board had no authority to approve or deny and that the DNR eventually issued a permit, but has no authority to enforce the regulations currently in place. What good is a revised rule when there is no power for enforcement OR provision for remediation when measurable standards are violated?

Go back to the statement in the letter to you written by the Wisconsin Dairy Alliance, dated July 10, 2019. In the first paragraph is the term "ground trothing". That should actually be "ground truthing" and it means getting out to the physical location to assess and verify the situation in person. It works both ways. Please consider this letter my personal invitation to meet with me and other local citizens concerned about this operation, **at your convenience**, at the Sylvester Town Hall, located at Green County Highway FF and State Highway 59. We'll tell you more about "ground zero" for the Pinnacle Dairy as we choke and gag and watch the trucks tear up the roads.

Thank you for taking the time to read/listen to these concerns. May I assure you, only a small fraction of the citizens in this state know about these hearings and even fewer are equipped to make a formal statement. Please go back to the drawing board and tighten up the loose ends.

Sincerely,

Lindsey "FL Morris" Carpenter  
Grassroots Farm, LLC  
Cell: 608-636-3999



Department of Agriculture, Trade, and Consumer Protection Hearing on the  
Wisconsin Livestock Facility Siting – Draft Rule ATCP 51

Wednesday September 4, 2019  
Onalaska Wisconsin

Dear Members of the Board,

Thank you for the opportunity to provide testimony/public comment on Draft Rule ATCP 51. We support your efforts in conducting the much needed study and rule making to implement targeted resource protections for Southwest Wisconsin and our sensitive hydrogeology.

My name is Connie Champnoise, Project Coordinator for the Richland Stewardship Project in Richland County, WI.

We would like to indicate at the outset that we want to see the siting of CAFO corporations returned to local control. We believe local control is the appropriate level of authority to determine land use and zoning.

We support the following changes being considered on ATCP 51:

- Greater setbacks to protect neighbors property rights and help reduce odor control and the ability for neighbors to file an odor complaint
- Greater visual inspections of manure storage facilities
- Allowing local governments to develop livestock siting fees that reflect the cost of reviewing a large corporation doing business in their community.
- Require odor management plans
- Require waste storage facility design, construction and maintenance of both aging and new systems with a standard of zero leakage

We would like to encourage some additional changes to ATCP 51:

- Review of the impact of these large corporations on the public infrastructure i.e. county and township roads and a means of assessing the impact and adding those costs to the cost of doing business in the township and or county.
- Require well testing of all contingent wells to the corporation's business. Including where the animals are housed, manure is stored and where the manure is spread including rented lands. This will require a list of rental agreements.
- Require the livestock operation/corporation to set up a bond in a separate account to cover the potential costs of the clean up the site should the owners file bankruptcy and walk away from the site. The amount would be determined by the cost of the remediation required to return to productive farmland and remediate any well contamination caused by the operation.

Richland Stewardship Project believes that the large corporate livestock operations must be regulated based on their size and impact to the local infrastructure, water quality, and property rights of those who live in the area of these large corporations. That local governments may raise fees from the corporate livestock operations in order to cover the monitoring of the livestock operations in their jurisdiction. Rules are only as good as the enforcement provided. We urge you to provide money in the budget for enforcement and compliance of the new regulations.

Connie Champnoise *Connie Champnoise*  
Project Coordinator Richland Stewardship Project

Department of Agriculture, Trade, and Consumer Protection Hearing on the Wisconsin Livestock Facility Siting – Draft Rule ATCP 51  
Wednesday September 4, 2019  
Onalaska, Wisconsin

Dear Members of the Board,

Thank you for the opportunity to provide testimony/public comment on Draft Rule ATCP 51.

My name is Edie Ehlert, president of Crawford Stewardship Project (CSP). I live in Crawford County in a secluded little hollow, appreciating each day I can enjoy my land and my morning cup of coffee on the porch.

But that's not the simple case for many rural residents. The influx of CAFOs has caused devastating problems for CAFO neighboring residents and farmers. Intense odors and worry about manure run off into our streams, and polluted well water are part of living in the shadow of CAFOs.

While I fully support the measures proposed as brought forward by CSP as well as WFU to improve the law, ultimately, the law is broken. Citizens often spend thousands of hours and thousands of dollars trying to mitigate CAFO permits for little gain. Rural communities are pulled apart. Residential property values are reduced; selling one's home becomes difficult. In simple lay terms, the law allows too much anaerobic liquid manure to be housed and then spread on too little land.

Local control on CAFO siting needs to be returned. The "one size fits all" law and rules in a state of immense diversity of geology, geography, soil types, and groundwater vulnerabilities is causing problems across the state. We need stronger management for the geological karst issues in SW Wisconsin, for example, as shown in well test results. Once our water is polluted, it's polluted forever. And yet we are not allowed by law to fully protect our water and air quality.

I've spent many hours at hearings at DATCP over the years on review of the Livestock Siting Law along with many citizens from across the state. But our rural agricultural communities continue to be forced to accept CAFOs in most agricultural locations. Suggested rule changes are finally being considered. I'm grateful for that. And at the same time, real people are living in our exceptionally beautiful state next to industrial facilities severely reducing their quality of life. Many of us hope one doesn't land next to our own farm and rural home. The stench alone affects daily lives. You can't leave a window open, count on enjoying your yard and garden or plan an outdoor family reunion at your house. Your airspace becomes controlled by the neighboring CAFO.

Please accept the proposed rule changes as a first step in fixing this broken law.

Respectfully,

Edie Ehlert, Crawford Stewardship Project President  
Ferryville, WI

Department of Agriculture, Trade and Consumer Protection Board  
2811 Agriculture Drive PO Box 8911  
Madison, WI 53708

**RE: Wisconsin Livestock Facility Siting – Comments on Draft Rule ATCP 51**

9/4/2019 Public Hearing in Onalaska, WI

Dear Members of the Board,

Thank you for finally hearing the public and considering much-needed revisions to the Livestock Siting Law.

This law has burdened our local communities for thirteen years with an illegitimate and insufficient one-size-fits-all regulatory ceiling. What we need, and which the state has failed to implement, is a regulatory *floor* of enforced basic rules, with the local authority to implement stronger standards as deemed necessary for public health, safety, and general welfare. This floor is needed because our local communities lack the resources to fully regulate these industrial operations, and our local authority of self-governance is both inherent and necessary to consider the diverse settings here in Wisconsin.

Here in the driftless region, for example, we both value and struggle with land uses on our steep slopes and karst geology. This means our surface waters as well as our groundwater are at serious risk from any potentially polluting practice, and in some areas are already severely impaired. Both study and rule-making are needed to implement targeted resource protection standards for SW Wisconsin and our sensitive hydrogeology, similar to those being implemented in Eastern Wisconsin overlying Silurian dolomite.

In general, we support the recommendations, and appreciate the time and study done to come up with these concrete improvements to this deeply flawed law.

Specifically, we support the following changes:

Periodically scheduled visual inspections of emptied manure storage facilities, and not just those over 10 years old, as these facilities have been known to crack and begin to fail in the first couple years of operation.

Require odor management plans and implement increased setbacks based on confined animal units and measured from property lines (not structure to structure), as well as a clear process for neighbors to file an odor complaint. Local government should be authorized to require these plans, not simply request them, from the operators.

Allow local governments to develop livestock siting fees based on animal units that reflect the cost of reviewing and implementing regulations, and require a minimum bond based on animal units and/or potential impacts to cover the costs of clean-up and remediation if a facility should

file for bankruptcy.

Review the impact of CAFOs on local roads and infrastructure, and create a mechanism for these operations to financially compensate the responsible units of government for their impacts to roads, shoulders, culverts, etc.

Require and subsidize well testing of all wells within a half mile of a CAFO, including where the animals are housed, manure is stored and where the manure is spread. Require at least one monitoring well per CAFO, with standard recommendations for more as needed, to track groundwater impacts over time.

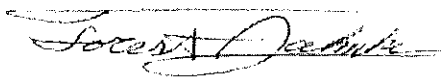
We do not agree with the recommendation that there should be a reduced review process if there is less than a 20% expansion, as this leads to potential for incremental expansion without further serious review.

Additionally, we ask that the state nutrient management standards be revised to be protective of our shared water resources, and not focus strictly on the best agronomic use of nutrients.

Also, as we have seen properties appear on Nutrient Management Plans without the landowners knowledge, we recommend requiring ownership, rental, or written warranted signed contracts with landowners to be included in a NMP. The DNR has discretion to require this, but rarely, if ever, takes this step.

While much more is needed, all of these suggestions would be notable improvements to ATCP 51, a law passed in 2003 and not updated once since, even after mountains of citizen and scientific input was "considered" and as the practice of agriculture in our communities has rapidly changed. We hope you consider our comments with a healthy attitude of collaboration and consideration of what is best for farmers, our rural communities, and the waters we all depend on.

Thank you for your time,



*Forest Jahnke*  
Program Coordinator for Crawford Stewardship Project  
43188 Guthrie Rd, Rolling Ground, Wi, 54631  
608-632-2183  
fjahnke@crawfordstewardship.org



**Kenneth D. Cornish, FHFMA (ret.)**

**28595 Kickapoo Valley Rd.**

**Steuben, WI 54657**

*September 4, 2019*

TO: The Board of the Wisconsin Department of Agriculture, Trade and  
Consumer Protection, Madison, Wisconsin

RE: Livestock Facility Siting Rule (ATCP 51)

I am here today to make two comments of the proposed revisions to ATCP 51.

First, the rules assume that the entire state of Wisconsin has identical geological make-up. It assumes that the soil conditions and abilities to handle manure are the same for the rocky soil of Taylor County as they are in the central sands and the thin topsoil in the Karst region of southwest Wisconsin. This is not good conservation management. Please rethink these rules and allow for the differences in our varied geology.

Second, the rules expressly prohibit any local control over livestock facility siting. I realize there must be a certain amount of statewide uniformity to the rules. However, please remember that every community has its own personality, its own environmental concerns, its own tourism potential and its own residential areas. I ask that you allow a certain degree of county and township discretion because the county and township boards are closest to the land and well equipped to make such decisions.

Thank you for this opportunity to address you today and for listening to my concerns.

Respectfully,



Ken Cornish

608-476-2111

Comments  
DATCP Livestock Siting Rule Public Hearing  
Onalaska, 9/4/19

Donna Swanson, 5940 Stanton Rd., Platteville, WI 53818

Thank you for the opportunity to provide comments today on the proposed revisions to the Livestock Siting Rule.

The byproducts of farm operations do not stop at property lines. If they did there would be less contentiousness among neighbors in rural areas. Since the byproducts can't be contained within property boundaries, sufficient regulations and enforcement are necessary to ensure property owners who live near farms with large, concentrated animal populations are afforded some safeguards for their property values and quality of life.

I support the concept of increased setbacks but not the application of credits to reduce those setbacks for use of odor control practices that are difficult to monitor and enforce and have little research to support their use. I also feel the setbacks need to be greater than set forth in the proposed rule changes. The proximity to a CAFO affects not only the neighbor's quality of life, but the value of their largest investment, their home. This in turn, also affects the tax revenue available to the local units of government. Our township in Grant County had the assessments of all properties within a mile of a large CAFO reduced, based on distance to the facility's dairy and manure lagoons. The closest property, valued at \$308,000 was reduced by 8.8%.

Additionally, neighbors to large CAFOs deal with increased traffic and noise, particularly from large, heavy, over-sized trucks, trailers and farm machinery. Townships and counties are dealing with increased maintenance and repair of roads that were not built to handle these industrial-sized pieces of equipment. Those additional infrastructure costs are borne by the taxpayers. The phrase, "Privatize profits - socialize costs" can certainly be applied in this situation.

I'd also like to address the issue of expansions. The same CAFO I just mentioned indicated on their most recent permit application that they intend to expand at the end of this five-year permit. They are currently permitted for 5000 animal units. I've been

told by a DNR employee that their current structure can not hold additional animals and they will need to build to accommodate more animals. The proposed revision would allow an expansion of 20% or less to violate the proposed setback requirements. This should not be allowed as this would be new construction and not something typically covered by "grandfathering" principles.

Leaking storage lagoons pose a threat to our most crucial natural resource, our groundwater. Rural residents depend upon their wells to bring clean, safe drinking water to their homes. I support the proposal for visual inspection of empty lagoons on a regular basis but would ask that the timeframe be shortened for the first, initial inspection. As a rural homeowner who is required by law to have our septic emptied and inspected every three years I feel this only makes sense for storage of millions of gallons of animal waste.

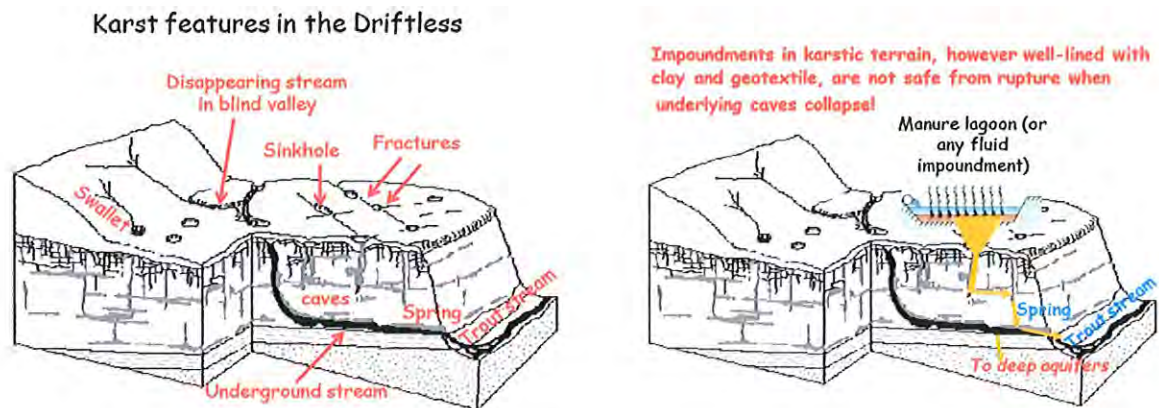
Finally, I support the changes to the nutrient management portion of the rules. Bringing all regulations into compliance with each other and up to date will lead to less confusion and a more sensible system of management for farmers and regulators.

