

**MINUTES
LIVESTOCK FACILITY SITING TECHNICAL EXPERT COMMITTEE**

**April 11, 2023
2811 Agriculture Drive and
ZoomGov Meeting**

Item #1 Call to Order—Roll Call, Open Meeting Notice, Introductions

Call to Order

The Livestock Facility Siting Technical Expert Committee (Committee) met in person and via videoconference on **April 11, 2023**. The meeting was preceded by public notice as required by Wis. Stat. § 19.84. The meeting was called to order at **1:00 pm**.

Members Present

Members: Scott Frank, Nikki Wagner, Travis Drier, Emily Micolichek, AV Roth, Jay Heeg, Curtis Hedman, Mike Koles, Matt Zangl and Gaylord Olson were present.

Staff: Tim Jackson, Tim Anderson, Lisa Trumble, Alex Elias, and Katy Smith of DATCP were present.

The Committee reviewed the minutes of the March 6 & 13, 2023 meetings of the Committee and offered no revisions.

Item #2 Review ATCP 51 standards for Setbacks and Odor and Air Emissions

Tim Jackson, DATCP, reviewed [ATCP 51.12, Wis. Admin Rule](#), and [ATCP 51.14, Wis. Admin Rule](#) with the Committee. Jackson also delivered a presentation on the intent of the setbacks and odor standards. The [presentation](#) is available on the Livestock Facility Siting Technical Expert Committee's [webpage](#).

Jackson reviewed historical recommendations of previously convened Technical Expert Committees and facilitated a discussion on the livestock facility siting setbacks and odor standards. The Committee discussion guide is available within the [April 11th Meeting Materials](#) which are accessible on the Committee's [webpage](#).

The Committee and Livestock Facility Siting Program Staff discussed the following:

- 1. Are the current standards for setbacks and odor working to be;?**
 - a. Protective of public health or safety.**
 - b. Practical and workable.**
 - c. Cost-effective.**
 - d. Objective.**
 - e. Based on available scientific information that has been subjected to peer review.**
 - f. Designed to promote the growth and viability of animal agriculture in this state.**
 - g. Designed to balance the economic viability of farm operations with protecting natural resources and other community interests.**
 - h. Usable by officials of political subdivisions.**

The Committee discussed that the odor score has varying degrees of success depending on the location and size of the facility using it. Facilities in more rural areas without close residential neighbors have few conflicts, while facilities sited with proximity to more residential neighbors have had more conflicts. The premise of the odor score, predicting and measuring odor, is difficult to execute as odor can be a subjective experience. The Committee identified that odor is a common cause of complaints, although these are concentrated during a siting/expansion and less prevalent afterwards. Odor control practices can be very costly, but facility operators do appreciate having proof of compliance for odor concerns, as demonstrated by the odor score and worksheet. The Committee expressed that the current odor score is working to act as a middle ground between producers and landowners. The Committee asked if there has been any growth in the research used to create the odor score. Jackson was not aware of anything since 2005. Some members of the Committee expressed interest in reviewing the odor score if newer research was available.

The Committee also noted that moving to a setbacks-focused alternative to the odor score, similar to what was proposed after the 2018/19 Committee, could restrict operating existing livestock facilities.

2. Should the maximum setbacks in 51.12 be adjusted?

The Committee discussed the logistics of setting different setback standards for facilities below and above 1,000 AU. Sometimes a facility will site or expand below 1,000 AU, then expand again to above that threshold with those structures now closer than the setback requirement. Consistency between setbacks for facilities above and below 1,000 AU may be easier for local administration. However, requiring facilities requesting approval below 1,000 AU to site structures up to 200 feet from a property line or up to 150 feet from a public road right-of way (as opposed to a max of 100 feet under ATCP 51.12(1)(a), Wis. Admin. Code) may negatively affect those facilities.

3. Should additional setbacks beyond property lines and roads be required?

The Committee discussed requiring setbacks to affected neighbors (residences and high-use buildings), but asked what would be gained from doing so. The odor score is intended to deal with odor to those structures already. There may be added value in requiring “reverse” setbacks for both structures from each other to avoid conflicts, but if the odor score works as intended it may not be necessary. The Committee also identified that a good portion of perceived odor comes from spreading manure, as opposed to manure storage and animal housing. As such, it would be difficult to neutralize odor further by using additional setbacks.

4. Should the department review the current odor score system for efficacy in predicting odor?

- a. Does an approval for an odor score afford facilities and their affected neighbors adequate protections from land use conflicts, as intended?**
- b. Do values for odor sources and control practices need to be reviewed based on newer scientific evidence or models?**
- c. Should the department review the odor score system for effect, beyond odor, on adjacent properties?**

The Committee discussed that updates to the odor score model may be appropriate if newer research is available, such as for control practices or new odor sources. Odor has been the main driver behind complaints of facilities, but the current model does address odor concerns to some effect. The Committee also discussed what other health concerns may be addressed by the odor score, but heard that public health concerns are primarily for facilities’ employees. The odor score may not be an appropriate vehicle for addressing other airborne concerns.

5. Are the required plans for incident response and employee training adequate in their current requirements? What about the optional odor management plan?

a. Are the credits given towards the odor score correlated to these plan's effect on a facility's predicted odor?

The Committee identified that currently there is minimal content required for these plans. A well-written incident response and employee training plan can provide great value for the producer, although there may be significant cost in preparing these. Guidance for how to write these plans can be found elsewhere from stakeholder groups, but none exists from the department. The Committee discussed that improving the detail required in these plans can have broader effects on the overall operation of the facility and may address concerns from adjacent landowners without adjusting other standards. If more detail is given, the associated odor score credits would be more appropriate. The Committee discussed that the odor score credits given for the required incident response and employee training plans may need to be better balanced with the optional odor management plan for their effect on odor.

The Committee also discussed that WPDES permitted facilities are required to provide similar plans, and that continuity between the two programs' requirements would be beneficial.

The Committee offered the following recommendations:

Part of The Committee recommends the differences in maximum setbacks for facilities above or below 1,000 AU required under ATCP 51.12 be removed.

Part of The Committee recommends that the department review the odor score model using the newest available research for efficacy in predicting odor.

The Committee, as a consensus, recommends the department gather the newest available research on predictive odor models for use in the next Committee review.

The Committee, as a consensus, recommends that DATCP produce templates for the required incident response and employee training plans, as well as the optional odor management plans and review the odor score credits awarded for each.

Item #3 Planning for the next TEC meeting

Jackson informed The Committee that the next meeting will focus on general standards in ATCP 51 and finalizing The Committee's recommendations. The Committee should expect a survey of their availability for the week of May 8th during the next few days. A packet of materials for The Committee to prepare, including an agenda and discussion guide, will be sent at least one week in advance of the next scheduled meeting.

The meeting was adjourned at 3:48 pm.