



**LAND CONSERVATION COMMITTEE
WEDNESDAY, JUNE 4, 2014, 7:15 P.M.
LAND CONSERVATION CONFERENCE ROOM
440 N US HWY 14
JANESVILLE WI**

AGENDA

1. Call Meeting to Order.
2. Approval of Agenda.
3. Approval of Minutes – May 7, 2014.
4. Citizen Participation, Communications, and Announcements.
5. Bills/Encumbrances.
6. Staff Introductions/Program Review.
7. Soil and Water Resource Management - Approval of Cost Share Agreement(s).
8. Resolution: Amending Various Sections of The Rock County Animal Waste Management Ordinance (Chapter 4, Part 9).
9. Resolution: Amending 2014 Land Conservation Department Budget to Offset Costs Associated with the Purchase of Agricultural Conservation Easement Program.
10. Purchase of Agricultural Conservation Easements Program - Program Update.
11. Annual Committee Conservation Practice Tour – Set Date and Time.
12. Adjourn.

COMMITTEE APPROVAL REPORT

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
62-6200-0000-64319	TREE PURCHASE		04/30/2014	COLLINS,DUANE	79.13
		P1401851	04/10/2014	TREE PRO	415.40
		P1401877	04/07/2014	ENGELS NURSERY	5.75
		P1402062	05/01/2014	LAURAS LANE NURSERY	120.60
	Budget		YTD Exp	YTD Enc	Pending
	8,700.00		6,853.32	100.00	620.88
					Closing Balance
					1,125.80

LAND CONSERVATION PROG TOTAL 620.88

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
62-6280-0000-64928	COST SHARING				
ENC		R1402335	05/20/2014	ARNDT FARMS	1,386.00
ENC		R1402335	05/20/2014	ARNDT FARMS	0.00
ENC		R1402336	05/20/2014	VANTHOURNOUT,GREG	3,640.35
ENC		R1402336	05/20/2014	VANTHOURNOUT,GREG	0.00
ENC		R1402337	05/20/2014	VANTHOURNOUT,GREG	689.85
		P1402063	02/18/2014	VIELHUBER,STAN	4,722.48
		P1402064	04/29/2014	FREI,LOGAN	938.00
		P1402137	05/20/2014	HAHN,GARY	2,910.00
	Budget		YTD Exp	YTD Enc	Pending
	150,000.00		17,360.00	0.00	14,286.68
					Closing Balance
					118,353.32

LWC PLAN IMPLEMENTATION GRANT PROG TOTAL 14,286.68

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
62-6350-0000-65109	OTHER INS				
		P1401726	03/21/2014	BRABAZON TITLE CO INC	439.00
	Budget		YTD Exp	YTD Enc	Pending
	2,000.00		1,629.00	0.00	439.00
					Closing Balance
					(68.00)

PDR/PACE PROG TOTAL 439.00

I have examined the preceding bills and encumbrances in the total amount of **\$15,346.56**

Claims covering the items are proper and have been previously funded. These items are to be treated as follows:

- A. Bills and encumbrances over \$10,000 referred to the Finance Committee and County Board.
- B. Bills under \$10,000 to be paid.
- C. Encumbrances under \$10,000 to be paid upon acceptance by the Department Head.

Date: **JUN 04 2014**

Dept Head _____

Committee Chair _____

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

Land Conservation Comm.
INITIATED BY



Thomas Sweeney
DRAFTED BY

Land Conservation Comm.
SUBMITTED BY

May 9, 2014
DATE DRAFTED

**AMENDING VARIOUS SECTIONS OF THE ROCK COUNTY ANIMAL WASTE
MANAGEMENT ORDINANCE (CHAPTER 4, PART 9)**

1 The County Board of Supervisors of the County of Rock does ordain as follows:
2

3 I. Chapter 4, Part 9, of the Rock County Ordinances shall be amended to read as follows (new
4 language underscored, ~~deleted language crossed out~~):
5

6
7 **Part 9 – Animal Waste Management**
8

9 **Subpart 1: Introduction**
10

11 **4.901 Authority**

12 This Ordinance ordinance is adopted under the authority granted by ~~Sections~~ §59.02, §59.70(1),
13 §92.07, §92.15, and §92.16, Wisconsin Statutes Wis. Stats.
14

15 **4.902 Title**

16 This Ordinance ordinance may be cited as the Rock County Animal Waste Management
17 Ordinance and is hereinafter referred to as “the Ordinance ordinance.”
18

19 **4.903 Findings and Declaration of Policy**

20 The ~~Rock~~ County Board of Supervisors finds that unregulated storage of animal waste, ~~and~~
21 ~~animal waste storage facilities, and animal waste transfer pipeline systems~~ not meeting
22 technical design and construction standards may cause pollution of the surface water and/or
23 groundwater in Rock County; will result in actual or potential harm to the health of County
24 residents, transients, livestock, aquatic life and other animals and plants; and may decrease the
25 property tax base of Rock County. The County Board also finds that improper management of
26 animal waste storage facilities, failing and leaking animal waste storage facilities and utilization
27 of animal wastes, including but not limited to land application of animal waste, may cause
28 pollution of the groundwater and/or surface waters of Rock County. The County Board further
29 finds that the technical standards developed by the United States Department of Agriculture -
30 Natural Resources Conservation Service and adopted by the ~~Rock County~~ Land Conservation
31 Committee provide effective, practical, and environmentally safe methods of storage, transfer,
32 and utilization of animal waste.
33