Thank you for your time and attention.

Citizen Statement  
DATCP's Livestock Facility Siting Board September 4 2019 Public Hearing  
Onalaska, Wisconsin

I have studied karst geology since 1972, when my wife and I bought our first farmland in the Driftless area. We are now permaculture farmers in Viroqua Township, Vernon County. CAFOs should not be sited here.

Water quality is a matter of livelihood, health and life for us, and our Driftless is the terrain most susceptible to aquifer contamination by confined animal feeding operations (CAFOs). This is because our surface and underground rocks include limestone and dolomite that the weak but abundant acids in our surface waters slowly dissolve, widening vertical fractures, making caves that collapse to form sinkholes, and horizontal underground streams. Through these conduits, surface water polluted by any source readily enters the sandstone aquifers upon which our people rely for their domestic water and which, once polluted, remain polluted forever.



CAFOs are the worst of pollutant sources. They require wide farmland areas for spreading their waste, which easily seeps into the ground through sinkholes and down to our aquifers through the numerous vertical fractures hiding under the soil. Waste ponds, however well-lined, are helpless against underground shifts characteristic of and common in karst terrain; their collapses are catastrophic pollution events. Fluid impoundments of any sort should not be permitted in karst terrain.

In 2009 and 2010, as part of a Nuzum Foundation grant, I studied the hydrogeology of 88 square miles comprising all of Viroqua and adjacent areas. (My detailed 22-page report is available by email.) Since 1938, 602 drillers' well logs have been reported in that area. Of these, 183 or about 30 percent recorded karstic features: "crevices", "broken limestone", "cave" or "mudhole". These occur in the 70% of the area underlain by karst-susceptible rocks. Of 28 domestic water wells analyzed for nitrate levels in Viroqua Township households, more than half exceeded the safe level of 10 milligrams per liter or had borderline values. Similar situations are typical in much of the Driftless.

CAFOs should not be sited herein the Driftless.

Kelvin S. Rodolfo, PhD  
Professor Emeritus of Earth and Environmental Science  
University of Illinois at Chicago

Pheasant Walk Permaculture  
E8022 Bakkom Road  
Viroqua WI 54665  
Email: krodolfo@uic.edu

I am Joyce Glover, 12865 St. Rd. 48, Grantsburg, WI. Background: I spent the first 12 yrs. of my life on an Iowa family farm. Then my dad's asthma got so bad his doctor told him that if he didn't move to WI or AZ, he would not live to see age 50. Clean WI air and water saved our family.

Wisconsin resources enabled my husband Jim and I to raise 6 healthy children on our dairy farm. Although we lost our herd through the dairy buyout in 1986, we were able to hold onto our 146 acres of land. It is still being family-farmed today.

This spring, I noticed activity at the end of my driveway, across the road (Hwy 48). A lot of digging was going on. We were told that they were soil testing for a large hog facility, managed and owned by 5 Iowa veterinarians. They planned to spend \$20M to create the largest swine factory in WI. The majority of factory farms are backed by unlimited money from foreign nations.

Jeff Sauer, site manager, offered to meet with neighbors at my house to answer questions. He even offered to sponsor a bus to take us to another swine facility in WI, but, unfortunately, that was destroyed in huge fire in March. ~~Jeff stressed how much all of this money would be beneficial to our whole area. He made it sound like we should be happy to have been chosen.~~

Looking back, there were many facts which he neglected to tell us about. It only took a few hours of research to discover hundreds of examples of spills, unanswered complaints. It seems in an organization such as Cumberland LLC, NO One is responsible on the other end of a phone call to address urgent issues which arise. In the event of an accident, disease breakout, injuries to workers or animals, you cannot not sue them for damages.

As you have figured out by now, this whole topic is extremely "close-up and personal." This is how:

Every car, transport truck, feed truck, manure spreading machinery, daily workers, etc. will have only one exit/entrance. Security fencing on three sides will be installed, along the town-owned roads. State Hwy 48 is the only option for entrance.

That one entrance is about 500' from the deck on my house. The highway rises right there at the mailbox where they will enter their facility. Because of all the traffic, I know that there will be safety issues.

Three of my grandchildren walk their half-mile driveway to wait for and get off the school bus. Twice a day. They will be breathing foul air from the time they



leave their house. Brianna already has asthma. I don't even want to think about trucks and the school bus at the top of that hill all at the same time.

*in his introduction, Chris listed 8 objections. The first one was*  
Of course it is time to update the siting laws to reflect our current farming practices. When you are working on the final draft, I hope you will consider *to protect health & safety* these points:

Dairy, Swine, Poultry

They have so little in common with one another! Please take the time to address each category separately:

Feed operations,  
housing,  
odor controls,  
waste processing  
Water usage and controls  
Disposal of dead animals

You simply cannot lump them into one huge document and still do an adequate job of meeting/monitoring the regulations specific to each group.

One example: disposing of waste from thousands of turkeys is vastly different from storing 6.8M gallons of hog sewage in a pit for months, then spreading it all over the neighborhood.

*At the introduction, Chris need 8 objections. The first one was*  
As you go through the process of modifying the siting regulations, please keep *to protect public health* foremost in your minds, that you are affecting the very lives, health and well-being of the people who elected you to do just that. I, nor any of my neighbors, were ever consulted about this invasive industrialization.

Odor control? Why does it have to be talked about in confusing terms of calculating credits and scores? Measured in FEET?? When it comes to swine facilities, you should be talking in terms of MILES to the nearest neighbors.

I will be 80 next year and I have had the privilege of welcoming 18 grandchildren and 26 great-grandchildren into this world. It is my responsibility, and yours, to leave them whatever quality air and water as we work to IMPROVE them.

CLEAN AIR  
CLEAN WATER

Who can live without them?



Proposed Site

Entrance

Tower

Mail box

DNR POND

My home

Bus pick-up

Red lines indicate our driveways

Range Line Rd

Range Line Rd

Range Line Rd



September 5, 2019  
Linda Ceylor  
N3689 Riley Rd  
Catawba, WI 54515  
715-567-1010

Good Morning. I have traveled two hours today to provide testimony about confined animal operations. I have come to talk to you about a future for Wisconsin that allows for towns to determine their own destiny as to whether they will continue to support many farms that house 60-200 animals; or farms that have 1000+ animals all in one small geographic footprint.

My husband and I operate a dairy farm in northern Wisconsin. We moved here after being urbanized and priced out of Western Wisconsin. Several of my neighbors faced the same scenario and moved from Missouri, Alaska, Pennsylvania. We moved here because land was less expensive, well suited for multiple crops without irrigation, and it was the dairy state. During this same time period, Wisconsin changed from support for all farms, to greater support for CAFO's. Even the milk companies have changed their thinking.

In reality, small towns such as mine are supported by smaller farms and logging. Lets think about the difference of having ten smaller farms with 100 cows supported with families operating them as opposed to 1000+ cow farms with hired help. The help may be high school kids without the farming future who will move and pursue other options upon graduation. The help may be transitory, looking for indoor "cleaner and warmer" work in the winter provided by a factory. There are no families moving into these towns seeking work on farms, that is for sure. They will be on to something else. Families will however move for the opportunity to farm or continue to farm as was the case with mine. They will be the students in your school systems, the shoppers in the local stores and the folks that prop up the economies that make a small town vibrant. This is the future I hope to see for my community and beyond.

In addition it is easier to mitigate water problems without concentrated animal feeding. Many areas in Wisconsin have been barred from dealing with these problems due to current lack of enforcement and the inability to renew water permits. These are unnecessary on a smaller animal operation.

Regulations on hog farms have changed due to young swine mortality. The larger operations are moving here to avoid a disease they created by confinement. Sooner or later this disease will follow, and they will have to move on again. It has already impacted our local fairs policy for animals and increased the management for this disease, impacting sales due to testing and pricing of testing for small farms. If not for the concentration we would not have to manage for this disease.

In summation, Wisconsin would have more of a larger tax base and rural health by increasing scrutiny for citing large animal operations. Making it easier for smaller farms to continue would be healthier for rural communities. This year alone I have seen several young farmers quit. They are kids I knew as youth that wanted to do nothing for their lives but farm. Land rents increased by a CAFO that was 15 miles away, semen tanks now charged for nitrogen filling due to inability to buy mass quantities not needed on a smaller farm, restrictions that cost more than needed to enforce all led to these good young managers exit. Now, will the farms add to the CAFOS land base and by abandoned? Is that what we want? I leave you with that decision.

Marge Retzlaff

N3395 County. Rd. I

Catawba, WI 54515

715-474-2264

I test my drinking water because United Pride Dairy in Phillips, has been spreading manure for 3 years in a field that has a downward slope towards my property. My well is 15 feet from the edge of the field and there is a spring under my well. The DNR called United Pride Dairy a year ago to remind them to stay 100 feet from my well. United Pride injects the manure, so I have no way of knowing how close they actually spread. Every year my pond, which is 25 feet from the field, has more algae mats. This year I raked out what I could.

United Pride transports manure to a neighbor's field with semi tractors and they go by every 10 minutes for 15 hours for 2 days. I don't know if there is a limit on the volume they are allowed to spread but judging by the number of trips to the neighbor's field, they are spreading as heavy as possible. The north fork of the Jump River is located nearby. It may be only ¼ of a mile away from this field.

	<b>Coliform</b>	<b>Nitrates</b>
Water test result in 2015	Absent	.9 mg/IN
Water test result in 2019	Present	1.9 mg/IN

\*Nitrates acceptable for drinking up to 10 mg/IN

Hello! My name is Jamie Voelker. Our third generation dairy farm is located in Barron county, Stanfold township approximately 1 ½ miles east of the Norswiss CAFO on 19<sup>th</sup> Ave. Our farm has been operating for 79 years, but we are currently in the process of selling out due to the extended deflation of milk prices blamed on a surplus of dairy. I am here today to hopefully educate and address the concerns we should all have with the introduction of these CAFOS; mainly our WATER quality, our AIR quality, our SOIL preservation, the LANDSCAPE of our state, and lastly the COST these operations have on our taxpayer dollars.

First and foremost I will address the **WATER** quality issue. To date I have personally witnessed 3 major manure spills (all of them photographed and documented) with two of these spills directly affecting the Yellow River watershed.

The first spill occurred on *our* property from the Norswiss operation. We were alerted by a man (who was working for an outfit contracted to spread manure) that a dragline had broken and manure had been running all night on their property but had run down the hill onto our property as well. The worker stated he believed it "may have entered our creek." My husband, son and myself immediately drove to our creek (on the backside of our property) only to find it still, full of stench and green muck. It was a strange, quiet stillness in an eerie way, no frogs chirping, no birds singing. It is hard to describe the sounds of life we take for granted until the life is no longer there. We drove home and contacted the DNR Spill hotline. Between the 3 of us, we spent nearly an hour on the phone with the representative as we reported the incident. Approximately two weeks later, I had the opportunity to see the Northwest Regional Director of the DNR (David Zebro) at a Sheriff's meeting. I asked him what the outcome of the spill on our property was. He acted surprised and stated he had no knowledge of the spill but advised he would follow up on it. Eventually, my husband requested a meeting be held with the DNR, the CAFO owner, and the Department of Soil and Water conservation. At this meeting, Barron county soil and water conservation representative 'Tyler' attempted to convince us that the death of the creek was not caused by a manure spill but rather a faulty drain system they had installed for a haylage bunker. Unbeknown to Tyler, we knew the source was from manure based on the information we had been provided by the worker directly involved in the spill. We did not appreciate the manipulation of facts, or the deception he presented us. We were placed in a most unfortunate dilemma of protecting the worker, who wished to remain anonymous to protect his job. This was a very unfair situation to put us in. We chose not to disclose our source. The DNR representative confirmed our fear that the creek had been killed, but assured us that the natural bleaching power of the sun would rejuvenate it again within 2 years. However, they did require the CAFO owner attempt to vacuum out as much of the spill as possible. We advised the CAFO owner that we have always believed it is best practice to leave the land better than we received it, and we base our decision making on how it will affect seven generations ahead of us. In this belief, we had planted many trees and bushes along the creek that we had purchased from our county's extension office. It should also be noted that we enrolled our farm in the "Yellow Rivershed Water Project". This was a 70,000. dollar cost shared program with taxpayer dollars that implements landscaping and construction of barriers to



prevent barnyard runoff. What a complete waste of tax dollars, when a spill such as this, cancels out the intention. Taxpayers be aware.

