



# - ATCP 51 Technical Expert Committee - Livestock Facility Siting Overview, Rule Review, and Expectations

Tim Jackson – Bureau of Land and Water Resources

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

# LIVESTOCK FACILITY SITING - STATUTE

Wis. Stats. s. 93.90 – Provides “uniform regulation of livestock facilities” and establishes the authority that a political subdivision has to **disapprove** or **prohibit** a livestock facility siting or expansion.

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Tasks DATCP with promulgating a rule to specify standards for siting and expanding livestock facilities. This rule must be  DATCP must also review the rule promulgated at least once every 4 years

- Protective of public health or safety.
- Practical and workable.
- Cost-effective.
- Objective.
- Based on available scientific information that has been subjected to peer review.
- Designed to promote the growth and viability of animal agriculture in this state.
- Designed to balance the economic viability of farm operations with protecting natural resources and other community interests.
- Usable by officials of political subdivisions.



# LIVESTOCK FACILITY SITING - RULE

Wis.Admin. Code Ch.ATCP 51 – Further clarifies that the framework established in statute applies to all local approvals of new or expanded livestock facilities with 500+ animal units, or a lower preexisting threshold.

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Establishes technical standards for the siting and expansion of livestock facilities, including:

- General Standards
- Setbacks
- Odor and air emissions
- Nutrient Management
- Waste Storage Facilities
- Runoff Management



# STATEWIDE LIVESTOCK FACILITY SITING MAP

- Zoning - administered through general zoning authority (ex. Conditional Use)
- Licensing - administered through adopted authority, may apply in areas without zoning
- Currently ~200 active permits