34 **4.904 Purpose**

35 The purpose of this Ordinance ordinance is to regulate the location, design, construction,
36 installation, operation, alteration of animal waste storage facilities; the transfer systems that
37 convey waste into and out of an animal waste storage facility; any conveyance from an animal
38 waste storage facility to a point of application/utilization; the abandonment of an idle animal
39 waste storage facility; the utilization of waste from an animal waste storage facility; prevent
40 the spread of disease; to protect the waters of the state; and to promote the prosperity and
41 general welfare of the citizens of Rock County. It is also intended to provide for the
42 administration and enforcement of the Ordinance ordinance and to provide penalties for its
43 violation.
44
45

45 **4.905 Applicability**

46 This Ordinance ordinance applies to all unincorporated areas of the County county and to water
47 quality management areas as defined in §Section281.16(1)(g), Wisconsin Statutes Wis. Stats.,
48 and Section 4.933 of this Ordinance ordinance.

49
50 **4.906 Interpretation**

51 In their interpretation and application, the provisions of this Ordinance ordinance shall be held
52 to be minimum requirements and shall be liberally construed in favor of Rock County, and shall
53 not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes Wis.
54 Stats.

55
56 **4.907 Severability Clause**

57 If any section, provision, or portion of this Ordinance ordinance is ruled invalid by a court, with
58 competent jurisdiction, the remainder of the Ordinance ordinance shall not for that reason be
59 rendered ineffective.

60
61 **4.908 Effective Date**

62 This Ordinance ordinance shall become effective upon its adoption and publication.

63
64 **Subpart 2: Definitions**

65
66 For purposes of interpretation of this Ordinance ordinance, the following terms shall have the
67 meanings set forth, except where the context and clear intent of the Ordinance ordinance
68 require otherwise.

69
70 **4.909 Animal Waste.** Livestock/pet excreta and other materials such as bedding, rain, or other water,
71 soil, hair, feathers, milkhouse waste products, contaminated runoff, waste processing
72 derivatives, and other debris normally included in animal waste handling operations.

73
74 **4.910 Animal Waste Storage Facility.** A concrete, steel, or otherwise fabricated structure, or an
75 excavated pond or earthen impoundment used for storage of animal or other organic waste
76 which is designed to temporarily store manure, waste water, and contaminated runoff in a
77 manner which safeguards the environment.

78
79 **4.911 Applicant.** Any person who applies for a permit under this Ordinance ordinance.

80
81 **4.9101 Animal Waste Transfer Pipeline Systems.** A system that includes pipe conduits, pipe
82 appurtenances, and/or pumps that is used to convey/transfer animal waste to and/or from an
83 animal waste storage facility.

84
85 **4.912 Assignee.** Any person to whom is transferred a permit or who succeeds to the ownership or
86 control of the property/operation identified on the original application for a permit under the
87 Ordinance ordinance prior to the expiration date of the original permit. A person succeeds to
88 the control of a property/operation when he/she becomes the primary decision maker for the
89 property/operation. Changes in control or ownership may be evidenced by lease, rental or
90 sharecropping agreement, or any other form of arrangement providing for a change in
91 management or title, where the original applicant is no longer responsible for or the primary
92 decision maker for the operation.

93
94 **4.913 Extension.** The term of a permit may be extended for an additional six (6) months if more than
95 fifty percent (50%) of the total construction to be done has been completed prior to the original
96 expiration date of the permit.

97
98 **4.9131 Failing and Leaking Animal Waste Storage Facilities.** Any animal waste storage facility that
99 fails to contain any component of animal waste that it was designed or intended to contain.

100
101 **4.914 High Groundwater.** The higher of either the elevation to which the soil is saturated as
102 observed as a free water surface in a unlined hole, or the elevation to which the soil has been
103 seasonally or periodically saturated as indicated by soil color patterns throughout the soil
104 profile.