The next two spills happened within one week of the other. The first spill was a malfunctioned shut off valve from an underground pipeline that caused manure to spray across the road and onto a home at the corner of 16<sup>th</sup> st/19<sup>th</sup> ave. The manure was spraying onto a house at this location and filled their yard. Can you imagine the contamination caused to this well? Who would want to drink water from that? The DNR was unable to respond to this spill because they were all ready called out on another /separate spill. Does this say anything about the difficulties these Cafo's are having with manure management? The next spill was from a tanker malfunction with manure running down the road, into another waterway and partially up the hill covering a ¼ acre stretch of roadway. This occurred at 17 ½ st and 19<sup>th</sup> Ave. When I called this in to the DNR, I specifically asked for a copy of the incident report. I never received it. Waterway was involved again. How can an entity such as the DNR (the agency we trust to protect our natural resources) allow this malpractice to continue? I imagine with \$30,000. fines levied per spill, it ends up being quite a cash cow for them. The saturation rates that I have witnessed most assuredly are at groundwater contamination levels. When I requested water sample tests of our well for nitrate levels, they deflected, saying it would not prove that the nitrate was from their farm. It could be from our own. So we are held hostage to this situation.

The next issue regarding CAFO's concerns our **AIR** quality. Norswiss has a manure lagoon that compares to a small lake. It replaced the previous lagoon that had a compromised liner (also reported and photographed with brush growing out of the liner). My son's family lives ½ mile east of the CAFO. I smell the methane and see the fog of this air settling on their residence. My grandchildren are breathing this air, and my daughter in law reports there are times that the air burns their throat, it is so strong. Imagine how you would feel if this were the environment your children or grandchildren were living in. The health risk my grandchildren are in is a worry and fear I feel with every fiber of my being.

Concerns for the **SOIL** must also be addressed. The compaction of soil on the land occurs due to continuous traffic of forage wagons and manure trucks on the fields as they attempt to manage the manure problems caused by thousands of confined animals. This has taken a toll on otherwise healthy soil, now packed down, where otherwise healthy crops were once grown. Runoff occurs and weather is not taken into account . This was the case in another spill that ran approximately ¼ acre of our land from their adjoining field, once again, reaching the creek. This was a separate incident from the three I have already mentioned. Once again the soil and water conservation representative 'Tyler' referred to it as a "weather related incident due to a substantial rainfall" and assured me that a buffer crop would be planted on the edges of the field. Watching the weather would have prevented this, and should be required. The soil compaction invites these disasters.

Wisconsin once was known for its clean water and forests, a hunter's dream. Now we see small wooded acreage that once housed wildlife being cleared in order to make more cropland for feed and manure management to benefit Cafo's. The very **LANDSCAPE** of Wisconsin is being

changed. I have witnessed the clearing of land in places intended to prevent erosion. Are we striving to change the look and essence of our state to resemble that of North Dakota?

Finally, the **COST** to the taxpayer cannot be ignored. Our township is having financial hardship caused by the increased weight load of heavy trucks and wagons introduced to our roadways since this Cafo was put into operation. Repair is a constant problem with no additional liability to the owner for cost. Our budget has been limited in ways that affect the entire township. Not only do we have to worry about the constant hum and speed these trucks travel with, we must drive on roads that have suffered increased potholes and disrepair. There is no accountability. Also all the homes within the vicinity have lost their property value. I will be addressing this with the assessor at my next opportunity. I am certain it will be very difficult to sell a home with the heavy traffic, smell and water quality concerns any potential buyer would have. I have recorded a 2 minute video that shows the immense traffic and loud sounds of trucks as they pass by. It shows 3 large manure tankers in a two minute timespan rate consistently.

In closing I would like to say that the "we are all in this together" philosophy concerning small farmers vs Cafos is bunk. Small farmers are leaving at an alarming rate due to low prices. Low milk prices are being blamed on a surplus in milk. Why are we, therefore, introducing thousands of cows in Cafo's? As we discussed the sale of our cows after a 79 year history in operation, I initially thought it is the nature of progress. In my mind, I compared it to the small family grocery stores being taken down by the mega stores such as Walmart. But there is a notable difference. Mega stores swallowing up local stores did not affect the health of people and neighbors or the risks concerning our food source. Ask any Cafo owner when was the last time they were actually under a cow, or behind the wheel of a tractor? Family farmers are true stewards of the land and animals because their very existence is dependant on it. They have skin in the game. Their cows have names, not numbers. There is a **RELATIONSHIP**.

For the Dept of Agriculture, I recommend a proposal that any multi million dollar Cafo be required to adopt a 3 mile buffer zone in which all neighboring residents have the opportunity to sell their property at a fair market price or the price reflected on their real estate taxes. The "Freedom to Farm" act should not allow Cafo operations to jeopardize our health in the manner they have. We should not be the sacrificial lambs for the sake of money or ego.

For the public I recommend attending your county board meetings and fight Cafos with everything you have got. Moratoriums can be put in place using restrictions and limitations of expanded farm developments.



Voelker, Jamie &lt;voelkerj@ricelake.k12.wi.us&gt;

## Health concerns

1 message

Thu, Sep 5, 2019 at 6:05 AM

Jamie Voelker <Northwindj@yahoo.com>  
To: voelkerj@ricelake.k12.wi.us

### Environmental and health impacts [ edit ]

#### Gas emissions [ edit ]

Rates of asthma in children living near a CAFO are consistently elevated.<sup>[4]</sup> The process of anaerobic digestion has been shown to release over 400 volatile compounds from lagoons.<sup>[13]</sup> The most prevalent of these are: ammonia, hydrogen sulfide, methane, and carbon dioxide.<sup>[4][5][14]</sup>

#### Ammonia [ edit ]

In the United States, 80 percent of ammonia emissions come from livestock production.<sup>[5]</sup> A lagoon can vaporize up to 80 percent of its nitrogen<sup>[13]</sup> through the reaction:  $\text{NH}_4^+ - \text{N} \rightarrow \text{NH}_3 + \text{H}^+$ . As pH or temperature increases, so does the amount of volatilized ammonia.<sup>[15]</sup> Once ammonia has been volatilized, it can travel as far as 300 miles,<sup>[13]</sup> and at closer ranges it is a respiratory irritant.<sup>[5]</sup> Acidification and eutrophication of the ecosystem surrounding the lagoons could be caused by prolonged exposure to volatilized ammonia.<sup>[16]</sup> This volatilized ammonia has been implicated in widespread ecological damage in Europe and is of growing concern for the United States.<sup>[15]</sup>

#### Hydrogen sulfide [ edit ]

With averages greater than 30ppb, lagoons have high concentration of hydrogen sulfide, which is highly toxic.<sup>[13]</sup> A study by the Minnesota Pollution Control Agency has found that concentrations of Hydrogen sulfide near lagoons have exceeded the state standard, even as far away as 4.9 miles.<sup>[13]</sup> Hydrogen sulfide is recognizable for its unpleasant rotten-egg odor. Because hydrogen sulfide is heavier than air, it tends to linger around lagoons even after ventilation.<sup>[17]</sup> Levels of hydrogen sulfide are at their highest after agitation and during manure removal.<sup>[5]</sup>

#### Methane [ edit ]

Methane is an odorless, tasteless, and colorless gas. Lagoons produce about 2,300,000 tonnes per year, with around 40 percent of this mass coming from hog farm lagoons.<sup>[18]</sup> Methane is combustible at high temperatures and explosions and fires are a real threat at, or near, lagoons.<sup>[17]</sup> Additionally, methane is a greenhouse gas. The U.S. EPA estimated that 13 percent of all the methane emissions came from livestock manure in 1998, and this number has grown in recent years.<sup>[13]</sup> Recently there has been interest in technology which would capture methane produced from lagoons and sell it as energy.<sup>[19]</sup>

### **Water-soluble contaminants** [ edit ]

Contaminants that are water-soluble can escape from anaerobic lagoons and enter the environment through leakage from badly constructed or poorly maintained manure lagoons as well as during excess rain or high winds, resulting in an overflow of lagoons.<sup>[2]</sup> These leaks and overflows can contaminate surrounding surface and ground water with some hazardous materials which are contained in the lagoon.<sup>[2]</sup> The most serious of these contaminants are pathogens, antibiotics, heavy metals and hormones. For example, runoff from farms in Maryland and North Carolina are a leading candidate for *Pfiesteria piscicida*. This contaminant has the ability to kill fish, and it can also cause skin irritation and short term memory loss in humans<sup>[20]</sup>

### **Pathogens** [ edit ]

More than 150 pathogens in manure lagoons that have been found to impact human health.<sup>[4]</sup> Healthy individuals who come into contact with pathogens usually recover promptly. However, those who have a weakened immune system, such as cancer patients and young children, have an increased risk for a more severe illness or even death.<sup>[4]</sup> About 20 percent of the U.S. population are categorized in this risk group.<sup>[4]</sup> Some of the more notable pathogens are:

#### ***E. coli*** [ edit ]

*E. coli* is found in the intestines and feces of both animal and humans. One particularly virulent strain, *Escherichia coli* O157:H7, is found specifically in the lumen of cattle raised in CAFOs. Because cattle are fed corn in CAFOs instead of grass, this changes the pH of the lumen so that it is more hospitable to *E. coli*. Grain-fed cattle have 80 percent more of this strain of *E. coli* than grass-fed cattle. However, the amount of *E. coli* found in the lumen of grain fed cattle can be significantly reduced by switching an animal to grass only a few days prior to slaughter.<sup>[21]</sup> This reduction would decrease the pathogen's presence in both meat and waste of the cattle, and decrease the *E. coli* population found in anaerobic lagoons.

# ANA F. WINTON

W2845 Winton Road, Springbrook, WI 54875  
715-558-0428, anawinton@uwalumni.com

September 5, 2019

Department of Agriculture, Trade, & Consumer Protection  
State of Wisconsin  
P.O. Box 8911  
Madison, WI 53708

*Comments Hand-Delivered to Spooner, Wisconsin Public Meeting*

Greetings:

Please accept the following comments regarding the proposed revisions to the current Livestock Facility Siting Administrative Rule. While some of the proposed changes will be helpful, the proposed changes do *not go far enough* in protecting Wisconsin residents from the cascading impacts of concentrated animal feeding operations (CAFOs) on our land, water and health.

I support the following proposed changes:

- Replacing the previous system of odor scoring with designated setbacks to determine how far a manure storage facility or barn needs to be from neighboring properties;
- Adjusting the current rule that only requires facilities 10 years or older to be inspected.

The following are areas where the draft rule is lacking and should be revised to increase protections for Wisconsin residents:

- The current permitting fee of \$1,000 needs to be adjusted to ensure local governments are not losing money in the review process (ex. Green County paid \$40,000 to review a single permit);
- Operators should be required to list owned, rented and contracted acres where they plan to spread manure to protect landowners from facilities spreading manure without their permission;
- The abbreviated review process that allows facilities expanding by less than 20-30% to forgo full reviews needs to be dismantled to prevent the slow, gradual expansion of facilities;
- Operators should be required to secure financial insurance as part of the permitting process to ensure governments aren't covering the costs and mess if CAFOs go bankrupt.



Clean air, water, and land, and our people are Wisconsin's most precious resources. Please protect them by strengthening the changes to the Livestock Facility Siting Administrative Rule. The physical, mental, and economic health of Wisconsin residents depends on protecting our environment.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ana F. Winton". The signature is fluid and cursive, with a long, sweeping horizontal line extending to the right from the end of the name.

Ana F. Winton  
MSW, LCSW  
Wisconsin Resident

To: DATCP- Technical Review Committee

We have a farm in the town of Rock Creek, Dunn County, Wisconsin, four miles from a dairy with 4,600 dairy cows named C-Dairy West, under the ownership of Wuethrich Bros., Grassland Dairy Products, Greenwood Wisconsin.

This dairy located in Rock Creek township applied for a WPDES permit under the ownership of Cranberry Creek Dairy. The permit was denied 2 times after hearings held by the DNR in Rock Creek Township. Farmers and neighbors studied and analyzed the dairy's 590 nutrient plan and found their spread plan was falsified by writing down acres they had not gotten permission to spread on by the owner. After the third permit application, they were granted a WPDES permit without any hearing.

Cranberry Creek Dairy is located within 6 miles of 2 other CAFO's, Weiss Family Farms and Marshland Acres, in Pepin County, Wisconsin. While studying Cranberry Creek Dairy's 590 nutrient management plan, we found 2 other near by counties were on their plan, Pepin and Eau Claire counties, along with Cranberry Creek Dairy's county, Dunn. At this time, Cranberry Creek Dairy owned only 140 acres. The other acres they previously owned were purchased by Greenwood Acres, a division of Grassland Dairy Products, Greenwood Wisconsin. Within days after the WPDES permit was granted to Cranberry Creek Dairy, Grassland Dairy Products purchased the 140 acres and the dairy owned by Cranberry Creek Dairy. It was renamed C-Dairy West.

On November 21<sup>st</sup>, 2016, Grassland Dairy Products applied for a WPDES permit under C-Dairy East, near Neillsville, Wisconsin, for 6,000 animal units. A public hearing by the DNR was held November 28, 2018 to expand to 7,119 animal units. This was milking and dry cows, and 183 calves. This granted permit is #WI-0062243-03-0.

We are very concerned in Rock Creek township, Dunn County Wisconsin to protect our water quality because of poor farming practices by CAFO's, and their failure to abide by their 590 nutrient management plans, which are self-regulated. Farmers and neighbors reporting to the DNR what they see and knowing that something isn't right is the only way these bad practices are checked out. There must be stricter rules applied to CAFO's for their accountability to ensure good water quality, so we don't have the problems like Kewanee County, Wisconsin.