County Livestock Facility Siting Ordinances

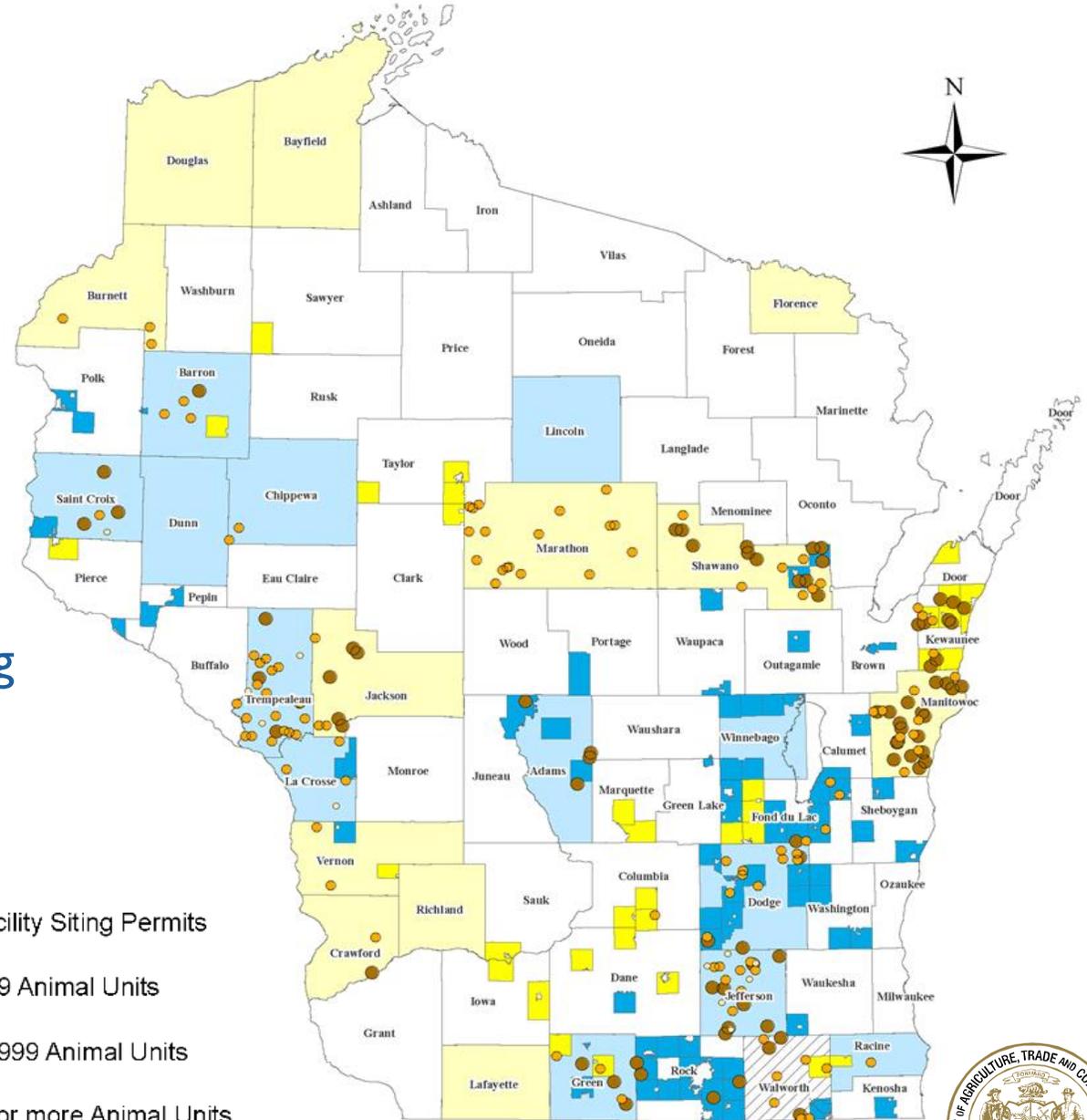
-  Licensing
-  Zoning
-  Repealed

City, Village and Town Livestock Facility Siting Ordinances

-  Licensing
-  Zoning

Livestock Facility Siting Permits

-  1 - 499 Animal Units
-  500 - 999 Animal Units
-  1000 or more Animal Units



## DATCP'S ROLE

- Assisting local governments in adopting and implementing siting ordinances in compliance with Wis. Stats. s. 93.90 & ATCP 51.
- All siting authorities must provide DATCP with copies of their ordinances, and approved or denied applications a written record of their decision.
- The Livestock Facility Siting Review Board is supported by DATCP and reviews appeals to local decisions.
- DATCP does not review, approve, or deny applications, or approve or deny ordinances.



# REVIEWING ATCP 51 – TECHNICAL EXPERT COMMITTEE

- Scott Frank – Runoff Management
- Nikki Wagner – Nutrient Management
- Travis Drier – Nutrient Management
- Emily Micolichak, PE – Agricultural Engineering
- Curtis Hedman, PH.D. – Environmental Science
- AV Roth – Livestock Producer
- Jay Heeg – Livestock Producer
- Mike Koles – Local Government
- Matt Zangl – Local Government
- Gaylord Olson – Local Government



# REVIEWING ATCP 51 – THE PROCESS

- Each meeting will be focused on specific technical standards.
- Each meeting will be hybrid; travel to DATCP will be reimbursed.
- There will be a discussion primer preceding each meeting to prepare discussions.
- Agendas with a list of **advisors** for that meeting will be sent one week in advance.
- DATCP will draft a final report of the committee's discussions and recommendations.

## 2022 ATCP 51 Technical Expert Committee Timeline



## REVIEWING ATCP 51 – PAST REVIEWS

- The 2010 TEC recommended clarity and updates for the waste storage, runoff management, odor, and nutrient management standards, and a reevaluation of setback requirements.
- The 2014 TEC recommended consistency with other state nonpoint rules (NR 151 and ATCP 50) for the waste storage, runoff management, and nutrient management standards, and increased setbacks and modifications to the odor score.
- The 2018 TEC recommended replacing the odor score with larger setbacks and ‘credits’ for odor control practices, and updates to all the other standards.



# REVIEWING ATCP 51 – EXPECTATIONS

- Review the technical standards within the context of the legislative criteria →
  - Formulate recommendations to be included in the final report.
  - This is a safe space to discuss ideas.
- Protective of public health or safety.
  - Practical and workable.
  - Cost-effective.
  - Objective.
  - Based on available scientific information that has been subjected to peer review.
  - Designed to promote the growth and viability of animal agriculture in this state.
  - Designed to balance the economic viability of farm operations with protecting natural resources and other community interests.
  - Usable by officials of political subdivisions.

\*s. 93.90(2)(a) for consistency with other state rules



# Contacts



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