105

106 **4.915 Idle Animal Waste Storage Facility.** An animal waste storage facility that is idle for a period
107 of two (2) consecutive years, has had no animal waste added for one calendar year, will by all
108 evidence available not be used to store animal waste in the future, or is no longer being used for
109 its intended purpose.
110

111 **4.916 Land Conservation Committee.** A committee made up of members of the Rock County
112 Board of Supervisors and others who are authorized in Chapter 92, Wisconsin Statutes ~~Wis-~~
113 ~~Stats.~~, to determine policy and give direction for soil and water conservation activities in Rock
114 County. The committee shall be referred to hereinafter as "LCC".
115

116 **4.917 Land Conservation Department.** The department of Rock County government which is
117 responsible for county-wide soil and water conservation activities, including those within the
118 scope of this Ordinance ~~ordinance~~. The department shall be referred to hereinafter as "LCD".
119

120 **4.918 Livestock Operation.** A feedlot or other facility or practice where animals are fed,
121 confined, maintained or stabled.
122

123 **4.919 Natural Resource Conservation Service.** An agency of the United States Department of
124 Agriculture which for purposes of this Ordinance ~~ordinance~~ provides the LCC and LCD with
125 technical assistance and information on the design criteria, size, shape, engineering strength and
126 other necessary technical data for the proper and safe installation of conservation practices. The
127 service shall be referred to hereinafter as "NRCS".
128

129 **4.920 Nutrient Management Plan.** A document that is annually updated outlining the requirements
130 for managing the amount, placement, form, and timing of application of all sources of plant
131 nutrients to cropland or pastures. ~~A written plan detailing the amount, form, placement, and~~
132 ~~timing of plant nutrients application(s).~~
133

134 **4.9201 Pasture:** "Pasture" means land on which livestock graze or otherwise seek feed in a manner
135 that maintains the vegetative cover over the grazing area. Pasture may include bare soil areas
136 such as cattle lanes and supplemental feeding areas provided the bare soil areas are not
137 significant source of pollution to the Waters of the State.
138

139 **4.921 Permit.** A signed written statement issued by the LCD under this Ordinance ~~ordinance~~
140 authorizing the applicant or an assignee to construct, install, reconstruct, enlarge, abandon,
141 temporarily abandon, or substantially alter an animal waste storage facility, and to use or
142 dispose of waste from a facility regulated under this Ordinance ~~ordinance~~.
143

144 **4.922 Permittee.** Any person to whom a permit under this Ordinance ~~ordinance~~ is issued or
145 transferred.
146

147 **4.923 Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated
148 association, municipal corporation, county, or state agency within Wisconsin, the federal
149 government insofar as it consents to jurisdiction, or any combination thereof.
150

151 **4.924 Prohibition Standards.** As identified in ~~§Section~~ 281.16(3), Wisconsin Statutes ~~Wis-Stats.~~,
152 and Section ~~4.939~~ 30-404 of this Ordinance ~~ordinance~~.
153

154 **4.925 Technical Guide.** The most current documents provided by the Natural Resource
155 Conservation Service which contain technical information relating to the performance standards
156 and prohibitions referenced within this Ordinance ~~ordinance~~. The Technical Guide provides
157 information to properly locate, construct, install, alter, design, operate and maintain
158 conservation practices as adopted by the LCC.
159

160 **4.926 Technical Standard 313.** A section of the Technical Guide that covers the proper location,
161 construction, installation, ~~abandon~~, alteration, design, operation, and maintenance of an animal
162 waste storage facility. ~~This section also establishes the minimum criteria for abandonment~~
163 ~~procedures.~~
164

165 **4.9261 Technical Standard 360.** A section of the Technical Guide that covers the decommissioning
166 of an animal waste storage facility or any component thereof, and/or the rehabilitation of

167 contaminated soil, in an environmentally safe manner, where agricultural waste has been
168 handled, treated, and/or stored and is no longer used for the intended purpose.

169
170 **4.9262 Technical Standard 430.** A section of the Technical Guide that covers the installation of pipe
171 conduits, pipe appurtenances, such as pumps, check valves, vents, air release valves, surge
172 tanks, air chambers, and other structures for the transfer of animal waste from a storage facility
173 to its field application point(s).

174
175 **4.9263 Technical Standard 533.** A section of the Technical Guide that covers the installation of
176 pumping stations designed to deliver a waste product at a designed pressure and flow rate
177 through a combination of pumps, associated power units, plumbing, and appurtenances. This
178 may include on-site fuel or energy sources, and protective covers.

179
180 **4.927 Technical Standard 590.** A section of the Technical Guide that covers managing the amount,
181 form, placement, and timing of plant nutrients and establishes the minimum acceptable
182 requirements for the application of plants nutrients associated with organic wastes (animal
183 waste and/or organic byproducts), commercial fertilizer, legume crops, and crop residues.

184
185 **4.928 Technical Standard 634.** A section of the Technical Guide that covers installation of
186 components such as conduits, pumps, valves, other structures or devices to transfer animal
187 waste to and from an animal waste storage facility.

188
189 **4.929 Temporary Animal Waste Storage Facility Abandonment.** An animal waste storage facility
190 that has been idle for a period of one calendar year, has had no animal waste added for one
191 calendar year, or is no longer being used for its intended purpose. The owner of the system
192 plans to bring the system back into service within one calendar year from notification.

193
194 **4.930 Unconfined Animal Waste Stack.** A quantity of animal waste that is at least 175 cubic feet in
195 volume and which covers the ground surface to a depth of at least two inches and that is not
196 confined within an animal waste storage facility, livestock housing facility, or barnyard runoff
197 control facility.