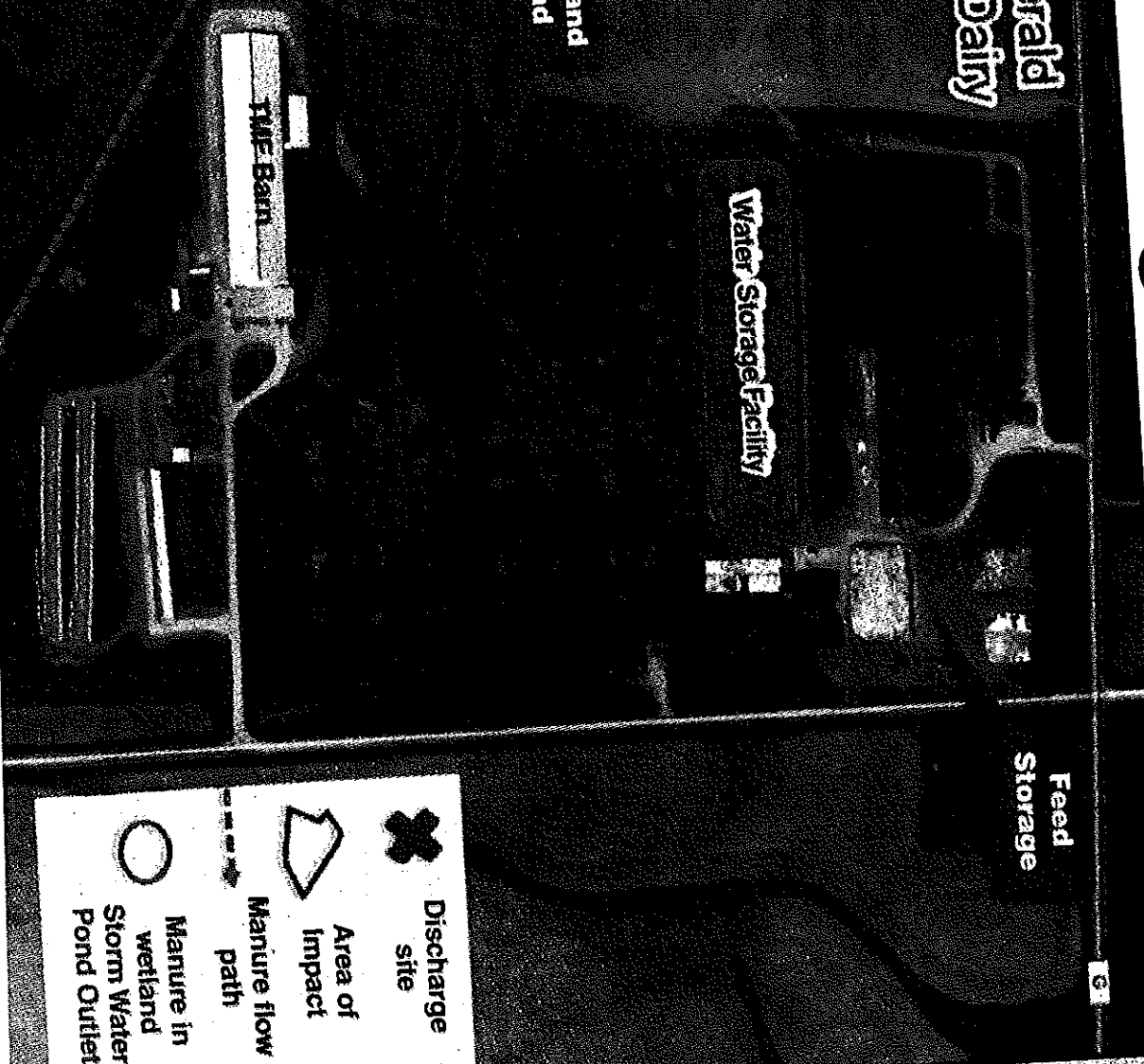
Thank you,

Charles and Linda Harschlip  
N1488 890<sup>th</sup> Street  
Mondovi, Wi 54755

Who will protect what we love about the land we call Wisconsin?

# Huge Wisconsin CAFO Manure

**Emerald Sky Dairy**



Emerald Sky Dairy pumped waste dairy from its barn for heifers and freshening cows, which the dairy calls a Transition Management Facility (TMF). Manure from the TMF is piped underground to a separator building. In late March 2017, during a Wisconsin Department of Natural Resources inspection of Emerald Sky Dairy's manure spill, the dairy's staff stated that in December 2016, the manure transfer line from the TMF building burst at the cleanout riser pipe closest to the Waste Storage Facility (WSF).

For about 10 days after that pipe burst, 25,000 to 30,000 gallons of liquid manure and solid waste exited daily from the crack and flowed above ground through a series of wetlands, to a drainage ditch. The waste continued spilling, down the ditch and back around the heifer barn, down toward a storm water pond and into another wetland. At the point of discharge, the manure followed a west/southwest-erly path that deposited at a wetland pond. The majority of the discharged material settled there — defined by DNR as the area of impact.

The wetland pond outlets to a man-made conveyance channel or ditch that deposits into the storm water pond. Manure was present in the entire conveyance channel and in the storm water pond. The storm water pond was built to fill with uncontaminated storm water runoff from Emerald Sky Dairy's production site. Once the storm water pond reaches a certain capacity, its water goes through an outlet control structure to a delineated wetland. The storm water pond was not designed to contain any contaminated runoff such as manure or leachate. According to the Wisconsin Department of Justice's complaint, on Dec. 19, 2016, former CAFO manager Mark D. Tuls discovered that manure discharge, observing an out-line of manure in the snow near the separator building. That same day, he notified several other management officials at Emerald Sky Dairy about the manure discharge. A repair and replacement of a manure discharge. A repair and replacement of a manure discharge.

a marsh and casting for bass or bluegill as cranes wing noiselessly across a setting sun, the feel and fragrance of rich, silt-loam on your hands as you work, weeding down rows of tender plants in dawn's silence.

Natural lands — meadows, wetlands, forests — where every creature, from bugs to badgers, links a chain of life to human beings.

Now visualize that beauty — submerged and unreported beneath an estimated 275,000 gallons of spilled liquid manure from a cracked pipe on one farm for more than three months.

Emerald Sky Dairy Inc., where this spill occurred in December 2016 in St. Croix County, settled four related violations for \$80,000 on May 6, 2019. Emerald Sky Dairy is a Confined Animal Feeding Operation (CAFO). Yet shocking particulars of this incident and other state data on manure spills reported and investigated around Wisconsin mark unsettling trends. It's not a pretty picture.

Some livestock waste spills are small, reported and cleaned up quickly, with producers correcting or addressing problems without delay. Yet this is not what happened at Emerald Sky Dairy. More than three months after a massive manure spill, an anonymous tip about manure water pouring into a ditch brought county conservation staff to the big dairy March 29, 2017. Only then did employees report the manure spill as state law requires to the DNR — nearly 100 days after the dairy's manager discovered the spill.

When DNR staff accompanied the county agent back to Emerald Sky the next day, they found manure or manure-laden water in three of nine wetlands, a pond, a ditch running south to a storm water pond and the storm water pond at the dairy. More DNR specialists took depth measurements and water samples at the dairy the next day: March 31.

The accumulated manure solids ranged from 13 inches to more than 3 feet deep in wetlands, the ditch and ponds. "At one location on the southern end of the open pond, the yard stick was fully submerged in manure solids and did not reach the bottom of the solids," read the 18-page civil complaint, which the Wisconsin Department of Justice filed May 3, 2019.

Upstream from Emerald Sky Dairy, a DNR water sample tested *E. coli* of less than 1 CFU/100 mL. [CFU stands for dangerous "colony forming units" — a standard measurement of sickening and potentially life-threatening bacterial cells.] The storm water pond sample had *E. coli* of 7,980 CFU/100 mL. The wetland sample tested *E. coli* of 10,580 CFU/100 mL. DNR closes Wisconsin beaches when detections reach 1,000 CFU/100 mL of *E. coli*.

Upstream of the manure spill, the DNR sample had total phosphorus of 0.644 mg/L, the storm water pond had total phosphorus of 39.9 mg/L, and the wetland sample had total phosphorus of 39.7 mg/L. Phosphorus in water feeds algae blooms, starving aquatic life of oxygen.

Upstream, the sample had a biological oxygen demand of 13.6 mg/L, the storm water pond sample had a biological oxygen demand of 547 mg/L, and the wetland sample had a biological oxygen demand of 497 mg/L. Untreated municipal wastewater by comparison, the civil complaint noted, generally has a bi-

nomia of 158 mg/L. By comparison, state administrative code finds the ammonia chronic 4-day and 30-day water quality levels for a "limited aquatic life system" are 112.68 mg/L and 45.07 mg/L, respectively.

Milking about 1,600 cows in April 2016, Emerald Sky's previous owner, John Vrieze, actually started concentrating and feeding animals in large numbers ahead of the state's 2004 Livestock Facility Siting Law. That law, for which state rules took effect in 2006, eventually expanded permits to such huge livestock and poultry operations in Wisconsin by more than 300.

Manure spills since 2006 have been greatly expanding, too. DNR data retrievable from the state website recorded 770 manure spills in Wisconsin in less than 13 years since 2006. Reaching back 25 years before the new livestock siting law to 1981, the website describes one-fifth as many — 148 now "closed" manure spill cases.

"There are probably a few others that were reported," said Jason Lowery, a hydro-geologist with the DNR, to a press inquiry in mid-May, "but we didn't determine that there was an actual spill, so they were either deleted or closed as a 'complaint.' There are also some spills that are currently open, and those wouldn't show up in that list either.

"I'm also sure there have been unreported manure spills, just like other types of spills, over the years, but I have no idea how many. 1981 sounds like it may be right for the earliest reported manure spill. I don't know for sure, though. I think we had very few spills reported at all before that time," Lowery said.

Emerald Sky Dairy lies about 33 miles northeast of Hudson in a township with perhaps 90 rural residents living within a few miles of the operation. This part of Wisconsin lies within the broad Minneapolis-St. Paul metro area, popular for second homes, commuters and telecommuters, as well as tourists and vacationers.

In its complex of buildings, Emerald Sky Dairy's transfer management facility (TMF) — a barn that housed 250 heifers at the time of the spill — was the source of the spilled manure. Dairy employees pumped manure from the TMF barn up to a separator building through a manure transfer pipe, turning it on and off by hand.

"The manure transfer pipe carried approximately 20,000 to 30,000 gallons of manure daily from the TMF barn to the separator building," the civil complaint stated. "Around December 2016, a spiral crack developed in a cleanout riser on the manure transfer pipe close to, but south of, the separator building."

Manure escaped from the manure transfer pipe through the crack in the pipe. Volumes kept spilling over, more and more from the cracked pipe daily for about 10 days. Manure flowed downhill into two wetlands and the open pond. Manure then flowed through a ditch south around the TMF barn to the storm water pond. The storm water pond overflowed manure and manure-laden water into a third wetland.

Former CAFO manager Mark D. Tuls belatedly discovered the manure discharge on Dec. 19, about 10 days after the manure started spilling from the pipe. He reported observing an outline of manure in the snow near the separator building.

Tuls family members based in Nebraska own two CAFO dairies in that state.

# 11 Case Settled for Only \$80,000

They've owned a third called Rock Prairie Dairy since 2011 east of Janesville and a fourth, new one called Pinnacle Dairy west of Brodhead, about 30 miles south of Madison. The Tuls took over what they now call Emerald Sky Dairy less than 10 months before the large manure spill.

In a May 2019 agreement with the Department of Justice — just 3 days after the state filed the civil complaint in St. Croix County Circuit Court — the large dairy settled violations almost 2½ years after the spill. The complaint cited four violations: unauthorized manure discharge into state waters, failure to report discharges, failure to mitigate adverse impacts from discharges on waters, and failure to maintain and inspect facilities to prevent discharges.

"If Emerald Sky Dairy had been inspecting its liquid storage and containment structures as required by the WPDDES permit," the DOJ civil complaint stated, "Emerald Sky Dairy would have noticed hundreds of thousands of gallons of manure were missing. Upon making this discovery, a reasonable operator would have investigated and likely discovered the leaking manure transfer pipe earlier, mitigating the magnitude of the manure discharge."

Some of these violations of state law ran on for nearly 100 days. Any one of those violations could have carried a \$10,000 fine per day. The actual base fine Emerald Sky agreed to pay was slightly more than \$54,000. There was a 26% penalty surcharge, a 20% environmental damages surcharge, and other investigation and lab costs.

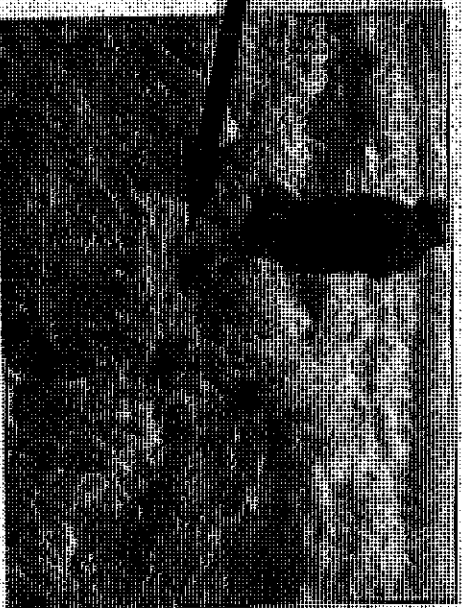
In its settlement, the Tuls family, owners of five CAFOs in two states, can now spread payments to the circuit court over 5 years. Payments of \$16,000 begin September 1, 2019, and repeat each year until 2023. The Tuls began cleaning up the wetlands, pond and ditch damage immediately after the DNR visits. Clean up began April 1, 2017. Costs were considerable, said to be more than \$1 million.