198
199 **4.931 Water Pollution.** Contaminating or rendering unclean or impure the ground or surface waters
200 of the state; or making the same injurious to public health, harmful for commercial or
201 recreational use, or deleterious to fish, bird, animal or plant life.

202
203 **4.932 Waters of the State.** Notwithstanding ~~§Section~~ 281.01(18), Wisconsin Statutes ~~Wis. Stats.,~~
204 “waters of the state” has the meaning given in ~~§Section~~ 283.01(20), Wisconsin Statutes ~~Wis.~~
205 ~~Stats.~~

206
207 **4.933 Water Quality Management Area.** As defined in ~~§Section~~ 281.16(1)(g), Wisconsin Statutes
208 ~~Wis. Stats.,~~ a water quality management area is defined as any of the following:
209 1. The area within one thousand (1,000) feet from the ordinary high water mark of navigable
210 waters that consist of a lake, pond, flowage, except that, for a navigable water that is a
211 glacial pot hole lake, “water quality management area” means the area within one thousand
212 (1,000) feet from the ordinary high water mark of a lake.
213 2. The area within three hundred (300) feet from the ordinary high water mark of a navigable
214 water that consist of a river or stream.
215 3. A site that is susceptible to groundwater contamination or that has the potential to be a direct
216 conduit for contamination to reach groundwater.

217
218 **Subpart 3: Activities Subject to Regulation**

219
220 **4.934 General Requirement**

221 Any person who: constructs or installs a new animal waste storage facility, or; reconstructs,
222 enlarges or alters an existing animal waste storage facility, or; abandons or temporarily
223 abandons an idle animal waste storage facility, or installs an animal waste transfer pipeline
224 system for conveyance of waste product stored in an animal waste storage facility, or; employs
225 another person to do the same, on land subject to this Ordinance ordinance, shall be subject to
226 the provisions of this Ordinance ordinance. Also, an animal waste storage facility or animal
227 waste transfer pipeline system that is found to be failing or leaking shall be repaired within a

228 timeframe identified by the LCD to a condition meeting the appropriate technical standard(s).
229 The timeframe shall not be greater than two years from the date of official notice by the LCD.

230

231 **4.935 Compliance with Permit Requirements**

232 A person is in compliance with this Ordinance ordinance if he or she follows the procedures of
233 this Ordinance ordinance, receives a permit from the LCD before commencing activities subject
234 to regulation under this section, and complies with the requirements of the permit. If
235 construction is not completed within twelve (12) months, a permit will be required under this
236 Ordinance ordinance to continue construction. Repair, enlargement, alteration, abandonment, or
237 temporary abandonment of preexisting facilities or installation of an animal waste transfer
238 pipeline system requires a permit that is subject to all terms of this Ordinance ordinance.

239

240 **Subpart 4: Standards**

241

242 **4.936 Standards for Animal Waste Storage Facilities**

243 The standards for design and construction of animal waste storage facilities and or
244 abandonment/closure are those found in technical standards 313, 360, 430, 533, and 634 of the
245 Technical Guide technical guide as it existed on the date of adoption of this Ordinance
246 ordinance including any and all future standards amended thereto.

247

248 **4.937 Standards for Animal Waste Management and Utilization**

249 The standards for management of animal waste facilities and utilization of animal waste are
250 those in technical standard 590 of the Technical Guide technical guide, including any and all
251 existing and future standards amended thereto.

252

253 **4.938 Septage**

254 Human waste and associated wastewater shall not be discharged into animal waste storage
255 facilities unless permitted by applicable federal, state, or local regulations for the disposal of
256 human waste and wastewater.

257

258 **4.939 Standards for Implementing Prohibitions Standards**

259 Prior to issuance of a permit under this Ordinance ordinance compliance with the prohibitions
260 standards, as identified in ~~§Section~~ 281.16(3) Wisconsin Statutes Wis. Stats. and any
261 amendments thereto, shall be addressed. The prohibitions standards are:

- 262 1. That a livestock operation may have no overflow of an animal waste storage structure.
- 263 2. That a livestock operation may have no unconfined animal waste stack in a water quality
264 management area.
- 265 3. That a livestock operation may have no direct runoff from a feedlot or stored animal waste
266 into the waters of the state.
- 267 4. That a livestock operation may not allow unlimited access by livestock to the waters of the
268 state in a location where high concentrations of animals prevent the maintenance of adequate
269 sod cover.

270

271 Pursuant to ~~§Section~~ 281.16(3)(e), Wisconsin Statutes Wis. Stats., an owner of an agricultural
272 facility or practice that is in existence prior to October 14, 1997 shall not be required to comply
273 with these prohibitions standards unless cost sharing is made available.

274

275 **Subpart 5: Application For and Issuance of Permits**

276

277 **4.940 Permit Required**

278 No person may undertake any activity subject to this Ordinance ordinance without obtaining a
279 permit from the LCD prior to beginning the proposed activity.

280

281 **4.941 Permit Application Forms**

282 All permit applications shall be filed on forms provided to the Applicant by the LCD.

283

284 **4.942 Exception to Permit Requirement**

285 Emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal
286 of stoppages may be performed without a permit. If repairs will alter the original design and
287 construction of the facility, a report shall be filed with the LCD defining the work performed to
288 eliminate the emergency, within five (5) Department working days after the emergency. A
289 determination by the LCD will be completed on whether a permit is required for the repair or
290 any additional alterations needed to eliminate potential failures of the facility in the future.

291

292 **4.943 Fees**

293

294 The fee for a permit under this Ordinance ordinance shall be determined annually by the LCC
295 during the annual LCD budget development cycle. The fee shall be no less than One Hundred
296 Dollars (\$100.00) and shall be non-refundable and payable in advance to the LCD. Temporary
297 Abandonment of an Animal Waste Storage Facility is exempt from the fee schedule.

298

299 **4.944 Fees for Violations of Ordinance**

300 The LCD shall charge twice the fee identified in Section 4.943 of this Ordinance ordinance for
301 a permit if any activity that this Ordinance ordinance covers has commenced prior to issuance
302 of a permit. Section 4.942 of this Ordinance ordinance shall apply only for emergency repairs.

303

304 **4.945 Animal Waste Storage Facility, Animal Waste Transfer Pipeline System, and Nutrient
305 Management Plan Required**

306 Each application for a permit under this section shall include an animal waste storage facility
307 plan and a nutrient management plan.

308

309 Technical assistance for the animal waste storage facility construction or abandonment plan
310 development shall be through LCD, NRCS, or a consulting professional engineer registered
311 under Chapter 443, Wisconsin Statutes Wis. Stats. Technical assistance for the development of
312 a nutrient management plan shall be through the LCD; NRCS; a consultant who meets the
313 qualifications outlined in Wisconsin Administrative Code ATCP 50 and any amendments
314 thereto. The landowner, applicant, or assignee may develop a nutrient management plan in
315 accordance with ATCP 50 and any amendments thereto. The conditions and criteria as outlined
316 in Technical Standards 313, 360, 430, 533, 590, and ~~634 and 590~~ in the Technical Guide shall
317 be followed.

318

- 319 1. The Animal Waste Storage Facility Construction Plans shall include the following
320 information as a minimum:
- 321 a. The number, age group, and type of animals for which storage is provided.
 - 322 b. The total volume of animal waste and/or manure to be stored in the proposed
323 facility.
 - 324 c. A sketch of the facility and its location in relation to homes within five hundred (500)
325 feet and other buildings within two hundred and fifty (250) feet and of the proposed
326 facility. The sketch shall be drawn to scale, with a scale no larger than one (1) inch =
327 fifty (50) feet.
 - 328 d. All structural details, including dimensions, cross-sections, and concrete thickness and
329 reinforcement.
 - 330 e. The location of any wells within five hundred (500) feet of the facility.
 - 331 f. The soil test pit locations and soil description logs of at least three feet below the
332 planned bottom of a facility.
 - 333 g. The elevation for groundwater or bedrock if encountered in the soil profiled and the date
334 of any such determinations.
 - 335 h. Provisions for adequate drainage and control of runoff to prevent pollution of surface
336 water and groundwater. If a navigable body of water lies within one thousand (1000)
337 feet of the facility, the location and distance to the body of water shall be shown.
 - 338 i. The scale of drawing and the north arrow.
 - 339 j. A time schedule for construction of the facility.
 - 340 k. A description of the method for the transfer of animal waste into and from the facility.
 - 341 l. An operation and maintenance plan.
- 342 2. The Animal Waste Storage Facility Abandonment Plan shall include the following
343 information:
- 344 a. A detailed description of the type and size of the facility and an estimate of the volume
345 of wastes being stored.
 - 346 b. A detailed description of the disposal procedures for the facilities liner and/or soils
347 saturated with animal wastes.
 - 348 c. A detailed description of how the waste transfer system will be plugged or removed.
 - 349 d. A detailed plan view of the proposed final grade.
 - 350 e. A detailed seeding plan for all areas void of vegetation due to abandonment activities.
 - 351 f. If applicable, a description of the proposed use of facility if not abandoned.
 - 352 g. Established time frame for all identified activities, maximum allowable one hundred
353 and twenty (120) days.