Emerald Sky Dairy's negotiated settlement, which new Wisconsin Attorney General Josh Kaul's staff said May 22, began before Kaul's election. The settlement contains a clause absolving the big dairy of any admission of liability. It also releases the dairy fully from civil liability for the manure spill.

Neighbors and a citizens group called Emerald Clean Water for All are not



How do you know there's a spill? St. Croix County Land Use & Planning Department's David Schmel were the first to see the spill. He says the spill was the largest he's ever seen. The spill was reported to the DNR on May 22, 2017.



So how does that spill manure spill at Emerald Sky Dairy? The 2017 permit says from the Wisconsin Department of Natural Resources shows the spill end of a wetland fully submerged in a manure spill. The spill was estimated 275,000 gallons. Despite only a couple inches showing, the spill did not mean the bottom of the wetland was of livestock waste.

The \$80,000 fine for Emerald Sky Dairy's huge manure spill is the only DOJ enforcement action against a farm thus far into 2019, according to a state Justice Department spokesperson. Only one farm judgment totaling \$25,000 could be found for 2016, but six averaging \$44,000 were made in 2017, and seven averaging \$24,000 were made in 2018.

The farm judgments worked out under former Attorney General Brad Schmel were totals and included forfeitures, surcharges, fees and costs. "These numbers are for all farm cases, including farms designated as CAFOs. We did not have time to review the specific types of violations in each case," the DOJ spokesperson said in late May.

Only time will tell whether new leadership at the state Justice Department can champion new trends restoring uniformly pristine reality and health to images of Wisconsin's countryside. "The place smelled all the time," said Dupre of



Earlier this year, Dupre received more than 200 pages of photos, lab results, memos and other documents in an Open Records Request to the DNR. The huge redacted PDF file arrived more than 2 years after the Emerald Sky Dairy spill.

Until recently moving, Dupre lived about a mile due west of the massive manure spill, which flowed generally southwest on Emerald Sky Dairy's property. Once the cleanup started that April 2017, truck traffic hauling waste out of the big dairy was intense.

"I watched them hauling that waste past my house," Dupre said. "It went on for 3½ days, 8 to 10 to 12 hours a day, trucks passing every 20 minutes. They were dumping on the same 80-acre hayfield. Then they started the other direction. We were really worried about them over-spreading on that field. It was like bees swarming out of a hive. We were also worried about whether that could be a problem, but we had a difference of agreement about whether that could be a problem that long after the spill took place in December."

Some families did start detecting *E. coli* in wells just beyond the 2-mile radius of the dairy, possibly because of the intense field application, Dupre said. One neighbor has drilled 200 feet, trying to tap water that is not contaminated with nitrates. Dupre said, "He finally installed a reverse osmosis purification system for between \$1,500 and \$2,000 to be able to sell his place," she said.

Town of Emerald residents have met for 12 years in a hall they constructed across the road from Emerald Sky Dairy. The tidy metal building still looks like new, but it has seen its well water nitrate level more than triple from 6.9 ppm back in 2007.

But the town hall's water nitrate contamination is now well above the 10 ppm that the Environmental Protection Agency deems unsafe. At citizen request, the town complied with testing. It found the hall's water was at 26.8 ppm nitrate levels in results received January 2017.

In 2016, the DNR has turned back a Tuls family request to triple the size of the dairy, seeking more application detail. At Emerald Sky Dairy, the Tuls have proposed five new free stall barns, each with 980 milking cows. They want to construct three waste storage facilities and convert existing barns to house 960 dry cows and sheds for 3,000 calves.

Long before the huge manure spill, the previous August 2016, DNR staff found conditions they said needed immediate attention on a site visit to Emerald Sky Dairy. Stacks of manure, an animal mortality pile of bones, manure-laden sand in a building overflowing and no runoff controls — all were detailed in the DNR Open Records Request package sent to Dupre. DNR staff also had to issue Emerald Sky Dairy a notice of non-compliance for surface applying manure on frozen ground the month of February 2016. That incident also occurred before the dairy reported the spill. DNR noted other problems in June 2017.

Before and after her 45-minute meeting May 29 with neighbors of other CAFOs and Wisconsin's new attorney general, Dupre said she wants to be hopeful. All those concerned citizens want stronger enforcement of health and safety protections by Wisconsin's governmental agencies.

*coli*-tainted wells, that there was now a settlement under former state AG Schimel, who brokered written into the civil complaint under former state AG Schimel, who brokered the settlement that the St. Croix County Circuit Court has now formally entered into the record. "The Order for Judgment in this matter will be a final and appealable order. However, the parties hereby waive their right to appeal the order, the May 6 court stipulation also read.

Copies of 25 documents, including email correspondence between a number of DNR staff indicate they knew at DNR of the *E. coli* in wells in the rural area after the spill and cleanup. The copied letters and email correspondence to DNR staff, between DNR staff and the state hygiene lab in Madison, reference the massive manure spill, a county board member's request for fee-exempt testing, nitrate-heavy town hall water sample, and St. Croix County water quality problems totaling in the hundreds that date back decades.

"I had a pregnant neighbor at the time the spill was finally discovered who was worried for weeks if she had unknowingly drunk contaminated water that could have hurt her baby (fortunately, the baby was fine)," Dupre said. "I had another neighbor who was going through chemo — and with a compromised immune system could have suffered devastating effects if he had drunk contaminated water."

"Citizens have a right to know when their drinking water could be potentially compromised. When a municipality has contaminated water, it is 'fair on fine' time — notifications are sent immediately to affected homes via radio, TV, newspapers. Don't rural residents deserve the same treatment when their water could be contaminated?" Dupre asked.

Once St. Croix County discovered this spill, Dupre said, it took three weeks to send out letters to property owners within two miles of Emerald Sky Dairy. "That's too long when contaminated water could greatly harm vulnerable populations," she said. "When I asked why the DNR refused to do advanced testing to find the source of the contamination, I was told by the DNR staff in Eau Claire that Madison had said these circumstances 'didn't fit their protocol' and didn't believe the *E. coli* was related to the spill since *E. coli* couldn't live that long (during the more than 3 months the spill went unreported)," Dupre said.

"But it would have been helpful to know where this contamination came from — if it was not from the spill or its cleanup, then from where?"

Nimky responses to people in need of cloud resolution of health concerns over water. Despite Emerald Sky Dairy's recent settlement of the massive 2016 manure spill, rural residents keep filling the void of unclear, unconcerned public information from state agencies with troubling questions.

Whose picture, whose countryside, whose health matters? Who will protect our natural resources? What will we love about the land we call Wisconsin?

----- Forwarded Message -----

**From:** mary frankiewicz <frankim7@yahoo.com>

**To:** Janet Foust <teach4591@gmail.com>

**Sent:** Wednesday, August 14, 2019, 09:40:20 AM CDT

**Subject:** CAFO

My name is Mary Frankiewicz. I live at W719 Gopher Hill Rd., Ixonia, WI. I live next to a factory farm called Taglane Dairy. The farm had 92 cows when we first built our home in 1991. This has now become a factory farm with over 3000 animal units, to my knowledge. It is like living next to a friendly mom and pop grocery store, which has now turned into an Amazon Headquarters with trucks hauling back and forth in front of our house many times per day.

Our land is situated on the Rock River, as is the CAFO. This is another disturbing factor. After the liquid manure is spread, where does the runoff go during a rainstorm, if the farms land next to the Rock River?

If one cow is equal to 18 people waste-wise, the expanded herd of 3578 would equal about 63,000 people, which is the size of Steven's Point. The Oconomowoc Waste Water Treatment System serves 22,000 people and must treat every gallon. Where in the United States can you discharge to the ground surface, waste water from even 200 people with no treatment??

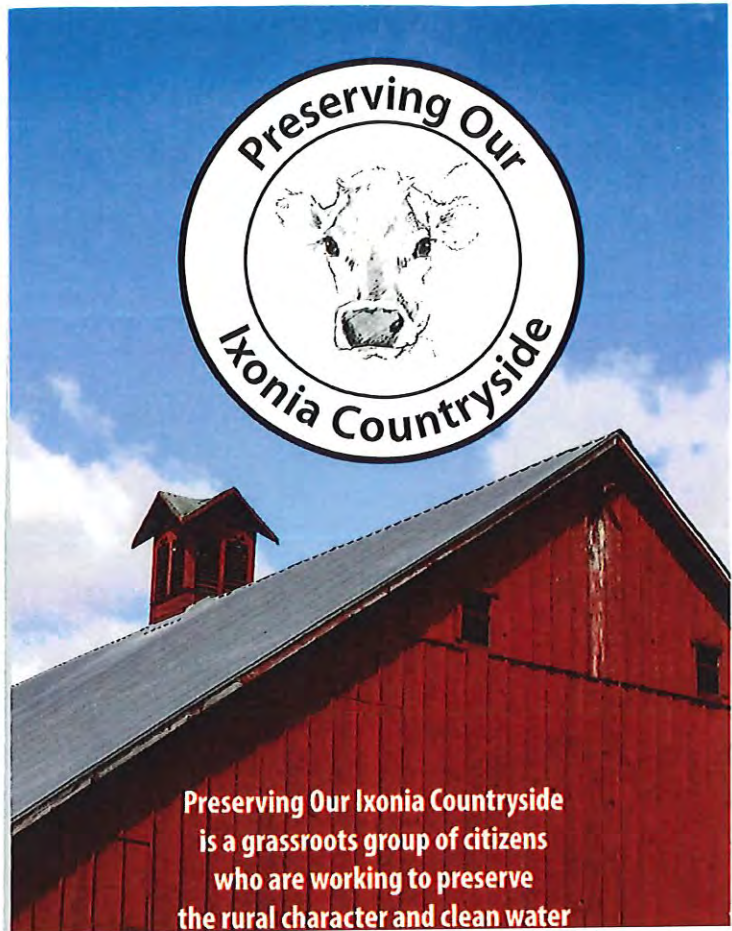
We who live in the area around the factory farm are having our wells tested routinely at our expense to ensure that our wells are not being contaminated. We do NOT want to see this CAFO create another Kewaunee County situation with contaminated wells and groundwater.

We are extremely concerned about how the factory farm will affect our property values. There are statistics that say a CAFO most certainly diminishes the value of a home by 25% if it is within a quarter mile of a home.

Please pass the resolution regarding the livestock siting.

Sincerely,

Mary A. Frankiewicz



## What are we worried about?



Water Quality



Antibiotic Resistance



Health



Air Quality



Rural Economics



Animal Welfare





# personal thoughts

I am Janet Foust. I live at W993 Gopher Hill Road. When we moved to Ixonia 28 years ago, I had visions of raising our daughter in a peaceful environment, a place that was away from the busyness of the city. I loved being surrounded by fields of wheat and soybeans. I loved watching the corn grow and measuring our daughter's height with cornstalks. We would walk to the family farm across the field from us and be educated by the family on all things cows. I did not worry about the quality of the water, the air, the land....just tried to be a good mom, a good neighbor, and learn as much as I could about country living. It was a peaceful time.

Since 2008, when the small family farm petitioned to be an industrial sized farm, a CAFO, the picture has drastically changed. The landscape is not pristine and peaceful. The same small family farm now has 2305 dairy cows on 33 acres of land. The excrement one dairy cow produces is equal to about 18 humans, as per Gordon Stevenson, former director of DNR. That means, in comparison, we are living right next to the equivalent of a small city, a city with the waste output of 41,490 people. The CAFO's bovine population will grow again in two more years.....more liquid manure, more trucks hauling the manure, bringing the feed, trucking away the milk, more methane gas and hydrogen sulfide omissions, more constant noise.....and more concerns about the our water...excess nitrogens, phosphorus, E-Coli, etc. What happened to the peaceful life we had experienced when we first moved out here?

I remember when I could make fresh lemonade and not have to worry if the water I used was safe to drink. I am concerned that the pathogens liquid manure contains will get into our critical recharge aquifer and contaminate our wells. I am concerned that the 2000 gallons of liquid manure from the lagoons that is allowed to leak per day will be more more than our soils can filter. We need the scientific branch of the DNR put back, at least a dozen more scientists added to the DNR. We need more oversight on the over 305 existing CAFOs in Wisconsin. One inspection every five years should be increased to one inspection, unannounced, every year. We need additional personal added to the DNR to test the run-off from the CAFO and not assume the discharge is "fine" just because the CAFO owner says it it. We need more communication between the DNR, DATCP, and the citizens of Wisconsin. I long for the days when neighbors respected neighbors and we could live together in peace and harmony. I am hoping my concerns will resonate with the DNR staff and they will take a more serious look at safeguarding our water.....

Janet Foust



# DATCP "asks"

Attention: DATCP BOARD  
From: Janet Foust  
W993 Gopher Hill Road  
Watertown, Wisconsin 53094  
Date: Tuesday, August 13, 2019

Here are the concerns I have for DATCP to take into consideration. I am writing this after being outside. The stench from the CAFO is about an 8 out of 10. I do not consider this healthy air to breathe. It is the perfect time for me to write to you about my growing concerns about CAFOs in general. I hope and pray you are listening with an open mind, ready to do what is right for all citizens of Wisconsin.

1. As an organic farmer recently told a group of over 80 residents gathered together to understand more about CAFOs, "I understand the family farm needed to grow in order to have their needs met, the family to survive. However, if I were considering increasing to the size the CAFO in Ixonia was planning, I could not have made my decision without thinking about the impact the addition of thousands of cows would have on two things: my neighbors and the environment around me". Where do our rights as tax paying citizens enter into the decision making regarding CAFOs? DATCP needs to do more to safeguard our health and safety including the impaired waterways, the quality of air we breathe. See the website [www.preservingixonia.org](http://www.preservingixonia.org) and the enclosed rack card for more CAFO concerns.