- 354 3. The Temporary Waste Storage Facility Abandonment Plan shall include the following
355 information:
356 a. A detailed description of the type and size of the facility and an estimate volume of the
357 wastes contained.
358 b. A detailed description of the disposal of the stored wastes.
359 c. A detailed operation and maintenance plan for the facility and components while it is
360 out of service.
361 d. Established time frame for all identified activities, maximum allowable one hundred
362 and twenty (120) days
- 363 4. The Nutrient Management Plan shall include the following:
364 a. The total land base available for utilization of waste, include all rented land.
365 b. A current land use map that identifies where animal waste will be spread.
366 c. The application rate of animal waste/manure application. (i.e. gal./ac. or tons/ac.)
367 d. A soils map identifying associated limitations for waste application; i.e. coarse textured
368 soils, high nutrient levels, surface and/or groundwater features.
369 e. Identification of all soils with depths less than or equal to two (2) feet to bedrock and/or
370 ground water table.
371 f. All lands with slopes greater than or equal to nine percent (9%).
372 g. A map identifying all surface water features.
373 h. Written rental agreements/easements for lands where animal waste is spread/utilized.
- 374 5. The Animal Waste Transfer Pipeline System plan shall include the following:
375 a. A plan view of the layout of the pipeline.
376 b. Profile view of the pipeline.
377 c. Pipe Specifications (material and sizes).
378 d. Pipe joint requirements.
379 e. Site specific construction specifications that describe in writing the installation of the
380 pipeline. Include the specification for pressure testing completed system.
381 f. Final depth of cover and all backfilling requirements.
382 g. Disposal requirements for excess soil material.
383 h. Vegetative establishment requirements.
384 i. An operation and maintenance plan.

385
386 **4.946 Review of Application**

387 The LCD shall receive and review all permit applications and shall determine if the proposed
388 facility or abandonment procedures meet required standards set forth in Subpart 4 of this
389 Ordinance ordinance. Within thirty (30) days after receiving the completed application, fee,
390 and plans, as outlined in Section 4.945 of this Ordinance ordinance, the LCD shall inform the
391 applicant in writing whether the permit application is approved or disapproved. If additional
392 information is required, the LCD shall so notify the permit applicant. The LCD has thirty (30)
393 days from the receipt of the additional information in which to approve or disapprove the
394 application. If the LCD fails to approve or disapprove the permit application in writing within
395 thirty (30) days of the receipt of the permit application or additional information, as appropriate,
396 the application shall be deemed approved and the applicant may proceed as if a permit had been
397 issued.
398

399 **4.947 Permit Conditions**

400 All permits issued under this Ordinance ordinance shall be subject to the following conditions
401 and requirements:

- 402 1. Animal waste storage facility abandonment, design, construction, management and/or
403 animal waste utilization activities shall be carried out in accordance with the plans and
404 applicable standards specified in Subpart Section 4 of this Ordinance ordinance and be
405 maintained for a minimum of 10 years.
406 2. The permittee shall give three (3) working days notice to LCD before starting any
407 construction activity authorized by the permit if the system's technical design and/or cost
408 sharing is provided by a governmental unit.
409 3. Approval in writing must be obtained from the LCD prior to any modifications to the
410 approved animal waste storage facility abandonment plan, construction plan, or nutrient
411 management plan.
412 4. The permittee and, if applicable, the professional engineer shall certify in writing, that the
413 facility was installed as in accordance to the plans submitted to the LCD and that the facility
414 meets all applicable standards. Certification shall be completed on forms provided by the
415 LCD. Such information will be forwarded to the LCD within fifteen (15) Department work

- 416 days of the facilities completion. No animal waste may be stored in a facility until the LCD
417 has received certification.
- 418 5. Activities authorized by permit must be completed within twelve (12) months from the date
419 of issuance after which such permit shall be void.
- 420 6. An extension may be applied for by the applicant or assignee prior to the expiration date if,
421 and only if more than fifty percent of the construction activities have been completed prior
422 to the expiration date of the original permit.
- 423 7. The permit may be assigned to a different person if the following conditions are met:
- 424 a. The assignee has taken control of the property described in the original permit
425 application.
- 426 b. The assignee agrees to all original permit conditions and agrees to sign a statement
427 stating such.
- 428 c. The assignee meets the definition of Section 4.912 of this Ordinance ordinance.
- 429 8. Within 90 days following completion of the last component of the facility, a final red lined
430 as built plan shall be submitted with any deviations from the original plan. In no case shall
431 a red lined as built plan be submitted later than the expiration date of the permit to construct
432 a facility.

433
434 **4.948 Permit Revocation**

435 Upon consultation with the Corporation Counsel, the LCD may revoke any permit issued under
436 this Ordinance ordinance if the holder of the permit has misrepresented any material fact in the
437 permit application, animal waste storage facility plan, nutrient management plan, or if the
438 permittee or assignee holder of the permit violates any of the conditions of the permit.
439 Notification shall be sent by certified mail to the applicant or assignee.

440
441 **Subpart 6: Administration**

442
443 **4.949 Delegation of Authority**

444 The Rock County Board of Supervisors hereby designates the LCD to administer and enforce
445 this Ordinance ordinance.

446
447 **4.950 Administrative Duties**

- 448 In the administration and enforcement of this Ordinance ordinance, the LCD shall:
- 449 1. Keep an accurate record of all permit applications, animal waste facility plans, nutrient
450 management plans, permits issued, inspections made and other official actions.
- 451 2. Review permit applications and issue permits in accordance with Subpart 5 of this
452 Ordinance ordinance
- 453 3. Inspect animal waste facility construction to insure the facility is being constructed
454 according to plan specifications, unless system was designed and construction over site was
455 provided by a professional engineer.
- 456 4. Investigate complaints relating to compliance with the Ordinance ordinance.
- 457 5. Perform other duties as specified in this Ordinance ordinance.
- 458 6. ~~Notify landowners immediately adjacent to the applicant's property.~~

459
460 **4.951 Inspection Authority**

461 The LCD is authorized to enter upon any lands affected by this Ordinance ordinance to inspect
462 the land prior to or after permit issuance to determine compliance with this Ordinance
463 ordinance. If permission cannot be obtained from a person with apparent legal authority to
464 allow such inspection, entry by the LCD shall be in accordance with ~~§Section~~ 66.122 and
465 §66.123 and ~~§Section~~ 92.07(14) Wisconsin Statutes Wis.-Stats.

466
467
468 **4.952 Enforcement Authority**

469 The LCD is authorized to post an order stopping work upon land that has had a permit revoked
470 or on land currently undergoing activity in violation of this Ordinance ordinance. Notice shall
471 be given by both posting upon the land where the violation occurs one or more copies of a
472 poster stating the violation and by mailing a copy of the order by certified mail to the last
473 known address of permittee. The order shall specify that the activity must cease or be brought
474 into compliance within five (5) days.

475
476
477 Any permit revocation or order stopping work shall remain in effect until retracted by the LCD,
478 or by a court of general jurisdiction. The LCD is authorized to refer any violation of this

479 Ordinance ordinance or of an order stopping work issued pursuant to this Ordinance ordinance
480 to the Corporation Council ~~corporation counsel~~ for commencement of further legal
481 proceedings.

482

483 **Subpart 7: Violations**

484

485 **4.953 Penalties**

486 Any person who violates, neglects or refuses to comply with or resists the enforcement of any
487 of the provisions of this Ordinance ordinance shall be subject to a forfeiture of not less than two
488 hundred and fifty dollars (\$250.00) plus cost of prosecution for each violation. An unlawful
489 violation includes failure to comply with any standard of this Ordinance ordinance or with any
490 condition or qualification attached to the permit. Each day that a violation exists shall be a
491 separate offense. Citations shall be issued by the LCD, upon approval of the Corporation
492 Counsel, pursuant to law, for violations of the Ordinance ordinance.

493

494 **4.954 Enforcement of Injunction**

495 As a substitute for or an addition to forfeiture actions, Rock County may seek judicial
496 enforcement of any part of this Ordinance ordinance by injunction or restraining order.

497

498 **Subpart 8: Appeals**

499

500 **4.955 Authority**

501 The LCC is authorized to act as an appeal authority and to hear and decide appeals where it is
502 alleged that there is error in any order, requirement, decision, or determination by the LCD in
503 administering this Ordinance ordinance. Pursuant to ~~§Section~~ 68.16, Wisconsin Statutes ~~Wis-~~
504 ~~Stats.~~, it is the declared intent of Rock County that the technical noncompliance with the
505 requirements of Chapter 68 shall not constitute grounds for reversal of Committee action, but
506 that the substantive provisions of Chapter 68 may be utilized as a guide in providing for
507 Committee review of administrative determinations.

508

509 **4.956 Procedure**

510 Any appeal shall be made in writing to the LCC. The rules, procedures, duties and powers of
511 the LCC, shall apply to proceedings under this Ordinance ordinance, except insofar as the
512 express terms of this Ordinance ordinance require otherwise.

513

514 **4.957 Who May Appeal**

515 Appeals may be taken by any person having a substantial interest, which is adversely affected
516 by the order, requirement, decision, or determination made by the LCD.

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice Chair

Wes Davis

Tom Brien

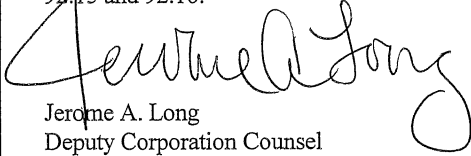
David Rebut, USDA-FSA Representative

Rick Richard

Lawrence Wiedenfeld

LEGAL NOTE:

The County Board is authorized to take this action
by Wisconsin Statutes sections 59.02, 59.70(1), 92.07,
92.15 and 92.16.



Jerome A. Long
Deputy Corporation Counsel

FISCAL NOTE:


No fiscal impact.



Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended.



Craig Kautson
County Administrator

EXECUTIVE SUMMARY

The Rock County Board of Supervisors adopted the Animal Waste Management Ordinance in 2001. The administration ordinance assures anyone whom constructs, abandons, or operators an animal waste storage facility in Rock County does so according to the most recent construction standards, operation and maintenance guidelines adopted by the USDA-NRCS.

Many changes have occurred in the realm of animal husbandry since the ordinance was adopted. The advent of large confined animal operations now is a reality in Rock County. These operations tend to utilize the newest technologies when it comes to the storage and utilization of animal waste. Significant changes to the ordinance are required to integrate the technologies used by the large confined animal operations. The most prevalent change is the introduction of subsurface animal waste transfer pipelines.