2. Bring back local control, give control back to the citizens in the specific communities. This would not only empower citizens, but it would relieve DATCP of some of their duties and allow DATCP to focus on other, more pressing issues regarding farming. (See the enclosed resolution draft as well as the signatures gathered.)

3. With the manure lagoons allowed to leak 500 gallons per acre per day as per NR 213, that means over 2000 gallons are leaking from the Tag Lane CAFO in Ixonia, the CAFO across the field from our house. Again, for health and safety reasons, the setbacks need to be increased.

4. With the oversight by the DNR compromised due to staffing and insufficient funding, and with the violations, discrepancies in reporting done by Tag Lane, more communication between governing agencies, both state and local, would increase the safety of these large factory farms in regards to the neighbors, the community. This realignment of control to the towns and counties would allow levies to be placed on CAFOs for road repair needed due to the constant travel of large manure haulers, feed semis, etc., speed limit enforcement, odor monitoring, noise pollution calculations, and well-testing as well as lake, river, and stream monitoring.

5. On sight inspections need to be more frequent. This CAFO, with all its issues of non-compliance over the past 10 years, is only required to have one on sight inspection in the next 5 years. The frequency of inspections needs to be increased. Self-monitoring is not an accurate measure of compliance as has been shown again and again. (See the truck monitoring logs attached)

In conclusion, we are all in this world together. CAFOs make a huge impact on the communities they are in. It is time to do something to make this world, not just the world according to the CAFO owner, a safer place to live...with clean water to drink, clean air to breathe, land to enjoy as one people not a fragmented population.



# truck traffic, wear on roads

Trucking Log Details for Tuesday, March 13, 2018

I took time while I was at home to log the trucking. Although it started well before the times I have, I decided to log after the trucks kept on flying past the house.

8:22a.m.  
8:29a.m.  
8:32a.m.  
8:39a.m.  
8:51a.m. - manure hauler, straw bedding included  
9:09a.m.  
9:12a.m.  
9:14a.m.  
9:18a.m. - manure hauler, straw bedding included  
9:21a.m.  
9:23a.m.  
9:26a.m.  
9:28a.m.  
9:35a.m.  
9:37a.m.  
9:39a.m.  
9:41a.m.  
9:42a.m.  
9:46a.m.

I left to go to a meeting and came home about 1:45p.m. The trucks continued to go past in about the time increments above until 5p.m. that evening. The trucks were dump trucks, unless noted.

The process continued on Wednesday, March 14, 2018.

Manure Hauling Log  
April 9, 2018

I took an hour out of my day to tabulate all the manure tankers flying past our house at W993 Gopher Hill Road, Watertown:

6:20p.m.  
6:25p.m.  
6:26p.m.  
6:28p.m.  
6:29p.m.  
6:31p.m.  
6:35p.m.  
6:37p.m.  
6:39p.m.  
6:42p.m.  
6:43p.m.  
6:44p.m.  
6:46p.m.  
6:50p.m.  
6:51p.m.  
6:53p.m.  
6:54p.m.  
6:56p.m.  
6:57p.m.  
6:59p.m.  
7p.m.  
7:03p.m.  
7:04p.m.  
7:05p.m.  
7:09p.m.  
7:12p.m.  
7:13p.m.  
7:16p.m.  
7:18p.m. (times 2, one going east, one west)  
7:20p.m.

31 total times.

Manure hauling continued until past 10:30p.m.

And, on a scale of 1-10, the odor was an 8...awful.

## Manure Hauling Log

Two separate times during the day, April 10, 2018

1:31p.m.  
1:38p.m.  
1:41p.m.  
1:42p.m.  
1:44p.m.  
1:45p.m. times 2 (one going east, one going west)  
1:49p.m.  
1:50p.m.  
1:52p.m.

10 times in 21 minutes

2:28p.m.  
2:30p.m.  
2:32p.m.  
2:34p.m. times 2 (one going east, one going west)  
2:36p.m.  
2:40p.m.  
2:42p.m. times 2 (one going east, one going west)  
2:43p.m. times 2 (one going east, one going west)  
2:46p.m.  
2:48p.m. times 2 (one going east, one going west)  
2:50p.m.  
2:52p.m.  
2:53p.m.  
2:54p.m.  
2:57p.m.  
2:59p.m.  
3:00p.m.

21 times in 32 minutes

Smell was still strong by the road (8) as the trucks flew past. The wind was out of the west so we did not get the strong smell from off the manure lagoons.

Janet Foust  
W993 Gopher Hill Road

## Manure Hauling Log

April 11, 2018

Here is another hour of manure hauling logged. The trucks continue to fly past and the odor the trucks emit is awful the closer you get to the road (an 8 on a scale of 1-10).

8:08a.m.  
8:10a.m.  
8:11a.m.  
8:12a.m.  
8:15a.m.  
8:16a.m.  
8:20a.m.  
8:23a.m. times 2 (one going east, one going west)  
8:25a.m.  
8:27a.m. times 2 (one going east, one going west)  
8:30a.m.  
8:34a.m. times 2 (one going east, one going west)  
8:36a.m.  
8:37a.m.  
8:40a.m.  
8:41a.m. times 2 (one going east, one going west)  
8:48a.m.  
8:49a.m.  
8:50a.m.  
8:52a.m.  
8:53a.m.  
8:56a.m. times 2 (one going east, one going west)  
8:59a.m.  
9:00a.m.  
9:01a.m.  
9:03a.m.  
9:04a.m.  
9:07a.m.  
9:08a.m.

34 total times

Janet Foust  
W993 Gopher Hill Road

# letter from a neighbor

Hello, Everyone!

Thought I would share this with you. I received it from one of the neighbors who has raised their children, now grown, in Ixonia. Their backyard touches the CAFO land. This is only one example of the challenges this CAFO is placing on the community. We need to get the word out and keep searching for ways to improve the situation. And, yes, we have just begun. This CAFO is interfering with the lives of all of us...air, water, land, taxes, health, property values...and the list goes on. Yes, it stinks!!

Janet

Defending Our Ixonia Countryside

Message from a homeowner on River Valley Road. The picture below is the pic she sent from her backyard as the start of the new lagoon building last Monday. She sent me this information and said I could share it. I copied and pasted her thoughts from her text messages. I think it is important that I share this with everyone. This is just one homeowner who is struggling with the CAFO literally in their own backyard. We were told at the meeting on March 31, 2016, from Kevin Griswold, the CAFO owner, that he was trying to be a good neighbor, a good steward of the land. Hmmmm.....

Just planted like \$140 of plants and flowers the week before Mother's Day one year before they sprayed poison with wind across the street that killed all our flowers and killed ALL the leaves on our entire yard! DNR did come out and tested them!! After the lagoon was put in we asked Kevin to put a berm up around our back yards and he refused! That lead to flooding after days of rain with manure all in our yards killing four mature trees and all the new ones coming up! Never saw a dime of reimbursement!!! (this was in 2008)

I have been tested with pseudomonas and my asthma just keeps getting worse with burning nose and eyes and difficulty breathing most of the time! Our daughter and son can be at our house about two hours before they have burning eyes and taking their inhalers!





Who knows what is all out there affecting all of us!!! Don't have our grandkids out very often because of our environment! We are confined to our house unless the wind is s or se and then we are forced to leave our home because it fills up with the stench! Even after we spent a lot of money on new windows! It is not Home Sweet Home anymore just Home Stink Home! 😞 😞

Oh... forgot to add when Tom (Kevin's father) hit our car with a corn planter and missed killing our granddaughter by 6 inches and causing almost \$900 damage to our car as we were pulled over and stopped so we would get hit and he just took off and never stopped! Oh that is right, when you are a farmer who pays NO road tax you don't have to obey the law! And he never received a ticket either!!!! This happened two years ago. We confronted Kevin's mom on the road after several attempts to contact the family. We were prepared to go to small claims court and finally Kevin did send a check.

## RESOLUTION

RE: RESOLUTION SUPPORTING LOCAL CONTROL FOR LIVESTOCK SITING

**WHEREAS**, the number of Concentrated Livestock Feeding Operations (CAFOs) in Wisconsin is increasing (between 2005 and 2016, the number of CAFOs nearly doubled from 146 to 295); and

**WHEREAS**, State law preempts local governments from regulating CAFOs more stringently than required the Livestock Facility Siting Law (ATCP 51); and

**WHEREAS**, opportunity for stronger local siting standards based on "reasonable and scientifically defensible findings of fact" that "clearly show that the standards are needed to protect the public health or safety." remains very limited; and

**WHEREAS**, the Department of Natural Resources (DNR) issues water pollution permits to CAFOs, and more stringent local regulation of issues related to water quality may also prove difficult; and

**WHEREAS**, the unique geographic features throughout Wisconsin make it necessary to assess the environmental impacts of CAFO's on a county-by-county basis; and

**WHEREAS**, the Department of Revenue adjusted downward a Kewaunee County landowner's property taxes because of the property's proximity to a large CAFO and in 2016 the Department of Revenue did the same for a property in Green County; and

**WHEREAS**, in addition to affecting landowners this impacts local governments, which are seeing a deterioration of their property tax base because existing state siting standards are insufficient to protect neighboring properties; and

**WHEREAS**, per state statute 93.90(2)(a) Department of Agriculture, Trade and Consumer Protection (DATCP) shall appoint a Technical Committee to review ATCP 51 and make recommendations at least every four years; and

**WHEREAS**, DATCP convened the first Technical Committees in 2010, 2014, and 2018 but has made no changes to ATCP 51 despite the committee's work or summary reports; and

**WHEREAS**, state statute 93.90 fails to provide guidance for implementation of the Technical Committee's recommendations;

**THEREFORE, BE IT RESOLVED** that we the under signer recognizes the authority of ATCP 51 to set statewide, minimum standards and procedures for CAFOs but supports lifting the preemption of local control in ATCP 51 and allowing local governments to pass more stringent standards and procedures that are based on reasonable and scientifically defensible findings of fact that clearly show that the standards are needed to protect water and air quality and public health or safety without seeking DATCP or DNR approval; and

**BE IT FURTHER RESOLVED** that we the under signer urges the legislature to amend the statute to require that the findings of the Technical Committee must be presented in writing to the Dept of Agriculture, Trade and Consumer Protection (DATCP), and that the Board of DATCP must present a scope statement to the Wisconsin Secretary of Agriculture within 90 days, and if DATCP fails to take action on the scope statement within 6 months, the scope statement must be sent to the Joint Committee for Review of Administrative Rules and scheduled for a public hearing; and

**BE IT FURTHER RESOLVED** that we the under signer direct our elected officials to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all the members of the state legislature, and to each Wisconsin County.

Dated this 14<sup>th</sup> day of July, 2019.

Respectfully Submitted,

*Glenn E. Welles*

## RESOLUTION, con't

SIGNATURE	NAME	ADDRESS
1. Susan Kaul	Susan Kaul	N9280 Gopher Hill Rd Ixonig, WI 53036
2. Glenn E. Welles	Glenn E. Welles	N1554 Hoard Rd Ixonig, WI 53036
3. Mary J. Kostowski	MARY J. KOSTOWSKI	N1678 Bluebird Rd Watertown WI 53098
4. Mary Frankiewicz	Mary Frankiewicz	W719 Gopher Hill Rd Ixonig, WI 53036
5. Steve Pasoro	Steve Pasoro	N9077 Ridge Lane Watertown WI 53094
6. Janet McDonough	Janet McDonough	N3777 Valley Ridge Oconomowoc, WI 53066
7. Stephen Rotte	STEPHEN ROTTE	N7938 GREENTREE LN Oconomowoc WI 53066
8. Edward Cohen	Edward Cohen	1018 N. Greens Bay Rd Oconomowoc WI 53066
9. Vectors Karakimas	VECTOR KARAKIMAS	W 660 HILLBENDALE DR. Oconomowoc, WI 53066
10. Donna Hann	Donna Hann	W2011 CTH CW Watertown WI 53094
11. Haile Krivoski	Haile Krivoski	380 ONCIDA ST DELAFIELD, WI 53018
12. Melissa John	Melissa John	5430 W 385 45 HWY D DOUSMAN, WI 53118
13. Taylor Meeth	Taylor Meeth	W360 S2790 Scuppernon Dr Dousman WI 53118
14. Heidi Bloom	Heidi Bloom	380 Onida St. Delafield 53018
15. Tessa Hostalko	Tessa Hostalko	W2110 2500 E. PKWY Meadows CTH #2 Delafield 53018
16. Bridget Thonlang	Bridget Thonlang	826 Riverwood Dr Unit 2 Delafield, WI 53018
17. Mike Kenton	Mike Kenton	377 Highland Street Waterloo WI
18. Jenacker Kenton	Jenacker Kenton	W317 N476 Whitetail Run Delafield, WI 53018
19. William Knutson	William Knutson	530 W 3700 E SCHOOL SECTION 2K Rd
20. Mara Benmani's	Ixonig WI	
21. Sarah Kenton	Sarah Kenton	W317 N476 Whitetail Run Delafield, WI 53018
22. McKenna Lopez	McKenna Lopez	W385 S2779 HWY 2 DOUSMAN WI 53118
23. Alberta Knutson	Alberta Knutson	530 W 3706 E SCHOOL SECTION LK Rd. Dousman, WI 53118
24. Audrey F. Lasse	Andrey F. Lasse	438 W. Jefferson St. Oconomowoc, WI 53066
25. Alex Meeth	Alex Meeth	W360 S2790 Scuppernon Dr. Dousman, WI 53118
26. Rurkin Wittenberg	Rurkin Wittenberg	N351 Green Valley Rd.
27. Janet Kaldhusdal	Janet Kaldhusdal	144 Pine St. Ocon. WI 53066
28. Janet Foust	Janet Foust	W993 Gopher Hill WATER TOWN, WI 53094
29. Jace Gehring	Jace C. Gehring	W398 N8756 Ambles LN 53036
30. Chris Gutschennitter	Chris Gutschennitter	34109 Mapleton Rd, Oconomowoc 53066
31. Denise O'Halloran	Denise O'Halloran	N9246 Green Valley, Watertown 53094
32. Kevin O'Halloran	Kevin O'Halloran	N9246 Green Valley, Watertown 53094
33. Dyan Pasoro	Dyan Pasoro	N9077 Ridge Lane, Watertown 53094
34. John J. Foust	John J. Foust	235 S. MAIN ST. Jefferson 53549

SIGNATURE	NAME	ADDRESS
35. <u>Frankie Fuller</u>	Frankie Fuller	N3063 Buena Vista Dr Fort Atkinson WI 53538
36. <u>Mary Branson</u>	Mary Branson	2509 Hirschman Lane Hartland, WI 53029
37. <u>Anita J. Martin</u>	Anita J. Martin	261 Pinnaele Dr. Lake Millw 53551
38. <u>Ellen Klaus</u>	Ellen Klaus	207 Riverlawn Watertown WI
39. <u>Mille Klaus</u>	Mille Klaus	" " " 53094
40. <u>Kim Ruffalo</u>	Kim RUFFALO	541 S. Sawyer Rd. Oconomowoc, WI 53066
41. <u>Abigail Ruffalo</u>	Abigail Ruffalo	1690 Aspen Commons Middleton WI 53562
42. <u>Tyler Platz</u>	Tyler Platz	1690 Aspen Commons Apt. 308 Middleton, WI 53562
43. <u>Gerald Foust</u>	GERALD FOUST	W 993 Gage Hill Rd
44. <u>Jeff Schwach</u>	Jeff Schwach	815 N. Water St. Witten Wisc.
45. <u>Debra Edwards</u>	DEBRA EDWARDS	319 LINCOLN ST FORT ATKINSON, WI 53538
46. <u>Susan Hesslink</u>	Susan Hesslink	N7779 Maple Ridge Rd. Oconomowoc WI 53066
47. <u>Jerome B. Hesslink</u>	Jerome B. Hesslink	Oconomowoc, WI 53066 N7779 Maple Ridge Rd.
48. <u>Betty Koepsel</u>	Betty Koepsel	W376 N6830 Madison, Oconomowoc 53066
49. <u>Bill Koepsel</u>	Bill KOEPEL	W376 N6830 MALLARD LN OCONOMOWOC WI
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## RESOLUTION, con't

	SIGNATURE	NAME	ADDRESS
1.	<i>Eliz Leahy</i>	ELIZ LEAHY	18861 SAHOO L MUSKEGO, WI 53150
2.	<i>Sandy Mazurek</i>	Sandy Mazurek	2604 Crest LN #205 Waukesha WI 53188
3.	<i>Aaron Matteson</i>	Aaron Matteson	N48W26994 Waukesha Waukesha WI 53072
4.	<i>Jacqueline</i>	Jacqueline English	N57W34777 Cattail Ct. Oconomowoc WI 53072
5.	<i>Rachel Meyer</i>	Rachel Meyer	W145 S6975 Brestwood Dr Muskego, WI 53151
6.	<i>Dale Weller</i>		541 W27038 Oakbroke Waukesha WI 53188
7.	<i>Michael Bauer</i>	MICHAEL BAUER	W281 N7076 Huntington St. 53188
8.	<i>Greg Uslman</i>	Greg Uslman	W141 N7012 Huntington Ct 53029
9.	<i>Abby Johnson</i>	Abby Johnson	566 River Bluff Cir. Oconomowoc, WI 53072
10.	<i>Robin Korotko</i>	Robin Korotko	W2174 Lincoln Rd Oconomowoc, WI 53066
11.	<i>Gerald Thieme</i>	Gerald Thieme	" "
12.	<i>Tamara Hauck</i>	Tamara Hauck	5675 N. Lake Rd. Oconomowoc, WI 53066
13.	<i>Sharon Schaefer</i>	Sharon Schaefer	P20W29946 Glencove Rd 53066
14.	<i>Lisa LaBorde</i>	Lisa LaBorde	34536 Nashotah Rd. Oconomowoc, WI 53066
15.	CAROL LANDWEHR	Carol Landwehr	705 Belshire Dr. Hartland WI 53029
16.	<i>Abigail Engstrand</i>	Abigail Engstrand	538 E. Grove St Oconomowoc, WI 53066
17.	<i>Steve L. Schutz</i>	Steve Schutz	582 Locla Belle Dr. Oconomowoc, WI 53066
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Respectfully Submitted.

### RESOLUTION, con't

- | SIGNATURE                   | NAME              | ADDRESS                                     |
|-----------------------------|-------------------|---|
| 1. <i>Gerald J Hoep</i>     | GERALD J HOEP     | 1849 Spring Park Ct<br>Oconomowoc, WI 53066 |
| 2. <i>Jessie Whalen</i>     | FORVICE WHALEN    | 405 W. 3rd St<br>Oconomowoc, WI 53066       |
| 3. <i>Richard A. Whalen</i> | Richard H. Whalen | 406 Third<br>Oconomowoc, WI 53066           |
| 4. <i>Kay Stone</i>         | Kay Stone         | W330 S1417 County Rd<br>Delafield, WI 53018 |
| 5. <i>Christine Bode</i>    | Christine Bode    | 557 Lac La Poudre<br>Dr. Oconomowoc, WI     |
| 6. <i>Linda Foster</i>      | LINDA FOSTER      | 3165 WORTHINGTON<br>WI 53066                |
| 7. <i>John Nichols</i>      | John Nichols      | W5631 HWY 19<br>Watertown, WI 53094         |
| 8. <i>Linda Nichols</i>     | Linda Nichols     | W5631 Hwy 19<br>Watertown, WI 53094         |
| 9. <i>Greg David</i>        | GREG DAVID        | W4512 RIVERDALE LN<br>WATERTOWN, WI 53094   |
| 10. <i>Jami Semig</i>       | Jami Semig        | NSZ W55521 Lake Dr.<br>Ocon WI 53066        |
| 11.                         |                   |   |
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Respectfully Submitted.

RESOLUTION, con't

- | SIGNATURE   | NAME            | ADDRESS                                 |
|---|-----------------|---|
|  | Patricia Hummel | N53 W 35838 Hillview<br>Oconomowoc, WI  |
| C Moore   | Cynthia Moore   | 249 N Summit Moors Dr<br>OCON 53066     |
| Perkie Kloide   | Kloide Perkie   | Oconomowoc, WI 53066                    |
| Luann Kelley  |                 | W184 Vista Dr Oconomowoc 53066          |
| Louyifajura   | Hancy Hazard    | N79 W39551 McMillen Rd., Ocon. 53066    |
| Audrey Kagle  |                 | 105 chopper Rd - Ocon, WI 53066         |
| Shirley Allison   | Shirley Allison | 2249 A Circle Ridge Delafield 53018     |
| Pet Parker  |                 | 503 Pineterrace Oconomowoc              |
| Sandy Baumister   | SANDY BAUMISTER | 1468 RED OAK DR.<br>HARTFORD            |
| Chris Molde   | Chris Molde     | N89 W28370 between LN<br>Hartford 53029 |
| Sara Spence   |                 | 35303 Palat Rd. Oconomowoc 53066        |
| Kate Allen  |                 | W35 W35187 Coastal Oconomowoc 53066     |
| Dorrie Ellard   |                 | 414 River Meadow Dr Hartland 53029      |
| Patti Marace  |                 | 505 W 5th St. Oconomowoc, WI            |
| Vernelle Olson  |                 | W283 W9004 Sunset Ct Hartland, WI 53029 |
| Ron Ames  |                 | 551 W 33317 Rd. GF Dousman, WI. 53118   |
| 17.   |                 |   |
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9-9-2019

Hello,

Livestock siting lawmakers need to consider barn fan noise in new siting rules. In our town, two CAFO's have multiple fans on barn ends. One farm with 21 fans on one end broadcasts roaring noise for over a mile away. The second one with 54 fans can be heard inside the nearest neighbor's home with rumbling low frequency noise accompanying the roaring fan noise. These people find it hard to sleep in their house and the noise is heard throughout the neighborhood. This fan roar is offensive and easy to pick out through background noise once you have heard it.

The fans are not used just on a warm day to dissipate heat, but run every day, 24 hours a day to create a wind tunnel to remove flies, heat, and moisture. These noises have become, in some places, unbearable daily nuisances, not occasional problems that can be tolerated.

Locals tolerate much already such as odors, traffic, etc., but these are usually temporary. This fan noise does not go away.

The fans roar like a jet engine, and when not properly maintained, are louder and can create other offensive noises.

(PAGE ONE)

9-9-2019

Keeping fan noise from adversely affecting neighbors and requiring proper fan maintenance should be in the livestock siting rules.

Thank You for your consideration,

Dean Anhatt  
Town of Mishicot Supervisor  
Manitowoc County

(Page Two)



Monday, August 26, 2019

Regarding: Second Letter to DATCP regarding the Livestock Siting Board review of ATCP 51

Thank you for allowing the public to weigh in on the livestock siting law. Although these hearings are long and time intensive, they are so very important and we are grateful for the opportunity.

I have included more signatures regarding regaining local control of the CAFO facilities in the individual towns, counties. Please add those to the lists you previously received.

We live less than a quarter of a mile from the CAFO in Ixonia. Today, as I am writing, the smell is so noxious, I would give it a 10 out of 10. The offensive odor is seeping under the garage door, with the garage door down, through our windows, which we never open anymore. I have a soy candle burning trying to mask the odor. We are not the closest home to the CAFO. There are other houses that flank the manure lagoons. What is the hydrogen sulfide, the ammonia, etc., in the air doing to our health? To our kids' health? The smell there is horrific. Why is this okay?

The photo below was taken after a torrential rain storm. This is only one photo of many. Our concern is the CAFO has self-reporting on most of its paperwork. What happens to the run-off after it leaves the property? There has been no environmental impact study (EIS) to determine what the health risks are to the neighbors, to the ramifications regarding the impaired Rock River where this run off drains to. The work by the DNR has not been sufficient, the EPA has gotten involved, and that is still not enough. Why is this okay for citizens again to be collateral damage?



All of the CAFOs should be monitored more than once a year, in-depth unannounced visits from DNR personnel to determine compliance. A CAFO should not be granted a permit, nor be allowed to operate, with violations and a fine should be issued. It is not right for a CAFO owner to receive a warning to fix things...and then another...and then another with no consequences, no fines. And, this is okay?

In conclusion, I would invite anyone on the board to come for a visit to our house. Stay here a week and experience what we go through daily. Then, if you can say you are truly making rules



and regulations to protect our health, safety, environment and the rules allow us to also enjoy our rights as property owners, then you have done the right thing.

The proposed rule changes do not do nearly enough to protect us, all of us. We implore you to do some soul searching, read the testimonies carefully, and take to heart what has been written, written by the average citizen who up until today's hearing, has not been heard.

In gratitude,

Jerry and Janet Foust  
W993 Gopher Hill Road  
Watertown, Wisconsin 53094

Janet Foust

Jerry Foust

Hosted By Preserving Our Ixonia Countryside

# Poopapalooza

Poop • Pa • Pa • Loo • Za ,Noun

Large Amounts Of Poop In A Confined Space Or Area. - Urban Dictionary

Support Small Family Farms by understanding how Large Factory Farms are impacting our E

Join us for a "Brown Tie" Affair in

Sunday July 14 • 4:00 - 8:00 P

Green Valley Rd., Ixonia (map on back)

Dinner • Guest Speakers (inc

Dinner will be provided - \$5 sugges

"Right to Harm" will be shown at 4:3

7...telling stories of five rural communities, RIGHT TO HARM e... health  
impact factory farming has on many disadvantaged citizens throughout the

We had over 80 people engaged in meaningful

this film is definitely a must-see for everyone!

conversation. People of all ages came to the event.

RSVP (if possible) & questions: email [PreservingIxonia@gmail.com](mailto:PreservingIxonia@gmail.com)



Filmmakers Annie Speicher & Matt Wechsler

## RIGHT TO HARM

Poopapalooza is honored to be one of the first screenings of this important movie. Filmed across the country, the documentary chronicles the failures of state agencies to regulate industrial animal agriculture. Known formally as Concentrated Animal Feeding Operations – or CAFOs – these facilities produce millions of gallons of untreated waste that destroys the quality of life for nearby neighbors. Fed up with the lack of regulation, these disenfranchised citizens band together to demand justice from their legislators.