Other changes to the ordinance include the integration of a technical standard for the proper abandonment of an existing animal waste storage system. Also included were numerous additions to the definition section of the ordinance for clarification purposes.

Per Chapter 92, Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection is to review the ordinance and make comments to the Land Conservation Committee. The requirement has been met, and the comments provided were integrated into the final draft.

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Land Conservation Comm.
INITIATED BY



Thomas Sweeney
DRAFTED BY

Land Conservation Comm.
SUBMITTED BY

April 4, 2014
DATE DRAFTED

**AMENDING 2014 LAND CONSERVATION DEPARTMENT BUDGET
TO OFFSET COSTS ASSOCIATED WITH COUNTY CAMPUS SITE RESTORATION**

- 1 **WHEREAS**, the Land Conservation Department was allocated funding from the ATC Fund account in
2 2009, per Resolution 09-2B-219, to fund various conservation projects; and,
3
4 **WHEREAS**, a portion of the allocation was earmarked for the implementation of a site restoration /
5 invasive species control project on County Campus at HWY 51 and County F; and,
6
7 **WHEREAS**, in 2010 all woody invasive species were removed from the site and suppression of the
8 non-woody invasive species, specifically garlic mustard, is on going ; and,
9
10 **WHEREAS**, the initial restoration project was completed in 2012; and,
11
12 **WHEREAS**, the next area subject to restoration activities is the abandoned agricultural field at the south
13 end of the project area; and,
14
15 **WHEREAS**, this site has been repeatedly been sprayed and mowed over the last three years to control
16 invasive species, specially Canadian Thistle; and,
17
18 **WHEREAS**, the suppression activities undertaken have positive results and now warrants the
19 implementation of the final components of the site restoration plan, planting of native grasses and forbs;
20 and,
21
22 **WHEREAS**, the Land Conservation Department will work with the Wisconsin DNR to seed the 4.0
23 acre portion of the project site in the Spring of 2014; and,
24
25 **WHEREAS**, the Land Conservation Committee requests a transfer from the ATC Fund account and
26 amend its budget to reflect the costs associated with the components of the site restoration project at the
27 County Campus at Hwy 51 and County F.
28
29 **NOW, THEREFORE, BE IT RESOLVED**, that the Rock County Board of Supervisors duly
30 assembled this ____ day of _____, 2014, amends the Land Conservation Department's
31 budget as follows:

<u>A/C DESCRIPTION</u>	<u>BUDGET AT</u>	<u>INCREASE</u>	<u>AMENDED</u>
<u>Source of Funds:</u>	<u>01/01/2014</u>	<u>(DECREASE)</u>	<u>BUDGET</u>
62-6351-0000-46400	\$0	\$ 2,000	\$ 2,000
Transfer In			
<u>Use of Funds:</u>			
62-6351-0000-64900			
Other Supplies and Expenses	\$ 0	\$ 2,000	\$ 2,000

- 42 **BE IT FURTHER RESOLVED**, the Rock County Board of Supervisors authorizes the Land
43 Conservation Department to enter in an agreement with DNR/Pheasants Forever and authorizes all
44 payments for said seed and activities associated with planting same.

AMENDING 2014 LAND CONSERVATION DEPARTMENT BUDGET TO OFFSET COSTS
ASSOCIATED WITH COUNTY CAMPUS SITE RESTORATION

Page 2

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice Chair

Jason Dowd

Rick Richard

Larry Wiedenfeld

Thomas Brien

Wes Davis

Dave Rebout, USDA-FSA

FINANCE COMMITTEE ENDORSEMENT

Reviewed and approved on a vote of

Mary Mawhinney, Chair

ADMINISTRATIVE NOTE:

Recommended.



Craig Knutson
County Administrator

FISCAL NOTE:

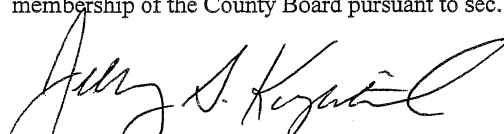
This resolution authorizes the use of \$2,000 in ATC fees for the County Campus restoration project. The Land Conservation ATC available fund balance is currently \$439,130.



Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to § 59.01, 59.51, Wis. Stats. As an amendment to the adopted 2014 County Budget, this Resolution requires a 2.3 vote of the entire membership of the County Board pursuant to sec. 65.90(5)(a), Wis. Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

EXECUTIVE SUMMARY

In 2010 the Land Conservation Department commenced with the County Campus site restoration project at Hwy 51 and County Road F, which included the removal of woody invasive species during the summer months of 2010. Restoration activities concluded in the primary restoration area in 2012, with ongoing maintenance becoming the primary activity in this area.

The Land Conservation Department will continue restoration efforts in the spring of 2014 with the planting of native grasses and forbs in abandoned agricultural field, located on the south end of the property. This area is approximately 4.0 acres. The WDNR in conjunction with Pheasants Forever will plant this area in late spring.

This resolution requests a fund transfer from the ATC Fund account to the LCD budget to facilitate costs associated with completing the tasks associated with the aforementioned restoration project.