## RESOLUTION

RE: RESOLUTION SUPPORTING LOCAL CONTROL FOR LIVESTOCK SITING

**WHEREAS**, the number of Concentrated Livestock Feeding Operations (CAFOs) in Wisconsin is increasing (between 2015 and 2016, the number of CAFOs nearly doubled from 146 to 295); and

**WHEREAS**, State law preempts local governments from regulating CAFOs more stringently than required the Livestock Facility Siting Law (ATCP 51); and

**WHEREAS**, opportunity for stronger local siting standards based on "reasonable and scientifically defensible findings of fact" that "clearly show that the standards are needed to protect the public health or safety." remains very limited; and

**WHEREAS**, the Department of Natural Resources (DNR) issues water pollution permits to CAFOs, and more stringent local regulation of issues related to water quality may also prove difficult; and

**WHEREAS**, the unique geographic features throughout Wisconsin make it necessary to assess the environmental impacts of CAFO's on a county-by-county basis; and

**WHEREAS**, the Department of Revenue adjusted downward a Kewaunee County landowner's property taxes because of the property's proximity to a large CAFO and in 2016 the Department of Revenue did the same for a property in Green County; and

**WHEREAS**, in addition to affecting landowners this impacts local governments, which are seeing a deterioration of their property tax base because existing state siting standards are insufficient to protect neighboring properties; and

**WHEREAS**, per state statute 93.90(2)(a) Department of Agriculture, Trade and Consumer Protection (DATCP) shall appoint a Technical Committee to review ATCP 51 and make recommendations at least every four years; and

**WHEREAS**, DATCP convened the first Technical Committees in 2010, 2014, and 2018 but has made no changes to ATCP 51 despite the committee's work or summary reports; and

**WHEREAS**, state statute 93.90 fails to provide guidance for implementation of the Technical Committee's recommendations;

**THEREFORE, BE IT RESOLVED** that we the under signer recognizes the authority of ATCP 51 to set statewide, minimum standards and procedures for CAFOs but supports lifting the preemption of local control in ATCP 51 and allowing local governments to pass more stringent standards and procedures that are based on reasonable and scientifically defensible findings of fact that clearly show that the standards are needed to protect water and air quality and public health or safety without seeking DATCP or DNR approval; and






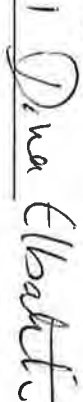
**BE IT FURTHER RESOLVED** that we the under signer urges the legislature to amend the statute to require that the findings of the Technical Committee must be presented in writing to the Dept of Agriculture, Trade and Consumer Protection (DATCP), and that the Board of DATCP must present a scope statement to the Wisconsin Secretary of Agriculture within 90 days, and if DATCP fails to take action on the scope statement within 6 months, the scope statement must be sent to the Joint Committee for Review of Administrative Rules and scheduled for a public hearing; and

**BE IT FURTHER RESOLVED** that we the under signer direct our elected officials to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all the members of the state legislature, and to each Wisconsin County.

SIGNATURES for the resolution to be presented to DATCP regarding the ATCP 51, the Livestock Siting Law

- | NAME                 | ADDRESS                             | SIGNATURE         |
|----------------------|-------------------------------------|-------------------|
| 1. David Bock        | 211 N Howard Ave Waukesha, WI 53186 | David Bock        |
| 2. Angela Off        | 242 Maple Ave Waukesha WI 53186     | Angela Off        |
| 3. Dawn Kelly        | 138 9th St. Highland WI 53029       | Dawn Kelly        |
| 4. Elizabeth Moltzen | 61 Columbia Av. Waukesha WI 53186   | ELIZABETH MOLTZEN |
| 5. Madeline Moltzen  | 61 Columbia "                       | Madeline Moltzen  |
| 6. _____             | _____                               | _____             |
| 7. _____             | _____                               | _____             |
| 8. _____             | _____                               | _____             |
| 9. _____             | _____                               | _____             |
| 10. _____            | _____                               | _____             |
| 11. _____            | _____                               | _____             |
| 12. _____            | _____                               | _____             |

SIGNATURES for the resolution to be presented to DATCP regarding the ATCP 51, the Livestock Siting Law

- | NAME                | ADDRESS   | SIGNATURE   |
|---------------------|---|---|
| 1. Kevin Hankin     | 24 N N 120 <sup>th</sup> St Waukegan, WI            |  |
| 2. Rose Boller      | 4233 N 304 <sup>th</sup> A Oakmont Ct, Pewaukee, WI |  |
| 3.                  |   |   |
| 4. Dina Elhabiti    | 1912 Poplar Ave 53202                               |   |
| 5. Jason Koehler    | 209 West Highland Drive Gratten, WI 53024           |    |
| 6. Jamie Keller     | 209 W Highland Dr. Gratten, WI 53024                |    |
| 7. Dina Elhabiti    | 15000 W Cleveland Ave 53151                         |    |
| 8. Laura Schuh      | 611 Mt. Snowden Rd Waukegan 53183                   |   |
| 9. Gerald Flachs    | 293 Fieldstone Rd Deerfield 53018                   |   |
| 10. Kara Baker      | 19505 Cromwell Ct W Brookfield 53045                |   |
| 11. Mary Stenert-Ng | 1268 N 2380 Meadowbrook, Pewaukee 53072             |   |
| 12. Erin Sanderson  | 1474 S. 94 <sup>th</sup> Pl West Allis 53214        |   |



SIGNATURES for the resolution to be presented to DATCP regarding the ATCP 51, the Livestock Siting Law

- | NAME                 | ADDRESS                                       | SIGNATURE                  |
|----------------------|---|----------------------------|
| 1. Dyan Parsons      | N9071 Ridge Lane, Wataton                     | Dyan Parsons               |
| 2. Patricia Beres    | W306 N44th Golf Hills Dr<br>Dewaukee WI 53072 | Patricia Beres             |
| 3. Dina Skender      | 9329 Skuding Blvd<br>Dewaukee                 | Dina Skender               |
| 4. Matt Beern        | N54W21602 Logan Dr, Meno Falls, WI            | 53051                      |
| 5. Nathan Wlasko     | W305 W5661 Stevens Rd<br>Hartland             | 53029                      |
| 6. Kathleen Plouvier | 1349 N Ashland Pl<br>Dewaukee WI              | 53049                      |
| 7. Rebecca S. Jetter | 805 Pleasant St, Waukesha                     | 53186<br>Rebecca S. Jetter |
| 8. James Hansen      | 3851 N Calumet Ave, Dewaukee                  | 53016<br>James Hansen      |
| 9. Meredith Cullen   | 34309 NASHOTAH ROAD, NASHOTAH, WI             | 53058<br>Meredith Cullen   |
| 10. David Carr       | W30552457 Brecker Rd<br>Waukesha WI           | 53188<br>David Carr        |
| 11. Mirska Schmid    | W307 N2555 Golf Hills Dr<br>Dewaukee          | 53072<br>Marscha Schmidt   |
| 12. Glenn Starnes    | 6100 W. STATE ST.<br>WAUWATOSA, WI            |                            |

RESOLUTION, CONT

	SIGNATURE	NAME	ADDRESS
1.	<i>Sarah Fuller</i>	Sarah Fuller	2023 Verdell Ave
2.	<i>Tazmin Kaldhusdal</i>	Tazmin Kaldhusdal	144 Pine St. Oconomowoc, WI
3.	<i>Rochelle A. Groskrantz</i>	Rochelle A. Groskrantz	551 W 30924 Old Village Rd.
4.	<i>Sve Hoefs</i>	Sve Hoefs	1849 Spring Park Ct Mukwonago, WI 53066
5.	<i>Peggy Olson</i>	Peggy Olson	154 Pine St. 53066
6.	<i>Cinda Veneen</i>	Cinda Veneen	54 Johnson Terr. Williams Bay, WI
7.	<i>Rob Huff</i>	Rob Huff	1060 Lowell St Oconomowoc, WI
8.	<i>John Liu</i>	John Liu	6356 W 5910 Meadow Ct Oconomowoc, WI 53066
9.	<i>Susan Medd</i>	Susan Medd	140 Pine St. Oconomowoc, WI 53066
10.	<i>Susan Herro</i>	Susan Herro	329 Woodland Ln Oconomowoc 53066
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RESOLUTION, CONT

	SIGNATURE	NAME	ADDRESS
1.	<i>Pat Hevvo</i>	H.P. Hevvo	305 N Waukegan Oconomowoc, WI, 53066
2.	<i>Tom Kaldhusdal</i>	T. Kaldhusdal	144 Pine Street Oconomowoc, WI
3.	<i>Mackenzie Hevvo</i>	Hevvo Mackenzie Hevvo	NS 309 Golden Lake Oconomowoc, WI 53066
4.	<i>Kahlil Kaldhusdal</i>	Kahlil Kaldhusdal	3274 N Shepard Ave Milwaukee WI, 53211
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A note from  
Mary K Ludlow

9/5/19

Please protect me from  
Quistak facility siting  
no less than 250 ft  
from my property.

I support set back  
in the draft rule without  
the other mitigation  
reductions. Thank-you

Mary K Ludlow  
25698 Vermont Rd  
Algoma  
54201



Joseph Musial  
E4640 Pheasant Rd  
Algoma, WI 54201-9749

GREEN BAY WI 542  
25 SEP 2019 PM 11



10-00-0

11188 State Highway 48  
Frederic, WI 54837

DATCP-ARM,  
ATTN: Chris Clayton  
P.O. Box 8911  
Madison, 53708-8911

Dear Mr. Clayton,

I understand that your committee will soon vote on regulations that will affect whether a massive industrial hog factory will be allowed to move into Burnett County, near where I live.

I would like to believe that our Wisconsin government has sufficient resources to enforce safety regulations and promises from the developers of this CAFO—but I do not wish to roll the dice on that bet with my health and safety on the line. Thus I am writing to urge you in strongest terms to draft legislation that is strong enough to block this terrible idea.

I have been influenced in thinking about this by Arlie Hochschild's book, *Strangers in Their Own Land*, and I encourage you to examine her extensive evidence. Hochschild reports dozens of heart-breaking and enraging stories of communities blighted by industrial pollution in Louisiana, which sadly remind me of stories poised to unfold here in northern Wisconsin. And she cites a broad comparative study that discovered a strong correlation between communities that were impoverished and those with weak environment and workplace regulations. Efforts to promote jobs through weakening such enforcement typically backfired on local people—the effect on prosperity has clearly trended negative.

Thankfully our local community seems overwhelmingly determined to resist these industrial hog factories that are trying to move in. And I say this not because I am at all hostile to small farming. I have uncles who were dairy and hog farmers on both sides of my family. I am well aware that small farmers work very hard, all too often without making decent wages, and that we need ways to transition from existing small farms to agriculture that works for upcoming generations. I see this as an urgent challenge to solve, and I intend to be part of solutions that come forward.

But I cannot see how getting bigger and bigger, with more and more antibiotics and pollution, squeezing out more and more small farmers, is a viable solution—especially if it poisons our water and undermines other parts of our economy. Doesn't it *deepen* problems in the long run? No one should forget the challenges of small farming, but we need much better solutions: new and better ordinances, far stronger assurances that CAFO developers' promises of safety and prosperity could prove true, and environmentally responsible ways to transition existing agriculture toward a sustainable future.



I wish I could believe these CAFO developers' promises and trust agencies like yours to prevent all major accidents at them—for the indefinite future! But this is simply not credible to me. I think the evidence is overwhelming that the balance between the definite high risk and probable low reward for these plans is wildly skewed against the CAFOs. The threat to water and air quality—the *most important economic resources of our region!*—is so dire from these factory farms, it defies belief that our elected government representatives cannot stop it for the common good.

Please, I urge you to work to the maximum to ensure that any regulations you pass are strong enough to stop this threat to our children's future.

Sincerely,

  
Mark Hulsether

Monday, August 12, 2019

1 of 2 pages

DATCP-ARM  
P.O. Box 8911  
Madison, WI 53708

To whom it may concern:

We ARE involved with a MANURE STORAGE Pit that is  $\frac{1}{4}$  mile, 1320 ft. from our home. This pit has a CAPACITY of 14 million gallons before running over. We are at the mercy of the wind when it comes to odor, methane gas and Ammonia, with the last two being very deadly.

Why do the CAFO's get away with not having to treat their waste?

We have a small hobby farm and we composte our waste before spreading it.

Our ground water will be affected in a negative way because our water table is at capacity now. This CAFO was not able to spread the 12 million gallons this past Spring, 2019, because the land was too wet. Now it just sits and makes the rest of us sick to our stomachs.

The Committee should come and eat lunch on the side of the ROAD 195 feet from the pit. This would open your eyes and mouth.

We as A Township OR individuals should have some legal way to have them comply with ODOA OR Any other violations.

Also, Rented land is not an acceptable way to regulate CAFO'S, only owned land because Rented land can be lost.

Please do something to help us protect our WATER, AIR + PROPERTY from these dangerous UNWANTED manure storage pits.

The CAFO we are referring to is D + B DAIRY of Pound, WI.

Sincerely,

Richard + Dorothy Kloes  
7477 Hillcrest Rd.

Oconto, WI. 54153

920-834-3761

*Richard C. Kloes*  
Dorothy M. Kloes

Sept 1, 1919

Dear CaFO Siting Regs

I think the new siting changes are necessary right now. We were forced out of Dundy 3 weeks ago after 80 years of supporting the industry as four generations of single or a two family operations. The mega farms with their investors from outside sources some with ties to cable companies and multi brand processors are killing the one or two family farms which were the backbone of rural society. Our dairy herd produced the highest cheese yield milk in the entire plant at Plymouth at 11 lbs of cheese per 100 weight.

They end the bonus program we lost that premium and sold cows three weeks later.

My three children that went to college did so by working on the farm. The two sons had 35 saw farms to finish operation of the daughter sold the bulk chases and milked. She fed the bulls out to Holstein steers.

The roads are beat to shit by the heavy and large number of trucks by other days. The truck took line up caused backlogs and interfered with everyone. Bonding has to change or maybe it is already too late. Won't be many farm plots with the same pride and work ethic now.

Sincerely yours

a life long ag producer squeezed by

Wega farms Wallace Gensch

Former

Farm Bureau Chairman of  
Young Farmers Committee, Dairy, Legislator, and Director